

1 1211-S.E AAS 4/19/91

2 ESHB 1211 - S COMM AMD  
3 By Committee on Ways and Means

4

5 On page 2, line 9, after "dissolution," insert "invalidity,"

6 ESHB 1211 - S AMD  
7 By Senators Johnson and Craswell

8 Adopted 4/19/91 - Voice Vote

9 On page 41, after line 22, insert the following:

10 "Sec. 33. RCW 41.32.550 and 1970 ex.s. c 35 s 4 are each amended  
11 to read as follows:

12 Should the (~~board~~) director determine from the report of the  
13 medical director that a member (~~in full time service~~) employed under  
14 an annual contract with an employer has become permanently disabled for  
15 the performance of his or her duties or at any time while a member is  
16 receiving temporary disability benefits that a member's disability will  
17 be permanent, a member shall have the option of then receiving (1) all  
18 of his or her accumulated contributions in a lump sum payment and  
19 canceling his or her membership, or (2) of accepting a retirement  
20 allowance based on service or age, if eligible under RCW 41.32.480, or  
21 (3) if he or she had five or more years of Washington membership  
22 service credit established with the retirement system, a retirement  
23 allowance because of disability: PROVIDED, That any member applying for  
24 a retirement allowance who is eligible for benefits on the basis of  
25 service or age shall receive a retirement allowance based on the  
26 provision of law governing retirement for service or age. If the  
27 member qualifies to receive a retirement allowance because of  
28 disability he or she shall be paid the maximum annuity which shall be

1 the actuarial equivalent of his or her accumulated contributions at his  
2 or her age of retirement and a pension equal to the service pension to  
3 which he or she would be entitled under RCW 41.32.497 as now or  
4 hereafter amended. If the member dies before he or she has received in  
5 annuity payments the present value of his or her accumulated  
6 contributions at the time of his or her retirement, the unpaid balance  
7 shall be paid to his or her estate or to such persons as he or she  
8 shall have nominated by written designation executed and filed with the  
9 (~~board of trustees~~) department.

10 A member retired for disability may be required at any time to  
11 submit to reexamination. If medical findings reveal that the  
12 individual is no longer disabled for the performance of public school  
13 service, the retirement allowance granted because of disability may be  
14 terminated by action of the (~~board of trustees~~) director or upon  
15 written request of the member. In case of such termination, the  
16 individual shall be restored to full membership in the retirement  
17 system."

18 "NEW SECTION. Sec. 34. A new section is added to chapter 41.32  
19 RCW to read as follows:

20 Persons who were under an annual half-time contract with an  
21 employer anytime during the period of September 1, 1986, through August  
22 31, 1987, shall be eligible for benefits provided by RCW 41.32.550, as  
23 amended by chapter ..., Laws of 1991 (this act), if during that period  
24 they were medically determined to be permanently disabled for the  
25 performance of their duty."

26 Renumber the sections consecutively and correct any internal  
27 references accordingly.

1 **ESHB 1211** - S AMD  
2 By Senators Johnson and Craswell

3 Adopted 4/19/91 - Voice Vote  
4 On page 1, line 6 of the title, strike "and 43.43.280" and insert  
5 "43.43.280, and 41.32.550"

6 On page 1, line 6 of the title, after "41.50 RCW;" insert "adding  
7 a new section to chapter 41.32 RCW;"

8 **ESHB 1211** - S Amd  
9 By Senators Rasmussen, Wojahn, Roach, Stratton, Niemi, Skratek,  
10 Murray and Rinehart

11 Adopted 4/19/91 - Voice Vote  
12 On page 41, after line 22, add a section as follows:

13 "Sec. 33. Section 3, chapter 209, Laws of 1969 ex. sess. as last  
14 amended by section 1, chapter 418, Laws of 1987 and RCW 41.26.030 are  
15 each amended to read as follows:

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

18 (1) "Retirement system" means the "Washington law enforcement  
19 officers' and fire fighters' retirement system" provided herein.

