

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2051

Chapter 107, Laws of 2020

66th Legislature
2020 Regular Session

FIREFIGHTERS AND LAW ENFORCEMENT OFFICERS PENSION AND DISABILITY
BOARDS--MEMBERSHIP

EFFECTIVE DATE: June 11, 2020

Passed by the House March 9, 2020
Yeas 96 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate March 6, 2020
Yeas 48 Nays 0

CYRUS HABIB

President of the Senate

Approved March 25, 2020 2:54 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2051** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 26, 2020

**Secretary of State
State of Washington**

HOUSE BILL 2051

AS AMENDED BY THE SENATE

Passed Legislature - 2020 Regular Session

State of Washington **66th Legislature** **2019 Regular Session**

By Representatives Lovick, Chapman, Griffey, and Dent

Read first time 02/14/19. Referred to Committee on Appropriations.

1 AN ACT Relating to firefighters and law enforcement officers
2 pension and disability boards; amending RCW 41.16.010, 41.16.020,
3 41.18.015, 41.20.010, and 41.26.030; and reenacting and amending RCW
4 41.18.010 and 41.26.110.

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

6 **Sec. 1.** RCW 41.16.010 and 2009 c 521 s 88 are each amended to
7 read as follows:

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

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

14 (2) "Board" shall mean the municipal firefighters' pension board.

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

17 (4) "Contributions" shall mean and include all sums deducted from
18 the salary of firefighters and paid into the fund as hereinafter
19 provided.

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

1 (6) "Firefighter" shall mean any person regularly or temporarily,
2 or as a substitute, employed and paid as a member of a fire
3 department, who has passed a civil service examination for
4 firefighter and who is actively employed as a firefighter; and shall
5 include any "prior firefighter."

6 (7) "Fire department" shall mean the regularly organized, full
7 time, paid, and employed force of firefighters of the municipality.

8 (8) "Fund" shall mean the firefighters' pension fund created
9 herein.

10 (9) "Municipality" shall mean every city (~~and~~), town, and
11 regional fire protection service authority, having a regularly
12 organized full time, paid, fire department employing firefighters.

13 (10) "Performance of duty" shall mean the performance of work and
14 labor regularly required of firefighters and shall include services
15 of an emergency nature rendered while off regular duty, but shall not
16 include time spent in traveling to work before answering roll call or
17 traveling from work after dismissal at roll call.

18 (11) "Prior firefighter" shall mean a firefighter who was
19 actively employed as a firefighter of a fire department prior to the
20 first day of January, 1947, and who continues such employment
21 thereafter.

22 (12) "Retired firefighter" shall mean and include a person
23 employed as a firefighter and retired under the provisions of chapter
24 50, Laws of 1909, as amended.

25 (13) "Widow or widower" means the surviving wife, husband, or
26 state registered domestic partner of a retired firefighter who was
27 retired on account of length of service and who was lawfully married
28 to, or in a state registered domestic partnership with, such
29 firefighter; and whenever that term is used with reference to the
30 wife or former wife, husband or former husband, or current or former
31 state registered domestic partner of a retired firefighter who was
32 retired because of disability, it shall mean his or her lawfully
33 married wife, husband, or state registered domestic partner on the
34 date he or she sustained the injury or contracted the illness that
35 resulted in his or her disability. Said term shall not mean or
36 include a surviving wife, husband, or state registered domestic
37 partner who by process of law within one year prior to the retired
38 firefighter's death, collected or attempted to collect from him or
39 her funds for the support of herself or himself or for his or her
40 children.

1 **Sec. 2.** RCW 41.16.020 and 2007 c 218 s 19 are each amended to
2 read as follows:

3 (1) There is hereby created in each city and town a municipal
4 firefighters' pension board to consist of the following five members,
5 ex officio, the mayor, or in a city of the first class, the mayor or
6 a designated representative who shall be an elected official of the
7 city, who shall be chairperson of the board, the city comptroller or
8 clerk, the chairperson of finance of the city council, or if there is
9 no chairperson of finance, the city treasurer, and in addition, two
10 regularly employed or retired firefighters elected by secret ballot
11 of those employed and retired firefighters who are subject to the
12 jurisdiction of the board. The members to be elected by the
13 firefighters shall be elected annually for a two year term. The two
14 firefighters elected as members shall, in turn, select a third
15 eligible member who shall serve as an alternate in the event of an
16 absence of one of the regularly elected members. In case a vacancy
17 occurs in the membership of the firefighters or retired members, the
18 members shall in the same manner elect a successor to serve the
19 unexpired term. The board may select and appoint a secretary who may,
20 but need not be, a member of the board. In case of absence or
21 inability of the chairperson to act, the board may select a
22 chairperson pro tempore who shall during such absence or inability
23 perform the duties and exercise the powers of the chairperson. A
24 majority of the members of the board shall constitute a quorum and
25 have power to transact business.

