

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 2519

61st Legislature
2010 Regular Session

Passed by the House January 1, 0001
Yeas 0 Nays 0

Speaker of the House of Representatives

Passed by the Senate January 1, 0001
Yeas 0 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2519** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 2519

AS AMENDED BY THE SENATE

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By Representatives Green, Hope, Ericks, Maxwell, Sullivan, Upthegrove, Carlyle, Conway, Simpson, Van De Wege, Kenney, Morrell, Hurst, Campbell, and Kelley; by request of LEOFF Plan 2 Retirement Board

Prefiled 01/04/10. Read first time 01/11/10. Referred to Committee on Ways & Means.

1 AN ACT Relating to duty-related death benefits for public safety
2 employees; amending RCW 41.26.048, 51.32.050, 28B.15.380, 28B.15.520,
3 and 43.43.285; reenacting and amending RCW 41.26.510 and 43.43.295; and
4 creating new sections.

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

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

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

1 identified as owing to an obligee upon withdrawal of accumulated
2 contributions pursuant to a court order filed under RCW 41.50.670,
3 shall be paid to the member's surviving spouse or domestic partner as
4 if in fact such spouse or domestic partner had been nominated by
5 written designation, or if there be no such surviving spouse or
6 domestic partner, then to such member's legal representatives.

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

12 (a) A retirement allowance computed as provided for in RCW
13 41.26.430, actuarially reduced by the amount of any lump sum benefit
14 identified as owing to an obligee upon withdrawal of accumulated
15 contributions pursuant to a court order filed under RCW 41.50.670 and
16 actuarially adjusted to reflect a joint and one hundred percent
17 survivor option under RCW 41.26.460 and if the member was not eligible
18 for normal retirement at the date of death a further reduction as
19 described in RCW 41.26.430; if a surviving spouse or domestic partner
20 who is receiving a retirement allowance dies leaving a child or
21 children of the member under the age of majority, then such child or
22 children shall continue to receive an allowance in an amount equal to
23 that which was being received by the surviving spouse or domestic
24 partner, share and share alike, until such child or children reach the
25 age of majority; if there is no surviving spouse or domestic partner
26 eligible to receive an allowance at the time of the member's death,
27 such member's child or children under the age of majority shall receive
28 an allowance share and share alike calculated as herein provided making
29 the assumption that the ages of the spouse or domestic partner and
30 member were equal at the time of the member's death; or

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

34 (ii) If the member dies on or after July 25, 1993, one hundred
35 fifty percent of the member's accumulated contributions, less any
36 amount identified as owing to an obligee upon withdrawal of accumulated
37 contributions pursuant to a court order filed under RCW 41.50.670. Any

1 accumulated contributions attributable to restorations made under RCW
2 41.50.165(2) shall be refunded at one hundred percent.

3 (3) If a member who is eligible for retirement or a member who has
4 completed at least ten years of service dies after October 1, 1977, and
5 is not survived by a spouse, domestic partner, or an eligible child,
6 then the accumulated contributions standing to the member's credit,
7 less any amount identified as owing to an obligee upon withdrawal of
8 accumulated contributions pursuant to a court order filed under RCW
9 41.50.670, shall be paid:

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

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

16 (4) The retirement allowance of a member who is killed in the
17 course of employment, as determined by the director of the department
18 of labor and industries, or the retirement allowance of a member who
19 has left the employ of an employer due to service in the national guard
20 or military reserves and dies while honorably serving in the national
21 guard or military reserves during a period of war as defined in RCW
22 41.04.005, is not subject to an actuarial reduction for early
23 retirement as provided in RCW 41.26.430 or an actuarial reduction to
24 reflect a joint and one hundred percent survivor option under RCW
25 41.26.460. The member's retirement allowance is computed under RCW
26 41.26.420, except that the member shall be entitled to a minimum
27 retirement allowance equal to ten percent of such member's final
28 average salary. The member shall additionally receive a retirement
29 allowance equal to two percent of such member's average final salary
30 for each year of service beyond five.

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

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

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

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

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

- 21 (i) The index for the 2008 calendar year, to be known as "index A;"
- 22 (ii) The index for the calendar year prior to the date of
23 determination, to be known as "index B;" and
- 24 (iii) The ratio obtained when index B is divided by index A.

25 (b) The value of the ratio obtained shall be the annual adjustment
26 to the original death benefit and shall be applied beginning every July
27 1st. In no event, however, shall the annual adjustment:

- 28 (i) Produce a benefit which is lower than two hundred fourteen
29 thousand dollars;
- 30 (ii) Exceed three percent in the initial annual adjustment; or
- 31 (iii) Differ from the previous year's annual adjustment by more
32 than three percent.

