

# Indexed \$150,000 Death Benefit

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## Background

A \$150,000 lump sum death benefit is provided for public employees who die from duty-related causes. The benefit is payable upon death from duty-related injury or illness in all retirement systems. Eligibility for the benefit is determined by the Department of Labor and Industries. The amount of the benefit is not adjusted for inflation and has not changed since 1996.

An SCPP bill dealing with the \$150,000 death benefit was recommended by the Select Committee on Pension Policy (SCPP) and introduced during the 2007 Legislative session. HB 1266 expanded the eligibility for the death benefit to include members who die from occupational diseases and indexed the death benefit amount to inflation. The indexing provision was removed from the version of the bill that passed. During the 2007 interim, the Law Enforcement Officers' and Firefighters' (LEOFF) Plan 2 Retirement Board asked the SCPP to revisit the proposal to add an inflationary adjustment to the \$150,000 death benefit for all plans.

This is one of four issues being coordinated with the Law Enforcement Officers' and Firefighters' Plan 2 Retirement Board.

## Committee Activity

Presentations:

July 17, 2007 - Full Committee

August 14, 2007 - Full Committee

October 16, 2007 - Executive Committee

Proposal:

November 13, 2007- Full Committee

## Recommendation to Legislature

Index the amount of the \$150,000 death benefit to cumulative changes in the *Consumer Price Index for Wage Earners and Clerical Workers for Seattle-Tacoma-Bremerton*, with a maximum change of 3 percent per year.

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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: Z-0708.1/08

ATTY/TYPIST: LL:ean

BRIEF DESCRIPTION: Indexing the one hundred fifty thousand dollar death benefit for public employees.

1 AN ACT Relating to indexing the one hundred fifty thousand dollar  
2 death benefit for public employees; amending RCW 41.04.017, 41.24.160,  
3 41.26.048, 41.32.053, 41.35.115, 41.37.110, 41.40.0931, and 41.40.0932;  
4 reenacting and amending RCW 43.43.285; and providing an effective date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 41.04.017 and 2007 c 487 s 1 are each amended to read  
7 as follows:

8 (1) A one hundred fifty thousand dollar death benefit shall be paid  
9 as a sundry claim to the estate of an employee of any state agency, the  
10 common school system of the state, or institution of higher education  
11 who dies as a result of ~~((+1))~~ (a) injuries sustained in the course of  
12 employment; or ~~((+2))~~ (b) an occupational disease or infection that  
13 arises naturally and proximately out of employment covered under this  
14 chapter, and is not otherwise provided a death benefit through coverage  
15 under their enrolled retirement system under chapter 402, Laws of 2003.  
16 The determination of eligibility for the benefit shall be made  
17 consistent with Title 51 RCW by the department of labor and industries.  
18 The department of labor and industries shall notify the director of the  
19 department of general administration by order under RCW 51.52.050.

1       (2)(a) Beginning July 1, 2008, and every year thereafter, the  
2 department of retirement systems shall determine the following  
3 information:

4       (i) The index for the 2006 calendar year, to be known as "index A";

5       (ii) The index for the calendar year prior to the date of  
6 determination, to be known as "index B"; and

7       (iii) The ratio obtained when index B is divided by index A.

8       (b) The value of the ratio obtained shall be the annual adjustment  
9 to the original death benefit and shall be applied beginning every July  
10 1st. In no event, however, shall the annual adjustment:

11       (i) Produce a benefit which is lower than one hundred fifty  
12 thousand dollars;

13       (ii) Exceed three percent in the initial annual adjustment; or

14       (iii) Differ from the previous year's annual adjustment by more  
15 than three percent.

16       (c) For the purposes of this section, "index" means, for any  
17 calendar year, that year's average consumer price index -- Seattle,  
18 Washington area for urban wage earners and clerical workers, all items,  
19 compiled by the bureau of labor statistics, United States department of  
20 labor.

21       **Sec. 2.** RCW 41.24.160 and 2001 c 134 s 2 are each amended to read  
22 as follows:

23       (1)(a) Whenever a participant dies as the result of injuries  
24 received, or sickness contracted in consequence or as the result of the  
25 performance of his or her duties, the board of trustees shall order and  
26 direct the payment from the principal fund of (i) the sum of one  
27 hundred fifty-two thousand dollars to his widow or her widower, or if  
28 there is no widow or widower, then to his or her dependent child or  
29 children, or if there is no dependent child or children, then to his or  
30 her dependent parents or either of them, or if there are no dependent  
31 parents or parent, then the death benefit shall be paid to the member's  
32 estate, and (ii)(A) the sum of one thousand two hundred seventy-five  
33 dollars per month to his widow or her widower during his or her life  
34 together with the additional monthly sum of one hundred ten dollars for  
35 each child of the member, unemancipated or under eighteen years of age,  
36 dependent upon the member for support at the time of his or her death,

1 (B) to a maximum total of two thousand five hundred fifty dollars per  
2 month.

3 (b) Beginning on July 1, 2001, and each July 1st thereafter, the  
4 compensation amount specified in (a)(ii)(B) of this subsection shall be  
5 readjusted to reflect the percentage change in the consumer price  
6 index, calculated as follows: The index for the calendar year  
7 preceding the year in which the July calculation is made, to be known  
8 as "calendar year A," is divided by the index for the calendar year  
9 preceding calendar year A, and the resulting ratio is multiplied by the  
10 compensation amount in effect on June 30th immediately preceding the  
11 July 1st on which the respective calculation is made. For the purposes  
12 of the calculation under this subsection (1)(b), "index" means the same  
13 as the definition in RCW 2.12.037(1).

