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**SUBSTITUTE HOUSE BILL 1180**

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**State of Washington                      63rd Legislature                      2013 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Scott, Blake, Kristiansen, and Santos)

READ FIRST TIME 03/01/13.

1            AN ACT Relating to death benefits for volunteer firefighters and  
2 reserve officers; and amending RCW 41.24.160.

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

4            **Sec. 1.** RCW 41.24.160 and 2001 c 134 s 2 are each amended to read  
5 as follows:

6            (1)(a) Whenever a participant dies as the result of injuries  
7 received, or sickness contracted in consequence or as the result of the  
8 performance of his or her duties, the board of trustees shall order and  
9 direct the payment from the principal fund of (i) the sum of (~~one~~  
10 ~~hundred fifty two~~) two hundred fourteen thousand dollars to his widow  
11 or her widower, or if there is no widow or widower, then to his or her  
12 dependent child or children, or if there is no dependent child or  
13 children, then to his or her dependent parents or either of them, or if  
14 there are no dependent parents or parent, then the death benefit shall  
15 be paid to the member's estate, and (ii)(A) the sum of one thousand two  
16 hundred seventy-five dollars per month to his widow or her widower  
17 (~~during his or her life together with the additional monthly sum of~~  
18 ~~one hundred ten dollars for each child of the member, unemancipated or~~  
19 ~~under eighteen years of age, dependent upon the member for support at~~

1 ~~the time of his or her death, (B) to a maximum total of two thousand~~  
2 ~~five hundred fifty dollars per month)), with (B) an additional amount~~  
3 ~~of five hundred dollars per month paid to the legal guardian or~~  
4 ~~surviving parent of each birth or legally adopted child, unemancipated~~  
5 ~~or under eighteen years of age, and dependent upon the member for~~  
6 ~~support at the time of his or her death.~~

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

18 (2) ~~((If the widow or widower does not have legal custody of one or~~  
19 ~~more dependent children of the deceased participant or if, after the~~  
20 ~~death of the participant, legal custody of such child or children~~  
21 ~~passes from the widow or widower to another person, any payment on~~  
22 ~~account of such child or children not in the legal custody of the widow~~  
23 ~~or widower shall be made to the person or persons having legal custody~~  
24 ~~of such child or children. Such payments on account of such child or~~  
25 ~~children shall be subtracted from the amount to which such widow or~~  
26 ~~widower would have been entitled had such widow or widower had legal~~  
27 ~~custody of all the children and the widow or widower shall receive the~~  
28 ~~remainder after such payments on account of such child or children have~~  
29 ~~been subtracted. If there is no widow or widower, or the widow or~~  
30 ~~widower dies while there are children, unemancipated or under eighteen~~  
31 ~~years of age, then the amount of one thousand two hundred seventy five~~  
32 ~~dollars per month shall be paid for the youngest or only child together~~  
33 ~~with an additional one hundred ten dollars per month for each~~  
34 ~~additional of such children to a maximum of two thousand five hundred~~  
35 ~~fifty dollars per month until they become emancipated or reach the age~~  
36 ~~of eighteen years; and if there are no widow or widower, child, or~~  
37 ~~children entitled thereto, then to his or her parents or either of them~~  
38 ~~the sum of one thousand two hundred seventy five dollars per month for~~

1 ~~life, if it is proved to the satisfaction of the board that the~~  
2 ~~parents, or either of them, were dependent on the deceased for their~~  
3 ~~support at the time of his or her death. In any instance in~~  
4 ~~subsections (1) and (2) of this section, if the widow or widower, child~~  
5 ~~or children, or the parents, or either of them, marries while receiving~~  
6 ~~such pension the person so marrying shall thereafter receive no further~~  
7 ~~pension from the fund.~~

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

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