

2 **SB 5409** - S AMD 175

3 By Senators Owen, Drew and Oke

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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 77.12 RCW  
8 to read as follows:

9 (1) The director shall relieve from active duty full-time,  
10 commissioned fish and wildlife personnel who, while in the performance  
11 of their official duties, have been or may be injured or incapacitated  
12 to such an extent as to be mentally or physically incapable of active  
13 service.

14 (a) Any full-time, commissioned fish and wildlife personnel  
15 disabled while in-service performing line duties who is found by the  
16 department of labor and industries to be physically incapacitated shall  
17 be placed on disability leave for a period not to exceed six months  
18 from the date of injury or the date incapacitated. During this period,  
19 the full-time, commissioned fish and wildlife personnel is entitled to  
20 all pay, benefits, insurance, leave, and retirement contributions  
21 awarded to a full-time, commissioned fish and wildlife personnel on  
22 active status, less any compensation received through the department of  
23 labor and industries. No such disability leave may be approved until  
24 a full-time, commissioned fish and wildlife personnel has been  
25 unavailable for duty for more than five consecutive work days. Prior  
26 to the end of the six-month period, the director shall either place the  
27 full-time, commissioned fish and wildlife personnel on disability  
28 status or return the full-time, commissioned fish and wildlife  
29 personnel to full-time employment status;

30 (b) Benefits under this section for a disability that is incurred  
31 while in other employment must be reduced by any amount the full-time,  
32 commissioned fish and wildlife personnel receives or is entitled to  
33 receive from workers' compensation, social security, group insurance,  
34 other pension plan, or any other similar source provided by another  
35 employer on account of the same disability;

36 (c) A full-time, commissioned fish and wildlife personnel injured

1 while engaged in willfully tortious or criminal conduct is not entitled  
2 to disability benefits under this section; and

3 (d) Should a disability beneficiary, whose disability was incurred  
4 while in-service and while performing nonline duties, engage in a  
5 gainful occupation, the director shall reduce the amount of the  
6 disability allowance to an amount which, when added to the compensation  
7 earned by the beneficiary in such occupation, does not exceed the basic  
8 salary currently being paid for the state civil service range and step  
9 the full-time, commissioned fish and wildlife personnel held at the  
10 time he or she was disabled. All such disability beneficiaries shall  
11 file with the director every six months a signed and sworn statement of  
12 earnings, and any person who knowingly swears falsely on such statement  
13 is subject to prosecution for perjury. Should the earning capacity of  
14 the beneficiary be further altered, the director may further alter the  
15 disability allowance as indicated in this subsection. The director may  
16 cancel the disability allowance for a full-time, commissioned fish and  
17 wildlife personnel who does not file the required statement of earnings  
18 or who knowingly files a false statement of earnings.

19 (2) The director shall define by rule the situations in which a  
20 disability occurs while the full-time, commissioned fish and wildlife  
21 personnel is on in-service status and is either performing line duty or  
22 nonline duty.

23 (3) Full-time, commissioned fish and wildlife personnel on  
24 disability status shall receive one-half of their compensation at the  
25 existing wage, during the time the disability continues in effect, less  
26 any compensation received through the department of labor and  
27 industries. They shall be subject to mental or physical examination at  
28 any state institution or otherwise under the direction of the director  
29 at any time during such relief from duty to ascertain whether or not  
30 they are able to resume active duty.

31 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.12 RCW  
32 to read as follows:

33 Section 1 of this act does not apply to persons who were fisheries  
34 patrol officers employed prior to March 1, 1994."

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4 On page 1, line 2 of the title, after "officers;" strike the  
5 remainder of the title and insert "and adding new sections to chapter  
6 77.12 RCW."

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