$150,000 Death Benefit / LEOFF 2 Board Proposal

Description of Issue

The retirement systems provide a $150,000 death benefit for public employees who die as a result of a duty-related injury or illness. The benefit amount has not changed since the benefit was first established in 1996. Stakeholders are seeking increases in the benefit amount.

The Law Enforcement Officers' and Fire Fighters' Plan 2 Retirement Board (LEOFF 2 Board) made a proposal on duty-related death benefits for public safety officers–including the $150,000 death benefit–at their December meeting.

Committee Activity on This Issue

The SCPP recommended legislation on this issue during the 2007, 2008, and 2009 Legislative Sessions.

During the 2009 Legislative Session, the SCPP recommended increasing the amount of the benefit to $175,000. The bill (HB 1547/SB 5312) did not pass the Legislature. The House bill passed the House. The Senate bill was heard in the Senate Ways and Means Committee.

The SCPP deferred a public hearing and possible executive action on this issue at the December 17, 2009, meeting. This issue was deferred until January so the committee could consider the final action of LEOFF 2 Board on duty-related death benefits for public safety officers.

LEOFF 2 Board Activity on This Issue

At their December meeting, the LEOFF 2 Board discussed the $150,000 death benefit as part of a broader proposal on duty-related death benefits for public safety officers. Among other benefit enhancements, the board recommended increasing the amount of the death benefit to $214,000 and applying a cost of living adjustment to protect the value of the benefit against future inflation. The board's recommendation applies to members in both plans of LEOFF and the Washington State Patrol Retirement System (WSPRS). The death benefit change is retroactive to qualifying deaths that occurred since January 1, 2009.

The LEOFF 2 Board recommended other improvements to duty-related death benefits provided to members of LEOFF 2 and WSPRS 2 including:

- Removing the ten-year service requirement to qualify for a survivor annuity.

- ❖ Removing the actuarial reduction applied to a survivor annuity.
- ❖ Providing a minimum survivor annuity of 10 percent of average final compensation.

The survivor annuity changes are retroactive to the opening of the plans for purposes of eligibility only. Qualifying survivors of qualifying deaths that occurred since the plans were opened* would be eligible for increased survivor benefits. However, benefit increases would be paid prospectively from the effective date of the bill–there would be no back-payments.

Also, as part of the broader proposal, the LEOFF 2 Board recommended improvements to duty-death benefits for public safety officers provided in workers' compensation and higher education statutes. See the attached Bill Sectional for a full discussion of these changes.

**October 1, 1977, for LEOFF 2; January 1, 2003, for WSPRS 2.*

Attachments

1. 2008 SCPP Executive Summary.
2. 2008 SCPP Issue Paper (without 2008 attachments).
3. Bill draft of SCPP-sponsored HB 1547 from 2009 Legislative Session.
4. Draft Fiscal Note for HB 1547 with updated pricing information.
5. 2009 stakeholder correspondence.
6. Bill sectional for the 2010 LEOFF 2 Board bill death benefits bill (HB 2519).
7. Bill draft of the 2010 LEOFF 2 Board bill (HB 2519).
8. Draft Fiscal Note for 2010 LEOFF 2 Board bill.

What is The Next Step?

The SCPP will decide, for the 2010 Session, whether or not to coordinate with the LEOFF 2 Board on this issue and to what extent. If the committee decides to coordinate for the 2010 Session, options include endorsing all or some of the board's proposals or extending all or some of the board's proposals to all public employees. If the committee does not choose to coordinate for the 2010 Session, options include endorsing last year's SCPP bill, studying the issue next interim, or taking no further action.

O:\SCPP\2010\1-18-10_Special\2.150_Thou_Death_Ben_Briefing_Paper.docx

$150,000 Death Benefit

Description Of Issue

The retirement systems provide a $150,000 death benefit for public employees who die as a result of a duty-related injury or illness. The benefit amount has not changed since the benefit was first established in 1996. Stakeholders are asking the SCPP to revisit adjusting the amount for inflation.

Actuaries expect fewer than 13 duty-deaths each year from a group of over 290,000 public employees.

This issue raises two basic policy questions. Is the current amount of the death benefit sufficient, or should it be increased for past inflation? Should the death benefit be protected against future inflation?

Policy Highlights

- The relative value of the death benefit has declined 27 percent due to past inflation.
- Cost of Living Adjustments (COLAs) for lump sums provide equity across generations—not inflation protection for an individual's income.
- Some policy makers may prefer an insurance approach rather than a COLA approach.
- Automatic and ad-hoc COLAs can be equally effective in maintaining the value of benefits—with different implications for legislative control.
- The Legislature has previously rejected automatic COLAs for the death benefit.
- The SCPP recommended legislation on this issue in 2007 and 2008.

Policy Options For Adjusting The Duty-Death Benefit

Policy makers who feel the current death benefit should be adjusted for inflation may consider the following options:

- **Option 1: Provide A One-Time Adjustment For Past Inflation.**

- Restores the relative value of the benefit to its original level.
- Doesn't prevent future loss in value due to inflation.

❖ **Option 2: Provide An Automatic CPI-Based COLA.**

- Doesn't recover value already lost due to inflation.
- Generally prevents further loss of value due to inflation.
- Requires policy makers to give up some legislative control over the benefit, but may reduce need to revisit in future.

❖ **Option 3: One-Time Adjustment Plus Automatic COLA.**

- Recovers past value and generally prevents future loss of value.
- Requires policy makers to give up some legislative control over the benefit, but may reduce need to revisit in future.

❖ **Option 4: Increase To $175,000.**

- Recovers some value lost due to past inflation.
- Doesn't prevent future loss in value due to inflation.

Committee Activity

Staff briefed the Committee on this issue in October and November. The Committee held public hearings in November and December, and took executive action in December recommending Option 4 to the Legislature.

Recommendation To 2009 Legislature

Increase the amount of the death benefit from $150,000 to $175,000.

Staff Contact

Darren Painter, Policy Analyst
360.786.6155
painter.darren@leg.wa.gov

O:\Reports\Interim Issues\2008\Exec_Summ\1.150_Thou_Death_Ben_Exec_Sum.docx

$150,000 Death Benefit

In Brief

ISSUE

The retirement systems provide a $150,000 death benefit for public employees who die as a result of a duty-related injury or illness. The benefit amount has not changed since 1996.

The LEOFF 2 Board asked the SCPP to consider adjusting the amount of this benefit for past inflation and adding an automatic COLA to address future inflation.

The SCPP twice recommended legislation that would have applied an automatic COLA to the death benefit. The COLA provisions did not pass the Legislature.

MEMBER IMPACT

*Actuaries expect fewer than 13 duty-deaths each year from a group of over 290,000 public employees.**

**As of June 30, 2007.*

Darren Painter
Policy Analyst
360.786.6155
painter.darren@leg.wa.gov

Current Situation

The retirement systems provide a $150,000 lump sum (or one-time) death benefit for public employees who die as a result of a duty-related injury or illness. The benefit amount is set in statute and has not changed since the benefit was first established in 1996. The benefit is not subject to federal income tax.

The benefit is available to members of all state retirement systems*. Determination of eligibility is made by the Department of Labor and Industries (L&I).

The Law Enforcement Officers' and Fire Fighters' (LEOFF) Plan 2 Retirement Board asked the SCPP to consider adjusting the amount of this benefit for past inflation and adding an automatic Cost-Of-Living-Adjustment (COLA) to address future inflation.

**Also state, school district, and higher education employees who are not members of a state retirement system; paid from the state general fund.*

History

History Of The $150,000 Death Benefit

The $150,000 death benefit was first established in the LEOFF and the Washington State Patrol Retirement System (WSPRS) in 1996. The benefit was subsequently extended to various other groups of public employees over a period of several years. See **Appendix A** for a legislative history of the benefit.

Fifty-four $150,000 death benefits have been paid out since the benefit was first established—the majority being paid for LEOFF members (see **Figure 1**).

Figure 1

Number of $150,000 Death Benefits Paid*	
System	**Benefits Paid**
LEOFF	32
PERS	14
VFF	2
TRS	1
SERS	1
WSPRS	1
Unknown (paid from general fund)	3
Total	**54**

**As of 9/25/2008. Length of reporting period varies among systems.*

SCPP Has Recommended Death Benefit Bills

The SCPP studied this issue in coordination with the LEOFF 2 Board in 2006 and 2007. The Committee recommended legislation in the 2007 and 2008 Sessions that would have applied an automatic COLA to the death benefit. The COLA provisions did not pass the Legislature. See below for more details concerning the SCPP legislation.

The Legislature Has Rejected Death Benefit COLAs

Bills with provisions that would have automatically increased the amount of the $150,000 death benefit for inflation were introduced in the past three legislative sessions. None of the bills passed the Legislature with the COLA provisions intact.

Bills that would have automatically increased the amount of the $150,000 death benefit for inflation were introduced in the past three legislative sessions.

2006 Session

HB 2933/SB 6724 dealt with the death benefit for LEOFF Plan 2. The bill expanded eligibility and provided an automatic COLA on the benefit amount. The proposed COLA would have annually increased the amount of the death benefit based on cumulative changes in the Consumer Price Index for Wage Earners and Clerical Workers for Seattle-Tacoma-Bremerton (CPI-W, STB), up to a maximum of 3 percent per year. This is the same increase provided for pensions in the Plans 2/3 retirement systems. The COLA was removed before the bill passed the Legislature.

2007 Session

HB 1266/SB 5177, an SCPP bill, made similar changes to the death benefit as the 2006 bill except it applied to all plans. The COLA was removed from the House bill in the Appropriations Committee, but was retained in the Senate version of the bill that passed Ways and Means. The House version of the bill, without the COLA, ultimately passed the Legislature.

2008 Session

HB 3026/SB 6664, another SCPP bill, contained the same COLA provisions as introduced in the earlier legislation. The bill was heard in the Senate Ways and Means Committee and received no hearing in the House.

Comparisons

Other Death Benefits Provided

The $150,000 death benefit is one of many death benefits that are provided for members*. Others include:

Many death benefits are provided for members.

- Survivor and death benefits from the retirement plan.
- L&I death benefits.
- Social Security survivor benefits.
- Federal public safety officer's death benefits.
- Reimbursement of premiums paid to the Health Care Authority.

A detailed list of the various death benefits provided is contained in **Appendix B**. Among these, the most significant other lump sum death benefit provided is the federal Public Safety Officers' Benefits Death Benefit. This benefit ($315,746 in 2008) is payable to survivors of law enforcement officers, fire fighters, and other public safety personnel who die in the line of duty. The benefit is annually adjusted for inflation.

**Employer provided life insurance is beyond the scope of this paper and is not considered among the death benefits provided.*

Death Benefits In Comparative Systems

Most of Washington's comparative systems provide survivor annuities similar to those in Washington's retirement systems. The annuities are generally based on the member's earned benefit or some percentage of the member's salary.

Five of Washington's comparative systems also provide some type of lump sum death benefit (see **Figure 2**). The three systems (California, Idaho, and Iowa) that provide fixed-dollar lump sum benefits similar to Washington do not automatically increase the benefit amount for inflation. Three systems (Colorado, Idaho, and Wisconsin) provide a lump sum based on the member's contributions. Since contributions are based on salaries, and salaries grow with inflation, contribution-based lump sums effectively have built-in inflation adjustments. One system (California) provides a lump sum that is "periodically adjusted." Idaho and Iowa provide an enhanced return of contributions and a special duty-related lump sum death benefit for public safety employees.

