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SENATE BILL 5335

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State of Washington

52nd Legislature

1992 Regular Session

By Senators Rasmussen and Barr

Read first time 01/29/91. Referred to Committee on Governmental Operations.

1 AN ACT Relating to emergency medical service district volunteer  
2 benefits; and adding a new chapter to Title 41 RCW.

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

4 NEW SECTION. **Sec. 1.** Unless the context clearly requires  
5 otherwise, the definitions in this section apply throughout this  
6 chapter.

7 (1) "Board of trustees" means the county board of trustees created  
8 in section 6 of this act.

9 (2) "Emergency district" means emergency medical service district.

10 (3) "Emergency worker" means any emergency medical service  
11 personnel, regulated by chapter 18.73 RCW, who is a member of an  
12 emergency medical service district but shall not include full-time,  
13 paid emergency medical service personnel who are members of the

1 Washington public employees' retirement system, with respect to periods  
2 of service rendered in such capacity.

3 (4) "Fund" means the volunteer emergency workers' relief and  
4 pension fund.

5 (5) "Performance of duty" means any work by an emergency worker in  
6 and about company quarters or any emergency medical service district  
7 station or any other place under the direction or general orders of an  
8 officer having authority to order such member to: Respond to, work at,  
9 or return from an alarm of emergency, drill, or any work performed of  
10 an emergency nature in accordance with the rules of the emergency  
11 district.

12 (6) "State board" means the state board for volunteer emergency  
13 medical service district workers created in section 30 of this act.

14 (7) "Appropriate legislation" means a county resolution or  
15 ordinance, whichever is appropriate.

16 NEW SECTION. **Sec. 2.** (1) A county maintaining and operating  
17 a regularly organized emergency district shall make provision by  
18 appropriate legislation for the enrollment of every emergency worker  
19 under the relief and compensation provisions of this chapter for the  
20 purpose of providing protection for all its emergency workers and their  
21 families from death or disability arising in the performance of their  
22 duties as emergency workers. Nothing in this chapter shall prohibit a  
23 county from providing such additional protection for relief and  
24 compensation, or death benefit as it may deem proper.

25 (2) A county maintaining and operating a regularly organized  
26 emergency district may make provision by appropriate legislation  
27 whereby any emergency worker may enroll under the pension provisions of  
28 this chapter for the purpose of enabling an emergency worker, so

1 electing, to avail himself or herself of the retirement provisions of  
2 this chapter.

3 (3) A county shall make provisions for the collection and payment  
4 of the fees as provided in this chapter, and shall continue to make  
5 such provisions for all emergency workers who come under this chapter  
6 as long as they shall continue to be members of its emergency district.

7 NEW SECTION. **Sec. 3.** There is created in the state treasury  
8 a trust fund for the benefit of the emergency workers of the state  
9 covered by this chapter, which shall be designated the volunteer  
10 emergency workers' relief and pension fund and shall consist of:

11 (1) All bequests, fees, gifts, emoluments, or donations given or  
12 paid to the fund.

13 (2) An annual fee for each emergency worker of its emergency  
14 district to be paid by each county for the purpose of affording the  
15 members of its emergency district with protection from death or  
16 disability, provided as follows:

17 (a) Ten dollars for each volunteer or part-paid member of its  
18 emergency district;

19 (b) A sum equal to one and one-half of one percent of the annual  
20 salary attached to the rank of each full-paid member of its emergency  
21 district, prorated for 1979 on the basis of services prior to March 1,  
22 1979.

23 (3) Where a county has elected to make available to its emergency  
24 workers the retirement provisions as provided in this chapter, an  
25 annual fee of thirty dollars for each of its emergency workers electing  
26 to enroll therein, ten dollars of which shall be paid by the county and  
27 twenty dollars of which shall be paid by the emergency worker.

1 (4) As much as is necessary of all moneys received by the state  
2 from taxes on medical insurance premiums shall be paid into the state  
3 treasury and credited to the administrative fund.

4 (5) The state investment board, upon request of the state treasurer  
5 shall have full power to invest or reinvest such portion of the amounts  
6 credited to the fund as is not, in the judgment of the treasurer,  
7 required to meet current withdrawals. Such investments shall be made  
8 in the manner prescribed by RCW 43.84.150 and not otherwise.

9 (6) All bonds or other obligations purchased according to  
10 subsection (5) of this section shall be forthwith placed in the custody  
11 of the state treasurer, and the state treasurer shall collect the  
12 principal thereof and interest thereon when due.

13 The state investment board may sell any of the bonds or obligations  
14 so acquired and the proceeds thereof shall be paid to the state  
15 treasurer.

