
SECOND ENGROSSED HOUSE BILL 1547

State of Washington

61st Legislature

2010 Regular Session

By Representatives Bailey, Conway, Sequist, 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.

1 AN ACT Relating to increasing the duty-related death benefit for
2 public employees; amending RCW 41.04.017, 41.24.160, 41.32.053,
3 41.35.115, 41.37.110, 41.40.0931, and 41.40.0932; and creating a new
4 section.

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

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

8 A (~~one hundred fifty~~) two hundred fourteen thousand dollar death
9 benefit shall be paid as a sundry claim to the estate of an employee of
10 any state agency, the common school system of the state, or institution
11 of higher education who dies as a result of (1) injuries sustained in
12 the course of employment; or (2) an occupational disease or infection
13 that arises naturally and proximately out of employment covered under
14 this chapter, and is not otherwise provided a death benefit through
15 coverage under their enrolled retirement system under chapter 402, Laws
16 of 2003. The determination of eligibility for the benefit shall be
17 made consistent with Title 51 RCW by the department of labor and
18 industries. The department of labor and industries shall notify the

1 director of the department of general administration by order under RCW
2 51.52.050.

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

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

21 (b) Beginning on July 1, 2001, and each July 1st thereafter, the
22 compensation amount specified in (a)(ii)(B) of this subsection shall be
23 readjusted to reflect the percentage change in the consumer price
24 index, calculated as follows: The index for the calendar year
25 preceding the year in which the July calculation is made, to be known
26 as "calendar year A," is divided by the index for the calendar year
27 preceding calendar year A, and the resulting ratio is multiplied by the
28 compensation amount in effect on June 30th immediately preceding the
29 July 1st on which the respective calculation is made. For the purposes
30 of this subsection, "index" means the same as the definition in RCW
31 2.12.037(1).

32 (2) If the widow or widower does not have legal custody of one or
33 more dependent children of the deceased participant or if, after the
34 death of the participant, legal custody of such child or children
35 passes from the widow or widower to another person, any payment on
36 account of such child or children not in the legal custody of the widow
37 or widower shall be made to the person or persons having legal custody

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

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

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

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

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

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

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

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

1 The department of labor and industries shall notify the department of
2 retirement systems by order under RCW 51.52.050.

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

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

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

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

24 (1) A (~~one hundred fifty~~) two hundred fourteen thousand dollar
25 death benefit for members who had the opportunity to transfer to the
26 law enforcement officers' and firefighters' retirement system pursuant
27 to chapter 502, Laws of 1993, but elected to remain in the public
28 employees' retirement system, shall be paid to the member's estate, or
29 such person or persons, trust, or organization as the member has
30 nominated by written designation duly executed and filed with the
31 department. If there is no designated person or persons still living
32 at the time of the member's death, the member's death benefit shall be
33 paid to the member's surviving spouse as if in fact the spouse had been
34 nominated by written designation, or if there is no surviving spouse,
35 then to the member's legal representatives.

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

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

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

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

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

32 NEW SECTION. **Sec. 8.** This act applies to the benefits of all
33 members killed in the course of employment since January 1, 2009.

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