14 (c)(i) Beginning July 1, 2008, and every year thereafter, the state  
15 board shall determine the following information:

16 (A) The index for the 2006 calendar year, to be known as "index A";

17 (B) The index for the calendar year prior to the date of  
18 determination, to be known as "index B"; and

19 (C) The ratio obtained when index B is divided by index A.

20 (ii) The value of the ratio obtained shall be the annual adjustment  
21 to the original death benefit specified in (a)(i) of this subsection  
22 and shall be applied beginning every July 1st. In no event, however,  
23 shall the annual adjustment:

24 (A) Produce a benefit which is lower than one hundred fifty-two  
25 thousand dollars;

26 (B) Exceed three percent in the initial annual adjustment; or

27 (C) Differ from the previous year's annual adjustment by more than  
28 three percent.

29 (iii) For the purposes of the calculation specified in this  
30 subsection (1)(c), "index" means, for any calendar year, that year's  
31 average consumer price index -- Seattle, Washington area for urban wage  
32 earners and clerical workers, all items, compiled by the bureau of  
33 labor statistics, United States department of labor.

34 (2) If the widow or widower does not have legal custody of one or  
35 more dependent children of the deceased participant or if, after the  
36 death of the participant, legal custody of such child or children  
37 passes from the widow or widower to another person, any payment on  
38 account of such child or children not in the legal custody of the widow

1 or widower shall be made to the person or persons having legal custody  
2 of such child or children. Such payments on account of such child or  
3 children shall be subtracted from the amount to which such widow or  
4 widower would have been entitled had such widow or widower had legal  
5 custody of all the children and the widow or widower shall receive the  
6 remainder after such payments on account of such child or children have  
7 been subtracted. If there is no widow or widower, or the widow or  
8 widower dies while there are children, unemancipated or under eighteen  
9 years of age, then the amount of one thousand two hundred seventy-five  
10 dollars per month shall be paid for the youngest or only child together  
11 with an additional one hundred ten dollars per month for each  
12 additional of such children to a maximum of two thousand five hundred  
13 fifty dollars per month until they become emancipated or reach the age  
14 of eighteen years; and if there are no widow or widower, child, or  
15 children entitled thereto, then to his or her parents or either of them  
16 the sum of one thousand two hundred seventy-five dollars per month for  
17 life, if it is proved to the satisfaction of the board that the  
18 parents, or either of them, were dependent on the deceased for their  
19 support at the time of his or her death. In any instance in  
20 subsections (1) and (2) of this section, if the widow or widower, child  
21 or children, or the parents, or either of them, marries while receiving  
22 such pension the person so marrying shall thereafter receive no further  
23 pension from the fund.

24 (3) In the case provided for in this section, the monthly payment  
25 provided may be converted in whole or in part into a lump sum payment,  
26 not in any case to exceed twelve thousand dollars, equal or  
27 proportionate, as the case may be, to the actuarial equivalent of the  
28 monthly payment in which event the monthly payments shall cease in  
29 whole or in part accordingly or proportionately. Such conversion may  
30 be made either upon written application to the state board and shall  
31 rest in the discretion of the state board; or the state board is  
32 authorized to make, and authority is given it to make, on its own  
33 motion, lump sum payments, equal or proportionate, as the case may be,  
34 to the value of the annuity then remaining in full satisfaction of  
35 claims due to dependents. Within the rule under this subsection the  
36 amount and value of the lump sum payment may be agreed upon between the  
37 applicant and the state board.

1       **Sec. 3.** RCW 41.26.048 and 2007 c 487 s 2 are each amended to read  
2 as follows:

3       (1) A one hundred fifty thousand dollar death benefit shall be paid  
4 to the member's estate, or such person or persons, trust or  
5 organization as the member shall have nominated by written designation  
6 duly executed and filed with the department. If there be no such  
7 designated person or persons still living at the time of the member's  
8 death, such member's death benefit shall be paid to the member's  
9 surviving spouse as if in fact such spouse had been nominated by  
10 written designation, or if there be no such surviving spouse, then to  
11 such member's legal representatives.

12       (2) The benefit under this section shall be paid only when death  
13 occurs: (a) As a result of injuries sustained in the course of  
14 employment; or (b) as a result of an occupational disease or infection  
15 that arises naturally and proximately out of employment covered under  
16 this chapter. The determination of eligibility for the benefit shall  
17 be made consistent with Title 51 RCW by the department of labor and  
18 industries. The department of labor and industries shall notify the  
19 department of retirement systems by order under RCW 51.52.050.

20       (3)(a) Beginning July 1, 2008, and every year thereafter, the  
21 department shall determine the following information:

22       (i) The index for the 2006 calendar year, to be known as "index A";

23       (ii) The index for the calendar year prior to the date of  
24 determination, to be known as "index B"; and

25       (iii) The ratio obtained when index B is divided by index A.

26       (b) The value of the ratio obtained shall be the annual adjustment  
27 to the original death benefit and shall be applied beginning every July  
28 1st. In no event, however, shall the annual adjustment:

29       (i) Produce a benefit which is lower than one hundred fifty  
30 thousand dollars;

31       (ii) Exceed three percent in the initial annual adjustment; or

32       (iii) Differ from the previous year's annual adjustment by more  
33 than three percent.

34       (c) For the purposes of this section, "index" means, for any  
35 calendar year, that year's average consumer price index -- Seattle,  
36 Washington area for urban wage earners and clerical workers, all items,  
37 compiled by the bureau of labor statistics, United States department of  
38 labor.