16 The interest and proceeds from the sale and redemption of any bonds  
17 or other obligations held by the fund shall be credited to and form a  
18 part of the fund.

19 All amounts credited to the fund shall be available for making the  
20 payments required by this chapter.

21 The state treasurer shall make an annual report showing the  
22 condition of the fund.

23 NEW SECTION. **Sec. 4.** The state board is authorized to pay  
24 from the interest earnings of the trust funds of the system lawful  
25 obligations of the system for legal expenses and medical expenses which  
26 expenses are primarily incurred for the purpose of protecting the trust  
27 fund or are incurred in compliance with statutes governing such funds.

28 The term "legal expense" includes, but is not limited to, legal  
29 services provided through the legal services revolving fund, fees for

1 expert witnesses, travel expenses, fees for court reporters, cost of  
2 transcript preparation, and reproduction of documents.

3 The term "medical costs" includes, but is not limited to, expenses  
4 for the medical examination or reexamination of members or retirees,  
5 the costs of preparation of medical reports, and fees charged by  
6 medical professionals for attendance at discovery proceedings or  
7 hearings.

8 NEW SECTION. **Sec. 5.** On or before the first day of March of  
9 each year, every county shall pay such amount as shall be due from it  
10 to the fund, together with the amounts collected from the emergency  
11 workers of its emergency district. No emergency worker shall forfeit  
12 his or her right to participate in the relief and compensation  
13 provisions of this chapter by reason of nonpayment. No emergency  
14 worker shall forfeit his or her right to participate in the retirement  
15 provisions of this chapter until after March 1st of such year. Where  
16 a county has failed to pay or remit the annual fees required within the  
17 time provided, such delinquent payment shall bear interest at the rate  
18 of one percent per month from March 1st until paid. Where an emergency  
19 worker has forfeited his or her right to participate in the retirement  
20 provisions of this chapter that emergency worker may be reinstated so  
21 as to participate to the same extent as if all fees had been paid by  
22 the payment of all back fees with interest at the rate of one percent  
23 per month provided the emergency worker has at all times been otherwise  
24 eligible.

25 NEW SECTION. **Sec. 6.** In every county maintaining a regularly  
26 organized emergency district there is hereby created and established a  
27 board of trustees for the administration of this chapter. Such board  
28 shall consist of the three county commissioners, the county clerk, a

1 councilmember from each city or municipality in the emergency district,  
2 and the head of the emergency district, and one member of the emergency  
3 district to be elected by the members of the emergency district for a  
4 term of one year and annually thereafter.

5 NEW SECTION. **Sec. 7.** The chair of the board of county  
6 commissioners shall be chair of the board of trustees, and the county  
7 clerk shall be the secretary-treasurer of the board of trustees. The  
8 secretary shall keep a public record of all proceedings, of all  
9 receipts and disbursements made by the board of trustees and shall make  
10 an annual report of its expenses and disbursements with a full list of  
11 the beneficiaries of said fund in the county, the record to be placed  
12 on file in the county. Such forms as shall be necessary for the proper  
13 administration of this fund and of making the reports required  
14 hereunder shall be provided by the state board.

15 NEW SECTION. **Sec. 8.** The board of trustees of each county  
16 shall provide for enrollment of all members of its emergency district  
17 under the death and disability provisions in this chapter; receive all  
18 applications for the enrollment under the retirement provisions in this  
19 chapter when the county has elected to enroll thereunder; provide for  
20 disbursements of relief and compensation; determine the eligibility of  
21 emergency workers for pensions; and pass on all claims and direct  
22 payment thereof from the fund to those entitled thereto. Vouchers  
23 shall be issued to the persons entitled thereto by the board of  
24 trustees. It shall send to the state board, after each meeting, a  
25 voucher for each person entitled to payment from the fund, stating the  
26 amount of such payment and for what granted, which voucher shall be  
27 certified and signed by the chair and secretary of the board of  
28 trustees. The state board, after review and approval, shall cause a

1 warrant to be issued on the fund for the amount specified and approved  
2 on each voucher. In pension cases after the applicant's eligibility  
3 for pension is verified the state board shall authorize the regular  
4 issuance of monthly warrants in payment thereof without further action  
5 of the board of trustees of any such county.

6 NEW SECTION. **Sec. 9.** The board of trustees shall meet on the  
7 call of its chair on a regular monthly meeting day when there is  
8 business to come before it. The chair shall be required to call a  
9 meeting on any regular meeting day at the request of any member of the  
10 fund or his or her beneficiary claiming any relief, compensation, or  
11 pension therefrom.

