
HOUSE BILL 1939

State of Washington

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1997 Regular Session

By Representatives Ogden, Cooper, Lantz, Anderson, Scott, O'Brien, Hatfield, Blalock, Kessler, Conway, Cody and Gardner

Read first time 02/14/97. Referred to Committee on Government Administration.

1 AN ACT Relating to covering reserve law enforcement officers under
2 volunteer fire fighters relief benefits; amending RCW 41.24.020,
3 41.24.150, 41.24.160, and 41.24.400; and adding new sections to chapter
4 41.24 RCW.

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

6 **Sec. 1.** RCW 41.24.020 and 1989 c 91 s 9 are each amended to read
7 as follows:

8 (1) Every municipal corporation maintaining and operating a
9 regularly organized fire department or law enforcement agency shall
10 make provision by appropriate legislation for the enrollment of every
11 fire fighter and reserve officer under the relief and compensation
12 provisions of this chapter for the purpose of providing protection for
13 all its fire fighters, reserve officers, and their families from death
14 or disability arising in the performance of their duties as fire
15 fighters or reserve officers: PROVIDED, That nothing herein shall
16 prohibit any municipality from providing such additional protection for
17 relief and compensation, or death benefit as it may deem proper.

18 (2) Any municipal corporation maintaining and operating a regularly
19 organized fire department may make provision by appropriate legislation

1 whereby any fire fighter may enroll under the pension provisions of
2 this chapter for the purpose of enabling any fire fighter, so electing,
3 to avail himself or herself of the retirement provisions of this
4 chapter.

5 (3) Every municipal corporation shall make provisions for the
6 collection and payment of the fees as herein provided, and shall
7 continue to make such provisions for all fire fighters and reserve
8 officers who come under this chapter as long as they shall continue to
9 be members of its fire department or law enforcement agency.

10 **Sec. 2.** RCW 41.24.150 and 1996 c 57 s 1 are each amended to read
11 as follows:

12 Whenever a fire fighter or reserve officer serving in any capacity
13 as a member of the fire fighter's own fire department or reserve
14 officer's own law enforcement agency subject to the provisions of this
15 chapter becomes physically or mentally disabled, or sick, in
16 consequence or as the result of the performance of his or her duties,
17 so as to be wholly prevented from engaging in each and every duty of
18 his or her regular occupation, business, or profession, he or she shall
19 be paid from the fund monthly, an amount equal to his or her monthly
20 wage as certified by the local board or two thousand five hundred fifty
21 dollars, whichever is less, for a period not to exceed six months, or
22 an amount equal to his or her daily wage as certified by the local
23 board or eighty-five dollars, whichever is less, per day for such
24 period as is part of a month, after which period, if the member is
25 incapacitated to such an extent that he or she is thereby prevented
26 from engaging in any occupation or performing any work for compensation
27 or profit or if the member sustained an injury after October 1, 1978,
28 which resulted in the loss or paralysis of both legs or arms, or one
29 leg and one arm, or total loss of eyesight, but such injury has not
30 prevented the member from engaging in an occupation or performing work
31 for compensation or profit, he or she is entitled to draw from the fund
32 monthly, the sum of one thousand two hundred seventy-five dollars so
33 long as the disability continues, except as hereinafter provided:
34 PROVIDED, That if the member has a wife or husband and/or a child or
35 children unemancipated or under eighteen years of age, he or she is
36 entitled to draw from the fund monthly the additional sums of two
37 hundred fifty-five dollars because of the fact of his wife or her
38 husband, and one hundred ten dollars because of the fact of each child

1 unemancipated or under eighteen years of age, all to a total maximum
2 amount of two thousand five hundred fifty dollars. The board may at
3 any time reopen the grant of such disability pension if the pensioner
4 is gainfully employed, and may reduce it in the proportion that the
5 annual income from such gainful employment bears to the annual income
6 received by the pensioner at the time of his disability: PROVIDED,
7 That where a fire fighter or reserve officer sustains a permanent
8 partial disability the state board may provide that such injured fire
9 fighter or reserve officer shall receive a lump sum compensation
10 therefor to the same extent as is provided for permanent partial
11 disability under the workers' compensation act under Title 51 RCW in
12 lieu of such monthly disability payments.

13 **Sec. 3.** RCW 41.24.160 and 1996 c 57 s 2 are each amended to read
14 as follows:

15 (1) Whenever a fire fighter or reserve officer dies as the result
16 of injuries received, or sickness contracted in consequence or as the
17 result of the performance of his or her duties, the board of trustees
18 shall order and direct the payment of the sum of two thousand dollars
19 to his widow or her widower, or if there is no widow or widower, then
20 to his or her dependent child or children, or if there is no dependent
21 child or children, then to his or her parents or either of them, and
22 the sum of one thousand two hundred seventy-five dollars per month to
23 his widow or her widower during his or her life together with the
24 additional monthly sum of one hundred ten dollars for each child of the
25 member, unemancipated or under eighteen years of age, dependent upon
26 the member for support at the time of his or her death, to a maximum
27 total of two thousand five hundred fifty dollars per month.