26 (2) If no eligible regularly employed or retired firefighters are
27 willing or able to be elected to the board under subsection (1) of
28 this section, then the following individuals may be elected to the
29 board under subsection (1) of this section:

30 (a) Any active or retired firefighters who reside within the
31 jurisdiction served by the board. This includes active and retired
32 firefighters under this chapter and chapters 41.18, 41.26, and 52.26
33 RCW;

34 (b) The widow or widower of a firefighter subject to the
35 jurisdiction of the board.

36 **Sec. 3.** RCW 41.18.010 and 2009 c 521 s 90 are each reenacted and
37 amended to read as follows:

1 For the purpose of this chapter, unless clearly indicated
2 otherwise by the context, words and phrases shall have the meaning
3 hereinafter ascribed.

4 (1) "Basic salary" means the basic monthly salary, including
5 longevity pay, attached to the rank held by the retired firefighter
6 at the date of his or her retirement, without regard to extra
7 compensation which such firefighter may have received for special
8 duties assignments not acquired through civil service examination:
9 PROVIDED, That such basic salary shall not be deemed to exceed the
10 salary of a battalion chief.

11 (2) "Beneficiary" shall mean any person or persons designated by
12 a firefighter in a writing filed with the board, and who shall be
13 entitled to receive any benefits of a deceased firefighter under this
14 chapter.

15 (3) "Board" shall mean the municipal firefighters' pension board.

16 (4) "Child" or "children" means a firefighter's child or children
17 under the age of eighteen years, unmarried, and in the legal custody
18 of such firefighter at the time of his death or her death.

19 (5) "Contributions" shall mean and include all sums deducted from
20 the salary of firefighters and paid into the fund as hereinafter
21 provided.

22 (6) "Disability" shall mean and include injuries or sickness
23 sustained by a firefighter.

24 (7) "Earned interest" means and includes all annual increments to
25 the firefighters' pension fund from income earned by investment of
26 the fund. The earned interest payable to any firefighter when he or
27 she leaves the service and accepts his or her contributions, shall be
28 that portion of the total earned income of the fund which is directly
29 attributable to each individual firefighter's contributions. Earnings
30 of the fund for the preceding year attributable to individual
31 contributions shall be allocated to individual firefighters' accounts
32 as of January 1st of each year.

33 (8) "Fire department" shall mean the regularly organized, full
34 time, paid, and employed force of firefighters of the municipality.

35 (9) "Firefighter" means any person hereafter regularly or
36 temporarily, or as a substitute newly employed and paid as a member
37 of a fire department, who has passed a civil service examination for
38 firefighters and who is actively employed as a firefighter or, if
39 provided by the municipality by appropriate local legislation, as a
40 fire dispatcher: PROVIDED, Nothing in chapter 209, Laws of 1969 ex.

1 sess. shall impair or permit the impairment of any vested pension
2 rights of persons who are employed as fire dispatchers at the time
3 chapter 209, Laws of 1969 ex. sess. takes effect; and any person
4 heretofore regularly or temporarily, or as a substitute, employed and
5 paid as a member of a fire department, and who has contributed under
6 and been covered by the provisions of chapter 41.16 RCW as now or
7 hereafter amended and who has come under the provisions of this
8 chapter in accordance with RCW 41.18.170 and who is actively engaged
9 as a firefighter or as a member of the fire department as a
10 firefighter or fire dispatcher.

11 (10) "Fund" shall have the same meaning as in RCW 41.16.010 as
12 now or hereafter amended. Such fund shall be created in the manner
13 and be subject to the provisions specified in chapter 41.16 RCW as
14 now or hereafter amended.

15 (11) "Municipality" shall mean every city, town (~~and~~), fire
16 protection district, or regional fire protection service authority
17 having a regularly organized full time, paid, fire department
18 employing firefighters.

19 (12) "Performance of duty" shall mean the performance of work or
20 labor regularly required of firefighters and shall include services
21 of an emergency nature normally rendered while off regular duty.

22 (13) "Retired firefighter" means and includes a person employed
23 as a firefighter and retired under the provisions of this chapter.

24 (14) "Widow or widower" means the surviving spouse of a
25 firefighter and shall include the surviving wife, husband, or state
26 registered domestic partner of a firefighter, retired on account of
27 length of service, who was lawfully married to, or in a state
28 registered domestic partnership with, him or to her for a period of
29 five years prior to the time of his or her retirement; and the
30 surviving wife, husband, or state registered domestic partner of a
31 firefighter, retired on account of disability, who was lawfully
32 married to, or in a state registered domestic partnership with, him
33 or her at and prior to the time he or she sustained the injury or
34 contracted the illness resulting in his or her disability. The word
35 shall not mean the divorced wife or husband or former state
36 registered domestic partner of an active or retired firefighter.

