

CHAPTER 178

[Engrossed Senate Bill No. 2146]
FIREMEN AND POLICE BENEFITS

AN ACT Relating to firemen and police pension benefits; amending section 38, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 190, Laws of 1974 ex. sess. and RCW 41.16.145; amending section 8, chapter 382, Laws of 1955 as last amended by section 73, chapter 154, Laws of 1973 1st ex. sess. and RCW 41.18.100; amending section 33, chapter 209, Laws of 1969 ex. sess. as last amended by section 2, chapter 190, Laws of 1974 ex. sess. and RCW 41.18.104; amending section 34, chapter 209, Laws of 1969 ex. sess. as last amended by section 3, chapter 190, Laws of 1974 ex. sess. and RCW 41.26.250; adding a new section to chapter 41.16 RCW; and declaring an emergency.

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

Section 1. Section 38, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 190, Laws of 1974 ex. sess. and RCW 41.16.145 are each amended to read as follows:

The amount of all benefits payable under the provisions of RCW 41.16.080, 41.16.120, 41.16.130 ~~((and))~~, 41.16.140 and 41.16.230 as now or hereafter amended, shall be increased annually as hereafter in this section provided. The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purposes of adjusting benefit allowances payable pursuant to the aforementioned sections. The local board shall determine the ~~((percentage))~~ increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: PROVIDED, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.

Each year effective with the July payment all benefits specified herein, shall be increased by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative. The increased benefits authorized by this section shall not affect any benefit payable under the provisions of chapter 41.16 RCW in which the benefit payment is attached to a current salary of the rank held at time of retirement.

For the purpose of this section the term "Consumer price index" shall mean, for any calendar year, the ~~((average))~~ consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor.

Sec. 2. Section 33, chapter 209, Laws of 1969 ex. sess. as last amended by section 2, chapter 190, Laws of 1974 ex. sess. and RCW 41.18.104 are each amended to read as follows:

The amount of all benefits payable under the provisions of RCW 41.18.040, 41.18.080 ~~((and))~~, 41.18.100 and 41.18.200 as now or hereafter amended, shall be increased annually as hereafter in this section provided. The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purpose of adjusting benefit allowances payable pursuant to the aforementioned

sections. The local board shall determine the ((percentage)) increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: PROVIDED, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.

Each year effective with the July payment all benefits specified herein, shall be increased as authorized by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative. The increased benefits authorized by this section shall not affect any benefit payable under the provisions of chapter 41.18 RCW in which the benefit payment is attached to a current salary of the rank held at time of retirement.

For the purpose of this section the term

"Consumer price index" shall mean, for any calendar year, the ((average)) consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor.

Sec. 3. Section 34, chapter 209, Laws of 1969 ex. sess. as last amended by section 3, chapter 190, Laws of 1974 ex. sess. and RCW 41.26.250 are each amended to read as follows:

All benefits presently payable pursuant to the provisions of RCW 41.20.050, 41.20.060 and 41.20.080 as such RCW sections existed prior to the effective date of the amendment of such RCW sections by sections 1, 2, 3, chapter 191, Laws of 1961 to persons who retired prior to the effective date of the said 1961 amendatory act, shall be increased annually as hereafter in this section provided. The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purpose of adjusting benefit allowances payable pursuant to the aforementioned sections. The local board shall determine the ((percentage)) increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: PROVIDED, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.

Each year effective with the July payment all benefits specified herein, shall be increased as authorized by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative.

For the purpose of this section the term

"Consumer price index" shall mean, for any calendar year, the ((average)) consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor.

Sec. 4. Section 8, chapter 382, Laws of 1955 as last amended by section 73, chapter 154, Laws of 1973 1st ex. sess. and RCW 41.18.100 are each amended to read as follows:

