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**SUBSTITUTE SENATE BILL 5335**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** Senate Committee on Governmental Operations (originally sponsored by Senators Rasmussen and Barr).

Read first time March 6, 1991.

1       AN ACT Relating to emergency medical service district volunteer  
2 benefits; amending RCW 41.24.010, 41.24.250, and 41.24.290; and adding  
3 a new chapter to Title 41 RCW.

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

5       NEW SECTION.   **Sec. 1.**       Unless the context clearly requires  
6 otherwise, the definitions in this section apply throughout this  
7 chapter.

8       (1) "Board of trustees" means the county board of trustees created  
9 in section 6 of this act.

10       (2) "Emergency district" means emergency medical service district.

11       (3) "Emergency worker" means any emergency medical service  
12 personnel, regulated by chapters 18.71 and 18.73 RCW, who is a member  
13 of an emergency medical service district but shall not include full-  
14 time, paid emergency medical service personnel who are members of the

1 Washington public employees' retirement system, with respect to periods  
2 of service rendered in such capacity.

3 (4) "Fund" means the volunteer emergency workers' relief and  
4 pension fund.

5 (5) "Performance of duty" means any training or work by an  
6 emergency worker in and about company quarters or any emergency medical  
7 service district station or any other place under the direction or  
8 general orders of an officer having authority to order such member to:  
9 Respond to, work at, or return from an alarm of emergency, drill, or  
10 any work performed of an emergency nature in accordance with the rules  
11 of the emergency district.

12 (6) "State board" means the state board for volunteer fire fighters  
13 and emergency medical service district workers created in RCW  
14 41.24.250.

15 (7) "Appropriate legislation" means a county resolution or  
16 ordinance, whichever is appropriate.

17 NEW SECTION. **Sec. 2.** (1) A county maintaining and operating  
18 a regularly organized emergency district shall make provision by  
19 appropriate legislation for the enrollment of every emergency worker  
20 under the relief and compensation provisions of this chapter for the  
21 purpose of providing protection for all its emergency workers and their  
22 families from death or disability arising in the performance of their  
23 duties as emergency workers. Nothing in this chapter shall prohibit a  
24 county from providing such additional protection for relief and  
25 compensation, or death benefit as it may deem proper.

26 (2) A county maintaining and operating a regularly organized  
27 emergency district may make provision by appropriate legislation  
28 whereby any emergency worker may enroll under the pension provisions of  
29 this chapter for the purpose of enabling an emergency worker, so

1 electing, to avail himself or herself of the retirement provisions of  
2 this chapter.

3 (3) A county shall make provisions for the collection and payment  
4 of the fees as provided in this chapter, and shall continue to make  
5 such provisions for all emergency workers who come under this chapter  
6 as long as they shall continue to be members of its emergency district.

7 NEW SECTION. **Sec. 3.** There is created in the state treasury  
8 a trust fund for the benefit of the emergency workers of the state  
9 covered by this chapter, which shall be designated the volunteer  
10 emergency workers' relief and pension fund and shall consist of:

11 (1) All bequests, fees, gifts, emoluments, or donations given or  
12 paid to the fund.

13 (2) An annual fee of ten dollars for each emergency worker of its  
14 emergency district to be paid by each county for the purpose of  
15 affording the members of its emergency district with protection from  
16 death or disability.

17 (3) Where a county has elected to make available to its emergency  
18 workers the retirement provisions as provided in this chapter, an  
19 annual fee of thirty dollars for each of its emergency workers electing  
20 to enroll therein, ten dollars of which shall be paid by the county and  
21 twenty dollars of which shall be paid by the emergency worker.

22 (4) As much as is necessary of all moneys received by the state  
23 from taxes on accident, disability, and medical insurance premiums  
24 shall be paid into the state treasury and credited to the  
25 administrative fund.

26 (5) The state investment board, upon request of the state treasurer  
27 shall have full power to invest or reinvest such portion of the amounts  
28 credited to the fund as is not, in the judgment of the treasurer,

1 required to meet current withdrawals. Such investments shall be made  
2 in the manner prescribed by RCW 43.84.150 and not otherwise.

3 (6) All bonds or other obligations purchased according to  
4 subsection (5) of this section shall be forthwith placed in the custody  
5 of the state treasurer, and the state treasurer shall collect the  
6 principal thereof and interest thereon when due.

7 The state investment board may sell any of the bonds or obligations  
8 so acquired and the proceeds thereof shall be paid to the state  
9 treasurer.