1       **Sec. 4.** RCW 41.32.053 and 2007 c 487 s 3 are each amended to read  
2 as follows:

3       (1) A one hundred fifty thousand dollar death benefit shall be paid  
4 to the member's estate, or such person or persons, trust or  
5 organization as the member has nominated by written designation duly  
6 executed and filed with the department. If no such designated person  
7 or persons are still living at the time of the member's death, the  
8 member's death benefit shall be paid to the member's surviving spouse  
9 as if in fact the spouse had been nominated by written designation, or  
10 if there is no surviving spouse, then to the member's legal  
11 representatives.

12       (2) The benefit under this section shall be paid only where death  
13 occurs as a result of (a) injuries sustained in the course of  
14 employment; or (b) an occupational disease or infection that arises  
15 naturally and proximately out of employment covered under this chapter.  
16 The determination of eligibility for the benefit shall be made  
17 consistent with Title 51 RCW by the department of labor and industries.  
18 The department of labor and industries shall notify the department of  
19 retirement systems by order under RCW 51.52.050.

20       (3)(a) Beginning July 1, 2008, and every year thereafter, the  
21 department shall determine the following information:

22       (i) The index for the 2006 calendar year, to be known as "index A";

23       (ii) The index for the calendar year prior to the date of  
24 determination, to be known as "index B"; and

25       (iii) The ratio obtained when index B is divided by index A.

26       (b) The value of the ratio obtained shall be the annual adjustment  
27 to the original death benefit and shall be applied beginning every July  
28 1st. In no event, however, shall the annual adjustment:

29       (i) Produce a benefit which is lower than one hundred fifty  
30 thousand dollars;

31       (ii) Exceed three percent in the initial annual adjustment; or

32       (iii) Differ from the previous year's annual adjustment by more  
33 than three percent.

34       (c) For the purposes of this section, "index" means, for any  
35 calendar year, that year's average consumer price index -- Seattle,  
36 Washington area for urban wage earners and clerical workers, all items,  
37 compiled by the bureau of labor statistics, United States department of  
38 labor.

1       **Sec. 5.** RCW 41.35.115 and 2007 c 487 s 4 are each amended to read  
2 as follows:

3       (1) A one hundred fifty thousand dollar death benefit shall be paid  
4 to the member's estate, or such person or persons, trust or  
5 organization as the member has nominated by written designation duly  
6 executed and filed with the department. If no such designated person  
7 or persons are still living at the time of the member's death, the  
8 member's death benefit shall be paid to the member's surviving spouse  
9 as if in fact the spouse had been nominated by written designation, or  
10 if there is no surviving spouse, then to the member's legal  
11 representatives.

12       (2) The benefit under this section shall be paid only where death  
13 occurs as a result of (a) injuries sustained in the course of  
14 employment; or (b) an occupational disease or infection that arises  
15 naturally and proximately out of employment covered under this chapter.  
16 The determination of eligibility for the benefit shall be made  
17 consistent with Title 51 RCW by the department of labor and industries.  
18 The department of labor and industries shall notify the department of  
19 retirement systems by order under RCW 51.52.050.

20       (3)(a) Beginning July 1, 2008, and every year thereafter, the  
21 department shall determine the following information:

22       (i) The index for the 2006 calendar year, to be known as "index A";

23       (ii) The index for the calendar year prior to the date of  
24 determination, to be known as "index B"; and

25       (iii) The ratio obtained when index B is divided by index A.

26       (b) The value of the ratio obtained shall be the annual adjustment  
27 to the original death benefit and shall be applied beginning every July  
28 1st. In no event, however, shall the annual adjustment:

29       (i) Produce a benefit which is lower than one hundred fifty  
30 thousand dollars;

31       (ii) Exceed three percent in the initial annual adjustment; or

32       (iii) Differ from the previous year's annual adjustment by more  
33 than three percent.

34       (c) For the purposes of this section, "index" means, for any  
35 calendar year, that year's average consumer price index -- Seattle,  
36 Washington area for urban wage earners and clerical workers, all items,  
37 compiled by the bureau of labor statistics, United States department of  
38 labor.

1       **Sec. 6.** RCW 41.37.110 and 2007 c 487 s 5 are each amended to read  
2 as follows:

3       (1) A one hundred fifty thousand dollar death benefit shall be paid  
4 to the member's estate, or the person or persons, trust, or  
5 organization the member has nominated by written designation duly  
6 executed and filed with the department. If the designated person or  
7 persons are not still living at the time of the member's death, the  
8 member's death benefit shall be paid to the member's surviving spouse  
9 as if in fact the spouse had been nominated by written designation, or  
10 if there is no surviving spouse, then to the member's legal  
11 representatives.

12       (2) The benefit under this section shall be paid only where death  
13 occurs as a result of (a) injuries sustained in the course of  
14 employment; or (b) an occupational disease or infection that arises  
15 naturally and proximately out of employment covered under this chapter.  
16 The determination of eligibility for the benefit shall be made  
17 consistent with Title 51 RCW by the department of labor and industries.  
18 The department of labor and industries shall notify the department of  
19 retirement systems by order under RCW 51.52.050.

20       (3)(a) Beginning July 1, 2008, and every year thereafter, the  
21 department shall determine the following information:

22       (i) The index for the 2006 calendar year, to be known as "index A";

23       (ii) The index for the calendar year prior to the date of  
24 determination, to be known as "index B"; and

25       (iii) The ratio obtained when index B is divided by index A.

26       (b) The value of the ratio obtained shall be the annual adjustment  
27 to the original death benefit and shall be applied beginning every July  
28 1st. In no event, however, shall the annual adjustment:

29       (i) Produce a benefit which is lower than one hundred fifty  
30 thousand dollars;

31       (ii) Exceed three percent in the initial annual adjustment; or

32       (iii) Differ from the previous year's annual adjustment by more  
33 than three percent.

