

CERTIFICATION OF ENROLLMENT

SENATE BILL 5217

55th Legislature
1998 Regular Session

Passed by the Senate March 7, 1998
YEAS 37 NAYS 0

President of the Senate

Passed by the House February 27, 1998
YEAS 97 NAYS 0

**Speaker of the
House of Representatives**

Approved

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 **SENATE BILL 5217** 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 5217

Passed Legislature - 1998 Regular Session

AS AMENDED BY THE HOUSE

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; and declaring an
3 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, or a reserve officer provided a
8 benefit under this section, dies as the result of injuries received, or
9 sickness contracted in consequence or as the result of the performance
10 of his or her duties, the board of trustees shall order and direct the
11 payment of the sum of ((two)) one hundred fifty-two thousand dollars to
12 his widow or her widower, or if there is no widow or widower, then to
13 his or her dependent child or children, or if there is no dependent
14 child or children, then to his or her parents or either of them, and
15 the sum of one thousand two hundred seventy-five dollars per month to
16 his widow or her widower during his or her life together with the
17 additional monthly sum of one hundred ten dollars for each child of the
18 member, unemancipated or under eighteen years of age, dependent upon

1 the member for support at the time of his or her death, to a maximum
2 total of two thousand five hundred fifty dollars per month.

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

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

1 be, to the value of the annuity then remaining in full satisfaction of
2 claims due to dependents. Within the rule aforesaid the amount and
3 value of the lump sum payment may be agreed upon between the applicant
4 and the state board. Any person receiving a monthly payment under this
5 section on June 29, 1961, may elect, within two years, to convert such
6 payments into a lump sum payment as provided in this section.

7 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and takes effect
10 immediately.

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