
SENATE BILL 5311

State of Washington

61st Legislature

2009 Regular Session

By Senators Fraser, Delvin, Shin, Parlette, and Roach; by request of
Select Committee on Pension Policy

Read first time 01/20/09. Referred to Committee on Ways & Means.

1 AN ACT Relating to benefits for the survivors of certain
2 firefighters; amending RCW 41.18.080 and 41.18.100; and adding a new
3 section to chapter 41.18 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 41.18 RCW
6 to read as follows:

7 (1) Any retired firefighter married to a spouse ineligible for
8 survivor benefits under RCW 41.18.040, 41.18.080, and 41.18.100 may
9 choose an actuarially equivalent benefit adopted by the board that pays
10 the retired firefighter a reduced retirement allowance, and upon death
11 such portion of the retired firefighter's reduced retirement allowance
12 as designated by the retired firefighter shall be continued throughout
13 the life of the spouse.

14 (2) A retired firefighter who married a spouse ineligible for
15 survivor benefits under RCW 41.18.040, 41.18.080, and 41.18.100 prior
16 to the effective date of this section has one year after the effective
17 date of this section to designate their spouse as a survivor
18 beneficiary.

1 (3) The benefit provided to a child survivor beneficiary under RCW
2 41.18.040, 41.18.080, and 41.18.100 shall not be affected or reduced by
3 the retired firefighter's selection of the actuarially reduced spousal
4 survivor benefit provided by this section, and shall be equivalent to
5 the amount payable as if the choice under subsection (1) of this
6 section was not made.

7 (4)(a) Any retired firefighter who chose to receive a reduced
8 retirement allowance under subsection (1) of this section is entitled
9 to receive a retirement allowance adjusted in accordance with (b) of
10 this subsection if:

11 (i) The retiree's survivor spouse designated in subsection (1) of
12 this section predeceases the retiree; and

13 (ii) The retiree provides to the board proper proof of the
14 designated beneficiary's death.

15 (b) The retirement allowance payable to the retiree from the
16 beginning of the month following the date of the beneficiary's death
17 shall be the current monthly amount payable as if the selection under
18 subsection (1) of this section was not made.

19 **Sec. 2.** RCW 41.18.080 and 2007 c 218 s 49 are each amended to read
20 as follows:

21 Any firefighter who has completed his or her probationary period
22 and has been permanently appointed, and sustains a disability not in
23 the performance of his or her duty which renders him or her unable to
24 continue his or her service, may request to be retired by filing a
25 written request with his or her retirement board within sixty days from
26 the date of his or her disability. The board may, upon such request
27 being filed, consult such medical advice as it deems fit and proper.
28 If the board finds the firefighter capable of performing his or her
29 duties, it may refuse to recommend retirement and order the firefighter
30 back to duty. If no request for retirement has been received after the
31 expiration of sixty days from the date of his or her disability, the
32 board may recommend retirement of the firefighter. The board shall
33 give the firefighter a thirty-day written notice of its recommendation,
34 and he or she shall be retired upon expiration of said notice. Upon
35 retirement he or she shall receive a pension equal to fifty percent of
36 his or her basic salary. For a period of ninety days following such
37 disability the firefighter shall receive an allowance from the fund

1 equal to his or her basic salary. He or she shall during said ninety
2 days be provided with such medical, hospital, and nursing care as the
3 board deems proper. No funds shall be expended for such disability if
4 the board determines that the firefighter was gainfully employed or
5 engaged for compensation in other than fire department duty when the
6 disability occurred, or if such disability was the result of
7 dissipation or abuse. Whenever any firefighter shall die as a result
8 of a disability sustained not in the line of duty, his widow or her
9 widower shall receive a monthly pension equal to one-third of his or
10 her basic salary (~~until remarried~~); if such widow or widower has
11 dependent upon her or him for support a child or children of such
12 deceased firefighter, he or she shall receive an additional pension as
13 follows: One child, one-eighth of the deceased's basic salary; two
14 children, one-seventh; three or more children, one-sixth. If there be
15 no widow or widower, monthly payments equal to one-third of the
16 deceased firefighter's basic salary shall be made to his or her child
17 or children. The widow or widower may elect at any time in writing to
18 receive a cash settlement, and if the board after hearing finds it
19 financially beneficial to the pension fund, he or she may receive the
20 sum of five thousand dollars cash in lieu of all future monthly pension
21 payments, and other benefits, including benefits to any child and/or
22 children.

23 **Sec. 3.** RCW 41.18.100 and 2007 c 218 s 51 are each amended to read
24 as follows:

25 In the event a firefighter is killed in the performance of duty, or
26 in the event a firefighter retired on account of service connected
27 disability shall die from any cause, his widow or her widower shall
28 receive a monthly pension under one of the following applicable
29 provisions: (1) If a firefighter is killed in the line of duty his
30 widow or her widower shall receive a monthly pension equal to fifty
31 percent of his or her basic salary at the time of his or her death; (2)
32 if a firefighter who has retired on account of a service connected
33 disability dies, his widow or her widower shall receive a monthly
34 pension equal to the amount of the monthly pension such retired
35 firefighter was receiving at the time of his or her death. If she or
36 he at any time so elects in writing and the board after hearing finds
37 it to be financially beneficial to the pension fund, he or she may

1 receive in lieu of all future monthly pension and other benefits,
2 including benefits to child or children, the sum of five thousand
3 dollars in cash. If there be no widow or widower at the time of such
4 firefighter's death or upon the widow's or widower's death the monthly
5 pension benefits (~~hereinabove~~) provided for under this section shall
6 be paid to and divided among his or her child or children share and
7 share alike, until they reach the age of eighteen or are married,
8 whichever occurs first. (~~The widow's or widower's monthly pension~~
9 ~~benefit, including increased benefits to his or her children shall~~
10 ~~cease if and when he or she remarries: PROVIDED, That no~~) A pension
11 payable under the provisions of this section shall not be less than
12 that specified under RCW 41.18.200.

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