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HOUSE BILL 1219

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State of Washington

56th Legislature

1999 Regular Session

By Representatives Ogden, Carlson, Conway, Doumit, D. Schmidt, Lantz and Parlette

Read first time 01/19/1999. Referred to Committee on Appropriations.

1 AN ACT Relating to relief and retirement pensions under chapter  
2 41.24 RCW; amending RCW 41.24.010, 41.24.020, 41.24.035, 41.24.040,  
3 41.24.060, 41.24.070, 41.24.080, 41.24.090, 41.24.110, 41.24.120,  
4 41.24.140, 41.24.150, 41.24.160, 41.24.170, 41.24.172, 41.24.180,  
5 41.24.200, 41.24.210, 41.24.220, 41.24.230, 41.24.245, 41.24.250,  
6 41.24.280, 41.24.290, 41.24.300, 41.24.310, 41.24.320, 41.24.330,  
7 41.24.340, 41.24.400, 41.24.450, and 41.24.460; reenacting and amending  
8 RCW 41.24.030; and repealing RCW 41.24.350, 41.24.420, 41.24.440, and  
9 41.24.470.

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

11 **Sec. 1.** RCW 41.24.010 and 1995 c 11 s 1 are each amended to read  
12 as follows:

13 ~~((As used in))~~ The definitions in this section apply throughout  
14 this chapter((+)) unless the context clearly requires otherwise.

15 (1) "Municipal corporation" or "municipality" includes any county,  
16 city, town or combination thereof, fire protection district, local law  
17 enforcement agency, or any ((water, irrigation,)) emergency medical  
18 service district or other special district, authorized by law ((to  
19 afford emergency medical services or protection)) to protect life

1 ((and)) or property within its boundaries through a fire department,  
2 emergency workers, or reserve officers.

3 (2) "Fire department" means any regularly organized fire department  
4 or emergency medical service district consisting wholly of volunteer  
5 fire fighters, or any part-paid and part-volunteer fire department duly  
6 organized and maintained by any municipality: PROVIDED, That any such  
7 municipality wherein a part-paid fire department is maintained may by  
8 appropriate legislation permit the full-paid members of its department  
9 to come under the provisions of chapter 41.16 RCW.

10 (3) "Fire fighter" includes any fire fighter or emergency worker  
11 who is a member of any fire department of any municipality but shall  
12 not include full time, paid fire fighters who are members of the  
13 Washington law enforcement officers' and fire fighters' retirement  
14 system, with respect to periods of service rendered in such capacity.

15 (4) "Emergency worker" means any emergency medical service  
16 personnel, regulated by chapters 18.71 and 18.73 RCW, who is a member  
17 of an emergency medical service district but shall not include full-  
18 time, paid emergency medical service personnel who are members of the  
19 Washington public employees' retirement system, with respect to periods  
20 of service rendered in such capacity.

21 (5) "Performance of duty" or "performance of service" shall be  
22 construed to mean and include any work in and about company quarters  
23 ~~((or))~~, any fire station, any law enforcement office or precinct, or  
24 any other place under the direction or general orders of the chief or  
25 other officer having authority to order such member to perform such  
26 work; responding to, working at, or returning from an alarm of fire,  
27 emergency call, or law enforcement duties; drill or training; or any  
28 work performed of an emergency nature in accordance with the rules and  
29 regulations of the fire department or local law enforcement agency.

30 (6) "State board" means the state board for volunteer fire fighters  
31 and reserve officers ~~((created herein))~~.

32 (7) "Board of trustees" or "local board" means: (a) For matters  
33 affecting fire fighters, a fire fighter board of trustees created under  
34 RCW 41.24.060 ~~((or))~~; (b) for matters affecting an emergency worker,  
35 an emergency medical service district board of trustees created under  
36 RCW 41.24.330; or (c) for matters affecting reserve officers, a reserve  
37 officer board of trustees created under RCW 41.24.460.

1       (8) "Appropriate legislation" means an ordinance when an ordinance  
2 is the means of legislating by any municipality, and resolution in all  
3 other cases.

4       (9) "Reserve officer" means the same as defined by the Washington  
5 state criminal justice training commission under chapter 43.101 RCW,  
6 but shall not include full-time, paid law enforcement officers who are  
7 members of the Washington law enforcement officers' and fire fighters'  
8 retirement system, with respect to periods of service rendered in such  
9 capacity.

10       (10) "Participant" means: (a) For purposes of relief, any reserve  
11 officer who is or may become eligible for relief under this chapter or  
12 any fire fighter or emergency worker; and (b) for purposes of  
13 retirement pension, any fire fighter, emergency worker, or reserve  
14 officer who is or may become eligible to receive a benefit of any type  
15 under the retirement provisions of this chapter, or whose beneficiary  
16 may be eligible to receive any such benefit.

17       (11) "Relief" means all medical, death, and disability benefits  
18 available under this chapter that are made necessary from death,  
19 sickness, injury, or disability arising in the performance of duty,  
20 including benefits provided under RCW 41.24.110, 41.24.150, 41.24.160,  
21 41.24.175, 41.24.220, and 41.24.230, but does not include retirement  
22 pensions provided under this chapter.

23       (12) "Retirement pension" means retirement payments for the  
24 performance of service, as provided under RCW 41.24.170, 41.24.172,  
25 41.24.175, 41.24.180, and 41.24.185.

26       (13) "Principal fund" means the volunteer fire fighters' and  
27 reserve officers' relief and pension principal fund created under RCW  
28 41.24.030.

29       (14) "Administrative fund" means the volunteer fire fighters' and  
30 reserve officers' administrative fund created under RCW 41.24.030.

31       **Sec. 2.** RCW 41.24.020 and 1989 c 91 s 9 are each amended to read  
32 as follows:

33       (1) Every municipal corporation maintaining and operating a  
34 regularly organized fire department shall make provision by appropriate  
35 legislation for the enrollment of every fire fighter under the relief  
36 ~~((and compensation))~~ provisions of this chapter for the purpose of  
37 providing protection for all its fire fighters and their families from  
38 death, sickness, injury, or disability arising in the performance of

1 their duties as fire fighters(~~(: PROVIDED, That)~~). Nothing ((herein))  
2 in this chapter shall prohibit any municipality from providing such  
3 additional protection for relief (~~((and compensation, or death benefit))~~)  
4 as it may deem proper.

5 (2) Any municipal corporation maintaining and operating a regularly  
6 organized fire department may make provision by appropriate legislation  
7 (~~((whereby))~~) allowing any member of its fire ((fighter may)) department  
8 to enroll under the retirement pension provisions of this chapter ((for  
9 ~~the purpose of enabling any fire fighter, so electing, to avail himself~~  
10 ~~or herself of the retirement provisions of this chapter))~~).

