

CERTIFICATION OF ENROLLMENT

SENATE BILL 5997

52nd Legislature
1991 First Special Session

Passed by the Senate June 24, 1991
Yeas 46 Nays 0

President of the Senate

Passed by the House June 26, 1991
Yeas 94 Nays 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5997** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5997

Passed Legislature - 1991 First Special Session

State of Washington 52nd Legislature 1991 1st Special Session

By Senators Nelson and A. Smith; by request of Statute Law Committee.

Read first time June 19, 1991. Referred to Committee on Law & Justice.

1 AN ACT Relating to the correction of double amendments; reenacting
2 RCW 41.26.030, 41.26.090, 41.26.160, and 41.32.550; creating a new
3 section; repealing 1991 c 3 s 122, 1991 c 3 s 123, 1991 c 3 s 124, 1991
4 c 3 s 125, 1991 c 3 s 126, 1991 c 3 s 127, 1991 c 3 s 128, 1991 c 3 s
5 129, 1991 c 3 s 142, 1991 c 3 s 144, 1991 c 3 s 145, 1991 c 3 s 148,
6 1991 c 3 s 149, 1991 c 3 s 150, 1991 c 3 s 172, 1991 c 3 s 173, 1991 c
7 3 s 186, 1991 c 3 s 187, 1991 c 3 s 188, 1991 c 3 s 189, 1991 c 3 s
8 191, 1991 c 3 s 221, 1991 c 3 s 222, 1991 c 3 s 224, and 1991 c 72 s
9 47; providing an effective date; and declaring an emergency.

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

11 NEW SECTION. **Sec. 1.** The purpose of this act is to correct
12 certain double amendments created during the 1991 regular session that
13 the code reviser's office is unable to merge under RCW 1.12.025. The
14 session laws repealed by section 2 of this act are strictly technical
15 in nature and affect no policy. Sections 3 through 6 of this act are

1 being reenacted to effectuate a legislative directive contained in 1991
2 c 35 s 2.

3 NEW SECTION. **Sec. 2.** The following acts or parts of acts are each
4 repealed:

- 5 (1) 1991 c 3 s 122;
- 6 (2) 1991 c 3 s 123;
- 7 (3) 1991 c 3 s 124;
- 8 (4) 1991 c 3 s 125;
- 9 (5) 1991 c 3 s 126;
- 10 (6) 1991 c 3 s 127;
- 11 (7) 1991 c 3 s 128;
- 12 (8) 1991 c 3 s 129;
- 13 (9) 1991 c 3 s 142;
- 14 (10) 1991 c 3 s 144;
- 15 (11) 1991 c 3 s 145;
- 16 (12) 1991 c 3 s 148;
- 17 (13) 1991 c 3 s 149;
- 18 (14) 1991 c 3 s 150;
- 19 (15) 1991 c 3 s 172;
- 20 (16) 1991 c 3 s 173;
- 21 (17) 1991 c 3 s 186;
- 22 (18) 1991 c 3 s 187;
- 23 (19) 1991 c 3 s 188;
- 24 (20) 1991 c 3 s 189;
- 25 (21) 1991 c 3 s 191;
- 26 (22) 1991 c 3 s 221;
- 27 (23) 1991 c 3 s 222;
- 28 (24) 1991 c 3 s 224; and
- 29 (25) 1991 c 72 s 47.

1 **Sec. 3.** RCW 41.26.030 and 1991 c 365 s 35, 1991 c 343 s 14, and
2 1991 c 35 s 13 are each reenacted to read as follows:

3 As used in this chapter, unless a different meaning is plainly
4 required by the context:

5 (1) "Retirement system" means the "Washington law enforcement
6 officers' and fire fighters' retirement system" provided herein.

