
HOUSE BILL 1453

State of Washington

54th Legislature

1995 Regular Session

By Representatives Foreman, Ogden, Chappell, Costa, Dickerson, Schoesler, Stevens and Radcliff

Read first time 01/25/95. Referred to Committee on Appropriations.

1 AN ACT Relating to reserve officers' retirement; amending RCW
2 41.24.010, 41.24.030, 41.24.040, 41.24.170, 41.24.172, 41.24.190, and
3 41.24.200; reenacting and amending RCW 41.24.240; and adding new
4 sections to chapter 41.24 RCW.

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

6 **Sec. 1.** RCW 41.24.010 and 1993 c 331 s 1 are each amended to read
7 as follows:

8 As used in this chapter:

9 "Municipal corporation" or "municipality" includes any county, city
10 ~~((or))~~, town or combination thereof, fire protection district, local
11 law enforcement agency, or any water, irrigation, or other district,
12 authorized by law to afford emergency medical services or protection to
13 life and property within its boundaries ~~((from fire))~~.

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

1 appropriate legislation permit the full-paid members of its department
2 to come under the provisions of chapter 41.16 RCW.

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

8 "Emergency worker" means any emergency medical service personnel,
9 regulated by chapters 18.71 and 18.73 RCW, who is a member of an
10 emergency medical service district but shall not include full-time,
11 paid emergency medical service personnel who are members of the
12 Washington public employees' retirement system, with respect to periods
13 of service rendered in such capacity.

14 "Performance of duty" shall be construed to mean and include any
15 work in and about company quarters or any fire station or any other
16 place under the direction or general orders of the chief or other
17 officer having authority to order such member to perform such work;
18 responding to, working at, or returning from an alarm of fire; drill;
19 or any work performed of an emergency nature in accordance with the
20 rules and regulations of the fire department.

21 "State board" means the state board for volunteer fire fighters and
22 reserve officers created herein.

23 "Board of trustees" means a board of trustees created under RCW
24 41.24.060 or, for matters affecting an emergency worker, an emergency
25 medical service district board of trustees created under RCW 41.24.330.

26 "Appropriate legislation" means an ordinance when an ordinance is
27 the means of legislating by any municipality, and resolution in all
28 other cases.

29 "Reserve officer" means the same as defined by the Washington state
30 criminal justice training commission under chapter 43.101 RCW.

31 "Participant" means any fire fighter, emergency worker, or reserve
32 officer who is or may become eligible to receive a benefit of any type
33 under the retirement provisions of this chapter, or whose beneficiary
34 may be eligible to receive any such benefit.

35 NEW SECTION. **Sec. 2.** (1) Except as provided in subsection (2) of
36 this section, any municipality may make provision by appropriate
37 legislation and payment of fees required by RCW 41.24.030(1)(d) solely

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

3 (2) A reserve officer is not eligible to receive a benefit under
4 the retirement provisions of this chapter for service under:

5 (a) Chapter 41.26 or 41.40 RCW; or

6 (b) This chapter for duties performed as a fire fighter or
7 emergency service worker.

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

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

14 **Sec. 3.** RCW 41.24.030 and 1992 c 97 s 1 are each amended to read
15 as follows:

16 (1) There is created in the state treasury a trust fund for the
17 benefit of the (~~fire fighters of the state~~) participants covered by
18 this chapter, which shall be designated the volunteer fire fighters'
19 relief and pension principal fund and shall consist of:

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

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

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

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

32 (c) Where a municipal corporation has elected to make available to
33 the members of its fire department the retirement provisions as
34 provided in this chapter, an annual fee of sixty dollars for each of
35 its fire fighters electing to enroll therein, thirty dollars of which
36 shall be paid by the municipality and thirty dollars of which shall be
37 paid by the fire fighter.

1 (d) Where a municipal corporation has elected to make the
2 retirement provisions of this chapter available to reserve officers,
3 for each reserve officer that elects to enroll: An annual fee of
4 thirty dollars shall be paid by the reserve officer and an annual fee
5 determined by the state board based on the latest actuarial valuation
6 shall be paid by the municipal corporation. The fee paid by the
7 municipal corporation may include operating expenses.

