
SUBSTITUTE HOUSE BILL 1266

State of Washington

60th Legislature

2007 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Conway, Fromhold, B. Sullivan, Kenney, Ericks, Simpson and Moeller; by request of Select Committee on Pension Policy and LEOFF Plan 2 Retirement Board)

READ FIRST TIME 02/01/07.

1 AN ACT Relating to death benefits for public employees; and
2 amending RCW 41.04.017, 41.26.048, 41.32.053, 41.35.115, 41.37.110,
3 41.40.0931, 41.40.0932, and 43.43.285.

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

5 **Sec. 1.** RCW 41.04.017 and 2003 c 402 s 4 are each amended to read
6 as follows:

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

1 **Sec. 2.** RCW 41.26.048 and 2006 c 351 s 1 are each amended to read
2 as follows:

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

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

21 **Sec. 3.** RCW 41.32.053 and 2003 c 402 s 2 are each amended to read
22 as follows:

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

32 (2) The benefit under this section shall be paid only where death
33 occurs as a result of (a) injuries sustained in the course of
34 employment; or (b) an occupational disease or infection that arises
35 naturally and proximately out of employment covered under this chapter.
36 The determination of eligibility for the benefit shall be made

1 consistent with Title 51 RCW by the department of labor and industries.
2 The department of labor and industries shall notify the department of
3 retirement systems by order under RCW 51.52.050.

4 **Sec. 4.** RCW 41.35.115 and 2003 c 402 s 3 are each amended to read
5 as follows:

6 (1) A one hundred fifty thousand dollar death benefit shall be paid
7 to the member's estate, or such person or persons, trust or
8 organization as the member has nominated by written designation duly
9 executed and filed with the department. If no such designated person
10 or persons are still living at the time of the member's death, the
11 member's death benefit shall be paid to the member's surviving spouse
12 as if in fact the spouse had been nominated by written designation, or
13 if there is no surviving spouse, then to the member's legal
14 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 chapter.
19 The determination of eligibility for the benefit shall be made
20 consistent with Title 51 RCW by the department of labor and industries.
21 The department of labor and industries shall notify the department of
22 retirement systems by order under RCW 51.52.050.

23 **Sec. 5.** RCW 41.37.110 and 2004 c 242 s 14 are each amended to read
24 as follows:

25 (1) A one hundred fifty thousand dollar death benefit shall be paid
26 to the member's estate, or the person or persons, trust, or
27 organization the member has nominated by written designation duly
28 executed and filed with the department. If the designated person or
29 persons are not still living at the time of the member's death, the
30 member's death benefit shall be paid to the member's surviving spouse
31 as if in fact the spouse had been nominated by written designation, or
32 if there is no surviving spouse, then to the member's legal
33 representatives.

34 (2) The benefit under this section shall be paid only where death
35 occurs as a result of (a) injuries sustained in the course of
36 employment; or (b) 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 **Sec. 6.** RCW 41.40.0931 and 1998 c 157 s 1 are each amended to read
7 as follows:

8 (1) A one hundred fifty thousand dollar death benefit for members
9 who had the opportunity to transfer to the law enforcement officers'
10 and fire fighters' retirement system pursuant to chapter 502, Laws of
11 1993, but elected to remain in the public employees' retirement system,
12 shall be paid to the member's estate, or such person or persons, trust,
13 or organization as the member has nominated by written designation duly
14 executed and filed with the department. If there is no designated
15 person or persons still living at the time of the member's death, the
16 member's death benefit shall be paid to the member's surviving spouse
17 as if in fact the spouse had been nominated by written designation, or
18 if there is no surviving spouse, then to the member's legal
19 representatives.

20 (2) Subject to subsection (3) of this section, the benefit under
21 this section shall be paid only where death occurs as a result of (a)
22 injuries sustained in the course of employment as a general authority
23 police officer; or (b) an occupational disease or infection that arises
24 naturally and proximately out of employment covered under this chapter.
25 The determination of eligibility for the benefit shall be made
26 consistent with Title 51 RCW by the department of labor and industries.
27 The department of labor and industries shall notify the department of
28 retirement systems by order under RCW 51.52.050.

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

32 **Sec. 7.** RCW 41.40.0932 and 2003 c 402 s 1 are each amended to read
33 as follows:

34 (1) A one hundred fifty thousand dollar death benefit shall be paid
35 to the member's estate, or such person or persons, trust or
36 organization as the member has nominated by written designation duly

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

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

15 **Sec. 8.** RCW 43.43.285 and 1996 c 226 s 2 are each amended to read
16 as follows:

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

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

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