

CHAPTER 78.

[S. B. 105.]

POLICEMEN BENEFITS.

AN ACT relating to municipal corporations; providing certain pensions and benefits for members of police departments of first class cities, and their surviving spouses and children; adding two new sections to chapter 39, Laws of 1909 and to chapter 41.20 RCW; amending section 4, chapter 39, Laws of 1909 as last amended by section 1, chapter 84, Laws of 1957 and RCW 41.20.050; amending section 5, chapter 39, Laws of 1909 as last amended by section 2, chapter 84, Laws of 1957 and RCW 41.20.060; amending section 7, chapter 39, Laws of 1909 as last amended by section 3, chapter 84, Laws of 1957 and RCW 41.20.080; amending section 8, chapter 39, Laws of 1909 as last amended by section 4, chapter 24, Laws of 1937 and RCW 41.20.090; amending section 13, chapter 39, Laws of 1909 as last amended by section 7, chapter 69, Laws of 1955 and RCW 41.20.120; and amending section 3, chapter 39, Laws of 1909 as last amended by section 8, chapter 69, Laws of 1955 and RCW 41.20.130.

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

New section.

SECTION 1. There is added to chapter 39, Laws of 1909 and to chapter 41.20 RCW a new section to read as follows:

Definitions.

As used in chapter 41.20 RCW:

"Rank."

(1) "Rank" means civil service rank.

"Position."

(2) "Position" means the particular employment held at any particular time, which may or may not be the same as civil service rank.

(3) Words importing masculine gender shall extend to females also.

New section.

SEC. 2. There is added to chapter 39, Laws of 1909 and to chapter 41.20 RCW a new section to read as follows:

Pension on death before or after retirement.

Whenever any member of the police department of any such city, or whenever any such member who is hereafter retired for length of service or a disability, shall die, leaving a surviving spouse or child or children under the age of eighteen years, upon

satisfactory proof of such facts made to it, the board shall order and direct that a pension equal to one-third of the amount of salary at any time hereafter attached to the position held by such member in the police department at the time of his death or retirement, not to exceed one-third of the salary of captain, shall be paid to the surviving spouse during his life, and in addition, to the child or children, until they are eighteen years of age, as follows: For one child, one-eighth of the salary on which such pension is based; for two children, a total of one-seventh of said salary; and for three or more children, a total of one-sixth of said salary: *Provided*, If such spouse or child or children marry, the person so marrying shall receive no further pension from the fund. In case there is no surviving spouse, or if the surviving spouse shall die, the child or children shall be entitled to the spouse's share in addition to the share specified herein until they reach eighteen years of age. No spouse shall be entitled to any payments on the death of a retired officer unless he has been married to such officer for a period of at least five years prior to the date of his retirement.

SEC. 3. Section 4, chapter 39, Laws of 1909 as last amended by section 1, chapter 84, Laws of 1957 and RCW 41.20.050 are each amended to read as follows:

RCW 41.20.050 amended.

Whenever a person has been duly appointed, and has served honorably for a period of twenty-five years or more, as a member, in any capacity, of the regularly constituted police department of a city subject to the provisions of this chapter, the board, after hearing, if one is requested in writing, may order and direct that such person be retired, and the board shall retire any member so entitled, upon his written request therefor. The member so retired shall be paid from the fund during his lifetime a pension equal to fifty percent of the amount of salary

Pension on retirement for years of service.

attached to the position held by the retired member for the year preceding the date of his retirement: *Provided*, That no pension shall exceed an amount equivalent to one-half the salary of captain and all existing pensions shall be increased to not less than one hundred fifty dollars per month as of July 1, 1957.

Any person affected by this chapter who at the time of entering the armed services was a member of such police department and has honorably served in the armed services of the United States in the time of war, shall have added to his period of employment as computed under this chapter, his period of war service in the armed forces, but such credited service shall not exceed five years and such period of service shall be automatically added to each member's service upon payment by him of his contribution for the period of his absence at the rate provided in RCW 41.20.130.

Note: See also section 1, chapter 6, Laws of 1959.

RCW 41.20.060
amended.

SEC. 4. Section 5, chapter 39, Laws of 1909 as last amended by section 2, chapter 84, Laws of 1957 and RCW 41.20.060 are each amended to read as follows:

Pension on
retirement
for disability.

Whenever any person, while serving as a policeman in any such city becomes physically disabled by reason of any bodily injury received in the immediate or direct performance or discharge of his duties as a policeman, or becomes incapacitated for service, such incapacity not having been caused or brought on by dissipation or abuse, of which the board shall be judge, the board may, upon his written request filed with the secretary, or without such written request, if it deems it to be for the benefit of the public, retire such person from the department, and order and direct that he be paid from the fund during his lifetime, a pension equal to one-half of the amount of salary attached to the position

which he held in the department at the date of his retirement, but not to exceed an amount equivalent to one-half the salary of captain, and all existing pensions shall be increased to not less than one hundred fifty dollars per month as of July 1, 1957.