20 (2) (a) "Employer" for persons who establish membership in the  
21 retirement system on or before September 30, 1977, means the  
22 legislative authority of any city, town, county or district or the  
23 elected officials of any municipal corporation that employs any law  
24 enforcement officer and/or fire fighter, any authorized association of  
25 such municipalities, and, except for the purposes of RCW 41.26.150, any  
26 labor guild, association, or organization, which represents the fire  
27 fighters or law enforcement officers of at least seven cities of over

1 20,000 population and the membership of each local lodge or division of  
2 which is composed of at least sixty percent law enforcement officers or  
3 fire fighters as defined in this chapter.

4 (b) "Employer" for persons who establish membership in the  
5 retirement system on or after October 1, 1977, means the legislative  
6 authority of any city, town, county, or district or the elected  
7 officials of any municipal corporation that employs any law enforcement  
8 officer and/or fire fighter.

9 (3) "Law enforcement officer" means any person who is serving on a  
10 full time, fully compensated basis as a county sheriff or deputy  
11 sheriff, including sheriffs or deputy sheriffs serving under a  
12 different title pursuant to a county charter, city police officer, or  
13 town marshal or deputy marshal, with the following qualifications:

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

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

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

29 (d) The term "law enforcement officer" also includes the executive  
30 secretary of a labor guild, association or organization (which is an

1 employer under RCW 41.26.030(2) as now or hereafter amended) if such  
2 individual has five years previous membership in the retirement system  
3 established in chapter 41.20 RCW: PROVIDED, That for persons who  
4 establish membership in the retirement system on or after October 1,  
5 1977, the provisions of this subparagraph shall not apply; and

6 (e) The term "law enforcement officer" also includes any person  
7 employed on or after November 1, 1975, and prior to December 1, 1975,  
8 as a director of public safety so long as the duties of the director  
9 substantially involve only police and/or fire duties and no other  
10 duties.

11 (4) "Fire fighter" means:

12 (a) any person who is serving on a full time, fully compensated  
13 basis as a member of a fire department of an employer and who is  
14 serving in a position which requires passing a civil service  
15 examination for fire fighter, or fireman if this title is used by the  
16 department, and who is actively employed as such;

17 (b) anyone who is actively employed as a full time fire fighter  
18 where the fire department does not have a civil service examination;

19 (c) supervisory fire fighter personnel;

20 (d) any full time executive secretary of an association of fire  
21 protection districts authorized under RCW 52.12.031: PROVIDED, That  
22 for persons who establish membership in the retirement system on or  
23 after October 1, 1977, the provisions of this subparagraph shall not  
24 apply;

25 (e) the executive secretary of a labor guild, association or  
26 organization (which is an employer under RCW 41.26.030(2) as now or  
27 hereafter amended), if such individual has five years previous  
28 membership in a retirement system established in chapter 41.16 or 41.18  
29 RCW: PROVIDED, That for persons who establish membership in the

1 retirement system on or after October 1, 1977, the provisions of this  
2 subparagraph shall not apply;

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

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

11 (h) the term "fire fighter" also includes any person employed on or  
12 after November [1,] 1975, and prior to December 1, 1975, as a director  
13 of public safety so long as the duties of the director substantially  
14 involve only police and/or fire duties and no other duties.

15 (5) "Retirement board" means the Washington public employees'  
16 retirement system board established in chapter 41.40 RCW, including two  
17 members of the retirement system and two employer representatives as  
18 provided for in \*\*RCW 41.26.050. The retirement board shall be called  
19 the Washington law enforcement officers' and fire fighters' retirement  
20 board and may enter in legal relationships in that name. Any legal  
21 relationships entered into in that name prior to the adoption of \*this  
22 1972 amendatory act are hereby ratified.

