

# SENATE BILL REPORT

## HB 1319

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As Reported By Senate Committee On:  
Ways & Means, March 23, 2005

**Title:** An act relating to survivor benefits for ex spouses in the law enforcement officers' and fire fighters' retirement system, plan 1.

**Brief Description:** Survivor benefits for ex spouses in the law enforcement officers' and fire fighters' retirement system, plan 1.

**Sponsors:** Representatives Conway, Fromhold, Crouse, Simpson, Upthegrove and Campbell; by request of Select Committee on Pension Policy.

**Brief History:** Passed House: 3/10/05, 94-0.

**Committee Activity:** Ways & Means: 3/23/05 [DP].

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass.

Signed by Senators Prentice, Chair; Doumit, Vice Chair; Fraser, Vice Chair; Zarelli, Ranking Minority Member; Brandland, Fairley, Hewitt, Kohl-Welles, Parlette, Pflug, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Thibaudeau.

**Staff:** Erik Sund (786-7454)

**Background:** The Law Enforcement Officers' and Fire Fighters Retirement System Plan 1 (LEOFF 1) provides comprehensive pension, disability, and medical benefits to law enforcement officers and fire fighters employed by the state, cities, counties, and special districts and who were first employed before October 1, 1977. There are approximately 8,000 retired and 1,000 active members.

The spouse of a retiree of LEOFF 1 is eligible, upon the retiree's death, to receive a survivor benefit for life equal to the retirement allowance received by the retiree. In order to be eligible for this automatic benefit, the spouse must have been married to the LEOFF 1 member for one year prior to retirement. An ex-spouse of a LEOFF 1 member is eligible for this survivor benefit only if he or she had been married to the member for at least 30 years, including at least 20 years prior to retirement, and if there was a court order issued prior to 1980 that provided the survivor benefit to the ex-spouse.

A person who divorces a LEOFF 1 member may be awarded a portion of the member's benefit, but only for the life of the member. When the member dies, the portion of the member's benefit being paid to the ex-spouse ceases. There is an exception to this rule for ex-spouses who divorced an active LEOFF 1 member after January 1, 1997, but before July 1, 2003, and specified in their court-approved property settlement that the divorcing spouse is also entitled to a portion of any spousal survivor benefit the member receives in association with a future marriage.

**Summary of Bill:** The ex-spouse of a LEOFF 1 member who was awarded part of the member's monthly benefit payment in a divorce decree will continue to receive that portion of the member's benefit for the life of the ex-spouse as if the member were still alive. Divided benefits that have ceased being paid to the ex-spouse of a deceased LEOFF 1 member resume, but will not be adjusted by the LEOFF 1 cost-of-living adjustment for that period that they were not being paid, nor be paid retroactively for the period of nonpayment under prior law. The change in benefits applies retroactively.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For (on companion Senate Bill 5247):** This is a good bill that would help members of the LEOFF 1 retirement system.

**Testimony Against (on companion Senate Bill 5247):** None.

**Who Testified (on companion Senate Bill 5247):** PRO: Senator Bob Morton, prime sponsor; Dick Warbrouck, Retired Firefighters of Washington.