34       (c) For the purposes of this section, "index" means, for any  
35 calendar year, that year's average consumer price index -- Seattle,  
36 Washington area for urban wage earners and clerical workers, all items,  
37 compiled by the bureau of labor statistics, United States department of  
38 labor.

1       **Sec. 7.** RCW 41.40.0931 and 2007 c 487 s 6 are each amended to read  
2 as follows:

3       (1) A one hundred fifty thousand dollar death benefit for members  
4 who had the opportunity to transfer to the law enforcement officers'  
5 and firefighters' retirement system pursuant to chapter 502, Laws of  
6 1993, but elected to remain in the public employees' retirement system,  
7 shall be paid to the member's estate, or such person or persons, trust,  
8 or organization as the member has nominated by written designation duly  
9 executed and filed with the department. If there is no designated  
10 person or persons still living at the time of the member's death, the  
11 member's death benefit shall be paid to the member's surviving spouse  
12 as if in fact the spouse had been nominated by written designation, or  
13 if there is no surviving spouse, then to the member's legal  
14 representatives.

15       (2) Subject to subsection (3) of this section, the benefit under  
16 this section shall be paid only where death occurs as a result of (a)  
17 injuries sustained in the course of employment as a general authority  
18 police officer; or (b) an occupational disease or infection that arises  
19 naturally and proximately out of employment covered under this chapter.  
20 The determination of eligibility for the benefit shall be made  
21 consistent with Title 51 RCW by the department of labor and industries.  
22 The department of labor and industries shall notify the department of  
23 retirement systems by order under RCW 51.52.050.

24       (3) The benefit under this section shall not be paid in the event  
25 the member was in the act of committing a felony when the fatal  
26 injuries were suffered.

27       (4)(a) Beginning July 1, 2008, and every year thereafter, the  
28 department shall determine the following information:

29       (i) The index for the 2006 calendar year, to be known as "index A";  
30       (ii) The index for the calendar year prior to the date of  
31 determination, to be known as "index B"; and  
32       (iii) The ratio obtained when index B is divided by index A.

33       (b) The value of the ratio obtained shall be the annual adjustment  
34 to the original death benefit and shall be applied beginning every July  
35 1st. In no event, however, shall the annual adjustment:

36       (i) Produce a benefit which is lower than one hundred fifty  
37 thousand dollars;

38       (ii) Exceed three percent in the initial annual adjustment; or

1 (iii) Differ from the previous year's annual adjustment by more  
2 than three percent.

3 (c) For the purposes of this section, "index" means, for any  
4 calendar year, that year's average consumer price index -- Seattle,  
5 Washington area for urban wage earners and clerical workers, all items,  
6 compiled by the bureau of labor statistics, United States department of  
7 labor.

8 **Sec. 8.** RCW 41.40.0932 and 2007 c 487 s 7 are each amended to read  
9 as follows:

10 (1) A one hundred fifty thousand dollar death benefit shall be paid  
11 to the member's estate, or such person or persons, trust or  
12 organization as the member has nominated by written designation duly  
13 executed and filed with the department. If no such designated person  
14 or persons are still living at the time of the member's death, the  
15 member's death benefit shall be paid to the member's surviving spouse  
16 as if in fact the spouse had been nominated by written designation, or  
17 if there is no surviving spouse, then to the member's legal  
18 representatives.

19 (2) The benefit under this section shall be paid only where death  
20 occurs as a result of (a) injuries sustained in the course of  
21 employment; or (b) an occupational disease or infection that arises  
22 naturally and proximately out of employment covered under this chapter.  
23 The determination of eligibility for the benefit shall be made  
24 consistent with Title 51 RCW by the department of labor and industries.  
25 The department of labor and industries shall notify the department of  
26 retirement systems by order under RCW 51.52.050.

27 (3)(a) Beginning July 1, 2008, and every year thereafter, the  
28 department shall determine the following information:

29 (i) The index for the 2006 calendar year, to be known as "index A";

30 (ii) The index for the calendar year prior to the date of  
31 determination, to be known as "index B"; and

32 (iii) The ratio obtained when index B is divided by index A.

33 (b) The value of the ratio obtained shall be the annual adjustment  
34 to the original death benefit and shall be applied beginning every July  
35 1st. In no event, however, shall the annual adjustment:

36 (i) Produce a benefit which is lower than one hundred fifty  
37 thousand dollars;

1 (ii) Exceed three percent in the initial annual adjustment; or  
2 (iii) Differ from the previous year's annual adjustment by more  
3 than three percent.

4 (c) For the purposes of this section, "index" means, for any  
5 calendar year, that year's average consumer price index -- Seattle,  
6 Washington area for urban wage earners and clerical workers, all items,  
7 compiled by the bureau of labor statistics, United States department of  
8 labor.

9 **Sec. 9.** RCW 43.43.285 and 2007 c 488 s 1 and 2007 c 487 s 9 are  
10 each reenacted and amended to read as follows:

11 (1) A one hundred fifty thousand dollar death benefit shall be paid  
12 to the member's estate, or such person or persons, trust or  
13 organization as the member shall have nominated by written designation  
14 duly executed and filed with the department. If there be no such  
15 designated person or persons still living at the time of the member's  
16 death, such member's death benefit shall be paid to the member's  
17 surviving spouse as if in fact such spouse had been nominated by  
18 written designation, or if there be no such surviving spouse, then to  
19 such member's legal representatives.