12 NEW SECTION. **Sec. 10.** The board of trustees, in addition to  
13 other powers granted in this chapter, shall have power to:

14 (1) Compel the attendance of witnesses to testify before it on all  
15 matters connected with the operation of this chapter, and its chair or  
16 any member of the board of trustees may administer oaths to such  
17 witnesses; and

18 (2) Make all necessary rules for its guidance in conformity with  
19 the provisions of this chapter. No compensation or emoluments shall be  
20 paid to any member of the board of trustees for any duties performed  
21 under this chapter as trustees.

22 NEW SECTION. **Sec. 11.** The state board shall make provisions  
23 for the employment of a regularly licensed practicing physician for the  
24 examination of members of emergency districts making application for  
25 membership. The appointed physician shall visit and examine all sick  
26 and injured emergency workers, perform services and operations, and  
27 render all medical aid and care necessary for the recovery of emergency

1 workers on account of sickness or disability received while in the  
2 performance of duty. The appointed physician shall be paid fees from  
3 the fund, but not in excess of the schedule of fees for like services  
4 approved by the director of labor and industries under Title 51 RCW.  
5 A physician or surgeon not approved by the state shall not receive or  
6 be entitled to any compensation from said fund as the private or  
7 attending physician of any emergency worker. No person shall have any  
8 right of action against the state board for the negligence of a  
9 physician or surgeon employed by the state board. A physician employed  
10 by the state board to attend upon an emergency worker shall report his  
11 or her findings in writing to the state board.

12 NEW SECTION. **Sec. 12.** The board of trustees shall initially  
13 hear and decide all applications for relief or compensation and  
14 pensions under this chapter, subject to review by, or appeal by the  
15 proper person to, the state board where decision on the review or  
16 appeal shall be final and conclusive.

17 NEW SECTION. **Sec. 13.** A majority of the board of trustees  
18 shall constitute a quorum, and no business shall be transacted when a  
19 majority is not present, and no claim shall be allowed where a majority  
20 of the board has not voted favorably thereon.

21 NEW SECTION. **Sec. 14.** The board of trustees shall have the  
22 power and authority to ask for the appointment of a guardian whenever  
23 and wherever the claim of an emergency worker or his or her beneficiary  
24 would, in the opinion of the board of trustees, be best served thereby.  
25 The board of trustees shall have full power to make and direct the  
26 payments provided for in this chapter to any person entitled to the  
27 payments without the necessity of any guardianship or administration



1 proceedings when, in its judgment, it shall determine it to be for the  
2 best interests of the beneficiary.

3 NEW SECTION. **Sec. 15.** Whenever an emergency worker serving in  
4 any capacity as a member of the emergency worker's own emergency  
5 district subject to the provisions of this chapter becomes sick or  
6 physically or mentally disabled, in consequence or as the result of the  
7 performance of duty, so as to be wholly prevented from engaging in all  
8 duties of his or her regular occupation, business, or profession, the  
9 emergency worker shall be paid, from the fund monthly, the sum of one  
10 thousand six hundred fifty dollars for a period of not to exceed six  
11 months, or fifty-five dollars per day for such period as is part of a  
12 month, after which period, if the member is incapacitated to such an  
13 extent that the member is thereby prevented from engaging in any  
14 occupation or performing any work for compensation or profit, or if the  
15 member sustained an injury after October 1, 1978, which resulted in the  
16 loss or paralysis of both legs or arms, or one leg and one arm, or  
17 total loss of eyesight, but such injury has not prevented the member  
18 from engaging in an occupation or performing work for compensation or  
19 profit, the member is entitled to draw from the fund monthly, the sum  
20 of eight hundred twenty-five dollars so long as the disability  
21 continues, except as hereinafter provided. If the member has a spouse  
22 or a child or children unemancipated or under eighteen years of age,  
23 the member is entitled to draw from the fund monthly the additional  
24 sums of one hundred sixty-five dollars because of the member's spouse,  
25 and seventy dollars because of each of the children, all to a total  
26 maximum amount of one thousand six hundred fifty dollars. The state  
27 board may at any time reopen the grant of such disability pension if  
28 the pensioner is gainfully employed, and may reduce it in the  
29 proportion that the annual income from such gainful employment bears to

1 the annual income received by the pensioner at the time of his or her  
2 disability. Where an emergency worker sustains a permanent partial  
3 disability the state board may provide that the injured emergency  
4 worker shall receive a lump sum compensation therefor to the same  
5 extent as is provided for permanent partial disability under the  
6 workers' compensation act under Title 51 RCW in lieu of such monthly  
7 disability payments.

