

HB 2051 - S COMM AMD
By Committee on Ways & Means

NOT CONSIDERED 12/23/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 41.16.010 and 2009 c 521 s 88 are each amended to
4 read as follows:

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

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

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

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

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

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

19 (6) "Firefighter" shall mean any person regularly or temporarily,
20 or as a substitute, employed and paid as a member of a fire
21 department, who has passed a civil service examination for
22 firefighter and who is actively employed as a firefighter; and shall
23 include any "prior firefighter."

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

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

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

31 (10) "Performance of duty" shall mean the performance of work and
32 labor regularly required of firefighters and shall include services

1 of an emergency nature rendered while off regular duty, but shall not
2 include time spent in traveling to work before answering roll call or
3 traveling from work after dismissal at roll call.

4 (11) "Prior firefighter" shall mean a firefighter who was
5 actively employed as a firefighter of a fire department prior to the
6 first day of January, 1947, and who continues such employment
7 thereafter.

8 (12) "Retired firefighter" shall mean and include a person
9 employed as a firefighter and retired under the provisions of chapter
10 50, Laws of 1909, as amended.

11 (13) "Widow or widower" means the surviving wife, husband, or
12 state registered domestic partner of a retired firefighter who was
13 retired on account of length of service and who was lawfully married
14 to, or in a state registered domestic partnership with, such
15 firefighter; and whenever that term is used with reference to the
16 wife or former wife, husband or former husband, or current or former
17 state registered domestic partner of a retired firefighter who was
18 retired because of disability, it shall mean his or her lawfully
19 married wife, husband, or state registered domestic partner on the
20 date he or she sustained the injury or contracted the illness that
21 resulted in his or her disability. Said term shall not mean or
22 include a surviving wife, husband, or state registered domestic
23 partner who by process of law within one year prior to the retired
24 firefighter's death, collected or attempted to collect from him or
25 her funds for the support of herself or himself or for his or her
26 children.

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

29 (1) There is hereby created in each city and town a municipal
30 firefighters' pension board to consist of the following five members,
31 ex officio, the mayor, or in a city of the first class, the mayor or
32 a designated representative who shall be an elected official of the
33 city, who shall be chairperson of the board, the city comptroller or
34 clerk, the chairperson of finance of the city council, or if there is
35 no chairperson of finance, the city treasurer, and in addition, two
36 regularly employed or retired firefighters elected by secret ballot
37 of those employed and retired firefighters who are subject to the
38 jurisdiction of the board. The members to be elected by the
39 firefighters shall be elected annually for a two year term. The two

1 firefighters elected as members shall, in turn, select a third
2 eligible member who shall serve as an alternate in the event of an
3 absence of one of the regularly elected members. In case a vacancy
4 occurs in the membership of the firefighters or retired members, the
5 members shall in the same manner elect a successor to serve the
6 unexpired term. The board may select and appoint a secretary who may,
7 but need not be, a member of the board. In case of absence or
8 inability of the chairperson to act, the board may select a
9 chairperson pro tempore who shall during such absence or inability
10 perform the duties and exercise the powers of the chairperson. A
11 majority of the members of the board shall constitute a quorum and
12 have power to transact business.

13 (2) If no eligible regularly employed or retired firefighters are
14 willing or able to be elected to the board under subsection (1) of
15 this section, then any active or retired firefighters covered under
16 this chapter and chapters 41.18, 41.26, and 52.26 RCW, who reside
17 within the jurisdiction served by the board may be elected under
18 subsection (1) of this section.

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

21 For the purpose of this chapter, unless clearly indicated
22 otherwise by the context, words and phrases shall have the meaning
23 hereinafter ascribed.

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

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

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

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

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

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

6 (7) "Earned interest" means and includes all annual increments to
7 the firefighters' pension fund from income earned by investment of
8 the fund. The earned interest payable to any firefighter when he or
9 she leaves the service and accepts his or her contributions, shall be
10 that portion of the total earned income of the fund which is directly
11 attributable to each individual firefighter's contributions. Earnings
12 of the fund for the preceding year attributable to individual
13 contributions shall be allocated to individual firefighters' accounts
14 as of January 1st of each year.

