

2 **SHB 1648 - H AMDS 019 ADOPTED 1-17-96**

3 By Representative McMorris

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5 On page 1, beginning on line 4, strike all of section 1 and insert
6 the following:

7 "Sec. 1. RCW 51.32.040 and 1995 c 160 s 3 are each amended to read
8 as follows:

9 (1) Except as provided in RCW 43.20B.720, 50.20.085, and
10 74.20A.260, no money paid or payable under this title shall, before the
11 issuance and delivery of the check or warrant, be assigned, charged, or
12 taken in execution, attached, garnished, or pass or be paid to any
13 other person by operation of law, any form of voluntary assignment, or
14 power of attorney. Any such assignment or charge is void unless the
15 transfer is to a financial institution at the request of a worker or
16 other beneficiary and made in accordance with RCW 51.32.045.

17 (2)(a) If any worker suffers (i) a permanent partial injury and
18 dies from some other cause than the accident which produced the injury
19 before he or she receives payment of the award for the permanent
20 partial injury or (ii) any other injury before he or she receives
21 payment of any monthly installment covering any period of time before
22 his or her death, the amount of the permanent partial disability award
23 or the monthly payment, or both, shall be paid to the surviving spouse
24 or the child or children if there is no surviving spouse.

25 (b) If any worker suffers an injury and dies from it before he or
26 she receives payment of any monthly installment covering time loss for
27 any period of time before his or her death, the amount of the monthly
28 payment shall be paid to the surviving spouse or the child or children
29 if there is no surviving spouse.

30 (c) Any application for compensation under this subsection (2)
31 shall be filed with the department or self-insuring employer within one
32 year of the date of death. However, if the injured worker resided in
33 the United States as long as three years before the date of injury,
34 payment under this subsection (2) shall not be made to any surviving
35 spouse or child who was at the time of the injury a nonresident of the
36 United States.

1 (3)(a) Any worker or beneficiary receiving benefits under this
2 title who is subsequently confined in, or who subsequently becomes
3 eligible for benefits under this title while confined in, any
4 institution under conviction and sentence shall have all payments of
5 the compensation canceled during the period of confinement. After
6 discharge from the institution, payment of benefits due afterward shall
7 be paid if the worker or beneficiary would, except for the provisions
8 of this subsection (3), otherwise be entitled to them.

9 (b) If any prisoner is injured in the course of his or her
10 employment while participating in a work or training release program
11 authorized by chapter 72.65 RCW and is subject to the provisions of
12 this title, he or she is entitled to payments under this title, subject
13 to the requirements of chapter 72.65 RCW, unless his or her
14 participation in the program has been canceled, or unless he or she is
15 returned to a state correctional institution, as defined in RCW
16 72.65.010(3), as a result of revocation of parole or new sentence.

17 (c) If the confined worker has any beneficiaries during the
18 confinement period during which benefits are canceled under (a) or (b)
19 of this subsection, they shall be paid directly the monthly benefits
20 which would have been paid to the worker for himself or herself and the
21 worker's beneficiaries had the worker not been confined.

22 (4) Any lump sum benefits to which a worker would otherwise be
23 entitled but for the provisions of this section shall be paid on a
24 monthly basis to his or her beneficiaries."

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28 On page 3, line 30, after "January 1," strike "1996" and insert
29 "1997"

30 EFFECT: Updates a section of the bill that was amended in 1995 to
31 reflect the new enactments and changes the effective date of the bill
32 from January 1, 1996, to January 1, 1997.

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