Figure 2

Lump Sum Death Benefits in Comparative Systems*

System	Benefit Amount	COLA
California CALSTRS	$24,652	Periodically adjusted.
Colorado PERA	200% Return Of Contributions plus interest (ROC).	None.
Idaho PERSI	200% ROC. Also $100,000 for police and firefighters killed in line of duty.	None.
Iowa IPERS	100% ROC plus additional amount based on salary and service. Also $100,000 for public safety officer killed in line of duty.	None.
Wisconsin WRS	200% ROC.	None.

**Source: Member handbooks published on system administrator's web sites as of 10/08/2008.*

Policy Analysis

This Issue Raises Two Basic Policy Questions

The issue of whether or not to adjust the $150,000 death benefit for inflation raises two basic policy questions:

- Is the current amount of the death benefit sufficient, or should it be increased for past inflation?
- Should the death benefit be protected against future inflation?

The way policy makers respond will likely depend upon three key factors.

The way policy makers respond to these questions will likely depend upon three key factors:

- How they choose to apply policy on inflation protection to the death benefit.
- How they view the purpose of the death benefit.
- How much control they wish to keep over the death benefit.

The rest of this paper will explore these and other factors that policy makers may consider in addressing this issue.

Inflation Erodes The Relative Value Of The Death Benefit

The value of the death benefit has declined 27 percent since 1996.

Inflation erodes the relative value of a fixed dollar amount over time. The $150,000 death benefit was first established in 1996. The cumulative effect of inflation since then has eroded 27 percent* of the relative value of the benefit. Put another way, the amount of the death benefit would need to be increased to $205,000 to provide the same level of purchasing power that it did in1996. Absent any adjustment, inflation will continue to erode the value of the death benefit in the future.

**Based on the Consumer Price Index for Urban Wage Earners and Clerical Workers for Seattle-Tacoma-Bremerton (CPI-W, STB), all Items.*

The State's Policy On Inflation Protection For Pensions

State policy on protecting retirement benefits from inflation can be found in existing policy statements and further inferred from plan design. The SCPP has adopted as a stated goal ". . . to increase and maintain the purchasing power of retiree benefits in the Plans 1 of PERS and TRS. . . ." The Plans 2/3 of the state's retirement systems, the most recently created tiers, provide an annual COLA on retirement pensions. The Plans 2/3 COLA is based on inflation as measured by changes in a Consumer Price Index (CPI). The inclusion of this COLA in the Plans 2/3 design indicates a clear desire to protect retirement pensions from the effects of inflation.

Policies on inflation protection were not necessarily designed for lump sum benefits.

These policies around inflation protection were designed to apply to ongoing *pension* benefits and not necessarily one-time *lump sum* benefits. Policy makers may wish to consider to what extent, if any, inflation protection policies apply to non-pension benefits like the $150,000 death benefit.

COLAs For Pensions And Lump Sums Have Different Policy Implications

Why would the nature of the benefit matter when considering inflation protection policies? COLAs for ongoing pensions have different policy implications than COLAs for one-time lump sum benefits. One provides inflation protection, while the other provides equity across generations.

Providing a COLA for a pension or other annuity-type benefit provides inflation protection for an *individual's* income. The COLA helps maintain the relative value of the pension payments over time by offsetting the effects of inflation.

COLAs for lump sums maintain value among generations.

In contrast, providing a COLA for a lump sum benefit maintains the value of the benefit among successive *generations* of recipients. It ensures that later recipients are able to purchase the same amount of goods and services with the benefit that earlier recipients could. It does not provide inflation protection for an individual's income. Why not? A lump sum payment is only received once. It doesn't become part of the recipient's ongoing income stream and consequently doesn't lose its value (from the recipient's perspective) over time.

Lump Sum Death Benefits Are Less Likely To Have COLAs

Given the different policy implications of COLAs for annuities and lump sums, policy makers may wish to consider current practice in this area. **Figure 3** shows that death benefits for retirement system members paid in the form of a monthly annuity are more likely to have inflation protection than benefits paid in a lump sum. A detailed list of the various death benefits provided is contained in **Appendix B**.

Figure 3

Death Benefits Provided*			
Type	**Total**	**COLA**	**%COLA**
Annuity	9	7	78%
Lump Sum	7	3	43%

**Similar benefits in state retirement systems are considered a single type.*

In the preceding figure, the "Total" column shows the total number of benefits of each type (annuity or lump sum); the "COLA" column shows how many include an automatic COLA; and the "%COLA" column shows the percentage of annuity and lump sum benefits with an automatic COLA.

The Death Benefit Is Designed To Provide Temporary Assistance

A key policy consideration is the intended purpose of the benefit.

Policy makers may consider the purpose of the $150,000 death benefit in determining how to apply policy on inflation protection. Is the benefit intended to replace income and support an ongoing standard of living? Or, is the benefit intended to provide one-time relief for specific situations? The answers to these questions have implications for policy decisions.

The death benefit is a one-time payment that is not related to a member's salary. Recipients may do with the payment whatever they wish—including spending the entire amount at once. Given this design, it is unlikely that the benefit was intended to replace income and support an ongoing standard of living. Rather, it is more likely that the death benefit was primarily intended to provide temporary financial assistance following the death of a member.

The purpose of the benefit may affect how policy makers view this issue. From the perspective of policy makers, there may be less need to adjust for inflation a benefit that is transitional and does not serve to replace income or maintain an ongoing standard of living.

Policy Makers May Take An Insurance-Based Approach

The death benefit more closely resembles an insurance benefit than a pension.

The design and purpose of the $150,000 death benefit more closely resembles an insurance benefit than a traditional pension benefit. It is a one-time payment of a fixed-dollar amount that provides temporary financial assistance—much like term life insurance. Policy makers who view this as an insurance-type benefit may be inclined to take more of an insurance-based approach to this issue. An insurance approach would involve periodically reviewing the "policy" and adjusting the coverage amount based on the risks and needs at that time. Under this approach, the policy focus shifts away from COLAs and more towards the adequacy of the benefit provided.

Assessing The Adequacy Of The Death Benefit May Be Challenging

Policy makers may find it challenging to assess the adequacy of a benefit (like the $150,000 death benefit) that is not dedicated to a specific purpose. Since the value of the benefit can't easily be measured against a specific outcome, assessments of adequacy will likely be highly subjective. Such assessments may involve considering how the $150,000 death benefit fits in with all the other death benefits provided—many of which are pension benefits that do have inflation protection. This could be a complex task given the number and variety of different death benefits provided, and the fact that survivors may qualify for multiple death benefits (see **Appendix B**).

Policy makers may assume the amount was adequate when the benefit was first enacted.

For the sake of simplicity, some policy makers may assume the amount was adequate when the benefit was first enacted in 1996. Under this assumption, all that is needed to ensure the adequacy of the benefit today is to adjust the amount of the benefit for past inflation.

Duty-Related Death Benefits May Impact Recruitment

When contemplating adjustments to the $150,000 death benefit, policy makers may also consider the purpose and adequacy of the benefit from an employer perspective. Duty-related death benefits may impact the ability of employers to recruit for high-risk occupations. The availability and generosity of such benefits may serve as an added inducement for employees considering such occupations. This would likely have the greatest impact for public safety employers. The fact that the $150,000 death benefit was first established for police and fire fighters (see **History**) may be indicative of a greater interest in duty-related death benefits by public safety groups.

Automatic And Ad-Hoc COLAs Can Be Equally Effective In Maintaining The Value Of Benefits

Policy makers who feel the $150,000 death benefit should be adjusted for inflation will likely consider how to adjust it. Most likely, this will involve some form of a COLA—since COLAs are a common and effective way to adjust benefits for inflation. There are two basic approaches to COLAs that policy makers may wish to consider: ad-hoc and automatic. The approach chosen has implications for how much control policy makers retain over the benefit.

Policy makers who want the most control will likely prefer an ad-hoc approach.

Ad-hoc COLAs are one-time increases. Ad-hoc COLAs are generally more backward-looking. They can be very effective at making up for past inflation, but usually do little to address future inflation. Ad-hoc COLAs can give policy makers the most flexibility in reacting to specific situations and in controlling costs. Policy makers who want to maintain the most control in adjusting benefits will likely prefer an ad-hoc approach.

Policy makers who want less involvement will likely prefer an automatic approach.

In contrast, automatic COLAs are ongoing increases and tend to be more forward-looking. Automatic COLAs can be very effective at protecting benefits against future inflation, but may do little to address lost purchasing power due to past inflation. Automatic COLAs may be preferred from the member viewpoint since they are ongoing and don't require continual action by policy makers. However, for the same reasons, it may be more difficult to fine-tune an automatic COLA for a specific situation. Policy makers who want less involvement in the process of adjusting benefits will likely prefer an automatic approach.

A common way of implementing automatic COLAs is to base the COLA on a measure of inflation such as the CPI. This process of linking a benefit to an underlying measure of inflation is known as *indexing*. Indexing is a direct and effective way to protect benefits against inflation. This is the method chosen by the SCPP in prior years when the Committee recommended applying an automatic COLA to the death benefit (see **History**). **Appendix C** contains a more complete discussion on the various ways to index a benefit.

Periodically granting ad-hoc COLAs can have much the same effect as an automatic COLA.

Ad-hoc COLAs can be as effective in maintaining the value of a benefit as automatic COLAs, depending on how they are administered. Periodically granting ad-hoc COLAs to make up for past inflation can have much the same effect as providing an automatic COLA. The main difference is that ad-hoc COLAs may occur less frequently than every year. When this happens, the benefit loses more value in the years between ad-hoc COLAs than it would lose under an automatic COLA. Given that both approaches can be equally effective in maintaining value, the approach taken will likely depend on how much control and involvement policy makers want in the process of adjusting benefits.

Conclusion

The issue of adjusting the $150,000 death benefit for inflation raises two basic policy questions. Is the current amount sufficient or should it be increased for past inflation? Should it be protected against future inflation?

How policy makers respond to these questions will likely depend upon three key factors:

- How they choose to apply policy on inflation protection to the death benefit.
- How they view the purpose of the death benefit.
- How much control they wish to keep over the death benefit.

Some policy makers may prefer to take an insurance-based approach to this issue rather than the COLA-based approach taken in the past.

Possible Options

Policy makers who feel the current amount of the death benefit is sufficient for its intended purpose will likely be inclined to take no further action at this time. Policy makers who feel the current death benefit should be adjusted for inflation may consider one of the options below.

Preliminary pricing for each of the policy options was provided at the November meeting.

Option 1: Provide A One-Time Adjustment For Past Inflation

This option restores the relative value to its original level.

This option would grant an ad-hoc COLA on the amount of the death benefit to make up for past inflation. The amount of the death benefit would be increased to $205,000.

This option would restore the relative value of the death benefit to its original level but wouldn't prevent future loss in value due to inflation.

Option 2: Provide An Automatic CPI-Based COLA

This option generally prevents further loss of value.

This option would apply an automatic CPI-based COLA to the death benefit. The COLA would be modeled after the COLA provided for pensions in the Plans 2/3. The amount of the death benefit would annually increase based on cumulative changes in the CPI-W, STB, up to a maximum of 3 percent per year. This is the approach that has been taken by the SCPP in the past and has been rejected by the Legislature (see **History**).

This option would generally not recover value already lost due to past inflation since the annual increases are capped at 3 percent. The 3 percent cap is a cost-control feature originally intended for pension benefits. It may be of limited value for a death benefit that is paid out infrequently. This option would generally prevent further loss of value due to inflation—while long-term inflation averages 3 percent or less. This approach requires policy makers to give up some control over the benefit amount, but may reduce the need to revisit this in the future.