11 (3) Every municipal corporation shall make provisions for the  
12 collection and payment of the fees (~~((as herein))~~) provided under this  
13 chapter, and shall continue to make such provisions for all fire  
14 fighters who come under this chapter as long as they shall continue to  
15 be members of its fire department.

16 **Sec. 3.** RCW 41.24.030 and 1995 c 45 s 1 and 1995 c 11 s 3 are each  
17 reenacted and amended to read as follows:

18 (1) (~~((There))~~) The volunteer fire fighters' and reserve officers'  
19 relief and pension principal fund is created in the state treasury as  
20 a trust fund for the benefit of the participants covered by this  
21 chapter((, which shall be designated the volunteer fire fighters'  
22 ~~relief and pension principal fund and shall consist))~~ consisting of:

23 (a) All bequests, fees, gifts, emoluments, or donations given or  
24 paid to the fund.

25 (b) An annual fee for each member of its fire department to be paid  
26 by each municipal corporation for the purpose of affording (~~((the~~  
27 ~~members of its fire department with protection from death or disability~~  
28 ~~as))~~) relief provided in this chapter for fire fighters as follows:

29 (i) Ten dollars for each volunteer or part-paid member of its fire  
30 department;

31 (ii) A sum equal to one and one-half of one percent of the annual  
32 salary attached to the rank of each full-paid member of its fire  
33 department, prorated for 1970 on the basis of services prior to March  
34 1, 1970.

35 (c) An annual fee for each emergency worker of an emergency medical  
36 service district paid by the district that is sufficient to pay the  
37 full costs of covering the emergency worker under the relief provisions  
38 of this chapter, including operating expenses. The state board shall

1 determine the amount of this fee based on the latest actuarial  
2 valuation of the system.

3 (d) Where a municipal corporation has elected to make relief  
4 provisions of this chapter available to its reserve officers, an annual  
5 fee for each reserve officer paid by the municipal corporation that is  
6 sufficient to pay the full costs of covering the reserve officer under  
7 the relief provisions of this chapter, including operating expenses.  
8 The state board shall determine the amount of this fee based on the  
9 latest actuarial valuation of the system.

10 (e) Where a municipal corporation has elected to make ((available  
11 to the members of its fire department)) the retirement pension  
12 provisions ((as provided in)) of this chapter available to members of  
13 its fire department, an annual fee of sixty dollars for each of its  
14 fire fighters electing to enroll ((therein)), thirty dollars of which  
15 shall be paid by the municipality and thirty dollars of which shall be  
16 paid by the fire fighter. However, nothing in this section prohibits  
17 any municipality from voluntarily paying the fire fighters' ((share of  
18 the)) fee for this retirement ((provision)) pension coverage.

19 ((~~d~~)) (f) Where an emergency medical service district has elected  
20 to make the retirement pension provisions of this chapter available to  
21 its emergency workers, for each emergency worker electing to enroll:  
22 (i) An annual fee of thirty dollars shall be paid by the emergency  
23 worker; and (ii) an annual fee paid by the emergency medical service  
24 district that, together with the thirty-dollar fee per emergency  
25 worker, is sufficient to pay the full costs of covering the emergency  
26 worker under the retirement pension benefits provided under this  
27 chapter, including operating expenses. The state board shall determine  
28 the amount of this fee based on the latest actuarial valuation of the  
29 system. However, nothing in this section prohibits any emergency  
30 medical service district from voluntarily paying the emergency workers'  
31 fees for this retirement pension coverage.

32 (g) Where a municipal corporation has elected to make the  
33 retirement pension provisions of this chapter available to its reserve  
34 officers, for each reserve officer ((that elects)) electing to enroll:  
35 (i) An annual fee of thirty dollars shall be paid by the reserve  
36 officer; and (ii) an annual fee ((determined by the state board)) paid  
37 by the municipal corporation that, together with the thirty-dollar fee  
38 per reserve officer, is sufficient to pay the full costs of covering  
39 the reserve officer under the retirement pension benefits provided

1 under this chapter, including operating expenses. The state board  
2 shall determine the amount of this fee based on the latest actuarial  
3 valuation ((shall be paid by the municipal corporation. The fee paid  
4 by the municipal corporation may include operating expenses.

5 (e) ~~Forty percent of all moneys received by the state from taxes on~~  
6 ~~fire insurance premiums shall be paid into the state treasury and~~  
7 ~~credited to the administrative fund created in subsection (2) of this~~  
8 ~~section))~~ of the system. However, nothing in this section prohibits  
9 any municipal corporation from voluntarily paying the reserve officers'  
10 fees for this retirement pension coverage.

11 ~~((f))~~ (h) Moneys transferred from the administrative fund, as  
12 provided under subsection (2) of this section, which may only be used  
13 to pay relief and retirement pensions for fire fighters.

14 (i) Earnings from the investment of moneys in the principal fund.

15 The state investment board, upon request of the state treasurer  
16 shall have full power to invest or reinvest such portion of the amounts  
17 credited to the principal fund as is not, in the judgment of the state  
18 treasurer, required to meet current withdrawals. ~~((Such))~~ Investments  
19 shall be made in the manner prescribed by RCW 43.84.150 and not  
20 otherwise.

21 ~~((g))~~ All bonds, investments, or other obligations purchased  
22 ~~((according to (f) of this subsection shall be forthwith))~~ by the state  
23 investment board shall be placed in the custody of the state treasurer,  
24 and he or she shall collect the principal thereof and interest thereon  
25 when due.

26 The state investment board may sell any of the bonds, investments,  
27 or obligations so acquired and the proceeds thereof shall be paid to  
28 the state treasurer.

29 The interest, earnings, and proceeds from the sale and redemption  
30 of any ((bonds or other obligations)) investments held by the principal  
31 fund and invested by the state investment board shall be credited to  
32 and form a part of the principal fund, less the allocation to the state  
33 investment board expense account pursuant to RCW 43.33A.160.

34 Subject to restrictions contained in this chapter, all amounts  
35 credited to the principal fund shall be available for making the  
36 benefit payments required by this chapter.

37 The state treasurer shall make an annual report showing the  
38 condition of the fund.

1 (2) The volunteer fire fighters' (~~relief and pension~~) and reserve  
2 officers' administrative fund is (~~hereby~~) created in the state  
3 treasury. Moneys in the (~~account~~) fund, including unanticipated  
4 revenues under RCW 43.79.270, may be spent only after appropriation,  
5 and may be used only for operating expenses of the volunteer fire  
6 fighters' and reserve officers' relief and pension principal fund, the  
7 operating expenses of the volunteer fire fighters' (~~relief and~~  
8 ~~pension~~) and reserve officers' administrative fund, or for transfer  
9 from the administrative fund to the principal fund.

10 (a) Forty percent of all moneys received by the state from taxes on  
11 fire insurance premiums shall be paid into the state treasury and  
12 credited to the administrative fund.

13 (b) The state board shall compute a percentage of the amounts  
14 credited to the administrative fund to be paid into the principal fund.