8 NEW SECTION. **Sec. 16.** (1) Whenever an emergency worker dies as  
9 the result of injuries received, or sickness contracted in consequence  
10 or as the result of the performance of duty, the board of trustees  
11 shall order and direct the payment of:

12 (a) The sum of two thousand dollars to the emergency worker's  
13 surviving spouse, or if there is no surviving spouse, then to the  
14 emergency worker's dependent child or children, or if there is no  
15 child, then to the emergency worker's parents or either one of them;  
16 and

17 (b) The sum of eight hundred twenty-five dollars per month to the  
18 surviving spouse during the surviving spouse's life together with the  
19 additional monthly sum of seventy dollars for each of the emergency  
20 worker's children who is either unemancipated or under eighteen years  
21 of age, or both, who is dependent upon the emergency worker for support  
22 at the time of the emergency worker's death, to a maximum total of one  
23 thousand six hundred fifty dollars per month.

24 (2) If the surviving spouse of the deceased emergency worker does  
25 not have legal custody of one or more dependent children of the  
26 emergency worker or if, after the death of the emergency worker, legal  
27 custody of such child or children passes from the surviving spouse to  
28 another person, any payment on account of such child or children not in  
29 the legal custody of the surviving spouse shall be made to the person

1 or persons having legal custody of the child or children. The payments  
2 on account of the child or children shall be subtracted from the amount  
3 to which the surviving spouse would have been entitled had the  
4 surviving spouse had legal custody of all the children and the  
5 surviving spouse shall receive the remainder after the payments on  
6 account of the child or children have been subtracted. If there is no  
7 surviving spouse, or the surviving spouse dies while there are the  
8 emergency worker's children, unemancipated or under eighteen years of  
9 age, then the amount of eight hundred twenty-five dollars per month  
10 shall be paid for the youngest or only child together with an  
11 additional seventy dollars per month for each additional qualifying  
12 child to a maximum of one thousand six hundred fifty dollars per month  
13 until the child or children become emancipated or reach the age of  
14 eighteen years; and if there is no surviving spouse, child, or children  
15 entitled thereto, then to the emergency worker's parents, or either one  
16 of them, the sum of eight hundred twenty-five dollars per month for  
17 life, if it is proved to the satisfaction of the board of trustees that  
18 the parents, or either one of them, were dependent on the deceased for  
19 their support at the time of the emergency worker's death. In any  
20 instance in this subsection or subsection (1) of this section, if the  
21 surviving spouse, child or children, or the parents, or either of them,  
22 marries while receiving the pension the person so marrying shall  
23 receive thereafter no further pension from the fund.

24 (3) The monthly payment provided under this section may be  
25 converted in whole or in part into a lump sum payment, not in any case  
26 to exceed twelve thousand dollars, equal or proportionate, as the case  
27 may be, to the actuarial equivalent of the monthly payment in which  
28 event the monthly payments shall cease in whole or in part accordingly  
29 or proportionately. Such conversion may be made either upon written  
30 application to the state board and shall rest in the discretion of the

1 state board; or the state board is authorized to make, and authority is  
2 hereby given it to make, on its own motion, lump sum payments, equal or  
3 proportionate, as the case may be, to the value of the annuity then  
4 remaining in full satisfaction of claims due to dependents. Within the  
5 rule aforesaid the amount and value of the lump sum payment may be  
6 agreed upon between the applicant and the state board.

7 NEW SECTION. **Sec. 17.** Whenever any emergency worker has been  
8 a member, and served honorably for a period of ten years or more as an  
9 active member in any capacity, of any regularly organized volunteer  
10 emergency district of any county in this state, the county and  
11 emergency worker are enrolled under the retirement provisions, and the  
12 emergency worker has reached the age of sixty-five years, the board of  
13 trustees shall order and direct that the emergency worker be retired  
14 and be paid a monthly pension as provided in this section.

15 Whenever an emergency worker has been a member, and served  
16 honorably for a period of twenty-five years or more as an active member  
17 in any capacity, of any regularly organized volunteer emergency  
18 district of any county in this state, the emergency worker has reached  
19 the age of sixty-five years, and the annual retirement fee has been  
20 paid for a period of twenty-five years, the board of trustees shall  
21 order and direct that the emergency worker be retired and that the  
22 emergency worker be paid a monthly pension of two hundred dollars from  
23 the fund for the balance of that emergency worker's life.