8 (e) Forty percent of all moneys received by the state from taxes on
9 fire insurance premiums shall be paid into the state treasury and
10 credited to the administrative fund created in subsection (2) of this
11 section.

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

18 (~~(f)~~) (g) All bonds or other obligations purchased according to
19 (~~(e)~~) (f) of this subsection shall be forthwith placed in the custody
20 of the state treasurer, and he or she shall collect the principal
21 thereof and interest thereon when due.

22 The state investment board may sell any of the bonds or obligations
23 so acquired and the proceeds thereof shall be paid to the state
24 treasurer.

25 The interest and proceeds from the sale and redemption of any bonds
26 or other obligations held by the fund and invested by the state
27 investment board shall be credited to and form a part of the principal
28 fund, less the allocation to the state investment board expense account
29 pursuant to RCW 43.33A.160.

30 All amounts credited to the principal fund shall be available for
31 making the benefit payments required by this chapter.

32 The state treasurer shall make an annual report showing the
33 condition of the fund.

34 (2) The volunteer fire fighters' relief and pension administrative
35 fund is hereby created in the state treasury. Moneys in the account,
36 including unanticipated revenues under RCW 43.79.270, may be spent only
37 after appropriation, and may be used only for operating expenses of the
38 volunteer fire fighters' relief and pension principal fund, the
39 operating expenses of the volunteer fire fighters' relief and pension

1 administrative fund, or for transfer from the administrative fund to
2 the principal fund.

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

5 (b) For the purpose of providing amounts to be used to defray the
6 cost of administration of the principal and administrative funds, the
7 state board shall ascertain at the beginning of each biennium and
8 request from the legislature an appropriation from the administrative
9 fund sufficient to cover estimated expenses for the biennium.

10 NEW SECTION. **Sec. 4.** Credit for service as a reserve officer
11 shall not be counted for purposes of RCW 41.24.170 except as stated in
12 this section: Within one year of an election to cover reserve officers
13 under the retirement provisions of this chapter, the municipality must
14 elect, on a one-time basis, one of the following:

15 (1)(a) To count credit for service only after the effective date of
16 this act;

17 (b) To pay annual fees only for service after the effective date of
18 this act; or

19 (2)(a) To count credit for all service as a reserve officer, but
20 only if the actuarial cost, as determined by the state board, is paid
21 by the municipality. The municipality may charge reserve officers for
22 any portion of the cost; and

23 (b) To pay annual fees only for service after the effective date of
24 this act; or

25 (3)(a) To count credit for all service as a reserve officer, but
26 only if the actuarial cost, as determined by the state board, is paid
27 by the municipality. The municipality may charge reserve officers for
28 any portion of the cost; and

29 (b) To pay annual fees for service prior to the effective date of
30 this act, if:

31 (i) The reserve officer elects, within one year of the
32 municipality's election under this section, to pay the annual fee plus
33 one percent per month interest for each year of past service counted;
34 and

35 (ii) The municipality pays the actuarial cost, as determined by the
36 state board, of the benefit provided in (b) of this subsection. The
37 municipality may charge reserve officers for any portion of the cost.

1 Payments under this section may be made in a lump sum or in a
2 manner prescribed by the state board.

3 **Sec. 5.** RCW 41.24.040 and 1989 c 91 s 10 are each amended to read
4 as follows:

5 On or before the first day of March of each year, every municipal
6 corporation shall pay such amount as shall be due from it to said fund,
7 together with the amounts collected from the (~~fire fighters of its~~
8 ~~fire department~~) participants: PROVIDED, That no fire fighter shall
9 forfeit his or her right to participate in the relief and compensation
10 provisions of this chapter by reason of nonpayment: PROVIDED FURTHER,
11 That no (~~fire fighter~~) participant shall forfeit his or her right to
12 participate in the retirement provisions of this chapter until after
13 March 1st of such year: AND PROVIDED FURTHER, That where a
14 municipality has failed to pay or remit the annual fees required within
15 the time provided such delinquent payment shall bear interest at the
16 rate of one percent per month from March 1st until paid: AND PROVIDED
17 FURTHER, That where a (~~fire fighter~~) participant has forfeited his or
18 her right to participate in the retirement provisions of this chapter
19 that (~~fire fighter~~) participant may be reinstated so as to
20 participate to the same extent as if all fees had been paid by the
21 payment of all back fees with interest at the rate of one percent per
22 month provided he or she has at all times been otherwise eligible.

