

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 6305

Chapter 157, Laws of 1998

55th Legislature
1998 Regular Session

DEATH BENEFITS FOR CERTAIN GENERAL AUTHORITY PEACE OFFICERS

EFFECTIVE DATE: 3/25/98

Passed by the Senate March 9, 1998
YEAS 46 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 5, 1998
YEAS 98 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved March 25, 1998

GARY LOCKE

Governor of the State of Washington

CERTIFICATE

I, Mike O Connell, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 6305** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MIKE O'CONNELL

Secretary

FILED

March 25, 1998 - 4:43 p.m.

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 6305

AS AMENDED BY THE HOUSE

Passed Legislature - 1998 Regular Session

State of Washington 55th Legislature 1998 Regular Session

By Senators Roach, Long, Rossi, Fraser, Oke and Rasmussen; by request of Joint Committee on Pension Policy

Read first time 01/15/98. Referred to Committee on Ways & Means.

1 AN ACT Relating to death and disability benefits for certain
2 general authority police officers; amending RCW 41.20.060; adding a new
3 section to chapter 41.40 RCW; adding a new section to chapter 41.20
4 RCW; creating new sections; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 41.40 RCW
7 under the subchapter heading "Provisions Applicable to Plan I and Plan
8 II" 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 shall be paid to the member's estate, or such person or persons, trust,
14 or organization as the member has nominated by written designation duly
15 executed and filed with the department. If there is no designated
16 person or persons still living at the time of the member's death, the
17 member's death benefit shall be paid to the member's surviving spouse
18 as if in fact the spouse had been nominated by written designation, or

1 if there is no surviving spouse, then to the member's legal
2 representatives.

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

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

13 NEW SECTION. **Sec. 2.** The purpose of sections 2 through 5 of this
14 act is to clarify that the intent of the legislature in enacting RCW
15 41.20.060, insofar as that section provides benefits to members for
16 disabilities incurred in the line of duty, was to provide a statute in
17 the nature of a workers' compensation act that provides compensation to
18 employees for personal injuries incurred in the course of employment.
19 Accordingly this act amends and divides RCW 41.20.060 into two separate
20 sections. Section 3 of this act clarifies and emphasizes the
21 legislature's intent that the disability benefits granted by RCW
22 41.20.060, as amended, are granted only to those members who become
23 disabled by any injury or incapacity that is incurred in the line of
24 duty. Section 4 of this act continues to provide disability retirement
25 benefits to members who become disabled by an injury or incapacity not
26 incurred in the line of duty.

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

29 Whenever any person, while serving as a policeman in any such city
30 becomes physically disabled by reason of any bodily injury received in
31 the immediate or direct performance or discharge of his duties as a
32 policeman, or becomes incapacitated for service on account of any duty
33 connected disability, such incapacity not having been caused or brought
34 on by dissipation or abuse, of which the board shall be judge, the
35 board may, upon his written request filed with the secretary, or
36 without such written request, if it deems it to be for the benefit of
37 the public, retire such person from the department, and order and

1 direct that he be paid from the fund during his lifetime, a pension
2 equal to fifty percent of the amount of salary at any time hereafter
3 attached to the position which he held in the department at the date of
4 his retirement, but not to exceed an amount equivalent to fifty percent
5 of the salary of captain except as to a position higher than that of
6 captain held for at least three calendar years prior to the date of
7 retirement in which case as to such position the provisions of RCW
8 41.20.050 shall apply, and all existing pensions shall be increased to
9 not less than three hundred dollars per month as of April 25, 1973:
10 PROVIDED, That where, at the time of retirement hereafter for duty
11 connected disability under this section, such person has served
12 honorably for a period of more than twenty-five years as a member, in
13 any capacity, of the regularly constituted police department of a city
14 subject to the provisions of this chapter, the foregoing percentage
15 factors to be applied in computing the pension payable under this
16 section shall be increased by two percent of his salary per year for
17 each full year of such additional service to a maximum of five
18 additional years.

19 Whenever such disability ceases, the pension shall cease, and such
20 person shall be restored to active service at the same rank he held at
21 the time of his retirement, and at the current salary attached to said
22 rank at the time of his return to active service.

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

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

28 Whenever any person, while serving as a policeman in any such city
29 becomes physically disabled by reason of any bodily injury not incurred
30 in the line of duty, or becomes incapacitated for service, such
31 incapacity not having been caused or brought on by dissipation or
32 abuse, of which the board shall be judge, the board may, upon his
33 written request filed with the secretary, or without such written
34 request, if it deems it to be for the benefit of the public, retire
35 such person from the department, and order and direct that he be paid
36 from the fund during his lifetime, a pension equal to fifty percent of
37 the amount of salary at any time hereafter attached to the position
38 which he held in the department at the date of his retirement, but not

1 to exceed an amount equivalent to fifty percent of the salary of
2 captain, except as to a position higher than that of captain held for
3 at least three calendar years prior to the date of retirement, in which
4 case as to such position the provisions of RCW 41.20.050 shall apply,
5 and all existing pensions shall be increased to not less than three
6 hundred dollars per month as of April 25, 1973: PROVIDED, That where,
7 at the time of retirement hereafter for disability under this section,
8 such person has served honorably for a period of more than twenty-five
9 years as a member, in any capacity, of the regularly constituted police
10 department of a city subject to the provisions of this chapter, the
11 foregoing percentage factors to be applied in computing the pension
12 payable under this section shall be increased by two percent of his
13 salary per year for each full year of such additional service, to a
14 maximum of five additional years.

15 Whenever such disability ceases, the pension shall cease, and such
16 person shall be restored to active service at the same rank he held at
17 the time of his retirement, and at the current salary attached to said
18 rank at the time of his return to active service.

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

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

25 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
26 preservation of the public peace, health, or safety, or support of the
27 state government and its existing public institutions, and takes effect
28 immediately.

Passed the Senate March 9, 1998.

Passed the House March 5, 1998.

Approved by the Governor March 25, 1998.

Filed in Office of Secretary of State March 25, 1998.