24 Whenever any emergency worker has been a member, and served  
25 honorably for a period of twenty-five years or more as an active member  
26 in any capacity, of any regularly organized volunteer emergency  
27 district of any county in this state, and the emergency worker has  
28 reached the age of sixty-five years, and the annual retirement fee has  
29 been paid for a period of less than twenty-five years, the board of

1 trustees shall order and direct that the emergency worker be retired  
2 and that the emergency worker shall receive a minimum monthly pension  
3 of twenty-five dollars increased by the sum of seven dollars each month  
4 for each year the annual fee has been paid, but not to exceed the  
5 maximum monthly pension herein provided, for the balance of the  
6 emergency worker's life.

7 No pension herein provided may become payable before the sixty-  
8 fifth birthday of the emergency worker, nor for any service less than  
9 twenty-five years, except for:

10 (1) An emergency worker, upon completion of twenty-five years'  
11 service and attainment of age sixty, may irrevocably elect, instead of  
12 the pension to which that emergency worker would be entitled hereunder  
13 at age sixty-five, to receive for the balance of the emergency worker's  
14 life a monthly pension equal to sixty percent of such pension.

15 (2) An emergency worker, upon completion of twenty-five years'  
16 service and attainment of age sixty-two, may irrevocably elect, instead  
17 of the pension to which that emergency worker would be entitled  
18 hereunder at age sixty-five, to receive for the balance of the  
19 emergency worker's life a monthly pension equal to seventy-five percent  
20 of such pension.

21 (3) An emergency worker, upon completion of less than twenty-five  
22 years of service shall receive the applicable reduced pension provided  
23 in this subsection, according to the age at which that emergency worker  
24 elects to begin to receive the pension. If receipt of the benefits  
25 begins at age sixty-five, the emergency worker shall receive one  
26 hundred percent of the reduced benefit; at age sixty-two, the emergency  
27 worker shall receive seventy-five percent of the reduced benefit; and  
28 at age sixty, the emergency worker shall receive sixty percent of the  
29 reduced benefit. The reduced benefit shall be computed as follows:

1 (a) Upon completion of ten years, but less than fifteen years of  
2 service, a monthly pension equal to fifteen percent of such pension as  
3 the emergency worker would have been entitled to receive at age sixty-  
4 five after twenty-five years of service;

5 (b) Upon completion of fifteen years, but less than twenty years of  
6 service, a monthly pension equal to thirty percent of such pension as  
7 the emergency worker would have been entitled to receive at age sixty-  
8 five after twenty-five years of service; and

9 (c) Upon completion of twenty years, but less than twenty-five  
10 years of service, a monthly pension equal to sixty percent of such  
11 pension as the emergency worker would have been entitled to receive at  
12 age sixty-five after twenty-five years of service.

13 NEW SECTION. **Sec. 18.** Before beginning to receive the pension  
14 provided for in section 17 of this act, the emergency worker shall  
15 elect, in a writing filed with the state board, to have the pension  
16 paid under either option 1 or 2, with option 2 calculated so as to be  
17 actuarially equivalent to option 1.

18 (1) Option 1. An emergency worker electing this option shall  
19 receive a monthly pension payable throughout the emergency worker's  
20 life. However, if the emergency worker dies before the total pension  
21 paid to the emergency worker equals the amount paid into the fund, then  
22 the balance shall be paid to the emergency worker's surviving spouse,  
23 or if there be no surviving spouse, then to the emergency worker's  
24 legal representatives.

25 (2) Option 2. An emergency worker electing this option shall  
26 receive a reduced monthly pension, which upon the emergency worker's  
27 death shall be continued throughout the life of and paid to the  
28 emergency worker's surviving spouse named in the written election filed  
29 with the state board.

1        NEW SECTION.    **Sec. 19.**        Payments to persons who are now  
2 receiving, or who may hereafter receive, any disability or retirement  
3 payments under the provisions of this chapter shall be computed in  
4 accordance with the last related act enacted by the legislature.

5        NEW SECTION.    **Sec. 20.**        The provisions of this chapter are  
6 intended to be remedial and procedural and any benefits heretofore paid  
7 to recipients hereunder pursuant to any previous act are retroactively  
8 included and authorized as part of this chapter.

9        NEW SECTION.    **Sec. 21.**        The board of trustees of any county  
10 shall direct payment from the fund in the following cases:

11        (1) To a volunteer emergency worker, upon the emergency worker's  
12 request, upon attaining the age of sixty-five years, who, for any  
13 reason, is not qualified to receive the monthly retirement pension  
14 herein provided and who was enrolled in the fund and on whose behalf  
15 annual fees for retirement pension were paid, a lump sum amount equal  
16 to the amount paid into the fund by the emergency worker.

