

CERTIFICATION OF ENROLLMENT

SENATE BILL 6220

54th Legislature
1996 Regular Session

Passed by the Senate February 7, 1996
YEAS 49 NAYS 0

President of the Senate

Passed by the House February 28, 1996
YEAS 94 NAYS 0

**Speaker of the
House of Representatives**

Approved

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6220** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

SENATE BILL 6220

Passed Legislature - 1996 Regular Session

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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