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

17 (9) "Firefighter" means any person hereafter regularly or
18 temporarily, or as a substitute newly employed and paid as a member
19 of a fire department, who has passed a civil service examination for
20 firefighters and who is actively employed as a firefighter or, if
21 provided by the municipality by appropriate local legislation, as a
22 fire dispatcher: PROVIDED, Nothing in chapter 209, Laws of 1969 ex.
23 sess. shall impair or permit the impairment of any vested pension
24 rights of persons who are employed as fire dispatchers at the time
25 chapter 209, Laws of 1969 ex. sess. takes effect; and any person
26 heretofore regularly or temporarily, or as a substitute, employed and
27 paid as a member of a fire department, and who has contributed under
28 and been covered by the provisions of chapter 41.16 RCW as now or
29 hereafter amended and who has come under the provisions of this
30 chapter in accordance with RCW 41.18.170 and who is actively engaged
31 as a firefighter or as a member of the fire department as a
32 firefighter or fire dispatcher.

33 (10) "Fund" shall have the same meaning as in RCW 41.16.010 as
34 now or hereafter amended. Such fund shall be created in the manner
35 and be subject to the provisions specified in chapter 41.16 RCW as
36 now or hereafter amended.

37 (11) "Municipality" shall mean every city, town (~~and~~), fire
38 protection district, or regional fire protection service authority
39 having a regularly organized full time, paid, fire department
40 employing firefighters.

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

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

6 (14) "Widow or widower" means the surviving spouse of a
7 firefighter and shall include the surviving wife, husband, or state
8 registered domestic partner of a firefighter, retired on account of
9 length of service, who was lawfully married to, or in a state
10 registered domestic partnership with, him or to her for a period of
11 five years prior to the time of his or her retirement; and the
12 surviving wife, husband, or state registered domestic partner of a
13 firefighter, retired on account of disability, who was lawfully
14 married to, or in a state registered domestic partnership with, him
15 or her at and prior to the time he or she sustained the injury or
16 contracted the illness resulting in his or her disability. The word
17 shall not mean the divorced wife or husband or former state
18 registered domestic partner of an active or retired firefighter.

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

21 (1) There is hereby created in each fire protection district
22 which qualifies under this chapter, a firefighters' pension board to
23 consist of the following five members, the chairperson of the fire
24 commissioners for said district who shall be chairperson of the
25 board, the county auditor, county treasurer, and in addition, two
26 regularly employed or retired firefighters elected by secret ballot
27 of the employed and retired firefighters. Retired members who are
28 subject to the jurisdiction of the pension board have both the right
29 to elect and the right to be elected under this section. The first
30 members to be elected by the firefighters shall be elected annually
31 for a two-year term. The two firefighter elected members shall, in
32 turn, select a third eligible member who shall serve in the event of
33 an absence of one of the regularly elected members. In case a vacancy
34 occurs in the membership of the firefighter or retired members, the
35 members shall in the same manner elect a successor to serve the
36 unexpired term. The board may select and appoint a secretary who may,
37 but need not be a member of the board. In case of absence or
38 inability of the chairperson to act, the board may select a
39 chairperson pro tempore who shall during such absence or inability

1 perform the duties and exercise the powers of the chairperson. A
2 majority of the members of said board shall constitute a quorum and
3 have power to transact business.

4 (2) If no eligible regularly employed or retired firefighters are
5 willing or able to be elected to the board under subsection (1) of
6 this section, then any active or retired firefighters covered under
7 this chapter and chapters 41.16, 41.26, and 52.26 RCW, who reside
8 within the jurisdiction served by the board may be elected under
9 subsection (1) of this section.

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

12 (1) The mayor or his or her designated representative who shall
13 be an elected official of the city, and the clerk, treasurer,
14 president of the city council or mayor pro tem of each city of the
15 first class, or in case any such city has no city council, the
16 commissioner who has supervision of the police department, together
17 with three active or retired members of the police department, to be
18 elected as herein provided, in addition to the duties now required of
19 them, are constituted a board of trustees of the relief and pension
20 fund of the police department of each such city, and shall provide
21 for the disbursement of the fund, and designate the beneficiaries
22 thereof.