Option 3: One-Time Adjustment And Automatic CPI-Based COLA

This option recovers lost value and generally prevents further loss.

This option combines the previous two options. It would increase the amount of the death benefit to $205,000 and apply an automatic CPI-based COLA on the new amount.

This option would recover all value lost to past inflation as well as generally prevent further loss of value due to inflation—while long-term inflation averages 3 percent or less. This option has the same policy implications regarding the cap on the automatic COLA as discussed under Option 2. This approach also requires policy makers to give up some control over the benefit amount, but may reduce the need to revisit this in the future.

Option 4: Increase To $175,000

This option recovers some lost value.

This option would increase the amount of the death benefit to $175,000. This option would recover some of the value of the benefit lost to past inflation, but would not fully restore the benefit to its original level. This option would not prevent further loss in value due to future inflation.

Committee Activity

During their September meeting, the Executive Committee of the SCPP directed staff to develop policy options and bring those options back to the full SCPP with pricing.

Staff briefed the Committee on the first three options at the October meeting. Following the meeting, the Chair requested staff to prepare draft legislation and pricing for an additional option of increasing the benefit to $175,000.

At the November meeting, staff briefed the Committee on Option 4 and a public hearing was held. The Committee moved this issue to December for another public hearing.

The Committee held a second public hearing in December and took executive action recommending Option 4 to the Legislature.

Executive Committee Recommendation

None.

Stakeholder Input

Correspondence attached from:

Kelly Fox, Chair, LEOFF 2 Board, 5/12/2008, and 6/30/2008.

Correspondence on file from:

John Kvamme, WASA & AWSP consultant, 5/15/2008.

Recommendation To 2009 Legislature

Increase the amount of the death benefit from $150,000 to $175,000. Recommended December 16, 2008.

Bill Draft

A Code Reviser bill draft to implement the SCPP recommendation is attached (Z-0399.1/09).

Draft Fiscal Note

Attached.

Appendix A: History Of Legislative Changes To The $150,000 Death Benefit*

History of Legislative Changes to the $150,000 Death Benefit		
Year	**Bill**	**Effect**
1996	E2SSB 5322	$150,000 death benefit established for LEOFF and WSP.
1998	SB 5217 ESB 6305	$150,000 death benefit established in VFF. $150,000 death benefit is established for survivors of PERS 1 port and university police officers.
1999	ESSB 5180 (Budget)	$150,000 death benefit provided to teachers and paid as sundry claim from general fund. Expired 6/30/2001.
2000	EHB 2487 (Budget)	$150,000 death benefit provided to school district employees and paid as sundry claim from general fund. Expired 6/30/2001.
2001	ESSB 6153 (Budget)	$150,000 death benefit provided to state, school district, and higher education employees and paid as sundry claim from general fund. Expired 6/30/2003.
2003	HB 1207	$150,000 death benefit established in PERS, TRS, and SERS. Benefit also provided as a sundry claim to the general fund for state, school district, and higher education employees who are not eligible to receive the benefit from a state retirement system.
2006	SHB 2933	Eligibility for the $150,000 death benefit expanded to include death from duty-related illness for LEOFF 2.
2007	SHB PL 1266	Eligibility for the $150,000 death benefit expanded to include death from duty-related illness for all plans.

See **Appendix D for a description of the plan acronyms used.*

Appendix B: Death Benefit Provided For Public Employees*

Death Benefits Provided for Public Employees[1]				
Benefit	**Normal Form**	**Eligible Deaths**	**Amount**	**Annual Adjustment[2]**
LEOFF & WSP Plan 1 Survivor Pension	Annuity	Duty & Non-Duty	50%-60% of AFC	Indexed to CPI
PERS & TRS Plan 1 Survivor Benefit	Annuity or Lump Sum	Duty & Non-Duty	Member's earned benefit or return of contributions with interest (ROC)[3]	Uniform COLA on annuity -- indexed by level 3%
Plans 2/3 Survivor Benefit	Annuity or Lump Sum	Duty & Non-Duty	Member's earned benefit or ROC[3,4]	Annuity Indexed to CPI
VFF Survivor Benefit	Annuity	Duty & Non-Duty	Member's earned benefit	None -- Benefits periodically increased by Board
VFF Duty-Death Survivor Pension	Annuity	Duty	$1,589/month +$137/month per child. As of 7/1/2008.	Indexed to CPI
HIED Survivor Benefit	Annuity or Lump Sum	Duty & Non-Duty	Payout of member's account	None
LEOFF Plan 2 Survivor Health Care	Annuity	Duty	Reimbursement of premiums paid to Health Care Authority—up to $839/month for 2008	Indexed to Health Care Authority medical and dental premiums
L&I Death Benefit	Annuity	Duty	60%-70% of gross wages up to 120% of state average wage[5]	Indexed to state average wage[5]
Social Security Survivor Benefit	Annuity	Duty & Non-Duty	75%-100% of employees earned Social Security benefit	Indexed to CPI
$150,000 Death Benefit	Lump Sum	Duty	$150,000 (+$2,000 in VFF)	None
VFF Funeral Benefit	Lump Sum	Duty	$2,000	None
TRS 1 Death Benefit	Lump Sum	Duty & Non-Duty	$400 or $600	None
L&I Death Lump Sum	Lump Sum	Duty	100% state average monthly wage[5]	Indexed to state average wage[5]
L&I Burial Benefit	Lump Sum	Duty	Up to 200% state average monthly wage[5]	Indexed to state average wage[5]
Social Security Burial Benefit	Lump Sum	Duty & Non-Duty	$255	None
Federal Public Safety Officers' Death Benefit	Lump Sum	Duty	$315,746 as of 10/01/2008	Indexed to CPI

1. Eligibility varies by group. Some benefits are not available to all groups and some groups may be eligible for multiple benefits. Excludes employer provided life insurance.

2. Excludes optional COLAs purchased by recipient.

3. Actuarial reduction applied if death is not duty-related.

4. 150% ROC for LEOFF Plan 2; payout of member's DC account for Plans 3.

5. $3,727 as of 7/01/2008.

*See **Appendix D** for a description of the plan acronyms used.

Appendix C: Indexing Benefits

A frequently used method of protecting the value of a benefit against inflation is indexing. Indexing involves making annual adjustments to the benefit amount based on changes in an underlying measure of inflation.

One of the most commonly used measures of inflation is the Consumer Price Index (CPI). The CPI records changes in the price of a set "market basket" of goods and services at different points in time. The U.S. Department of Labor publishes numerous indexes that measure inflation based on different market baskets and geographic regions. Each CPI produces a slightly different measure of inflation. The CPI most commonly used in Washington State's retirement systems is the Consumer Price Index for Urban Wage Earners and Clerical Workers for Seattle-Tacoma-Bremerton (CPI-W, STB). An individual may experience inflation quite different from that measured by the CPI if the goods and services purchased by the individual do not closely match the market basket used by the CPI.

A key issue in indexing benefits is the amount of inflation protection to provide. The value of a benefit may be:

- Fully protected from inflation (full indexing).
- Protected up to a maximum amount of inflation (partial indexing).
- Protected against a set amount of inflation (level indexing).

A **fully indexed** benefit increases at the same percentage change as inflation each year. This method ensures the full purchasing power of the benefit is always maintained, but can lead to greater than expected costs if actual inflation exceeds the amount assumed for funding the benefit. Examples of fully indexed retirement benefits include Social Security, which is indexed to the CPI-W, All U.S. Cities; and the LEOFF Plan 1 pension, which is indexed to the CPI-W, STB.

A **partially indexed** benefit increases with the percentage change in inflation each year up to a maximum percentage. In years where inflation exceeds the maximum, the benefit will lose some purchasing power.

The index can be designed to allow the benefit to recover lost purchasing power during periods when actual inflation is lower than the maximum. This method can maintain most of the purchasing power of a benefit while controlling costs and promoting stable funding. Examples of partially indexed retirement benefits are Plans 2/3 pensions, which are indexed to the CPI-W, STB, to a maximum of 3 percent.

A **level indexed** benefit increases by a fixed percentage every year. Purchasing power is lost in years when inflation exceeds the fixed percentage and is gained in years when inflation is less than the fixed percentage. This method is simple to administer and can maintain most of the purchasing power of a benefit while controlling costs and promoting stable funding. Under this method, if actual inflation is consistently less than the fixed amount, the purchasing power of the benefit will increase. An example of a level indexed retirement benefit is the PERS and TRS Plan 1 Uniform COLA, which increases by 3 percent each year.

Appendix D: Plan Acronyms

- 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 (WSPRS)
- Volunteer Fire Fighters' and Reserve Officers' Relief and Pension Fund (VFF)
- Judicial Retirement System (JRS)
- Higher Education Retirement Plans (HIED)

P:\Interim Issues-2008\FullReport\150_Thou_Death_Ben_Issue_Paper.doc

Z-0400.1

HOUSE BILL 1547

State of Washington 61st Legislature 2009 Regular Session

By Representatives Bailey, Conway, Seaquist, Crouse, Kenney, Simpson, and Ormsby; by request of Select Committee on Pension Policy and LEOFF Plan 2 Retirement Board

Read first time 01/23/09. Referred to Committee on Ways & Means.

AN ACT Relating to increasing the duty-related death benefit for public employees; amending RCW 41.04.017, 41.24.160, 41.26.048, 41.32.053, 41.35.115, 41.37.110, 41.40.0931, and 41.40.0932; reenacting and amending RCW 43.43.285; and declaring an emergency.

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

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

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

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

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

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

(2) If the widow or widower does not have legal custody of one or more dependent children of the deceased participant or if, after the death of the participant, legal custody of such child or children passes from the widow or widower to another person, any payment on account of such child or children not in the legal custody of the widow or widower shall be made to the person or persons having legal custody of such child or children. Such payments on account of such child or children shall be subtracted from the amount to which such widow or widower would have been entitled had such widow or widower had legal

custody of all the children and the widow or widower shall receive the remainder after such payments on account of such child or children have been subtracted. If there is no widow or widower, or the widow or widower dies while there are children, unemancipated or under eighteen years of age, then the amount of one thousand two hundred seventy-five dollars per month shall be paid for the youngest or only child together with an additional one hundred ten dollars per month for each additional of such children to a maximum of two thousand five hundred fifty dollars per month until they become emancipated or reach the age of eighteen years; and if there are no widow or widower, child, or children entitled thereto, then to his or her parents or either of them the sum of one thousand two hundred seventy-five dollars per month for life, if it is proved to the satisfaction of the board that the parents, or either of them, were dependent on the deceased for their support at the time of his or her death. In any instance in subsections (1) and (2) of this section, if the widow or widower, child or children, or the parents, or either of them, marries while receiving such pension the person so marrying shall thereafter receive no further pension from the fund.

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

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

(1) A one hundred ((~~fifty~~)) <u>seventy-five</u> thousand dollar death benefit shall be paid to the member's estate, or such person or

persons, trust or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's death benefit shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) A one hundred ((~~fifty~~)) <u>seventy-five</u> thousand dollar death benefit shall be paid to the member's estate, or such person or persons, trust or organization as the member has nominated by written designation duly executed and filed with the department. If no such designated person or persons are still living at the time of the member's death, the member's death benefit shall be paid to the member's surviving spouse as if in fact the spouse had been nominated by written designation, or if there is no surviving spouse, then to the member's legal representatives.