10 The interest and proceeds from the sale and redemption of any bonds  
11 or other obligations held by the fund shall be credited to and form a  
12 part of the fund.

13 All amounts credited to the fund shall be available for making the  
14 payments required by this chapter.

15 The state treasurer shall make an annual report showing the  
16 condition of the fund.

17 NEW SECTION. **Sec. 4.** The state board is authorized to pay  
18 from the interest earnings of the trust funds of the system lawful  
19 obligations of the system for legal expenses and medical expenses which  
20 expenses are primarily incurred for the purpose of protecting the trust  
21 fund or are incurred in compliance with statutes governing such funds.

22 The term "legal expense" includes, but is not limited to, legal  
23 services provided through the legal services revolving fund, fees for  
24 expert witnesses, travel expenses, fees for court reporters, cost of  
25 transcript preparation, and reproduction of documents.

26 The term "medical costs" includes, but is not limited to, expenses  
27 for the medical examination or reexamination of members or retirees,  
28 the costs of preparation of medical reports, and fees charged by

1 medical professionals for attendance at discovery proceedings or  
2 hearings.

3       NEW SECTION.   **Sec. 5.**       On or before the first day of March of  
4 each year, every county shall pay such amount as shall be due from it  
5 to the fund, together with the amounts collected from the emergency  
6 workers of its emergency district. No emergency worker shall forfeit  
7 his or her right to participate in the relief and compensation  
8 provisions of this chapter by reason of nonpayment. No emergency  
9 worker shall forfeit his or her right to participate in the retirement  
10 provisions of this chapter until after March 1st of such year. Where  
11 a county has failed to pay or remit the annual fees required within the  
12 time provided, such delinquent payment shall bear interest at the rate  
13 of one percent per month from March 1st until paid. Where an emergency  
14 worker has forfeited his or her right to participate in the retirement  
15 provisions of this chapter that emergency worker may be reinstated so  
16 as to participate to the same extent as if all fees had been paid by  
17 the payment of all back fees with interest at the rate of one percent  
18 per month provided the emergency worker has at all times been otherwise  
19 eligible.

20       NEW SECTION.   **Sec. 6.**       In every county maintaining a regularly  
21 organized emergency district there is hereby created and established a  
22 board of trustees for the administration of this chapter. Such board  
23 shall consist of the three county commissioners, the county clerk, a  
24 councilmember from each city or municipality in the emergency district,  
25 and the head of the emergency district, and one member of the emergency  
26 district to be elected by the members of the emergency district for a  
27 term of one year and annually thereafter.

1        NEW SECTION.    **Sec. 7.**        The chair of the board of county  
2 commissioners shall be chair of the board of trustees, and the county  
3 clerk shall be the secretary-treasurer of the board of trustees. The  
4 secretary shall keep a public record of all proceedings, of all  
5 receipts and disbursements made by the board of trustees and shall make  
6 an annual report of its expenses and disbursements with a full list of  
7 the beneficiaries of said fund in the county, the record to be placed  
8 on file in the county. Such forms as shall be necessary for the proper  
9 administration of this fund and of making the reports required  
10 hereunder shall be provided by the state board.

11        NEW SECTION.    **Sec. 8.**        The board of trustees of each county  
12 shall provide for enrollment of all members of its emergency district  
13 under the death and disability provisions in this chapter; receive all  
14 applications for the enrollment under the retirement provisions in this  
15 chapter when the county has elected to enroll thereunder; provide for  
16 disbursements of relief and compensation; determine the eligibility of  
17 emergency workers for pensions; and pass on all claims and direct  
18 payment thereof from the fund to those entitled thereto. Vouchers  
19 shall be issued to the persons entitled thereto by the board of  
20 trustees. It shall send to the state board, after each meeting, a  
21 voucher for each person entitled to payment from the fund, stating the  
22 amount of such payment and for what granted, which voucher shall be  
23 certified and signed by the chair and secretary of the board of  
24 trustees. The state board, after review and approval, shall cause a  
25 warrant to be issued on the fund for the amount specified and approved  
26 on each voucher. In pension cases after the applicant's eligibility  
27 for pension is verified the state board shall authorize the regular  
28 issuance of monthly warrants in payment thereof without further action  
29 of the board of trustees of any such county.

