

EHB 2519 - S COMM AMD

By Committee on Ways & Means

ADOPTED 03/01/2010

1 Strike everything after the enacting clause and insert the  
2 following:

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

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

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

28 (a) A retirement allowance computed as provided for in RCW  
29 41.26.430, actuarially reduced by the amount of any lump sum benefit  
30 identified as owing to an obligee upon withdrawal of accumulated

1 contributions pursuant to a court order filed under RCW 41.50.670 and  
2 actuarially adjusted to reflect a joint and one hundred percent  
3 survivor option under RCW 41.26.460 and if the member was not eligible  
4 for normal retirement at the date of death a further reduction as  
5 described in RCW 41.26.430; if a surviving spouse or domestic partner  
6 who is receiving a retirement allowance dies leaving a child or  
7 children of the member under the age of majority, then such child or  
8 children shall continue to receive an allowance in an amount equal to  
9 that which was being received by the surviving spouse or domestic  
10 partner, share and share alike, until such child or children reach the  
11 age of majority; if there is no surviving spouse or domestic partner  
12 eligible to receive an allowance at the time of the member's death,  
13 such member's child or children under the age of majority shall receive  
14 an allowance share and share alike calculated as herein provided making  
15 the assumption that the ages of the spouse or domestic partner and  
16 member were equal at the time of the member's death; or

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

20 (ii) If the member dies on or after July 25, 1993, one hundred  
21 fifty percent of the member's accumulated contributions, less any  
22 amount identified as owing to an obligee upon withdrawal of accumulated  
23 contributions pursuant to a court order filed under RCW 41.50.670. Any  
24 accumulated contributions attributable to restorations made under RCW  
25 41.50.165(2) shall be refunded at one hundred percent.

26 (3) If a member who is eligible for retirement or a member who has  
27 completed at least ten years of service dies after October 1, 1977, and  
28 is not survived by a spouse, domestic partner, or an eligible child,  
29 then the accumulated contributions standing to the member's credit,  
30 less any amount identified as owing to an obligee upon withdrawal of  
31 accumulated contributions pursuant to a court order filed under RCW  
32 41.50.670, shall be paid:

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

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

1 (4) The retirement allowance of a member who is killed in the  
2 course of employment, as determined by the director of the department  
3 of labor and industries, or the retirement allowance of a member who  
4 has left the employ of an employer due to service in the national guard  
5 or military reserves and dies while honorably serving in the national  
6 guard or military reserves during a period of war as defined in RCW  
7 41.04.005, is not subject to an actuarial reduction for early  
8 retirement as provided in RCW 41.26.430 or an actuarial reduction to  
9 reflect a joint and one hundred percent survivor option under RCW  
10 41.26.460. The member's retirement allowance is computed under RCW  
11 41.26.420, except that the member shall be entitled to a minimum  
12 retirement allowance equal to ten percent of such member's final  
13 average salary. The member shall additionally receive a retirement  
14 allowance equal to two percent of such member's average final salary  
15 for each year of service beyond five.

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

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

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

33 (2) The benefit under this section shall be paid only when death  
34 occurs: (a) As a result of injuries sustained in the course of  
35 employment; or (b) as a result of an occupational disease or infection  
36 that arises naturally and proximately out of employment covered under  
37 this chapter. The determination of eligibility for the benefit shall

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

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

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

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

10 (b) The value of the ratio obtained shall be the annual adjustment  
11 to the original death benefit and shall be applied beginning every July  
12 1st. In no event, however, shall the annual adjustment:

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (b) Where the surviving spouse does not have legal custody of any  
14 child or children of the deceased worker or where after the death of  
15 the worker legal custody of such child or children passes from such  
16 surviving spouse to another, any payment on account of such child or  
17 children not in the legal custody of the surviving spouse shall be made  
18 to the person or persons having legal custody of such child or  
19 children. The amount of such payments shall be five percent of the  
20 monthly benefits payable as a result of the worker's death for each  
21 such child but such payments shall not exceed twenty-five percent.  
22 Such payments on account of such child or children shall be subtracted  
23 from the amount to which such surviving spouse would have been entitled  
24 had such surviving spouse had legal custody of all of the children and  
25 the surviving spouse shall receive the remainder after such payments on  
26 account of such child or children have been subtracted. Such payments  
27 on account of a child or children not in the legal custody of such  
28 surviving spouse shall be apportioned equally among such children.