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

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

(1) A one hundred ((~~fifty~~)) <u>seventy-five</u> thousand dollar death benefit shall be paid to the member's estate, or such person or persons, trust or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's death benefit shall be paid to the member's surviving spouse as if in fact such spouse had been nominated by written designation, or if there be no such surviving spouse, then to such member's legal representatives.

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

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

<u>NEW SECTION.</u> **Sec. 10.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the

state government and its existing public institutions, and takes effect immediately.

--- END ---

DRAFT
ACTUARY'S FISCAL NOTE

RESPONDING AGENCY:	CODE:	DATE:	PROPOSAL:
Office of the State Actuary	**035**	**12/07/2009**	**$150,000 Duty Related Death Benefit**

WHAT THE READER SHOULD KNOW

The Office of the State Actuary ("we") prepared this draft fiscal note based on our understanding of the proposal as of the date shown above. We intend this draft fiscal note to be used by the Select Committee on Pension Policy and the Law Enforcement Officers' and Fire Fighters' Plan 2 Retirement Board during the 2009 Interim only. If a legislator introduces this proposal as a bill during the next legislative session, we will prepare a final fiscal note based on that bill language. The actuarial results shown in this draft fiscal note may change when we prepare our final version for the Legislature.

We advise readers of this draft fiscal note to seek professional guidance as to its content and interpretation, and not to rely upon this communication without such guidance. Please read the analysis shown in this draft fiscal note as a whole. Distribution of, or reliance on, only parts of this draft fiscal note could result in its misuse and may mislead others.

SUMMARY OF RESULTS

This bill increases the amount of the duty-related death benefit from $150,000 to $175,000. Current law provides the duty-related death benefit to members of all state retirement systems and other public employees who die from duty-related illnesses or injuries. The bill does not apply to duty-related deaths before the effective date of the act.

Impact on Pension Liability			
(Dollars in Millions)	**Current**	**Increase**	**Total**
Today's Value of All Future Pensions	$70,618	$2.9	$70,621
Earned Pensions Not Covered by Today's Assets	$5,410	$0.1	$5,410

Impact on Contribution Rates: (Effective 09/01/2010)						
2010-2011 State Budget	**PERS**	**TRS**	**SERS**	**PSERS**	**LEOFF**	**WSPRS**
Employee (Plan 2)	0.00%	0.00%	0.00%	0.00%	0.01%	0.00%
Employer						
Current Annual Cost	0.00%	0.00%	0.00%	0.00%	0.01%	0.00%
Plan 1 Past Cost	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Total	0.00%	0.00%	0.00%	0.00%	0.01%	0.00%
State					0.00%	

Budget Impacts			
(Dollars in Millions)	**2010-2011**	**2011-2013**	**25-Year**
General Fund-State	$0.0	$0.1	$3.8
Total Employer	$0.1	$0.4	$11.0

See the Actuarial Results section of this draft fiscal note for additional detail.

WHAT IS THE PROPOSED CHANGE?

Summary of Benefit Improvement

This bill 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 (WSPRS).
- Volunteer Firefighters' and Reserve Officers' Relief and Pension Fund (VFFRPF)
- Members of the Judicial Retirement System (JRS).
- Members of the Higher Education Retirement Plans (HIED).
- State, school district, and higher education employees who aren't members of a state retirement system.

This bill increases the amount of the duty-related death benefit from $150,000 to $175,000.

Effective Date: Immediately.

What Is The Current Situation?

The retirement systems and, in some cases, the state general fund pay a lump-sum death benefit for public employees who die as a result of a duty-related injury or illness. The amount of the benefit is currently $150,000. This benefit is provided for all members of PERS, TRS, SERS, PSERS, LEOFF, WSPRS, VFFRPF, JRS, and HIED; and to state, school district and higher education employees who aren't members of a state retirement system. The lump-sum death benefit in VFFRPF includes an additional $2,000.

Who Is Impacted And How?

We estimate this proposal could affect all 312,931 active members of the systems listed above through improved benefits. In addition, this proposal could affect 601 inactive fire fighters of LEOFF who are eligible for the benefit up to five years after separation of service. However, we only expect this benefit to be paid to about one member out of 22,800 members per year over the long-term.

This proposal will increase the lump-sum death benefit by $25,000 for any member that dies as a result of a duty-related injury or illness after the effective date of the bill.

This proposal impacts all 16,626 active Plan 2 members of LEOFF through increased contribution rates. With the exception of WSPRS members, this proposal will not affect member contribution rates in Plan 1 since they are fixed in statute. Additionally, this proposal will not affect member contribution rates in Plan 3 since Plan 3 members do not contribute to their employer-provided defined benefit.

WHY THIS PROPOSAL HAS A COST AND WHO PAYS FOR IT

Why This Proposal Has A Cost

This proposal increases the amount of the lump sum death benefit by $25,000. This increases the present value of future benefits of the affected systems. This proposal will not result in more lump sum death benefits being paid, but when the benefits are paid, the amount will be larger.

Who Will Pay For These Costs?

Each system will subsidize the increase in liability that results from this proposal under their normal cost-sharing formulas:

- LEOFF 2: 50 percent member, 30 percent employer, and 20 percent state.
- Plan 1: 100 percent employer.
- Plan 2: 50 percent member and 50 percent employer.
- Plan 3: 100 percent employer.

HOW WE VALUED THESE COSTS

We changed the lump sum duty death benefit to provide a $175,000 benefit in place of the current $150,000 benefit. We assumed no members of JRS will die from duty-related illness or injury and have excluded these members from this pricing.

Otherwise, we developed these costs using the same assets and data as disclosed in the June 30, 2008, Actuarial Valuation Report (AVR).

We used the Entry Age Normal actuarial funding method to determine the fiscal budget changes for future new entrants. We used the Aggregate actuarial funding method to determine the fiscal budget changes for current plan members.

ACTUARIAL RESULTS

How The Liabilities Changed

This proposal will impact the actuarial funding of the plans by increasing the present value of future benefits payable under the plans as shown in the following table.

Impact on Pension Liability			
(Dollars in Millions)	**Current**	**Increase**	**Total**
Actuarial Present Value of Projected Benefits			
(The Value of the Total Commitment to all Current Members)			
PERS 1	$14,227	$0.0	$14,227
PERS 2/3	22,621	$0.7	22,621
PERS Total	**$36,847**	**$0.7**	**$36,848**
TRS 1	$10,936	$0.0	$10,936
TRS 2/3	7,693	0.1	7,693
TRS Total	**$18,629**	**$0.1**	**$18,629**
SERS 2/3	**$2,940**	**$0.2**	**$2,941**
PSERS 2	**$323**	**$0.0**	**$323**
LEOFF 1	$4,383	$0.1	$4,383
LEOFF 2	6,596	1.8	6,597
LEOFF Total	**$10,979**	**$1.8**	**$10,981**
WSPRS 1/2	**$900**	**$0.0**	**$900**
Unfunded Actuarial Accrued Liability			
(The Portion of the Plan 1 Liability that is Amortized to 2024)			
PERS 1	**$4,092**	**$0.0**	**$4,092**
TRS 1	**$2,527**	**$0.0**	**$2,527**
LEOFF 1	**($1,209)**	**$0.1**	**($1,209)**
Unfunded PUC Liability			
(The Value of the Total Commitment to all Current Members Attributable to Past Service that is not covered by current assets)			
PERS 1	$4,062	$0.0	$4,062
PERS 2/3	(2,627)	0.7	(2,627)
PERS Total	**$1,434**	**$0.7**	**$1,435**
TRS 1	$2,530	$0.0	$2,530
TRS 2/3	(1,152)	0.1	(1,152)
TRS Total	**$1,378**	**$0.1**	**$1,378**
SERS 2/3	**($397)**	**$0.2**	**($397)**
PSERS 2	**($8)**	**$0.0**	**($8)**
LEOFF 1	($1,238)	$0.1	($1,238)
LEOFF 2	(1,266)	1.8	(1,265)
LEOFF Total	**($2,505)**	**$1.8**	**($2,503)**
WSPRS 1/2	**($150)**	**$0.0**	**($150)**

Note: Totals may not agree due to rounding.

In addition, this proposal increases the relief liability of the VFFRPF by $125,000**.** Currently, the Board for VFFRPF pays for all relief costs as they come due (no prefunding).

We did not value the impact of this proposal on the following members since we do not currently value them in any of our actuarial valuations:

- 2,551 Volunteer Fire Fighters that are not members of the pension plan.
- Members of HIED.
- State, school district, and higher education employees who aren't members of the Washington State Retirement Systems.

How Contribution Rates Changed

The rounded increase in the required actuarial contribution rate results in the supplemental contribution rate shown on pageone1 that applies in the current biennium. However, we will use the un-rounded rate increase to measure the budget changes in future biennia.

Impact on Contribution Rates: (Effective 09/01/2010)						
System/Plan	**PERS**	**TRS**	**SERS**	**PSERS**	**LEOFF**	**WSPRS**
Current Members						
Employee (Plan 2)	0.001%	0.000%	0.001%	0.000%	0.005%	0.003%
Employer:						
Normal Cost	0.001%	0.000%	0.001%	0.000%	0.003%	0.003%
Plan 1 UAAL	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%
Total	0.001%	0.000%	0.001%	0.000%	0.003%	0.003%
State					0.002%	
New Entrants*						
Employee (Plan 2)	0.001%	0.000%	0.002%	0.001%	0.008%	0.005%
Employer:						
Normal Cost	0.001%	0.000%	0.002%	0.001%	0.005%	0.005%
Plan 1 UAAL	0.000%	0.000%	0.000%	0.000%	0.000%	0.000%
Total	0.001%	0.000%	0.002%	0.001%	0.005%	0.005%
State					0.003%	

**Rate change applied to future new entrant payroll and used to determine budget impacts only. Current members and new entrants pay the same contribution rate.*

How This Impacts Budgets And Employees

Budget Impacts							
(Dollars in Millions)	**PERS**	**TRS**	**SERS**	**PSERS**	**LEOFF**	**WSPRS**	**Total**
2010-2011							
General Fund	$0.0	$0.0	$0.0	$0.0	$0.0	$0.0	$0.0
Non-General Fund	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total State	**$0.0**	**$0.0**	**$0.0**	**$0.0**	**$0.0**	**$0.0**	**$0.0**
Local Government	0.0	0.0	0.0	0.0	0.1	0.0	0.1
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**
2011-2013							
General Fund	$0.0	$0.0	$0.0	$0.0	$0.1	$0.0	$0.1
Non-General Fund	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total State	**$0.1**	**$0.0**	**$0.0**	**$0.0**	**$0.1**	**$0.0**	**$0.2**
Local Government	0.1	0.0	0.0	0.0	0.1	0.0	0.2
Total Employer	**$0.1**	**$0.0**	**$0.1**	**$0.0**	**$0.2**	**$0.0**	**$0.4**
Total Employee	**$0.1**	**$0.0**	**$0.0**	**$0.0**	**$0.2**	**$0.0**	**$0.3**
2010-2035							
General Fund	$0.7	$0.4	$0.5	$0.0	$2.2	$0.0	$3.8
Non-General Fund	1.0	0.0	0.0	0.0	0.0	0.1	1.1
Total State	**$1.7**	**$0.4**	**$0.5**	**$0.1**	**$2.2**	**$0.2**	**$5.0**
Local Government	1.8	0.2	0.7	0.0	3.4	0.0	6.1
Total Employer	**$3.5**	**$0.6**	**$1.2**	**$0.1**	**$5.6**	**$0.2**	**$11.0**
Total Employee	**$2.4**	**$0.3**	**$0.7**	**$0.1**	**$5.6**	**$0.2**	**$9.1**

Note: Totals may not agree due to rounding.