15 (~~(b)~~) (c) For the purpose of providing amounts to be used to  
16 defray the cost of administration of the principal and administrative  
17 funds, the state board shall ascertain at the beginning of each  
18 biennium and request from the legislature an appropriation from the  
19 administrative fund sufficient to cover estimated expenses for the  
20 biennium.

21 **Sec. 4.** RCW 41.24.035 and 1989 c 194 s 2 are each amended to read  
22 as follows:

23 The state board is authorized to pay from the (~~interest~~) earnings  
24 of the (~~trust funds of the system~~) principal fund and administrative  
25 fund lawful obligations of the system for legal expenses and medical  
26 expenses which expenses are primarily incurred for the purpose of  
27 protecting the (~~trust~~) principal fund or are incurred in compliance  
28 with statutes governing such funds.

29 The term "legal expense" includes, but is not limited to, legal  
30 services provided through the legal services revolving fund, fees for  
31 expert witnesses, travel expenses, fees for court reporters, cost of  
32 transcript preparation, and reproduction of documents.

33 The term "medical costs" includes, but is not limited to, expenses  
34 for the medical examination or reexamination of members or retirees,  
35 the costs of preparation of medical reports, and fees charged by  
36 medical professionals for attendance at discovery proceedings or  
37 hearings.

1       **Sec. 5.** RCW 41.24.040 and 1995 c 11 s 5 are each amended to read  
2 as follows:

3       On or before the first day of March of each year, every (~~municipal~~  
4 ~~corporation~~) municipality shall pay such amount as shall be due from  
5 it to (~~said~~) the principal fund, together with the amounts collected  
6 from the participants(~~(:—PROVIDED, That no fire fighter~~  
7 ~~{participant})~~). A participant shall not forfeit his or her right to  
8 participate in the relief (~~and compensation~~) provisions of this  
9 chapter by reason of (~~nonpayment:—PROVIDED FURTHER, That no~~) the  
10 municipal corporation failing to pay the amount due from it. A  
11 participant shall not forfeit his or her right to participate in the  
12 retirement pension provisions of this chapter until after March 1st of  
13 (~~such~~) the year(~~(:—AND PROVIDED FURTHER, That)~~) in which the  
14 municipality fails to make the required payments. Where a municipality  
15 has failed to pay or remit the annual fees required within the time  
16 provided, such delinquent payment shall bear interest at the rate of  
17 one percent per month from March 1st until paid(~~(:—AND PROVIDED~~  
18 FURTHER, That)) or remitted. Where a participant has forfeited his or  
19 her right to participate in the retirement provisions of this chapter  
20 that participant may be reinstated so as to participate to the same  
21 extent as if all fees had been paid by the payment of all back fees  
22 with interest at the rate of one percent per month provided he or she  
23 has at all times been otherwise eligible.

24       **Sec. 6.** RCW 41.24.060 and 1981 c 213 s 7 are each amended to read  
25 as follows:

26       A fire fighter board of trustees is created and established to  
27 administer this chapter in every municipal corporation maintaining a  
28 regularly organized fire department (~~there is hereby created and~~  
29 established a board of trustees for the administration of this chapter.  
30 Such). A fire fighter board of trustees shall consist of the mayor,  
31 city clerk or comptroller, and one councilmember of such municipality,  
32 the chief of the fire department, and one member of the fire department  
33 to be elected by the members of such fire department for a term of one  
34 year and annually thereafter. Where a municipality is governed by a  
35 board, the chair, one member of the board, and the secretary or clerk  
36 thereof shall serve as members of (~~said~~) the fire fighter board of  
37 trustees in lieu of the mayor, clerk or comptroller, and councilmember.



1       **Sec. 7.** RCW 41.24.070 and 1969 c 118 s 1 are each amended to read  
2 as follows:

3       The mayor or ~~((chairman))~~ chair of the board or commission of any  
4 ~~((such))~~ municipality with a fire department, or his or her designee,  
5 shall be ~~((chairman))~~ chair of the fire fighter board of trustees, and  
6 the clerk or comptroller or secretary of any such municipality, board,  
7 or commission, or his or her designee, shall be the secretary-treasurer  
8 of the board of trustees.

9       The secretary shall keep a public record of all proceedings~~((7))~~  
10 and of all receipts and disbursements made by the board of trustees  
11 ~~((and))~~, shall make an annual report of its expenses and disbursements  
12 with a full list of the beneficiaries of ~~((said))~~ the principal fund in  
13 ~~((such))~~ the municipality, ~~((such record to be placed on file in such~~  
14 ~~municipality. — Such forms as shall be necessary for the proper~~  
15 ~~administration of this fund and of making the reports required~~  
16 ~~hereunder shall be provided by the state board))~~ and shall make all  
17 required reports to the state board. The state board shall provide all  
18 necessary forms to fire fighter boards of trustees.

19       **Sec. 8.** RCW 41.24.080 and 1989 c 91 s 12 are each amended to read  
20 as follows:

21       The board of trustees of each municipal corporation shall provide  
22 for enrollment of all members of its fire department under the ~~((death~~  
23 ~~and disability))~~ relief provisions ~~((hereof))~~ of this chapter; provide  
24 for enrollment of all its reserve officers under the relief provisions  
25 of this chapter if it has extended these relief provisions to its  
26 reserve officers; receive all applications for the enrollment under the  
27 retirement pension provisions ~~((hereof))~~ of this chapter when the  
28 municipality has ~~((elected to enroll thereunder))~~ extended these  
29 retirement pension provisions to its fire fighters or reserve officers;  
30 provide for disbursements of relief ~~((and compensation));~~ determine the  
31 eligibility of fire fighters and reserve officers for retirement  
32 pensions; and pass on all claims and direct payment thereof from the  
33 ~~((volunteer fire fighters' relief and pension))~~ principal fund to those  
34 entitled thereto. Vouchers shall be issued to the persons entitled  
35 thereto by the local board. It shall send to the state board, after  
36 each meeting, a voucher for each person entitled to payment from the  
37 principal fund, stating the amount of such payment and for what  
38 granted, which voucher shall be certified and signed by the

1 ((~~chairman~~)) chair and secretary of the local board. The state board,  
2 after review and approval, shall cause a warrant to be issued on the  
3 principal fund for the amount specified and approved on each voucher(~~(+~~  
4 ~~PROVIDED, That in~~)). However, in retirement pension cases after the  
5 applicant's eligibility for pension is verified, the state board shall  
6 authorize the regular issuance of monthly warrants or electronic  
7 transfers of funds in payment (~~(thereof)~~) of the retirement pension  
8 without further action of the board of trustees of any such  
9 municipality.

