

CERTIFICATION OF ENROLLMENT

SENATE BILL 5135

59th Legislature
2005 Regular Session

Passed by the Senate March 16, 2005
YEAS 47 NAYS 0

President of the Senate

Passed by the House April 5, 2005
YEAS 89 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5135** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5135

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Senators Kastama, Mulliken, Zarelli, Doumit and Rasmussen

Read first time 01/14/2005. Referred to Committee on Ways & Means.

1 AN ACT Relating to volunteer fire fighters' and reserve officers'
2 relief and pensions; amending RCW 41.24.010 and 41.24.030; and adding
3 a new section to chapter 41.24 RCW.

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

5 **Sec. 1.** RCW 41.24.010 and 1999 c 148 s 1 are each amended to read
6 as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Municipal corporation" or "municipality" includes any county,
10 city, town or combination thereof, fire protection district, local law
11 enforcement agency, or any emergency medical service district or other
12 special district, authorized by law to protect life or property within
13 its boundaries through a fire department, emergency workers, or reserve
14 officers.

15 (2) "Fire department" means any regularly organized fire department
16 or emergency medical service district consisting wholly of volunteer
17 fire fighters, or any part-paid and part-volunteer fire department duly
18 organized and maintained by any municipality: PROVIDED, That any such

1 municipality wherein a part-paid fire department is maintained may by
2 appropriate legislation permit the full-paid members of its department
3 to come under the provisions of chapter 41.16 RCW.

4 (3) "Fire fighter" includes any fire fighter or emergency worker
5 who is a member of any fire department of any municipality but shall
6 not include (~~full-time, paid~~) fire fighters who are (~~members of~~)
7 eligible for participation in the Washington law enforcement officers'
8 and fire fighters' retirement system or the Washington public
9 employees' retirement system, with respect to periods of service
10 rendered in such capacity.

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

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

27 (6) "State board" means the state board for volunteer fire fighters
28 and reserve officers.

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

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

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

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

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

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

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

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

29 **Sec. 2.** RCW 41.24.030 and 1999 c 148 s 3 are each amended to read
30 as follows:

31 (1) The volunteer fire fighters' and reserve officers' relief and
32 pension principal fund is created in the state treasury as a trust fund
33 for the benefit of the participants covered by this chapter consisting
34 of:

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

1 (b) An annual fee for each member of its fire department to be paid
2 by each municipal corporation for the purpose of affording relief
3 provided in this chapter for fire fighters as follows:

4 (i) (~~Ten~~) Thirty dollars for each volunteer or part-paid member
5 of its fire department;

6 (ii) A sum equal to one and one-half of one percent of the annual
7 salary attached to the rank of each full-paid member of its fire
8 department, prorated for 1970 on the basis of services prior to March
9 1, 1970.

10 (c) An annual fee for each emergency worker of an emergency medical
11 service district paid by the district that is sufficient to pay the
12 full costs of covering the emergency worker under the relief provisions
13 of this chapter, including operating expenses. The state board shall
14 determine the amount of this fee based on the latest actuarial
15 valuation of the system.

16 (d) Where a municipal corporation has elected to make relief
17 provisions of this chapter available to its reserve officers, an annual
18 fee for each reserve officer paid by the municipal corporation that is
19 sufficient to pay the full costs of covering the reserve officer under
20 the relief provisions of this chapter, including operating expenses.
21 The state board shall determine the amount of this fee based on the
22 latest actuarial valuation of the system.

23 (e) Where a municipal corporation has elected to make the
24 retirement pension provisions of this chapter available to members of
25 its fire department, an annual fee of sixty dollars for each of its
26 fire fighters electing to enroll, thirty dollars of which shall be paid
27 by the municipality and thirty dollars of which shall be paid by the
28 fire fighter. However, nothing in this section prohibits any
29 municipality from voluntarily paying the fire fighters' fee for this
30 retirement pension coverage.