23 (6) "Surviving spouse" for persons who establish membership in the  
24 retirement system on or before September 30, 1977, means the surviving  
25 widow or widower of a member(~~(. The word shall not include the~~  
26 ~~divorced spouse of a member)~~) or an ex-spouse who has been provided  
27 benefits under any court decree of dissolution or legal separation or  
28 in any court order or court approved property settlement agreement  
29 incident to any court decree of dissolution or legal separation. In  
30 order to qualify as a surviving spouse under this subsection: (a) A

1 person shall have been married to the member for at least thirty years,  
2 including at least twenty years prior to the member's retirement or  
3 separation from service if a vested member; (b) the decree or court  
4 order must be currently effective; and (c) the decree or court order  
5 must have been entered after the member's retirement and prior to  
6 December 31, 1979. If two or more persons are eligible as surviving  
7 spouses under this subsection, benefits shall be divided between the  
8 surviving spouses based on the percentage of total service credit the  
9 member accrued during each marriage. This definition shall apply  
10 retroactively.

11 (7) "Child" or "children" whenever used in this chapter means every  
12 natural born child and stepchild where that relationship was in  
13 existence prior to the date benefits are payable under this chapter,  
14 posthumous child, child legally adopted or made a legal ward of a  
15 member prior to the date benefits are payable under this chapter, and  
16 illegitimate child legitimized prior to the date any benefits are  
17 payable under this chapter, all while unmarried, and either under the  
18 age of eighteen years or mentally or physically handicapped as  
19 determined by the retirement board except a handicapped person in the  
20 full time care of a state institution. A person shall also be deemed  
21 to be a child up to and including the age of twenty years and eleven  
22 months while attending any high school, college, or vocational or other  
23 educational institution accredited, licensed, or approved by the state,  
24 in which it is located, including the summer vacation months and all  
25 other normal and regular vacation periods at the particular educational  
26 institution after which the child returns to school.

27 (8) "Member" means any fire fighter, law enforcement officer, or  
28 other person as would apply under subsections (3) or (4) of this  
29 section whose membership is transferred to the Washington law  
30 enforcement officers' and fire fighters' retirement system on or after

1 March 1, 1970, and every law enforcement officer and fire fighter who  
2 is employed in that capacity on or after such date.

3 (9) "Retirement fund" means the "Washington law enforcement  
4 officers' and fire fighters' retirement system fund" as provided for  
5 herein.

6 (10) "Employee" means any law enforcement officer or fire fighter  
7 as defined in subsections (3) and (4) above.

8 (11) (a) "Beneficiary" for persons who establish membership in the  
9 retirement system on or before September 30, 1977, means any person in  
10 receipt of a retirement allowance, disability allowance, death benefit,  
11 or any other benefit described herein.

12 (b) "Beneficiary" for persons who establish membership in the  
13 retirement system on or after October 1, 1977, means any person in  
14 receipt of a retirement allowance or other benefit provided by this  
15 chapter resulting from service rendered to an employer by another  
16 person.

17 (12) (a) "Final average salary" for persons who establish  
18 membership in the retirement system on or before September 30, 1977,  
19 means (i) for a member holding the same position or rank for a minimum  
20 of twelve months preceding the date of retirement, the basic salary  
21 attached to such same position or rank at time of retirement; (ii) for  
22 any other member, including a civil service member who has not served  
23 a minimum of twelve months in the same position or rank preceding the  
24 date of retirement, the average of the greatest basic salaries payable  
25 to such member during any consecutive twenty-four month period within  
26 such member's last ten years of service for which service credit is  
27 allowed, computed by dividing the total basic salaries payable to such  
28 member during the selected twenty-four month period by twenty-four;  
29 (iii) in the case of disability of any member, the basic salary payable  
30 to such member at the time of disability retirement; (iv) in the case



1 of a member who hereafter vests pursuant to RCW 41.26.090, the basic  
2 salary payable to such member at the time of vesting.

3 (b) "Final average salary" for persons who establish membership in  
4 the retirement system on or after October 1, 1977, means the monthly  
5 average of the member's basic salary for the highest consecutive sixty  
6 months of service prior to such member's retirement, termination, or  
7 death. Periods constituting authorized unpaid leaves of absence may  
8 not be used in the calculation of final average salary.

9 (13) (a) "Basic salary" for persons who establish membership in the  
10 retirement system on or before September 30, 1977, means the basic  
11 monthly rate of salary or wages, including longevity pay but not  
12 including overtime earnings or special salary or wages, upon which  
13 pension or retirement benefits will be computed and upon which employer  
14 contributions and salary deductions will be based.

