

by section 7, chapter 12, Laws of 1969 and RCW 43.43.280 are each amended to read as follows:

(1) If a member dies before retirement, and has no surviving spouse or children under the age of eighteen years, all contributions made by him with interest at two and one-half percent compounded annually shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the retirement board, or if there be no such designated person or persons, then to his legal representative.

(2) If a member should cease to be an employee before attaining age sixty for reasons other than his death, or retirement, he shall thereupon cease to be a member except as provided under RCW 43.43.130(2) and (3) and he may ((request upon a form provided by the retirement board a refund of)) withdraw his contributions to the retirement fund, with interest at two and one-half percent compounded annually, ((and this amount shall be paid to him)) by making application therefor to the retirement board, except that: A member who ceases to be an employee after having completed at least five years of service shall remain a member during the period of his absence from employment for the exclusive purpose only of receiving a retirement allowance to begin at attainment of age sixty, however such a member may upon thirty days written notice to the board elect to receive a reduced retirement allowance on or after age fifty-five which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty: PROVIDED, That if such member should withdraw all or part of his accumulated contributions, he shall thereupon cease to be a member and this subsection shall not apply.

Passed the Senate April 15, 1973.

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CHAPTER 181

[Substitute Senate Bill No. 2586]

POLICEMEN AND FIREMEN--RETIREMENT

BENEFITS

AN ACT Relating to firemen and police pension benefits; amending section 3, chapter 82, Laws of 1957 as last amended by section 2, chapter 91, Laws of 1967 ex. sess. and RCW 41.16.090; amending section 1, chapter 6, Laws of 1959 as last amended by

section 6, chapter 269, Laws of 1969 ex. sess. and RCW 41.20.050; amending section 5, chapter 39, Laws of 1909 as last amended by section 2, chapter 219, Laws of 1969 ex. sess. and RCW 41.20.060; amending section 7, chapter 39, Laws of 1909 as last amended by section 3, chapter 191, Laws of 1961 and RCW 41.20.080; amending section 2, chapter 78, Laws of 1959 as last amended by section 26, chapter 209, Laws of 1969 ex. sess. and RCW 41.20.085; adding a new section to chapter 41.18 RCW; and declaring an emergency.

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

Section 1. Section 3, chapter 82, Laws of 1957 as last amended by section 2, chapter 91, Laws of 1967 ex. sess. and RCW 41.16.090 are each amended to read as follows:

All pensioners receiving a pension under the provisions of this chapter as provided for in section 12, chapter 91, Laws of 1947 and RCW 41.16.230, shall from and after the effective date of this ((1967)) 1973 amendatory act receive a minimum pension of ((one)) three hundred ((fifty)) dollars per month.

NEW SECTION. Sec. 2. There is added to chapter 41.18 RCW a new section to read as follows:

All retirees and survivors receiving a pension under the provisions of this chapter shall from and after the effective date of this 1973 amendatory act receive a minimum pension of three hundred dollars per month.

Sec. 3. Section 1, chapter 6, Laws of 1959 as last amended by section 6, chapter 269, Laws of 1969 ex. sess. and RCW 41.20.050 are each amended to read as follows:

Whenever a person has been duly appointed, and has served honorably for a period of twenty-five years, 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 hereafter shall be paid from the fund during his lifetime a pension equal to fifty percent of the amount of salary at any time hereafter attached to the position held by the retired member for the year preceding the date of his retirement: PROVIDED, That, except as to a position higher than that of captain held for at least three calendar years prior to date of retirement, no such pension shall exceed an amount equivalent to fifty percent of the salary of captain, and all existing pensions shall be increased to not less than ((one)) three hundred ((fifty)) dollars per month as of ((July 1, 1957)) the effective date of this 1973 amendatory act: PROVIDED FURTHER, That a person hereafter retiring who has served as a member for more than twenty-five years,

shall have his pension payable under this section increased by two percent of his salary per year for each full year of such additional service to a maximum of five additional years.

Any person who has served in a position higher than the rank of captain for a minimum of three years may elect to retire at such higher position and receive for his lifetime a pension equal to fifty percent of the amount of the salary at any time hereafter attached to the position held by such retired member for the year preceding his date of retirement: PROVIDED, That such person make the said election to retire at a higher position by September 1, 1969 and at the time of making the said election, pay into the relief and pension fund in addition to the contribution required by RCW 41.20.130: (1) an amount equal to six percent of that portion of all monthly salaries previously received upon which a sum equal to six percent has not been previously deducted and paid into the police relief and pension fund; (2) and such person agrees to continue paying into the police relief and pension fund until the date of retirement, in addition to the contributions required by RCW 41.20.130, an amount equal to six percent of that portion of monthly salary upon which a six percent contribution is not currently deducted pursuant to RCW 41.20.130.

Any person affected by this chapter who at the time of entering the armed services was a member of such police department and is a veteran as defined in RCW 41.04.005, 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.

Sec. 4. Section 5, chapter 39, Laws of 1909 as last amended by section 2, chapter 219, Laws of 1969 ex. sess. and RCW 41.20.060 are each amended to read as follows:

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 fifty percent of the amount of salary at any time hereafter attached to the position which he held in the department at the date of his retirement, but not to exceed an amount equivalent to fifty percent

of the salary of captain except as to a position higher than that of captain held for at least three calendar years prior to the date of retirement in which case as to such position the provisions of RCW 41.20.050 shall apply, and all existing pensions shall be increased to not less than ((one)) three hundred ((fifty)) dollars per month as of ((July 1, 1957)) the effective date of this 1973 amendatory act: PROVIDED, That where, at the time of retirement hereafter for disability under this section, such person has served honorably for a period of more than twenty-five years as a member, in any capacity, of the regularly constituted police department of a city subject to the provisions of this chapter, the foregoing percentage factors to be applied in computing the pension payable under this section shall be increased by two percent of his salary per year for each full year of such additional service to a maximum of five additional years.

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.

Sec. 5. Section 7, chapter 39, Laws of 1909 as last amended by section 3, chapter 191, Laws of 1961 and RCW 41,20.080 are each amended to read as follows:

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 at any time hereafter 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)) three hundred ((fifty)) dollars per month as of ((July 1, 1957)) the effective date of this 1973 amendatory act.

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.

Sec. 6. Section 2, chapter 78, Laws of 1959 as last amended by section 26, chapter 209, Laws of 1969 ex. sess. and RCW 41.20.085 are each amended to read as follows:

Whenever any member of the police department of any such city shall die, or shall have heretofore died, or whenever any such member who has been heretofore retired or who is hereafter retired for length of service or a disability, shall have died, or 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 the surviving spouse's 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 such surviving spouse has been married to such officer for a period of at least five years prior to the date of his retirement.

As of (~~July 1, 1967~~) the effective date of this 1973 amendatory act, a surviving spouse not otherwise covered by the provisions of section 2, chapter 78, Laws of 1959, shall be entitled to a pension of (~~one~~) three hundred (~~fifty~~) dollars per month.

"Surviving spouse" as used in this section means surviving female or male spouse.

NEW SECTION. Sec. 7. This 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate April 10, 1973.

Passed the House April 14, 1973.

Approved by the Governor April 25, 1973.

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