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

28 (3) Such election shall be held in the following manner. Not more
29 than thirty nor less than fifteen days preceding the first day of
30 June in each year, written notice of the nomination of any member or
31 retired member of the department for membership on the board may be
32 filed with the secretary of the board. Each notice of nomination
33 shall be signed by not less than five members or retired members of
34 the department, and nothing herein contained shall prevent any member
35 or retired member of the department from signing more than one notice
36 of nomination. The election shall be held on a date to be fixed by
37 the secretary during the month of June. Notice of the dates upon
38 which notice of nomination may be filed and of the date fixed for the
39 election of such members of the board shall be given by the secretary

1 of the board by posting written notices thereof in a prominent place
2 in the police headquarters. For the purpose of such election, the
3 secretary of the board shall prepare and furnish printed or
4 typewritten ballots in the usual form, containing the names of all
5 persons regularly nominated for membership and shall furnish a ballot
6 box for the election. Each member and each retired member of the
7 police department shall be entitled to vote at the election for one
8 nominee as a member of the board. The chief of the department shall
9 appoint two members to act as officials of the election, who shall be
10 allowed their regular wages for the day, but shall receive no
11 additional compensation therefor. The election shall be held in the
12 police headquarters of the department and the polls shall open at
13 7:30 a.m. and close at 8:30 p.m. The one nominee receiving the
14 highest number of votes shall be declared elected to the board and
15 his or her term shall commence on the first day of July succeeding
16 the election. In the first election the nominee receiving the
17 greatest number of votes shall be elected to the three year term, the
18 second greatest to the two year term and the third greatest to the
19 one year term. Retired members who are subject to the jurisdiction of
20 the board have both the right to elect and the right to be elected
21 under this section. Ballots shall contain all names of those
22 nominated, both active and retired. Notice of nomination and voting
23 by retired members shall be conducted by the board.

24 (4) If no eligible active or retired members of the police
25 department are willing or able to be elected to the board under
26 subsection (3) of this section, then any active or retired law
27 enforcement officers covered under this chapter and chapter 41.26
28 RCW, who reside within the jurisdiction served by the board may be
29 elected under subsection (1) of this section.

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

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

34 (1) "Accumulated contributions" means the employee's
35 contributions made by a member, including any amount paid under RCW
36 41.50.165(2), plus accrued interest credited thereon.

37 (2) "Actuarial reserve" means a method of financing a pension or
38 retirement plan wherein reserves are accumulated as the liabilities
39 for benefit payments are incurred in order that sufficient funds will

1 be available on the date of retirement of each member to pay the
2 member's future benefits during the period of retirement.

3 (3) "Actuarial valuation" means a mathematical determination of
4 the financial condition of a retirement plan. It includes the
5 computation of the present monetary value of benefits payable to
6 present members, and the present monetary value of future employer
7 and employee contributions, giving effect to mortality among active
8 and retired members and also to the rates of disability, retirement,
9 withdrawal from service, salary and interest earned on investments.

10 (4) (a) "Basic salary" for plan 1 members, means the basic monthly
11 rate of salary or wages, including longevity pay but not including
12 overtime earnings or special salary or wages, upon which pension or
13 retirement benefits will be computed and upon which employer
14 contributions and salary deductions will be based.

15 (b) "Basic salary" for plan 2 members, means salaries or wages
16 earned by a member during a payroll period for personal services,
17 including overtime payments, and shall include wages and salaries
18 deferred under provisions established pursuant to sections 403(b),
19 414(h), and 457 of the United States Internal Revenue Code, but shall
20 exclude lump sum payments for deferred annual sick leave, unused
21 accumulated vacation, unused accumulated annual leave, or any form of
22 severance pay. In any year in which a member serves in the
23 legislature the member shall have the option of having such member's
24 basic salary be the greater of:

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

27 (ii) Such member's actual basic salary received for
28 nonlegislative public employment and legislative service combined.
29 Any additional contributions to the retirement system required
30 because basic salary under (b) (i) of this subsection is greater than
31 basic salary under (b) (ii) of this subsection shall be paid by the
32 member for both member and employer contributions.

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

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

39 (6) (a) "Child" or "children" means an unmarried person who is
40 under the age of eighteen or mentally or physically disabled as

1 determined by the department, except a person who is disabled and in
2 the full time care of a state institution, who is:

3 (i) A natural born child;

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

6 (iii) A posthumous child;

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

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

11 (b) A person shall also be deemed to be a child up to and
12 including the age of twenty years and eleven months while attending
13 any high school, college, or vocational or other educational
14 institution accredited, licensed, or approved by the state, in which
15 it is located, including the summer vacation months and all other
16 normal and regular vacation periods at the particular educational
17 institution after which the child returns to school.

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

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

21 (9) "Disability board" for plan 1 members means either the county
22 disability board or the city disability board established in RCW
23 41.26.110.

