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SENATE BILL 5160

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State of Washington

62nd Legislature

2011 Regular Session

By Senators Conway, Kohl-Welles, Schoesler, Murray, Hobbs, Rockefeller, and Kilmer; by request of Select Committee on Pension Policy

Read first time 01/17/11. Referred to Committee on Ways & Means.

1 AN ACT Relating to increasing the duty-related death benefit for  
2 public employees; and 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.

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

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

7 A (~~one hundred fifty~~) two hundred fourteen thousand dollar death  
8 benefit shall be paid as a sundry claim to the estate of an employee of  
9 any state agency, the common school system of the state, or institution  
10 of higher education who dies as a result of (1) injuries sustained in  
11 the course of employment; or (2) an occupational disease or infection  
12 that arises naturally and proximately out of employment covered under  
13 this chapter, and is not otherwise provided a death benefit through  
14 coverage under their enrolled retirement system under chapter 402, Laws  
15 of 2003. The determination of eligibility for the benefit shall be  
16 made consistent with Title 51 RCW by the department of labor and  
17 industries. The department of labor and industries shall notify the  
18 director of the department of general administration by order under RCW  
19 51.52.050.

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

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

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

30           (2) If the widow or widower does not have legal custody of one or  
31 more dependent children of the deceased participant or if, after the  
32 death of the participant, legal custody of such child or children  
33 passes from the widow or widower to another person, any payment on  
34 account of such child or children not in the legal custody of the widow  
35 or widower shall be made to the person or persons having legal custody  
36 of such child or children. Such payments on account of such child or  
37 children shall be subtracted from the amount to which such widow or  
38 widower would have been entitled had such widow or widower had legal

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

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

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

36 (1) A (~~one hundred fifty~~) two hundred fourteen thousand dollar  
37 death benefit shall be paid to the member's estate, or such person or

1 persons, trust or organization as the member has nominated by written  
2 designation duly executed and filed with the department. If no such  
3 designated person or persons are still living at the time of the  
4 member's death, the member's death benefit shall be paid to the  
5 member's surviving spouse as if in fact the spouse had been nominated  
6 by written designation, or if there is no surviving spouse, then to the  
7 member's legal representatives.

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

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

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

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

35 **Sec. 5.** RCW 41.37.110 and 2007 c 487 s 5 are each amended to read  
36 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 the person or  
3 persons, trust, or organization the member has nominated by written  
4 designation duly executed and filed with the department. If the  
5 designated person or persons are not still living at the time of the  
6 member's death, the member's death benefit shall be paid to the  
7 member's surviving spouse as if in fact the spouse had been nominated  
8 by written designation, or if there is no surviving spouse, then to the  
9 member's legal representatives.

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

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

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

32 (2) Subject to subsection (3) of this section, the benefit under  
33 this section shall be paid only where death occurs as a result of (a)  
34 injuries sustained in the course of employment as a general authority  
35 police officer; or (b) an occupational disease or infection that arises  
36 naturally and proximately out of employment covered under this chapter.  
37 The determination of eligibility for the benefit shall be made

1 consistent with Title 51 RCW by the department of labor and industries.  
2 The department of labor and industries shall notify the department of  
3 retirement systems by order under RCW 51.52.050.

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

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

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

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

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