20 (2)(a) The benefit under this section shall be paid only where  
21 death occurs as a result of (i) injuries sustained in the course of  
22 employment; or (ii) an occupational disease or infection that arises  
23 naturally and proximately out of employment covered under this chapter.  
24 The determination of eligibility for the benefit shall be made  
25 consistent with Title 51 RCW by the department of labor and industries.  
26 The department of labor and industries shall notify the department of  
27 retirement systems by order under RCW 51.52.050.

28 (b) The retirement allowance paid to the spouse and dependent  
29 children of a member who is killed in the course of employment, as set  
30 forth in RCW 41.05.011(14), shall include reimbursement for any  
31 payments of premium rates to the Washington state health care authority  
32 under RCW 41.05.080.

33 (3)(a) Beginning July 1, 2008, and every year thereafter, the  
34 department shall determine the following information:

35 (i) The index for the 2006 calendar year, to be known as "index A";

36 (ii) The index for the calendar year prior to the date of  
37 determination, to be known as "index B"; and

1        (iii) The ratio obtained when index B is divided by index A.

2        (b) The value of the ratio obtained shall be the annual adjustment  
3 to the original death benefit and shall be applied beginning every July  
4 1st. In no event, however, shall the annual adjustment:

5        (i) Produce a benefit which is lower than one hundred fifty  
6 thousand dollars;

7        (ii) Exceed three percent in the initial annual adjustment; or

8        (iii) Differ from the previous year's annual adjustment by more  
9 than three percent.

10       (c) For the purposes of this section, "index" means, for any  
11 calendar year, that year's average consumer price index -- Seattle,  
12 Washington area for urban wage earners and clerical workers, all items,  
13 compiled by the bureau of labor statistics, United States department of  
14 labor.

15       NEW SECTION. Sec. 10. This act takes effect July 1, 2008.

--- END ---

# DRAFT FISCAL NOTE

RESPONDING AGENCY:	CODE:	DATE:	PROPOSAL NAME:
<b>Office of the State Actuary</b>	<b>035</b>	<b>10/4/07</b>	<b>Z-0708.1</b>

## INTENDED USE

This draft actuarial fiscal note was prepared by the Office of the State Actuary. The changes in liability, contribution rates, and fiscal costs are based on our understanding of the proposal as of the date of this draft fiscal note. Liabilities, contribution rates, and fiscal costs presented herein are subject to change should actual bill language for this proposal be introduced as legislation in the upcoming Legislative Session. This draft fiscal note is intended to be used by the Select Committee on Pension Policy during the 2007 Interim only.

Any third party recipient of this draft fiscal note is advised to seek professional guidance concerning its content and interpretation and should not rely upon this communication in the absence of such professional guidance. The analysis presented in this draft fiscal note should be read as a whole. Distributing or relying on only portions of this draft fiscal note could result in misuse and may be misleading to others.

## EXECUTIVE SUMMARY

This proposal would index the amount of the \$150,000 death benefit to changes in the CPI. The death benefit is provided for all state retirement system members and other public employees who die from duty-related causes.

<b>Increase in Actuarial Liabilities</b>			
<i>(Dollars in Millions)</i>	<b>Current</b>	<b>Increase</b>	<b>Total</b>
<b>Actuarial Present Value of Projected Benefits</b>	\$64,274	3	\$64,277
<b>Unfunded Actuarial Accrued Liability</b>	4,470	0	4,470
<b>Unfunded Liability (PVCBP)</b>	\$960	3	\$963

<b>Total Increase in Contribution Rates</b>						
<b>Current Biennium</b>	<b>PERS</b>	<b>TRS</b>	<b>SERS</b>	<b>PSERS</b>	<b>LEOFF</b>	<b>WSPRS</b>
Employee (Plan 2)	0.00%	0.00%	0.00%	0.00%	0.01%	0.00%
Employer	0.00%	0.00%	0.00%	0.00%	0.01%	0.00%
State					0.00%	

<b>Fiscal Costs</b>			
<i>(Dollars in Millions)</i>	<b>2008-2009</b>	<b>2009-2011</b>	<b>25-Year</b>
General Fund-State	\$0.0	\$0.1	\$0.8
Total Employer	\$0.1	\$0.4	\$6.1

See the Actuarial Determinations section of this Draft Fiscal Note for additional detail.

## **SUMMARY OF PROPOSAL**

This proposal impacts the following retirement systems and public employees:

- Public Employees' Retirement System (PERS),
- Teachers' Retirement System (TRS),
- School Employees' Retirement System (SERS),
- Public Safety Employees' Retirement System (PSERS),
- Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF),
- Washington State Patrol Retirement System (WSP),
- Volunteer Firefighters' Relief and Pension Fund (VFF),
- Members of the Judicial Retirement System (JRS),
- Members of the Higher Education Retirement Plans (HIED),
- And state, school district, and higher education employees who are not members of a state retirement system.

The proposal indexes the amount of the \$150,000 duty-death lump sum benefit to changes in the Consumer Price Index for Urban Wage Earners and Clerical Workers, Seattle-Tacoma-Bremerton (CPI-W). The index is calculated based on cumulative changes in the CPI-W with a maximum annual change of no more than 3%. The amount of the death benefit is not allowed to decrease below the original amount in periods of deflation.

Assumed Effective Date: July 1, 2008

## **CURRENT SITUATION**

Survivors of public employees who die as a result of injuries sustained or illnesses contracted in the course of employment are eligible to receive a lump-sum death benefit of \$150,000. The benefit amount does not adjust for inflation. This benefit is provided for all members of PERS, TRS, SERS, PSERS, LEOFF, WSP, VFF, JRS, HIED, and to state, school district and higher education employees who are not members of a state retirement system. The amount of the lump-sum death benefit is \$152,000 in VFF.