37 **Sec. 4.** RCW 41.18.015 and 2007 c 218 s 42 are each amended to
38 read as follows:

1 (1) There is hereby created in each fire protection district
2 which qualifies under this chapter, a firefighters' pension board to
3 consist of the following five members, the chairperson of the fire
4 commissioners for said district who shall be chairperson of the
5 board, the county auditor, county treasurer, and in addition, two
6 regularly employed or retired firefighters elected by secret ballot
7 of the employed and retired firefighters. Retired members who are
8 subject to the jurisdiction of the pension board have both the right
9 to elect and the right to be elected under this section. The first
10 members to be elected by the firefighters shall be elected annually
11 for a two-year term. The two firefighter elected members shall, in
12 turn, select a third eligible member who shall serve in the event of
13 an absence of one of the regularly elected members. In case a vacancy
14 occurs in the membership of the firefighter or retired members, the
15 members shall in the same manner elect a successor to serve the
16 unexpired term. The board may select and appoint a secretary who may,
17 but need not be a member of the board. In case of absence or
18 inability of the chairperson to act, the board may select a
19 chairperson pro tempore who shall during such absence or inability
20 perform the duties and exercise the powers of the chairperson. A
21 majority of the members of said board shall constitute a quorum and
22 have power to transact business.

23 (2) If no eligible regularly employed or retired firefighters are
24 willing or able to be elected to the board under subsection (1) of
25 this section, then the following individuals may be elected to the
26 board under subsection (1) of this section:

27 (a) Any active or retired firefighters who reside within the
28 jurisdiction served by the board. This includes active and retired
29 firefighters under this chapter and chapters 41.16, 41.26, and 52.26
30 RCW;

31 (b) The widow or widower of a firefighter subject to the
32 jurisdiction of the board.

33 **Sec. 5.** RCW 41.20.010 and 2012 c 117 s 20 are each amended to
34 read as follows:

35 (1) The mayor or his or her designated representative who shall
36 be an elected official of the city, and the clerk, treasurer,
37 president of the city council or mayor pro tem of each city of the
38 first class, or in case any such city has no city council, the
39 commissioner who has supervision of the police department, together

1 with three active or retired members of the police department, to be
2 elected as herein provided, in addition to the duties now required of
3 them, are constituted a board of trustees of the relief and pension
4 fund of the police department of each such city, and shall provide
5 for the disbursement of the fund, and designate the beneficiaries
6 thereof.

7 (2) The police department and the retired law enforcement
8 officers of each city of the first class shall elect three members to
9 act as members of the board. Members shall be elected for three year
10 terms. Existing members shall continue in office until replaced as
11 provided for in this section.

12 (3) Such election shall be held in the following manner. Not more
13 than thirty nor less than fifteen days preceding the first day of
14 June in each year, written notice of the nomination of any member or
15 retired member of the department for membership on the board may be
16 filed with the secretary of the board. Each notice of nomination
17 shall be signed by not less than five members or retired members of
18 the department, and nothing herein contained shall prevent any member
19 or retired member of the department from signing more than one notice
20 of nomination. The election shall be held on a date to be fixed by
21 the secretary during the month of June. Notice of the dates upon
22 which notice of nomination may be filed and of the date fixed for the
23 election of such members of the board shall be given by the secretary
24 of the board by posting written notices thereof in a prominent place
25 in the police headquarters. For the purpose of such election, the
26 secretary of the board shall prepare and furnish printed or
27 typewritten ballots in the usual form, containing the names of all
28 persons regularly nominated for membership and shall furnish a ballot
29 box for the election. Each member and each retired member of the
30 police department shall be entitled to vote at the election for one
31 nominee as a member of the board. The chief of the department shall
32 appoint two members to act as officials of the election, who shall be
33 allowed their regular wages for the day, but shall receive no
34 additional compensation therefor. The election shall be held in the
35 police headquarters of the department and the polls shall open at
36 7:30 a.m. and close at 8:30 p.m. The one nominee receiving the
37 highest number of votes shall be declared elected to the board and
38 his or her term shall commence on the first day of July succeeding
39 the election. In the first election the nominee receiving the
40 greatest number of votes shall be elected to the three year term, the

1 second greatest to the two year term and the third greatest to the
2 one year term. Retired members who are subject to the jurisdiction of
3 the board have both the right to elect and the right to be elected
4 under this section. Ballots shall contain all names of those
5 nominated, both active and retired. Notice of nomination and voting
6 by retired members shall be conducted by the board.

7 (4) If no eligible active or retired members of the police
8 department are willing or able to be elected to the board under
9 subsection (3) of this section, then the following individuals may be
10 elected to the board under subsection (3) of this section:

11 (a) Any active or retired law enforcement officers who reside
12 within the jurisdiction served by the board. This includes active and
13 retired law enforcement officers under this chapter and chapter 41.26
14 RCW;

15 (b) The widow or widower of a law enforcement officer subject to
16 the jurisdiction of the board.

17 **Sec. 6.** RCW 41.26.030 and 2018 c 230 s 1 are each amended to
18 read as follows:

19 As used in this chapter, unless a different meaning is plainly
20 required by the context:

21 (1) "Accumulated contributions" means the employee's
22 contributions made by a member, including any amount paid under RCW
23 41.50.165(2), plus accrued interest credited thereon.

