
HOUSE BILL 2519

State of Washington

61st Legislature

2010 Regular Session

By Representatives Green, Hope, Ericks, Maxwell, Sullivan, Upthegrove, Carlyle, Conway, Simpson, Van De Wege, Kenney, Morrell, Hurst, Campbell, and Kelley; by request of LEOFF Plan 2 Retirement Board

Prefiled 01/04/10. Read first time 01/11/10. Referred to Committee on Ways & Means.

1 AN ACT Relating to duty-related death benefits for public safety
2 employees; amending RCW 41.26.048, 51.32.050, 28B.15.380, 28B.15.520,
3 and 43.43.285; reenacting and amending RCW 41.26.510 and 43.43.295; and
4 creating new sections.

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

6 **Sec. 1.** RCW 41.26.510 and 2009 c 523 s 7 and 2009 c 226 s 2 are
7 each reenacted and amended to read as follows:

8 (1) Except as provided in RCW 11.07.010, if a member or a vested
9 member who has not completed at least ten years of service dies, the
10 amount of the accumulated contributions standing to such member's
11 credit in the retirement system at the time of such member's death,
12 less any amount identified as owing to an obligee upon withdrawal of
13 accumulated contributions pursuant to a court order filed under RCW
14 41.50.670, shall be paid to the member's estate, or such person or
15 persons, trust, or organization as the member shall have nominated by
16 written designation duly executed and filed with the department. If
17 there be no such designated person or persons still living at the time
18 of the member's death, such member's accumulated contributions standing
19 to such member's credit in the retirement system, less any amount

1 identified as owing to an obligee upon withdrawal of accumulated
2 contributions pursuant to a court order filed under RCW 41.50.670,
3 shall be paid to the member's surviving spouse or domestic partner as
4 if in fact such spouse or domestic partner had been nominated by
5 written designation, or if there be no such surviving spouse or
6 domestic partner, then to such member's legal representatives.

7 (2) ((If)) Except as provided in subsection (4) of this section, if
8 a member who is killed in the course of employment or a member who is
9 eligible for retirement or a member who has completed at least ten
10 years of service dies, the surviving spouse, domestic partner, or
11 eligible child or children shall elect to receive either:

12 (a) A retirement allowance computed as provided for in RCW
13 41.26.430, actuarially reduced by the amount of any lump sum benefit
14 identified as owing to an obligee upon withdrawal of accumulated
15 contributions pursuant to a court order filed under RCW 41.50.670 and
16 actuarially adjusted to reflect a joint and one hundred percent
17 survivor option under RCW 41.26.460 and if the member was not eligible
18 for normal retirement at the date of death a further reduction as
19 described in RCW 41.26.430; if a surviving spouse or domestic partner
20 who is receiving a retirement allowance dies leaving a child or
21 children of the member under the age of majority, then such child or
22 children shall continue to receive an allowance in an amount equal to
23 that which was being received by the surviving spouse or domestic
24 partner, share and share alike, until such child or children reach the
25 age of majority; if there is no surviving spouse or domestic partner
26 eligible to receive an allowance at the time of the member's death,
27 such member's child or children under the age of majority shall receive
28 an allowance share and share alike calculated as herein provided making
29 the assumption that the ages of the spouse or domestic partner and
30 member were equal at the time of the member's death; or

31 (b)(i) The member's accumulated contributions, less any amount
32 identified as owing to an obligee upon withdrawal of accumulated
33 contributions pursuant to a court order filed under RCW 41.50.670; or

34 (ii) If the member dies on or after July 25, 1993, one hundred
35 fifty percent of the member's accumulated contributions, less any
36 amount identified as owing to an obligee upon withdrawal of accumulated
37 contributions pursuant to a court order filed under RCW 41.50.670. Any

1 accumulated contributions attributable to restorations made under RCW
2 41.50.165(2) shall be refunded at one hundred percent.

3 (3) If a member who is eligible for retirement or a member who has
4 completed at least ten years of service dies after October 1, 1977, and
5 is not survived by a spouse, domestic partner, or an eligible child,
6 then the accumulated contributions standing to the member's credit,
7 less any amount identified as owing to an obligee upon withdrawal of
8 accumulated contributions pursuant to a court order filed under RCW
9 41.50.670, shall be paid:

10 (a) To an estate, a person or persons, trust, or organization as
11 the member shall have nominated by written designation duly executed
12 and filed with the department; or

13 (b) If there is no such designated person or persons still living
14 at the time of the member's death, then to the member's legal
15 representatives.

