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SENATE BILL 5092

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State of Washington

58th Legislature

2003 Regular Session

By Senators Jacobsen, Winsley, Carlson, Spanel, Fraser, B. Sheldon, Shin, Kohl-Welles and Rasmussen; by request of Joint Committee on Pension Policy

Read first time 01/15/2003. Referred to Committee on Ways & Means.

1 AN ACT Relating to providing a death benefit for certain public  
2 employees; adding a new section to chapter 41.40 RCW; adding a new  
3 section to chapter 41.32 RCW; adding a new section to chapter 41.35  
4 RCW; and adding a new section to chapter 41.04 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 41.40 RCW  
7 under the subchapter heading "provisions applicable to plan 1, plan 2,  
8 and plan 3" to read as follows:

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

1 (2) The benefit under this section shall be paid only where death  
2 occurs as a result of injuries sustained in the course of employment.  
3 The determination of eligibility for the benefit shall be made  
4 consistent with Title 51 RCW by the department of labor and industries.  
5 The department of labor and industries shall notify the department of  
6 retirement systems by order under RCW 51.52.050.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.32 RCW  
8 under the subchapter heading "provisions applicable to plan 1, plan 2,  
9 and plan 3" to read as follows:

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

19 (2) The benefit under this section shall be paid only where death  
20 occurs as a result of injuries sustained in the course of employment.  
21 The determination of eligibility for the benefit shall be made  
22 consistent with Title 51 RCW by the department of labor and industries.  
23 The department of labor and industries shall notify the department of  
24 retirement systems by order under RCW 51.52.050.

25 NEW SECTION. **Sec. 3.** A new section is added to chapter 41.35 RCW  
26 under the subchapter heading "provisions applicable to plan 2 and plan  
27 3" to read as follows:

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

1           (2) The benefit under this section shall be paid only where death  
2 occurs as a result of injuries sustained in the course of employment.  
3 The determination of eligibility for the benefit shall be made  
4 consistent with Title 51 RCW by the department of labor and industries.  
5 The department of labor and industries shall notify the department of  
6 retirement systems by order under RCW 51.52.050.

7           NEW SECTION.   **Sec. 4.** A new section is added to chapter 41.04 RCW  
8 to read as follows:

9           A one hundred fifty thousand dollar death benefit shall be paid as  
10 a sundry claim to the estate of an employee of any state agency, the  
11 common school system of the state, or institution of higher education  
12 who dies as a result of injuries sustained in the course of employment  
13 and is not otherwise provided a death benefit through coverage under  
14 their enrolled retirement system under this act. The determination of  
15 eligibility for the benefit shall be made consistent with Title 51 RCW  
16 by the department of labor and industries. The department of labor and  
17 industries shall notify the director of the department of general  
18 administration by order under RCW 51.52.050.

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