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SENATE BILL 6220

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State of Washington

54th Legislature

1996 Regular Session

By Senators Owen, Moyer, Swecker, Sutherland, Drew, Rinehart, Goings, Snyder, Quigley, Haugen, Winsley, Oke, Roach, Bauer, Prentice, Hargrove, Sheldon, Wojahn, Finkbeiner and Rasmussen

Read first time 01/09/96. Referred to Committee on Ways & Means.

1 AN ACT Relating to increased benefits for volunteer fire fighters;  
2 amending RCW 41.24.150 and 41.24.160; and providing an effective date.

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

4 **Sec. 1.** RCW 41.24.150 and 1989 c 91 s 2 are each amended to read  
5 as follows:

6 Whenever a fire fighter serving in any capacity as a member of the  
7 fire fighter's own fire department subject to the provisions of this  
8 chapter becomes physically or mentally disabled, or sick, in  
9 consequence or as the result of the performance of his or her duties,  
10 so as to be wholly prevented from engaging in each and every duty of  
11 his or her regular occupation, business, or profession, he or she shall  
12 be paid from the fund monthly, (~~the sum of one~~) an amount equal to  
13 his or her monthly wage as certified by the local board or two thousand  
14 (~~six~~) five hundred fifty dollars, whichever is less, for a period  
15 (~~of~~) not to exceed six months, or (~~fifty-five~~) an amount equal to  
16 his or her daily wage as certified by the local board or eighty-five  
17 dollars, whichever is less, per day for such period as is part of a  
18 month, after which period, if the member is incapacitated to such an  
19 extent that he or she is thereby prevented from engaging in any

1 occupation or performing any work for compensation or profit or if the  
2 member sustained an injury after October 1, 1978, which resulted in the  
3 loss or paralysis of both legs or arms, or one leg and one arm, or  
4 total loss of eyesight, but such injury has not prevented the member  
5 from engaging in an occupation or performing work for compensation or  
6 profit, he or she is entitled to draw from the fund monthly, the sum of  
7 ~~((eight))~~ one thousand two hundred ~~((twenty-five))~~ seventy-five dollars  
8 so long as the disability continues, except as hereinafter provided:  
9 PROVIDED, That if the member has a wife or husband and/or a child or  
10 children unemancipated or under eighteen years of age, he or she is  
11 entitled to draw from the fund monthly the additional sums of ~~((one))~~  
12 two hundred ~~((sixty-five))~~ fifty-five dollars because of the fact of  
13 his wife or her husband, and ~~((seventy))~~ one hundred ten dollars  
14 because of the fact of each child unemancipated or under eighteen years  
15 of age, all to a total maximum amount of ~~((one))~~ two thousand ~~((six))~~  
16 five hundred fifty dollars. The board may at any time reopen the grant  
17 of such disability pension if the pensioner is gainfully employed, and  
18 may reduce it in the proportion that the annual income from such  
19 gainful employment bears to the annual income received by the pensioner  
20 at the time of his disability: PROVIDED, That where a fire fighter  
21 sustains a permanent partial disability the state board may provide  
22 that such injured fire fighter shall receive a lump sum compensation  
23 therefor to the same extent as is provided for permanent partial  
24 disability under the workers' compensation act under Title 51 RCW in  
25 lieu of such monthly disability payments.

26 **Sec. 2.** RCW 41.24.160 and 1989 c 91 s 3 are each amended to read  
27 as follows:

28 (1) Whenever a fire fighter dies as the result of injuries  
29 received, or sickness contracted in consequence or as the result of the  
30 performance of his or her duties, the board of trustees shall order and  
31 direct the payment of the sum of two thousand dollars to his widow or  
32 her widower, or if there is no widow or widower, then to his or her  
33 dependent child or children, or if there is no dependent child or  
34 children, then to his or her parents or either of them, and the sum of  
35 ~~((eight))~~ one thousand two hundred ~~((twenty-five))~~ seventy-five dollars  
36 per month to his widow or her widower during his or her life together  
37 with the additional monthly sum of ~~((seventy))~~ one hundred ten dollars  
38 for each child of the member, unemancipated or under eighteen years of

1 age, dependent upon the member for support at the time of his or her  
2 death, to a maximum total of (~~one~~) two thousand (~~six~~) five hundred  
3 fifty dollars per month.

4 (2) If the widow or widower does not have legal custody of one or  
5 more dependent children of the deceased fire fighter or if, after the  
6 death of the fire fighter, legal custody of such child or children  
7 passes from the widow or widower to another person, any payment on  
8 account of such child or children not in the legal custody of the widow  
9 or widower shall be made to the person or persons having legal custody  
10 of such child or children. Such payments on account of such child or  
11 children shall be subtracted from the amount to which such widow or  
12 widower would have been entitled had such widow or widower had legal  
13 custody of all the children and the widow or widower shall receive the  
14 remainder after such payments on account of such child or children have  
15 been subtracted. If there is no widow or widower, or the widow or  
16 widower dies while there are children, unemancipated or under eighteen  
17 years of age, then the amount of eight hundred twenty-five dollars per  
18 month shall be paid for the youngest or only child together with an  
19 additional seventy dollars per month for each additional of such  
20 children to a maximum of one thousand six hundred fifty dollars per  
21 month until they become emancipated or reach the age of eighteen years;  
22 and if there are no widow or widower, child, or children entitled  
23 thereto, then to his or her parents or either of them the sum of eight  
24 hundred twenty-five dollars per month for life, if it is proved to the  
25 satisfaction of the board that the parents, or either of them, were  
26 dependent on the deceased for their support at the time of his or her  
27 death. In any instance in subsections (1) and (2) of this section, if  
28 the widow or widower, child or children, or the parents, or either of  
29 them, marries while receiving such pension the person so marrying shall  
30 thereafter receive no further pension from the fund.

31 (3) In the case provided for in this section, the monthly payment  
32 provided may be converted in whole or in part into a lump sum payment,  
33 not in any case to exceed twelve thousand dollars, equal or  
34 proportionate, as the case may be, to the actuarial equivalent of the  
35 monthly payment in which event the monthly payments shall cease in  
36 whole or in part accordingly or proportionately. Such conversion may  
37 be made either upon written application to the state board and shall  
38 rest in the discretion of the state board; or the state board is  
39 authorized to make, and authority is hereby given it to make, on its

1 own motion, lump sum payments, equal or proportionate, as the case may  
2 be, to the value of the annuity then remaining in full satisfaction of  
3 claims due to dependents. Within the rule aforesaid the amount and  
4 value of the lump sum payment may be agreed upon between the applicant  
5 and the state board. Any person receiving a monthly payment under this  
6 section on June 29, 1961, may elect, within two years, to convert such  
7 payments into a lump sum payment as provided in this section.

8 NEW SECTION. **Sec. 3.** This act shall take effect July 1, 1996.

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