

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

ADOPTED 03/06/2020

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 the following individuals may be elected to the
16 board under subsection (1) of this section:

17 (a) Any active or retired firefighters who reside within the
18 jurisdiction served by the board. This includes active and retired
19 firefighters under this chapter and chapters 41.18, 41.26, and 52.26
20 RCW;

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

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

25 For the purpose of this chapter, unless clearly indicated
26 otherwise by the context, words and phrases shall have the meaning
27 hereinafter ascribed.

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

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

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

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

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

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

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

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

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

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

1 (11) "Municipality" shall mean every city, town (~~and~~), fire
2 protection district, or regional fire protection service authority
3 having a regularly organized full time, paid, fire department
4 employing firefighters.

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

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

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

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

25 (1) There is hereby created in each fire protection district
26 which qualifies under this chapter, a firefighters' pension board to
27 consist of the following five members, the chairperson of the fire
28 commissioners for said district who shall be chairperson of the
29 board, the county auditor, county treasurer, and in addition, two
30 regularly employed or retired firefighters elected by secret ballot
31 of the employed and retired firefighters. Retired members who are
32 subject to the jurisdiction of the pension board have both the right
33 to elect and the right to be elected under this section. The first
34 members to be elected by the firefighters shall be elected annually
35 for a two-year term. The two firefighter elected members shall, in
36 turn, select a third eligible member who shall serve in the event of
37 an absence of one of the regularly elected members. In case a vacancy
38 occurs in the membership of the firefighter or retired members, the
39 members shall in the same manner elect a successor to serve the

1 unexpired term. The board may select and appoint a secretary who may,
2 but need not be a member of the board. In case of absence or
3 inability of the chairperson to act, the board may select a
4 chairperson pro tempore who shall during such absence or inability
5 perform the duties and exercise the powers of the chairperson. A
6 majority of the members of said board shall constitute a quorum and
7 have power to transact business.

8 (2) If no eligible regularly employed or retired firefighters are
9 willing or able to be elected to the board under subsection (1) of
10 this section, then the following individuals may be elected to the
11 board under subsection (1) of this section:

12 (a) Any active or retired firefighters who reside within the
13 jurisdiction served by the board. This includes active and retired
14 firefighters under this chapter and chapters 41.16, 41.26, and 52.26
15 RCW;

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

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

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

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

36 (3) Such election shall be held in the following manner. Not more
37 than thirty nor less than fifteen days preceding the first day of
38 June in each year, written notice of the nomination of any member or
39 retired member of the department for membership on the board may be

1 filed with the secretary of the board. Each notice of nomination
2 shall be signed by not less than five members or retired members of
3 the department, and nothing herein contained shall prevent any member
4 or retired member of the department from signing more than one notice
5 of nomination. The election shall be held on a date to be fixed by
6 the secretary during the month of June. Notice of the dates upon
7 which notice of nomination may be filed and of the date fixed for the
8 election of such members of the board shall be given by the secretary
9 of the board by posting written notices thereof in a prominent place
10 in the police headquarters. For the purpose of such election, the
11 secretary of the board shall prepare and furnish printed or
12 typewritten ballots in the usual form, containing the names of all
13 persons regularly nominated for membership and shall furnish a ballot
14 box for the election. Each member and each retired member of the
15 police department shall be entitled to vote at the election for one
16 nominee as a member of the board. The chief of the department shall
17 appoint two members to act as officials of the election, who shall be
18 allowed their regular wages for the day, but shall receive no
19 additional compensation therefor. The election shall be held in the
20 police headquarters of the department and the polls shall open at
21 7:30 a.m. and close at 8:30 p.m. The one nominee receiving the
22 highest number of votes shall be declared elected to the board and
23 his or her term shall commence on the first day of July succeeding
24 the election. In the first election the nominee receiving the
25 greatest number of votes shall be elected to the three year term, the
26 second greatest to the two year term and the third greatest to the
27 one year term. Retired members who are subject to the jurisdiction of
28 the board have both the right to elect and the right to be elected
29 under this section. Ballots shall contain all names of those
30 nominated, both active and retired. Notice of nomination and voting
31 by retired members shall be conducted by the board.

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

36 (a) Any active or retired law enforcement officers who reside
37 within the jurisdiction served by the board. This includes active and
38 retired law enforcement officers under this chapter and chapter 41.26
39 RCW;

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

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

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

7 (1) "Accumulated contributions" means the employee's
8 contributions made by a member, including any amount paid under RCW
9 41.50.165(2), plus accrued interest credited thereon.