10 **Sec. 9.** RCW 41.24.090 and 1945 c 261 s 9 are each amended to read  
11 as follows:

12 ((~~Said~~)) A board of trustees shall meet on the call of its  
13 ((~~chairman~~)) chair on a regular monthly meeting day when there is  
14 business to come before it. The ((~~chairman~~)) chair shall be required  
15 to call a meeting on any regular meeting day at the request of any  
16 member of the fund or his or her beneficiary claiming any relief(~~(+~~  
17 ~~compensation~~)) or retirement pension (~~(therefrom)~~).

18 **Sec. 10.** RCW 41.24.110 and 1989 c 91 s 13 are each amended to read  
19 as follows:

20 The local board shall make provisions for (~~(the employment of a)~~)  
21 reimbursing regularly licensed practicing physicians (~~(for the~~  
22 ~~examination of members of fire departments)~~) and other medical staff  
23 who examine participants making application for membership. (~~(Such~~  
24 ~~appointed physician shall visit and examine all sick and injured fire~~  
25 ~~fighters,)~~) Physicians and other medical staff shall perform such  
26 services and operations and render all medical aid and care necessary  
27 for the recovery and treatment of (~~(fire fighters)~~) participants on  
28 account of injury, sickness, or disability received while in the  
29 performance of duties(~~(. Such appointed physician)~~) and shall be paid  
30 (~~(his or her fees from said)~~) for these services from the principal  
31 fund, but not in excess of the schedule of fees for like services  
32 approved by the director of labor and industries under Title 51 RCW.  
33 ((~~No~~)) A physician or ((surgeon)) other medical staff, who is not  
34 approved by the local board, shall not receive or be entitled to any  
35 compensation from ((~~said~~)) the principal fund as the private or  
36 attending physician or other private or attending medical staff of any  
37 ((~~fire fighter~~)) participant. ((~~No~~)) A person shall not have any right

1 of action against the local board (~~(of trustees of said fund)~~) for the  
2 negligence of any physician or (~~(surgeon employed by it)~~) other medical  
3 staff who is reimbursed from the principal fund. Any physician  
4 (~~(employed by the board to attend upon any fire fighter)~~) or other  
5 medical staff who is reimbursed from the principal fund for providing  
6 service or care for a participant shall report his or her findings in  
7 writing to (~~(said)~~) the local board and the state board.

8 **Sec. 11.** RCW 41.24.120 and 1969 c 118 s 3 are each amended to read  
9 as follows:

10 The local board shall initially hear and decide all applications  
11 for relief or (~~(compensation and)~~) retirement pensions under this  
12 chapter, subject to review by, or appeal by the proper person to, the  
13 state board where decision on such review or appeal shall be final and  
14 conclusive.

15 **Sec. 12.** RCW 41.24.140 and 1989 c 91 s 14 are each amended to read  
16 as follows:

17 (~~(Said board of trustees shall have the power and authority to ask~~  
18 ~~for the appointment of)~~) A local board may appoint a guardian whenever  
19 and wherever the claim of a (~~(fire fighter)~~) participant or his or her  
20 beneficiary would, in the opinion of the local board, be best served  
21 (~~(thereby)~~) by the appointment. The local board shall have full power  
22 to make and direct the payments (~~(herein provided for)~~) under this  
23 chapter to any person entitled (~~(thereto)~~) to the payments without the  
24 necessity of any guardianship or administration proceedings, when in  
25 its judgment, it shall determine it to be for the best interests of the  
26 beneficiary.

27 **Sec. 13.** RCW 41.24.150 and 1996 c 57 s 1 are each amended to read  
28 as follows:

29 Whenever a (~~(fire fighter serving in any capacity as a member of~~  
30 ~~the fire fighter's own fire department subject to the provisions of~~  
31 ~~this chapter)~~) participant becomes physically or mentally disabled,  
32 injured, or sick, in consequence or as the result of the performance of  
33 his or her duties, so as to be wholly prevented from engaging in each  
34 and every duty of his or her regular occupation, business, or  
35 profession, he or she shall be paid from the principal fund monthly, an  
36 amount equal to his or her monthly wage as certified by the local board

1 or two thousand five hundred fifty dollars, whichever is less, for a  
2 period not to exceed six months, or an amount equal to his or her daily  
3 wage as certified by the local board or eighty-five dollars, whichever  
4 is less, per day for such period as is part of a month, after which  
5 period, if the member is incapacitated to such an extent that he or she  
6 is thereby prevented from engaging in any occupation or performing any  
7 work for compensation or profit or if the member sustained an injury  
8 after October 1, 1978, which resulted in the loss or paralysis of both  
9 legs or arms, or one leg and one arm, or total loss of eyesight, but  
10 such injury has not prevented the member from engaging in an occupation  
11 or performing work for compensation or profit, he or she is entitled to  
12 draw from the fund monthly, the sum of one thousand two hundred  
13 seventy-five dollars so long as the disability continues, except as  
14 ~~((hereinafter)) provided((:—PROVIDED,—That)).~~ However, if the  
15 ~~((member))~~ participant has a wife or husband and/or a child or children  
16 unemancipated or under eighteen years of age, he or she is entitled to  
17 draw from the fund monthly the additional sums of two hundred fifty-  
18 five dollars because of the fact of his wife or her husband, and one  
19 hundred ten dollars because of the fact of each child unemancipated or  
20 under eighteen years of age, all to a total maximum amount of two  
21 thousand five hundred fifty dollars.

22 The state board may at any time reopen the grant of such disability  
23 pension if the pensioner is gainfully employed, and may reduce it in  
24 the proportion that the annual income from such gainful employment  
25 bears to the annual income received by the pensioner at the time of his  
26 or her disability~~((:—PROVIDED,—That)).~~

27 Where a ~~((fire fighter))~~ participant sustains a permanent partial  
28 disability the state board may provide that ~~((such))~~ the injured ~~((fire~~  
29 ~~fighter shall))~~ participant receive a lump sum compensation therefor to  
30 the same extent as is provided for permanent partial disability under  
31 the workers' compensation act under Title 51 RCW in lieu of such  
32 monthly disability payments.

33 **Sec. 14.** RCW 41.24.160 and 1998 c 151 s 1 are each amended to read  
34 as follows:

35 (1) Whenever a ~~((fire fighter, or a reserve officer provided a~~  
36 ~~benefit under this section,))~~ participant dies as the result of  
37 injuries received, or sickness contracted in consequence or as the  
38 result of the performance of his or her duties, the board of trustees

1 shall order and direct the payment from the principal fund of the sum  
2 of one hundred fifty-two thousand dollars to his widow or her widower,  
3 or if there is no widow or widower, then to his or her dependent child  
4 or children, or if there is no dependent child or children, then to his  
5 or her parents or either of them, and the sum of one thousand two  
6 hundred seventy-five dollars per month to his widow or her widower  
7 during his or her life together with the additional monthly sum of one  
8 hundred ten dollars for each child of the member, unemancipated or  
9 under eighteen years of age, dependent upon the member for support at  
10 the time of his or her death, to a maximum total of two thousand five  
11 hundred fifty dollars per month.