16 (4) The retirement allowance of a member who is killed in the
17 course of employment, as determined by the director of the department
18 of labor and industries, or the retirement allowance of a member who
19 has left the employ of an employer due to service in the national guard
20 or military reserves and dies while honorably serving in the national
21 guard or military reserves during a period of war as defined in RCW
22 41.04.005, is not subject to an actuarial reduction for early
23 retirement as provided in RCW 41.26.430 or an actuarial reduction to
24 reflect a joint and one hundred percent survivor option under RCW
25 41.26.460. The member's retirement allowance is computed under RCW
26 41.26.420, except that the member shall be entitled to a minimum
27 retirement allowance equal to ten percent of such member's final
28 average salary. The member shall additionally receive a retirement
29 allowance equal to two percent of such member's average final salary
30 for each year of service beyond five.

31 (5) The retirement allowance paid to the spouse or domestic partner
32 and dependent children of a member who is killed in the course of
33 employment, as set forth in RCW 41.05.011(~~(+14)~~) (16), shall include
34 reimbursement for any payments of premium rates to the Washington state
35 health care authority pursuant to RCW 41.05.080.

36 **Sec. 2.** RCW 41.26.048 and 2009 c 523 s 4 are each amended to read
37 as follows:

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

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

19 (3)(a) Beginning July 1, 2010, and every year thereafter, the
20 department shall determine the following information:

21 (i) The index for the 2008 calendar year, to be known as "index A;"

22 (ii) The index for the calendar year prior to the date of
23 determination, to be known as "index B;" and

24 (iii) The ratio obtained when index B is divided by index A.

25 (b) The value of the ratio obtained shall be the annual adjustment
26 to the original death benefit and shall be applied beginning every July
27 1st. In no event, however, shall the annual adjustment:

28 (i) Produce a benefit which is lower than two hundred fourteen
29 thousand dollars;

30 (ii) Exceed three percent in the initial annual adjustment; or

31 (iii) Differ from the previous year's annual adjustment by more
32 than three percent.

33 (c) For the purposes of this section, "index" means, for any
34 calendar year, that year's average consumer price index -- Seattle,
35 Washington area for urban wage earners and clerical workers, all items,
36 compiled by the bureau of labor statistics, United States department of
37 labor.

1 **Sec. 3.** RCW 51.32.050 and 2007 c 284 s 1 are each amended to read
2 as follows:

3 (1) Where death results from the injury the expenses of burial not
4 to exceed two hundred percent of the average monthly wage in the state
5 as defined in RCW 51.08.018 shall be paid.

6 (2)(a) Where death results from the injury, a surviving spouse of
7 a deceased worker eligible for benefits under this title shall receive
8 monthly for life or until remarriage payments according to the
9 following schedule:

10 (i) If there are no children of the deceased worker, sixty percent
11 of the wages of the deceased worker;

12 (ii) If there is one child of the deceased worker and in the legal
13 custody of such spouse, sixty-two percent of the wages of the deceased
14 worker;

15 (iii) If there are two children of the deceased worker and in the
16 legal custody of such spouse, sixty-four percent of the wages of the
17 deceased worker;

18 (iv) If there are three children of the deceased worker and in the
19 legal custody of such spouse, sixty-six percent of the wages of the
20 deceased worker;

21 (v) If there are four children of the deceased worker and in the
22 legal custody of such spouse, sixty-eight percent of the wages of the
23 deceased worker; or

24 (vi) If there are five or more children of the deceased worker and
25 in the legal custody of such spouse, seventy percent of the wages of
26 the deceased worker.

27 (b) A surviving spouse of a member of the law enforcement officers'
28 and firefighters' retirement system under chapter 41.26 RCW or the
29 state patrol retirement system under chapter 43.43 RCW who is entitled
30 to benefits under this section must continue to receive benefits under
31 this section monthly for life. Such surviving spouse shall not be
32 eligible to receive a lump-sum payment under (g) of this subsection.
33 After the effective date of this section, the monthly payments to any
34 such surviving spouse which have been suspended pursuant to (d) or (g)
35 of this subsection shall resume. However, the monthly payments to any
36 spouse who received a lump-sum payment under (g) of this subsection
37 shall be actuarially reduced to reflect the amount of the lump-sum
38 payment.