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

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

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

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

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

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

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

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

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

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

27 (b) Where the surviving spouse does not have legal custody of any
28 child or children of the deceased worker or where after the death of
29 the worker legal custody of such child or children passes from such
30 surviving spouse to another, any payment on account of such child or
31 children not in the legal custody of the surviving spouse shall be made
32 to the person or persons having legal custody of such child or
33 children. The amount of such payments shall be five percent of the
34 monthly benefits payable as a result of the worker's death for each
35 such child but such payments shall not exceed twenty-five percent.
36 Such payments on account of such child or children shall be subtracted
37 from the amount to which such surviving spouse would have been entitled
38 had such surviving spouse had legal custody of all of the children and

1 the surviving spouse shall receive the remainder after such payments on
2 account of such child or children have been subtracted. Such payments
3 on account of a child or children not in the legal custody of such
4 surviving spouse shall be apportioned equally among such children.

5 (c) Payments to the surviving spouse of the deceased worker shall
6 cease at the end of the month in which remarriage occurs: PROVIDED,
7 That a monthly payment shall be made to the child or children of the
8 deceased worker from the month following such remarriage in a sum equal
9 to five percent of the wages of the deceased worker for one child and
10 a sum equal to five percent for each additional child up to a maximum
11 of five such children. Payments to such child or children shall be
12 apportioned equally among such children. Such sum shall be in place of
13 any payments theretofore made for the benefit of or on account of any
14 such child or children. If the surviving spouse does not have legal
15 custody of any child or children of the deceased worker, or if after
16 the death of the worker, legal custody of such child or children passes
17 from such surviving spouse to another, any payment on account of such
18 child or children not in the legal custody of the surviving spouse
19 shall be made to the person or persons having legal custody of such
20 child or children.

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

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

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

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30 (ii) For dates of injury or disease manifestation after July 1,
31 2008, be less than fifteen percent of the average monthly wage in the
32 state as computed under RCW 51.08.018 plus an additional ten dollars
33 per month for a surviving spouse and an additional ten dollars per
34 month for each child of the worker up to a maximum of five children.
35 However, if the monthly payment computed under this subsection

1 (2)(d)(ii) is greater than one hundred percent of the wages of the
2 deceased worker as determined under RCW 51.08.178, the monthly payment
3 due to the surviving spouse shall be equal to the greater of the
4 monthly wages of the deceased worker or the minimum benefit set forth
5 in this section on June 30, 2008.

6 (e) In addition to the monthly payments provided for in subsection
7 (2)(a) through (c) of this section, a surviving spouse or child or
8 children of such worker if there is no surviving spouse, or dependent
9 parent or parents, if there is no surviving spouse or child or children
10 of any such deceased worker shall be forthwith paid a sum equal to one
11 hundred percent of the average monthly wage in the state as defined in
12 RCW 51.08.018, any such children, or parents to share and share alike
13 in said sum.

14 (f) Upon remarriage of a surviving spouse the monthly payments for
15 the child or children shall continue as provided in this section, but
16 the monthly payments to such surviving spouse shall cease at the end of
17 the month during which remarriage occurs. However, after September 8,
18 1975, an otherwise eligible surviving spouse of a worker who died at
19 any time prior to or after September 8, 1975, shall have an option of:

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

29 (B) If a surviving spouse is the surviving spouse of a member of
30 the law enforcement officers' and firefighters' retirement system under
31 chapter 41.26 RCW or the state patrol retirement system under chapter
32 43.43 RCW, the surviving spouse may receive a lump sum of thirty-six
33 times the monthly compensation rate in effect on the date of remarriage
34 allocable to the spouse for himself or herself pursuant to subsection
35 (2)(a)(i) of this section and RCW 51.32.075(3) or fifty percent of the
36 remaining annuity value of his or her pension provided under this
37 chapter, whichever is the lesser: PROVIDED, That if the injury

1 occurred prior to July 28, 1991, the lump sum benefit shall be as
2 provided in the remarriage benefit schedules then in effect; or

3 (ii) If a surviving spouse does not choose the option specified in
4 subsection (2)(f)(i) of this section to accept the lump sum payment,
5 the remarriage of the surviving spouse of a worker shall not bar him or
6 her from claiming the lump sum payment authorized in subsection
7 (2)(f)(i) of this section during the life of the remarriage, or shall
8 not prevent subsequent monthly payments to him or to her if the
9 remarriage has been terminated by death or has been dissolved or
10 annulled by valid court decree provided he or she has not previously
11 accepted the lump sum payment.