7 (2)(a) "Employer" for plan I members, means the legislative
8 authority of any city, town, county, or district or the elected
9 officials of any municipal corporation that employs any law enforcement
10 officer and/or fire fighter, any authorized association of such
11 municipalities, and, except for the purposes of RCW 41.26.150, any
12 labor guild, association, or organization, which represents the fire
13 fighters or law enforcement officers of at least seven cities of over
14 20,000 population and the membership of each local lodge or division of
15 which is composed of at least sixty percent law enforcement officers or
16 fire fighters as defined in this chapter.

17 (b) "Employer" for plan II members, means the legislative authority
18 of any city, town, county, or district or the elected officials of any
19 municipal corporation that employs any law enforcement officer and/or
20 fire fighter.

21 (3) "Law enforcement officer" means any person who is serving on a
22 full time, fully compensated basis as a county sheriff or deputy
23 sheriff, including sheriffs or deputy sheriffs serving under a
24 different title pursuant to a county charter, city police officer, or
25 town marshal or deputy marshal, with the following qualifications:

26 (a) No person who is serving in a position that is basically
27 clerical or secretarial in nature, and who is not commissioned shall be
28 considered a law enforcement officer;

29 (b) Only those deputy sheriffs, including those serving under a
30 different title pursuant to county charter, who have successfully

1 completed a civil service examination for deputy sheriff or the
2 equivalent position, where a different title is used, and those persons
3 serving in unclassified positions authorized by RCW 41.14.070 except a
4 private secretary will be considered law enforcement officers;

5 (c) Only such full time commissioned law enforcement personnel as
6 have been appointed to offices, positions, or ranks in the police
7 department which have been specifically created or otherwise expressly
8 provided for and designated by city charter provision or by ordinance
9 enacted by the legislative body of the city shall be considered city
10 police officers; and

11 (d) The term "law enforcement officer" also includes the executive
12 secretary of a labor guild, association or organization (which is an
13 employer under RCW 41.26.030(2) as now or hereafter amended) if that
14 individual has five years previous membership in the retirement system
15 established in chapter 41.20 RCW. The provisions of this subsection
16 shall not apply to plan II members.

17 (4) "Fire fighter" means:

18 (a) Any person who is serving on a full time, fully compensated
19 basis as a member of a fire department of an employer and who is
20 serving in a position which requires passing a civil service
21 examination for fire fighter, and who is actively employed as such;

22 (b) Anyone who is actively employed as a full time fire fighter
23 where the fire department does not have a civil service examination;

24 (c) Supervisory fire fighter personnel;

25 (d) Any full time executive secretary of an association of fire
26 protection districts authorized under RCW 52.12.031. The provisions of
27 this subsection shall not apply to plan II members;

28 (e) The executive secretary of a labor guild, association or
29 organization (which is an employer under RCW 41.26.030(2) as now or
30 hereafter amended), if such individual has five years previous

1 membership in a retirement system established in chapter 41.16 or 41.18
2 RCW. The provisions of this subsection shall not apply to plan II
3 members;

4 (f) Any person who is serving on a full time, fully compensated
5 basis for an employer, as a fire dispatcher, in a department in which,
6 on March 1, 1970, a dispatcher was required to have passed a civil
7 service examination for fire fighter; and

8 (g) Any person who on March 1, 1970, was employed on a full time,
9 fully compensated basis by an employer, and who on May 21, 1971 was
10 making retirement contributions under the provisions of chapter 41.16
11 or 41.18 RCW.

12 (5) "Department" means the department of retirement systems created
13 in chapter 41.50 RCW.

14 (6) "Surviving spouse" for persons who establish membership in the
15 retirement system on or before September 30, 1977, means the surviving
16 widow or widower of a member or an ex spouse who has been provided
17 benefits under any court decree of dissolution or legal separation or
18 in any court order or court-approved property settlement agreement
19 incident to any court decree of dissolution or legal separation. In
20 order to qualify as a surviving spouse under this subsection: (a) A
21 person shall have been married to the member for at least thirty years,
22 including at least twenty years prior to the member's retirement or
23 separation from service if a vested member; (b) the decree or court
24 order must be currently effective; and (c) the decree or court order
25 must have been entered after the member's retirement and prior to
26 December 31, 1979. If two or more persons are eligible as surviving
27 spouses under this subsection, benefits shall be divided between the
28 surviving spouses based on the percentage of total service credit the
29 member accrued during each marriage. This definition shall apply
30 retroactively.