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

15 (3) "Actuarial valuation" means a mathematical determination of
16 the financial condition of a retirement plan. It includes the
17 computation of the present monetary value of benefits payable to
18 present members, and the present monetary value of future employer
19 and employee contributions, giving effect to mortality among active
20 and retired members and also to the rates of disability, retirement,
21 withdrawal from service, salary and interest earned on investments.

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

27 (b) "Basic salary" for plan 2 members, means salaries or wages
28 earned by a member during a payroll period for personal services,
29 including overtime payments, and shall include wages and salaries
30 deferred under provisions established pursuant to sections 403(b),
31 414(h), and 457 of the United States Internal Revenue Code, but shall
32 exclude lump sum payments for deferred annual sick leave, unused
33 accumulated vacation, unused accumulated annual leave, or any form of
34 severance pay. In any year in which a member serves in the
35 legislature the member shall have the option of having such member's
36 basic salary be the greater of:

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

1 (ii) Such member's actual basic salary received for
2 nonlegislative public employment and legislative service combined.
3 Any additional contributions to the retirement system required
4 because basic salary under (b)(i) of this subsection is greater than
5 basic salary under (b)(ii) of this subsection shall be paid by the
6 member for both member and employer contributions.

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

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

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

17 (i) A natural born child;

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

20 (iii) A posthumous child;

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

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

25 (b) A person shall also be deemed to be a child up to and
26 including the age of twenty years and eleven months while attending
27 any high school, college, or vocational or other educational
28 institution accredited, licensed, or approved by the state, in which
29 it is located, including the summer vacation months and all other
30 normal and regular vacation periods at the particular educational
31 institution after which the child returns to school.

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

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

35 (9) "Disability board" for plan 1 members means either the county
36 disability board or the city disability board established in RCW
37 41.26.110.

38 (10) "Disability leave" means the period of six months or any
39 portion thereof during which a member is on leave at an allowance
40 equal to the member's full salary prior to the commencement of

1 disability retirement. The definition contained in this subsection
2 shall apply only to plan 1 members.

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

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

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

10 (14)(a) "Employer" for plan 1 members, means the legislative
11 authority of any city, town, county, ~~((or))~~ district, or regional
12 fire protection service authority or the elected officials of any
13 municipal corporation that employs any law enforcement officer and/or
14 firefighter, any authorized association of such municipalities, and,
15 except for the purposes of RCW 41.26.150, any labor guild,
16 association, or organization, which represents the firefighters or
17 law enforcement officers of at least seven cities of over 20,000
18 population and the membership of each local lodge or division of
19 which is composed of at least sixty percent law enforcement officers
20 or firefighters as defined in this chapter.

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

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

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

29 (iii) The governing body of any other general authority law
30 enforcement agency;

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

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

36 (c) Except as otherwise specifically provided in this chapter,
37 "employer" does not include a government contractor. For purposes of
38 this subsection, a "government contractor" is any entity, including a
39 partnership, limited liability company, for-profit or nonprofit
40 corporation, or person, that provides services pursuant to a contract

1 with an "employer." The determination whether an employer-employee
2 relationship has been established is not based on the relationship
3 between a government contractor and an "employer," but is based
4 solely on the relationship between a government contractor's employee
5 and an "employer" under this chapter.

6 (15)(a) "Final average salary" for plan 1 members, means (i) for
7 a member holding the same position or rank for a minimum of twelve
8 months preceding the date of retirement, the basic salary attached to
9 such same position or rank at time of retirement; (ii) for any other
10 member, including a civil service member who has not served a minimum
11 of twelve months in the same position or rank preceding the date of
12 retirement, the average of the greatest basic salaries payable to
13 such member during any consecutive twenty-four month period within
14 such member's last ten years of service for which service credit is
15 allowed, computed by dividing the total basic salaries payable to
16 such member during the selected twenty-four month period by twenty-
17 four; (iii) in the case of disability of any member, the basic salary
18 payable to such member at the time of disability retirement; (iv) in
19 the case of a member who hereafter vests pursuant to RCW 41.26.090,
20 the basic salary payable to such member at the time of vesting.

21 (b) "Final average salary" for plan 2 members, means the monthly
22 average of the member's basic salary for the highest consecutive
23 sixty service credit months of service prior to such member's
24 retirement, termination, or death. Periods constituting authorized
25 unpaid leaves of absence may not be used in the calculation of final
26 average salary.