## **SUMMARY OF MEMBERS IMPACTED**

We estimate that all 16,314 active members of LEOFF Plans 1 and 2, all 155,027 active members of PERS Plans 1, 2 and 3, all 2,073 active members of PSERS Plan 2, all 50,818 active members of SERS Plans 2 and 3, all 67,736 active members of TRS Plans 1, 2 and 3, all 1,022 active members of WSP Plans 1 and 2, all 15,591 active members of VFF, and all 11 active members of JRS could be affected by this proposal through improved benefits. However, we only expect this to happen to approximately 1 in 22,500 people per year.

We estimate that for a typical member impacted by this proposal, the increase in benefits would be any accumulated inflation amounts above the original \$150,000 death benefit. For example, if the CPI in the next year increased by 3%, the beneficiary of a public employee who dies from duty-related causes would receive a lump sum in the amount of \$154,500 whereas without the an indexed death benefit the survivor would receive the standard lump-sum benefit of \$150,000.

Additionally, Plan 2 members will have increased contribution rates in future biennia.

## **METHODS**

We adjusted the results of the 2006 AVR to include liabilities for SHB 1266 which passed in 2007 which was the starting point for our pricing. Utilizing pension valuation software, we projected the increase in the \$150,000 death benefit amount due to the proposed indexing and discounted for interest to determine the actuarial present value of the liability. An index of 3 percent per year was applied to the \$150,000 death benefit and this assumption will be outlined in the following section. The ultimate cost of this increased benefit is presented below with all future payments discounted to present day dollars.

Otherwise, costs were developed using the same methods as those disclosed in the September 30, 2006 actuarial valuation report (AVR).

The methods chosen are reasonable for the purpose of the actuarial calculations presented in this draft fiscal note. Use of another set of methods may also be reasonable and might produce different results.

Entry age normal cost rate increases are used to determine the increase in funding expenditures for future new entrants. Rate increases calculated under the Aggregate actuarial cost method are used to determine the increase in funding expenditures for current plan members.

## **ASSUMPTIONS**

The rate of duty-related deaths will not change because the death benefit is indexed. An index based upon the CPI-W with a 3% yearly maximum will be applied each year to the \$150,000 death benefit. We assumed the maximum 3% increase for this pricing to produce results that would outline the highest possible increases in contribution rates. Therefore, actual experience in the future may cost less than the increases outlined here.

Otherwise, costs were developed using the same assumptions as those disclosed in the AVR.

The assumptions chosen are reasonable for the purpose of the actuarial calculations presented in this draft fiscal note. Use of another set of assumptions may also be reasonable and might produce different results.

**DATA**

Costs were developed using the same data and assets as those disclosed in the AVR.

**FISCAL IMPACT**

**Description**

This proposal has a cost because it increases the benefit amount payable in future years to survivors of duty related deaths.

We excluded JRS because we do not expect anyone to receive this benefit. The cost of indexing the proposed benefit for survivors of LEOFF inactive members who die within five years of separation from service is not included in this preliminary fiscal note. Additionally, SHB 1266 (Chapter 487 Laws of 2007), has not been included in the base liability for LEOFF 1. Including deaths as a result of occupational diseases for LEOFF 1 members would increase the liabilities in this fiscal note, although the additional liability would not be sufficient to take LEOFF 1 out of a surplus. Furthermore, the costs attributable to ESHB 1833, which passed in 2007, have not been included in the base liabilities, thus understating the LEOFF liability increase due to this proposal by not including the additional occupational diseases defined in ESHB 1833. However, we do not expect this exclusion to affect the supplemental rate increase provided in this draft fiscal note. The increase in the present value future benefits for VFF is approximately \$420,000. We do not have data on the higher education retirement plans.

**Actuarial Determinations**

The proposal will impact the actuarial funding of the system by increasing the present value of benefits payable under the System and increasing the required actuarial contribution rate as shown below:

<i>(Dollars in Millions)</i>	<b>Current</b>	<b>Increase</b>	<b>Total</b>
<b>Actuarial Present Value of Projected Benefits</b>			
<i>(The Value of the Total Commitment to all Current Members)</i>			
PERS 1	\$13,723	\$0.0	\$13,723
PERS 2/3	<u>18,966</u>	<u>0.8</u>	<u>18,967</u>
<b>PERS Total</b>	<b>32,689</b>	<b>0.8</b>	<b>32,690</b>
TRS 1	10,834	0.0	10,834
TRS 2/3	<u>6,804</u>	<u>0.1</u>	<u>6,804</u>
<b>TRS Total</b>	<b>17,638</b>	<b>0.1</b>	<b>17,638</b>
<b>SERS 2/3</b>	<b>2,610</b>	<b>0.2</b>	<b>2,610</b>

<b>PSERS 2</b>	<b>169</b>	<b>0.0</b>	<b>169</b>
LEOFF 1	4,316	0.0	4,316
LEOFF 2	<u>6,004</u>	<u>1.7</u>	<u>6,006</u>
<b>LEOFF Total</b>	<b>10,320</b>	<b>1.7</b>	<b>10,322</b>
<b>WSPRS 1/2</b>	<b>\$848</b>	<b>\$0.1</b>	<b>\$848</b>

**Unfunded Actuarial Accrued Liability**

(The Portion of the Plan 1 Liability that is Amortized at 2024)