1 (7)(a) "Child" or "children" means an unmarried person who is under
2 the age of eighteen or mentally or physically handicapped as determined
3 by the department, except a handicapped person in the full time care of
4 a state institution, who is:

5 (i) A natural born child;

6 (ii) A stepchild where that relationship was in existence prior to
7 the date benefits are payable under this chapter;

8 (iii) A posthumous child;

9 (iv) A child legally adopted or made a legal ward of a member prior
10 to the date benefits are payable under this chapter; or

11 (v) An illegitimate child legitimized prior to the date any
12 benefits are payable under this chapter.

13 (b) A person shall also be deemed to be a child up to and including
14 the age of twenty years and eleven months while attending any high
15 school, college, or vocational or other educational institution
16 accredited, licensed, or approved by the state, in which it is located,
17 including the summer vacation months and all other normal and regular
18 vacation periods at the particular educational institution after which
19 the child returns to school.

20 (8) "Member" means any fire fighter, law enforcement officer, or
21 other person as would apply under subsections (3) or (4) of this
22 section whose membership is transferred to the Washington law
23 enforcement officers' and fire fighters' retirement system on or after
24 March 1, 1970, and every law enforcement officer and fire fighter who
25 is employed in that capacity on or after such date.

26 (9) "Retirement fund" means the "Washington law enforcement
27 officers' and fire fighters' retirement system fund" as provided for
28 herein.

29 (10) "Employee" means any law enforcement officer or fire fighter
30 as defined in subsections (3) and (4) of this section.

1 (11)(a) "Beneficiary" for plan I members, means any person in
2 receipt of a retirement allowance, disability allowance, death benefit,
3 or any other benefit described herein.

4 (b) "Beneficiary" for plan II members, means any person in receipt
5 of a retirement allowance or other benefit provided by this chapter
6 resulting from service rendered to an employer by another person.

7 (12)(a) "Final average salary" for plan I members, means (i) for a
8 member holding the same position or rank for a minimum of twelve months
9 preceding the date of retirement, the basic salary attached to such
10 same position or rank at time of retirement; (ii) for any other member,
11 including a civil service member who has not served a minimum of twelve
12 months in the same position or rank preceding the date of retirement,
13 the average of the greatest basic salaries payable to such member
14 during any consecutive twenty-four month period within such member's
15 last ten years of service for which service credit is allowed, computed
16 by dividing the total basic salaries payable to such member during the
17 selected twenty-four month period by twenty-four; (iii) in the case of
18 disability of any member, the basic salary payable to such member at
19 the time of disability retirement; (iv) in the case of a member who
20 hereafter vests pursuant to RCW 41.26.090, the basic salary payable to
21 such member at the time of vesting.

22 (b) "Final average salary" for plan II members, means the monthly
23 average of the member's basic salary for the highest consecutive sixty
24 service credit months of service prior to such member's retirement,
25 termination, or death. Periods constituting authorized unpaid leaves
26 of absence may not be used in the calculation of final average salary.

27 (13)(a) "Basic salary" for plan I members, means the basic monthly
28 rate of salary or wages, including longevity pay but not including
29 overtime earnings or special salary or wages, upon which pension or

1 retirement benefits will be computed and upon which employer
2 contributions and salary deductions will be based.

3 (b) "Basic salary" for plan II members, means salaries or wages
4 earned by a member during a payroll period for personal services,
5 including overtime payments, and shall include wages and salaries
6 deferred under provisions established pursuant to sections 403(b),
7 414(h), and 457 of the United States Internal Revenue Code, but shall
8 exclude lump sum payments for deferred annual sick leave, unused
9 accumulated vacation, unused accumulated annual leave, or any form of
10 severance pay: PROVIDED, That in any year in which a member serves in
11 the legislature the member shall have the option of having such
12 member's basic salary be the greater of:

13 (i) The basic salary the member would have received had such member
14 not served in the legislature; or

15 (ii) Such member's actual basic salary received for nonlegislative
16 public employment and legislative service combined. Any additional
17 contributions to the retirement system required because basic salary
18 under (b)(i) of this subsection is greater than basic salary under
19 (b)(ii) of this subsection shall be paid by the member for both member
20 and employer contributions.

21 (14)(a) "Service" for plan I members, means all periods of
22 employment for an employer as a fire fighter or law enforcement
23 officer, for which compensation is paid, together with periods of
24 suspension not exceeding thirty days in duration. For the purposes of
25 this chapter service shall also include service in the armed forces of
26 the United States as provided in RCW 41.26.190. Credit shall be
27 allowed for all service credit months of service rendered by a member
28 from and after the member's initial commencement of employment as a
29 fire fighter or law enforcement officer, during which the member worked
30 for seventy or more hours, or was on disability leave or disability

1 retirement. Only service credit months of service shall be counted in
2 the computation of any retirement allowance or other benefit provided
3 for in this chapter.

4 (i) For members retiring after May 21, 1971 who were employed under
5 the coverage of a prior pension act before March 1, 1970, "service"
6 shall also include (A) such military service not exceeding five years
7 as was creditable to the member as of March 1, 1970, under the member's
8 particular prior pension act, and (B) such other periods of service as
9 were then creditable to a particular member under the provisions of RCW
10 41.18.165, 41.20.160 or 41.20.170. However, in no event shall credit
11 be allowed for any service rendered prior to March 1, 1970, where the
12 member at the time of rendition of such service was employed in a
13 position covered by a prior pension act, unless such service, at the
14 time credit is claimed therefor, is also creditable under the
15 provisions of such prior act.

16 (ii) A member who is employed by two employers at the same time
17 shall only be credited with service to one such employer for any month
18 during which the member rendered such dual service.

19 (b) "Service" for plan II members, means periods of employment by
20 a member for one or more employers for which basic salary is earned for
21 ninety or more hours per calendar month which shall constitute a
22 service credit month. Periods of employment by a member for one or
23 more employers for which basic salary is earned for at least seventy
24 hours but less than ninety hours per calendar month shall constitute
25 one-half service credit month. Periods of employment by a member for
26 one or more employers for which basic salary is earned for less than
27 seventy hours shall constitute a one-quarter service credit month.

28 Members of the retirement system who are elected or appointed to a
29 state elective position may elect to continue to be members of this
30 retirement system.

1 Service credit years of service shall be determined by dividing the
2 total number of service credit months of service by twelve. Any
3 fraction of a service credit year of service as so determined shall be
4 taken into account in the computation of such retirement allowance or
5 benefits.

6 If a member receives basic salary from two or more employers during
7 any calendar month, the individual shall receive one service credit
8 month's service credit during any calendar month in which multiple
9 service for ninety or more hours is rendered; or one-half service
10 credit month's service credit during any calendar month in which
11 multiple service for at least seventy hours but less than ninety hours
12 is rendered; or one-quarter service credit month during any calendar
13 month in which multiple service for less than seventy hours is
14 rendered.

15 (15) "Accumulated contributions" means the employee's contributions
16 made by a member plus accrued interest credited thereon.

17 (16) "Actuarial reserve" means a method of financing a pension or
18 retirement plan wherein reserves are accumulated as the liabilities for
19 benefit payments are incurred in order that sufficient funds will be
20 available on the date of retirement of each member to pay the member's
21 future benefits during the period of retirement.

22 (17) "Actuarial valuation" means a mathematical determination of
23 the financial condition of a retirement plan. It includes the
24 computation of the present monetary value of benefits payable to
25 present members, and the present monetary value of future employer and
26 employee contributions, giving effect to mortality among active and
27 retired members and also to the rates of disability, retirement,
28 withdrawal from service, salary and interest earned on investments.