15 (b) "Basic salary" for persons who establish membership in the  
16 retirement system on or after October 1, 1977, means salaries or wages  
17 earned by a member during a payroll period for personal services,  
18 including overtime payments, and shall include wages and salaries  
19 deferred under provisions established pursuant to sections 403(b),  
20 414(h), and 457 of the United States Internal Revenue Code, but shall  
21 exclude lump sum payments for deferred annual sick leave, unused  
22 accumulated vacation, unused accumulated annual leave, or any form of  
23 severance pay: PROVIDED, That in any year in which a member serves in  
24 the legislature the member shall have the option of having such  
25 member's basic salary be the greater of:

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

28 (ii) such member's actual basic salary received for nonlegislative  
29 public employment and legislative service combined. Any additional  
30 contributions to the retirement system required because basic salary

1 under subparagraph (i) of this subsection is greater than basic salary  
2 under subparagraph (ii) of this subsection shall be paid by the member  
3 for both member and employer contributions.

4 (14) (a) "Service" for persons who establish membership in the  
5 retirement system on or before September 30, 1977, means all periods of  
6 employment for an employer as a fire fighter or law enforcement  
7 officer, for which compensation is paid, together with periods of  
8 suspension not exceeding thirty days in duration. For the purposes of  
9 this chapter service shall also include service in the armed forces of  
10 the United States as provided in RCW 41.26.190. Credit shall be  
11 allowed for all months of service rendered by a member from and after  
12 the member's initial commencement of employment as a fire fighter or  
13 law enforcement officer, during which the member worked for seventy or  
14 more hours, or was on disability leave or disability retirement. Only  
15 months of service shall be counted in the computation of any retirement  
16 allowance or other benefit provided for in this chapter. In addition  
17 to the foregoing, for members retiring after May 21, 1971 who were  
18 employed under the coverage of a prior pension act before March 1,  
19 1970, "service" shall include (i) such military service not exceeding  
20 five years as was creditable to the member as of March 1, 1970, under  
21 the member's particular prior pension act, and (ii) such other periods  
22 of service as were then creditable to a particular member under the  
23 provisions of RCW 41.18.165, 41.20.160 or 41.20.170. However, in no  
24 event shall credit be allowed for any service rendered prior to March  
25 1, 1970, where the member at the time of rendition of such service was  
26 employed in a position covered by a prior pension act, unless such  
27 service, at the time credit is claimed therefor, is also creditable  
28 under the provisions of such prior act: PROVIDED, That if such  
29 member's prior service is not creditable due to the withdrawal of his  
30 contributions plus accrued interest thereon from a prior pension

1 system, such member shall be credited with such prior service, as a law  
2 enforcement officer or fire fighter, by paying to the Washington law  
3 enforcement officers' and fire fighters' retirement system, on or  
4 before March 1, 1975, an amount which is equal to that which was  
5 withdrawn from the prior system by such member, as a law enforcement  
6 officer or fire fighter: PROVIDED FURTHER, That if such member's prior  
7 service is not creditable because, although employed in a position  
8 covered by a prior pension act, such member had not yet become a member  
9 of the pension system governed by such act, such member shall be  
10 credited with such prior service as a law enforcement officer or fire  
11 fighter, by paying to the Washington law enforcement officers' and fire  
12 fighters' retirement system, on or before March 1, 1975, an amount  
13 which is equal to the employer's contributions which would have been  
14 required under the prior act when such service was rendered if the  
15 member had been a member of such system during such period: AND  
16 PROVIDED FURTHER, That where a member is employed by two employers at  
17 the same time, he shall only be credited with service to one such  
18 employer for any month during which he rendered such dual service.

19 (b) "Service" for persons who establish membership in the  
20 retirement system on or after October 1, 1977, means periods of  
21 employment by a member for one or more employers for which basic salary  
22 is earned for ninety or more hours per calendar month.

23 Members of the retirement system who are elected or appointed to a  
24 state elective position may elect to continue to be members of this  
25 retirement system.