17        (2) If an emergency worker who has not completed at least ten years  
18 of service dies without having requested a lump sum payment under  
19 subsection (1) or (3) of this section, there shall be paid to the  
20 emergency worker's surviving spouse, or if there be no surviving  
21 spouse, then to such emergency worker's legal representatives, a lump  
22 sum amount equal to the amount paid into the fund by the emergency  
23 worker. If an emergency worker who has completed at least ten years of  
24 service dies in a way other than because of injuries received or  
25 sickness contracted in consequence or as the result of the performance  
26 of the emergency worker's duty, without having requested a lump sum  
27 payment under subsection (1) or (3) of this section and before

1 beginning to receive the monthly pension provided for in this chapter,  
2 the emergency worker's surviving spouse shall elect to receive either:

3 (a) A monthly pension computed as provided for in section 17 of  
4 this act actuarially adjusted to reflect option 2 of section 18 of this  
5 act and further actuarially adjusted to reflect the difference in the  
6 number of years between the emergency worker's age at death and age  
7 sixty-five; or

8 (b) A lump sum amount equal to the amount paid into the fund by the  
9 emergency worker and the county or counties in whose emergency district  
10 the emergency worker has served.

11 If there be no such surviving spouse, then there shall be paid to  
12 the emergency worker's legal representatives a lump sum amount equal to  
13 the amount paid into the fund by the emergency worker.

14 (3) If a volunteer emergency worker retires from the emergency  
15 district service before attaining the age of sixty-five years, the  
16 emergency worker may make application for the return in a lump sum of  
17 the amount the emergency worker paid into the fund.

18 NEW SECTION. **Sec. 22.** A monthly pension, payable under this  
19 chapter, which will not amount to twenty-five dollars may be converted  
20 into a lump sum payment equal to the actuarial equivalent of the  
21 monthly pension. The conversion may be made either upon written  
22 application to the state board and shall rest at the discretion of the  
23 state board; or the state board may make, on its own motion, lump sum  
24 payments, equal or proportionate, as the case may be, to the value of  
25 the annuity then remaining in full satisfaction of claims due.

26 NEW SECTION. **Sec. 23.** The filing of reports of enrollment  
27 shall be prima facie evidence of the service of the emergency workers  
28 therein listed for the year of such report as to service rendered



1 subsequent to July 6, 1945. Proof of service of emergency workers  
2 prior to that date shall be by documentary evidence, or such other  
3 evidence reduced to writing and sworn to under oath, as shall be  
4 submitted to the state board and certified by it as sufficient.

5 NEW SECTION. **Sec. 24.** The aggregate term of service of an  
6 emergency worker need not be continuous nor need it be confined to a  
7 single emergency district nor a single county in this state to entitle  
8 the emergency worker to a pension. The emergency worker has to have  
9 been duly enrolled in an emergency district of a county which has  
10 elected to make provisions for the retirement of its emergency workers  
11 at the time the emergency worker becomes eligible for such pension as  
12 provided in this chapter, and has paid all fees prescribed. To be  
13 eligible to the full pension an emergency worker must have an aggregate  
14 of twenty-five years service, have made twenty-five annual payments  
15 into the fund, and be sixty-five years of age at the time the emergency  
16 worker commences drawing the pension provided for by this chapter, all  
17 of which twenty-five years service must have been in the emergency  
18 district of a county or counties which have elected to make provisions  
19 for the retirement of its volunteer emergency workers. Nothing herein  
20 contained shall require an emergency worker having twenty-five years  
21 active service to continue as an emergency worker and no emergency  
22 worker who has completed twenty-five years of active service for which  
23 annual pension fees have been paid and who continues as an emergency  
24 worker shall be required to pay any additional annual pension fees.

25 NEW SECTION. **Sec. 25.** No emergency worker shall receive a  
26 disability pension from the fund, or be entitled to receive a relief or  
27 compensation for sickness or injuries received in the performance of  
28 duty, unless there is filed with the county board of trustees a report

1 of accident, which report shall be subscribed to by the claimant, the  
2 head of the emergency district, and the authorized attending physician,  
3 if there is one. No claim for benefits arising from sickness or  
4 injuries incurred in consequence or as a result of the performance of  
5 duties shall be allowed by the state board unless there has been filed  
6 with it a report of accident within ninety days after its occurrence  
7 and a claim based thereon within one year after the occurrence of the  
8 accident on which such claim is based. The state board may require  
9 further evidence as it deems advisable before ordering relief,  
10 compensation, or pension.