1 (18) "Disability board" for plan I members means either the county
2 disability board or the city disability board established in RCW
3 41.26.110.

4 (19) "Disability leave" means the period of six months or any
5 portion thereof during which a member is on leave at an allowance equal
6 to the member's full salary prior to the commencement of disability
7 retirement. The definition contained in this subsection shall apply
8 only to plan I members.

9 (20) "Disability retirement" for plan I members, means the period
10 following termination of a member's disability leave, during which the
11 member is in receipt of a disability retirement allowance.

12 (21) "Position" means the employment held at any particular time,
13 which may or may not be the same as civil service rank.

14 (22) "Medical services" for plan I members, shall include the
15 following as minimum services to be provided. Reasonable charges for
16 these services shall be paid in accordance with RCW 41.26.150.

17 (a) Hospital expenses: These are the charges made by a hospital,
18 in its own behalf, for

19 (i) Board and room not to exceed semiprivate room rate unless
20 private room is required by the attending physician due to the
21 condition of the patient.

22 (ii) Necessary hospital services, other than board and room,
23 furnished by the hospital.

24 (b) Other medical expenses: The following charges are considered
25 "other medical expenses", provided that they have not been considered
26 as "hospital expenses".

27 (i) The fees of the following:

28 (A) A physician or surgeon licensed under the provisions of chapter
29 18.71 RCW;

1 (B) An osteopath licensed under the provisions of chapter 18.57

2 RCW;

3 (C) A chiropractor licensed under the provisions of chapter 18.25

4 RCW.

5 (ii) The charges of a registered graduate nurse other than a nurse
6 who ordinarily resides in the member's home, or is a member of the
7 family of either the member or the member's spouse.

8 (iii) The charges for the following medical services and supplies:

9 (A) Drugs and medicines upon a physician's prescription;

10 (B) Diagnostic x-ray and laboratory examinations;

11 (C) X-ray, radium, and radioactive isotopes therapy;

12 (D) Anesthesia and oxygen;

13 (E) Rental of iron lung and other durable medical and surgical
14 equipment;

15 (F) Artificial limbs and eyes, and casts, splints, and trusses;

16 (G) Professional ambulance service when used to transport the
17 member to or from a hospital when injured by an accident or stricken by
18 a disease;

19 (H) Dental charges incurred by a member who sustains an accidental
20 injury to his or her teeth and who commences treatment by a legally
21 licensed dentist within ninety days after the accident;

22 (I) Nursing home confinement or hospital extended care facility;

23 (J) Physical therapy by a registered physical therapist;

24 (K) Blood transfusions, including the cost of blood and blood
25 plasma not replaced by voluntary donors;

26 (L) An optometrist licensed under the provisions of chapter 18.53
27 RCW.

28 (23) "Regular interest" means such rate as the director may
29 determine.

1 (24) "Retiree" for persons who establish membership in the
2 retirement system on or after October 1, 1977, means any member in
3 receipt of a retirement allowance or other benefit provided by this
4 chapter resulting from service rendered to an employer by such member.

5 (25) "Director" means the director of the department.

6 (26) "State actuary" or "actuary" means the person appointed
7 pursuant to RCW 44.44.010(2).

8 (27) "State elective position" means any position held by any
9 person elected or appointed to state-wide office or elected or
10 appointed as a member of the legislature.

11 (28) "Plan I" means the law enforcement officers' and fire
12 fighters' retirement system, plan I providing the benefits and funding
13 provisions covering persons who first became members of the system
14 prior to October 1, 1977.

15 (29) "Plan II" means the law enforcement officers' and fire
16 fighters' retirement system, plan II providing the benefits and funding
17 provisions covering persons who first became members of the system on
18 and after October 1, 1977.

19 (30) "Service credit year" means an accumulation of months of
20 service credit which is equal to one when divided by twelve.

21 (31) "Service credit month" means a full service credit month or an
22 accumulation of partial service credit months that are equal to one.