29 (c) Payments to the surviving spouse of the deceased worker shall  
30 cease at the end of the month in which remarriage occurs: PROVIDED,  
31 That a monthly payment shall be made to the child or children of the  
32 deceased worker from the month following such remarriage in a sum equal  
33 to five percent of the wages of the deceased worker for one child and  
34 a sum equal to five percent for each additional child up to a maximum  
35 of five such children. Payments to such child or children shall be  
36 apportioned equally among such children. Such sum shall be in place of  
37 any payments theretofore made for the benefit of or on account of any  
38 such child or children. If the surviving spouse does not have legal

1 custody of any child or children of the deceased worker, or if after  
2 the death of the worker, legal custody of such child or children passes  
3 from such surviving spouse to another, any payment on account of such  
4 child or children not in the legal custody of the surviving spouse  
5 shall be made to the person or persons having legal custody of such  
6 child or children.

7 (d) In no event shall the monthly payments provided in subsection  
8 (2) of this section:

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

11	AFTER	PERCENTAGE
12	June 30, 1993	105%
13	June 30, 1994	110%
14	June 30, 1995	115%
15	June 30, 1996	120%

16 (ii) For dates of injury or disease manifestation after July 1,  
17 2008, be less than fifteen percent of the average monthly wage in the  
18 state as computed under RCW 51.08.018 plus an additional ten dollars  
19 per month for a surviving spouse and an additional ten dollars per  
20 month for each child of the worker up to a maximum of five children.  
21 However, if the monthly payment computed under this subsection  
22 (2)(d)(ii) is greater than one hundred percent of the wages of the  
23 deceased worker as determined under RCW 51.08.178, the monthly payment  
24 due to the surviving spouse shall be equal to the greater of the  
25 monthly wages of the deceased worker or the minimum benefit set forth  
26 in this section on June 30, 2008.

27 (e) In addition to the monthly payments provided for in subsection  
28 (2)(a) through (c) of this section, a surviving spouse or child or  
29 children of such worker if there is no surviving spouse, or dependent  
30 parent or parents, if there is no surviving spouse or child or children  
31 of any such deceased worker shall be forthwith paid a sum equal to one  
32 hundred percent of the average monthly wage in the state as defined in  
33 RCW 51.08.018, any such children, or parents to share and share alike  
34 in said sum.

1 (f) Upon remarriage of a surviving spouse the monthly payments for  
2 the child or children shall continue as provided in this section, but  
3 the monthly payments to such surviving spouse shall cease at the end of  
4 the month during which remarriage occurs. However, after September 8,  
5 1975, an otherwise eligible surviving spouse of a worker who died at  
6 any time prior to or after September 8, 1975, shall have an option of:

7 (i)~~(A)~~ Receiving, once and for all, a lump sum of twenty-four times  
8 the monthly compensation rate in effect on the date of remarriage  
9 allocable to the spouse for himself or herself pursuant to subsection  
10 (2)(a)(i) of this section and subject to any modifications specified  
11 under subsection (2)(d) of this section and RCW 51.32.075(3) or fifty  
12 percent of the then remaining annuity value of his or her pension,  
13 whichever is the lesser: PROVIDED, That if the injury occurred prior  
14 to July 28, 1991, the remarriage benefit lump sum available shall be as  
15 provided in the remarriage benefit schedules then in effect; (~~(A)~~)

16 (B) If a surviving spouse is the surviving spouse of a member of  
17 the law enforcement officers' and firefighters' retirement system under  
18 chapter 41.26 RCW or the state patrol retirement system under chapter  
19 43.43 RCW, the surviving spouse may receive a lump sum of thirty-six  
20 times the monthly compensation rate in effect on the date of remarriage  
21 allocable to the spouse for himself or herself pursuant to subsection  
22 (2)(a)(i) of this section and RCW 51.32.075(3) or fifty percent of the  
23 remaining annuity value of his or her pension provided under this  
24 chapter, whichever is the lesser: PROVIDED, That if the injury  
25 occurred prior to July 28, 1991, the lump sum benefit shall be as  
26 provided in the remarriage benefit schedules then in effect; or

27 (ii) If a surviving spouse does not choose the option specified in  
28 subsection (2)(f)(i) of this section to accept the lump sum payment,  
29 the remarriage of the surviving spouse of a worker shall not bar him or  
30 her from claiming the lump sum payment authorized in subsection  
31 (2)(f)(i) of this section during the life of the remarriage, or shall  
32 not prevent subsequent monthly payments to him or to her if the  
33 remarriage has been terminated by death or has been dissolved or  
34 annulled by valid court decree provided he or she has not previously  
35 accepted the lump sum payment.