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

29 (i) Any compensation forgone by a member employed by a state
30 agency or institution during the 2009-2011 fiscal biennium as a
31 result of reduced work hours, mandatory or voluntary leave without
32 pay, temporary reduction in pay implemented prior to December 11,
33 2010, or temporary layoffs if the reduced compensation is an integral
34 part of the employer's expenditure reduction efforts, as certified by
35 the employer; and

36 (ii) Any compensation forgone by a member employed by the state
37 or a local government employer during the 2011-2013 fiscal biennium
38 as a result of reduced work hours, mandatory leave without pay,
39 temporary layoffs, or reductions to current pay if the reduced
40 compensation is an integral part of the employer's expenditure

1 reduction efforts, as certified by the employer. Reductions to
2 current pay shall not include elimination of previously agreed upon
3 future salary increases.

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

8 (17) "Firefighter" means:

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

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

15 (c) Supervisory firefighter personnel;

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

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

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

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

33 (h) Any person who is employed on a full-time, fully compensated
34 basis by an employer as an emergency medical technician that meets
35 the requirements of RCW 18.71.200 or 18.73.030(12), and whose duties
36 include providing emergency medical services as defined in RCW
37 18.73.030.

38 (18) "General authority law enforcement agency" means any agency,
39 department, or division of a municipal corporation, political
40 subdivision, or other unit of local government of this state, and any

1 agency, department, or division of state government, having as its
2 primary function the detection and apprehension of persons committing
3 infractions or violating the traffic or criminal laws in general, but
4 not including the Washington state patrol. Such an agency,
5 department, or division is distinguished from a limited authority law
6 enforcement agency having as one of its functions the apprehension or
7 detection of persons committing infractions or violating the traffic
8 or criminal laws relating to limited subject areas, including but not
9 limited to, the state departments of natural resources and social and
10 health services, the state gambling commission, the state lottery
11 commission, the state parks and recreation commission, the state
12 utilities and transportation commission, the state liquor and
13 cannabis board, and the state department of corrections. A general
14 authority law enforcement agency under this chapter does not include
15 a government contractor.

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

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

23 (b) Only those deputy sheriffs, including those serving under a
24 different title pursuant to county charter, who have successfully
25 completed a civil service examination for deputy sheriff or the
26 equivalent position, where a different title is used, and those
27 persons serving in unclassified positions authorized by RCW 41.14.070
28 except a private secretary will be considered law enforcement
29 officers;

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

36 (d) The term "law enforcement officer" also includes the
37 executive secretary of a labor guild, association or organization
38 (which is an employer under subsection (14) of this section) if that
39 individual has five years previous membership in the retirement

1 system established in chapter 41.20 RCW. The provisions of this
2 subsection (19)(d) shall not apply to plan 2 members; and

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

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

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

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

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

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

24 (i) The fees of the following:

25 (A) A physician or surgeon licensed under the provisions of
26 chapter 18.71 RCW;

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

29 (C) A chiropractor licensed under the provisions of chapter 18.25
30 RCW.

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

34 (iii) The charges for the following medical services and
35 supplies:

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

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

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

39 (D) Anesthesia and oxygen;

1 (E) Rental of iron lung and other durable medical and surgical
2 equipment;

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

4 (G) Professional ambulance service when used to transport the
5 member to or from a hospital when injured by an accident or stricken
6 by a disease;

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

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

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

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

14 (L) An optometrist licensed under the provisions of chapter 18.53
15 RCW.

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

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

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

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

32 (25) "Regular interest" means such rate as the director may
33 determine.

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

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

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

6 (29)(a) "Service" for plan 1 members, means all periods of
7 employment for an employer as a firefighter or law enforcement
8 officer, for which compensation is paid, together with periods of
9 suspension not exceeding thirty days in duration. For the purposes of
10 this chapter service shall also include service in the armed forces
11 of the United States as provided in RCW 41.26.190. Credit shall be
12 allowed for all service credit months of service rendered by a member
13 from and after the member's initial commencement of employment as a
14 firefighter or law enforcement officer, during which the member
15 worked for seventy or more hours, or was on disability leave or
16 disability retirement. Only service credit months of service shall be
17 counted in the computation of any retirement allowance or other
18 benefit provided for in this chapter.

19 (i) For members retiring after May 21, 1971 who were employed
20 under the coverage of a prior pension act before March 1, 1970,
21 "service" shall also include (A) such military service not exceeding
22 five years as was creditable to the member as of March 1, 1970, under
23 the member's particular prior pension act, and (B) such other periods
24 of service as were then creditable to a particular member under the
25 provisions of RCW 41.18.165, 41.20.160, or 41.20.170. However, in no
26 event shall credit be allowed for any service rendered prior to March
27 1, 1970, where the member at the time of rendition of such service
28 was employed in a position covered by a prior pension act, unless
29 such service, at the time credit is claimed therefor, is also
30 creditable under the provisions of such prior act.