12 (g) If the surviving spouse during the remarriage should die
13 without having previously received the lump sum payment provided in
14 subsection (2)(f)(i) of this section, his or her estate shall be
15 entitled to receive the sum specified under subsection (2)(f)(i) of
16 this section or fifty percent of the then remaining annuity value of
17 his or her pension whichever is the lesser.

18 (h) The effective date of resumption of payments under subsection
19 (2)(f)(ii) of this section to a surviving spouse based upon termination
20 of a remarriage by death, annulment, or dissolution shall be the date
21 of the death or the date the judicial decree of annulment or
22 dissolution becomes final and when application for the payments has
23 been received.

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

29 (3) If there is a child or children and no surviving spouse of the
30 deceased worker or the surviving spouse is not eligible for benefits
31 under this title, a sum equal to thirty-five percent of the wages of
32 the deceased worker shall be paid monthly for one child and a sum
33 equivalent to fifteen percent of such wage shall be paid monthly for
34 each additional child, the total of such sum to be divided among such
35 children, share and share alike: PROVIDED, That benefits under this
36 subsection or subsection (4) of this section shall not exceed the
37 lesser of sixty-five percent of the wages of the deceased worker at the

1 time of his or her death or the applicable percentage of the average
2 monthly wage in the state as defined in RCW 51.08.018, as follows:

3	AFTER	PERCENTAGE
4	June 30, 1993	105%
5	June 30, 1994	110%
6	June 30, 1995	115%
7	June 30, 1996	120%

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

11 (5) If the worker leaves no surviving spouse or child, but leaves
12 a dependent or dependents, a monthly payment shall be made to each
13 dependent equal to fifty percent of the average monthly support
14 actually received by such dependent from the worker during the twelve
15 months next preceding the occurrence of the injury, but the total
16 payment to all dependents in any case shall not exceed the lesser of
17 sixty-five percent of the wages of the deceased worker at the time of
18 his or her death or the applicable percentage of the average monthly
19 wage in the state as defined in RCW 51.08.018 as follows:

20	AFTER	PERCENTAGE
21	June 30, 1993	105%
22	June 30, 1994	110%
23	June 30, 1995	115%
24	June 30, 1996	120%

25 If any dependent is under the age of eighteen years at the time of
26 the occurrence of the injury, the payment to such dependent shall cease
27 when such dependent reaches the age of eighteen years except such
28 payments shall continue until the dependent reaches age twenty-three
29 while permanently enrolled at a full time course in an accredited
30 school. The payment to any dependent shall cease if and when, under
31 the same circumstances, the necessity creating the dependency would
32 have ceased if the injury had not happened.

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

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

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

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

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

29 (2) Surviving spouses of any law enforcement officer as defined in
30 chapter 41.26 RCW, firefighter as defined in chapter 41.26 or 41.24
31 RCW, or Washington state patrol officer who lost his or her life or
32 became totally disabled in the line of duty while employed by any
33 public law enforcement agency or full time or volunteer fire department
34 in this state.

35 (3) The governing boards of the state universities, the regional
36 universities, and The Evergreen State College shall report to the
37 higher education coordinating board on the annual cost of tuition fees

1 and services and activities fees waived for surviving spouses and
2 children under this section. The higher education coordinating board
3 shall consolidate the reports of the waived fees and annually report to
4 the appropriate fiscal and policy committees of the legislature.

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

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

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

11 (~~(a)~~) (i) Students nineteen years of age or older who are
12 eligible for resident tuition and fee rates as defined in RCW
13 28B.15.012 through 28B.15.015, who enroll in a course of study or
14 program which will enable them to finish their high school education
15 and obtain a high school diploma or certificate, but who are not
16 eligible students as defined by RCW 28A.600.405; and shall waive all of
17 tuition fees and services and activities fees for:

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

26 (iii) Surviving spouses of any law enforcement officer as defined
27 in chapter 41.26 RCW, firefighter as defined in chapter 41.26 or 41.24
28 RCW, or Washington state patrol officer who lost his or her life or
29 became totally disabled in the line of duty while employed by any
30 public law enforcement agency or full time or volunteer fire department
31 in this state.

32 (b) The governing boards of the community colleges shall report to
33 the state board for community and technical colleges on the annual cost
34 of tuition fees and services and activities fees waived for surviving
35 spouses and children under parts (a)(ii) and (iii) of this subsection.
36 The state board for community and technical colleges shall consolidate

1 the reports of the waived fees and annually report to the appropriate
2 fiscal and policy committees of the legislature;

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

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

11 (b) Up to forty percent of the students enrolled in the regional
12 education program for deaf students, subject to federal funding of such
13 program.

