

"I am returning herewith, without my approval as to section 6, Second Substitute Senate Bill No. 5011, entitled:

"AN ACT Relating to providing for allocation of assets of an institutionalized spouse."

Section 6 requires the submission of a biennial report on the number of persons impacted by the laws relating to transfer of assets between spouses. This section imposes new duties for which no funds have been appropriated, and would require the Department of Social and Health Services to reformat information already available to the legislative fiscal committees.

With the exception of section 6, Second Substitute Senate Bill No. 5011 is approved."

CHAPTER 88

[Senate Bill No. 5353]

DISABLED LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS— CONTINUED SERVICE CREDIT

AN ACT Relating to continued service credit for disabled law enforcement officers and fire fighters; amending RCW 41.26.470 and 41.26.520; and adding a new section to chapter 41.26 RCW.

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

Sec. 1. Section 8, chapter 294, Laws of 1977 ex. sess. as last amended by section 2, chapter 12, Laws of 1982 and RCW 41.26.470 are each amended to read as follows:

(1) A member of the retirement system who becomes totally incapacitated for continued employment by an employer as determined by the director shall be eligible to receive an allowance under the provisions of RCW 41.26.410 through 41.26.550. Such member shall receive a monthly disability allowance computed as provided for in RCW 41.26.420 and shall have such allowance actuarially reduced to reflect the difference in the number of years between age at disability and the attainment of age fifty-eight.

(2) Any member who receives an allowance under the provisions of this section shall be subject to such comprehensive medical examinations as required by the department. If such medical examinations reveal that such a member has recovered from the incapacitating disability and the member is no longer entitled to benefits under Title 51 RCW, the retirement allowance shall be canceled and the member shall be restored to duty in the same civil service rank, if any, held by the member at the time of retirement or, if unable to perform the duties of the rank, then, at the member's request, in such other like or lesser rank as may be or become open and available, the duties of which the member is then able to perform. In no event shall a member previously drawing a disability allowance be returned or be restored to duty at a salary or rate of pay less than the current salary attached to the rank or position held by the member at the date of the retirement for disability. If the department determines that the member is able to return to service, the member is entitled to notice and a hearing.

Both the notice and the hearing shall comply with the requirements of chapter ~~((34.04))~~ 34.05 RCW ~~((, as now or hereafter amended))~~.

(3) Those members subject to this chapter who became disabled in the line of duty on or after the effective date of this 1989 section, and who receive benefits under RCW 41.04.500 through 41.04.530 or similar benefits under RCW 41.04.535 shall receive or continue to receive service credit subject to the following:

(a) No member may receive more than one month's service credit in a calendar month.

(b) No service credit under this section may be allowed after a member separates or is separated without leave of absence.

(c) Employer contributions shall be paid by the employer at the rate in effect for the period of the service credited.

(d) Employee contributions shall be collected by the employer and paid to the department at the rate in effect for the period of service credited.

(e) State contributions shall be as provided in RCW 41.26.450.

(f) Contributions shall be based on the regular compensation which the member would have received had the disability not occurred.

(g) The service and compensation credit under this section shall be granted for a period not to exceed six consecutive months.

(h) Should the legislature revoke the service credit authorized under this section or repeal this section, no affected employee is entitled to receive the credit as a matter of contractual right.

Sec. 2. Section 13, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.520 are each amended to read as follows:

(1) A member who is on a paid leave of absence authorized by a member's employer shall continue to receive service credit as provided for under the provisions of RCW 41.26.410 through 41.26.550.

(2) A member shall be eligible to receive a maximum of two years service credit during a member's entire working career for those periods when a member is on an unpaid leave of absence authorized by an employer. Such credit may be obtained only if the member makes the employer, member, and state contributions plus interest as determined by the department for the period of the authorized leave of absence within five years of resumption of service or prior to retirement whichever comes sooner: PROVIDED, That for the purpose of this subsection the contribution shall not include the contribution for the unfunded supplemental present value as required by RCW 41.26.450. The contributions required shall be based on the average of the member's basic salary at both the time the authorized leave of absence was granted and the time the member resumed employment.

(3) A member who is inducted into the armed forces of the United States shall be deemed to be on an unpaid, authorized leave of absence.

(4) A member receiving benefits under Title 51 RCW who is not receiving benefits under this chapter shall be deemed to be on unpaid, authorized leave of absence.

NEW SECTION. Sec. 3. A new section is added to chapter 41.26 RCW to read as follows:

A member who became disabled before the effective date of this section may receive service credit for such period of disability subject to all the limitations and conditions contained in RCW 41.26.470(3). In order to qualify for the service credit provided by this section the member must make application to the department no later than December 31, 1991, and must agree to allow the employer to withhold from the member's wages the employee contributions, with interest, as required under RCW 41.26.470(3).

Passed the Senate March 3, 1989.

Passed the House April 6, 1989.

Approved by the Governor April 20, 1989.

Filed in Office of Secretary of State April 20, 1989.

CHAPTER 89

[Second Substitute Senate Bill No. 5111]

PRISONERS—WORK RELEASE PROGRAM

AN ACT Relating to work training release; and adding a new section to chapter 72.65 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 72.65 RCW to read as follows:

(1) The department shall establish, by rule, inmate eligibility standards for participation in the work release program.

(2) The department shall:

(a) Conduct an annual examination of each work release facility and its security procedures;

(b) Investigate and set standards for the inmate supervision policies of each work release facility;

(c) Establish physical standards for future work release structures to ensure the safety of inmates, employees, and the surrounding communities;

(d) Evaluate its recordkeeping of serious infractions to determine if infractions are properly and consistently assessed against inmates eligible for work release;

(e) Report to the legislature on a case management procedure to evaluate and determine those inmates on work release who are in need of treatment. The department shall establish in the report a written treatment plan best suited to the inmate's needs, cost, and the relationship of community