36 (g) If the surviving spouse during the remarriage should die  
37 without having previously received the lump sum payment provided in  
38 subsection (2)(f)(i) of this section, his or her estate shall be

1 entitled to receive the sum specified under subsection (2)(f)(i) of  
2 this section or fifty percent of the then remaining annuity value of  
3 his or her pension whichever is the lesser.

4 (h) The effective date of resumption of payments under subsection  
5 (2)(f)(ii) of this section to a surviving spouse based upon termination  
6 of a remarriage by death, annulment, or dissolution shall be the date  
7 of the death or the date the judicial decree of annulment or  
8 dissolution becomes final and when application for the payments has  
9 been received.

10 (i) If it should be necessary to increase the reserves in the  
11 reserve fund or to create a new pension reserve fund as a result of the  
12 amendments in chapter 45, Laws of 1975-'76 2nd ex. sess., the amount of  
13 such increase in pension reserve in any such case shall be transferred  
14 to the reserve fund from the supplemental pension fund.

15 (3) If there is a child or children and no surviving spouse of the  
16 deceased worker or the surviving spouse is not eligible for benefits  
17 under this title, a sum equal to thirty-five percent of the wages of  
18 the deceased worker shall be paid monthly for one child and a sum  
19 equivalent to fifteen percent of such wage shall be paid monthly for  
20 each additional child, the total of such sum to be divided among such  
21 children, share and share alike: PROVIDED, That benefits under this  
22 subsection or subsection (4) of this section shall not exceed the  
23 lesser of sixty-five percent of the wages of the deceased worker at the  
24 time of his or her death or the applicable percentage of the average  
25 monthly wage in the state as defined in RCW 51.08.018, as follows:

AFTER	PERCENTAGE
June 30, 1993	105%
June 30, 1994	110%
June 30, 1995	115%
June 30, 1996	120%

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

34 (5) If the worker leaves no surviving spouse or child, but leaves  
35 a dependent or dependents, a monthly payment shall be made to each

1 dependent equal to fifty percent of the average monthly support  
2 actually received by such dependent from the worker during the twelve  
3 months next preceding the occurrence of the injury, but the total  
4 payment to all dependents in any case shall not exceed the lesser of  
5 sixty-five percent of the wages of the deceased worker at the time of  
6 his or her death or the applicable percentage of the average monthly  
7 wage in the state as defined in RCW 51.08.018 as follows:

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

13 If any dependent is under the age of eighteen years at the time of  
14 the occurrence of the injury, the payment to such dependent shall cease  
15 when such dependent reaches the age of eighteen years except such  
16 payments shall continue until the dependent reaches age twenty-three  
17 while permanently enrolled at a full time course in an accredited  
18 school. The payment to any dependent shall cease if and when, under  
19 the same circumstances, the necessity creating the dependency would  
20 have ceased if the injury had not happened.

21 (6) For claims filed prior to July 1, 1986, if the injured worker  
22 dies during the period of permanent total disability, whatever the  
23 cause of death, leaving a surviving spouse, or child, or children, the  
24 surviving spouse or child or children shall receive benefits as if  
25 death resulted from the injury as provided in subsections (2) through  
26 (4) of this section. Upon remarriage or death of such surviving  
27 spouse, the payments to such child or children shall be made as  
28 provided in subsection (2) of this section when the surviving spouse of  
29 a deceased worker remarries.

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

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

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

6 (1) Children of any law enforcement officer (~~or~~) as defined in  
7 chapter 41.26 RCW, firefighter as defined in chapter 41.26 or 41.24  
8 RCW, or Washington state patrol officer who lost his or her life or  
9 became totally disabled in the line of duty while employed by any  
10 public law enforcement agency or full time or volunteer fire department  
11 in this state: PROVIDED, That such persons may receive the exemption  
12 only if they begin their course of study at a state-supported college  
13 or university within ten years of their graduation from high school;  
14 and

15 (2) Surviving spouses of any law enforcement officer as defined in  
16 chapter 41.26 RCW, firefighter as defined in chapter 41.26 or 41.24  
17 RCW, or Washington state patrol officer who lost his or her life or  
18 became totally disabled in the line of duty while employed by any  
19 public law enforcement agency or full time or volunteer fire department  
20 in this state.

21 (3) The governing boards of the state universities, the regional  
22 universities, and The Evergreen State College shall report to the  
23 higher education coordinating board on the annual cost of tuition fees  
24 and services and activities fees waived for surviving spouses and  
25 children under this section. The higher education coordinating board  
26 shall consolidate the reports of the waived fees and annually report to  
27 the appropriate fiscal and policy committees of the legislature.

