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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 general  
10 authority police officers shall be paid to the member's estate, or such  
11 person or persons, trust, or organization as the member has nominated  
12 by written designation duly executed and filed with the department. If  
13 there is no designated person or persons still living at the time of  
14 the member's death, the member's death benefit shall be paid to the  
15 member's surviving spouse as if in fact the spouse had been nominated  
16 by written designation, or if there is no surviving spouse, then to the  
17 member's legal representatives.

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

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

28 NEW SECTION. **Sec. 2.** The purpose of sections 2 through 5 of this  
29 act is to clarify that the intent of the legislature in enacting RCW  
30 41.20.060, insofar as that section provides benefits to members for  
31 disabilities incurred in the line of duty, was to provide a statute in  
32 the nature of a workers' compensation act that provides compensation to  
33 employees for personal injuries incurred in the course of employment.  
34 Accordingly this act amends and divides RCW 41.20.060 into two separate  
35 sections. Section 3 of this act clarifies and emphasizes the

1 legislature's intent that the disability benefits granted by RCW  
2 41.20.060, as amended, are granted only to those members who become  
3 disabled by any injury or incapacity that is incurred in the line of  
4 duty. Section 4 of this act continues to provide disability retirement  
5 benefits to members who become disabled by an injury or incapacity not  
6 incurred in the line of duty.

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

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

36 Whenever such disability ceases, the pension shall cease, and such  
37 person shall be restored to active service at the same rank he held at

1 the time of his retirement, and at the current salary attached to said  
2 rank at the time of his return to active service.

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

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

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

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

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

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

7        NEW SECTION.    **Sec. 6.**    This act is necessary for the immediate  
8 preservation of the public peace, health, or safety, or support of the  
9 state government and its existing public institutions, and takes effect  
10 immediately."

11    **SB 6305** - S AMD - 763  
12        By Senators Strannigan, Roach and Fairley

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14        On page 1, line 1 of the title, after "Relating to" strike the  
15 remainder of the title and insert "death and disability benefits for  
16 certain general authority police officers; amending RCW 41.20.060;  
17 adding a new section to chapter 41.40 RCW; adding a new section to  
18 chapter 41.20 RCW; creating new sections; and declaring an emergency."

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