31 (f) Where an emergency medical service district has elected to make
32 the retirement pension provisions of this chapter available to its
33 emergency workers, for each emergency worker electing to enroll: (i)
34 An annual fee of thirty dollars shall be paid by the emergency worker;
35 and (ii) an annual fee paid by the emergency medical service district
36 that, together with the thirty-dollar fee per emergency worker, is
37 sufficient to pay the full costs of covering the emergency worker under
38 the retirement pension benefits provided under this chapter, including

1 operating expenses. The state board shall determine the amount of this
2 fee based on the latest actuarial valuation of the system. However,
3 nothing in this section prohibits any emergency medical service
4 district from voluntarily paying the emergency workers' fees for this
5 retirement pension coverage.

6 (g) Where a municipal corporation has elected to make the
7 retirement pension provisions of this chapter available to its reserve
8 officers, for each reserve officer electing to enroll: (i) An annual
9 fee of thirty dollars shall be paid by the reserve officer; and (ii) an
10 annual fee paid by the municipal corporation that, together with the
11 thirty-dollar fee per reserve officer, is sufficient to pay the full
12 costs of covering the reserve officer under the retirement pension
13 benefits provided under this chapter, including operating expenses.
14 The state board shall determine the amount of this fee based on the
15 latest actuarial valuation of the system. However, nothing in this
16 section prohibits any municipal corporation from voluntarily paying the
17 reserve officers' fees for this retirement pension coverage.

18 (h) Moneys transferred from the administrative fund, as provided
19 under subsection (4) of this section, which may only be used to pay
20 relief and retirement pensions for fire fighters.

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

22 (2) The state investment board, upon request of the state treasurer
23 shall have full power to invest, reinvest, manage, contract, sell, or
24 exchange investments acquired from that portion of the amounts credited
25 to the principal fund as is not, in the judgment of the state board,
26 required to meet current withdrawals. Investments shall be made in the
27 manner prescribed by RCW 43.84.150 and not otherwise.

28 All bonds, investments, or other obligations purchased by the state
29 investment board shall be placed in the custody of the state treasurer,
30 and he or she shall collect the principal thereof and interest thereon
31 when due.

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

35 (3) The interest, earnings, and proceeds from the sale and
36 redemption of any investments held by the principal fund and invested
37 by the state investment board shall be credited to and form a part of

1 the principal fund, less the allocation to the state investment board
2 expense account pursuant to RCW 43.33A.160.

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

6 The state treasurer shall make an annual report showing the
7 condition of the fund.

8 (4) The volunteer fire fighters' and reserve officers'
9 administrative fund is created in the state treasury. Moneys in the
10 fund, including unanticipated revenues under RCW 43.79.270, may be
11 spent only after appropriation, and may be used only for operating
12 expenses of the volunteer fire fighters' and reserve officers' relief
13 and pension principal fund, the operating expenses of the volunteer
14 fire fighters' and reserve officers' administrative fund, or for
15 transfer from the administrative fund to the principal fund.

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

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

21 (c) For the purpose of providing amounts to be used to defray the
22 cost of administration of the principal and administrative funds, the
23 state board shall ascertain at the beginning of each biennium and
24 request from the legislature an appropriation from the administrative
25 fund sufficient to cover estimated expenses for the biennium.

26 NEW SECTION. **Sec. 3.** A new section is added to chapter 41.24 RCW
27 to read as follows:

28 (1) If an injured volunteer seeks damages from a third party, the
29 state board may also seek recovery of actual costs from the responsible
30 third party. A volunteer seeking damages from a third party is
31 required to notify the state board about the legal proceeding.

32 (2) The state board is responsible for its proportionate share of
33 the costs and attorneys' fees of the legal proceedings.

34 (3) Any recovery is subject to a lien by the state board for its
35 share under this section.

36 (4) This section does not restrict or prohibit the state board's

1 right to seek recovery from a third party when a volunteer fire fighter
2 is injured.

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