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

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

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

34 (~~(a)~~) (i) Students nineteen years of age or older who are  
35 eligible for resident tuition and fee rates as defined in RCW  
36 28B.15.012 through 28B.15.015, who enroll in a course of study or  
37 program which will enable them to finish their high school education

1 and obtain a high school diploma or certificate, but who are not  
2 eligible students as defined by RCW 28A.600.405; and shall waive all of  
3 tuition fees and services and activities fees for:

4 ~~((b))~~ (ii) Children of any law enforcement officer ~~((or))~~ as  
5 defined in chapter 41.26 RCW, firefighter as defined in chapter 41.26  
6 or 41.24 RCW, or Washington state patrol officer who lost his or her  
7 life or became totally disabled in the line of duty while employed by  
8 any public law enforcement agency or full time or volunteer fire  
9 department in this state: PROVIDED, That such persons may receive the  
10 waiver only if they begin their course of study at a community college  
11 within ten years of their graduation from high school; and

12 (iii) Surviving spouses of any law enforcement officer as defined  
13 in chapter 41.26 RCW, firefighter as defined in chapter 41.26 or 41.24  
14 RCW, or Washington state patrol officer who lost his or her life or  
15 became totally disabled in the line of duty while employed by any  
16 public law enforcement agency or full time or volunteer fire department  
17 in this state.

18 (b) The governing boards of the community colleges shall report to  
19 the state board for community and technical colleges on the annual cost  
20 of tuition fees and services and activities fees waived for surviving  
21 spouses and children under parts (a)(ii) and (iii) of this subsection.  
22 The state board for community and technical colleges shall consolidate  
23 the reports of the waived fees and annually report to the appropriate  
24 fiscal and policy committees of the legislature;

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

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

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

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

1 (1) For members commissioned on or after January 1, 2003, except as  
2 provided in RCW 11.07.010, if a member or a vested member who has not  
3 completed at least ten years of service dies, the amount of the  
4 accumulated contributions standing to such member's credit in the  
5 retirement system at the time of such member's death, less any amount  
6 identified as owing to an obligee upon withdrawal of accumulated  
7 contributions pursuant to a court order filed under RCW 41.50.670,  
8 shall be paid to the member's estate, or such person or persons, trust,  
9 or organization as the member shall have nominated by written  
10 designation duly executed and filed with the department. If there be  
11 no such designated person or persons still living at the time of the  
12 member's death, such member's accumulated contributions standing to  
13 such member's credit in the retirement system, less any amount  
14 identified as owing to an obligee upon withdrawal of accumulated  
15 contributions pursuant to a court order filed under RCW 41.50.670,  
16 shall be paid to the member's surviving spouse or domestic partner as  
17 if in fact such spouse or domestic partner had been nominated by  
18 written designation, or if there be no such surviving spouse or  
19 domestic partner, then to such member's legal representatives.

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

24 (a) A retirement allowance computed as provided for in RCW  
25 43.43.260, actuarially reduced, except under subsection (4) of this  
26 section, by the amount of any lump sum benefit identified as owing to  
27 an obligee upon withdrawal of accumulated contributions pursuant to a  
28 court order filed under RCW 41.50.670 and actuarially adjusted to  
29 reflect a joint and one hundred percent survivor option under RCW  
30 43.43.278 and if the member was not eligible for normal retirement at  
31 the date of death a further reduction from age fifty-five or when the  
32 member could have attained twenty-five years of service, whichever is  
33 less; if a surviving spouse or domestic partner who is receiving a  
34 retirement allowance dies leaving a child or children of the member  
35 under the age of majority, then such child or children shall continue  
36 to receive an allowance in an amount equal to that which was being  
37 received by the surviving spouse or domestic partner, share and share  
38 alike, until such child or children reach the age of majority; if there

1 is no surviving spouse or domestic partner eligible to receive an  
2 allowance at the time of the member's death, such member's child or  
3 children under the age of majority shall receive an allowance share and  
4 share alike calculated under this section making the assumption that  
5 the ages of the spouse or domestic partner and member were equal at the  
6 time of the member's death; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (b) The value of the ratio obtained shall be the annual adjustment

1 to the original death benefit and shall be applied beginning every July  
2 1st. In no event, however, shall the annual adjustment:

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

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

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

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

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

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

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

**EHB 2519** - S COMM AMD  
By Committee on Ways & Means

**ADOPTED 03/01/2010**

22 On page 1, line 2 of the title, after "employees;" strike the  
23 remainder of the title and insert "amending RCW 41.26.048, 51.32.050,  
24 28B.15.380, 28B.15.520, and 43.43.285; reenacting and amending RCW  
25 41.26.510 and 43.43.295; and creating new sections."

--- END ---