23 NEW SECTION. **Sec. 6.** The head of a local law enforcement agency
24 is authorized to enroll its reserve officers and to certify reserve
25 officer service under the retirement provisions of this chapter. The
26 head of that agency shall sign, certify, and send to the state board a
27 voucher for each person entitled to payment from the fund, stating the
28 amount of the payment. The state board, after review and approval
29 shall cause a warrant to be issued on the fund for the amount specified
30 and approved on each voucher. However, after the applicant's
31 eligibility for pension is verified, the state board shall authorize
32 the regular issuance of monthly warrants in payment thereof without
33 further action of the head of the law enforcement agency.

34 **Sec. 7.** RCW 41.24.170 and 1992 c 97 s 2 are each amended to read
35 as follows:

1 Except as provided in section 4 of this act, whenever any ((fire
2 fighter)) participant has been a member and served honorably for a
3 period of ten years or more as an active member in any capacity, of any
4 regularly organized volunteer fire department or law enforcement agency
5 of any municipality in this state, and which municipality and ((fire
6 fighter)) participant are enrolled under the retirement provisions, and
7 the ((fire-fighter)) participant has reached the age of sixty-five
8 years, the board of trustees shall order and direct that he or she be
9 retired and be paid a monthly pension as provided in this section.

10 Whenever a ((fire-fighter)) participant has been a member, and
11 served honorably for a period of twenty-five years or more as an active
12 member in any capacity, of any regularly organized volunteer fire
13 department or law enforcement agency of any municipality in this state,
14 and he or she has reached the age of sixty-five years, and the annual
15 retirement fee has been paid for a period of twenty-five years, the
16 board of trustees shall order and direct that he or she be retired and
17 such ((fire-fighter)) participant be paid a monthly pension of two
18 hundred twenty-five dollars from the fund for the balance of that
19 ((fire-fighter's)) participant's life.

20 Whenever any ((fire-fighter)) participant has been a member, and
21 served honorably for a period of twenty-five years or more as an active
22 member in any capacity, of any regularly organized volunteer fire
23 department or law enforcement agency of any municipality in this state,
24 and the ((fire-fighter)) participant has reached the age of sixty-five
25 years, and the annual retirement fee has been paid for a period of less
26 than twenty-five years, the board of trustees shall order and direct
27 that he or she be retired and that such ((fire-fighter)) participant
28 shall receive a minimum monthly pension of twenty-five dollars
29 increased by the sum of eight dollars each month for each year the
30 annual fee has been paid, but not to exceed the maximum monthly pension
31 provided in this section, for the balance of the ((fire-fighter's))
32 participant's life.

33 No pension provided in this section may become payable before the
34 sixty-fifth birthday of the ((fire-fighter)) participant, nor for any
35 service less than twenty-five years: PROVIDED, HOWEVER, That:

36 (1) Any ((fire-fighter)) participant, upon completion of twenty-
37 five years' service and attainment of age sixty, may irrevocably elect,
38 in lieu of the pension to which that ((fire-fighter)) participant would
39 be entitled under this section at age sixty-five, to receive for the

1 balance of his or her life a monthly pension equal to sixty percent of
2 such pension.