1        NEW SECTION.    **Sec. 9.**        The board of trustees shall meet on the  
2 call of its chair on a regular monthly meeting day when there is  
3 business to come before it. The chair shall be required to call a  
4 meeting on any regular meeting day at the request of any member of the  
5 fund or his or her beneficiary claiming any relief, compensation, or  
6 pension therefrom.

7        NEW SECTION.    **Sec. 10.**        The board of trustees, in addition to  
8 other powers granted in this chapter, shall have power to:

9            (1) Compel the attendance of witnesses to testify before it on all  
10 matters connected with the operation of this chapter, and its chair or  
11 any member of the board of trustees may administer oaths to such  
12 witnesses; and

13            (2) Make all necessary rules for its guidance in conformity with  
14 the provisions of this chapter. No compensation or emoluments shall be  
15 paid to any member of the board of trustees for any duties performed  
16 under this chapter as trustees.

17        NEW SECTION.    **Sec. 11.**        The state board shall make provisions  
18 for the employment of a regularly licensed practicing physician for the  
19 examination of members of emergency districts making application for  
20 membership. The appointed physician shall visit and examine all sick  
21 and injured emergency workers, perform services and operations, and  
22 render all medical aid and care necessary for the recovery of emergency  
23 workers on account of sickness or disability received while in the  
24 performance of duty. The appointed physician shall be paid fees from  
25 the fund, but not in excess of the schedule of fees for like services  
26 approved by the director of labor and industries under Title 51 RCW.  
27 A physician or surgeon not approved by the state shall not receive or  
28 be entitled to any compensation from said fund as the private or

1 attending physician of any emergency worker. No person shall have any  
2 right of action against the state board for the negligence of a  
3 physician or surgeon employed by the state board. A physician employed  
4 by the state board to attend upon an emergency worker shall report his  
5 or her findings in writing to the state board.

6 NEW SECTION. **Sec. 12.** The board of trustees shall initially  
7 hear and decide all applications for relief or compensation and  
8 pensions under this chapter, subject to review by, or appeal by the  
9 proper person to, the state board where decision on the review or  
10 appeal shall be final and conclusive.

11 NEW SECTION. **Sec. 13.** A majority of the board of trustees  
12 shall constitute a quorum, and no business shall be transacted when a  
13 majority is not present, and no claim shall be allowed where a majority  
14 of the board has not voted favorably thereon.

15 NEW SECTION. **Sec. 14.** The board of trustees shall have the  
16 power and authority to ask for the appointment of a guardian whenever  
17 and wherever the claim of an emergency worker or his or her beneficiary  
18 would, in the opinion of the board of trustees, be best served thereby.  
19 The board of trustees shall have full power to make and direct the  
20 payments provided for in this chapter to any person entitled to the  
21 payments without the necessity of any guardianship or administration  
22 proceedings when, in its judgment, it shall determine it to be for the  
23 best interests of the beneficiary.

24 NEW SECTION. **Sec. 15.** Whenever an emergency worker serving in  
25 any capacity as a member of the emergency worker's own emergency  
26 district subject to the provisions of this chapter becomes sick or



1 physically or mentally disabled, in consequence or as the result of the  
2 performance of duty, so as to be wholly prevented from engaging in all  
3 duties of his or her regular occupation, business, or profession, the  
4 emergency worker shall be paid, from the fund monthly, the sum of one  
5 thousand six hundred fifty dollars for a period of not to exceed six  
6 months, or fifty-five dollars per day for such period as is part of a  
7 month, after which period, if the member is incapacitated to such an  
8 extent that the member is thereby prevented from engaging in any  
9 occupation or performing any work for compensation or profit, or if the  
10 member sustained an injury after October 1, 1978, which resulted in the  
11 loss or paralysis of both legs or arms, or one leg and one arm, or  
12 total loss of eyesight, but such injury has not prevented the member  
13 from engaging in an occupation or performing work for compensation or  
14 profit, the member is entitled to draw from the fund monthly, the sum  
15 of eight hundred twenty-five dollars so long as the disability  
16 continues, except as hereinafter provided. If the member has a spouse  
17 or a child or children unemancipated or under eighteen years of age,  
18 the member is entitled to draw from the fund monthly the additional  
19 sums of one hundred sixty-five dollars because of the member's spouse,  
20 and seventy dollars because of each of the children, all to a total  
21 maximum amount of one thousand six hundred fifty dollars. The state  
22 board may at any time reopen the grant of such disability pension if  
23 the pensioner is gainfully employed, and may reduce it in the  
24 proportion that the annual income from such gainful employment bears to  
25 the annual income received by the pensioner at the time of his or her  
26 disability. Where an emergency worker sustains a permanent partial  
27 disability the state board may provide that the injured emergency  
28 worker shall receive a lump sum compensation therefor to the same  
29 extent as is provided for permanent partial disability under the

1 workers' compensation act under Title 51 RCW in lieu of such monthly  
2 disability payments.