In the event a fireman is killed in the performance of duty, or in the event a fireman retired on account of service connected disability shall die from any cause, his widow or her widower shall receive a monthly pension under one of the

following applicable provisions: (1) If a fireman is killed in the line of duty his widow or her widower shall receive a monthly pension equal to fifty percent of his or her basic salary at the time of his or her death; (2) if a fireman who has retired on account of a service connected disability dies, his widow or her widower shall receive a monthly pension equal to the amount of the monthly pension such retired fireman was receiving at the time of his or her death. If she or he at any time so elects in writing and the board after hearing finds it to be financially beneficial to the pension fund, he or she may receive in lieu of all future monthly pension and other benefits, including benefits to child or children, the sum of five thousand dollars in cash. If there be no widow or widower at the time of such fireman's death or upon the widow's or widower's death the monthly pension benefits hereinabove provided for shall be paid to and divided among his or her child or children share and share alike, until they reach the age of eighteen or are married, whichever occurs first. The widow's or widower's monthly pension benefit, including increased benefits to his or her children shall cease if and when he or she remarries(~~(: All pensions payable under the provisions of this section shall be subject to an annual cost of living increase which shall be equal to two percent of the pension granted the widow or widower at the time of the death of the fireman. This increase shall be effective and be paid starting with the January payment of each succeeding year))~~): PROVIDED, That no pension payable under the provisions of this section shall be less than that specified under RCW 41.18.200.

NEW SECTION. Sec. 5. There is added to chapter 41.16 RCW a new section to read as follows:

(1) The provisions of this section are procedural and remedial.

(2) The application and effect of this act shall be retroactive to and including May 6, 1974. Each benefit being paid on the effective date of this act shall then be adjusted as if this act had been in existence since May 6, 1974. Additionally, any amounts which would have been paid had this act been in effect since May 6, 1974, shall then be due as a one-time lump sum payment.

(3) The provisions of RCW 41.16.145 shall be construed and read to have granted the percentage increase provided by that section to those receiving benefits pursuant to RCW 41.16.230, until and including July 1, 1974, at which time those persons shall be regarded as eligible for the benefits granted by chapter 190, Laws of 1974 ex. sess., as provided in subsection (2) of this section. Any amounts now payable due to a failure to so construe and read RCW 41.16.145 are now due as a one-time lump sum payment.

NEW SECTION. Sec. 6. If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. This 1975 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 May 27, 1975.

Passed the House May 19, 1975.

Approved by the Governor June 4, 1975.

Filed in Office of Secretary of State June 4, 1975.

CHAPTER 179

[Second Substitute Senate Bill No. 2241]
INDUSTRIAL INSURANCE BENEFITS

AN ACT Relating to industrial insurance; and amending section 51.32.050, chapter 23, Laws of 1961 as last amended by section 96, chapter 154, Laws of 1973 1st ex. sess. and RCW 51.32.050.

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

Section 1. Section 51.32.050, chapter 23, Laws of 1961 as last amended to section 96, chapter 154, Laws of 1973 1st ex. sess. and RCW 51.32.050 are each amended to read as follows:

(1) Where death results from the injury the expenses of burial not to exceed ~~((eight hundred))~~ one thousand dollars shall be paid.

(2) Where death results from the injury, a surviving spouse of a deceased workman eligible for benefits under this title shall receive monthly ~~((throughout his or her))~~ for life or until remarriage the following sums: (a) If there are no children of the deceased workman, sixty percent of the wages of the deceased workman but not less than one hundred eighty-five dollars. (b) If there is one child of the deceased workman and in the legal custody of such spouse, sixty-two percent of the wages of the deceased workman but not less than two hundred twenty-two dollars. (c) If there are two children of the deceased workman and in the legal custody of such spouse, sixty-four percent of the wages of the deceased workman but not less than two hundred fifty-three dollars. (d) If there are three children of the deceased workman and in the legal custody of such spouse, sixty-six percent of the wages of the deceased workman but not less than two hundred seventy-six dollars. (e) If there are four children of the deceased workman and in the legal custody of such spouse, sixty-eight percent of the wages of the deceased workman but not less than two hundred ninety-nine dollars. (f) If there are five or more children of the deceased workman and in the legal custody of such spouse, seventy percent of the wages of the deceased workman but not less than three hundred twenty-two dollars. (g) Where the surviving spouse does not have legal custody of any child or children of the deceased workman or where after the death of the workman legal custody of such child or children passes from such surviving spouse to another, any payment on account of such child or children not in the legal custody of the surviving spouse shall be made to the person or persons having legal custody of such child or children. The amount of such payments shall be five percent of the wages of the deceased workman for each such child but such payments shall not exceed twenty-five percent. Such payments on account of such child or children shall be subtracted from the amount to which