12 (2) If the widow or widower does not have legal custody of one or  
13 more dependent children of the deceased fire fighter or if, after the  
14 death of the fire fighter, legal custody of such child or children  
15 passes from the widow or widower to another person, any payment on  
16 account of such child or children not in the legal custody of the widow  
17 or widower shall be made to the person or persons having legal custody  
18 of such child or children. Such payments on account of such child or  
19 children shall be subtracted from the amount to which such widow or  
20 widower would have been entitled had such widow or widower had legal  
21 custody of all the children and the widow or widower shall receive the  
22 remainder after such payments on account of such child or children have  
23 been subtracted. If there is no widow or widower, or the widow or  
24 widower dies while there are children, unemancipated or under eighteen  
25 years of age, then the amount of (~~eight~~) one thousand two hundred  
26 (~~twenty-five~~) seventy-five dollars per month shall be paid for the  
27 youngest or only child together with an additional (~~seventy~~) one  
28 hundred ten dollars per month for each additional of such children to  
29 a maximum of (~~one~~) two thousand (~~six~~) five hundred fifty dollars  
30 per month until they become emancipated or reach the age of eighteen  
31 years; and if there are no widow or widower, child, or children  
32 entitled thereto, then to his or her parents or either of them the sum  
33 of (~~eight~~) one thousand two hundred (~~twenty-five~~) seventy-five  
34 dollars per month for life, if it is proved to the satisfaction of the  
35 board that the parents, or either of them, were dependent on the  
36 deceased for their support at the time of his or her death. In any  
37 instance in subsections (1) and (2) of this section, if the widow or  
38 widower, child or children, or the parents, or either of them, marries

1 while receiving such pension the person so marrying shall thereafter  
2 receive no further pension from the fund.

3 (3) In the case provided for in this section, the monthly payment  
4 provided may be converted in whole or in part into a lump sum payment,  
5 not in any case to exceed twelve thousand dollars, equal or  
6 proportionate, as the case may be, to the actuarial equivalent of the  
7 monthly payment in which event the monthly payments shall cease in  
8 whole or in part accordingly or proportionately. Such conversion may  
9 be made either upon written application to the state board and shall  
10 rest in the discretion of the state board; or the state board is  
11 authorized to make, and authority is (~~hereby~~) given it to make, on  
12 its own motion, lump sum payments, equal or proportionate, as the case  
13 may be, to the value of the annuity then remaining in full satisfaction  
14 of claims due to dependents. Within the rule (~~aforsaid~~) under this  
15 subsection the amount and value of the lump sum payment may be agreed  
16 upon between the applicant and the state board. (~~Any person receiving~~  
17 ~~a monthly payment under this section on June 29, 1961, may elect,~~  
18 ~~within two years, to convert such payments into a lump sum payment as~~  
19 ~~provided in this section.~~)

20 **Sec. 15.** RCW 41.24.170 and 1995 c 11 s 7 are each amended to read  
21 as follows:

22 Except as provided in RCW 41.24.410, whenever any participant has  
23 been a member and served honorably for a period of ten years or more as  
24 an active member in any capacity, of any regularly organized  
25 (~~volunteer~~) fire department or law enforcement agency of any  
26 municipality in this state, and which municipality has adopted  
27 appropriate legislation allowing its fire fighters or reserve officers  
28 to enroll in the retirement pension provisions of this chapter, and the  
29 participant (~~are~~) has enrolled under the retirement pension  
30 provisions(~~—~~) and (~~the participant~~) has reached the age of sixty-  
31 five years, the board of trustees shall order and direct that he or she  
32 be retired and be paid a monthly pension from the principal fund as  
33 provided in this section.

34 Whenever a participant has been a member, and served honorably for  
35 a period of twenty-five years or more as an active member in any  
36 capacity, of any regularly organized volunteer fire department or law  
37 enforcement agency of any municipality in this state, and he or she has  
38 reached the age of sixty-five years, and the annual retirement fee has

1 been paid for a period of twenty-five years, the board of trustees  
2 shall order and direct that he or she be retired and such participant  
3 be paid a monthly pension of two hundred twenty-five dollars from the  
4 fund for the balance of that participant's life.

5 Whenever any participant has been a member, and served honorably  
6 for a period of twenty-five years or more as an active member in any  
7 capacity, of any regularly organized volunteer fire department or law  
8 enforcement agency of any municipality in this state, and the  
9 participant has reached the age of sixty-five years, and the annual  
10 retirement fee has been paid for a period of less than twenty-five  
11 years, the board of trustees shall order and direct that he or she be  
12 retired and that such participant shall receive a minimum monthly  
13 pension of twenty-five dollars increased by the sum of eight dollars  
14 each month for each year the annual fee has been paid, but not to  
15 exceed the maximum monthly pension provided in this section, for the  
16 balance of the participant's life.

17 No pension provided in this section may become payable before the  
18 sixty-fifth birthday of the participant, nor for any service less than  
19 twenty-five years: PROVIDED, HOWEVER, That:

20 (1) Any participant, upon completion of twenty-five years' service  
21 and attainment of age sixty, may irrevocably elect, in lieu of the  
22 pension to which that participant would be entitled under this section  
23 at age sixty-five, to receive for the balance of his or her life a  
24 monthly pension equal to sixty percent of such pension.

25 (2) Any participant, upon completion of twenty-five years' service  
26 and attainment of age sixty-two, may irrevocably elect, in lieu of the  
27 pension to which that participant would be entitled under this section  
28 at age sixty-five, to receive for the balance of his or her life a  
29 monthly pension equal to seventy-five percent of such pension.

30 (3) Any participant, upon completion of less than twenty-five years  
31 of service shall receive the applicable reduced pension provided in  
32 this subsection, according to the age at which that participant elects  
33 to begin to receive the pension. If receipt of the benefits begins at  
34 age sixty-five the participant shall receive one hundred percent of the  
35 reduced benefit; at age sixty-two the participant shall receive  
36 seventy-five percent of the reduced benefit; and at age sixty the  
37 participant shall receive sixty percent of the reduced benefit. The  
38 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 participant would have been entitled to receive at age sixty-five  
4 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 participant would have been entitled to receive at age sixty-five  
8 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 participant would have been entitled to receive at age  
12 sixty-five after twenty-five years of service.

13 **Sec. 16.** RCW 41.24.172 and 1995 c 11 s 9 are each amended to read  
14 as follows:

15 Before beginning to receive the retirement pension provided for in  
16 RCW 41.24.170, the participant shall elect, in a writing filed with the  
17 state board, to have the retirement pension paid under either option 1  
18 or 2, with option 2 calculated so as to be actuarially equivalent to  
19 option 1.

