

---

SENATE BILL 5499

---

State of Washington

60th Legislature

2007 Regular Session

By Senators Eide, Schoesler, Kauffman, Swecker, Hatfield, Kilmer, Murray, Haugen, McAuliffe, Rasmussen and Shin

Read first time 01/22/2007. Referred to Committee on Ways & Means.

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

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 school employee or (~~disabled~~) school employee with  
18 a disability" means:

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

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

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

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

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

37 (11) "Participant" means an individual who fulfills the eligibility  
38 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.

--- END ---