
SENATE BILL 5217

State of Washington

55th Legislature

1997 Regular Session

By Senators Bauer, Winsley, Franklin, Long, Fraser, Roach, Loveland, Rasmussen, Goings, Swecker, Kohl, Oke, Patterson and Haugen; by request of Joint Committee on Pension Policy

Read first time 01/20/97. Referred to Committee on Ways & Means.

1 AN ACT Relating to death benefits in the volunteer fire fighters'
2 relief and pension system; amending RCW 41.24.160; adding a new section
3 to chapter 41.24 RCW; and declaring an emergency.

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

5 **Sec. 1.** RCW 41.24.160 and 1996 c 57 s 2 are each amended to read
6 as follows:

7 (1) Whenever a fire fighter dies as the result of injuries
8 received, or sickness contracted in consequence or as the result of the
9 performance of his or her duties, the board of trustees shall order and
10 direct the payment of the sum of (~~two~~) one hundred fifty-two thousand
11 dollars to his widow or her widower, or if there is no widow or
12 widower, then to his or her dependent child or children, or if there is
13 no dependent child or children, then to his or her parents or either of
14 them, and the sum of one thousand two hundred seventy-five dollars per
15 month to his widow or her widower during his or her life together with
16 the additional monthly sum of one hundred ten dollars for each child of
17 the member, unemancipated or under eighteen years of age, dependent
18 upon the member for support at the time of his or her death, to a
19 maximum total of two thousand five hundred fifty dollars per month.

1 (2) If the widow or widower does not have legal custody of one or
2 more dependent children of the deceased fire fighter or if, after the
3 death of the fire fighter, legal custody of such child or children
4 passes from the widow or widower to another person, any payment on
5 account of such child or children not in the legal custody of the widow
6 or widower shall be made to the person or persons having legal custody
7 of such child or children. Such payments on account of such child or
8 children shall be subtracted from the amount to which such widow or
9 widower would have been entitled had such widow or widower had legal
10 custody of all the children and the widow or widower shall receive the
11 remainder after such payments on account of such child or children have
12 been subtracted. If there is no widow or widower, or the widow or
13 widower dies while there are children, unemancipated or under eighteen
14 years of age, then the amount of eight hundred twenty-five dollars per
15 month shall be paid for the youngest or only child together with an
16 additional seventy dollars per month for each additional of such
17 children to a maximum of one thousand six hundred fifty dollars per
18 month until they become emancipated or reach the age of eighteen years;
19 and if there are no widow or widower, child, or children entitled
20 thereto, then to his or her parents or either of them the sum of eight
21 hundred twenty-five dollars per month for life, if it is proved to the
22 satisfaction of the board that the parents, or either of them, were
23 dependent on the deceased for their support at the time of his or her
24 death. In any instance in subsections (1) and (2) of this section, if
25 the widow or widower, child or children, or the parents, or either of
26 them, marries while receiving such pension the person so marrying shall
27 thereafter receive no further pension from the fund.

28 (3) In the case provided for in this section, the monthly payment
29 provided may be converted in whole or in part into a lump sum payment,
30 not in any case to exceed twelve thousand dollars, equal or
31 proportionate, as the case may be, to the actuarial equivalent of the
32 monthly payment in which event the monthly payments shall cease in
33 whole or in part accordingly or proportionately. Such conversion may
34 be made either upon written application to the state board and shall
35 rest in the discretion of the state board; or the state board is
36 authorized to make, and authority is hereby given it to make, on its
37 own motion, lump sum payments, equal or proportionate, as the case may
38 be, to the value of the annuity then remaining in full satisfaction of
39 claims due to dependents. Within the rule aforesaid the amount and

1 value of the lump sum payment may be agreed upon between the applicant
2 and the state board. Any person receiving a monthly payment under this
3 section on June 29, 1961, may elect, within two years, to convert such
4 payments into a lump sum payment as provided in this section.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.24 RCW
6 to read as follows:

7 (1) Effective July 1, 1997, a one hundred fifty thousand dollar
8 death benefit shall be paid from the fund to the reserve officer's
9 widow or her widower, or if there is no widow or widower, then to his
10 or her dependent child or children, or if there is no dependent child
11 or children, then to his or her parents or either of them.

12 (2) The benefit under this section shall be paid only if death
13 occurs as a result of injuries sustained in the course of employment.
14 The determination of eligibility for the benefit shall be made
15 consistent with Title 51 RCW by the department of labor and industries.
16 The department of labor and industries shall notify the state board by
17 order under RCW 51.52.050.

18 (3) Whenever a claim is paid or an expense is incurred under this
19 section, the state board shall be reimbursed in the omnibus
20 appropriation bill under RCW 43.88.080. The state board shall submit
21 to the office of risk management documentation of claims and expenses.
22 The office of risk management shall include this amount as a sundry
23 claim in its appropriation request to the legislature.

24 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
25 preservation of the public peace, health, or safety, or support of the
26 state government and its existing public institutions, and takes effect
27 immediately.

--- END ---