Whenever such disability ceases, the pension shall cease, and such person shall be restored to active service at the same rank he held at the time of his retirement, and at the current salary attached to said rank at the time of his return to active service.

Disability benefits provided for by this chapter shall not be paid when the policeman is disabled while he is engaged for compensation in outside work not of a police or special police nature.

Note: See also section 2, chapter 6, Laws of 1959.

SEC. 5. Section 7, chapter 39, Laws of 1909 as last amended by section 3, chapter 84, Laws of 1957 and RCW 41.20.080 are each amended to read as follows:

RCW 41.20.080
amended.

Whenever any member of the police department of any such city loses his life while actually engaged in the performance of duty, or as the proximate result thereof, leaving a surviving spouse or child or children under the age of eighteen years, upon satisfactory proof of such facts made to it, the board shall order and direct that a pension, equal to one-half of the amount of the salary attached to the position which such member held in the police department at the time of his death, shall be paid to the surviving spouse for life, or if there is no surviving spouse, or if the surviving spouse shall die, then to the child or children until they are eighteen years of age: *Provided*, That if such spouse or child or children marry, the person so marrying shall thereafter receive no further pension from the fund: *Provided further*, That all existing pensions shall be increased to not less than one hundred fifty dollars per month as of July 1, 1957.

Pension on
death of
policeman
through
violence.

If any member so losing his life, leaves no spouse, or child or children under the age of eighteen years, the board shall pay the sum of two hundred dollars toward the funeral expenses of such member.

Note: See also section 3, chapter 6, Laws of 1959.

RCW 41.20.090 amended.

SEC. 6. Section 8, chapter 39, Laws of 1909 as last amended by section 4, chapter 24, Laws of 1937 and RCW 41.20.090 are each amended to read as follows:

Payment on natural death before or after retirement.

Whenever any member of the police department of such city shall, after five years of service in said department, die, his surviving spouse or, if there is no surviving spouse, the child or children under the age of eighteen years, or if there is no surviving spouse or child or children, then his parents or unmarried sister or sisters, minor brother or brothers, dependent upon him for support, shall be entitled to the sum of one thousand dollars from such fund. This section to apply to members who shall have been retired, for any reason, from active service under the provisions of this chapter.

RCW 41.20.120 amended.

SEC. 7. Section 13, chapter 39, Laws of 1909 as last amended by section 7, chapter 69, Laws of 1955 and RCW 41.20.120 are each amended to read as follows:

Sick benefits.

Whenever any member of the police department, on account of sickness or disability, suffered or sustained while a member of the department, and not caused or brought on by dissipation or abuse, of which the board shall be judge, is confined in any hospital or in his home and, whether or not so confined, requires nursing, care, or attention, the board shall pay the necessary hospital, care, and nursing expenses of such member out of the fund. The salary of such member shall continue while he is necessarily confined to such hospital or home or elsewhere during the period of recuperation, as determined by the board, for a period not exceeding six months,

after which period the other provisions of this chapter shall apply: *Provided*, That the board in all cases may have the member suffering from such sickness or disability examined at any time by a licensed physician or physicians, to be appointed by the board, for the purpose of ascertaining the nature and extent of the sickness or disability, the physician or physicians to report to the board the result of the examination within three days thereafter. Any member who refuses to submit to such examination or examinations shall forfeit all his rights to benefits under this section: *Provided further*, That the board shall designate the hospital and medical services available to such sick or disabled policeman.

SEC. 8. Section 3, chapter 39, Laws of 1909 as last amended by section 8, chapter 69, Laws of 1955 and RCW 41.20.130 are each amended to read as follows:

RCW 41.20.130
amended.

There is created in each city subject to the provisions of this chapter a police relief and pension fund. The fund shall be constituted as follows:

Fund created.

A sum equal to six percent thereof shall be deducted monthly from the salary of each police officer by the city treasurer and placed in the fund, but the maximum deduction shall not exceed six percent of the monthly salary of captain.

At the time the annual tax levy of the city is made, the city council, or other legislative body, shall order the transfer of an amount of money into the fund, sufficient with the salary deductions, to meet the financial requirements thereof:

(1) From moneys collected or received from all licenses issued;

(2) From fines and forfeitures collected or received in money for violation of city ordinances.

Passed the Senate February 20, 1959.

Passed the House March 1, 1959.

Approved by the Governor March 5, 1959.