1 (c) Where the surviving spouse does not have legal custody of any
2 child or children of the deceased worker or where after the death of
3 the worker legal custody of such child or children passes from such
4 surviving spouse to another, any payment on account of such child or
5 children not in the legal custody of the surviving spouse shall be made
6 to the person or persons having legal custody of such child or
7 children. The amount of such payments shall be five percent of the
8 monthly benefits payable as a result of the worker's death for each
9 such child but such payments shall not exceed twenty-five percent.
10 Such payments on account of such child or children shall be subtracted
11 from the amount to which such surviving spouse would have been entitled
12 had such surviving spouse had legal custody of all of the children and
13 the surviving spouse shall receive the remainder after such payments on
14 account of such child or children have been subtracted. Such payments
15 on account of a child or children not in the legal custody of such
16 surviving spouse shall be apportioned equally among such children.

17 ~~((+e))~~ (d) Except as provided in (b) of this subsection, payments
18 to the surviving spouse of the deceased worker shall cease at the end
19 of the month in which remarriage occurs: PROVIDED, That a monthly
20 payment shall be made to the child or children of the deceased worker
21 from the month following such remarriage in a sum equal to five percent
22 of the wages of the deceased worker for one child and a sum equal to
23 five percent for each additional child up to a maximum of five such
24 children. Payments to such child or children shall be apportioned
25 equally among such children. Such sum shall be in place of any
26 payments theretofore made for the benefit of or on account of any such
27 child or children. If the surviving spouse does not have legal custody
28 of any child or children of the deceased worker, or if after the death
29 of the worker, legal custody of such child or children passes from such
30 surviving spouse to another, any payment on account of such child or
31 children not in the legal custody of the surviving spouse shall be made
32 to the person or persons having legal custody of such child or
33 children.

34 ~~((+d))~~ (e) In no event shall the monthly payments provided in
35 subsection (2) of this section:

36 (i) Exceed the applicable percentage of the average monthly wage in
37 the state as computed under RCW 51.08.018 as follows:

	AFTER	PERCENTAGE
1		
2	June 30, 1993	105%
3	June 30, 1994	110%
4	June 30, 1995	115%
5	June 30, 1996	120%

6 (ii) For dates of injury or disease manifestation after July 1,
7 2008, be less than fifteen percent of the average monthly wage in the
8 state as computed under RCW 51.08.018 plus an additional ten dollars
9 per month for a surviving spouse and an additional ten dollars per
10 month for each child of the worker up to a maximum of five children.
11 However, if the monthly payment computed under this subsection
12 (2)((+d)) (e)(ii) is greater than one hundred percent of the wages of
13 the deceased worker as determined under RCW 51.08.178, the monthly
14 payment due to the surviving spouse shall be equal to the greater of
15 the monthly wages of the deceased worker or the minimum benefit set
16 forth in this section on June 30, 2008.

17 ((+e)) (f) In addition to the monthly payments provided for in
18 subsection (2)(a) through ((+e)) (d) of this section, a surviving
19 spouse or child or children of such worker if there is no surviving
20 spouse, or dependent parent or parents, if there is no surviving spouse
21 or child or children of any such deceased worker shall be forthwith
22 paid a sum equal to one hundred percent of the average monthly wage in
23 the state as defined in RCW 51.08.018, any such children, or parents to
24 share and share alike in said sum.

25 ((+f)) (g) Upon remarriage of a surviving spouse the monthly
26 payments for the child or children shall continue as provided in this
27 section, but the monthly payments to such surviving spouse shall cease
28 at the end of the month during which remarriage occurs, except as
29 provided in (b) of this subsection. However, after September 8, 1975,
30 an otherwise eligible surviving spouse of a worker who died at any time
31 prior to or after September 8, 1975, shall have an option of:

32 (i) Receiving, once and for all, a lump sum of twenty-four times
33 the monthly compensation rate in effect on the date of remarriage
34 allocable to the spouse for himself or herself pursuant to subsection
35 (2)(a)(i) of this section and subject to any modifications specified

1 under subsection (2)(~~(d)~~) (e) of this section and RCW 51.32.075(3) or
2 fifty percent of the then remaining annuity value of his or her
3 pension, whichever is the lesser: PROVIDED, That if the injury
4 occurred prior to July 28, 1991, the remarriage benefit lump sum
5 available shall be as provided in the remarriage benefit schedules then
6 in effect; or

7 (ii) If a surviving spouse does not choose the option specified in
8 subsection (2)(~~(f)~~) (g)(i) of this section to accept the lump sum
9 payment, the remarriage of the surviving spouse of a worker shall not
10 bar him or her from claiming the lump sum payment authorized in
11 subsection (2)(~~(f)~~) (g)(i) of this section during the life of the
12 remarriage, or shall not prevent subsequent monthly payments to him or
13 to her if the remarriage has been terminated by death or has been
14 dissolved or annulled by valid court decree provided he or she has not
15 previously accepted the lump sum payment.

16 (~~(g)~~) (h) If the surviving spouse during the remarriage should
17 die without having previously received the lump sum payment provided in
18 subsection (2)(~~(f)~~) (g)(i) of this section, his or her estate shall
19 be entitled to receive the sum specified under subsection (2)(~~(f)~~)
20 (g)(i) of this section or fifty percent of the then remaining annuity
21 value of his or her pension whichever is the lesser.

22 (~~(h)~~) (i) The effective date of resumption of payments under
23 subsection (2)(~~(f)~~) (g)(ii) of this section to a surviving spouse
24 based upon termination of a remarriage by death, annulment, or
25 dissolution shall be the date of the death or the date the judicial
26 decree of annulment or dissolution becomes final and when application
27 for the payments has been received.

28 (~~(i)~~) (j) If it should be necessary to increase the reserves in
29 the reserve fund or to create a new pension reserve fund as a result of
30 the amendments in chapter 45, Laws of 1975-'76 2nd ex. sess., the
31 amount of such increase in pension reserve in any such case shall be
32 transferred to the reserve fund from the supplemental pension fund.

33 (3) If there is a child or children and no surviving spouse of the
34 deceased worker or the surviving spouse is not eligible for benefits
35 under this title, a sum equal to thirty-five percent of the wages of
36 the deceased worker shall be paid monthly for one child and a sum
37 equivalent to fifteen percent of such wage shall be paid monthly for
38 each additional child, the total of such sum to be divided among such

1 children, share and share alike: PROVIDED, That benefits under this
2 subsection or subsection (4) of this section shall not exceed the
3 lesser of sixty-five percent of the wages of the deceased worker at the
4 time of his or her death or the applicable percentage of the average
5 monthly wage in the state as defined in RCW 51.08.018, as follows:

6	AFTER	PERCENTAGE
7	June 30, 1993	105%
8	June 30, 1994	110%
9	June 30, 1995	115%
10	June 30, 1996	120%

11 (4) In the event a surviving spouse receiving monthly payments
12 dies, the child or children of the deceased worker shall receive the
13 same payment as provided in subsection (3) of this section.

14 (5) If the worker leaves no surviving spouse or child, but leaves
15 a dependent or dependents, a monthly payment shall be made to each
16 dependent equal to fifty percent of the average monthly support
17 actually received by such dependent from the worker during the twelve
18 months next preceding the occurrence of the injury, but the total
19 payment to all dependents in any case shall not exceed the lesser of
20 sixty-five percent of the wages of the deceased worker at the time of
21 his or her death or the applicable percentage of the average monthly
22 wage in the state as defined in RCW 51.08.018 as follows:

23	AFTER	PERCENTAGE
24	June 30, 1993	105%
25	June 30, 1994	110%
26	June 30, 1995	115%
27	June 30, 1996	120%

28 If any dependent is under the age of eighteen years at the time of
29 the occurrence of the injury, the payment to such dependent shall cease
30 when such dependent reaches the age of eighteen years except such
31 payments shall continue until the dependent reaches age twenty-three
32 while permanently enrolled at a full time course in an accredited

1 school. The payment to any dependent shall cease if and when, under
2 the same circumstances, the necessity creating the dependency would
3 have ceased if the injury had not happened.

4 (6) For claims filed prior to July 1, 1986, if the injured worker
5 dies during the period of permanent total disability, whatever the
6 cause of death, leaving a surviving spouse, or child, or children, the
7 surviving spouse or child or children shall receive benefits as if
8 death resulted from the injury as provided in subsections (2) through
9 (4) of this section. Upon remarriage or death of such surviving
10 spouse, the payments to such child or children shall be made as
11 provided in subsection (2) of this section when the surviving spouse of
12 a deceased worker remarries.

13 (7) For claims filed on or after July 1, 1986, every worker who
14 becomes eligible for permanent total disability benefits shall elect an
15 option as provided in RCW 51.32.067.