28 (2) If the widow or widower does not have legal custody of one or
29 more dependent children of the deceased fire fighter or reserve officer
30 or if, after the death of the fire fighter or reserve officer, legal
31 custody of such child or children passes from the widow or widower to
32 another person, any payment on account of such child or children not in
33 the legal custody of the widow or widower shall be made to the person
34 or persons having legal custody of such child or children. Such
35 payments on account of such child or children shall be subtracted from
36 the amount to which such widow or widower would have been entitled had
37 such widow or widower had legal custody of all the children and the
38 widow or widower shall receive the remainder after such payments on

1 account of such child or children have been subtracted. If there is no
2 widow or widower, or the widow or widower dies while there are
3 children, unemancipated or under eighteen years of age, then the amount
4 of eight hundred twenty-five dollars per month shall be paid for the
5 youngest or only child together with an additional seventy dollars per
6 month for each additional of such children to a maximum of one thousand
7 six hundred fifty dollars per month until they become emancipated or
8 reach the age of eighteen years; and if there are no widow or widower,
9 child, or children entitled thereto, then to his or her parents or
10 either of them the sum of eight hundred twenty-five dollars per month
11 for life, if it is proved to the satisfaction of the board that the
12 parents, or either of them, were dependent on the deceased for their
13 support at the time of his or her death. In any instance in
14 subsections (1) and (2) of this section, if the widow or widower, child
15 or children, or the parents, or either of them, marries while receiving
16 such pension the person so marrying shall thereafter receive no further
17 pension from the fund.

18 (3) In the case provided for in this section, the monthly payment
19 provided may be converted in whole or in part into a lump sum payment,
20 not in any case to exceed twelve thousand dollars, equal or
21 proportionate, as the case may be, to the actuarial equivalent of the
22 monthly payment in which event the monthly payments shall cease in
23 whole or in part accordingly or proportionately. Such conversion may
24 be made either upon written application to the state board and shall
25 rest in the discretion of the state board; or the state board is
26 authorized to make, and authority is hereby given it to make, on its
27 own motion, lump sum payments, equal or proportionate, as the case may
28 be, to the value of the annuity then remaining in full satisfaction of
29 claims due to dependents. Within the rule aforesaid the amount and
30 value of the lump sum payment may be agreed upon between the applicant
31 and the state board. Any person receiving a monthly payment under this
32 section on June 29, 1961, may elect, within two years, to convert such
33 payments into a lump sum payment as provided in this section.

34 **Sec. 4.** RCW 41.24.400 and 1995 c 11 s 2 are each amended to read
35 as follows:

36 (1) Except as provided in subsection (2) of this section, any
37 municipality may make provision by appropriate legislation and payment
38 of fees required by RCW 41.24.030(1)(d) solely for the purpose of

1 enabling any reserve officer to enroll under the retirement provisions
2 of this chapter.

3 (2) A reserve officer is not eligible to receive a benefit under
4 the retirement provisions of this chapter for service under chapter
5 41.26, 41.32, or 41.40 RCW.

6 (3) Every municipality shall make provisions for the collection and
7 payment of the fees required under this chapter, and shall continue to
8 make provisions for all reserve officers who come under this chapter as
9 long as they continue to be employed as reserve officers.

10 (~~(4) A reserve officer is not eligible to receive a benefit under~~
11 ~~the relief and compensation provisions of this chapter.~~)

12 NEW SECTION. **Sec. 5.** In every municipal corporation, except
13 counties, maintaining a regularly organized law enforcement agency
14 there is created a board of trustees for the administration of this
15 chapter. The board shall consist of the mayor, city clerk or
16 comptroller, and one councilmember of such municipality, or their
17 designees, the head of the law enforcement agency, and one reserve
18 member of the law enforcement agency to be elected by the reserve
19 members of the law enforcement agency for a term of one year and
20 annually thereafter.

21 NEW SECTION. **Sec. 6.** In every county maintaining a regularly
22 organized law enforcement agency there is created a board of trustees
23 for the administration of this chapter. The board shall consist of two
24 of the members of the county legislative authority and the county
25 auditor, or their designees, the head of the law enforcement agency,
26 and one reserve officer from the law enforcement agency to be elected
27 by the reserve officers of the law enforcement agency for a term of one
28 year and annually thereafter.

29 NEW SECTION. **Sec. 7.** The state board shall set the amount
30 consistent with the most recent valuation of the volunteer fire
31 fighters' relief and pension fund to be paid for the purposes of this
32 chapter by municipal corporations for reserve officer relief fees. The
33 fees set under this section are subject to the other provisions of this
34 chapter.

1 NEW SECTION. **Sec. 8.** Sections 5 through 7 of this act are each
2 added to chapter 41.24 RCW.

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