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

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

HOW THE RESULTS CHANGE WHEN THE ASSUMPTIONS CHANGE

To determine the sensitivity of the actuarial results to the best-estimate assumptions used in this pricing, we varied the duty-related death assumption for LEOFF 2. We chose LEOFF 2 for our sensitivity testing for two reasons:

1. We developed our current duty-related death assumptions for LEOFF 2 in 2006 and 2007 in response to new laws for duty-related injuries and illnesses. We have not had sufficient experience in the plan to determine if these assumptions are accurate in the long-term. As a result, there is a higher risk for this pricing with LEOFF 2.

2. If we experience any catastrophic events impacting duty-related injuries or illnesses that result in death, we expect this will affect our law enforcement officers and fire fighters. A single catastrophic event, while short-term, could add a significant cost to the plan, particularly with lump-sum benefits.

We changed the duty-related death assumption by doubling the rate of deaths that we expect will result from a duty-related injury or illness. We did not increase our mortality assumptions, only the number of deaths that are duty-related. The next table shows our current assumptions ("Base Assumptions") and increased assumptions ("Sensitivity Assumptions").

	Base Assumptions	Sensitivity Assumptions
Duty Death Rate	0.0376%	0.0752%
Occupational Disease Death Rate (Fire Fighters only)		
Age 20-49	14.742%	29.484%
Age 50+	27.393%	54.786%

The result of increasing the rate of deaths from a duty-related injury or illness is detailed in the following table. We compare the assumptions used in this proposal ("Best Estimate Pricing") with the increased assumptions ("Sensitivity Pricing") to show the sensitivity of this pricing proposal on the duty-related death assumptions.

(Dollars in Millions)	Best Estimate Pricing	Sensitivity Pricing
Liability Increase	$1.8	$3.4
Contribution Rate Increase		
Employee	0.005%	0.010%
Employer	0.003%	0.006%
State	0.002%	0.004%
Budget Impacts		
2010-2011		
General Fund - State	$0.0	$0.0
Total Employer	$0.1	$0.1

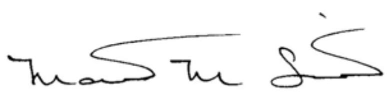
There is also a possibility that fewer duty-related deaths will occur than we assume for LEOFF 2 in the future. If we tested the sensitivity of the results to lower rates, we would expect lower costs than our pricing of this proposal shows.

ACTUARY'S CERTIFICATION

The undersigned hereby certifies that:

1. The actuarial cost and asset valuation methods are appropriate for the purposes of this pricing exercise.
2. The actuarial assumptions used are appropriate for the purposes of this pricing exercise.
3. The data on which this draft fiscal note is based are sufficient and reliable for the purposes of this pricing exercise.
4. Use of another set of methods and assumptions may also be reasonable and might produce different results.
5. We prepared this draft fiscal note for the Select Committee on Pension Policy and the Law Enforcement Officers' and Fire Fighters' Plan 2 Retirement Board.
6. We prepared this draft fiscal note and provided opinions in accordance with Washington State law and accepted actuarial standards of practice as of the date shown on page one of this draft fiscal note.

While this draft fiscal note is meant to be complete, the undersigned is available to provide extra advice and explanations as needed.



Matthew M. Smith, FCA, EA, MAAA
State Actuary

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 on 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.
- 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.

Projected Unit Credit (PUC) Liability: 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 PUC Liability: The excess, if any, of the Present Value of Benefits calculated under the PUC cost method 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.

RECEIVED

JUN - 8 2009

Office of
The State Actuary

STATE OF WASHINGTON

LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS'
PLAN 2 RETIREMENT BOARD

P.O. Box 40918 • Olympia, Washington 98504-0918 • (360) 586-2320 • FAX (360) 586-2329 • www.leoff.wa.gov

June 8, 2009

RECEIVED

JUN - 8 2009

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' Plan 2 Retirement Board (LEOFF 2 Board), I would like to thank you for the cooperative working relationship we have shared during the past 6 years and look forward to a similar partnership in the future.

I would like to bring several topics back to your attention as you begin preparation for the 2009 interim. It is our hope that the Select Committee on Pension Policy (SCPP) and the LEOFF 2 Board can work cooperatively on these issues. I have provided a brief summary of each topic for your reference:

Duty-Related Death Benefit
The LEOFF 2 Board and the SCPP jointly recommended legislation last session to increase the lump-sum benefit provided to beneficiaries of all retirement system members who die in the course of their service to the public. That legislation did not pass.

Annuity Purchase
Under current law, Plan 3 members (TRS, PERS & SERS) can purchase an annuity out of the combined trust fund. Plan 2 and Plan 3 members may purchase additional service credit at the time of normal retirement by paying the actuarial cost of the additional service, but they are limited to five years. Members who have assets in excess of the purchase cost for the maximum five years could benefit from another avenue to invest those assets.

Survivor Factors
The current benefit calculation methodology uses joint and survivor factors to calculate a survivor retirement even though just one spouse is alive at the time of retirement. This practice results in a greater reduction for the surviving spouse than using a reduction factor based on just their lifetime.

Service Credit for Shared Leave
State employees who use shared leave get to include the associated hours and salary in the calculation of their pension benefit. However, local government employees do not get to include shared leave for either service credit or the calculation of their average final salary.

Furloughs
The Legislature passed a bill in the 2009 session that provided retirement protections for state and local government PERS employees who take unpaid leave of absences as a means of addressing budget challenges. Public employees who are members of other retirement systems could also benefit from similar protection.

The LEOFF 2 Board also would like to respectfully request that the legislative sponsorship of any bills that are jointly recommended by the Board and the SCPP to the Legislature for the 2010 legislative session be coordinated between the Chair of the LEOFF 2 Board and the Chair of the SCPP.

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

Kelly Fox, Chair

cc: Matt Smith, State Actuary

HB 2519: LEOFF 2 Board Duty-Death Bill

Summary of Bill

This bill makes changes to duty-related death benefits for public safety officers provided in retirement statutes, workers' compensation statutes, and higher education statutes. The retirement system changes affect members of the Law Enforcement Officers' and Firefighters' Retirement System (LEOFF) and the Washington State Patrol Retirement System (WSPRS).

This bill makes the following changes:

- Removes the ten year service requirement in LEOFF 2 and WSPRS 2 for survivors of duty-related deaths to qualify for a survivor annuity.*
- Removes the actuarial reduction for a joint and 100 percent survivor option applied to survivor annuities in LEOFF 2 and WSPRS 2 for survivors of duty-related deaths.*
- Provides a minimum survivor annuity in LEOFF 2 and WSPRS 2 of 10 percent of Average Final Salary (AFS) for survivors of duty related deaths.*
- Increases the lump-sum duty-death benefit in both plans of LEOFF and WSPRS to $214,000 and applies an automatic Cost-Of-Living-Adjustment (COLA) modeled after the Plan 2 COLA. **
- Requires workers' compensation benefits provided to surviving spouses of LEOFF or WSPRS members who die from duty-related causes to continue after remarriage. Benefits for surviving spouses that were previously stopped due to remarriage will resume after the effective date of the bill.
- Requires universities and colleges to waive all tuition, service fees, and activity fees for children and surviving spouses of public safety officers who are killed or totally disabled in the line-of-duty.

**Changes are retroactive to the opening of the plans (October 1, 1977, for LEOFF 2, and January 1, 2003, for WSPRS 2) for purposes of determining eligibility for the improved benefits. Actual benefit increases would be paid prospectively from the effective date of the bill.*

***Retroactive to qualifying deaths occurring since January 1, 2009.*

Sectional Analysis

<u>The following is a brief description of the individual bill sections.</u>

Section 1: Amends LEOFF 2 statutes to enhance the survivor annuity provided for survivors of duty-related deaths: removes ten year service requirement to qualify, removes actuarial reduction, and provides a minimum annuity of 10 percent of AFS.

Section 2: Amends LEOFF statutes to increase the duty-death benefit to $214,000 and apply an automatic COLA to the benefit amount.

Section 3: Amends workers' compensation statutes to continue benefits after remarriage for surviving spouses of LEOFF and WSPRS member who die from duty-related causes. Requires benefits that were previously stopped due to remarriage to resume after the effective date of the act.

Section 4: Amends higher education statutes to require universities to waive all tuition, service fees, and activity fees for children and surviving spouses of law enforcement officers, firefighters, or state patrol officers who are killed or totally disabled in the line-of-duty.

Section 5: Amends higher education statutes to require community colleges to waive all tuition, service fees, and activity fees for children and surviving spouses of law enforcement officers, firefighters, or state patrol officers who are killed or totally disabled in the line-of-duty.

Section 6: Amends WSPRS 2 statutes to enhance the survivor annuity provided for survivors of duty-related deaths: removes ten year service requirement to qualify, removes actuarial reduction, and provides a minimum annuity of 10 percent of AFS.

Section 7: Amends WSPRS statutes to increase the duty-death benefit to $214,000 and apply an automatic COLA to the benefit amount.

Section 8: Makes Section 1 of the act retroactive to duty-related deaths occuring since October 1, 1977. Changes are retroactive for purposes of determining eligibility for the improved benefits–actual benefit increases would be paid prospectively from the effective date of the bill.

Section 9: Makes Section two & seven of the act retroactive to duty-related deaths occuring since January 1, 2009.

Section 10: Makes Section 6 of the act retroactive to duty-related deaths occuring since January 1, 2003. Changes are retroactive for purposes of determining eligibility for the improved benefits–actual benefit increases would be paid prospectively from the effective date of the bill.

O:\SCPP\2010\1-18-10_Special\2.LEOFF2_Duty_Death_Benefits_Bill_Sectional.docx

Z-1024.2

HOUSE BILL 2519

State of Washington 61st Legislature 2010 Regular Session

By Representatives Green, Hope, Ericks, Maxwell, Sullivan, Upthegrove, Carlyle, Conway, Simpson, Van De Wege, Kenney, Morrell, Hurst, Campbell, and Kelley; by request of LEOFF Plan 2 Retirement Board

Prefiled 01/04/10. Read first time 01/11/10. Referred to Committee on Ways & Means.

AN ACT Relating to duty-related death benefits for public safety employees; amending RCW 41.26.048, 51.32.050, 28B.15.380, 28B.15.520, and 43.43.285; reenacting and amending RCW 41.26.510 and 43.43.295; and creating new sections.

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

Sec. 1. RCW 41.26.510 and 2009 c 523 s 7 and 2009 c 226 s 2 are each reenacted and amended to read as follows:

(1) Except as provided in RCW 11.07.010, if a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's estate, or such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount

identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse or domestic partner as if in fact such spouse or domestic partner had been nominated by written designation, or if there be no such surviving spouse or domestic partner, then to such member's legal representatives.