3 NEW SECTION. **Sec. 16.** (1) Whenever an emergency worker dies as  
4 the result of injuries received, or sickness contracted in consequence  
5 or as the result of the performance of duty, the board of trustees  
6 shall order and direct the payment of:

7 (a) The sum of two thousand dollars to the emergency worker's  
8 surviving spouse, or if there is no surviving spouse, then to the  
9 emergency worker's dependent child or children, or if there is no  
10 child, then to the emergency worker's parents or either one of them;  
11 and

12 (b) The sum of eight hundred twenty-five dollars per month to the  
13 surviving spouse during the surviving spouse's life together with the  
14 additional monthly sum of seventy dollars for each of the emergency  
15 worker's children who is either unemancipated or under eighteen years  
16 of age, or both, who is dependent upon the emergency worker for support  
17 at the time of the emergency worker's death, to a maximum total of one  
18 thousand six hundred fifty dollars per month.

19 (2) If the surviving spouse of the deceased emergency worker does  
20 not have legal custody of one or more dependent children of the  
21 emergency worker or if, after the death of the emergency worker, legal  
22 custody of such child or children passes from the surviving spouse to  
23 another person, any payment on account of such child or children not in  
24 the legal custody of the surviving spouse shall be made to the person  
25 or persons having legal custody of the child or children. The payments  
26 on account of the child or children shall be subtracted from the amount  
27 to which the surviving spouse would have been entitled had the  
28 surviving spouse had legal custody of all the children and the  
29 surviving spouse shall receive the remainder after the payments on

1 account of the child or children have been subtracted. If there is no  
2 surviving spouse, or the surviving spouse dies while there are the  
3 emergency worker's children, unemancipated or under eighteen years of  
4 age, then the amount of eight hundred twenty-five dollars per month  
5 shall be paid for the youngest or only child together with an  
6 additional seventy dollars per month for each additional qualifying  
7 child to a maximum of one thousand six hundred fifty dollars per month  
8 until the child or children become emancipated or reach the age of  
9 eighteen years; and if there is no surviving spouse, child, or children  
10 entitled thereto, then to the emergency worker's parents, or either one  
11 of them, the sum of eight hundred twenty-five dollars per month for  
12 life, if it is proved to the satisfaction of the board of trustees that  
13 the parents, or either one of them, were dependent on the deceased for  
14 their support at the time of the emergency worker's death. In any  
15 instance in this subsection or subsection (1) of this section, if the  
16 surviving spouse, child or children, or the parents, or either of them,  
17 marries while receiving the pension the person so marrying shall  
18 receive thereafter no further pension from the fund.

19 (3) The monthly payment provided under this section may be  
20 converted in whole or in part into a lump sum payment, not in any case  
21 to exceed twelve thousand dollars, equal or proportionate, as the case  
22 may be, to the actuarial equivalent of the monthly payment in which  
23 event the monthly payments shall cease in whole or in part accordingly  
24 or proportionately. Such conversion may be made either upon written  
25 application to the state board and shall rest in the discretion of the  
26 state board; or the state board is authorized to make, and authority is  
27 hereby given it to make, on its own motion, lump sum payments, equal or  
28 proportionate, as the case may be, to the value of the annuity then  
29 remaining in full satisfaction of claims due to dependents. Within the

1 rule aforesaid the amount and value of the lump sum payment may be  
2 agreed upon between the applicant and the state board.

3 NEW SECTION. **Sec. 17.** Whenever any emergency worker has been  
4 a member, and served honorably for a period of ten years or more as an  
5 active member in any capacity, of any regularly organized volunteer  
6 emergency district of any county in this state, the county and  
7 emergency worker are enrolled under the retirement provisions, and the  
8 emergency worker has reached the age of sixty-five, the board of  
9 trustees shall order and direct that the emergency worker choosing to  
10 retire be paid a monthly pension as provided in this section.

