

2 **SB 6305** - S AMD - 763

3 By Senators Strannigan, Roach and Fairley

4 ADOPTED AS AMENDED 2/17/98

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 41.40 RCW
8 under the subchapter heading "Plan I" to read as follows:

9 (1) A one hundred fifty thousand dollar death benefit for members
10 who had the opportunity to transfer to the law enforcement officers'
11 and firefighters' retirement system pursuant to chapter 502, laws of
12 1993, but elected to remain in the public employees' retirement system,
13 general authority police officers shall be paid to the member's estate,
14 or such person or persons, trust, or organization as the member has
15 nominated by written designation duly executed and filed with the
16 department. If there is no designated person or persons still living
17 at the time of the member's death, the member's death benefit shall be
18 paid to the member's surviving spouse as if in fact the spouse had been
19 nominated by written designation, or if there is no surviving spouse,
20 then to the member's legal representatives.

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

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

31 NEW SECTION. **Sec. 2.** The purpose of sections 2 through 5 of this
32 act is to clarify that the intent of the legislature in enacting RCW
33 41.20.060, insofar as that section provides benefits to members for
34 disabilities incurred in the line of duty, was to provide a statute in
35 the nature of a workers' compensation act that provides compensation to

1 employees for personal injuries incurred in the course of employment.
2 Accordingly this act amends and divides RCW 41.20.060 into two separate
3 sections. Section 3 of this act clarifies and emphasizes the
4 legislature's intent that the disability benefits granted by RCW
5 41.20.060, as amended, are granted only to those members who become
6 disabled by any injury or incapacity that is incurred in the line of
7 duty. Section 4 of this act continues to provide disability retirement
8 benefits to members who become disabled by an injury or incapacity not
9 incurred in the line of duty.

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

12 Whenever any person, while serving as a policeman in any such city
13 becomes physically disabled by reason of any bodily injury received in
14 the immediate or direct performance or discharge of his duties as a
15 policeman, or becomes incapacitated for service on account of any duty
16 connected disability, such incapacity not having been caused or brought
17 on by dissipation or abuse, of which the board shall be judge, the
18 board may, upon his written request filed with the secretary, or
19 without such written request, if it deems it to be for the benefit of
20 the public, retire such person from the department, and order and
21 direct that he be paid from the fund during his lifetime, a pension
22 equal to fifty percent of the amount of salary at any time hereafter
23 attached to the position which he held in the department at the date of
24 his retirement, but not to exceed an amount equivalent to fifty percent
25 of the salary of captain except as to a position higher than that of
26 captain held for at least three calendar years prior to the date of
27 retirement in which case as to such position the provisions of RCW
28 41.20.050 shall apply, and all existing pensions shall be increased to
29 not less than three hundred dollars per month as of April 25, 1973:
30 PROVIDED, That where, at the time of retirement hereafter for duty
31 connected disability under this section, such person has served
32 honorably for a period of more than twenty-five years as a member, in
33 any capacity, of the regularly constituted police department of a city
34 subject to the provisions of this chapter, the foregoing percentage
35 factors to be applied in computing the pension payable under this
36 section shall be increased by two percent of his salary per year for
37 each full year of such additional service to a maximum of five
38 additional years.

1 Whenever such disability ceases, the pension shall cease, and such
2 person shall be restored to active service at the same rank he held at
3 the time of his retirement, and at the current salary attached to said
4 rank at the time of his return to active service.

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

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

10 Whenever any person, while serving as a policeman in any such city
11 becomes physically disabled by reason of any bodily injury not incurred
12 in the line of duty, or becomes incapacitated for service, such
13 incapacity not having been caused or brought on by dissipation or
14 abuse, of which the board shall be judge, the board may, upon his
15 written request filed with the secretary, or without such written
16 request, if it deems it to be for the benefit of the public, retire
17 such person from the department, and order and direct that he be paid
18 from the fund during his lifetime, a pension equal to fifty percent of
19 the amount of salary at any time hereafter attached to the position
20 which he held in the department at the date of his retirement, but not
21 to exceed an amount equivalent to fifty percent of the salary of
22 captain, except as to a position higher than that of captain held for
23 at least three calendar years prior to the date of retirement, in which
24 case as to such position the provisions of RCW 41.20.050 shall apply,
25 and all existing pensions shall be increased to not less than three
26 hundred dollars per month as of April 25, 1973: PROVIDED, That where,
27 at the time of retirement hereafter for disability under this section,
28 such person has served honorably for a period of more than twenty-five
29 years as a member, in any capacity, of the regularly constituted police
30 department of a city subject to the provisions of this chapter, the
31 foregoing percentage factors to be applied in computing the pension
32 payable under this section shall be increased by two percent of his
33 salary per year for each full year of such additional service, to a
34 maximum of five additional years.

35 Whenever such disability ceases, the pension shall cease, and such
36 person shall be restored to active service at the same rank he held at
37 the time of his retirement, and at the current salary attached to said
38 rank at the time of his return to active service.

