

EHB 1547 - H AMD 1063

By Representative Bailey

ADOPTED AS AMENDED 2/12/2010

1 On page 1, line 5, strike everything after the enacting clause and  
2 insert the following:

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4 "Sec. 1. RCW 41.04.017 and 2007 c 487 s 1 are each amended to  
5 read as follows:

6 (1) A (~~one hundred fifty~~) two hundred and fourteen thousand  
7 dollar death benefit shall be paid as a sundry claim to the estate of  
8 an employee of any state agency, the common school system of the  
9 state, or institution of higher education who dies as a result of (1)  
10 injuries sustained in the course of employment; or (2) an occupational  
11 disease or infection that arises naturally and proximately out of  
12 employment covered under this chapter, and is not otherwise provided a  
13 death benefit through coverage under their enrolled retirement system  
14 under chapter 402, Laws of 2003. The determination of eligibility for  
15 the benefit shall be made consistent with Title 51 RCW by the  
16 department of labor and industries. The department of labor and  
17 industries shall notify the director of the department of general  
18 administration by order under RCW 51.52.050.

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20 **Sec. 2.** RCW 41.24.160 and 2001 c 134 s 2 are each amended to read  
21 as follows:

22 (1)(a) Whenever a participant dies as the result of injuries  
23 received, or sickness contracted in consequence or as the result of  
24 the performance of his or her duties, the board of trustees shall  
25 order and direct the payment from the principal fund of (i) the sum of  
26 one (~~hundred fifty-two~~) two hundred and fourteen thousand dollars to  
27 his widow or her widower, or if there is no widow or widower, then to

1 his or her dependent child or children, or if there is no dependent  
2 child or children, then to his or her dependent parents or either of  
3 them, or if there are no dependent parents or parent, then the death  
4 benefit shall be paid to the member's estate, and (ii)(A) the sum of  
5 one thousand two hundred seventy-five dollars per month to his widow  
6 or her widower during his or her life together with the additional  
7 monthly sum of one hundred ten dollars for each child of the member,  
8 unemancipated or under eighteen years of age, dependent upon the  
9 member for support at the time of his or her death, (B) to a maximum  
10 total of two thousand five hundred fifty dollars per month.

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

22 (2) If the widow or widower does not have legal custody of one or  
23 more dependent children of the deceased participant or if, after the  
24 death of the participant, legal custody of such child or children  
25 passes from the widow or widower to another person, any payment on  
26 account of such child or children not in the legal custody of the  
27 widow or widower shall be made to the person or persons having legal  
28 custody of such child or children. Such payments on account of such  
29 child or children shall be subtracted from the amount to which such  
30 widow or widower would have been entitled had such widow or widower  
31 had legal custody of all the children and the widow or widower shall  
32 receive the remainder after such payments on account of such child or  
33 children have been subtracted. If there is no widow or widower, or  
34 the widow or widower dies while there are children, unemancipated or

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

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

30

31 **Sec. 3.** RCW 41.32.053 and 2007 c 487 s 3 are each amended to read  
32 as follows:

33 (1) A (~~one hundred fifty~~) two hundred and fourteen thousand  
34 dollar death benefit shall be paid to the member's estate, or such

1 person or persons, trust or organization as the member has nominated  
2 by written designation duly executed and filed with the department.  
3 If no such designated person or persons are still living at the time  
4 of the member's death, the member's death benefit shall be paid to the  
5 member's surviving spouse as if in fact the spouse had been nominated  
6 by written designation, or if there is no surviving spouse, then to  
7 the member's legal representatives.

8 (2) The benefit under this section shall be paid only where death  
9 occurs as a result of (a) injuries sustained in the course of  
10 employment; or (b) an occupational disease or infection that arises  
11 naturally and proximately out of employment covered under this  
12 chapter. The determination of eligibility for the benefit shall be  
13 made consistent with Title 51 RCW by the department of labor and  
14 industries. The department of labor and industries shall notify the  
15 department of retirement systems by order under RCW 51.52.050.

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17 **Sec. 4.** RCW 41.35.115 and 2007 c 487 s 4 are each amended to read  
18 as follows:

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

28 (2) The benefit under this section shall be paid only where death  
29 occurs as a result of (a) injuries sustained in the course of  
30 employment; or (b) an occupational disease or infection that arises  
31 naturally and proximately out of employment covered under this  
32 chapter. The determination of eligibility for the benefit shall be  
33 made consistent with Title 51 RCW by the department of labor and  
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1 industries. The department of labor and industries shall notify the  
2 department of retirement systems by order under RCW 51.52.050.

3  
4 **Sec. 5.** RCW 41.37.110 and 2007 c 487 s 5 are each amended to read  
5 as follows:

6 (1) A (~~one hundred fifty~~) two hundred and fourteen thousand  
7 dollar death benefit shall be paid to the member's estate, or the  
8 person or persons, trust, or organization the member has nominated by  
9 written designation duly executed and filed with the department. If  
10 the designated person or persons are not still living at the time of  
11 the member's death, the member's death benefit shall be paid to the  
12 member's surviving spouse as if in fact the spouse had been nominated  
13 by written designation, or if there is no surviving spouse, then to  
14 the member's legal representatives.

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

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24 **Sec. 6.** RCW 41.40.0931 and 2007 c 487 s 6 are each amended to  
25 read as follows:

26 (1) A (~~one hundred fifty~~) two hundred and fourteen thousand  
27 dollar death benefit for members who had the opportunity to transfer  
28 to the law enforcement officers' and firefighters' retirement system  
29 pursuant to chapter 502, Laws of 1993, but elected to remain in the  
30 public employees' retirement system, shall be paid to the member's  
31 estate, or such person or persons, trust, or organization as the  
32 member has nominated by written designation duly executed and filed  
33 with the department. If there is no designated person or persons  
34 still living at the time of the member's death, the member's death

1 benefit shall be paid to the member's surviving spouse as if in fact  
2 the spouse had been nominated by written designation, or if there is  
3 no surviving spouse, then to the member's legal representatives.

4 (2) Subject to subsection (3) of this section, the benefit under  
5 this section shall be paid only where death occurs as a result of (a)  
6 injuries sustained in the course of employment as a general authority  
7 police officer; or (b) an occupational disease or infection that  
8 arises naturally and proximately out of employment covered under this  
9 chapter. The determination of eligibility for the benefit shall be  
10 made consistent with Title 51 RCW by the department of labor and  
11 industries. The department of labor and industries shall notify the  
12 department of retirement systems by order under RCW 51.52.050.

13 (3) The benefit under this section shall not be paid in the event  
14 the member was in the act of committing a felony when the fatal  
15 injuries were suffered.

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17 **Sec. 7.** RCW 41.40.0932 and 2007 c 487 s 7 are each amended to  
18 read as follows:

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

28 (2) The benefit under this section shall be paid only where death  
29 occurs as a result of (a) injuries sustained in the course of  
30 employment; or (b) an occupational disease or infection that arises  
31 naturally and proximately out of employment covered under this  
32 chapter. The determination of eligibility for the benefit shall be  
33 made consistent with Title 51 RCW by the department of labor and  
34

1 industries. The department of labor and industries shall notify the  
2 department of retirement systems by order under RCW 51.52.050."

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4 Correct the title.

**EFFECT:** Replaces the increases of the \$150,000 lump-sum death benefit to \$175,000 in the underlying bill with an increase to \$214,000. Sections relating to the Law Enforcement Officers' and Firefighters' Retirement System and the Washington State Patrol Retirement System are deleted.

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