20 (1) Option 1. A participant electing this option shall receive a  
21 monthly pension payable throughout the participant's life. However, if  
22 the participant dies before the total retirement pension paid to the  
23 participant equals the amount paid on behalf of the participant into  
24 the principal fund, then the balance shall be paid to the participant's  
25 surviving spouse, or if there be no surviving spouse, then to the  
26 participant's legal representatives.

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

32 **Sec. 17.** RCW 41.24.180 and 1989 c 91 s 5 are each amended to read  
33 as follows:

34 The board of trustees of any municipal corporation shall direct  
35 payment from (~~said~~) the principal fund in the following cases:

36 (1) To any (~~volunteer fire fighter~~) participant, upon his or her  
37 request, upon attaining the age of sixty-five years, who, for any



1 reason, is not qualified to receive the monthly retirement pension  
2 (~~herein~~) provided under this chapter and who was enrolled in (~~said~~  
3 ~~fund~~) the retirement provisions and on whose behalf annual fees for  
4 retirement pension were paid, a lump sum amount equal to the amount  
5 paid into the fund by the (~~fire-fighter~~) participant.

6 (2) If any (~~fire-fighter~~) participant who has not completed at  
7 least ten years of service dies without having requested a lump sum  
8 payment under subsection (1) or (~~(4)~~) (3) of this section, there  
9 shall be paid to the (~~fire-fighter's~~) participant's surviving spouse,  
10 or if there be no surviving spouse, then to such fire fighter's legal  
11 representatives, a lump sum amount equal to the amount paid into the  
12 fund by the (~~fire-fighter~~) participant. If any (~~fire-fighter~~)  
13 participant who has completed at least ten years of service dies other  
14 than as the result of injuries received or sickness contracted in  
15 consequence or as the result of the performance of his or her duties,  
16 without having requested a lump sum payment under subsection (1) or  
17 (~~(4)~~) (3) of this section and before beginning to receive the monthly  
18 pension provided for in this chapter, the (~~fire-fighter's~~)  
19 participant's surviving spouse shall elect to receive either:

20 (a) A monthly pension computed as provided for in RCW 41.24.170  
21 actuarially adjusted to reflect option 2 of RCW 41.24.172 and further  
22 actuarially reduced to reflect the difference in the number of years  
23 between the (~~fire-fighter's~~) participant's age at death and age  
24 sixty-five; or

25 (b) A lump sum amount equal to the amount paid into the principal  
26 fund by the (~~fire-fighter~~) participant and the municipality or  
27 municipalities in whose department he or she has served.

28 If there be no such surviving spouse, then there shall be paid to  
29 the (~~fire-fighter's~~) participant's legal representatives a lump sum  
30 amount equal to the amount paid into the fund by the (~~fire-fighter~~)  
31 participant.

32 (~~(4)~~~~(3)~~) (3) If any (~~volunteer fire-fighter~~) participant  
33 retires from (~~the fire~~) service before attaining the age of sixty-  
34 five years, the (~~fire-fighter~~) participant may make application for  
35 the return in a lump sum of the amount paid into the fund by himself or  
36 herself.

37 **Sec. 18.** RCW 41.24.200 and 1995 c 11 s 12 are each amended to read  
38 as follows:

1 The aggregate term of service of any participant need not be  
2 continuous nor need it be confined to a single fire department or law  
3 enforcement agency nor a single municipality in this state to entitle  
4 such participant to a retirement pension(~~((:—PROVIDED, That))~~) if the  
5 participant has been duly enrolled in a fire department or law  
6 enforcement agency of a municipality which has elected to ~~((make~~  
7 ~~provisions for))~~ extend the retirement ~~((of its participants))~~ pension  
8 provisions of this chapter to its fire fighters or reserve officers at  
9 the time he or she becomes eligible for ~~((such))~~ the retirement pension  
10 ~~((as in this chapter provided,))~~ and has paid all fees prescribed. To  
11 be eligible to the full pension a participant must have an aggregate of  
12 twenty-five years service, have made twenty-five annual payments into  
13 the fund, and be sixty-five years of age at the time the participant  
14 commences drawing the pension provided for by this chapter, all of  
15 which twenty-five years service must have been in the fire department  
16 or law enforcement agency of a municipality or municipalities which  
17 have elected to ~~((make provisions for))~~ extend the retirement ~~((of its~~  
18 ~~participants:—PROVIDED, HOWEVER, That))~~ pension provisions of this  
19 chapter to its fire fighters or reserve officers. Nothing ~~((herein~~  
20 ~~contained))~~ in this chapter shall require any participant having  
21 twenty-five years active service to continue as a fire fighter or  
22 reserve officer and no participant who has completed twenty-five years  
23 of active service for which annual retirement pension fees have been  
24 paid and who continues as a fire fighter or reserve officer shall be  
25 required to pay any additional annual pension fees.

26 **Sec. 19.** RCW 41.24.210 and 1989 c 91 s 18 are each amended to read  
27 as follows:

28 ~~((No fire fighter))~~ A participant shall not receive ~~((any~~  
29 ~~disability pension from the fund, or be entitled to receive any))~~  
30 relief ~~((or compensation))~~ for disability, sickness, or injuries  
31 received in the performance of his or her duties, unless there is filed  
32 with the board of trustees a report of accident, which report shall be  
33 subscribed to by the claimant, the ~~((fire chief))~~ head of the  
34 department, and the authorized attending physician, if there is one.  
35 ~~((No))~~ A claim for benefits arising from disability, sickness, or  
36 injuries incurred in consequence or as a result of the performance of  
37 duties shall not be allowed by the state board unless there has been  
38 filed with it a report of accident within ninety days after its

1 occurrence and a claim based thereon within one year after the  
2 occurrence of the accident on which such claim is based. The state  
3 board may require such other or further evidence as it deems advisable  
4 before ordering any relief(~~(, compensation, or pension)~~)).

5 **Sec. 20.** RCW 41.24.220 and 1989 c 91 s 19 are each amended to read  
6 as follows:

7 Whenever any (~~(fire fighter)~~) participant becomes injured,  
8 disabled, or sick in consequence or as the result of the performance of  
9 his or her duties by reason of which he or she is confined to any  
10 hospital or other medical facility, an amount not exceeding the daily  
11 ward rate of the hospital or regular fees for such service shall be  
12 allowed and paid from (~~(said fund toward such hospital expenses:~~  
13 ~~PROVIDED, That)~~) the principal fund. This allowance shall not be in  
14 lieu of but in addition to any other allowance provided in this chapter  
15 (~~(provided:— PROVIDED FURTHER, That)~~). In addition, the costs of  
16 surgery, medicine, laboratory fees, x-ray, special therapies, and  
17 similar additional costs shall be paid (~~(in addition thereto:— PROVIDED~~  
18 ~~FURTHER, That)~~). When extended treatment, not available in the injured  
19 (~~(fire fighter's)~~), disabled, or sick participant's home area, is  
20 required, (~~(such fire fighter)~~) the participant may be reimbursed for  
21 actual mileage to and from the place of extended treatment pursuant to  
22 RCW 43.03.060 (~~(as now existing or hereafter amended)~~)).