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

9 (3) Any (~~fire-fighter~~) participant, upon completion of less than
10 twenty-five years of service shall receive the applicable reduced
11 pension provided in this subsection, according to the age at which that
12 (~~fire-fighter~~) participant elects to begin to receive the pension.
13 If receipt of the benefits begins at age sixty-five the (~~fire
14 fighter~~) participant shall receive one hundred percent of the reduced
15 benefit; at age sixty-two the (~~fire-fighter~~) participant shall
16 receive seventy-five percent of the reduced benefit; and at age sixty
17 the (~~fire-fighter~~) participant shall receive sixty percent of the
18 reduced benefit. The reduced benefit shall be computed as follows:

19 (a) Upon completion of ten years, but less than fifteen years of
20 service, a monthly pension equal to fifteen percent of such pension as
21 the (~~fire-fighter~~) participant would have been entitled to receive at
22 age sixty-five after twenty-five years of service;

23 (b) Upon completion of fifteen years, but less than twenty years of
24 service, a monthly pension equal to thirty percent of such pension as
25 the (~~fire-fighter~~) participant would have been entitled to receive at
26 age sixty-five after twenty-five years of service; and

27 (c) Upon completion of twenty years, but less than twenty-five
28 years of service, a monthly pension equal to sixty percent of such
29 pension as the (~~fire-fighter~~) participant would have been entitled to
30 receive at age sixty-five after twenty-five years of service.

31 NEW SECTION. **Sec. 8.** A reserve officer shall not receive a
32 retirement benefit under this chapter unless he or she completes at
33 least five years of service after the effective date of this act.

34 **Sec. 9.** RCW 41.24.172 and 1989 c 91 s 6 are each amended to read
35 as follows:

36 Before beginning to receive the pension provided for in RCW
37 41.24.170, the (~~fire-fighter~~) participant shall elect, in a writing

1 filed with the state board, to have the pension paid under either
2 option 1 or 2, with option 2 calculated so as to be actuarially
3 equivalent to option 1.

4 (1) Option 1. A (~~fire-fighter~~) participant electing this option
5 shall receive a monthly pension payable throughout the (~~fire~~
6 ~~fighter's~~) participant's life. However, if the (~~fire-fighter~~)
7 participant dies before the total pension paid to the (~~fire-fighter~~)
8 participant equals the amount paid into the fund, then the balance
9 shall be paid to the (~~fire-fighter's~~) participant's surviving spouse,
10 or if there be no surviving spouse, then to the (~~fire-fighter's~~)
11 participant's legal representatives.

12 (2) Option 2. A (~~fire-fighter~~) participant electing this option
13 shall receive a reduced monthly pension, which upon the (~~fire~~
14 ~~fighter's~~) participant's death shall be continued throughout the life
15 of and paid to the (~~fire-fighter's~~) participant's surviving spouse
16 named in the written election filed with the state board.

17 NEW SECTION. Sec. 10. The state board shall direct payment from
18 the fund in the following cases:

19 (1) To any reserve officer, upon his or her request, upon attaining
20 the age of sixty-five years, who, for any reason, is not qualified to
21 receive the monthly retirement pension under this chapter and who was
22 enrolled in the fund and on whose behalf annual fees for retirement
23 pension were paid, a lump sum amount equal to the amount paid into the
24 fund by the reserve officer.

25 (2) If any reserve officer who has not completed at least ten years
26 of service dies without having requested a lump sum payment under
27 subsection (1) or (3) of this section, there shall be paid to the
28 reserve officer's surviving spouse, or if there is no surviving spouse,
29 then to such reserve officer's legal representatives, a lump sum amount
30 equal to the amount paid into the fund by the reserve officer. If any
31 reserve officer who has completed at least ten years of service dies
32 other than as the result of injuries received or sickness contracted in
33 consequence or as the result of the performance of his or her duties,
34 without having requested a lump sum payment under subsection (1) or (3)
35 of this section and before beginning to receive the monthly pension
36 provided for in this chapter, the reserve officer's surviving spouse
37 shall elect to receive either:

1 (a) A monthly pension computed as provided for in RCW 41.24.170
2 actuarially adjusted to reflect option 2 of RCW 41.24.172 and further
3 actuarially reduced to reflect the difference in the number of years
4 between the reserve officer's age at death and age sixty-five; or

5 (b) A lump sum amount equal to the amount paid into the fund by the
6 reserve officer and the municipality or municipalities in whose
7 department he or she has served.

8 If there is no surviving spouse, then there shall be paid to the
9 reserve officer's legal representatives a lump sum amount equal to the
10 amount paid into the fund by the reserve officer.

