
SUBSTITUTE HOUSE BILL 3137

State of Washington

59th Legislature

2006 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Lovick, Curtis, Clements, Hunt, Grant, Ericks, Conway, Morrell, Simpson and Kenney; by request of Department of Retirement Systems)

READ FIRST TIME 02/08/06.

1 AN ACT Relating to benefits for surviving spouses of disabled
2 Washington state patrol officers; amending RCW 43.43.270, 41.45.0631,
3 and 41.45.070; and providing an effective date.

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

5 **Sec. 1.** RCW 43.43.270 and 2002 c 158 s 15 are each amended to read
6 as follows:

7 For members commissioned prior to January 1, 2003:

8 (1) The normal form of retirement allowance shall be an allowance
9 which shall continue as long as the member lives.

10 (2) If a member should die while in service the member's lawful
11 spouse shall be paid an allowance which shall be equal to fifty percent
12 of the average final salary of the member. If the member should die
13 after retirement the member's lawful spouse shall be paid an allowance
14 which shall be equal to the retirement allowance then payable to the
15 member or fifty percent of the final average salary used in computing
16 the member's retirement allowance, whichever is less. The allowance
17 paid to the lawful spouse shall continue as long as the spouse lives:
18 PROVIDED, That if a surviving spouse who is receiving benefits under
19 this subsection marries another member of this retirement system who

1 subsequently predeceases such spouse, the spouse shall then be entitled
2 to receive the higher of the two survivors' allowances for which
3 eligibility requirements were met, but a surviving spouse shall not
4 receive more than one survivor's allowance from this system at the same
5 time under this subsection. To be eligible for an allowance the lawful
6 surviving spouse of a retired member shall have been married to the
7 member prior to the member's retirement and continuously thereafter
8 until the date of the member's death or shall have been married to the
9 retired member at least two years prior to the member's death. The
10 allowance paid to the lawful spouse may be divided with an ex spouse of
11 the member by a dissolution order as defined in RCW 41.50.500(3)
12 incident to a divorce occurring after July 1, 2002. The dissolution
13 order must specifically divide both the member's benefit and any
14 spousal survivor benefit, and must fully comply with RCW 41.50.670 and
15 41.50.700.

16 (3) If a member should die, either while in service or after
17 retirement, the member's surviving unmarried children under the age of
18 eighteen years shall be provided for in the following manner:

19 (a) If there is a surviving spouse, each child shall be entitled to
20 a benefit equal to five percent of the final average salary of the
21 member or retired member. The combined benefits to the surviving
22 spouse and all children shall not exceed sixty percent of the final
23 average salary of the member or retired member; and

24 (b) If there is no surviving spouse or the spouse should die, the
25 child or children shall be entitled to a benefit equal to thirty
26 percent of the final average salary of the member or retired member for
27 one child and an additional ten percent for each additional child. The
28 combined benefits to the children under this subsection shall not
29 exceed sixty percent of the final average salary of the member or
30 retired member. Payments under this subsection shall be prorated
31 equally among the children, if more than one.

32 (4) If a member should die in the line of duty while employed by
33 the Washington state patrol, the member's surviving children under the
34 age of twenty years and eleven months if attending any high school,
35 college, university, or vocational or other educational institution
36 accredited or approved by the state of Washington shall be provided for
37 in the following manner:

1 (a) If there is a surviving spouse, each child shall be entitled to
2 a benefit equal to five percent of the final average salary of the
3 member. The combined benefits to the surviving spouse and all children
4 shall not exceed sixty percent of the final average salary of the
5 member;

6 (b) If there is no surviving spouse or the spouse should die, the
7 unmarried child or children shall be entitled to receive a benefit
8 equal to thirty percent of the final average salary of the member or
9 retired member for one child and an additional ten percent for each
10 additional child. The combined benefits to the children under this
11 subsection shall not exceed sixty percent of the final average salary.
12 Payments under this subsection shall be prorated equally among the
13 children, if more than one; and

14 (c) If a beneficiary under this subsection reaches the age of
15 twenty-one years during the middle of a term of enrollment the benefit
16 shall continue until the end of that term.

17 (5)(a) The provisions of this section shall apply to members who
18 have been retired on disability as provided in RCW 43.43.040 if the
19 officer was a member of the Washington state patrol retirement system
20 at the time of such disability retirement.

21 (b) For the purposes of this subsection, average final salary as
22 used in subsection (2) of this section means:

23 (i) For members commissioned prior to January 1, 2003, the average
24 monthly salary received by active members of the patrol of the rank at
25 which the member became disabled, during the two years prior to the
26 death of the disabled member; and

27 (ii) For members commissioned on or after January 1, 2003, the
28 average monthly salary received by active members of the patrol of the
29 rank at which the member became disabled, during the five years prior
30 to the death of the disabled member.

