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**SUBSTITUTE SENATE BILL 5102**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** Senate Committee on Transportation (originally sponsored by Senators Haugen, Snyder, Winsley, Goings, Gardner, T. Sheldon, Bauer, Rasmussen, Hale, McCaslin, Sellar, Swecker, Patterson, Morton, Prentice, Oke, Kohl-Welles and Costa)

Read first time 02/12/1999.

1 AN ACT Relating to distribution of the fire insurance premium tax  
2 to contribute toward the funding of fire fighting training and  
3 volunteer fire fighter pensions; amending RCW 43.43.934, 43.43.944,  
4 41.16.050, 41.24.170, 41.24.160, and 41.24.172; and making  
5 appropriations.

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

7 **Sec. 1.** RCW 43.43.934 and 1998 c 245 s 65 are each amended to read  
8 as follows:

9 Except for matters relating to the statutory duties of the chief of  
10 the Washington state patrol that are to be carried out through the  
11 director of fire protection, the board shall have the responsibility of  
12 developing a comprehensive state policy regarding fire protection  
13 services. In carrying out its duties, the board shall:

14 (1)(a) Adopt a state fire training and education master plan that  
15 allows to the maximum feasible extent for negotiated agreements: (i)  
16 With the state board for community and technical colleges to provide  
17 academic, vocational, and field training programs for the fire service  
18 and (ii) with the higher education coordinating board and the state

1 colleges and universities to provide instructional programs requiring  
2 advanced training, especially in command and management skills;

3 (b) Adopt minimum standards for each level of responsibility among  
4 personnel with fire suppression, prevention, inspection, and  
5 investigation responsibilities that assure continuing assessment of  
6 skills and are flexible enough to meet emerging technologies. With  
7 particular respect to training for fire investigations, the master plan  
8 shall encourage cross training in appropriate law enforcement skills.  
9 To meet special local needs, fire agencies may adopt more stringent  
10 requirements than those adopted by the state;

11 (c) Cooperate with the common schools, technical and community  
12 colleges, institutions of higher education, and any department or  
13 division of the state, or of any county or municipal corporation in  
14 establishing and maintaining instruction in fire service training and  
15 education in accordance with any act of congress and legislation  
16 enacted by the legislature in pursuance thereof and in establishing,  
17 building, and operating training and education facilities.

18 Industrial fire departments and private fire investigators may  
19 participate in training and education programs under this chapter for  
20 a reasonable fee established by rule;

21 (d) Develop and adopt a master plan for constructing, equipping,  
22 maintaining, and operating necessary fire service training and  
23 education facilities subject to the provisions of chapter 43.19 RCW;  
24 ((and))

25 (e) Develop and adopt a master plan for the purchase, lease, or  
26 other acquisition of real estate necessary for fire service training  
27 and education facilities in a manner provided by law; and

28 (f) Develop and adopt a plan with a goal of providing training at  
29 the level of fire fighter one, as defined by the board, to all fire  
30 fighters in the state. The plan will include a reimbursement for fire  
31 protection districts and city fire departments of not less than two  
32 dollars for every hour of fire fighter one training. The Washington  
33 state patrol shall not provide reimbursement for more than one hundred  
34 fifty hours of fire fighter one training for each fire fighter trained.

35 (2) In addition to its responsibilities for fire service training,  
36 the board shall:

37 (a) Adopt a state fire protection master plan;

38 (b) Monitor fire protection in the state and develop objectives and  
39 priorities to improve fire protection for the state's citizens

1 including: (i) The comprehensiveness of state and local inspections  
2 required by law for fire and life safety; (ii) the level of skills and  
3 training of inspectors, as well as needs for additional training; and  
4 (iii) the efforts of local, regional, and state inspection agencies to  
5 improve coordination and reduce duplication among inspection efforts;

6 (c) Establish and promote state arson control programs and ensure  
7 development of local arson control programs;

8 (d) Provide representation for local fire protection services to  
9 the governor in state-level fire protection planning matters such as,  
10 but not limited to, hazardous materials control;

11 (e) Recommend to the director of community, trade, and economic  
12 development rules on minimum information requirements of automatic  
13 location identification for the purposes of enhanced 911 emergency  
14 service;

15 (f) Seek and solicit grants, gifts, bequests, devises, and matching  
16 funds for use in furthering the objectives and duties of the board, and  
17 establish procedures for administering them;

18 (g) Promote mutual aid and disaster planning for fire services in  
19 this state;

20 (h) Assure the dissemination of information concerning the amount  
21 of fire damage including that damage caused by arson, and its causes  
22 and prevention; and

23 (i) Implement any legislation enacted by the legislature to meet  
24 the requirements of any acts of congress that apply to this section.