11 (3) If any reserve officer retires from service before attaining
12 the age of sixty-five years, the reserve officer may make application
13 for the return in a lump sum of the amount paid into the fund by
14 himself or herself.

15 **Sec. 11.** RCW 41.24.190 and 1989 c 91 s 16 are each amended to read
16 as follows:

17 The filing of reports of enrollment shall be prima facie evidence
18 of the service of the ((fire fighters)) participants therein listed for
19 the year of such report as to service rendered subsequent to July 6,
20 1945. Proof of service of fire fighters prior to that date shall be by
21 documentary evidence, or such other evidence reduced to writing and
22 sworn to under oath, as shall be submitted to the state board and
23 certified by it as sufficient.

24 **Sec. 12.** RCW 41.24.200 and 1989 c 91 s 17 are each amended to read
25 as follows:

26 The aggregate term of service of any ((fire fighter)) participant
27 need not be continuous nor need it be confined to a single fire
28 department or law enforcement agency nor a single municipality in this
29 state to entitle such ((fire fighter)) participant to a pension:
30 PROVIDED, That the ((fire fighter)) participant has been duly enrolled
31 in a fire department or law enforcement agency of a municipality which
32 has elected to make provisions for the retirement of its ((fire
33 fighters)) participants at the time he or she becomes eligible for such
34 pension as in this chapter provided, and has paid all fees prescribed.
35 To be eligible to the full pension a ((fire fighter)) participant must
36 have an aggregate of twenty-five years service, have made twenty-five
37 annual payments into the fund, and be sixty-five years of age at the

1 time the ((~~fire fighter~~)) participant commences drawing the pension
2 provided for by this chapter, all of which twenty-five years service
3 must have been in the fire department or law enforcement agency of a
4 municipality or municipalities which have elected to make provisions
5 for the retirement of its ((~~volunteer fire fighters~~)) participants:
6 PROVIDED, HOWEVER, That nothing herein contained shall require any
7 ((~~fire fighter~~)) participant having twenty-five years active service to
8 continue as a fire fighter or reserve officer and no ((~~fire fighter~~))
9 participant who has completed twenty-five years of active service for
10 which annual pension fees have been paid and who continues as a fire
11 fighter or reserve officer shall be required to pay any additional
12 annual pension fees.

13 **Sec. 13.** RCW 41.24.240 and 1989 c 360 s 26 and 1989 c 91 s 21 are
14 each reenacted and amended to read as follows:

15 The right of any person to any future payment under the provisions
16 of this chapter shall not be transferable or assignable at law or in
17 equity, and none of the moneys paid or payable or the rights existing
18 under this chapter, shall be subject to execution, levy, attachment,
19 garnishment, or other legal process, or to the operation of any
20 bankruptcy or insolvency law. This section shall not be applicable to
21 any child support collection action taken under chapter 26.18, 26.23,
22 or 74.20A RCW. Benefits under this chapter shall be payable to a
23 spouse or ex-spouse to the extent expressly provided for in any court
24 decree of dissolution or legal separation or in any court order or
25 court-approved property settlement agreement incident to any court
26 decree of dissolution or legal separation.

27 Nothing in this chapter shall be construed to deprive any ((~~fire~~
28 ~~fighter~~)) participant, eligible to receive a pension hereunder, from
29 receiving a pension under any other act to which that ((~~fire fighter~~))
30 participant may become eligible by reason of services other than or in
31 addition to his or her services ((~~as a fire fighter~~)) under this
32 chapter.

33 NEW SECTION. **Sec. 14.** The state board shall keep a public record
34 of all its proceedings and of all receipts and disbursements made to
35 reserve officers and shall make an annual report of related expenses
36 and disbursements with a full list of the beneficiaries of the fund in
37 the municipality, the record to be placed on file. Those forms as are

1 necessary for the proper administration of this fund and of making the
2 reports required under this chapter shall be provided by the state
3 board.

4 NEW SECTION. **Sec. 15.** Sections 2, 4, 6, 8, 10, and 14 of this act
5 are each added to chapter 41.24 RCW.

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