<b>PERS 1</b>	<b>\$3,196</b>	<b>\$0.0</b>	<b>\$3,196</b>
<b>TRS 1</b>	<b>1,976</b>	<b>\$0.0</b>	<b>1,976</b>
<b>LEOFF 1</b>	<b>(\$702)</b>	<b>\$0.0</b>	<b>(\$702)</b>

**Unfunded Liability (PVCBP)**

(The Value of the Total Commitment to all Current Members Attributable to Past Service)

PERS 1	\$3,750	\$0.0	\$3,750
PERS 2/3	<u>(2,338)</u>	<u>\$0.8</u>	<u>(2,337)</u>
<b>PERS Total</b>	<b>1,412</b>	<b>\$0.8</b>	<b>1,413</b>
TRS 1	2,348	\$0.0	2,348
TRS 2/3	<u>(1,116)</u>	<u>\$0.1</u>	<u>(1,116)</u>
<b>TRS Total</b>	<b>1,232</b>	<b>\$0.1</b>	<b>1,232</b>
<b>SERS 2/3</b>	<b>(336)</b>	<b>\$0.2</b>	<b>(336)</b>
<b>PSERS 2</b>	<b>0</b>	<b>\$0.0</b>	<b>0</b>
LEOFF 1	(738)	\$0.0	(738)
LEOFF 2	<u>(521)</u>	<u>\$1.7</u>	<u>(519)</u>
<b>LEOFF Total</b>	<b>(1,259)</b>	<b>\$1.7</b>	<b>(1,257)</b>
<b>WSPRS 1/2</b>	<b>(\$89)</b>	<b>\$0.1</b>	<b>(\$89)</b>

*Note: Totals may not agree due to rounding.*

LEOFF is the only system with a rate impact for the current biennium. For the other systems, the un-rounded increase in the required actuarial contribution rate does not round-up to the minimum supplemental contribution rate of 0.01%; therefore the proposal will not affect contribution rates in the current biennium. However, the un-rounded rate increase shown below is applied to all subsequent biennia.

System/Plan	Increase in Contribution Rates: (Effective 9/1/2008)						
	PERS	TRS	SERS	PSERS	LEOFF	WSPRS	
<b>Current Members</b>							
Employee (Plan 2)	0.001%	0.000%	0.002%	0.001%	0.006%	0.003%	
Employer	0.001%	0.000%	0.002%	0.001%	0.004%	0.003%	
State					0.002%		
<b>New Entrants*</b>							
Employee (Plan 2)	0.000%	0.000%	0.001%	0.000%	0.003%	0.002%	
Employer	0.000%	0.000%	0.001%	0.000%	0.002%	0.002%	
State					0.001%		

*\*Rate change applied to future new entrant payroll and used for fiscal budget determinations only. A single supplemental rate increase, equal to the increase for current members, would apply initially for all members or employers.*

## Fiscal Budget Determinations

(Dollars in Millions)	Fiscal Costs						Total
	PERS	TRS	SERS	PSERS	LEOFF	WSPRS	
<b>2008-2009</b>							
General Fund	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0
Non-General Fund	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
Total State	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Local Government	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.1</u>	<u>0.0</u>	<u>0.1</u>
Total Employer	0.0	0.0	0.0	0.0	0.1	0.0	0.1
Total Employee	\$0.0	\$0.0	\$0.0	\$0.0	\$0.1	\$0.0	\$0.1
<b>2009-2011</b>							
General Fund	\$0.0	\$0.0	\$0.0	\$0.0	\$0.1	\$0.0	\$0.1
Non-General Fund	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>
Total State	0.0	0.0	0.0	0.0	0.1	0.0	0.2
Local Government	<u>0.1</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.1</u>	<u>0.0</u>	<u>0.2</u>
Total Employer	0.2	0.0	0.0	0.0	0.2	0.0	0.4
Total Employee	\$0.1	\$0.0	\$0.0	\$0.0	\$0.2	\$0.0	\$0.3
<b>2008-2033</b>							
General Fund	\$0.3	\$0.2	\$0.2	\$0.0	\$1.2	\$0.0	\$0.8
Non-General Fund	<u>0.5</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.0</u>	<u>0.1</u>	<u>0.6</u>
Total State	0.8	0.2	0.2	0.0	1.2	0.1	1.1
Local Government	<u>1.3</u>	<u>0.1</u>	<u>0.2</u>	<u>0.0</u>	<u>2.0</u>	<u>0.0</u>	<u>3.6</u>
Total Employer	1.2	0.3	0.4	0.0	3.2	0.1	6.1
Total Employee	\$1.5	\$0.0	\$0.2	\$0.0	\$3.2	\$0.1	\$5.0

*Note: Totals may not agree due to rounding.*

The analysis of this proposal does not consider any other proposed changes to the system. The combined effect of several changes to the system could exceed the sum of each proposed change considered individually.

### Sensitivity Analysis

The number of members expected to have a duty-related death would have to increase for this proposal to impact rates in systems besides LEOFF. The table below shows the multiple of how many more assumed duty-related deaths are required before the rate impact would reach 0.005% for each system. For example, in WSP, the employee rate impact would reach 0.005% if 2 times as many members as expected had a duty-related death.

System	Multiple
PERS	7
TRS	15
SERS	3
PSERS	7
LEOFF	1
WSP	2

As with the costs developed in the actuarial valuation, the emerging costs of the System will vary from those presented in the AVR or this draft fiscal note to the extent that actual experience differs from that projected by the actuarial assumptions.

DRAFT

## **GLOSSARY OF ACTUARIAL TERMS:**

**Actuarial Accrued Liability:** Computed differently under different funding methods, the actuarial accrued liability generally represents the portion of the present value of fully projected benefits attributable to service credit that has been earned (or accrued) as of the valuation date.