23 **Sec. 21.** RCW 41.24.230 and 1989 c 91 s 20 are each amended to read  
24 as follows:

25 Upon the death of any (~~(fire fighter)~~) participant resulting from  
26 injuries or sickness in consequence or as the result of the performance  
27 of his or her duties, the board of trustees shall authorize the  
28 issuance of a voucher for the sum of two thousand dollars, and upon the  
29 death of any (~~(fire fighter)~~) participant who is receiving any  
30 disability (~~(pension)~~) payments provided for in this chapter, the board  
31 of trustees shall authorize the issuance of a voucher for the sum of  
32 five hundred dollars, to help defray the funeral expenses and burial of  
33 (~~(such fire fighter)~~) the participant, which voucher shall be paid in  
34 the manner provided for payment of other charges against the principal  
35 fund.

1       **Sec. 22.** RCW 41.24.245 and 1987 c 326 s 19 are each amended to  
2 read as follows:

3       (1) If the state board or the secretary makes payments to a spouse  
4 or ex spouse to the extent expressly provided for in any court decree  
5 of dissolution or legal separation or in any court order or court-  
6 approved property settlement agreement incident to a court decree of  
7 dissolution or legal separation, it shall be a sufficient answer to any  
8 claim of a beneficiary against the state board, the secretary, or the  
9 principal fund for the state board or secretary to show that the  
10 payments were made pursuant to a court decree.

11       (2) All payments made to a nonmember spouse or ex spouse pursuant  
12 to RCW 41.24.240 shall cease upon the death of such a nonmember spouse  
13 or ex spouse. Upon such a death, the state board and the secretary  
14 shall pay to the member his or her full monthly entitlement of  
15 benefits.

16       (3) The provisions of RCW 41.24.240 and this section shall apply to  
17 all court decrees of dissolution or legal separation and court-approved  
18 property settlement agreements, regardless of when entered, but shall  
19 apply only to those persons who have actually retired or who have  
20 requested withdrawal of any or all of their contributions to the  
21 principal fund: PROVIDED, That the state board or secretary shall not  
22 be responsible for making court-ordered divisions of withdrawals unless  
23 the order is filed with the state board at least thirty days before the  
24 withdrawal payment date.

25       **Sec. 23.** RCW 41.24.250 and 1989 c 91 s 22 are each amended to read  
26 as follows:

27       (~~(There is established a)~~) The state board for volunteer fire  
28 fighters and reserve officers is created to consist of three members of  
29 a fire department covered by this chapter, no two of whom shall be from  
30 the same congressional district, to be appointed by the governor to  
31 serve overlapping terms of six years. Of members first appointed, one  
32 shall be appointed for a term of six years, one for four years, and one  
33 for two years. Upon the expiration of a term, a successor shall be  
34 appointed by the governor for a term of six years. Any vacancy shall  
35 be filled by the governor for the unexpired term. Each member of the  
36 state board, before entering on the performance of his or her duties,  
37 shall take an oath that he or she will not knowingly violate or

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

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

8 **Sec. 24.** RCW 41.24.280 and 1955 c 263 s 5 are each amended to read  
9 as follows:

10 The attorney general shall be the legal advisor for the state  
11 board.

12 **Sec. 25.** RCW 41.24.290 and 1989 c 91 s 23 are each amended to read  
13 as follows:

14 The state board shall:

15 (1) Generally supervise and control the administration of this  
16 chapter;

17 (2) Promulgate, amend, or repeal rules and regulations not  
18 inconsistent with this chapter for the purpose of effecting a uniform  
19 and efficient manner of carrying out the provisions of this chapter and  
20 the purposes to be accomplished thereby, and for the government of  
21 boards of trustees of the municipalities of this state in the discharge  
22 of their functions under this chapter;

23 (3) Review any action, and hear and determine any appeal which may  
24 be taken from the decision of the board of trustees of any municipality  
25 made pursuant to this chapter;

26 (4) Take such action as may be necessary to secure compliance of  
27 the municipalities governed by this chapter and to provide for the  
28 collection of all fees and penalties which are, or may be, due and  
29 delinquent from any such municipality;

30 (5) Review the action of the board of trustees of any municipality  
31 authorizing any pension as provided by this chapter; and authorize the  
32 regular issuance of monthly warrants in payment thereof without further  
33 action of the board of trustees of such municipality;

34 (6) Require periodic reports from the recipient of any benefits  
35 under this chapter for the purpose of determining their continued  
36 eligibility therefor;

1 (7) Maintain such records as may be necessary and proper for the  
2 proper maintenance and operation of the (~~volunteer fire fighters'~~  
3 ~~relief and pension~~) principal fund, including records of the names  
4 (~~and addresses~~) of every person enrolled under this chapter, and  
5 provide all necessary forms to enable local boards of trustees to  
6 effectively carry out their duties as provided by this chapter;

7 (8) Compel the taking of testimony from witnesses under oath before  
8 the state board, or any member or the secretary thereof, or before the  
9 local board of trustees or any member thereof, for the purpose of  
10 obtaining evidence, at any time, in connection with any claim or  
11 pension pending or authorized for payment. For such purpose the state  
12 board shall have the same power of subpoena as prescribed in RCW  
13 51.52.100. Failure of any claimant to appear and give any testimony as  
14 herein provided shall suspend any rights or eligibility to receive  
15 payments for the period of such failure to appear and testify;

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

20 **Sec. 26.** RCW 41.24.300 and 1979 ex.s. c 157 s 2 are each amended  
21 to read as follows:

22 All expenses incurred by the state board shall be accomplished by  
23 vouchers signed by the secretary and one member of the state board and  
24 issued to the persons entitled thereto and sent to the proper state  
25 agency. The proper state agency shall issue a warrant on the principal  
26 fund or administrative fund for the amount specified.

27 **Sec. 27.** RCW 41.24.310 and 1989 c 91 s 24 are each amended to read  
28 as follows:

29 The secretary shall maintain an office at Olympia at a place to be  
30 provided, wherein the secretary shall:

31 (1) Keep a record of all proceedings of the state board, which  
32 shall be public((~~τ~~))i

33 (2) Maintain a record of all members of the pension fund, including  
34 such pertinent information relative thereto as may be required by law  
35 or (~~regulation~~) rule of the state board((~~τ~~))i

1 (3) Receive and promptly remit to the state treasurer all moneys  
2 received for the (~~volunteer fire fighters' relief and pension~~)  
3 principal fund(~~(τ)~~);

4 (4) Transmit periodically to the proper state agency for payment  
5 all claims payable from the (~~volunteer fire fighters' relief and~~  
6 ~~pension~~) principal fund, stating the amount and purpose of such  
7 payment(~~(τ)~~);

8 (5) Certify monthly for payment a list of all persons approved for  
9 retirement pensions and the amount to which each is entitled(~~(τ)~~); and

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

12 The secretary shall receive such compensation as shall be fixed by  
13 the state board, together with travel expenses in carrying out his or  
14 her duties authorized by the state board in accordance with RCW  
15 43.03.050 and 43.03.060 (~~as now existing or hereafter amended~~).