24 (2) "Actuarial reserve" means a method of financing a pension or
25 retirement plan wherein reserves are accumulated as the liabilities
26 for benefit payments are incurred in order that sufficient funds will
27 be available on the date of retirement of each member to pay the
28 member's future benefits during the period of retirement.

29 (3) "Actuarial valuation" means a mathematical determination of
30 the financial condition of a retirement plan. It includes the
31 computation of the present monetary value of benefits payable to
32 present members, and the present monetary value of future employer
33 and employee contributions, giving effect to mortality among active
34 and retired members and also to the rates of disability, retirement,
35 withdrawal from service, salary and interest earned on investments.

36 (4) (a) "Basic salary" for plan 1 members, means the basic monthly
37 rate of salary or wages, including longevity pay but not including
38 overtime earnings or special salary or wages, upon which pension or

1 retirement benefits will be computed and upon which employer
2 contributions and salary deductions will be based.

3 (b) "Basic salary" for plan 2 members, means salaries or wages
4 earned by a member during a payroll period for personal services,
5 including overtime payments, and shall include wages and salaries
6 deferred under provisions established pursuant to sections 403(b),
7 414(h), and 457 of the United States Internal Revenue Code, but shall
8 exclude lump sum payments for deferred annual sick leave, unused
9 accumulated vacation, unused accumulated annual leave, or any form of
10 severance pay. In any year in which a member serves in the
11 legislature the member shall have the option of having such member's
12 basic salary be the greater of:

13 (i) The basic salary the member would have received had such
14 member not served in the legislature; or

15 (ii) Such member's actual basic salary received for
16 nonlegislative public employment and legislative service combined.
17 Any additional contributions to the retirement system required
18 because basic salary under (b)(i) of this subsection is greater than
19 basic salary under (b)(ii) of this subsection shall be paid by the
20 member for both member and employer contributions.

21 (5)(a) "Beneficiary" for plan 1 members, means any person in
22 receipt of a retirement allowance, disability allowance, death
23 benefit, or any other benefit described herein.

24 (b) "Beneficiary" for plan 2 members, means any person in receipt
25 of a retirement allowance or other benefit provided by this chapter
26 resulting from service rendered to an employer by another person.

27 (6)(a) "Child" or "children" means an unmarried person who is
28 under the age of eighteen or mentally or physically disabled as
29 determined by the department, except a person who is disabled and in
30 the full time care of a state institution, who is:

31 (i) A natural born child;

32 (ii) A stepchild where that relationship was in existence prior
33 to the date benefits are payable under this chapter;

34 (iii) A posthumous child;

35 (iv) A child legally adopted or made a legal ward of a member
36 prior to the date benefits are payable under this chapter; or

37 (v) An illegitimate child legitimized prior to the date any
38 benefits are payable under this chapter.

39 (b) A person shall also be deemed to be a child up to and
40 including the age of twenty years and eleven months while attending

1 any high school, college, or vocational or other educational
2 institution accredited, licensed, or approved by the state, in which
3 it is located, including the summer vacation months and all other
4 normal and regular vacation periods at the particular educational
5 institution after which the child returns to school.

6 (7) "Department" means the department of retirement systems
7 created in chapter 41.50 RCW.

8 (8) "Director" means the director of the department.

9 (9) "Disability board" for plan 1 members means either the county
10 disability board or the city disability board established in RCW
11 41.26.110.

12 (10) "Disability leave" means the period of six months or any
13 portion thereof during which a member is on leave at an allowance
14 equal to the member's full salary prior to the commencement of
15 disability retirement. The definition contained in this subsection
16 shall apply only to plan 1 members.

17 (11) "Disability retirement" for plan 1 members, means the period
18 following termination of a member's disability leave, during which
19 the member is in receipt of a disability retirement allowance.

20 (12) "Domestic partners" means two adults who have registered as
21 domestic partners under RCW 26.60.020.

22 (13) "Employee" means any law enforcement officer or firefighter
23 as defined in subsections (17) and (19) of this section.

24 (14)(a) "Employer" for plan 1 members, means the legislative
25 authority of any city, town, county, ~~((or))~~ district, or regional
26 fire protection service authority or the elected officials of any
27 municipal corporation that employs any law enforcement officer and/or
28 firefighter, any authorized association of such municipalities, and,
29 except for the purposes of RCW 41.26.150, any labor guild,
30 association, or organization, which represents the firefighters or
31 law enforcement officers of at least seven cities of over 20,000
32 population and the membership of each local lodge or division of
33 which is composed of at least sixty percent law enforcement officers
34 or firefighters as defined in this chapter.

35 (b) "Employer" for plan 2 members, means the following entities
36 to the extent that the entity employs any law enforcement officer
37 and/or firefighter:

38 (i) The legislative authority of any city, town, county,
39 district, ~~((or))~~ public corporation, or regional fire protection

1 service authority established under RCW 35.21.730 to provide
2 emergency medical services as defined in RCW 18.73.030;

3 (ii) The elected officials of any municipal corporation;

4 (iii) The governing body of any other general authority law
5 enforcement agency;

6 (iv) A four-year institution of higher education having a fully
7 operational fire department as of January 1, 1996; or

8 (v) The department of social and health services or the
9 department of corrections when employing firefighters serving at a
10 prison or civil commitment center on an island.