**Actuarial Present Value:** The value of an amount or series of amounts payable or receivable at various times, determined as of a given date by the application of a particular set of Actuarial Assumptions (i.e. interest rate, rate of salary increases, mortality, etc.)

**Aggregate Funding Method:** The Aggregate Funding Method is a standard actuarial funding method. The annual cost of benefits under the Aggregate Method is equal to the normal cost. The method does not produce an unfunded liability. The normal cost is determined for the entire group rather than an individual basis.

**Entry Age Normal Cost Method (EANC):** The EANC method is a standard actuarial funding method. The annual cost of benefits under EANC is comprised of two components:

- Normal cost; plus
- Amortization of the unfunded liability

The normal cost is determined on an individual basis, from a member's age at plan entry, and is designed to be a level percentage of pay throughout a member's career.

**Normal Cost:** Computed differently under different funding methods, the normal cost generally represents the portion of the cost of projected benefits allocated to the current plan year.

**Present Value of Credited Projected Benefits (PVCBP):** The portion of the Actuarial Present Value of future benefits attributable to service credit that has been earned to date (past service).

**Projected Benefits:** Pension benefit amounts which are expected to be paid in the future taking into account such items as the effect of advancement in age as well as past and anticipated future compensation and service credits.

**Unfunded Liability (Unfunded PVCBP):** The excess, if any, of the Present Value of Credited Projected Benefits over the Valuation Assets. This is the portion of all benefits earned to date that are not covered by plan assets.

**Unfunded Actuarial Accrued Liability (UAAL):** The excess, if any, of the actuarial accrued liability over the actuarial value of assets. In other words, the present value of benefits earned to date that are not covered by plan assets.



STATE OF WASHINGTON  
LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS'  
PLAN 2 RETIREMENT BOARD

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June 5, 2007

RECEIVED

JUN 5 - 2007

Office of  
The State Actuary

Select Committee on Pension Policy  
C/O The Office of the State Actuary  
Post Office Box 40914  
Olympia, Washington 98504-0914

Dear Honorable Members of the Select Committee on Pension Policy:

On behalf of the Law Enforcement Officers' and Fire Fighters' (LEOFF) Plan 2 Retirement Board (Board), I would like to thank you for all of your help during 2006.

I want to bring several topics to your attention as you begin preparations for the 2007 interim. It is my hope that the Select Committee on Pension Policy (SCPP) and the Board can work cooperatively on these issues to develop legislation. I have provided a brief summary of each topic for your reference:

**Deferred Compensation**

The Board studied the need for a clear definition of what is included in "basic salary" in regard to employer contributions to 457 Deferred Compensation Plans.

Under current law, member contributions to 401(a) defined benefit plan such as LEOFF Plan 2 are includable in basic salary and are mandatory. Employer contributions are also mandatory, but are not included in basic salary. Member contributions to a 457 Deferred Compensation Plan are included in basic salary, however, employer contributions to a 457 Deferred Compensation Plan are not always treated the same. The Board will be further studying under what circumstances employer contributions to deferred compensation plans should be considered "basic salary".

**Purchase of Annuity**

The Board studied whether to permit LEOFF Plan 2 retirees to purchase an actuarially equivalent life annuity from the LEOFF Plan 2 retirement fund. Currently, Federal law provides that defined contribution assets can be used to purchase increased defined benefits. The following questions will need to be explored further:

- Can defined contribution assets be used to purchase additional defined benefits that would exceed the equivalent value of purchasing five years of service credit?
- Should all other Washington State pension plans be provided a similar enhancement?



**Inflationary Adjustment for \$150,000 Death Benefit**

As you may be aware, the Board endorsed legislation recommended by the SCPP on this topic (SHB 1266 - Addressing death benefits for public employees), which was passed with an amendment removing the annual inflation increase. The Board is interested in working with the SCPP to further study the effect of adding this inflationary adjustment to all the state retirement plans which provide the \$150,000 death benefit.

**Military Service Death Benefit**

The Legislature passed a bill in the 2007 session (SHB 1266 - Addressing death benefits for public employees), which included an amendment providing the survivor of a Public Employees' Retirement System Plan 2 member that left public employment and died while serving in the uniformed services in Operation Enduring Freedom (Afghanistan) or Persian Gulf, Operation Iraqi Freedom after January 1, 2007, a withdrawal benefit of 200 percent of accumulated member's contributions. The Board would like to study extending a military service death benefit to the other pension plans, including LEOFF Plan 2.

**Fish and Wildlife Enforcement Officer Service Credit Transfer**

The Board has studied permitting Department of Fish and Wildlife Enforcement Officers to transfer service credit earned in the Public Employees' Retirement System (PERS) Plan 2 as enforcement officers prior to July 2003 into the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) Plan 2. Prior groups that have been allowed membership to LEOFF Plan 2 have had the option of transferring their previous service credit. Other systems have also had the opportunity to make similar transfers when changing systems.

Please feel free to contact me or Steve Nelsen, LEOFF 2 Board Executive Director, should you have any questions or like any additional information. Steve can be reached at (360) 586-2320 or [steve.nelsen@leoff.wa.gov](mailto:steve.nelsen@leoff.wa.gov), and I can be contacted at (360) 943-3030 or [pres@wscff.org](mailto:pres@wscff.org).

We would be happy to meet with you to discuss these topics at an upcoming SCPP or LEOFF Plan 2 Retirement Board meeting. Thank you for your consideration and we look forward to working with you.

Sincerely,



Kelly Fox, Chair

cc: Matt Smith, State Actuary