(2) ((~~If~~)) Except as provided in subsection (4) of this section, if a member who is killed in the course of employment or a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse, domestic partner, or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 41.26.430, actuarially reduced by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670 and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 41.26.460 and if the member was not eligible for normal retirement at the date of death a further reduction as described in RCW 41.26.430; if a surviving spouse or domestic partner who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse or domestic partner, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse or domestic partner eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated as herein provided making the assumption that the ages of the spouse or domestic partner and member were equal at the time of the member's death; or

(b)(i) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670; or

(ii) If the member dies on or after July 25, 1993, one hundred fifty percent of the member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670. Any accumulated contributions attributable to restorations made under RCW 41.50.165(2) shall be refunded at one hundred percent.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies after October 1, 1977, and is not survived by a spouse, domestic partner, or an eligible child, then the accumulated contributions standing to the member's credit, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid:

(a) To an estate, a person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

(4) The retirement allowance of a member who is killed in the course of employment, as determined by the director of the department of labor and industries, or the retirement allowance of a member who has left the employ of an employer due to service in the national guard or military reserves and dies while honorably serving in the national guard or military reserves during a period of war as defined in RCW 41.04.005, is not subject to an actuarial reduction <u>for early retirement as provided in RCW 41.26.430 or an actuarial reduction to reflect a joint and one hundred percent survivor option under RCW 41.26.460</u>. The member's retirement allowance is computed under RCW 41.26.420<u>, except that the member shall be entitled to a minimum retirement allowance equal to ten percent of such member's final average salary. The member shall additionally receive a retirement allowance equal to two percent of such member's average final salary for each year of service beyond five</u>.

(5) The retirement allowance paid to the spouse or domestic partner and dependent children of a member who is killed in the course of employment, as set forth in RCW 41.05.011((~~(14)~~)) <u>(16)</u>, shall include reimbursement for any payments of premium rates to the Washington state health care authority pursuant to RCW 41.05.080.

Sec. 2. RCW 41.26.048 and 2009 c 523 s 4 are each amended to read as follows:

(1) A ((~~one hundred fifty~~)) <u>two hundred fourteen</u> thousand dollar death benefit shall be paid to the member's estate, or such person or persons, trust or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's death benefit shall be paid to the member's surviving spouse or domestic partner as if in fact such spouse or domestic partner had been nominated by written designation, or if there be no such surviving spouse or domestic partner, then to such member's legal representatives.

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

<u>(3)(a) Beginning July 1, 2010, and every year thereafter, the department shall determine the following information:</u>

<u>(i) The index for the 2008 calendar year, to be known as "index A;"</u>

<u>(ii) The index for the calendar year prior to the date of determination, to be known as "index B;" and</u>

<u>(iii) The ratio obtained when index B is divided by index A.</u>

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

<u>(i) Produce a benefit which is lower than two hundred fourteen thousand dollars;</u>

<u>(ii) Exceed three percent in the initial annual adjustment; or</u>

<u>(iii) Differ from the previous year's annual adjustment by more than three percent.</u>

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

Sec. 3. RCW 51.32.050 and 2007 c 284 s 1 are each amended to read as follows:

(1) Where death results from the injury the expenses of burial not to exceed two hundred percent of the average monthly wage in the state as defined in RCW 51.08.018 shall be paid.

(2)(a) Where death results from the injury, a surviving spouse of a deceased worker eligible for benefits under this title shall receive monthly for life or until remarriage payments according to the following schedule:

(i) If there are no children of the deceased worker, sixty percent of the wages of the deceased worker;

(ii) If there is one child of the deceased worker and in the legal custody of such spouse, sixty-two percent of the wages of the deceased worker;

(iii) If there are two children of the deceased worker and in the legal custody of such spouse, sixty-four percent of the wages of the deceased worker;

(iv) If there are three children of the deceased worker and in the legal custody of such spouse, sixty-six percent of the wages of the deceased worker;

(v) If there are four children of the deceased worker and in the legal custody of such spouse, sixty-eight percent of the wages of the deceased worker; or

(vi) If there are five or more children of the deceased worker and in the legal custody of such spouse, seventy percent of the wages of the deceased worker.

(b) <u>A surviving spouse of a member of the law enforcement officers' and firefighters' retirement system under chapter 41.26 RCW or the state patrol retirement system under chapter 43.43 RCW who is entitled to benefits under this section must continue to receive benefits under this section monthly for life. Such surviving spouse shall not be eligible to receive a lump-sum payment under (g) of this subsection. After the effective date of this section, the monthly payments to any such surviving spouse which have been suspended pursuant to (d) or (g) of this subsection shall resume. However, the monthly payments to any spouse who received a lump-sum payment under (g) of this subsection shall be actuarially reduced to reflect the amount of the lump-sum payment.</u>

(c) Where the surviving spouse does not have legal custody of any child or children of the deceased worker or where after the death of the worker legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children. The amount of such payments shall be five percent of the monthly benefits payable as a result of the worker's death for each such child but such payments shall not exceed twenty-five percent. Such payments on account of such child or children shall be subtracted from the amount to which such surviving spouse would have been entitled had such surviving spouse had legal custody of all of the children and the surviving spouse shall receive the remainder after such payments on account of such child or children have been subtracted. Such payments on account of a child or children not in the legal custody of such surviving spouse shall be apportioned equally among such children.

((~~(c)~~)) (d) Except as provided in (b) of this subsection, payments to the surviving spouse of the deceased worker shall cease at the end of the month in which remarriage occurs: PROVIDED, That a monthly payment shall be made to the child or children of the deceased worker from the month following such remarriage in a sum equal to five percent of the wages of the deceased worker for one child and a sum equal to five percent for each additional child up to a maximum of five such children. Payments to such child or children shall be apportioned equally among such children. Such sum shall be in place of any payments theretofore made for the benefit of or on account of any such child or children. If the surviving spouse does not have legal custody of any child or children of the deceased worker, or if after the death of the worker, legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children.

((~~(d)~~)) (e) In no event shall the monthly payments provided in subsection (2) of this section:

(i) Exceed the applicable percentage of the average monthly wage in the state as computed under RCW 51.08.018 as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

(ii) For dates of injury or disease manifestation after July 1, 2008, be less than fifteen percent of the average monthly wage in the state as computed under RCW 51.08.018 plus an additional ten dollars per month for a surviving spouse and an additional ten dollars per month for each child of the worker up to a maximum of five children. However, if the monthly payment computed under this subsection (2)((~~(d)~~)) (e)(ii) is greater than one hundred percent of the wages of the deceased worker as determined under RCW 51.08.178, the monthly payment due to the surviving spouse shall be equal to the greater of the monthly wages of the deceased worker or the minimum benefit set forth in this section on June 30, 2008.

((~~(e)~~)) (f) In addition to the monthly payments provided for in subsection (2)(a) through ((~~(c)~~)) (d) of this section, a surviving spouse or child or children of such worker if there is no surviving spouse, or dependent parent or parents, if there is no surviving spouse or child or children of any such deceased worker shall be forthwith paid a sum equal to one hundred percent of the average monthly wage in the state as defined in RCW 51.08.018, any such children, or parents to share and share alike in said sum.

((~~(f)~~)) (g) Upon remarriage of a surviving spouse the monthly payments for the child or children shall continue as provided in this section, but the monthly payments to such surviving spouse shall cease at the end of the month during which remarriage occurs, except as provided in (b) of this subsection. However, after September 8, 1975, an otherwise eligible surviving spouse of a worker who died at any time prior to or after September 8, 1975, shall have an option of:

(i) Receiving, once and for all, a lump sum of twenty-four times the monthly compensation rate in effect on the date of remarriage allocable to the spouse for himself or herself pursuant to subsection (2)(a)(i) of this section and subject to any modifications specified under subsection (2)((~~(d)~~)) (e) of this section and RCW 51.32.075(3) or fifty percent of the then remaining annuity value of his or her pension, whichever is the lesser: PROVIDED, That if the injury occurred prior to July 28, 1991, the remarriage benefit lump sum available shall be as provided in the remarriage benefit schedules then in effect; or

(ii) If a surviving spouse does not choose the option specified in subsection (2)((~~(f)~~)) (g)(i) of this section to accept the lump sum payment, the remarriage of the surviving spouse of a worker shall not bar him or her from claiming the lump sum payment authorized in subsection (2)((~~(f)~~)) (g)(i) of this section during the life of the remarriage, or shall not prevent subsequent monthly payments to him or to her if the remarriage has been terminated by death or has been dissolved or annulled by valid court decree provided he or she has not previously accepted the lump sum payment.

((~~(g)~~)) (h) If the surviving spouse during the remarriage should die without having previously received the lump sum payment provided in subsection (2)((~~(f)~~)) (g)(i) of this section, his or her estate shall be entitled to receive the sum specified under subsection (2)((~~(f)~~)) (g)(i) of this section or fifty percent of the then remaining annuity value of his or her pension whichever is the lesser.

((~~(h)~~)) (i) The effective date of resumption of payments under subsection (2)((~~(f)~~)) (g)(ii) of this section to a surviving spouse based upon termination of a remarriage by death, annulment, or dissolution shall be the date of the death or the date the judicial decree of annulment or dissolution becomes final and when application for the payments has been received.

((~~(i)~~)) (j) If it should be necessary to increase the reserves in the reserve fund or to create a new pension reserve fund as a result of the amendments in chapter 45, Laws of 1975-'76 2nd ex. sess., the amount of such increase in pension reserve in any such case shall be transferred to the reserve fund from the supplemental pension fund.

(3) If there is a child or children and no surviving spouse of the deceased worker or the surviving spouse is not eligible for benefits under this title, a sum equal to thirty-five percent of the wages of the deceased worker shall be paid monthly for one child and a sum equivalent to fifteen percent of such wage shall be paid monthly for each additional child, the total of such sum to be divided among such

children, share and share alike: PROVIDED, That benefits under this subsection or subsection (4) of this section shall not exceed the lesser of sixty-five percent of the wages of the deceased worker at the time of his or her death or the applicable percentage of the average monthly wage in the state as defined in RCW 51.08.018, as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

(4) In the event a surviving spouse receiving monthly payments dies, the child or children of the deceased worker shall receive the same payment as provided in subsection (3) of this section.

(5) If the worker leaves no surviving spouse or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty percent of the average monthly support actually received by such dependent from the worker during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed the lesser of sixty-five percent of the wages of the deceased worker at the time of his or her death or the applicable percentage of the average monthly wage in the state as defined in RCW 51.08.018 as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years except such payments shall continue until the dependent reaches age twenty-three while permanently enrolled at a full time course in an accredited school. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

(6) For claims filed prior to July 1, 1986, if the injured worker dies during the period of permanent total disability, whatever the cause of death, leaving a surviving spouse, or child, or children, the surviving spouse or child or children shall receive benefits as if death resulted from the injury as provided in subsections (2) through (4) of this section. Upon remarriage or death of such surviving spouse, the payments to such child or children shall be made as provided in subsection (2) of this section when the surviving spouse of a deceased worker remarries.

(7) For claims filed on or after July 1, 1986, every worker who becomes eligible for permanent total disability benefits shall elect an option as provided in RCW 51.32.067.

Sec. 4. RCW 28B.15.380 and 2005 c 249 s 2 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the state universities, the regional universities, and The Evergreen State College ((~~may~~)) shall exempt the following students from the payment of all ((~~or a portion of~~)) tuition fees and services and activities fees:

(1) Children of any law enforcement officer ((~~or~~)), firefighter, or Washington state patrol officer who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state: PROVIDED, That such persons may receive the exemption only if they begin their course of study at a state-supported college or university within ten years of their graduation from high school; and

(2) Surviving spouses of any law enforcement officer, firefighter, or Washington state patrol officer who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state.