25 (3) In carrying out its statutory duties, the board shall give  
26 particular consideration to the appropriate roles to be played by the  
27 state and by local jurisdictions with fire protection responsibilities.  
28 Any determinations on the division of responsibility shall be made in  
29 consultation with local fire officials and their representatives.

30 To the extent possible, the board shall encourage development of  
31 regional units along compatible geographic, population, economic, and  
32 fire risk dimensions. Such regional units may serve to: (a) Reinforce  
33 coordination among state and local activities in fire service training,  
34 reporting, inspections, and investigations; (b) identify areas of  
35 special need, particularly in smaller jurisdictions with inadequate  
36 resources; (c) assist the state in its oversight responsibilities; (d)  
37 identify funding needs and options at both the state and local levels;  
38 and (e) provide models for building local capacity in fire protection  
39 programs.

1       **Sec. 2.** RCW 43.43.944 and 1995 c 369 s 21 are each amended to read  
2 as follows:

3       (1) The fire service training account is hereby established in the  
4 state treasury. The ~~((Washington state patrol shall deposit in the~~  
5 ~~account)) fund shall consist of:~~

6       (a) All fees received by the Washington state patrol for fire  
7 service training;

8       (b) All grants and bequests accepted by the Washington state patrol  
9 under RCW 43.43.940;

10       (c) Twenty percent of all moneys received by the state on fire  
11 insurance premiums; and

12       (d) All moneys collected from fines levied by the insurance  
13 commissioner pursuant to disciplinary orders issued by the insurance  
14 commissioner under Title 48 RCW.

15       (2) Moneys in the account may be appropriated only for fire service  
16 training.

17       **Sec. 3.** RCW 41.16.050 and 1994 c 273 s 23 are each amended to read  
18 as follows:

19       There is hereby created and established in the treasury of each  
20 municipality a fund which shall be known and designated as the  
21 firemen's pension fund, which shall consist of: (1) All bequests,  
22 fees, gifts, emoluments, or donations given or paid thereto; (2)  
23 ~~((forty-five))~~ twenty-five percent of all moneys received by the state  
24 from taxes on fire insurance premiums; (3) taxes paid pursuant to the  
25 provisions of RCW 41.16.060; (4) interest on the investments of the  
26 fund; and (5) contributions by fire fighters as provided for herein.  
27 The moneys received from the tax on fire insurance premiums under the  
28 provisions of this chapter shall be distributed in the proportion that  
29 the number of paid fire fighters in the city, town, or fire protection  
30 district bears to the total number of paid fire fighters throughout the  
31 state to be ascertained in the following manner: The secretary of the  
32 firemen's pension board of each city, town, and fire protection  
33 district now or hereafter coming under the provisions of this chapter  
34 shall within thirty days after June 7, 1961, and on or before the  
35 fifteenth day of January thereafter, certify to the state treasurer the  
36 number of paid fire fighters in the fire department in such city, town,  
37 or fire protection district. For any city or town annexed by a fire  
38 protection district at any time before, on, or after June 9, 1994, the

1 city or town shall continue to certify to the state treasurer the  
2 number of paid fire fighters in the city or town fire department  
3 immediately before annexation until all obligations against the  
4 firemen's pension fund in the city or town have been satisfied. For  
5 the purposes of the calculation in this section, the state treasurer  
6 shall subtract the number certified by the annexed city or town from  
7 the number of paid fire fighters certified by an annexing fire  
8 protection district. The state treasurer shall on or before the first  
9 day of June of each year deliver to the treasurer of each city, town,  
10 and fire protection district coming under the provisions of this  
11 chapter his or her warrant, payable to each city, town, or fire  
12 protection district for the amount due such city, town or fire  
13 protection district ascertained as herein provided and the treasurer of  
14 each such city, town, or fire protection district shall place the  
15 amount thereof to the credit of the firemen's pension fund of such  
16 city, town, or fire protection district.

