

---

**ENGROSSED SENATE BILL 6305**

---

**State of Washington**

**55th Legislature**

**1998 Regular Session**

**By** Senators Roach, Long, Rossi, Fraser, Oke and Rasmussen; by request of Joint Committee on Pension Policy

Read first time 01/15/98. Referred to Committee on Ways & Means.

1       AN ACT Relating to death and disability benefits for certain  
2 general authority police officers; amending RCW 41.20.060; adding a new  
3 section to chapter 41.40 RCW; adding a new section to chapter 41.20  
4 RCW; creating new sections; and declaring an emergency.

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

6       NEW SECTION.   **Sec. 1.** A new section is added to chapter 41.40 RCW  
7 under the subchapter heading "Plan I" to read 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 firefighters' retirement system pursuant to chapter 502, laws of  
11 1993, but elected to remain in the public employees' retirement system,  
12 general authority police officers shall be paid to the member's estate,  
13 or such person or persons, trust, or organization as the member has  
14 nominated by written designation duly executed and filed with the  
15 department. If there is no designated person or persons still living  
16 at the time of the member's death, the member's death benefit shall be  
17 paid to the member's surviving spouse as if in fact the spouse had been  
18 nominated by written designation, or if there is no surviving spouse,  
19 then to the member's legal representatives.

1 (2) Subject to subsection (3) of this section, the benefit under  
2 this section shall be paid only where death occurs as a result of  
3 injuries sustained in the course of employment as a general authority  
4 police officer. The determination of eligibility for the benefit shall  
5 be made consistent with Title 51 RCW by the department of labor and  
6 industries. The department of labor and industries shall notify the  
7 department of retirement systems by order under RCW 51.52.050.

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

11 NEW SECTION. **Sec. 2.** The purpose of sections 2 through 5 of this  
12 act is to clarify that the intent of the legislature in enacting RCW  
13 41.20.060, insofar as that section provides benefits to members for  
14 disabilities incurred in the line of duty, was to provide a statute in  
15 the nature of a workers' compensation act that provides compensation to  
16 employees for personal injuries incurred in the course of employment.  
17 Accordingly this act amends and divides RCW 41.20.060 into two separate  
18 sections. Section 3 of this act clarifies and emphasizes the  
19 legislature's intent that the disability benefits granted by RCW  
20 41.20.060, as amended, are granted only to those members who become  
21 disabled by any injury or incapacity that is incurred in the line of  
22 duty. Section 4 of this act continues to provide disability retirement  
23 benefits to members who become disabled by an injury or incapacity not  
24 incurred in the line of duty.

25 **Sec. 3.** RCW 41.20.060 and 1973 1st ex.s. c 181 s 4 are each  
26 amended to read as follows:

27 Whenever any person, while serving as a policeman in any such city  
28 becomes physically disabled by reason of any bodily injury received in  
29 the immediate or direct performance or discharge of his duties as a  
30 policeman, or becomes incapacitated for service on account of any duty  
31 connected disability, such incapacity not having been caused or brought  
32 on by dissipation or abuse, of which the board shall be judge, the  
33 board may, upon his written request filed with the secretary, or  
34 without such written request, if it deems it to be for the benefit of  
35 the public, retire such person from the department, and order and  
36 direct that he be paid from the fund during his lifetime, a pension  
37 equal to fifty percent of the amount of salary at any time hereafter

1 attached to the position which he held in the department at the date of  
2 his retirement, but not to exceed an amount equivalent to fifty percent  
3 of the salary of captain except as to a position higher than that of  
4 captain held for at least three calendar years prior to the date of  
5 retirement in which case as to such position the provisions of RCW  
6 41.20.050 shall apply, and all existing pensions shall be increased to  
7 not less than three hundred dollars per month as of April 25, 1973:  
8 PROVIDED, That where, at the time of retirement hereafter for duty  
9 connected disability under this section, such person has served  
10 honorably for a period of more than twenty-five years as a member, in  
11 any capacity, of the regularly constituted police department of a city  
12 subject to the provisions of this chapter, the foregoing percentage  
13 factors to be applied in computing the pension payable under this  
14 section shall be increased by two percent of his salary per year for  
15 each full year of such additional service to a maximum of five  
16 additional years.

17 Whenever such disability ceases, the pension shall cease, and such  
18 person shall be restored to active service at the same rank he held at  
19 the time of his retirement, and at the current salary attached to said  
20 rank at the time of his return to active service.

21 Disability benefits provided for by this chapter shall not be paid  
22 when the policeman is disabled while he is engaged for compensation in  
23 outside work not of a police or special police nature.

24 NEW SECTION. **Sec. 4.** A new section is added to chapter 41.20 RCW  
25 to read as follows:

26 Whenever any person, while serving as a policeman in any such city  
27 becomes physically disabled by reason of any bodily injury not incurred  
28 in the line of duty, or becomes incapacitated for service, such  
29 incapacity not having been caused or brought on by dissipation or  
30 abuse, of which the board shall be judge, the board may, upon his  
31 written request filed with the secretary, or without such written  
32 request, if it deems it to be for the benefit of the public, retire  
33 such person from the department, and order and direct that he be paid  
34 from the fund during his lifetime, a pension equal to fifty percent of  
35 the amount of salary at any time hereafter attached to the position  
36 which he held in the department at the date of his retirement, but not  
37 to exceed an amount equivalent to fifty percent of the salary of  
38 captain, except as to a position higher than that of captain held for

1 at least three calendar years prior to the date of retirement, in which  
2 case as to such position the provisions of RCW 41.20.050 shall apply,  
3 and all existing pensions shall be increased to not less than three  
4 hundred dollars per month as of April 25, 1973: PROVIDED, That where,  
5 at the time of retirement hereafter for disability under this section,  
6 such person has served honorably for a period of more than twenty-five  
7 years as a member, in any capacity, of the regularly constituted police  
8 department of a city subject to the provisions of this chapter, the  
9 foregoing percentage factors to be applied in computing the pension  
10 payable under this section shall be increased by two percent of his  
11 salary per year for each full year of such additional service, to a  
12 maximum of five additional years.

13 Whenever such disability ceases, the pension shall cease, and such  
14 person shall be restored to active service at the same rank he held at  
15 the time of his retirement, and at the current salary attached to said  
16 rank at the time of his return to active service.

17 Disability benefits provided for by this chapter shall not be paid  
18 when the policeman is disabled while he is engaged for compensation in  
19 outside work not of a police or special police nature.

20 NEW SECTION. **Sec. 5.** The provisions of section 3 of this act  
21 apply retrospectively to all line of duty disability retirement  
22 allowances heretofore granted under chapter 41.20 RCW.

23 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
24 preservation of the public peace, health, or safety, or support of the  
25 state government and its existing public institutions, and takes effect  
26 immediately.

--- END ---