31 (c) The changes to the definitions of average final salary for the
32 survivors of disabled members in this subsection shall apply
33 retroactively. The department shall correct future payments to
34 eligible survivors of members disabled prior to the effective date of
35 this act, and, as soon as administratively practicable, pay each
36 survivor a lump sum payment reflecting the difference, as determined by
37 the director, between the survivor benefits previously received by the

1 member, and those the member would have received under the definitions
2 of average final salary created in this act.

3 **Sec. 2.** RCW 41.45.0631 and 2001 c 329 s 11 are each amended to
4 read as follows:

5 Beginning July 1, 2001, the required contribution rate for members
6 of the Washington state patrol retirement system shall be two percent
7 or equal to the employer rate adopted under RCW 41.45.060 and 41.45.070
8 for the Washington state patrol retirement system, whichever is
9 greater. The employee contribution rate shall not, however, include
10 any increase as a result of distributions under RCW 43.43.270(2) for
11 survivors of members who became disabled under RCW 43.43.040(2) prior
12 to July 1, 2006.

13 **Sec. 3.** RCW 41.45.070 and 2004 c 242 s 41 are each amended to read
14 as follows:

15 (1) In addition to the basic employer contribution rate established
16 in RCW 41.45.060 or 41.45.054, the department shall also charge
17 employers of public employees' retirement system, teachers' retirement
18 system, school employees' retirement system, public safety employees'
19 retirement system, or Washington state patrol retirement system members
20 an additional supplemental rate to pay for the cost of additional
21 benefits, if any, granted to members of those systems. Except as
22 provided in subsections (6) and (7) of this section, the supplemental
23 contribution rates required by this section shall be calculated by the
24 state actuary and shall be charged regardless of language to the
25 contrary contained in the statute which authorizes additional benefits.

26 (2) In addition to the basic member, employer, and state
27 contribution rate established in RCW 41.45.0604 for the law enforcement
28 officers' and fire fighters' retirement system plan 2, the department
29 shall also establish supplemental rates to pay for the cost of
30 additional benefits, if any, granted to members of the law enforcement
31 officers' and fire fighters' retirement system plan 2. Except as
32 provided in subsection (6) of this section, these supplemental rates
33 shall be calculated by the actuary retained by the law enforcement
34 officers' and fire fighters' board and the state actuary through the
35 process provided in RCW 41.26.720(1)(a) and the state treasurer shall

1 transfer the additional required contributions regardless of language
2 to the contrary contained in the statute which authorizes the
3 additional benefits.

4 (3) The supplemental rate charged under this section to fund
5 benefit increases provided to active members of the public employees'
6 retirement system plan 1, the teachers' retirement system plan 1, and
7 Washington state patrol retirement system, shall be calculated as the
8 level percentage of all members' pay needed to fund the cost of the
9 benefit not later than June 30, 2024.

10 (4) The supplemental rate charged under this section to fund
11 benefit increases provided to active and retired members of the public
12 employees' retirement system plan 2 and plan 3, the teachers'
13 retirement system plan 2 and plan 3, the public safety employees'
14 retirement system plan 2, or the school employees' retirement system
15 plan 2 and plan 3 shall be calculated as the level percentage of all
16 members' pay needed to fund the cost of the benefit, as calculated
17 under RCW 41.45.060, 41.45.061, or 41.45.067.

18 (5) The supplemental rate charged under this section to fund
19 postretirement adjustments which are provided on a nonautomatic basis
20 to current retirees shall be calculated as the percentage of pay needed
21 to fund the adjustments as they are paid to the retirees. The
22 supplemental rate charged under this section to fund automatic
23 postretirement adjustments for active or retired members of the public
24 employees' retirement system plan 1 and the teachers' retirement system
25 plan 1 shall be calculated as the level percentage of pay needed to
26 fund the cost of the automatic adjustments not later than June 30,
27 2024.

28 (6) A supplemental rate shall not be charged to pay for the cost of
29 additional benefits granted to members pursuant to chapter 340, Laws of
30 1998.

31 (7) A supplemental rate shall not be charged to pay for the cost of
32 additional benefits granted to members pursuant to chapter 41.31A RCW;
33 section 309, chapter 341, Laws of 1998; or section 701, chapter 341,
34 Laws of 1998.

35 (8) A supplemental rate shall not be charged to pay for the cost of
36 additional benefits granted to members and survivors pursuant to this
37 act.

1 NEW SECTION. **Sec. 4.** Section 3 of this act takes effect July 1,
2 2006.

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