17 **Sec. 4.** RCW 41.24.170 and 1995 c 11 s 7 are each amended to read  
18 as follows:

19 Except as provided in RCW 41.24.410, whenever any participant has  
20 been a member and served honorably for a period of ten years or more as  
21 an active member in any capacity, of any regularly organized volunteer  
22 fire department or law enforcement agency of any municipality in this  
23 state, and which municipality and participant are enrolled under the  
24 retirement provisions, and the participant has reached the age of  
25 sixty-five years, the board of trustees shall order and direct that he  
26 or she be retired and be paid a monthly pension as provided in this  
27 section.

28 Whenever a participant has been a member, and served honorably for  
29 a period of twenty-five years or more as an active member in any  
30 capacity, of any regularly organized volunteer fire department or law  
31 enforcement agency of any municipality in this state, and he or she has  
32 reached the age of sixty-five years, and the annual retirement fee has  
33 been paid for a period of twenty-five years, the board of trustees  
34 shall order and direct that he or she be retired and such participant  
35 be paid a monthly pension of two hundred (~~(twenty-five)~~) eighty dollars  
36 from the fund for the balance of that participant's life.

37 Whenever any participant has been a member, and served honorably  
38 for a period of twenty-five years or more as an active member in any

1 capacity, of any regularly organized volunteer fire department or law  
2 enforcement agency of any municipality in this state, and the  
3 participant has reached the age of sixty-five years, and the annual  
4 retirement fee has been paid for a period of less than twenty-five  
5 years, the board of trustees shall order and direct that he or she be  
6 retired and that such participant shall receive a minimum monthly  
7 pension of ~~((twenty-five))~~ thirty dollars increased by the sum of  
8 ~~((eight))~~ ten dollars each month for each year the annual fee has been  
9 paid, but not to exceed the maximum monthly pension provided in this  
10 section, for the balance of the participant's life.

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

14 (1) Any participant, ~~((upon completion of))~~ who is older than  
15 fifty-nine years of age, less than sixty-five years of age, and has  
16 completed twenty-five ((years')) years or more of service ((and  
17 attainment of age sixty,)) may irrevocably elect ~~((,))~~ a reduced monthly  
18 pension in lieu of the pension ~~((to which))~~ that participant would be  
19 entitled to under this section at age sixty-five ~~((, to))~~. The  
20 participant who elects this option shall receive the reduced pension  
21 for the balance of his or her life ((a monthly pension equal to sixty  
22 percent of such pension.

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

28 (3) Any participant, ~~upon completion of less than twenty-five years~~  
29 ~~of service shall receive the applicable reduced pension provided in~~  
30 ~~this subsection, according to the age at which that participant elects~~  
31 ~~to begin to receive the pension. If receipt of the benefits begins at~~  
32 ~~age sixty five the participant shall receive one hundred percent of the~~  
33 ~~reduced benefit; at age sixty two the participant shall receive~~  
34 ~~seventy-five percent of the reduced benefit; and at age sixty the~~  
35 ~~participant shall receive sixty percent of the reduced benefit)). The~~  
36 reduced monthly pension is calculated as a percentage of the pension  
37 the participant would be entitled to at age sixty-five. The percentage  
38 used in the calculation is based upon the age of the participant at the  
39 time of retirement as follows:

1	<u>Age 60</u>	<u>Sixty percent</u>
2	<u>Age 61</u>	<u>Sixty-eight percent</u>
3	<u>Age 62</u>	<u>Seventy-six percent</u>
4	<u>Age 63</u>	<u>Eighty-four percent</u>
5	<u>Age 64</u>	<u>Ninety-two percent</u>

6 (2) If a participant is age sixty-five or older but has less than  
7 twenty-five years of service, the participant is entitled to a reduced  
8 benefit. The reduced benefit shall be computed as follows:

9 (a) Upon completion of ten years, but less than fifteen years of  
10 service, a monthly pension equal to (~~fifteen~~) twenty 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 (b) Upon completion of fifteen years, but less than twenty years  
14 of service, a monthly pension equal to thirty-five percent of such  
15 pension as the participant would have been entitled to receive at age  
16 sixty-five after twenty-five years of service; and

17 (c) Upon completion of twenty years, but less than twenty-five  
18 years of service, a monthly pension equal to (~~sixty~~) seventy-five  
19 percent of such pension as the participant would have been entitled to  
20 receive at age sixty-five after twenty-five years of service.