26 Years of service shall be determined by dividing the total number  
27 of months of service by twelve. Any fraction of a year of service as  
28 so determined shall be taken into account in the computation of such  
29 retirement allowance or benefits.

1        If a member receives basic salary from two or more employers during  
2 any calendar month, the individual shall receive one month's service  
3 credit during any calendar month in which multiple service for ninety  
4 or more hours is rendered.

5        (15) "Accumulated contributions" means the employee's contributions  
6 made by a member plus accrued interest credited thereon.

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

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

19        (18) "Disability board" means either the county disability board or  
20 the city disability board established in RCW 41.26.110 for persons who  
21 establish membership in the retirement system on or before September  
22 30, 1977.

23        (19) "Disability leave" means the period of six months or any  
24 portion thereof during which a member is on leave at an allowance equal  
25 to the member's full salary prior to the commencement of disability  
26 retirement. The definition contained in this subsection shall apply  
27 only to persons who establish membership in the retirement system on or  
28 before September 30, 1977.

29        (20) "Disability retirement" for persons who establish membership  
30 in the retirement system on or before September 30, 1977, means the

1 period following termination of a member's disability leave, during  
2 which the member is in receipt of a disability retirement allowance.

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

5 (22) "Medical services" for persons who establish membership in the  
6 retirement system on or before September 30, 1977, shall include the  
7 following as minimum services to be provided. Reasonable charges for  
8 these services shall be paid in accordance with RCW 41.26.150.

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

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

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

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

19 (i) The fees of the following:

20 (A) A physician or surgeon licensed under the provisions of chapter  
21 18.71 RCW;

22 (B) An osteopath licensed under the provisions of chapter 18.57  
23 RCW;

24 (C) A chiropractor licensed under the provisions of chapter 18.25  
25 RCW.

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

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

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

- 1 (B) Diagnostic x-ray and laboratory examinations;
- 2 (C) X-ray, radium, and radioactive isotopes therapy;
- 3 (D) Anesthesia and oxygen;
- 4 (E) Rental of iron lung and other durable medical and surgical  
5 equipment;
- 6 (F) Artificial limbs and eyes, and casts, splints, and trusses;
- 7 (G) Professional ambulance service when used to transport the  
8 member to or from a hospital when he is injured by an accident or  
9 stricken by a disease;
- 10 (H) Dental charges incurred by a member who sustains an accidental  
11 injury to his teeth and who commences treatment by a legally licensed  
12 dentist within ninety days after the accident;
- 13 (I) Nursing home confinement or hospital extended care facility;
- 14 (J) Physical therapy by a registered physical therapist;
- 15 (K) Blood transfusions, including the cost of blood and blood  
16 plasma not replaced by voluntary donors;
- 17 (L) An optometrist licensed under the provisions of chapter 18.53  
18 RCW.
- 19 (23) "Regular interest" means such rate as the director may  
20 determine.
- 21 (24) "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 member.
- 25 (25) "Department" means the department of retirement systems  
26 created in chapter 41.50 RCW.
- 27 (26) "Director" means the director of the department.
- 28 (27) "State actuary" or "actuary" means the person appointed  
29 pursuant to RCW 44.44.010(2).

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

4 "

5 Renumber the remaining sections accordingly.

6 ESHB 1211 - S Amd

7 By Senators Rasmussen, Wojahn, Roach, Stratton, Niemi, Skratek,  
8 Murray and Rinehart

9 Adopted 4/19/91 - Voice Vote

10 On page 1, line 6 of the title, after "41.26.510," add "41.26.030,"

11 ESHB 1211 - S Amd

12 By Senator McDonald

13 Adopted 4/19/91 - Voice Vote

14 On page 42, beginning on line 1, strike the remainder of the bill

15 ESHB 1211 - S Amd

16 By Senator McDonald

17 Adopted 4/19/91 - Voice Vote

18 On page 1, line 6 of the title, after "43.43.280; strike the  
19 remainder of the title and insert "and adding new sections to chapter  
20 41.50 RCW."

21