11 Whenever an emergency worker has been a member, and served  
12 honorably for a period of twenty-five years or more as an active member  
13 in any capacity, of any regularly organized volunteer emergency  
14 district of any county in this state, the emergency worker has reached  
15 the age of sixty-five, and the annual retirement fee has been paid for  
16 a period of twenty-five years, the board of trustees shall order and  
17 direct that the emergency worker choosing to retire be paid a monthly  
18 pension of two hundred dollars from the fund for the balance of that  
19 emergency worker's life.

20 Whenever any emergency worker has been a member, and served  
21 honorably for a period of twenty-five years or more as an active member  
22 in any capacity, of any regularly organized volunteer emergency  
23 district of any county in this state, the emergency worker has reached  
24 the age of sixty-five, and the annual retirement fee has been paid for  
25 a period of less than twenty-five years, the board of trustees shall  
26 order and direct that the emergency worker choosing to retire shall  
27 receive a minimum monthly pension of twenty-five dollars increased by  
28 the sum of seven dollars each month for each year the annual fee has

1 been paid, but not to exceed the maximum monthly pension herein  
2 provided, for the balance of the emergency worker's life.

3 No pension herein provided may become payable before the sixty-  
4 fifth birthday of the emergency worker, nor for any service less than  
5 twenty-five years, except for:

6 (1) An emergency worker, upon completion of twenty-five years'  
7 service and attainment of age sixty, may irrevocably elect, instead of  
8 the pension to which that emergency worker would be entitled hereunder  
9 at age sixty-five, to receive for the balance of the emergency worker's  
10 life a monthly pension equal to sixty percent of such pension.

11 (2) An emergency worker, upon completion of twenty-five years'  
12 service and attainment of age sixty-two, may irrevocably elect, instead  
13 of the pension to which that emergency worker would be entitled  
14 hereunder at age sixty-five, to receive for the balance of the  
15 emergency worker's life a monthly pension equal to seventy-five percent  
16 of such pension.

17 (3) An emergency worker, upon completion of less than twenty-five  
18 years of service shall receive the applicable reduced pension provided  
19 in this subsection, according to the age at which that emergency worker  
20 elects to begin to receive the pension. If receipt of the benefits  
21 begins at age sixty-five, the emergency worker shall receive one  
22 hundred percent of the reduced benefit; at age sixty-two, the emergency  
23 worker shall receive seventy-five percent of the reduced benefit; and  
24 at age sixty, the emergency worker shall receive sixty percent of the  
25 reduced benefit. The reduced benefit shall be computed as follows:

26 (a) Upon completion of ten years, but less than fifteen years of  
27 service, a monthly pension equal to fifteen percent of such pension as  
28 the emergency worker would have been entitled to receive at age sixty-  
29 five after twenty-five years of service;

1 (b) Upon completion of fifteen years, but less than twenty years of  
2 service, a monthly pension equal to thirty percent of such pension as  
3 the emergency worker would have been entitled to receive at age sixty-  
4 five after twenty-five years of service; and

5 (c) Upon completion of twenty years, but less than twenty-five  
6 years of service, a monthly pension equal to sixty percent of such  
7 pension as the emergency worker would have been entitled to receive at  
8 age sixty-five after twenty-five years of service.

9 NEW SECTION. **Sec. 18.** Before beginning to receive the pension  
10 provided for in section 17 of this act, the emergency worker shall  
11 elect, in a writing filed with the state board, to have the pension  
12 paid under either option 1 or 2, with option 2 calculated so as to be  
13 actuarially equivalent to option 1.

14 (1) Option 1. An emergency worker electing this option shall  
15 receive a monthly pension payable throughout the emergency worker's  
16 life. However, if the emergency worker dies before the total pension  
17 paid to the emergency worker equals the amount paid into the fund, then  
18 the balance shall be paid to the emergency worker's surviving spouse,  
19 or if there be no surviving spouse, then to the emergency worker's  
20 legal representatives.

21 (2) Option 2. An emergency worker electing this option shall  
22 receive a reduced monthly pension, which upon the emergency worker's  
23 death shall be continued throughout the life of and paid to the  
24 emergency worker's surviving spouse named in the written election filed  
25 with the state board.

26 NEW SECTION. **Sec. 19.** Payments to persons who are now  
27 receiving, or who may hereafter receive, any disability or retirement

1 payments under the provisions of this chapter shall be computed in  
2 accordance with the last related act enacted by the legislature.