21 (3) If a participant with less than twenty-five years of service  
22 elects to retire after turning age sixty but before turning age sixty-  
23 five, the participant's retirement allowance is subject:

24 (a) First to the reduction under subsection (2) of this section  
25 based upon the participant's years of service; and

26 (b) Second to the reduction under subsection (1) of this section  
27 based upon the participant's age.

28 **Sec. 5.** RCW 41.24.160 and 1998 c 151 s 1 are each amended to read  
29 as follows:

30 (1) Whenever a fire fighter, or a reserve officer provided a  
31 benefit under this section, dies as the result of injuries received, or  
32 sickness contracted in consequence or as the result of the performance  
33 of his or her duties, the board of trustees shall order and direct the  
34 payment of the sum of one hundred fifty-two thousand dollars to his  
35 widow or her widower, or if there is no widow or widower, then to his  
36 or her dependent child or children, or if there is no dependent child  
37 or children, then to his or her dependent parents or either of them, or  
38 if there are no dependent parents or parent, then the death benefit

1 shall be paid to the member's estate, and the sum of one thousand two  
2 hundred seventy-five dollars per month to his widow or her widower  
3 during his or her life together with the additional monthly sum of one  
4 hundred ten dollars for each child of the member, unemancipated or  
5 under eighteen years of age, dependent upon the member for support at  
6 the time of his or her death, to a maximum total of two thousand five  
7 hundred fifty dollars per month.

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

35 (3) In the case provided for in this section, the monthly payment  
36 provided may be converted in whole or in part into a lump sum payment,  
37 not in any case to exceed twelve thousand dollars, equal or  
38 proportionate, as the case may be, to the actuarial equivalent of the  
39 monthly payment in which event the monthly payments shall cease in



1 whole or in part accordingly or proportionately. Such conversion may  
2 be made either upon written application to the state board and shall  
3 rest in the discretion of the state board; or the state board is  
4 authorized to make, and authority is hereby given it to make, on its  
5 own motion, lump sum payments, equal or proportionate, as the case may  
6 be, to the value of the annuity then remaining in full satisfaction of  
7 claims due to dependents. Within the rule aforesaid the amount and  
8 value of the lump sum payment may be agreed upon between the applicant  
9 and the state board. Any person receiving a monthly payment under this  
10 section on June 29, 1961, may elect, within two years, to convert such  
11 payments into a lump sum payment as provided in this section.

12 **Sec. 6.** RCW 41.24.172 and 1995 c 11 s 9 are each amended to read  
13 as follows:

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

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

24 (2) Option 2. A participant electing this option shall receive a  
25 reduced monthly pension, which upon the participant's death shall be  
26 continued throughout the life of and paid to the participant's  
27 surviving spouse named in the written election filed with the state  
28 board, however, in the event that the surviving spouse dies before the  
29 participant, the participant's monthly retirement allowance shall  
30 increase, effective the first day of the following month, to the  
31 monthly amount that would have been received had the participant  
32 elected option 1.

33 NEW SECTION. **Sec. 7.** The sum of one million nine hundred  
34 thousand dollars, or as much thereof as may be necessary, is  
35 appropriated for the fiscal year ending June 30, 2000, from the general  
36 fund to the fire service training account for the purposes of this act.

1        NEW SECTION.    **Sec. 8.**    The sum of three million five hundred  
2 thousand dollars, or as much thereof as may be necessary, is  
3 appropriated for the biennium ending June 30, 2001, from the fire  
4 service training account to the Washington state patrol solely to  
5 provide for the implementation of fire fighter training as authorized  
6 under RCW 43.43.934(1)(f).

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