11 NEW SECTION. **Sec. 26.** Whenever an emergency worker becomes  
12 disabled or sick in consequence or as the result of the performance of  
13 duty by reason of which the emergency worker is confined to a hospital  
14 an amount not exceeding the daily ward rate of the hospital shall be  
15 allowed and paid from the fund toward hospital expenses. This  
16 allowance shall not be in lieu of but in addition to any other  
17 allowance provided in this chapter. Costs of surgery, medicine,  
18 laboratory fees, x-ray, special therapies, and similar additional costs  
19 shall be paid additionally. When extended treatment, not available in  
20 the injured emergency worker's home area, is required, the emergency  
21 worker may be reimbursed for actual mileage to and from the place of  
22 extended treatment pursuant to RCW 43.03.060.

23 NEW SECTION. **Sec. 27.** Upon the death of an emergency worker  
24 resulting from injuries or sickness in consequence or as the result of  
25 the performance of duty, the board of trustees shall authorize the  
26 issuance of a voucher for the sum of two thousand dollars, and upon the  
27 death of an emergency worker who is receiving a disability pension  
28 provided for in this chapter, the board of trustees shall authorize the

1 issuance of a voucher for the sum of five hundred dollars, to help  
2 defray the funeral expenses and burial of the emergency worker. The  
3 voucher shall be paid in the manner provided for payment of other  
4 charges against the fund.

5 NEW SECTION. **Sec. 28.** The right of any person to any future  
6 payment under the provisions of this chapter shall not be transferable  
7 or assignable at law or in equity, and none of the moneys paid or  
8 payable or the rights existing under this chapter, shall be subject to  
9 execution, levy, attachment, garnishment, or other legal process, or to  
10 the operation of any bankruptcy or insolvency law. This section shall  
11 not be applicable to any child support collection action taken under  
12 chapter 26.18, 26.23, or 74.20A RCW. Benefits under this chapter shall  
13 be payable to a spouse or ex-spouse to the extent expressly provided  
14 for in a court decree of dissolution or legal separation or in a court  
15 order or court-approved property settlement agreement incident to a  
16 court decree of dissolution or legal separation.

17 Nothing in this chapter shall be construed to deprive an emergency  
18 worker, eligible to receive a pension hereunder, from receiving a  
19 pension under any other act to which that emergency worker may become  
20 eligible by reason of services other than or in addition to his or her  
21 services as an emergency worker under this chapter.

22 NEW SECTION. **Sec. 29.** (1) If the state board or the secretary  
23 makes payments to a spouse or ex-spouse to the extent expressly  
24 provided for in a court decree of dissolution or legal separation or in  
25 a court order or court-approved property settlement agreement incident  
26 to a court decree of dissolution or legal separation, it shall be a  
27 sufficient answer to any claim of a beneficiary against the state

1 board, the secretary, or the fund for the state board or secretary to  
2 show that the payments were made pursuant to a court decree.

3 (2) All payments made to a nonmember spouse or ex-spouse pursuant  
4 to section 28 of this act shall cease upon the death of such a  
5 nonmember spouse or ex-spouse. Upon such a death, the state board and  
6 the secretary shall pay to the emergency worker his or her full monthly  
7 entitlement of benefits.

8 (3) The provisions of section 28 of this act and this section shall  
9 apply to all court decrees of dissolution or legal separation and  
10 court-approved property settlement agreements, regardless of when  
11 entered, but shall apply only to those persons who have actually  
12 retired or who have requested withdrawal of any or all of their  
13 contributions to the fund. The state board or secretary shall not be  
14 responsible for making court-ordered divisions of withdrawals unless  
15 the order is filed with the state board at least thirty days before the  
16 withdrawal payment date.

17 NEW SECTION. **Sec. 30.** There is established a state board for  
18 volunteer emergency medical service district workers to consist of  
19 three members of an emergency medical service district covered by this  
20 chapter, no two of whom shall be from the same congressional district,  
21 to be appointed by the governor to serve overlapping terms of six  
22 years. Of members first appointed, one shall be appointed for a term  
23 of six years, one for four years, and one for two years. Upon the  
24 expiration of a term, a successor shall be appointed by the governor  
25 for a term of six years. A vacancy shall be filled by the governor for  
26 the unexpired term. Each member of the state board, before entering on  
27 the performance of his or her duties, shall take an oath that he or she  
28 will not knowingly violate or willingly permit the violation of any

1 provision of law applicable to this chapter, which oath shall be filed  
2 with the secretary of state.

3 The state board shall not be deemed to be unlawfully constituted  
4 and a member of the state board shall not be deemed ineligible to serve  
5 the remainder of the member's unexpired term on the board solely by  
6 reason of the establishment of new or revised boundaries for  
7 congressional districts.