11 (c) Except as otherwise specifically provided in this chapter,
12 "employer" does not include a government contractor. For purposes of
13 this subsection, a "government contractor" is any entity, including a
14 partnership, limited liability company, for-profit or nonprofit
15 corporation, or person, that provides services pursuant to a contract
16 with an "employer." The determination whether an employer-employee
17 relationship has been established is not based on the relationship
18 between a government contractor and an "employer," but is based
19 solely on the relationship between a government contractor's employee
20 and an "employer" under this chapter.

21 (15)(a) "Final average salary" for plan 1 members, means (i) for
22 a member holding the same position or rank for a minimum of twelve
23 months preceding the date of retirement, the basic salary attached to
24 such same position or rank at time of retirement; (ii) for any other
25 member, including a civil service member who has not served a minimum
26 of twelve months in the same position or rank preceding the date of
27 retirement, the average of the greatest basic salaries payable to
28 such member during any consecutive twenty-four month period within
29 such member's last ten years of service for which service credit is
30 allowed, computed by dividing the total basic salaries payable to
31 such member during the selected twenty-four month period by twenty-
32 four; (iii) in the case of disability of any member, the basic salary
33 payable to such member at the time of disability retirement; (iv) in
34 the case of a member who hereafter vests pursuant to RCW 41.26.090,
35 the basic salary payable to such member at the time of vesting.

36 (b) "Final average salary" for plan 2 members, means the monthly
37 average of the member's basic salary for the highest consecutive
38 sixty service credit months of service prior to such member's
39 retirement, termination, or death. Periods constituting authorized

1 unpaid leaves of absence may not be used in the calculation of final
2 average salary.

3 (c) In calculating final average salary under (a) or (b) of this
4 subsection, the department of retirement systems shall include:

5 (i) Any compensation forgone by a member employed by a state
6 agency or institution during the 2009-2011 fiscal biennium as a
7 result of reduced work hours, mandatory or voluntary leave without
8 pay, temporary reduction in pay implemented prior to December 11,
9 2010, or temporary layoffs if the reduced compensation is an integral
10 part of the employer's expenditure reduction efforts, as certified by
11 the employer; and

12 (ii) Any compensation forgone by a member employed by the state
13 or a local government employer during the 2011-2013 fiscal biennium
14 as a result of reduced work hours, mandatory leave without pay,
15 temporary layoffs, or reductions to current pay if the reduced
16 compensation is an integral part of the employer's expenditure
17 reduction efforts, as certified by the employer. Reductions to
18 current pay shall not include elimination of previously agreed upon
19 future salary increases.

20 (16) "Fire department" includes a fire station operated by the
21 department of social and health services or the department of
22 corrections when employing firefighters serving a prison or civil
23 commitment center on an island.

24 (17) "Firefighter" means:

25 (a) Any person who is serving on a full time, fully compensated
26 basis as a member of a fire department of an employer and who is
27 serving in a position which requires passing a civil service
28 examination for firefighter, and who is actively employed as such;

29 (b) Anyone who is actively employed as a full time firefighter
30 where the fire department does not have a civil service examination;

31 (c) Supervisory firefighter personnel;

32 (d) Any full time executive secretary of an association of fire
33 protection districts authorized under RCW 52.12.031. The provisions
34 of this subsection (17)(d) shall not apply to plan 2 members;

35 (e) The executive secretary of a labor guild, association or
36 organization (which is an employer under subsection (14) of this
37 section), if such individual has five years previous membership in a
38 retirement system established in chapter 41.16 or 41.18 RCW. The
39 provisions of this subsection (17)(e) shall not apply to plan 2
40 members;

1 (f) Any person who is serving on a full time, fully compensated
2 basis for an employer, as a fire dispatcher, in a department in
3 which, on March 1, 1970, a dispatcher was required to have passed a
4 civil service examination for firefighter;

5 (g) Any person who on March 1, 1970, was employed on a full time,
6 fully compensated basis by an employer, and who on May 21, 1971, was
7 making retirement contributions under the provisions of chapter 41.16
8 or 41.18 RCW; and

9 (h) Any person who is employed on a full-time, fully compensated
10 basis by an employer as an emergency medical technician that meets
11 the requirements of RCW 18.71.200 or 18.73.030(12), and whose duties
12 include providing emergency medical services as defined in RCW
13 18.73.030.

