

SHB 1417 - S COMM AMD
By Committee on Transportation

ADOPTED 03/12/2007

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

3 "Sec. 1. RCW 43.43.285 and 1996 c 226 s 2 are each amended to read
4 as follows:

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

14 (2)(a) The benefit under this section shall be paid only where
15 death occurs as a result of injuries sustained in the course of
16 employment. The determination of eligibility for the benefit shall be
17 made consistent with Title 51 RCW by the department of labor and
18 industries. The department of labor and industries shall notify the
19 department of retirement systems by order under RCW 51.52.050.

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

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

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

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

1 (2) "State purchased health care" or "health care" means medical
2 and health care, pharmaceuticals, and medical equipment purchased with
3 state and federal funds by the department of social and health
4 services, the department of health, the basic health plan, the state
5 health care authority, the department of labor and industries, the
6 department of corrections, the department of veterans affairs, and
7 local school districts.

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

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

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

16 (6) "Employee" includes all full-time and career seasonal employees
17 of the state, whether or not covered by civil service; elected and
18 appointed officials of the executive branch of government, including
19 full-time members of boards, commissions, or committees; and includes
20 any or all part-time and temporary employees under the terms and
21 conditions established under this chapter by the authority; justices of
22 the supreme court and judges of the court of appeals and the superior
23 courts; and members of the state legislature or of the legislative
24 authority of any county, city, or town who are elected to office after
25 February 20, 1970. "Employee" also includes: (a) Employees of a
26 county, municipality, or other political subdivision of the state if
27 the legislative authority of the county, municipality, or other
28 political subdivision of the state seeks and receives the approval of
29 the authority to provide any of its insurance programs by contract with
30 the authority, as provided in RCW 41.04.205; (b) employees of employee
31 organizations representing state civil service employees, at the option
32 of each such employee organization, and, effective October 1, 1995,
33 employees of employee organizations currently pooled with employees of
34 school districts for the purpose of purchasing insurance benefits, at
35 the option of each such employee organization; and (c) employees of a
36 school district if the authority agrees to provide any of the school
37 districts' insurance programs by contract with the authority as
38 provided in RCW 28A.400.350.

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

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

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

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

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

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

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

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

24 (12) "Plan year" means the time period established by the
25 authority.

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

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

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

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

31 and who are at least age fifty-five and have at least ten years of
32 service under the teachers' retirement system plan 3 as defined in RCW
33 41.32.010(40), the Washington school employees' retirement system plan
34 3 as defined in RCW 41.35.010, or the public employees' retirement
35 system plan 3 as defined in RCW 41.40.010.

36 (14) "Emergency service personnel killed in the line of duty" means
37 law enforcement officers and fire fighters as defined in RCW 41.26.030,
38 members of the Washington state patrol retirement fund as defined in

1 RCW 43.43.120, and reserve officers and fire fighters as defined in RCW
2 41.24.010 who die as a result of injuries sustained in the course of
3 employment as determined consistent with Title 51 RCW by the department
4 of labor and industries.

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

6 (16) "Employing agency" means a division, department, or separate
7 agency of state government and a county, municipality, school district,
8 educational service district, or other political subdivision, covered
9 by this chapter.

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

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

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

21 The legislature reserves the right to amend or repeal the
22 reimbursement provisions of this act in the future and no member or
23 beneficiary has a contractual right to receive any distribution not
24 granted prior to that time.

25 NEW SECTION. **Sec. 5.** This act shall be known as "The Steve
26 Frink's and Jim Saunder's Law" in honor of Steve Frink and Jim
27 Saunders, Washington state patrol officers who were killed in the line
28 of duty."

ADOPTED 03/12/2007

1 On page 1, line 1 of the title, after "benefits;" strike the
2 remainder of the title and insert "amending RCW 43.43.285 and
3 41.05.011; amending 2006 c 345 s 2 (uncodified); adding a new section
4 to chapter 43.43 RCW; and creating a new section."

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