
SENATE BILL 6323

State of Washington

69th Legislature

2026 Regular Session

By Senators Holy, Conway, Dozier, Nobles, and Valdez; by request of Law Enforcement Officers and Fire Fighters' Plan 2 Retirement Board

Read first time 01/28/26. Referred to Committee on Ways & Means.

1 AN ACT Relating to medical insurance premium reimbursements for
2 surviving spouses of line of duty deaths; amending RCW 41.26.510; and
3 creating a new section.

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

5 **Sec. 1.** RCW 41.26.510 and 2016 c 115 s 1 are each amended to
6 read as follows:

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

1 partner as if in fact such spouse or domestic partner had been
2 nominated by written designation, or if there be no such surviving
3 spouse or domestic partner, then to such member's legal
4 representatives.

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

10 (a) A retirement allowance computed as provided for in RCW
11 41.26.430, actuarially reduced by the amount of any lump sum benefit
12 identified as owing to an obligee upon withdrawal of accumulated
13 contributions pursuant to a court order filed under RCW 41.50.670 and
14 actuarially adjusted to reflect a joint and one hundred percent
15 survivor option under RCW 41.26.460 and if the member was not
16 eligible for normal retirement at the date of death a further
17 reduction as described in RCW 41.26.430; if a surviving spouse or
18 domestic partner who is receiving a retirement allowance dies leaving
19 a child or children of the member under the age of majority, then
20 such child or children shall continue to receive an allowance in an
21 amount equal to that which was being received by the surviving spouse
22 or domestic partner, share and share alike, until such child or
23 children reach the age of majority; if there is no surviving spouse
24 or domestic partner eligible to receive an allowance at the time of
25 the member's death, such member's child or children under the age of
26 majority shall receive an allowance share and share alike calculated
27 as herein provided making the assumption that the ages of the spouse
28 or domestic partner and member were equal at the time of the member's
29 death; or

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

33 (ii) If the member dies on or after July 25, 1993, one hundred
34 fifty percent of the member's accumulated contributions, less any
35 amount identified as owing to an obligee upon withdrawal of
36 accumulated contributions pursuant to a court order filed under RCW
37 41.50.670. Any accumulated contributions attributable to restorations
38 made under RCW 41.50.165(2) shall be refunded at one hundred percent.

39 (3) If a member who is eligible for retirement or a member who
40 has completed at least ten years of service dies after October 1,

1 1977, and is not survived by a spouse, domestic partner, or an
2 eligible child, then the accumulated contributions standing to the
3 member's credit, less any amount identified as owing to an obligee
4 upon withdrawal of accumulated contributions pursuant to a court
5 order filed under RCW 41.50.670, shall be paid:

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

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

12 (4) The retirement allowance of a member:

13 (a) Who is killed in the course of employment, as determined by
14 the director of the department of labor and industries,

15 (b) Who has left the employ of an employer due to service in the
16 national guard or military reserves and dies while honorably serving
17 in the national guard or military reserves during a period of war as
18 defined in RCW 41.04.005, or

19 (c) Who has left the employ of an employer due to service in the
20 national guard, military reserves, federal emergency management
21 agency, or national disaster medical system of the United States
22 department of health and human services and dies while performing
23 service in response to a disaster, major emergency, special event,
24 federal exercise, or official training on or after March 22, 2014,
25 is not subject to an actuarial reduction for early retirement as
26 provided in RCW 41.26.430 or an actuarial reduction to reflect a
27 joint and one hundred percent survivor option under RCW 41.26.460.
28 The member's retirement allowance is computed under RCW 41.26.420,
29 except that the member shall be entitled to a minimum retirement
30 allowance equal to ten percent of such member's final average salary.
31 The member shall additionally receive a retirement allowance equal to
32 two percent of such member's average final salary for each year of
33 service beyond five.

34 (5) (a) The retirement allowance paid to the spouse or domestic
35 partner and dependent children of a member who is killed in the
36 course of employment, as set forth in RCW 41.05.011(5), shall include
37 reimbursement for any payments of premium rates to the Washington
38 state health care authority pursuant to RCW 41.05.080 and for
39 medicare part A (hospital insurance) and medicare part B (medical
40 insurance). The spouse or domestic partner and dependent children who

1 are entitled to medicare must enroll and maintain enrollment in both
2 medicare part A and medicare part B in order to remain eligible for
3 the reimbursement provided in this subsection.

4 (b) The retirement allowance paid to the spouse or domestic
5 partner and dependent children of a member who is killed in the
6 course of employment, as set forth in RCW 41.05.011(5), shall include
7 reimbursement from the date of the member's death to the
8 determination that the member was killed in the course of employment
9 for premiums on employer-provided medical insurance, insurance
10 authorized by the consolidated omnibus budget reconciliation act of
11 1985 (COBRA), medicare part A (hospital insurance), and medicare part
12 B (medical insurance). A member who is entitled to medicare must
13 enroll and maintain enrollment in both medicare part A and medicare
14 part B in order to remain eligible for the reimbursement provided in
15 this subsection.

16 (c) The retirement allowance of a member who is not eligible for
17 the reimbursement provided in (b) of this subsection shall include
18 reimbursement for any payments made for premiums on other medical
19 insurance. However, in no instance shall the reimbursement exceed the
20 amount reimbursed for premiums authorized by the consolidated omnibus
21 budget reconciliation act of 1985 (COBRA).

22 (6) In addition to the benefits provided in subsection (4) of
23 this section, if the surviving spouse or domestic partner of a member
24 who is killed in the course of employment is not eligible to receive
25 industrial insurance payments pursuant to RCW 51.32.050 due to
26 remarriage, the surviving spouse or domestic partner shall receive an
27 amount equal to the benefit they would receive pursuant to RCW
28 51.32.050 but for the remarriage. This subsection applies to
29 surviving spouses and domestic partners whose benefits pursuant to
30 RCW 51.32.050 were suspended or terminated due to remarriage prior to
31 July 24, 2015. The monthly payments to any surviving spouse or
32 domestic partner who received a lump sum payment pursuant to RCW
33 51.32.050 shall be actuarially reduced to reflect the amount of the
34 lump sum payment.

35 NEW SECTION. Sec. 2. Section 1(5) (b) and (c) of this act
36 applies to any payments for premiums made after June 10, 2010. To

1 this extent, this act applies retroactively, but in all other
2 respects it applies prospectively.

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