14 (18) "General authority law enforcement agency" means any agency,
15 department, or division of a municipal corporation, political
16 subdivision, or other unit of local government of this state, and any
17 agency, department, or division of state government, having as its
18 primary function the detection and apprehension of persons committing
19 infractions or violating the traffic or criminal laws in general, but
20 not including the Washington state patrol. Such an agency,
21 department, or division is distinguished from a limited authority law
22 enforcement agency having as one of its functions the apprehension or
23 detection of persons committing infractions or violating the traffic
24 or criminal laws relating to limited subject areas, including but not
25 limited to, the state departments of natural resources and social and
26 health services, the state gambling commission, the state lottery
27 commission, the state parks and recreation commission, the state
28 utilities and transportation commission, the state liquor and
29 cannabis board, and the state department of corrections. A general
30 authority law enforcement agency under this chapter does not include
31 a government contractor.

32 (19) "Law enforcement officer" beginning January 1, 1994, means
33 any person who is commissioned and employed by an employer on a full
34 time, fully compensated basis to enforce the criminal laws of the
35 state of Washington generally, with the following qualifications:

36 (a) No person who is serving in a position that is basically
37 clerical or secretarial in nature, and who is not commissioned shall
38 be considered a law enforcement officer;

39 (b) Only those deputy sheriffs, including those serving under a
40 different title pursuant to county charter, who have successfully

1 completed a civil service examination for deputy sheriff or the
2 equivalent position, where a different title is used, and those
3 persons serving in unclassified positions authorized by RCW 41.14.070
4 except a private secretary will be considered law enforcement
5 officers;

6 (c) Only such full time commissioned law enforcement personnel as
7 have been appointed to offices, positions, or ranks in the police
8 department which have been specifically created or otherwise
9 expressly provided for and designated by city charter provision or by
10 ordinance enacted by the legislative body of the city shall be
11 considered city police officers;

12 (d) The term "law enforcement officer" also includes the
13 executive secretary of a labor guild, association or organization
14 (which is an employer under subsection (14) of this section) if that
15 individual has five years previous membership in the retirement
16 system established in chapter 41.20 RCW. The provisions of this
17 subsection (19)(d) shall not apply to plan 2 members; and

18 (e) The term "law enforcement officer" also includes a person
19 employed on or after January 1, 1993, as a public safety officer or
20 director of public safety, so long as the job duties substantially
21 involve only either police or fire duties, or both, and no other
22 duties in a city or town with a population of less than ten thousand.
23 The provisions of this subsection (19)(e) shall not apply to any
24 public safety officer or director of public safety who is receiving a
25 retirement allowance under this chapter as of May 12, 1993.

26 (20) "Medical services" for plan 1 members, shall include the
27 following as minimum services to be provided. Reasonable charges for
28 these services shall be paid in accordance with RCW 41.26.150.

29 (a) Hospital expenses: These are the charges made by a hospital,
30 in its own behalf, for

31 (i) Board and room not to exceed semiprivate room rate unless
32 private room is required by the attending physician due to the
33 condition of the patient.

34 (ii) Necessary hospital services, other than board and room,
35 furnished by the hospital.

36 (b) Other medical expenses: The following charges are considered
37 "other medical expenses," provided that they have not been considered
38 as "hospital expenses".

39 (i) The fees of the following:

1 (A) A physician or surgeon licensed under the provisions of
2 chapter 18.71 RCW;

3 (B) An osteopathic physician and surgeon licensed under the
4 provisions of chapter 18.57 RCW;

5 (C) A chiropractor licensed under the provisions of chapter 18.25
6 RCW.

7 (ii) The charges of a registered graduate nurse other than a
8 nurse who ordinarily resides in the member's home, or is a member of
9 the family of either the member or the member's spouse.

10 (iii) The charges for the following medical services and
11 supplies:

12 (A) Drugs and medicines upon a physician's prescription;

13 (B) Diagnostic X-ray and laboratory examinations;

14 (C) X-ray, radium, and radioactive isotopes therapy;

15 (D) Anesthesia and oxygen;

16 (E) Rental of iron lung and other durable medical and surgical
17 equipment;

18 (F) Artificial limbs and eyes, and casts, splints, and trusses;

19 (G) Professional ambulance service when used to transport the
20 member to or from a hospital when injured by an accident or stricken
21 by a disease;

22 (H) Dental charges incurred by a member who sustains an
23 accidental injury to his or her teeth and who commences treatment by
24 a legally licensed dentist within ninety days after the accident;

25 (I) Nursing home confinement or hospital extended care facility;

26 (J) Physical therapy by a registered physical therapist;

27 (K) Blood transfusions, including the cost of blood and blood
28 plasma not replaced by voluntary donors;

29 (L) An optometrist licensed under the provisions of chapter 18.53
30 RCW.

31 (21) "Member" means any firefighter, law enforcement officer, or
32 other person as would apply under subsection((§)) (17) or (19) of
33 this section whose membership is transferred to the Washington law
34 enforcement officers' and firefighters' retirement system on or after
35 March 1, 1970, and every law enforcement officer and firefighter who
36 is employed in that capacity on or after such date.

37 (22) "Plan 1" means the law enforcement officers' and
38 firefighters' retirement system, plan 1 providing the benefits and
39 funding provisions covering persons who first became members of the
40 system prior to October 1, 1977.