16 **Sec. 4.** RCW 28B.15.380 and 2005 c 249 s 2 are each amended to read
17 as follows:

18 Subject to the limitations of RCW 28B.15.910, the governing boards
19 of the state universities, the regional universities, and The Evergreen
20 State College (~~may~~) shall exempt the following students from the
21 payment of all (~~or a portion of~~) tuition fees and services and
22 activities fees:

23 (1) Children of any law enforcement officer (~~or~~), firefighter, or
24 Washington state patrol officer who lost his or her life or became
25 totally disabled in the line of duty while employed by any public law
26 enforcement agency or full time or volunteer fire department in this
27 state: PROVIDED, That such persons may receive the exemption only if
28 they begin their course of study at a state-supported college or
29 university within ten years of their graduation from high school; and

30 (2) Surviving spouses of any law enforcement officer, firefighter,
31 or Washington state patrol officer who lost his or her life or became
32 totally disabled in the line of duty while employed by any public law
33 enforcement agency or full time or volunteer fire department in this
34 state.

35 **Sec. 5.** RCW 28B.15.520 and 2007 c 355 s 6 are each amended to read
36 as follows:

1 Subject to the limitations of RCW 28B.15.910, the governing boards
2 of the community colleges may:

3 (1) Waive all or a portion of tuition fees and services and
4 activities fees for:

5 (a) Students nineteen years of age or older who are eligible for
6 resident tuition and fee rates as defined in RCW 28B.15.012 through
7 28B.15.015, who enroll in a course of study or program which will
8 enable them to finish their high school education and obtain a high
9 school diploma or certificate, but who are not eligible students as
10 defined by RCW 28A.600.405; and shall waive all of tuition fees and
11 services and activities fees for:

12 (b) Children of any law enforcement officer (~~(or)~~), firefighter, or
13 Washington state patrol officer who lost his or her life or became
14 totally disabled in the line of duty while employed by any public law
15 enforcement agency or full time or volunteer fire department in this
16 state: PROVIDED, That such persons may receive the waiver only if they
17 begin their course of study at a community college within ten years of
18 their graduation from high school; and

19 (c) Surviving spouses of any law enforcement officer, firefighter,
20 or Washington state patrol officer who lost his or her life or became
21 totally disabled in the line of duty while employed by any public law
22 enforcement agency or full time or volunteer fire department in this
23 state;

24 (2) Waive all or a portion of the nonresident tuition fees
25 differential for:

26 (a) Nonresident students enrolled in a community college course of
27 study or program which will enable them to finish their high school
28 education and obtain a high school diploma or certificate but who are
29 not eligible students as defined by RCW 28A.600.405. The waiver shall
30 be in effect only for those courses which lead to a high school diploma
31 or certificate; and

32 (b) Up to forty percent of the students enrolled in the regional
33 education program for deaf students, subject to federal funding of such
34 program.

35 **Sec. 6.** RCW 43.43.295 and 2009 c 522 s 8 and 2009 c 226 s 4 are
36 each reenacted and amended to read as follows:

37 (1) For members commissioned on or after January 1, 2003, except as

1 provided in RCW 11.07.010, if a member or a vested member who has not
2 completed at least ten years of service dies, the amount of the
3 accumulated contributions standing to such member's credit in the
4 retirement system at the time of such member's death, less any amount
5 identified as owing to an obligee upon withdrawal of accumulated
6 contributions pursuant to a court order filed under RCW 41.50.670,
7 shall be paid to the member's estate, or such person or persons, trust,
8 or organization as the member shall have nominated by written
9 designation duly executed and filed with the department. If there be
10 no such designated person or persons still living at the time of the
11 member's death, such member's accumulated contributions standing to
12 such member's credit in the retirement system, less any amount
13 identified as owing to an obligee upon withdrawal of accumulated
14 contributions pursuant to a court order filed under RCW 41.50.670,
15 shall be paid to the member's surviving spouse or domestic partner as
16 if in fact such spouse or domestic partner had been nominated by
17 written designation, or if there be no such surviving spouse or
18 domestic partner, then to such member's legal representatives.

19 (2) If a member who is killed in the course of employment or a
20 member who is eligible for retirement or a member who has completed at
21 least ten years of service dies, the surviving spouse or domestic
22 partner or eligible child or children shall elect to receive either:

23 (a) A retirement allowance computed as provided for in RCW
24 43.43.260, actuarially reduced, except under subsection (4) of this
25 section, by the amount of any lump sum benefit identified as owing to
26 an obligee upon withdrawal of accumulated contributions pursuant to a
27 court order filed under RCW 41.50.670 and actuarially adjusted to
28 reflect a joint and one hundred percent survivor option under RCW
29 43.43.278 and if the member was not eligible for normal retirement at
30 the date of death a further reduction from age fifty-five or when the
31 member could have attained twenty-five years of service, whichever is
32 less; if a surviving spouse or domestic partner who is receiving a
33 retirement allowance dies leaving a child or children of the member
34 under the age of majority, then such child or children shall continue
35 to receive an allowance in an amount equal to that which was being
36 received by the surviving spouse or domestic partner, share and share
37 alike, until such child or children reach the age of majority; if there
38 is no surviving spouse or domestic partner eligible to receive an