8 NEW SECTION. **Sec. 31.** The state board shall hold regular  
9 semiannual meetings in April and October of each year, and special  
10 meetings not more than once monthly at such times and places as may be  
11 called by the chair or by two of its members. No action shall be taken  
12 by the state board without the approval of two members.

13 NEW SECTION. **Sec. 32.** Each member of the state board shall be  
14 compensated in accordance with RCW 43.03.240. Each member shall also  
15 receive travel expenses, including going to and from meetings of the  
16 state board or other authorized business of the state board, in  
17 accordance with RCW 43.03.050 and 43.03.060.

18 NEW SECTION. **Sec. 33.** The attorney general shall be the legal  
19 advisor for the state board.

20 NEW SECTION. **Sec. 34.** The state board shall:

21 (1) Generally supervise and control the administration of this  
22 chapter;

23 (2) Promulgate, amend, or repeal rules not inconsistent with this  
24 chapter for the purpose of effecting a uniform and efficient manner of  
25 carrying out the provisions of this chapter and the purposes to be  
26 accomplished thereby, and for the government of boards of trustees of

1 the counties of this state in the discharge of their functions under  
2 this chapter;

3 (3) Review any action, and hear and determine any appeal which may  
4 be taken from the decision of the board of trustees of any county made  
5 pursuant to this chapter;

6 (4) Take such action as may be necessary to secure compliance of  
7 the counties governed by this chapter and to provide for the collection  
8 of all fees and penalties which are, or may be, due and delinquent from  
9 any such county;

10 (5) Review the action of the board of trustees of any county  
11 authorizing any pension as provided by this chapter; and authorize the  
12 regular issuance of monthly warrants in payment thereof without further  
13 action of the board of trustees of such municipality;

14 (6) Require periodic reports from the recipient of any benefits  
15 under this chapter for the purpose of determining their continued  
16 eligibility therefor;

17 (7) Maintain such records as may be necessary and proper for the  
18 proper maintenance and operation of the fund, including records of the  
19 names and addresses of every person enrolled under this chapter, and  
20 provide all necessary forms to enable local boards of trustees to  
21 effectively carry out their duties as provided by this chapter;

22 (8) Compel the taking of testimony from witnesses under oath before  
23 the state board, or any member or the secretary thereof, or before the  
24 board of trustees or any member thereof, for the purpose of obtaining  
25 evidence, at any time, in connection with any claim or pension pending  
26 or authorized for payment. For such purpose the state board shall have  
27 the same power of subpoena as prescribed in RCW 51.52.100. Failure of  
28 any claimant to appear and give any testimony as herein provided shall  
29 suspend any rights or eligibility to receive payments for the period of  
30 such failure to appear and testify; and

1 (9) Appoint a secretary to hold office at the pleasure of the state  
2 board, fix the secretary's compensation at such sum as it shall deem  
3 appropriate, and prescribe the secretary's duties not otherwise  
4 provided by this chapter.

5 NEW SECTION. **Sec. 35.** All expenses incurred by the state board  
6 shall be accomplished by vouchers signed by the secretary and one  
7 member of the state board and issued to the persons entitled thereto  
8 and sent to the proper state agency. The proper state agency shall  
9 issue a warrant on the fund for the amount specified.

10 NEW SECTION. **Sec. 36.** The secretary shall maintain an office at  
11 Olympia at a place to be provided, where the secretary shall:

12 (1) Keep a record of all proceedings of the state board, which  
13 shall be public;

14 (2) Maintain a record of all members of the fund, including such  
15 pertinent information relative thereto as may be required by law or  
16 rule of the state board;

17 (3) Receive and promptly remit to the state treasurer all moneys  
18 received for the fund;

19 (4) Transmit periodically to the proper state agency for payment  
20 all claims payable from the fund, stating the amount and purpose of  
21 such payment;

22 (5) Certify monthly for payment a list of all persons approved for  
23 pensions and the amount to which each is entitled; and

24 (6) Perform such other and further duties as shall be prescribed by  
25 the state board.

26 The secretary shall receive such compensation as shall be fixed by  
27 the state board, together with travel expenses in carrying out the

1 secretary's duties authorized by the state board in accordance with RCW  
2 43.03.050 and 43.03.060.

3 NEW SECTION. **Sec. 37.** The state actuary shall provide  
4 actuarial services for the state board.

5 NEW SECTION. **Sec. 38.** Sections 1 through 37 of this act shall  
6 constitute a new chapter in Title 41 RCW.