1 (23) "Plan 2" means the law enforcement officers' and
2 firefighters' retirement system, plan 2 providing the benefits and
3 funding provisions covering persons who first became members of the
4 system on and after October 1, 1977.

5 (24) "Position" means the employment held at any particular time,
6 which may or may not be the same as civil service rank.

7 (25) "Regular interest" means such rate as the director may
8 determine.

9 (26) "Retiree" for persons who establish membership in the
10 retirement system on or after October 1, 1977, means any member in
11 receipt of a retirement allowance or other benefit provided by this
12 chapter resulting from service rendered to an employer by such
13 member.

14 (27) "Retirement fund" means the "Washington law enforcement
15 officers' and firefighters' retirement system fund" as provided for
16 herein.

17 (28) "Retirement system" means the "Washington law enforcement
18 officers' and firefighters' retirement system" provided herein.

19 (29)(a) "Service" for plan 1 members, means all periods of
20 employment for an employer as a firefighter or law enforcement
21 officer, for which compensation is paid, together with periods of
22 suspension not exceeding thirty days in duration. For the purposes of
23 this chapter service shall also include service in the armed forces
24 of the United States as provided in RCW 41.26.190. Credit shall be
25 allowed for all service credit months of service rendered by a member
26 from and after the member's initial commencement of employment as a
27 firefighter or law enforcement officer, during which the member
28 worked for seventy or more hours, or was on disability leave or
29 disability retirement. Only service credit months of service shall be
30 counted in the computation of any retirement allowance or other
31 benefit provided for in this chapter.

32 (i) For members retiring after May 21, 1971 who were employed
33 under the coverage of a prior pension act before March 1, 1970,
34 "service" shall also include (A) such military service not exceeding
35 five years as was creditable to the member as of March 1, 1970, under
36 the member's particular prior pension act, and (B) such other periods
37 of service as were then creditable to a particular member under the
38 provisions of RCW 41.18.165, 41.20.160, or 41.20.170. However, in no
39 event shall credit be allowed for any service rendered prior to March
40 1, 1970, where the member at the time of rendition of such service

1 was employed in a position covered by a prior pension act, unless
2 such service, at the time credit is claimed therefor, is also
3 creditable under the provisions of such prior act.

4 (ii) A member who is employed by two employers at the same time
5 shall only be credited with service to one such employer for any
6 month during which the member rendered such dual service.

7 (b) "Service" for plan 2 members, means periods of employment by
8 a member for one or more employers for which basic salary is earned
9 for ninety or more hours per calendar month which shall constitute a
10 service credit month. Periods of employment by a member for one or
11 more employers for which basic salary is earned for at least seventy
12 hours but less than ninety hours per calendar month shall constitute
13 one-half service credit month. Periods of employment by a member for
14 one or more employers for which basic salary is earned for less than
15 seventy hours shall constitute a one-quarter service credit month.

16 Members of the retirement system who are elected or appointed to
17 a state elective position may elect to continue to be members of this
18 retirement system.

19 Service credit years of service shall be determined by dividing
20 the total number of service credit months of service by twelve. Any
21 fraction of a service credit year of service as so determined shall
22 be taken into account in the computation of such retirement allowance
23 or benefits.

24 If a member receives basic salary from two or more employers
25 during any calendar month, the individual shall receive one service
26 credit month's service credit during any calendar month in which
27 multiple service for ninety or more hours is rendered; or one-half
28 service credit month's service credit during any calendar month in
29 which multiple service for at least seventy hours but less than
30 ninety hours is rendered; or one-quarter service credit month during
31 any calendar month in which multiple service for less than seventy
32 hours is rendered.

33 (30) "Service credit month" means a full service credit month or
34 an accumulation of partial service credit months that are equal to
35 one.

36 (31) "Service credit year" means an accumulation of months of
37 service credit which is equal to one when divided by twelve.

38 (32) "State actuary" or "actuary" means the person appointed
39 pursuant to RCW 44.44.010(2).

1 (33) "State elective position" means any position held by any
2 person elected or appointed to statewide office or elected or
3 appointed as a member of the legislature.

4 (34) "Surviving spouse" means the surviving widow or widower of a
5 member. "Surviving spouse" shall not include the divorced spouse of a
6 member except as provided in RCW 41.26.162.

7 **Sec. 7.** RCW 41.26.110 and 2013 c 213 s 1 and 2013 c 23 s 69 are
8 each reenacted and amended to read as follows:

9 (1) All claims for disability shall be acted upon and either
10 approved or disapproved by either type of disability board authorized
11 to be created in this section.