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

34 (b) "Service" for plan 2 members, means periods of employment by
35 a member for one or more employers for which basic salary is earned
36 for ninety or more hours per calendar month which shall constitute a
37 service credit month. Periods of employment by a member for one or
38 more employers for which basic salary is earned for at least seventy
39 hours but less than ninety hours per calendar month shall constitute
40 one-half service credit month. Periods of employment by a member for

1 one or more employers for which basic salary is earned for less than
2 seventy hours shall constitute a one-quarter service credit month.

3 Members of the retirement system who are elected or appointed to
4 a state elective position may elect to continue to be members of this
5 retirement system.

6 Service credit years of service shall be determined by dividing
7 the total number of service credit months of service by twelve. Any
8 fraction of a service credit year of service as so determined shall
9 be taken into account in the computation of such retirement allowance
10 or benefits.

11 If a member receives basic salary from two or more employers
12 during any calendar month, the individual shall receive one service
13 credit month's service credit during any calendar month in which
14 multiple service for ninety or more hours is rendered; or one-half
15 service credit month's service credit during any calendar month in
16 which multiple service for at least seventy hours but less than
17 ninety hours is rendered; or one-quarter service credit month during
18 any calendar month in which multiple service for less than seventy
19 hours is rendered.

20 (30) "Service credit month" means a full service credit month or
21 an accumulation of partial service credit months that are equal to
22 one.

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

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

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

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

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

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

38 (a) Each city having a population of twenty thousand or more
39 shall establish a disability board having jurisdiction over all

1 members employed by those cities and composed of the following five
2 members: Two members of the city legislative body to be appointed by
3 the mayor; one active or retired firefighter employed by or retired
4 from the city to be elected by the firefighters employed by or
5 retired from the city who are subject to the jurisdiction of the
6 board; one active or retired law enforcement officer employed by or
7 retired from the city to be elected by the law enforcement officers
8 employed by or retired from the city who are subject to the
9 jurisdiction of the board; and one member from the public at large
10 who resides within the city to be appointed by the other four members
11 designated in this subsection. Only those active or retired
12 firefighters and law enforcement officers who are subject to the
13 jurisdiction of the board have the right to elect under this section.
14 All firefighters and law enforcement officers employed by or retired
15 from the city are eligible for election. Each of the elected members
16 shall serve a two year term. If there are either no firefighters or
17 law enforcement officers under the jurisdiction of the board eligible
18 to vote, a second eligible employee representative shall be elected
19 by the law enforcement officers or firefighters eligible to vote. The
20 members appointed pursuant to this subsection shall serve for two
21 year terms: PROVIDED, That cities of the first class only, shall
22 retain existing firefighters' pension boards established pursuant to
23 RCW 41.16.020 and existing boards of trustees of the relief and
24 pension fund of the police department as established pursuant to RCW
25 41.20.010 which such boards shall have authority to act upon and
26 approve or disapprove claims for disability by firefighters or law
27 enforcement officers as provided under the Washington law enforcement
28 officers' and firefighters' retirement system act.

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

33 (i) Any active or retired firefighter under this chapter or
34 chapters 41.16, 41.18, and 52.26 RCW or law enforcement officers
35 under this chapter or chapter 41.20 RCW who resides within the
36 jurisdiction served by the board;

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

39 (c) Each county shall establish a disability board having
40 jurisdiction over all members employed by or retired from an employer

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

1 eligible to vote, a second eligible representative shall be elected
2 by the firefighters eligible to vote.

3 (d) If no eligible active or retired firefighter or law
4 enforcement officer is willing or able to be elected to the board
5 under (c) of this subsection, then the following individuals may be
6 elected to the board under (c) 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 (2) The members of both the county and city disability boards
14 shall not receive compensation for their service upon the boards but
15 the members shall be reimbursed by their respective county or city
16 for all expenses incidental to such service as to the amount
17 authorized by law.

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

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

ADOPTED 03/06/2020

21 On page 1, line 2 of the title, after "boards;" strike the
22 remainder of the title and insert "amending RCW 41.16.010, 41.16.020,
23 41.18.015, 41.20.010, and 41.26.030; and reenacting and amending RCW
24 41.18.010 and 41.26.110."

EFFECT: Allows the surviving spouse of an employed or retired
firefighter or law enforcement officer to serve on a pension or
disability board.

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