
HOUSE BILL 1180

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Scott, Blake, Kristiansen, and Santos

Read first time 01/18/13. Referred to Committee on Appropriations.

1 AN ACT Relating to death benefits for volunteer firefighters and
2 reserve officers; and amending RCW 41.24.160.

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

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

6 (1)(a) Whenever a participant dies as the result of injuries
7 received, or sickness contracted in consequence or as the result of the
8 performance of his or her duties, the board of trustees shall order and
9 direct the payment from the principal fund of (i) the sum of (~~one~~
10 ~~hundred fifty two~~) two hundred fourteen thousand dollars, with the
11 first year's benefits calculated to be the same amount as the benefit
12 currently paid under RCW 41.26.048, to his widow or her widower, or if
13 there is no widow or widower, then to his or her dependent child or
14 children, or if there is no dependent child or children, then to his or
15 her dependent parents or either of them, or if there are no dependent
16 parents or parent, then the death benefit shall be paid to the member's
17 estate, and (ii)(A) the sum of one thousand two hundred seventy-five
18 dollars per month to his widow or her widower (~~during his or her life~~
19 ~~together with the additional monthly sum of one hundred ten dollars for~~

1 ~~each child of the member, unemancipated or under eighteen years of age,~~
2 ~~dependent upon the member for support at the time of his or her death,~~
3 ~~(B) to a maximum total of two thousand five hundred fifty dollars per~~
4 ~~month)), with (B) an additional amount of five hundred dollars per
5 month paid to the legal guardian or surviving parent of each birth or
6 legally adopted child, unemancipated or under eighteen years of age,
7 and dependent upon the member for support at the time of his or her
8 death.~~

9 (b) Beginning on July 1, 2001, and each July 1st thereafter, the
10 compensation amounts specified in (a)(ii) (A) and (B) of this
11 subsection shall be readjusted to reflect the percentage change in the
12 consumer price index, calculated as follows: The index for the
13 calendar year preceding the year in which the July calculation is made,
14 to be known as "calendar year A," is divided by the index for the
15 calendar year preceding calendar year A, and the resulting ratio is
16 multiplied by the compensation amount in effect on June 30th
17 immediately preceding the July 1st on which the respective calculation
18 is made. For the purposes of this subsection, "index" means the same
19 as the definition in RCW 2.12.037(1).

20 (c) Beginning on July 1, 2013, and each July 1st thereafter, the
21 compensation amount specified in (a)(i) of this subsection shall be
22 readjusted by the state board using the calculated amounts as
23 determined in RCW 41.26.048(3).

24 (2) ~~((If the widow or widower does not have legal custody of one or~~
25 ~~more dependent children of the deceased participant or if, after the~~
26 ~~death of the participant, legal custody of such child or children~~
27 ~~passes from the widow or widower to another person, any payment on~~
28 ~~account of such child or children not in the legal custody of the widow~~
29 ~~or widower shall be made to the person or persons having legal custody~~
30 ~~of such child or children. Such payments on account of such child or~~
31 ~~children shall be subtracted from the amount to which such widow or~~
32 ~~widower would have been entitled had such widow or widower had legal~~
33 ~~custody of all the children and the widow or widower shall receive the~~
34 ~~remainder after such payments on account of such child or children have~~
35 ~~been subtracted. If there is no widow or widower, or the widow or~~
36 ~~widower dies while there are children, unemancipated or under eighteen~~
37 ~~years of age, then the amount of one thousand two hundred seventy five~~
38 ~~dollars per month shall be paid for the youngest or only child together~~

1 with an additional one hundred ten dollars per month for each
2 additional of such children to a maximum of two thousand five hundred
3 fifty dollars per month until they become emancipated or reach the age
4 of eighteen years; and if there are no widow or widower, child, or
5 children entitled thereto, then to his or her parents or either of them
6 the sum of one thousand two hundred seventy five dollars per month for
7 life, if it is proved to the satisfaction of the board that the
8 parents, or either of them, were dependent on the deceased for their
9 support at the time of his or her death. In any instance in
10 subsections (1) and (2) of this section, if the widow or widower, child
11 or children, or the parents, or either of them, marries while receiving
12 such pension the person so marrying shall thereafter receive no further
13 pension from the fund.

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

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