
SUBSTITUTE HOUSE BILL 1417

State of Washington

60th Legislature

2007 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Lovick, Roach, Simpson, Hurst, O'Brien, Eddy, Ericks, Eickmeyer, Kelley, VanDeWege, Pedersen, Sells, Hankins, B. Sullivan, Dickerson, Rodne, Springer, Appleton, Rolfes, Hudgins, Pettigrew, Williams, Kessler, Green, Ormsby, P. Sullivan and Santos)

READ FIRST TIME 02/05/07.

1 AN ACT Relating to Washington state patrol survivor benefits;
2 amending RCW 43.43.285 and 41.05.011; amending 2006 c 345 s 2
3 (uncodified); and adding a new section to chapter 43.43 RCW.

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

5 **Sec. 1.** RCW 43.43.285 and 1996 c 226 s 2 are each amended to read
6 as follows:

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

16 (2)(a) The benefit under this section shall be paid only where
17 death occurs as a result of injuries sustained in the course of
18 employment. The determination of eligibility for the benefit shall be

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

4 (b) The retirement allowance paid to the spouse and dependent
5 children of a member who is killed in the course of employment, as set
6 forth in RCW 41.05.011(14), shall include reimbursement for any
7 payments of premium rates to the Washington state health care authority
8 under RCW 41.05.080.

9 **Sec. 2.** RCW 41.05.011 and 2005 c 143 s 1 are each amended to read
10 as follows:

11 Unless the context clearly requires otherwise, the definitions in
12 this section shall apply throughout this chapter.

13 (1) "Administrator" means the administrator of the authority.

14 (2) "State purchased health care" or "health care" means medical
15 and health care, pharmaceuticals, and medical equipment purchased with
16 state and federal funds by the department of social and health
17 services, the department of health, the basic health plan, the state
18 health care authority, the department of labor and industries, the
19 department of corrections, the department of veterans affairs, and
20 local school districts.

21 (3) "Authority" means the Washington state health care authority.

22 (4) "Insuring entity" means an insurer as defined in chapter 48.01
23 RCW, a health care service contractor as defined in chapter 48.44 RCW,
24 or a health maintenance organization as defined in chapter 48.46 RCW.

25 (5) "Flexible benefit plan" means a benefit plan that allows
26 employees to choose the level of health care coverage provided and the
27 amount of employee contributions from among a range of choices offered
28 by the authority.

29 (6) "Employee" includes all full-time and career seasonal employees
30 of the state, whether or not covered by civil service; elected and
31 appointed officials of the executive branch of government, including
32 full-time members of boards, commissions, or committees; and includes
33 any or all part-time and temporary employees under the terms and
34 conditions established under this chapter by the authority; justices of
35 the supreme court and judges of the court of appeals and the superior
36 courts; and members of the state legislature or of the legislative
37 authority of any county, city, or town who are elected to office after

1 February 20, 1970. "Employee" also includes: (a) Employees of a
2 county, municipality, or other political subdivision of the state if
3 the legislative authority of the county, municipality, or other
4 political subdivision of the state seeks and receives the approval of
5 the authority to provide any of its insurance programs by contract with
6 the authority, as provided in RCW 41.04.205; (b) employees of employee
7 organizations representing state civil service employees, at the option
8 of each such employee organization, and, effective October 1, 1995,
9 employees of employee organizations currently pooled with employees of
10 school districts for the purpose of purchasing insurance benefits, at
11 the option of each such employee organization; and (c) employees of a
12 school district if the authority agrees to provide any of the school
13 districts' insurance programs by contract with the authority as
14 provided in RCW 28A.400.350.

15 (7) "Board" means the public employees' benefits board established
16 under RCW 41.05.055.

17 (8) "Retired or disabled school employee" means:

18 (a) Persons who separated from employment with a school district or
19 educational service district and are receiving a retirement allowance
20 under chapter 41.32 or 41.40 RCW as of September 30, 1993;

21 (b) Persons who separate from employment with a school district or
22 educational service district on or after October 1, 1993, and
23 immediately upon separation receive a retirement allowance under
24 chapter 41.32, 41.35, or 41.40 RCW;

25 (c) Persons who separate from employment with a school district or
26 educational service district due to a total and permanent disability,
27 and are eligible to receive a deferred retirement allowance under
28 chapter 41.32, 41.35, or 41.40 RCW.

29 (9) "Benefits contribution plan" means a premium only contribution
30 plan, a medical flexible spending arrangement, or a cafeteria plan
31 whereby state and public employees may agree to a contribution to
32 benefit costs which will allow the employee to participate in benefits
33 offered pursuant to 26 U.S.C. Sec. 125 or other sections of the
34 internal revenue code.

35 (10) "Salary" means a state employee's monthly salary or wages.

36 (11) "Participant" means an individual who fulfills the eligibility
37 and enrollment requirements under the benefits contribution plan.

1 (12) "Plan year" means the time period established by the
2 authority.

3 (13) "Separated employees" means persons who separate from
4 employment with an employer as defined in:

5 (a) RCW 41.32.010(11) on or after July 1, 1996; or

6 (b) RCW 41.35.010 on or after September 1, 2000; or

7 (c) RCW 41.40.010 on or after March 1, 2002;

8 and who are at least age fifty-five and have at least ten years of
9 service under the teachers' retirement system plan 3 as defined in RCW
10 41.32.010(40), the Washington school employees' retirement system plan
11 3 as defined in RCW 41.35.010, or the public employees' retirement
12 system plan 3 as defined in RCW 41.40.010.

13 (14) "Emergency service personnel killed in the line of duty" means
14 law enforcement officers and fire fighters as defined in RCW 41.26.030,
15 members of the Washington state patrol retirement fund as defined in
16 RCW 43.43.120, and reserve officers and fire fighters as defined in RCW
17 41.24.010 who die as a result of injuries sustained in the course of
18 employment as determined consistent with Title 51 RCW by the department
19 of labor and industries.

20 (15) "Employer" means the state of Washington.

21 (16) "Employing agency" means a division, department, or separate
22 agency of state government and a county, municipality, school district,
23 educational service district, or other political subdivision, covered
24 by this chapter.

25 **Sec. 3.** 2006 c 345 s 2 (uncodified) is amended to read as follows:

26 This act is necessary for the immediate preservation of the public
27 peace, health, or safety, or support of the state government and its
28 existing public institutions, and except for section 2 of this act
29 takes effect immediately [May 7, 2001]. This act applies to all
30 surviving spouses and dependent children of (1) emergency service
31 personnel (~~and~~), (2) members of the law enforcement officers' and
32 fire fighters' retirement system plan 2, and (3) members of the
33 Washington state patrol retirement fund, killed in the line of duty.

34 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.43 RCW
35 to read as follows:

36 The legislature reserves the right to amend or repeal the

1 reimbursement provisions of this act in the future and no member or
2 beneficiary has a contractual right to receive any distribution not
3 granted prior to that time.

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