16 **Sec. 28.** RCW 41.24.320 and 1989 c 91 s 25 are each amended to read  
17 as follows:

18 The state actuary shall provide actuarial services for the state  
19 board.

20 **Sec. 29.** RCW 41.24.330 and 1993 c 331 s 2 are each amended to read  
21 as follows:

22 An emergency medical service district board of trustees is created  
23 to administer this chapter in every county maintaining a regularly  
24 organized emergency medical service district (~~there is hereby created~~  
25 ~~an emergency medical service district board of trustees for the~~  
26 ~~administration of this chapter~~). The emergency medical service  
27 district board shall consist of (~~three~~) two of the members of the  
28 county legislative authority or their designees, the county auditor or  
29 the auditor's designee, the head of the emergency medical service  
30 district, and one emergency worker from the emergency medical service  
31 district to be elected by the emergency workers of the emergency  
32 medical service district for a term of one year and annually  
33 thereafter.

34 The emergency medical service district shall make provisions for  
35 the collection and payment of the fees provided under this chapter and  
36 shall continue to make such provisions for all emergency workers who

1 come under this chapter as long as they shall continue to be members of  
2 the fire department.

3 **Sec. 30.** RCW 41.24.340 and 1993 c 331 s 3 are each amended to read  
4 as follows:

5 The chair of the (~~board of county commissioners~~) county  
6 legislative authority, or the chair's designee, shall be chair of the  
7 emergency medical service district board of trustees, and the county  
8 (~~clerk~~) auditor, or the auditor's designee, shall be the secretary-  
9 treasurer of the emergency medical service district board of trustees.

10 The secretary shall keep a public record of all proceedings(~~(7)~~)  
11 and of all receipts and disbursements made by the emergency medical  
12 service district board of trustees (~~and~~), shall make an annual report  
13 of its expenses and disbursements with a full list of the beneficiaries  
14 of (~~said~~) the principal fund in the county, (~~the record to be placed~~  
15 ~~on file in the county. Such forms as shall be necessary for the proper~~  
16 ~~administration of this fund and of making the reports required~~  
17 ~~hereunder shall be provided by the state board~~) and shall make all  
18 required reports to the state board. The state board shall provide all  
19 necessary forms to emergency worker boards of trustees.

20 **Sec. 31.** RCW 41.24.400 and 1998 c 307 s 4 are each amended to read  
21 as follows:

22 (1) Except as provided in subsection (2) of this section, any  
23 municipality may make provision by appropriate legislation and payment  
24 of fees required by RCW 41.24.030(1)(~~d~~) solely for the purpose of  
25 enabling any reserve officer to enroll under the retirement pension  
26 provisions of this chapter or fees required under RCW (~~41.24.470~~)  
27 41.24.030(1) to pay for the costs of extending (~~disability and death~~  
28 ~~benefits~~) the relief provisions of this chapter to its reserve  
29 officers.

30 (2) A reserve officer is not eligible to receive a benefit under  
31 the retirement provisions of this chapter for service under chapter  
32 41.26, 41.32, or 41.40 RCW.

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



1 (4) Except as provided under RCW 41.24.450, a reserve officer is  
2 not eligible to receive a benefit under the relief ~~((and compensation))~~  
3 provisions of this chapter.

4 **Sec. 32.** RCW 41.24.450 and 1998 c 307 s 1 are each amended to read  
5 as follows:

6 A municipality employing reserve officers may adopt appropriate  
7 legislation extending ~~((disability and death benefits under))~~ the  
8 relief provisions of this chapter to ((their)) its reserve officers.  
9 ~~((Disability and death benefits under))~~ The relief provisions of this  
10 chapter may not be extended to reserve officers if the municipality has  
11 extended industrial insurance coverage to its reserve officers under  
12 RCW 51.12.140 or 51.12.035(2), or any other provision of law. A  
13 municipality that adopts appropriate legislation extending ~~((disability~~  
14 ~~and death benefits))~~ the relief provisions of this chapter to its  
15 reserve officers ~~((under RCW 41.24.150 and 41.24.160))~~ shall enjoy the  
16 same extent of immunity from civil actions for personal injuries to its  
17 reserve officers that arises if the reserve officers were covered under  
18 Title 51 RCW.

19 ~~((Each municipality that adopts appropriate legislation extending~~  
20 ~~disability and death benefits under this chapter to its reserve~~  
21 ~~officers must pay all fees established under RCW 41.24.470 established~~  
22 ~~for this coverage.))~~

23 **Sec. 33.** RCW 41.24.460 and 1998 c 307 s 2 are each amended to read  
24 as follows:

25 A municipality that adopts appropriate legislation ~~((providing))~~  
26 extending the relief provisions of this chapter to its reserve officers  
27 ~~((with disability and death benefits under RCW 41.24.150 and~~  
28 ~~41.24.160))~~ shall create a reserve officer board of trustees to  
29 administer this chapter composed as follows:

30 (1) A county reserve officer board of trustees shall consist of the  
31 following five members: (a) Two members of the county legislative  
32 authority and the county auditor, or their designees; (b) the sheriff;  
33 and (c) one reserve officer who is elected by reserve officers of the  
34 county for an annual one-year term.

35 (2) Any other reserve officer board of trustees shall consist of  
36 the following five members: (a) The mayor, if one exists for the  
37 municipality, and one member of the municipality's legislative

1 authority, or two members of the municipality's legislative authority  
2 if a mayor does not exist for the municipality, or their designees; (b)  
3 the clerk, comptroller, or chief fiscal officer of the municipality;  
4 (c) the head of the law enforcement agency; and (d) one reserve officer  
5 who is elected by reserve officers of the municipality for an annual  
6 term of one year.

7 (3) The secretary of the board of trustees shall keep a public  
8 record of all proceedings and of all receipts and disbursements made by  
9 the board of trustees, shall make an annual report of its expenses and  
10 disbursements with a full list of the beneficiaries of the principal  
11 fund in the municipality, and shall make all required reports to the  
12 state board. The state board shall provide the boards of trustees with  
13 all necessary forms.

14 NEW SECTION. Sec. 34. The following acts or parts of acts are  
15 each repealed:

- 16 (1) RCW 41.24.350 and 1993 c 331 s 4;  
17 (2) RCW 41.24.420 and 1995 c 11 s 6;  
18 (3) RCW 41.24.440 and 1995 c 11 s 10; and  
19 (4) RCW 41.24.470 and 1998 c 307 s 3.

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