

CHAPTER 163

[Senate Bill No. 4894]

VOLUNTEER FIREMEN—BENEFITS MODIFIED

AN ACT Relating to benefits for volunteer firemen; and amending RCW 41.24.150, 41.24.160, and 41.24.230.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 15, chapter 261, Laws of 1945 as last amended by section 1, chapter 21, Laws of 1981 and RCW 41.24.150 are each amended to read as follows:

Whenever a fireman serving in any capacity as a member of his own fire department subject to the provisions of this chapter becomes physically or mentally disabled, or sick, in consequence or as the result of the performance of his or her duties, so as to be wholly prevented from engaging in each and every duty of his or her regular occupation, business, or profession, he or she shall be paid from the fund monthly, the sum of ~~((nine))~~ one thousand two hundred dollars for a period of not to exceed six months, or ~~((thirty))~~ forty dollars per day for such period as is part of a month, after which period, if the member is incapacitated to such an extent that he or she is thereby prevented from engaging in any occupation or performing any work for compensation or profit or if the member sustained an injury after October 1, 1978, which resulted in the loss or paralysis of both legs(;) or arms, or one leg and one arm, or total loss of eyesight, but such injury has not prevented the member from engaging in an occupation or performing work for compensation or profit, he or she ~~((shall be))~~ is entitled to draw from the fund monthly, the sum of ~~((four))~~ six hundred ~~((fifty))~~ dollars so long as the disability continues, except as hereinafter provided: PROVIDED, That if the member has a wife or husband and/or a child or children unemancipated or under eighteen years of age, he or she ~~((shall be))~~ is entitled to draw from the fund monthly the additional sums of ~~((ninety))~~ one hundred twenty dollars because of the fact of his wife or her husband, ~~((forty-five dollars because of the fact of his or her youngest or only child unemancipated or under eighteen years of age;))~~ and ~~((thirty-five))~~ fifty dollars because of the fact of each ~~((additional))~~ child unemancipated or under eighteen years of age, all to a total maximum amount of ~~((nine))~~ one thousand two hundred dollars. The board may at any time reopen the grant of such disability pension if the pensioner is gainfully employed, and may reduce it in the proportion that the annual income from such gainful employment bears to the annual income received by the pensioner at the time of his disability: PROVIDED, That where a fireman sustains a permanent partial disability the state board may provide that such injured fireman shall receive a lump sum compensation therefor to the same extent as is

provided for permanent partial disability under the workmen's compensation act under Title 51 RCW in lieu of such monthly disability payments.

Sec. 2. Section 16, chapter 261, Laws of 1945 as last amended by section 2, chapter 21, Laws of 1981 and RCW 41.24.160 are each amended to read as follows:

(1) Whenever a fireman dies as the result of injuries received, or sickness contracted in consequence or as the result of the performance of his or her duties, the board of trustees shall order and direct the payment of the sum of two thousand dollars to his widow or her widower, or if there ~~((be))~~ is no widow or widower, then to his or her dependent child or children, or if there ~~((be))~~ is no dependent child or children, then to his or her parents or either of them and the sum of ~~((one))~~ six hundred ~~((eighty))~~ dollars per month to his widow or her widower during his or her life together with the additional monthly ~~((sums of forty-five dollars for the youngest or only child and thirty-five))~~ sum of fifty dollars for each ~~((additional))~~ child of the member, unemancipated or under eighteen years of age, dependent upon the member for support at the time of his or her death, to a maximum total of ~~((four))~~ one thousand two hundred dollars per month~~((:PROVIDED; That))~~.

(2) If the widow or widower does not have legal custody of one or more dependent children of the deceased fireman or if, after the death of the fireman, legal custody of such child or children passes from the widow or widower to another person, any payment on account of such child or children not in the legal custody of the widow or widower shall be made to the person or persons having legal custody of such child or children. Such payments on account of such child or children shall be subtracted from the amount to which such widow or widower would have been entitled had such widow or widower had legal custody of all the children and the widow or widower shall receive the remainder after such payments on account of such child or children have been subtracted. If there is no widow or widower, or the widow or widower dies while there are children, unemancipated or under eighteen years of age, then the amount of ~~((one))~~ six hundred ~~((eighty))~~ dollars per month shall be paid for the youngest or only child together with an additional ~~((thirty-five))~~ fifty dollars per month for each additional of such children to a maximum of ~~((four))~~ one thousand two hundred dollars per month until they become emancipated or reach the age of eighteen years; and if there are no widow or widower, child, or children entitled thereto, then to his or her parents or either of them the sum of ~~((one))~~ six hundred ~~((eighty))~~ dollars per month for life, if it is proved to the satisfaction of the board that the parents, or either of them, were dependent on the deceased for their support at the time of his or her death~~((:PROVIDED; That))~~. In any instance in subsections (1) and (2) of this section, if the widow or widower, child or children, or the parents, or either of them,

~~((marry))~~ marries while receiving such pension the person so marrying shall thereafter receive no further pension from the fund.

(3) In the case provided for ~~((herein))~~ in this section, the monthly payment provided may be converted in whole or in part~~((:))~~ into a lump sum payment, not in any case to exceed twelve thousand dollars, equal or proportionate, as the case may be, to the value of the annuity then remaining, to be fixed and certified by the state insurance commissioner, in which event the monthly payments shall cease in whole or in part accordingly or proportionately. Such conversion may be made either upon written application to the state board and shall rest in the discretion of the state board; or the state board is authorized to make, and authority is hereby given it to make, on its own motion, lump sum payments, equal or proportionate, as the case may be, to the value of the annuity then remaining in full satisfaction of claims due to dependents. Within the rule aforesaid the amount and value of the lump sum payment may be agreed upon between the applicant and the state board. Any person receiving a monthly payment ~~((hereunder at the time of the effective date of this act))~~ under this section on June 29, 1961, may elect, within two years, to convert such payments into a lump sum payment as ~~((herein))~~ provided in this section.

Sec. 3. Section 23, chapter 261, Laws of 1945 as last amended by section 3, chapter 21, Laws of 1981 and RCW 41.24.230 are each amended to read as follows:

Upon the death of any fireman resulting from injuries or sickness in consequence or as the result of the performance of his or her duties, the board of trustees shall authorize the issuance of a voucher for the sum of ~~((one))~~ two thousand dollars, and upon the death of any fireman who is receiving any disability pension provided for in this chapter, the board of trustees shall authorize the issuance of a voucher for the sum of five hundred dollars, to help defray the funeral expenses and burial of such fireman, which voucher shall be paid in the manner provided for payment of other charges against the fund.

Passed the Senate February 12, 1986.

Passed the House March 4, 1986.

Approved by the Governor March 31, 1986.

Filed in Office of Secretary of State March 31, 1986.

CHAPTER 164

[Senate Bill No. 4569]

SPORT FISHING LICENSES

AN ACT Relating to sport fishing licenses; and creating a new section.

Be it enacted by the Legislature of the State of Washington: