
HOUSE BILL 1824

State of Washington 60th Legislature 2007 Regular Session

By Representatives Chase, O'Brien, Simpson, Williams and Ormsby

Read first time 01/30/2007. Referred to Committee on Appropriations.

1 AN ACT Relating to benefits for the survivors of certain
2 firefighters; and amending RCW 41.18.080 and 41.18.100.

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

4 **Sec. 1.** RCW 41.18.080 and 1973 1st ex.s. c 154 s 72 are each
5 amended to read as follows:

6 Any ((fireman)) firefighter who has completed his or her
7 probationary period and has been permanently appointed, and sustains a
8 disability not in the performance of his or her duty which renders him
9 or her unable to continue his or her service, may request to be retired
10 by filing a written request with his or her retirement board within
11 sixty days from the date of his or her disability. The board may, upon
12 such request being filed, consult such medical advice as it deems fit
13 and proper. If the board finds the ((fireman)) firefighter capable of
14 performing his or her duties, it may refuse to recommend retirement and
15 order the ((fireman)) firefighter back to duty. If no request for
16 retirement has been received after the expiration of sixty days from
17 the date of his or her disability, the board may recommend retirement
18 of the ((fireman)) firefighter. The board shall give the ((fireman))
19 firefighter a thirty day written notice of its recommendation, and he

1 or she shall be retired upon expiration of ((said)) the notice. Upon
2 retirement he or she shall receive a pension equal to fifty percent of
3 his or her basic salary. For a period of ninety days following such
4 disability the ((fireman)) firefighter shall receive an allowance from
5 the fund equal to his or her basic salary. He or she shall during
6 ((said)) the ninety days be provided with such medical, hospital, and
7 nursing care as the board deems proper. No funds shall be expended for
8 such disability if the board determines that the ((fireman))
9 firefighter was gainfully employed or engaged for compensation in other
10 than fire department duty when the disability occurred, or if such
11 disability was the result of dissipation or abuse. Whenever any
12 ((fireman)) firefighter shall die as a result of a disability sustained
13 not in the line of duty, his widow or her widower shall receive a
14 monthly pension equal to one-third of his or her basic salary ((until
15 remarried)); if such widow or widower has dependent upon her or him for
16 support a child or children of such deceased ((fireman)) firefighter,
17 he or she shall receive an additional pension as follows: One child,
18 one-eighth of the deceased's basic salary; two children, one-seventh;
19 three or more children, one-sixth. If there be no widow or widower,
20 monthly payments equal to one-third of the deceased ((fireman's))
21 firefighter's basic salary shall be made to his or her child or
22 children. The widow or widower may elect at any time in writing to
23 receive a cash settlement, and if the board after hearing finds it
24 financially beneficial to the pension fund, he or she may receive the
25 sum of five thousand dollars cash in lieu of all future monthly pension
26 payments, and other benefits, including benefits to any child and/or
27 children.

28 **Sec. 2.** RCW 41.18.100 and 1975 1st ex.s. c 178 s 4 are each
29 amended to read as follows:

30 In the event a ((fireman)) firefighter is killed in the performance
31 of duty, or in the event a ((fireman)) firefighter retired on account
32 of service connected disability shall die from any cause, his widow or
33 her widower shall receive a monthly pension under one of the following
34 applicable provisions: (1) If a ((fireman)) firefighter is killed in
35 the line of duty his widow or her widower shall receive a monthly
36 pension equal to fifty percent of his or her basic salary at the time
37 of his or her death; (2) if a ((fireman)) firefighter who has retired

1 on account of a service connected disability dies, his widow or her
2 widower shall receive a monthly pension equal to the amount of the
3 monthly pension such retired ((fireman)) firefighter was receiving at
4 the time of his or her death. If she or he at any time so elects in
5 writing and the board after hearing finds it to be financially
6 beneficial to the pension fund, he or she may receive in lieu of all
7 future monthly pension and other benefits, including benefits to child
8 or children, the sum of five thousand dollars in cash. If there be no
9 widow or widower at the time of such ((fireman's)) firefighter's death
10 or upon the widow's or widower's death the monthly pension benefits
11 ((~~hereinabove~~)) provided for under this section shall be paid to and
12 divided among his or her child or children share and share alike, until
13 they reach the age of eighteen or are married, whichever occurs first.
14 ((~~The widow's or widower's monthly pension benefit, including increased~~
15 ~~benefits to his or her children shall cease if and when he or she~~
16 ~~remarries: PROVIDED, That~~)) No pension payable under the provisions of
17 this section shall be less than that specified under RCW 41.18.200.

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