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

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

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

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

36 (14)(a) "Employer" for plan 1 members, means the legislative
37 authority of any city, town, county, ~~((or))~~ district, or regional
38 fire protection service authority or the elected officials of any
39 municipal corporation that employs any law enforcement officer and/or
40 firefighter, any authorized association of such municipalities, and,

1 except for the purposes of RCW 41.26.150, any labor guild,
2 association, or organization, which represents the firefighters or
3 law enforcement officers of at least seven cities of over 20,000
4 population and the membership of each local lodge or division of
5 which is composed of at least sixty percent law enforcement officers
6 or firefighters as defined in this chapter.

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

10 (i) The legislative authority of any city, town, county,
11 district, ~~((or))~~ public corporation, or regional fire protection
12 service authority established under RCW 35.21.730 to provide
13 emergency medical services as defined in RCW 18.73.030;

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

15 (iii) The governing body of any other general authority law
16 enforcement agency;

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

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

22 (c) Except as otherwise specifically provided in this chapter,
23 "employer" does not include a government contractor. For purposes of
24 this subsection, a "government contractor" is any entity, including a
25 partnership, limited liability company, for-profit or nonprofit
26 corporation, or person, that provides services pursuant to a contract
27 with an "employer." The determination whether an employer-employee
28 relationship has been established is not based on the relationship
29 between a government contractor and an "employer," but is based
30 solely on the relationship between a government contractor's employee
31 and an "employer" under this chapter.

32 (15)(a) "Final average salary" for plan 1 members, means (i) for
33 a member holding the same position or rank for a minimum of twelve
34 months preceding the date of retirement, the basic salary attached to
35 such same position or rank at time of retirement; (ii) for any other
36 member, including a civil service member who has not served a minimum
37 of twelve months in the same position or rank preceding the date of
38 retirement, the average of the greatest basic salaries payable to
39 such member during any consecutive twenty-four month period within
40 such member's last ten years of service for which service credit is

1 allowed, computed by dividing the total basic salaries payable to
2 such member during the selected twenty-four month period by twenty-
3 four; (iii) in the case of disability of any member, the basic salary
4 payable to such member at the time of disability retirement; (iv) in
5 the case of a member who hereafter vests pursuant to RCW 41.26.090,
6 the basic salary payable to such member at the time of vesting.

7 (b) "Final average salary" for plan 2 members, means the monthly
8 average of the member's basic salary for the highest consecutive
9 sixty service credit months of service prior to such member's
10 retirement, termination, or death. Periods constituting authorized
11 unpaid leaves of absence may not be used in the calculation of final
12 average salary.

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

15 (i) Any compensation forgone by a member employed by a state
16 agency or institution during the 2009-2011 fiscal biennium as a
17 result of reduced work hours, mandatory or voluntary leave without
18 pay, temporary reduction in pay implemented prior to December 11,
19 2010, or temporary layoffs if the reduced compensation is an integral
20 part of the employer's expenditure reduction efforts, as certified by
21 the employer; and

22 (ii) Any compensation forgone by a member employed by the state
23 or a local government employer during the 2011-2013 fiscal biennium
24 as a result of reduced work hours, mandatory leave without pay,
25 temporary layoffs, or reductions to current pay if the reduced
26 compensation is an integral part of the employer's expenditure
27 reduction efforts, as certified by the employer. Reductions to
28 current pay shall not include elimination of previously agreed upon
29 future salary increases.

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

34 (17) "Firefighter" means:

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

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

1 (c) Supervisory firefighter personnel;

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

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

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

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

19 (h) Any person who is employed on a full-time, fully compensated
20 basis by an employer as an emergency medical technician that meets
21 the requirements of RCW 18.71.200 or 18.73.030(12), and whose duties
22 include providing emergency medical services as defined in RCW
23 18.73.030.

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

1 authority law enforcement agency under this chapter does not include
2 a government contractor.

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

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

10 (b) Only those deputy sheriffs, including those serving under a
11 different title pursuant to county charter, who have successfully
12 completed a civil service examination for deputy sheriff or the
13 equivalent position, where a different title is used, and those
14 persons serving in unclassified positions authorized by RCW 41.14.070
15 except a private secretary will be considered law enforcement
16 officers;

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

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

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

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

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

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

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

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

11 (i) The fees of the following:

12 (A) A physician or surgeon licensed under the provisions of
13 chapter 18.71 RCW;

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

16 (C) A chiropractor licensed under the provisions of chapter 18.25
17 RCW.

