
HOUSE BILL 2352

State of Washington

55th Legislature

1998 Regular Session

By Representatives Wensman, L. Thomas, Scott, Gardner, Zellinsky,
Anderson, Smith and Constantine

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Appropriations.

1 AN ACT Relating to fire fighter pensions; amending RCW 41.16.010
2 and 41.16.050; and adding a new section to chapter 41.16 RCW.

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

4 **Sec. 1.** RCW 41.16.010 and 1973 1st ex.s. c 154 s 61 are each
5 amended to read as follows:

6 For the purpose of this chapter, unless clearly indicated by the
7 context, words and phrases shall have the following meaning:

8 (1) "Beneficiary" shall mean any person or persons designated by a
9 (~~fireman~~) fire fighter in a writing filed with the board, and who
10 shall be entitled to receive any benefits of a deceased (~~fireman~~)
11 fire fighter under this chapter.

12 (2) "Board" shall mean the municipal (~~firemen's~~) fire fighters'
13 pension board.

14 (3) "Child or children" shall mean a child or children unmarried
15 and under eighteen years of age.

16 (4) "Contributions" shall mean and include all sums deducted from
17 the salary of (~~firemen~~) fire fighters' and paid into the fund as
18 hereinafter provided.

1 (5) "Disability" shall mean and include injuries or sickness
2 sustained as a result of the performance of duty.

3 (6) "Enrollee" means a fire fighter, retired fire fighter, or widow
4 or widower.

5 (7) "Fire fighter" or "fireman" shall mean any person regularly or
6 temporarily, or as a substitute, employed and paid as a member of a
7 fire department, who has passed a civil service examination for
8 ~~((fireman))~~ fire fighters' and who is actively employed as a
9 ~~((fireman))~~ fire fighter and a member of the pension system created
10 under this chapter or chapter 41.18 RCW; and shall include any "prior
11 ~~((fireman))~~ fire fighter".

12 ~~((+7))~~ (8) "Fire department" shall mean the regularly organized,
13 full time, paid, and employed force of ~~((firemen))~~ fire fighters' of
14 the municipality.

15 ~~((+8))~~ (9) "Fund" shall mean the ~~((firemen's))~~ fire fighters'
16 pension fund created herein.

17 ~~((+9))~~ (10) "Municipality" shall mean every city and town having
18 a regularly organized full time, paid, fire department employing
19 ~~((firemen))~~ fire fighters'.

20 ~~((+10))~~ (11) "Performance of duty" shall mean the performance of
21 work and labor regularly required of ~~((firemen))~~ fire fighters' and
22 shall include services of an emergency nature rendered while off
23 regular duty, but shall not include time spent in traveling to work
24 before answering roll call or traveling from work after dismissal at
25 roll call.

26 ~~((+11))~~ (12) "Prior ~~((fireman))~~ fire fighter" shall mean a
27 ~~((fireman))~~ fire fighter who was actively employed as a ~~((fireman))~~
28 fire fighter of a fire department prior to the first day of January,
29 1947, and who continues such employment thereafter.

30 ~~((+12))~~ (13) "Retired ~~((fireman))~~ fire fighter" shall mean and
31 include a person employed as a ~~((fireman))~~ fire fighter and retired
32 under the provisions of chapter 50, Laws of 1909, as amended.

33 ~~((+13))~~ (14) "Widow or widower" means the surviving wife or
34 husband of a retired ~~((fireman))~~ fire fighter who was retired on
35 account of length of service and who was lawfully married to such
36 ~~((fireman))~~ fire fighter; and whenever that term is used with reference
37 to the wife or former wife or husband or former husband of a retired
38 ~~((fireman))~~ fire fighter who was retired because of disability, it
39 shall mean his or her lawfully married wife or husband on the date he

1 or she sustained the injury or contracted the illness that resulted in
2 his or her disability. (~~Said~~) The term shall not mean or include a
3 surviving wife or husband who by process of law within one year prior
4 to the retired (~~fireman's~~) fire fighter's death, collected or
5 attempted to collect from him or her funds for the support of herself
6 or himself or for his or her children.