1 allowance at the time of the member's death, such member's child or
2 children under the age of majority shall receive an allowance share and
3 share alike calculated under this section making the assumption that
4 the ages of the spouse or domestic partner and member were equal at the
5 time of the member's death; or

6 (b)(i) The member's accumulated contributions, less any amount
7 identified as owing to an obligee upon withdrawal of accumulated
8 contributions pursuant to a court order filed under RCW 41.50.670; or

9 (ii) If the member dies, one hundred fifty percent of the member's
10 accumulated contributions, less any amount identified as owing to an
11 obligee upon withdrawal of accumulated contributions pursuant to a
12 court order filed under RCW 41.50.670. Any accumulated contributions
13 attributable to restorations made under RCW 41.50.165(2) shall be
14 refunded at one hundred percent.

15 (3) If a member who is eligible for retirement or a member who has
16 completed at least ten years of service dies, and is not survived by a
17 spouse or domestic partner or an eligible child, then the accumulated
18 contributions standing to the member's credit, less any amount
19 identified as owing to an obligee upon withdrawal of accumulated
20 contributions pursuant to a court order filed under RCW 41.50.670,
21 shall be paid:

22 (a) To an estate, a person or persons, trust, or organization as
23 the member shall have nominated by written designation duly executed
24 and filed with the department; or

25 (b) If there is no such designated person or persons still living
26 at the time of the member's death, then to the member's legal
27 representatives.

28 (4) The retirement allowance of a member who is killed in the
29 course of employment, as determined by the director of the department
30 of labor and industries, or the retirement allowance of a member who
31 has left the employ of an employer due to service in the national guard
32 or military reserves and dies while honorably serving in the national
33 guard or military reserves during a period of war as defined in RCW
34 41.04.005, is not subject to an actuarial reduction for early
35 retirement if the member was not eligible for normal retirement or an
36 actuarial reduction to reflect a joint and one hundred percent survivor
37 option under RCW 43.43.278. The member is entitled to a minimum
38 retirement allowance equal to ten percent of such member's final

1 average salary. The member shall additionally receive a retirement
2 allowance equal to two percent of such member's average final salary
3 for each year of service beyond five.

4 **Sec. 7.** RCW 43.43.285 and 2009 c 522 s 7 are each amended to read
5 as follows:

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

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

24 (b) The retirement allowance paid to the spouse or domestic partner
25 and dependent children of a member who is killed in the course of
26 employment, as set forth in RCW 41.05.011(~~(+14)~~) (16), shall include
27 reimbursement for any payments of premium rates to the Washington state
28 health care authority under RCW 41.05.080.

29 (3)(a) Beginning July 1, 2010, and every year thereafter, the
30 department shall determine the following information:

31 (i) The index for the 2008 calendar year, to be known as "index A";

32 (ii) The index for the calendar year prior to the date of
33 determination, to be known as "index B"; and

34 (iii) The ratio obtained when index B is divided by index A.

35 (b) The value of the ratio obtained shall be the annual adjustment
36 to the original death benefit and shall be applied beginning every July
37 1st. In no event, however, shall the annual adjustment:

1 (i) Produce a benefit which is lower than two hundred fourteen
2 thousand dollars;
3 (ii) Exceed three percent in the initial annual adjustment; or
4 (iii) Differ from the previous year's annual adjustment by more
5 than three percent.
6 (c) For the purposes of this section, "index" means, for any
7 calendar year, that year's average consumer price index -- Seattle,
8 Washington area for urban wage earners and clerical workers, all items,
9 compiled by the bureau of labor statistics, United States department of
10 labor.

11 NEW SECTION. Sec. 8. Section 1 of this act applies prospectively
12 to the benefits of all members killed in the course of employment since
13 October 1, 1977.

14 NEW SECTION. Sec. 9. Sections 2 and 7 of this act apply to the
15 benefits of all members killed in the course of employment since
16 January 1, 2009.

17 NEW SECTION. Sec. 10. Section 6 of this act applies prospectively
18 to the benefits of all members killed in the course of employment since
19 January 1, 2003.

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