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

21 (iii) The charges for the following medical services and
22 supplies:

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

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

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

26 (D) Anesthesia and oxygen;

27 (E) Rental of iron lung and other durable medical and surgical
28 equipment;

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

30 (G) Professional ambulance service when used to transport the
31 member to or from a hospital when injured by an accident or stricken
32 by a disease;

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

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

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

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

1 (L) An optometrist licensed under the provisions of chapter 18.53
2 RCW.

3 (21) "Member" means any firefighter, law enforcement officer, or
4 other person as would apply under subsection((s)) (17) or (19) of
5 this section whose membership is transferred to the Washington law
6 enforcement officers' and firefighters' retirement system on or after
7 March 1, 1970, and every law enforcement officer and firefighter who
8 is employed in that capacity on or after such date.

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

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

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

19 (25) "Regular interest" means such rate as the director may
20 determine.

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

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

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

31 (29)(a) "Service" for plan 1 members, means all periods of
32 employment for an employer as a firefighter or law enforcement
33 officer, for which compensation is paid, together with periods of
34 suspension not exceeding thirty days in duration. For the purposes of
35 this chapter service shall also include service in the armed forces
36 of the United States as provided in RCW 41.26.190. Credit shall be
37 allowed for all service credit months of service rendered by a member
38 from and after the member's initial commencement of employment as a
39 firefighter or law enforcement officer, during which the member
40 worked for seventy or more hours, or was on disability leave or

1 disability retirement. Only service credit months of service shall be
2 counted in the computation of any retirement allowance or other
3 benefit provided for in this chapter.

4 (i) For members retiring after May 21, 1971 who were employed
5 under the coverage of a prior pension act before March 1, 1970,
6 "service" shall also include (A) such military service not exceeding
7 five years as was creditable to the member as of March 1, 1970, under
8 the member's particular prior pension act, and (B) such other periods
9 of service as were then creditable to a particular member under the
10 provisions of RCW 41.18.165, 41.20.160, or 41.20.170. However, in no
11 event shall credit be allowed for any service rendered prior to March
12 1, 1970, where the member at the time of rendition of such service
13 was employed in a position covered by a prior pension act, unless
14 such service, at the time credit is claimed therefor, is also
15 creditable under the provisions of such prior act.

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

19 (b) "Service" for plan 2 members, means periods of employment by
20 a member for one or more employers for which basic salary is earned
21 for ninety or more hours per calendar month which shall constitute a
22 service credit month. Periods of employment by a member for one or
23 more employers for which basic salary is earned for at least seventy
24 hours but less than ninety hours per calendar month shall constitute
25 one-half service credit month. Periods of employment by a member for
26 one or more employers for which basic salary is earned for less than
27 seventy hours shall constitute a one-quarter service credit month.

28 Members of the retirement system who are elected or appointed to
29 a state elective position may elect to continue to be members of this
30 retirement system.

31 Service credit years of service shall be determined by dividing
32 the total number of service credit months of service by twelve. Any
33 fraction of a service credit year of service as so determined shall
34 be taken into account in the computation of such retirement allowance
35 or benefits.

36 If a member receives basic salary from two or more employers
37 during any calendar month, the individual shall receive one service
38 credit month's service credit during any calendar month in which
39 multiple service for ninety or more hours is rendered; or one-half
40 service credit month's service credit during any calendar month in

1 which multiple service for at least seventy hours but less than
2 ninety hours is rendered; or one-quarter service credit month during
3 any calendar month in which multiple service for less than seventy
4 hours is rendered.

5 (30) "Service credit month" means a full service credit month or
6 an accumulation of partial service credit months that are equal to
7 one.