Sec. 5. RCW 28B.15.520 and 2007 c 355 s 6 are each amended to read as follows:

Subject to the limitations of RCW 28B.15.910, the governing boards of the community colleges may:

(1) Waive all or a portion of tuition fees and services and activities fees for:

(a) Students nineteen years of age or older who are eligible for resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015, who enroll in a course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate, but who are not eligible students as defined by RCW 28A.600.405; and shall waive all of tuition fees and services and activities fees for:

(b) Children of any law enforcement officer ((~~or~~)), firefighter, or Washington state patrol officer who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state: PROVIDED, That such persons may receive the waiver only if they begin their course of study at a community college within ten years of their graduation from high school; and

(c) Surviving spouses of any law enforcement officer, firefighter, or Washington state patrol officer who lost his or her life or became totally disabled in the line of duty while employed by any public law enforcement agency or full time or volunteer fire department in this state;

(2) Waive all or a portion of the nonresident tuition fees differential for:

(a) Nonresident students enrolled in a community college course of study or program which will enable them to finish their high school education and obtain a high school diploma or certificate but who are not eligible students as defined by RCW 28A.600.405. The waiver shall be in effect only for those courses which lead to a high school diploma or certificate; and

(b) Up to forty percent of the students enrolled in the regional education program for deaf students, subject to federal funding of such program.

Sec. 6. RCW 43.43.295 and 2009 c 522 s 8 and 2009 c 226 s 4 are each reenacted and amended to read as follows:

(1) For members commissioned on or after January 1, 2003, except as

provided in RCW 11.07.010, if a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's estate, or such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse or domestic partner as if in fact such spouse or domestic partner had been nominated by written designation, or if there be no such surviving spouse or domestic partner, then to such member's legal representatives.

(2) If <u>a member who is killed in the course of employment or</u> a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or domestic partner or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 43.43.260, actuarially reduced, except under subsection (4) of this section, by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670 and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 43.43.278 and if the member was not eligible for normal retirement at the date of death a further reduction from age fifty-five or when the member could have attained twenty-five years of service, whichever is less; if a surviving spouse or domestic partner who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse or domestic partner, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse or domestic partner eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated under this section making the assumption that the ages of the spouse or domestic partner and member were equal at the time of the member's death; or

(b)(i) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670; or

(ii) If the member dies, one hundred fifty percent of the member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670. Any accumulated contributions attributable to restorations made under RCW 41.50.165(2) shall be refunded at one hundred percent.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, and is not survived by a spouse or domestic partner or an eligible child, then the accumulated contributions standing to the member's credit, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid:

(a) To an estate, a person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

(4) The retirement allowance of a member who is killed in the course of employment, as determined by the director of the department of labor and industries, or the retirement allowance of a member who has left the employ of an employer due to service in the national guard or military reserves and dies while honorably serving in the national guard or military reserves during a period of war as defined in RCW 41.04.005, is not subject to an actuarial reduction for early retirement if the member was not eligible for normal retirement or an actuarial reduction to reflect a joint and one hundred percent survivor option under RCW 43.43.278. The member is entitled to a minimum retirement allowance equal to ten percent of such member's final

average salary. The member shall additionally receive a retirement allowance equal to two percent of such member's average final salary for each year of service beyond five.

Sec. 7. RCW 43.43.285 and 2009 c 522 s 7 are each amended to read as follows:

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

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

(b) The retirement allowance paid to the spouse or domestic partner and dependent children of a member who is killed in the course of employment, as set forth in RCW 41.05.011((~~(14)~~)) (16), shall include reimbursement for any payments of premium rates to the Washington state health care authority under RCW 41.05.080.

(3)(a) Beginning July 1, 2010, and every year thereafter, the department shall determine the following information:

(i) The index for the 2008 calendar year, to be known as "index A";

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

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

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

(i) Produce a benefit which is lower than two hundred fourteen thousand dollars;

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

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

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

NEW SECTION. **Sec. 8.** Section 1 of this act applies prospectively to the benefits of all members killed in the course of employment since October 1, 1977.

NEW SECTION. **Sec. 9.** Sections 2 and 7 of this act apply to the benefits of all members killed in the course of employment since January 1, 2009.

NEW SECTION. **Sec. 10.** Section 6 of this act applies prospectively to the benefits of all members killed in the course of employment since January 1, 2003.

--- END ---

ACTUARY'S FISCAL NOTE

RESPONDING AGENCY:	CODE:	DATE:	BILL:
Office of the State Actuary	**035**	**1/15/2010**	**HB 2519 / SB 6407**

WHAT THE READER SHOULD KNOW

The Office of the State Actuary ("we") prepared this fiscal note based on our understanding of the bill as of the date shown above. We intend this fiscal note to be used by the Legislature during the 2010 Legislative Session only.

We advise readers of this fiscal note to seek professional guidance as to its content and interpretation, and not to rely upon this communication without such guidance. Please read the analysis shown in this fiscal note as a whole. Distribution of, or reliance on, only parts of this fiscal note could result in its misuse, and may mislead others.

SUMMARY OF RESULTS

This bill changes duty-related death benefits for certain public safety officers provided in retirement statutes, workers compensation statutes, and higher education statutes.

Impact on Pension Liability			
(Dollars in Millions)	**Current**	**Increase**	**Total**
Today's Value of All Future Pensions	$70,618	$16.7	$70,634
Earned Pensions Not Covered by Today's Assets	$5,410	$0.2	$5,410

Impact on Contribution Rates: (Effective 9/1/2010)		
2010-2011 State Budget	**LEOFF**	**WSPRS**
Employee (Plan 2)	0.05%	0.01%
Employer:		
Current Annual Cost	0.03%	0.01%
Plan 1 Past Cost	0.00%	0.00%
Total	0.03%	0.01%
State:		
Current Annual Cost	0.02%	
Plan 1 Past Cost	0.00%	
Total	0.02%	

Budget Impacts			
(Dollars in Millions)	**2010-2011**	**2011-2013**	**25-Year**
General Fund-State	$0.3	$0.7	$18.1
Total Employer	$0.7	$1.8	$45.9

See the Actuarial Results section of this fiscal note for additional detail.

WHAT IS THE PROPOSED CHANGE?

Summary of Benefit Improvement

This bill changes duty-related death benefits for certain public safety officers provided in retirement statutes, workers' compensation statutes, and higher education statutes. The retirement system changes impact the following systems:

- Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF)
- Washington State Patrol Retirement System (WSPRS)

This bill makes the following changes in LEOFF and WSPRS:

- Removes the ten-year service requirement in LEOFF 2 and WSPRS 2 for survivors of duty-related deaths to qualify for a survivor annuity.
- Removes the actuarial reduction for a joint and 100 percent survivor option applied to survivor annuities in LEOFF 2 and WSPRS 2 for survivors of duty-related deaths.
- Provides a minimum survivor annuity in LEOFF 2 and WSPRS 2 of 10 percent of final average salary for survivors of duty-related deaths.
- Increases the lump-sum, duty-related death benefit in all plans of LEOFF and WSPRS to $214,000 and applies an automatic Cost-Of-Living-Adjustment (COLA) modeled after the Plan 2 COLA.

This bill provides an automatic adjustment to the lump-sum, duty-related death benefit amount that is modeled after the Plan 2 COLA. The bill indexes the benefit amount 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 3 percent. The bill would not allow the amount of the benefit to decrease below $214,000 in periods of deflation.

Several of the changes in the bill would apply retroactively to qualifying deaths that occurred prior to the effective date of the bill. Changes to survivor annuities are retroactive to the opening of the plans (October 1, 1977, for LEOFF 2; and January 1, 2003, for WSPRS 2) for purposes of determining eligibility for the improved benefits. Actual benefit increases would be paid prospectively from the effective date of the bill – there would be no back-payments. Changes to the lump-sum, duty-related death benefit are retroactive to qualifying deaths that occurred since January 1, 2009.

This bill also makes changes to duty-death benefits provided for certain public safety officers in workers' compensation and higher education statutes. These changes do not impact the retirement systems.

Effective Date: 90 days after session.

What Is The Current Situation?

LEOFF 2 and WSPRS 2 provide optional survivor annuities for qualified survivors of members who die prior to retirement. Survivors of active members who die with less than ten years of service credit are not eligible to receive a survivor annuity. Eligible survivors who elect to receive a survivor annuity will receive an annuity that is actuarially reduced. If the member died of duty-related causes, the survivor annuity is actuarially reduced to reflect a joint and 100 percent survivor option, but not reduced for early commencement. Survivor annuities in LEOFF 2 and WSPRS 2 are based on a formula: 2 percent, times years of service, times final average salary, times an actuarial reduction. There is no minimum amount specified for survivor annuities in either plan.

Survivors of public employees, including LEOFF and WSPRS members, who die as a result of injuries sustained or illnesses contracted in the course of employment are eligible to receive a $150,000 death benefit. The amount of the benefit is fixed in statute and does not automatically adjust for inflation.

Who Is Impacted and How?

We estimate this bill could affect all 18,132 active members of these systems through improved benefits. Furthermore, we identified 49 current survivors who will receive improved benefits. In the future, we expect an additional six to seven survivors of members who die from duty-related causes per year will actually receive improved benefits.

This bill will increase the benefits for a typical active member who dies from a duty-related cause by increasing the lump-sum paid to the survivor from $150,000 to $214,000 in all plans of LEOFF and WSPRS. The actual amount of the lump-sum will increase with changes in the CPI-W by a maximum of 3 percent a year.

This bill also increases the benefits in LEOFF 2 and WSPRS 2 by providing the qualified survivor with an annuity that does not have any actuarial reductions applied. In addition, for members of these plans who die with less than five years of service, the surviving spouse or domestic partner will receive a minimum annuity benefit equal to 10 percent of the member's final average salary.

This bill impacts all 16,626 active members of LEOFF 2 and all 1,085 active members of WSPRS through increased contribution rates. This bill will not affect active LEOFF 1 member contribution rates since they do not make contributions under the current funding policy.

See the Special Data Needed section of this fiscal note for more details.

WHY THIS BILL HAS A COST AND WHO PAYS FOR IT

Why This Bill Has a Cost

This bill provides enhanced benefits to the survivors of active members who die from a duty-related cause. More specifically, this bill increases the lump-sum amount paid to the survivor upon the death of the member, and increases the annuity amount the survivor will receive annually. This bill also retroactively applies these benefits to qualified survivors in LEOFF and WSPRS.

Who Will Pay For These Costs?

The cost of this bill for LEOFF 2 will be divided between members, local employers, and the state according to LEOFF 2's standard funding method:

- 50 percent member.
- 30 percent employer.
- 20 percent state.

Similarly, the cost of this bill for WSPRS will be divided equally between members and employers according to WSPRS's standard funding method. This benefit improvement will also increase the maximum member contribution rate for WSPRS.

LEOFF 1 closed to new entrants in 1977 and does not receive contributions from active members or their employers under current funding policy. Currently the plan has a funding surplus when comparing the assets to the liabilities. As long as such a surplus exists, the cost will be paid for through a decrease in the plan's surplus.

Based on our latest projections, we expect LEOFF 1 to come out of its funding surplus in about 2016. We assume reinstatement of the prior LEOFF 1 funding policy when the plan comes out of surplus. Under the prior policy, members and local employers each contribute 6 percent of the members' salaries, and the state pays any excess contributions required to fully fund the plan by June 30, 2024. These unfunded actuarial accrued liability (UAAL) contributions would be collected over all salaries in LEOFF Plans 1 and 2. Also under the prior funding policy, when LEOFF 1 contributions commence, the state portion of the Plan 2 normal cost rates will be collected over Plan 1 salaries in addition to Plan 2 salaries.

HOW WE VALUED THESE COSTS

Assumptions We Made

We assumed that the lump-sum, duty-related death benefit would increase by 3 percent per year. This assumption is consistent with our assumption for the Plan 2 COLA. Both benefits use the same CPI-W inflation index.