12 (a) Each city having a population of twenty thousand or more
13 shall establish a disability board having jurisdiction over all
14 members employed by those cities and composed of the following five
15 members: Two members of the city legislative body to be appointed by
16 the mayor; one active or retired firefighter employed by or retired
17 from the city to be elected by the firefighters employed by or
18 retired from the city who are subject to the jurisdiction of the
19 board; one active or retired law enforcement officer employed by or
20 retired from the city to be elected by the law enforcement officers
21 employed by or retired from the city who are subject to the
22 jurisdiction of the board; and one member from the public at large
23 who resides within the city to be appointed by the other four members
24 designated in this subsection. Only those active or retired
25 firefighters and law enforcement officers who are subject to the
26 jurisdiction of the board have the right to elect under this section.
27 All firefighters and law enforcement officers employed by or retired
28 from the city are eligible for election. Each of the elected members
29 shall serve a two year term. If there are either no firefighters or
30 law enforcement officers under the jurisdiction of the board eligible
31 to vote, a second eligible employee representative shall be elected
32 by the law enforcement officers or firefighters eligible to vote. The
33 members appointed pursuant to this subsection shall serve for two
34 year terms: PROVIDED, That cities of the first class only, shall
35 retain existing firefighters' pension boards established pursuant to
36 RCW 41.16.020 and existing boards of trustees of the relief and
37 pension fund of the police department as established pursuant to RCW
38 41.20.010 which such boards shall have authority to act upon and
39 approve or disapprove claims for disability by firefighters or law

1 enforcement officers as provided under the Washington law enforcement
2 officers' and firefighters' retirement system act.

3 (b) If no eligible active or retired firefighter or law
4 enforcement officer is willing or able to be elected to the board
5 under (a) of this subsection, then the following individuals may be
6 elected to the board under (a) of this subsection:

7 (i) Any active or retired firefighter under this chapter or
8 chapters 41.16, 41.18, and 52.26 RCW or law enforcement officers
9 under this chapter or chapter 41.20 RCW who resides within the
10 jurisdiction served by the board;

11 (ii) The surviving spouse or domestic partner of a firefighter or
12 law enforcement officer subject to the jurisdiction of the board.

13 (c) Each county shall establish a disability board having
14 jurisdiction over all members employed by or retired from an employer
15 within the county and not employed by a city in which a disability
16 board is established. The county disability board so created shall be
17 composed of five members to be chosen as follows: One member of the
18 legislative body of the county to be appointed by the county
19 legislative body; one member of a city or town legislative body
20 located within the county which does not contain a city disability
21 board established pursuant to (a) of this subsection to be chosen by
22 a majority of the mayors of such cities and towns within the county
23 which does not contain a city disability board; one active
24 firefighter or retired firefighter employed by or retired from an
25 employer within the county to be elected by the firefighters employed
26 or retired from an employer within the county (~~who are not employed~~
27 ~~by or retired from a city in which a disability board is established~~
28 ~~and~~) who are subject to the jurisdiction of that board; one law
29 enforcement officer or retired law enforcement officer employed by or
30 retired from an employer within the county to be elected by the law
31 enforcement officers employed in or retired from an employer within
32 the county (~~who are not employed by or retired from a city in which~~
33 ~~a disability board is established and~~) who are subject to the
34 jurisdiction of that board; and one member from the public at large
35 who resides within the county but does not reside within a city in
36 which a city disability board is established, to be appointed by the
37 other four members designated in this subsection. However, in
38 counties with a population less than sixty thousand, the member of
39 the disability board appointed by a majority of the mayors of the
40 cities and towns within the county that do not contain a city

1 disability board must be a resident of one of the cities and towns
2 but need not be a member of a city or town legislative body. Only
3 those active or retired firefighters and law enforcement officers who
4 are subject to the jurisdiction of the board have the right to elect
5 under this section. All firefighters and law enforcement officers
6 employed by or retired from an employer within the county (~~who are~~
7 ~~not employed by or retired from a city in which a disability board is~~
8 ~~established~~) are eligible for election. All members appointed or
9 elected pursuant to this subsection shall serve for two year terms.
10 If there are no firefighters under the jurisdiction of the board
11 eligible to vote, a second eligible employee representative shall be
12 elected by the law enforcement officers eligible to vote. If there
13 are no law enforcement officers under the jurisdiction of the board
14 eligible to vote, a second eligible representative shall be elected
15 by the firefighters eligible to vote.

16 (d) If no eligible active or retired firefighter or law
17 enforcement officer is willing or able to be elected to the board
18 under (c) of this subsection, then the following individuals may be
19 elected to the board under (c) of this subsection:

20 (i) Any active or retired firefighter under this chapter or
21 chapters 41.16, 41.18, and 52.26 RCW or law enforcement officers
22 under this chapter or chapter 41.20 RCW who resides within the
23 jurisdiction served by the board;

24 (ii) The surviving spouse or domestic partner of a firefighter or
25 law enforcement officer subject to the jurisdiction of the board.

26 (2) The members of both the county and city disability boards
27 shall not receive compensation for their service upon the boards but
28 the members shall be reimbursed by their respective county or city
29 for all expenses incidental to such service as to the amount
30 authorized by law.

31 (3) The disability boards authorized for establishment by this
32 section shall perform all functions, exercise all powers, and make
33 all such determinations as specified in this chapter.

Passed by the House March 9, 2020.

Passed by the Senate March 6, 2020.

Approved by the Governor March 25, 2020.

Filed in Office of Secretary of State March 26, 2020.

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