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

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

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

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

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

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

23 (a) Each city having a population of twenty thousand or more
24 shall establish a disability board having jurisdiction over all
25 members employed by those cities and composed of the following five
26 members: Two members of the city legislative body to be appointed by
27 the mayor; one active or retired firefighter employed by or retired
28 from the city to be elected by the firefighters employed by or
29 retired from the city who are subject to the jurisdiction of the
30 board; one active or retired law enforcement officer employed by or
31 retired from the city to be elected by the law enforcement officers
32 employed by or retired from the city who are subject to the
33 jurisdiction of the board; and one member from the public at large
34 who resides within the city to be appointed by the other four members
35 designated in this subsection. Only those active or retired
36 firefighters and law enforcement officers who are subject to the
37 jurisdiction of the board have the right to elect under this section.
38 All firefighters and law enforcement officers employed by or retired
39 from the city are eligible for election. Each of the elected members

1 shall serve a two year term. If there are either no firefighters or
2 law enforcement officers under the jurisdiction of the board eligible
3 to vote, a second eligible employee representative shall be elected
4 by the law enforcement officers or firefighters eligible to vote. The
5 members appointed pursuant to this subsection shall serve for two
6 year terms: PROVIDED, That cities of the first class only, shall
7 retain existing firefighters' pension boards established pursuant to
8 RCW 41.16.020 and existing boards of trustees of the relief and
9 pension fund of the police department as established pursuant to RCW
10 41.20.010 which such boards shall have authority to act upon and
11 approve or disapprove claims for disability by firefighters or law
12 enforcement officers as provided under the Washington law enforcement
13 officers' and firefighters' retirement system act.

14 (b) If no eligible active or retired firefighter or law
15 enforcement officer is willing or able to be elected to the board
16 under (a) of this subsection, then any active or retired firefighter
17 under this chapter or chapters 41.16, 41.18, and 52.26 RCW or law
18 enforcement officer under this chapter and chapter 41.20 RCW who
19 resides within the jurisdiction served by the board may be elected
20 under (a) of this subsection.

21 (c) Each county shall establish a disability board having
22 jurisdiction over all members employed by or retired from an employer
23 within the county and not employed by a city in which a disability
24 board is established. The county disability board so created shall be
25 composed of five members to be chosen as follows: One member of the
26 legislative body of the county to be appointed by the county
27 legislative body; one member of a city or town legislative body
28 located within the county which does not contain a city disability
29 board established pursuant to (a) of this subsection to be chosen by
30 a majority of the mayors of such cities and towns within the county
31 which does not contain a city disability board; one active
32 firefighter or retired firefighter employed by or retired from an
33 employer within the county to be elected by the firefighters employed
34 or retired from an employer within the county (~~who are not employed~~
35 by or retired from a city in which a disability board is established
36 and)) who are subject to the jurisdiction of that board; one law
37 enforcement officer or retired law enforcement officer employed by or
38 retired from an employer within the county to be elected by the law
39 enforcement officers employed in or retired from an employer within
40 the county (~~who are not employed by or retired from a city in which~~

1 ~~a disability board is established and~~) who are subject to the
2 jurisdiction of that board; and one member from the public at large
3 who resides within the county but does not reside within a city in
4 which a city disability board is established, to be appointed by the
5 other four members designated in this subsection. However, in
6 counties with a population less than sixty thousand, the member of
7 the disability board appointed by a majority of the mayors of the
8 cities and towns within the county that do not contain a city
9 disability board must be a resident of one of the cities and towns
10 but need not be a member of a city or town legislative body. Only
11 those active or retired firefighters and law enforcement officers who
12 are subject to the jurisdiction of the board have the right to elect
13 under this section. All firefighters and law enforcement officers
14 employed by or retired from an employer within the county (~~who are~~
15 ~~not employed by or retired from a city in which a disability board is~~
16 ~~established~~) are eligible for election. All members appointed or
17 elected pursuant to this subsection shall serve for two year terms.
18 If there are no firefighters under the jurisdiction of the board
19 eligible to vote, a second eligible employee representative shall be
20 elected by the law enforcement officers eligible to vote. If there
21 are no law enforcement officers under the jurisdiction of the board
22 eligible to vote, a second eligible representative shall be elected
23 by the firefighters eligible to vote.

24 (d) If no eligible active or retired firefighter or law
25 enforcement officer is willing or able to be elected to the board
26 under (c) of this subsection, then any active or retired firefighter
27 under this chapter or chapters 41.16, 41.18, and 52.26 RCW or law
28 enforcement officer under this chapter or chapter 41.20 RCW who
29 resides within the jurisdiction served by the board may be elected
30 under (c) of this subsection.

31 (2) The members of both the county and city disability boards
32 shall not receive compensation for their service upon the boards but
33 the members shall be reimbursed by their respective county or city
34 for all expenses incidental to such service as to the amount
35 authorized by law.

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

NOT CONSIDERED 12/23/2019

1 On page 1, line 2 of the title, after "boards;" strike the
2 remainder of the title and insert "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."

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