23 **Sec. 4.** RCW 41.26.090 and 1991 c 343 s 15 and 1991 c 35 s 18 are
24 each reenacted to read as follows:

25 Retirement of a member for service shall be made by the department
26 as follows:

27 (1) Any member having five or more service credit years of service
28 and having attained the age of fifty years shall be eligible for a
29 service retirement allowance and shall be retired upon the member's

1 written request effective the first day following the date upon which
2 the member is separated from service.

3 (2) Any member having five or more service credit years of service,
4 who terminates his or her employment with any employer, may leave his
5 or her contributions in the fund. Any employee who so elects, upon
6 attaining age fifty, shall be eligible to apply for and receive a
7 service retirement allowance based on his or her years of service,
8 commencing on the first day following his or her attainment of age
9 fifty.

10 (3) Any member selecting optional vesting under subsection (2) of
11 this section with less than twenty service credit years of service
12 shall not be covered by the provisions of RCW 41.26.150, and the
13 member's survivors shall not be entitled to the benefits of RCW
14 41.26.160 unless his or her death occurs after he or she has attained
15 the age of fifty years. Those members selecting this optional vesting
16 with twenty or more years service shall not be covered by the
17 provisions of RCW 41.26.150 until the attainment of the age of fifty
18 years. A member selecting this optional vesting, with less than twenty
19 service credit years of service credit, who dies prior to attaining the
20 age of fifty years, shall have paid from the Washington law enforcement
21 officers' and fire fighters' retirement fund, to such member's
22 surviving spouse, if any, otherwise to such beneficiary as the member
23 shall have designated in writing, or if no such designation has been
24 made, to the personal representative of his or her estate, a lump sum
25 which is equal to the amount of such member's accumulated contributions
26 plus accrued interest. If the vested member has twenty or more service
27 credit years of service credit the surviving spouse or children shall
28 then become eligible for the benefits of RCW 41.26.160 regardless of
29 the member's age at the time of his or her death, to the exclusion of
30 the lump sum amount provided by this subsection.

1 (4) Any member who has attained the age of sixty years shall be
2 retired on the first day of the calendar month next succeeding that in
3 which said member shall have attained the age of sixty and may not
4 thereafter be employed as a law enforcement officer or fire fighter:
5 PROVIDED, That for any member who is elected or appointed to the office
6 of sheriff, chief of police, or fire chief, his or her election or
7 appointment shall be considered as a waiver of the age sixty provision
8 for retirement and nonemployment for whatever number of years remain in
9 his or her present term of office and any succeeding periods for which
10 he or she may be so elected or appointed. The provisions of this
11 subsection shall not apply to any member who is employed as a law
12 enforcement officer or fire fighter on March 1, 1970.

13 **Sec. 5.** RCW 41.26.160 and 1991 c 343 s 17 and 1991 c 35 s 23 are
14 each reenacted to read as follows:

15 (1) In the event of the death of any member who is in active
16 service, or who has vested under the provisions of RCW 41.26.090 with
17 twenty or more service credit years of service, or who is on disability
18 leave or retired, whether for disability or service, the surviving
19 spouse shall become entitled to receive a monthly allowance equal to
20 fifty percent of the final average salary at the date of death if
21 active, or the amount of retirement allowance the vested member would
22 have received at age fifty, or the amount of the retirement allowance
23 such retired member was receiving at the time of death if retired for
24 service or disability. The amount of this allowance will be increased
25 five percent of final average salary for each child as defined in RCW
26 41.26.030(7), as now or hereafter amended, subject to a maximum
27 combined allowance of sixty percent of final average salary: PROVIDED,
28 That if the child or children is or are in the care of a legal
29 guardian, payment of the increase attributable to each child will be

1 made to the child's legal guardian or, in the absence of a legal
2 guardian and if the member has created a trust for the benefit of the
3 child or children, payment of the increase attributable to each child
4 will be made to the trust.