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

16 (1) For members commissioned on or after January 1, 2003, except as
17 provided in RCW 11.07.010, if a member or a vested member who has not
18 completed at least ten years of service dies, the amount of the
19 accumulated contributions standing to such member's credit in the
20 retirement system at the time of such member's death, less any amount
21 identified as owing to an obligee upon withdrawal of accumulated
22 contributions pursuant to a court order filed under RCW 41.50.670,
23 shall be paid to the member's estate, or such person or persons, trust,
24 or organization as the member shall have nominated by written
25 designation duly executed and filed with the department. If there be
26 no such designated person or persons still living at the time of the
27 member's death, such member's accumulated contributions standing to
28 such member's credit in the retirement system, less any amount
29 identified as owing to an obligee upon withdrawal of accumulated
30 contributions pursuant to a court order filed under RCW 41.50.670,
31 shall be paid to the member's surviving spouse or domestic partner as
32 if in fact such spouse or domestic partner had been nominated by
33 written designation, or if there be no such surviving spouse or
34 domestic partner, then to such member's legal representatives.

35 (2) If a member who is killed in the course of employment or a
36 member who is eligible for retirement or a member who has completed at

1 least ten years of service dies, the surviving spouse or domestic
2 partner or eligible child or children shall elect to receive either:

3 (a) A retirement allowance computed as provided for in RCW
4 43.43.260, actuarially reduced, except under subsection (4) of this
5 section, by the amount of any lump sum benefit identified as owing to
6 an obligee upon withdrawal of accumulated contributions pursuant to a
7 court order filed under RCW 41.50.670 and actuarially adjusted to
8 reflect a joint and one hundred percent survivor option under RCW
9 43.43.278 and if the member was not eligible for normal retirement at
10 the date of death a further reduction from age fifty-five or when the
11 member could have attained twenty-five years of service, whichever is
12 less; if a surviving spouse or domestic partner who is receiving a
13 retirement allowance dies leaving a child or children of the member
14 under the age of majority, then such child or children shall continue
15 to receive an allowance in an amount equal to that which was being
16 received by the surviving spouse or domestic partner, share and share
17 alike, until such child or children reach the age of majority; if there
18 is no surviving spouse or domestic partner eligible to receive an
19 allowance at the time of the member's death, such member's child or
20 children under the age of majority shall receive an allowance share and
21 share alike calculated under this section making the assumption that
22 the ages of the spouse or domestic partner and member were equal at the
23 time of the member's death; or

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

27 (ii) If the member dies, one hundred fifty percent of the member's
28 accumulated contributions, less any amount identified as owing to an
29 obligee upon withdrawal of accumulated contributions pursuant to a
30 court order filed under RCW 41.50.670. Any accumulated contributions
31 attributable to restorations made under RCW 41.50.165(2) shall be
32 refunded at one hundred percent.

33 (3) If a member who is eligible for retirement or a member who has
34 completed at least ten years of service dies, and is not survived by a
35 spouse or domestic partner or an eligible child, then the accumulated
36 contributions standing to the member's credit, less any amount
37 identified as owing to an obligee upon withdrawal of accumulated

1 contributions pursuant to a court order filed under RCW 41.50.670,
2 shall be paid:

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

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

9 (4) The retirement allowance of a member who is killed in the
10 course of employment, as determined by the director of the department
11 of labor and industries, or the retirement allowance of a member who
12 has left the employ of an employer due to service in the national guard
13 or military reserves and dies while honorably serving in the national
14 guard or military reserves during a period of war as defined in RCW
15 41.04.005, is not subject to an actuarial reduction for early
16 retirement if the member was not eligible for normal retirement or an
17 actuarial reduction to reflect a joint and one hundred percent survivor
18 option under RCW 43.43.278. The member is entitled to a minimum
19 retirement allowance equal to ten percent of such member's final
20 average salary. The member shall additionally receive a retirement
21 allowance equal to two percent of such member's average final salary
22 for each year of service beyond five.

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

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

35 (2)(a) The benefit under this section shall be paid only where
36 death occurs as a result of (i) injuries sustained in the course of
37 employment; or (ii) an occupational disease or infection that arises

1 naturally and proximately out of employment covered under this chapter.
2 The determination of eligibility for the benefit shall be made
3 consistent with Title 51 RCW by the department of labor and industries.
4 The department of labor and industries shall notify the department of
5 retirement systems by order under RCW 51.52.050.

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

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

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

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

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

17 (b) The value of the ratio obtained shall be the annual adjustment
18 to the original death benefit and shall be applied beginning every July
19 1st. In no event, however, shall the annual adjustment:

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

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

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

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

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

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

1 NEW SECTION. **Sec. 10.** Section 6 of this act applies prospectively
2 to the benefits of all members killed in the course of employment since
3 January 1, 2003.

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