Otherwise, we developed these costs using the same assumptions as disclosed in the June 30, 2008, Actuarial Valuation Report (AVR).

How We Applied These Assumptions

We modified our valuation model to provide the enhanced duty-related survivor benefits prospectively. This includes:

- Increasing the lump-sum, duty-related death benefit to $214,000 with increases of 3% per year.
- Removing the ten-year service requirement for survivors to be eligible for an annuity.

- Removing the joint and 100 percent survivor option actuarial reduction factor applied to the survivor annuity.
- Providing a minimum 10 percent of final average salary survivor annuity.

We also estimated the liability for providing these enhanced benefits to qualified survivors retroactively.

For the WSPRS pricing, we updated our valuation model for an assumption change before determining the cost of this bill. We replaced the current assumption which estimates the number of eligible survivors who select a survivor annuity instead of a return of contributions benefit with the same assumption from LEOFF 2.

For more detail please see Appendix A.

Special Data Needed

Several of the changes in this bill apply retroactively to qualifying deaths that occurred prior to the effective date of the bill. We relied on current data from the Department of Retirement Systems to identify the affected survivors.

For more detail please see Appendix B.

ACTUARIAL RESULTS

How the Liabilities Changed

This bill will impact the actuarial funding of all plans in LEOFF and WSPRS by increasing the present value of future benefits payable under the systems as shown below.

For more detail please see Appendix C.

Impact on Pension Liability			
(Dollars in Millions)	**Current**	**Increase**	**Total**
Actuarial Present Value of Projected Benefits			
(The Value of the Total Commitment to all Current Members)			
LEOFF 1	$4,383	$0.2	$4,383
LEOFF 2	6,596	16.3	6,611
LEOFF Total	**$10,979**	**$16.4**	**$10,995**
WSPRS 1/2	**$900**	**$0.2**	**$900**
Unfunded Actuarial Accrued Liability			
(The Portion of the Plan 1 Liability that is Amortized to 2024)			
LEOFF 1	**($1,209)**	**$0.2**	**($1,209)**

Unfunded PUC Liability			
(The Value of the Total Commitment to all Current Members Attributable to Past Service that is not covered by current assets)			
LEOFF 1	($1,238)	$0.2	($1,238)
LEOFF 2	(1,266)	15.5	(1,252)
LEOFF Total	**($2,505)**	**$15.7**	**($2,490)**
WSPRS 1/2	**($150)**	**$0.2**	**($150)**

Note: Totals may not agree due to rounding.

How Contribution Rates Changed

The rounded increase in the required actuarial contribution rate results in the supplemental contribution rate shown on page 1 that applies in the current biennium. However, we will use the un-rounded rate increase to measure the budget changes in future biennia.

Impact on Contribution Rates: (Effective 9/1/2010)		
System/Plan	**LEOFF**	**WSPRS**
Current Members		
Employee (Plan 2)	0.049%	0.014%
Employer:		
Normal Cost	0.030%	0.014%
Plan 1 UAAL	0.000%	0.000%
Total	0.030%	0.014%
State		
Current Annual Cost	0.020%	
Plan 1 Past Cost	0.000%	
Total	0.020%	
New Entrants*		
Employee (Plan 2)	0.058%	0.026%
Employer:		
Normal Cost	0.035%	0.026%
Plan 1 UAAL	0.000%	0.000%
Total	0.035%	0.026%
State		
Current Annual Cost	0.023%	
Plan 1 Past Cost	0.000%	
Total	0.023%	

**Rate change applied to future new entrant payroll and used to determine budget impacts only. Current members and new entrants pay the same contribution rate.*

How This Impacts Budgets and Employees

Budget Impacts			
(Dollars in Millions)	**LEOFF**	**WSPRS**	**Total**
2010-2011			
General Fund	$0.3	$0.0	$0.3
Non-General Fund	0.0	0.0	0.0
Total State	**$0.3**	**$0.0**	**$0.3**
Local Government	0.4	0.0	0.4
Total Employer	**$0.7**	**$0.0**	**$0.7**
Total Employee	**$0.7**	**$0.0**	**$0.7**
2011-2013			
General Fund	$0.7	$0.0	$0.7
Non-General Fund	0.0	0.0	0.0
Total State	**$0.7**	**$0.0**	**$0.7**
Local Government	1.1	0.0	1.1
Total Employer	**$1.8**	**$0.0**	**$1.8**
Total Employee	**$1.8**	**$0.0**	**$1.8**
2010-2035			
General Fund	$18.0	$0.1	$18.1
Non-General Fund	0.0	0.8	0.8
Total State	**$18.0**	**$0.9**	**$18.9**
Local Government	27.0	0.0	27.0
Total Employer	**$45.0**	**$0.9**	**$45.9**
Total Employee	**$45.0**	**$0.9**	**$45.9**

Note: Totals may not agree due to rounding.

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

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

HOW THE RESULTS CHANGE WHEN THE ASSUMPTIONS CHANGE

To determine the sensitivity of the actuarial results to the best-estimate assumptions selected for this pricing we varied the following two assumptions:

- ❖ The number of duty related deaths we expect each year (Duty Death Rate).
- ❖ The number of eligible survivors who select annuities instead of a return of contributions benefit (Percent Who Select Annuities).

We modified the duty-related death rate by increasing and decreasing the rate by 20 percent. The results of varying this assumption are compared to the expected results in the following table. We only performed the sensitivity analysis on LEOFF 2 since it comprises most of the liability impact for this pricing.

Impact on Pension Liability - Duty Death Rate			
Today's Value of All Future Pensions		**LEOFF 2**	
(Dollars in Millions)	**Fewer Deaths**	**Expected Results**	**More Deaths**
All Prospective Benefits	$8.0	$12.3	$16.5

Note: Totals may not agree due to rounding.

We also reviewed how the results for LEOFF 2 change if we increase the percent of survivors who select annuities from 60 percent to 70 percent.

Impact on Pension Liability - Percent Who Select Annuities		
Today's Value of All Future Pensions	**LEOFF 2**	
(Dollars in Millions)	**Expected Results**	**Increase % Who Select**
All Prospective Benefits	$12.3	$14.3

Note: Totals may not agree due to rounding.

Note that the retroactive liability is not included above since it is not affected by this assumption change.

ACTUARY'S CERTIFICATION

The undersigned hereby certifies that:

1. The actuarial cost methods are appropriate for the purposes of this pricing exercise.
2. The actuarial assumptions used are appropriate for the purposes of this pricing exercise.
3. The data on which this fiscal note is based are sufficient and reliable for the purposes of this pricing exercise.
4. Use of another set of methods, assumptions, and data may also be reasonable, and might produce different results.
5. We prepared this fiscal note for the Legislature during the 2010 Legislative Session.
6. We prepared this fiscal note and provided opinions in accordance with Washington State law and accepted actuarial standards of practice as of the date shown on page one of this fiscal note.

While this fiscal note is meant to be complete, the undersigned is available to provide extra advice and explanations as needed.

Matthew M. Smith, FCA, EA, MAAA
State Actuary

APPENDIX A – HOW WE APPLIED THESE ASSUMPTIONS

For all plans of LEOFF and WSPRS we modified our valuation model to provide a $214,000 lump-sum, duty-related death benefit. The lump-sum amount increases with an assumed 3 percent COLA over time.

In LEOFF 2 and WSPRS 2 we removed the average joint and 100 percent survivor option actuarial reduction factor from the duty-related death survivor annuity. In these plans we also removed the ten-year service requirement for survivors to be eligible to select the survivor annuity. Our programming provides the greater value between the 150 percent refund of contributions and the present value of the survivor annuity. Lastly, for members with less than five years of service, we provide the minimum 10 percent of the member's final average salary survivor annuity. None of these benefits apply to LEOFF 1 and WSPRS 1 since qualified survivors receive an annuity equal to 50 percent of the member's final average salary upon the death of the member.

We estimated the retroactive liability attributable to survivors of qualified duty-related deaths outside of our valuation system. We relied on DRS's interpretation of the bill in this area. Based on that interpretation, we priced the retroactively applied benefit improvements in the following manner: For each individual survivor we compared the benefit they received upon the death of the member to the improved benefits they would receive under this bill. Survivors who chose to receive an on-going annuity would prospectively receive the increased annuity amount as provided under this bill. Qualifying survivors who withdrew the member's contributions may choose to either repay the contributions without interest and receive the full survivor annuity prospectively, or prospectively receive the increased benefit actuarially reduced for the refund of contributions they received.

Please see the Special Data Needed section (Appendix B) of this fiscal note for more details.

For purposes of developing appropriate Entry Age Normal Cost (EANC) rates only, we modified the programming of the lump-sum, duty-related death benefit improvement. These changes provide the indexed $214,000 lump-sum benefit starting at a member's entry age. The results of this modification estimate the contribution rates we expect will pay for this benefit improvement over the working lifetime of a future new entrant. We used this EANC Method to determine the fiscal budget changes for future entrants. We used the Aggregate Funding Method to determine the fiscal budget changes for current plan members.

Otherwise, we developed these costs using the same methods as disclosed in the AVR.

APPENDIX B – SPECIAL DATA NEEDED

Several of the changes in this bill apply retroactively to qualifying deaths that occurred prior to the effective date of the bill. We relied on current data as of January 4, 2010 from the Department of Retirement Systems (DRS) to identify the affected survivors. We compared the unaudited data provided by DRS to our June 30, 2008, Actuarial Valuation data for reasonableness.

In the data provided by DRS, 8 of the 49 survivors are not confirmed as duty-related deaths. As a result, DRS could not determine if these survivors would be eligible for the benefit improvements provided under this bill. We included the liabilities attributable to these survivors in this fiscal note but they do not materially affect the results.

We used asset returns through June 30, 2009, from the Washington State Investment Board, when determining whether LEOFF 1 would come out of surplus in the future.

Otherwise, we developed these costs using the same assets and data as disclosed in the AVR.

APPENDIX C – ACTUARIAL RESULTS

The following table by plan outlines the liability impact attributable to each component of the benefit improvements included in this pricing. Note that the lump-sum, duty-related death benefit accounts for most of the change in liability among all the benefit improvements. Furthermore, LEOFF 2 comprises most of the estimated liability for this bill.

We marked the enhanced survivor annuity benefit improvements for LEOFF 1 and WSPRS 1 as "N/A" since survivors of members in these plans already receive enhanced survivor annuities under current law and do not qualify for the survivor annuities under this bill. Also, there were no prior duty-related deaths in LEOFF 1 or WPSRS to receive retroactive benefits.

Impact on Pension Liability					
Increase in today's Value of All Future Pensions					
(Dollars in Millions)	**LEOFF 1**	**LEOFF 2**	**WSPRS 1**	**WSPRS 2**	**Total**
Increasing the Lump-Sum Duty-Death Benefit	$0.2	$8.8	$0.1	$0.1	$9.2
Removing the 10-Year Service Requirement	N/A	0.5	N/A	0.0	0.5
Removing the J&S Reduction Factor	N/A	2.7	N/A	0.0	2.8
Providing the 10% Minimum Survivor Annuity	N/A	0.1	N/A	0.0	0.1
Providing the Benefits Retroactively	0.0	4.0	0.0	0.0	4.0

Note: Totals may not agree due to rounding.

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 on 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.
- 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.

Projected Unit Credit (PUC) Liability: 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 PUC Liability: The excess, if any, of the Present Value of Benefits calculated under the PUC cost method 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.