5 (2) If at the time of the death of a vested member with twenty or
6 more service credit years of service as provided in subsection (1) of
7 this section or a member retired for service or disability, the
8 surviving spouse has not been lawfully married to such member for one
9 year prior to retirement or separation from service if a vested member,
10 the surviving spouse shall not be eligible to receive the benefits
11 under this section: PROVIDED, That if a member dies as a result of a
12 disability incurred in the line of duty, then if he or she was married
13 at the time he or she was disabled, the surviving spouse shall be
14 eligible to receive the benefits under this section.

15 (3) If there be no surviving spouse eligible to receive benefits at
16 the time of such member's death, then the child or children of such
17 member shall receive a monthly allowance equal to thirty percent of
18 final average salary for one child and an additional ten percent for
19 each additional child subject to a maximum combined payment, under this
20 subsection, of sixty percent of final average salary. When there cease
21 to be any eligible children as defined in RCW 41.26.030(7), as now or
22 hereafter amended, there shall be paid to the legal heirs of said
23 member the excess, if any, of accumulated contributions of said member
24 at the time of death over all payments made to survivors on his or her
25 behalf under this chapter: PROVIDED, That payments under this
26 subsection to children shall be prorated equally among the children, if
27 more than one. If the member has created a trust for the benefit of
28 the child or children, the payment shall be made to the trust.

29 (4) In the event that there is no surviving spouse eligible to
30 receive benefits under this section, and that there be no child or

1 children eligible to receive benefits under this section, then the
2 accumulated contributions shall be paid to the estate of said member.

3 (5) If a surviving spouse receiving benefits under the provisions
4 of this section thereafter dies and there are children as defined in
5 RCW 41.26.030(7), as now or hereafter amended, payment to the spouse
6 shall cease and the child or children shall receive the benefits as
7 provided in subsection (3) of this section.

8 (6) The payment provided by this section shall become due the day
9 following the date of death and payments shall be retroactive to that
10 date.

11 **Sec. 6.** RCW 41.32.550 and 1991 c 365 s 33 and 1991 s 35 s 62 are
12 each reenacted to read as follows:

13 (1) Should the director determine from the report of the medical
14 director that a member employed under an annual contract with an
15 employer has become permanently disabled for the performance of his or
16 her duties or at any time while a member is receiving temporary
17 disability benefits that a member's disability will be permanent, a
18 member shall have the option of then receiving (a) all of the
19 accumulated contributions in a lump sum payment and canceling his or
20 her membership, or (b) of accepting a retirement allowance based on
21 service or age, if eligible under RCW 41.32.480, or (c) if the member
22 had five or more years of Washington membership service credit
23 established with the retirement system, a retirement allowance because
24 of disability.

25 (2) Any member applying for a retirement allowance who is eligible
26 for benefits on the basis of service or age shall receive a retirement
27 allowance based on the provision of law governing retirement for
28 service or age. If the member qualifies to receive a retirement
29 allowance because of disability he or she shall be paid the maximum

1 annuity which shall be the actuarial equivalent of the accumulated
2 contributions at his or her age of retirement and a pension equal to
3 the service pension to which he or she would be entitled under RCW
4 41.32.497. If the member dies before he or she has received in annuity
5 payments the present value of the accumulated contributions at the time
6 of retirement, the unpaid balance shall be paid to the estate or to the
7 persons nominated by written designation executed and filed with the
8 department.

9 (3) A member retired for disability may be required at any time to
10 submit to reexamination. If medical findings reveal that the
11 individual is no longer disabled for the performance of public school
12 service, the retirement allowance granted because of disability may be
13 terminated by action of the director or upon written request of the
14 member. In case of termination, the individual shall be restored to
15 full membership in the retirement system.

16 NEW SECTION. **Sec. 7.** (1) Sections 3 through 5 of this act are
17 necessary for the immediate preservation of the public peace, health,
18 or safety, or support of the state government and its existing public
19 institutions, and shall take effect September 1, 1991.

20 (2) Sections 1, 2, and 6 of this act are necessary for the
21 immediate preservation of the public peace, health, or safety, or
22 support of the state government and its existing public institutions,
23 and shall take effect immediately.