7 **Sec. 2.** RCW 41.16.050 and 1994 c 273 s 23 are each amended to read
8 as follows:

9 (~~There is hereby created and established in the treasury of each~~
10 ~~municipality~~) (1) A fund (~~which shall~~) to be known and designated as
11 the (~~firemen's~~) fire fighters' pension fund(~~, which shall~~) is
12 created and established in the treasury of each city, town, and fire
13 protection district with remaining obligations under this chapter or
14 chapter 41.18 RCW to consist of: (~~(1)~~) (a) All bequests, fees,
15 gifts, emoluments, or donations given or paid thereto; (~~(2) forty five~~
16 ~~percent of all~~) (b) distributions of moneys received by the state from
17 taxes on fire insurance premiums as provided under subsection (2) of
18 this section; (~~(3) taxes paid pursuant to the provisions of~~) (c)
19 property tax receipts of a city or town, as provided under RCW
20 41.16.060; (~~(4)~~) (d) interest on the investments of the fund; and
21 (~~(5)~~) (e) contributions by fire fighters as provided for herein.

22 (2) Forty-five percent of the moneys received by the state from
23 (~~the tax~~) taxes on fire insurance premiums (~~under the provisions of~~
24 ~~this chapter~~) imposed under RCW 48.14.020, or as much thereof that is
25 needed, shall be distributed to cities, towns, and fire protection
26 districts with remaining obligations against their fire fighters'
27 pension fund in the proportion that the number of (~~paid fire fighters~~
28 ~~in the~~) enrollees from that city, town, or fire protection district
29 bears to the total number of (~~paid fire fighters~~) enrollees
30 throughout the state to be ascertained in the following manner:

31 (a) The secretary of the (~~firemen's~~) fire fighters' pension board
32 of each city, town, and fire protection district now or hereafter
33 coming under the provisions of this chapter or chapter 41.18 RCW, with
34 remaining obligations against its fire fighters' pension fund, shall
35 (~~within thirty days after June 7, 1961, and~~) on or before the
36 fifteenth day of January (~~thereafter~~) of each year, certify to the
37 state treasurer the number of (~~paid fire fighters in the fire~~
38 ~~department in such city, town, or fire protection district. For any~~

1 ~~city or town annexed by a fire protection district at any time before,~~
2 ~~on, or after June 9, 1994, the city or town shall continue to certify~~
3 ~~to the state treasurer the number of paid fire fighters in the city or~~
4 ~~town fire department immediately before annexation until all~~
5 ~~obligations against the firemen's pension fund in the city or town have~~
6 ~~been satisfied. For the purposes of the calculation in this section,~~
7 ~~the state treasurer shall subtract the number certified by the annexed~~
8 ~~city or town from the number of paid fire fighters certified by an~~
9 ~~annexing)) enrollees from that city, town, or fire protection district.~~

10 (b) The state treasurer shall on or before the first day of June of
11 each year deliver to the treasurer of each city, town, and fire
12 protection district (~~coming under the provisions of this chapter his~~
13 ~~or her~~) with remaining obligations against its fire fighters' pension
14 fund a warrant((7)) payable to ((each)) the city, town, or fire
15 protection district for the amount due such city, town, or fire
16 protection district ascertained as herein provided and the treasurer of
17 each such city, town, or fire protection district shall place the
18 amount ((thereof)) to the credit of the ((firemen's)) fire fighters'
19 pension fund of such city, town, or fire protection district.

20 NEW SECTION. Sec. 3. A new section is added to chapter 41.16 RCW
21 to read as follows:

22 Any city, town, or fire protection district that has received
23 distributions from the state excise tax on fire insurance premiums
24 under RCW 41.16.050, after the city, town, or fire protection district
25 ceased having obligations under its fire fighters' pension fund, shall
26 return to the state treasurer any distributions that were not used for
27 the legal purposes of the fund.

28 Any moneys that are returned under this section shall be
29 distributed to eligible cities, towns, and fire protection districts
30 under the next distribution provided under RCW 41.16.050.

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