



## WASHINGTON STATE LEGISLATURE

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May 15, 2009

Judy Schurke, Director  
Department of Labor and Industries  
PO Box 44000  
Olympia, WA 98504-4000

Dear Director Schurke,

In the last two sessions, the Legislature has considered bills (HB 1545 - 2008, HB 1212 - 2009) which would end the policy of terminating monthly workers' compensation death benefits when a surviving spouse of certain public safety employees remarries. This policy seems to us to be based in part on the outdated notion that when a surviving spouse remarries, he or she will be financially dependent on the new spouse.

We believe it is time for a comprehensive look at this issue and ask the Department to make recommendations as to whether monthly benefits should be continued for surviving spouses of all workers who remarry. We are interested in the history of and reasons for the policy, the costs of changing the policy and likely impact on rates, and alternatives to offset potential costs. In evaluating the costs, we ask you to provide information on the number of spouses currently receiving monthly benefits, the number of remarriages that have occurred, your assumptions regarding the expected number of new surviving spouse benefit recipients and likelihood of future remarriages, and savings that may result from no longer needing to ensure that remarried spouses stop receiving benefits. We are also interested in whether other states allow continuation of benefits and whether other states treat public safety employees differently from other workers.

Enclosed for your reference is the amendment recommended by the Senate Labor, Commerce & Consumer Protection Committee which would have required a study of the issue.

We respectfully request your recommendations by November 13, 2009 so that we may consider having a public discussion of the issue during December Assembly Days.

Thank you very much. Please contact either of us if you have questions.

Sincerely,

Steve Conway  
State Representative, 29th District

Jeanne Kohl-Welles  
State Senator, 36th District

Encl.

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HB 1212 - S COMM AMD

By Committee on Labor, Commerce & Consumer Protection

ADOPTED 04/13/2009

1 Strike everything after the enacting clause and insert the  
2 following:

3 NEW SECTION. **Sec. 1.** (1) The legislature finds that the current  
4 system of stopping payment of industrial insurance death benefits to  
5 surviving spouses upon the remarriage of the surviving spouse may be  
6 based on archaic notions that are not in-line with modern society.  
7 Many pension programs, including the law enforcement officers' and  
8 firefighters' retirement system, have removed the remarriage  
9 prohibition and allow surviving spouses to continue to receive benefits  
10 after remarriage. The legislature further finds that some surviving  
11 spouses of law enforcement officers' and firefighters' retirement  
12 system members have expressed concerns that terminating benefits upon  
13 remarriage penalizes the spouse for moving on with his or her life.  
14 The legislature declares that it is time to study the policy of  
15 terminating industrial insurance death benefits upon remarriage of the  
16 surviving spouse and determine whether changes need to be made to the  
17 workers' compensation system.

18 (2) The workers' compensation advisory committee must study the  
19 current practice of terminating industrial insurance death benefits  
20 upon remarriage of the surviving spouse of a law enforcement officers'  
21 and firefighters' retirement system member. The study must address the  
22 following:

23 (a) The reasons behind the policy of terminating death benefits  
24 upon remarriage of the surviving spouse;

25 (b) Potential costs to the workers' compensation system if  
26 industrial insurance death benefits are continued after remarriage of  
27 the surviving spouse of a law enforcement officers' and firefighters'  
28 retirement system member, and potential costs if this policy were  
29 applied to all workers;