3 NEW SECTION. **Sec. 20.** The provisions of this chapter are  
4 intended to be remedial and procedural and any benefits heretofore paid  
5 to recipients hereunder pursuant to any previous act are retroactively  
6 included and authorized as part of this chapter.

7 NEW SECTION. **Sec. 21.** The board of trustees of any county  
8 shall direct payment from the fund in the following cases:

9 (1) To a volunteer emergency worker, upon the emergency worker's  
10 request, upon attaining the age of sixty-five years, who, for any  
11 reason, is not qualified to receive the monthly retirement pension  
12 herein provided and who was enrolled in the fund and on whose behalf  
13 annual fees for retirement pension were paid, a lump sum amount equal  
14 to the amount paid into the fund by the emergency worker.

15 (2) If an emergency worker who has not completed at least ten years  
16 of service dies without having requested a lump sum payment under  
17 subsection (1) or (3) of this section, there shall be paid to the  
18 emergency worker's surviving spouse, or if there be no surviving  
19 spouse, then to such emergency worker's legal representatives, a lump  
20 sum amount equal to the amount paid into the fund by the emergency  
21 worker. If an emergency worker who has completed at least ten years of  
22 service dies in a way other than because of injuries received or  
23 sickness contracted in consequence or as the result of the performance  
24 of the emergency worker's duty, without having requested a lump sum  
25 payment under subsection (1) or (3) of this section and before  
26 beginning to receive the monthly pension provided for in this chapter,  
27 the emergency worker's surviving spouse shall elect to receive either:

1 (a) A monthly pension computed as provided for in section 17 of  
2 this act actuarially adjusted to reflect option 2 of section 18 of this  
3 act and further actuarially adjusted to reflect the difference in the  
4 number of years between the emergency worker's age at death and age  
5 sixty-five; or

6 (b) A lump sum amount equal to the amount paid into the fund by the  
7 emergency worker and the county or counties in whose emergency district  
8 the emergency worker has served.

9 If there be no such surviving spouse, then there shall be paid to  
10 the emergency worker's legal representatives a lump sum amount equal to  
11 the amount paid into the fund by the emergency worker.

12 (3) If a volunteer emergency worker retires from the emergency  
13 district service before attaining the age of sixty-five years, the  
14 emergency worker may make application for the return in a lump sum of  
15 the amount the emergency worker paid into the fund.

16 NEW SECTION. **Sec. 22.** A monthly pension, payable under this  
17 chapter, which will not amount to twenty-five dollars may be converted  
18 into a lump sum payment equal to the actuarial equivalent of the  
19 monthly pension. The conversion may be made either upon written  
20 application to the state board and shall rest at the discretion of the  
21 state board; or the state board may make, on its own motion, lump sum  
22 payments, equal or proportionate, as the case may be, to the value of  
23 the annuity then remaining in full satisfaction of claims due.

24 NEW SECTION. **Sec. 23.** The filing of reports of enrollment  
25 shall be prima facie evidence of the service of the emergency workers  
26 therein listed for the year of such report as to service rendered  
27 subsequent to July 6, 1945. Proof of service of emergency workers  
28 prior to that date shall be by documentary evidence, or such other



1 evidence reduced to writing and sworn to under oath, as shall be  
2 submitted to the state board and certified by it as sufficient.

3 NEW SECTION. **Sec. 24.** The aggregate term of service of an  
4 emergency worker need not be continuous nor need it be confined to a  
5 single emergency district nor a single county in this state to entitle  
6 the emergency worker to a pension. The emergency worker has to have  
7 been duly enrolled in an emergency district of a county which has  
8 elected to make provisions for the retirement of its emergency workers  
9 at the time the emergency worker becomes eligible for such pension as  
10 provided in this chapter, and has paid all fees prescribed. To be  
11 eligible to the full pension an emergency worker must have an aggregate  
12 of twenty-five years service, have made twenty-five annual payments  
13 into the fund, and be sixty-five years of age at the time the emergency  
14 worker commences drawing the pension provided for by this chapter, all  
15 of which twenty-five years service must have been in the emergency  
16 district of a county or counties which have elected to make provisions  
17 for the retirement of its volunteer emergency workers. Nothing herein  
18 contained shall require an emergency worker having twenty-five years  
19 active service to continue as an emergency worker and no emergency  
20 worker who has completed twenty-five years of active service for which  
21 annual pension fees have been paid and who continues as an emergency  
22 worker shall be required to pay any additional annual pension fees.

23 NEW SECTION. **Sec. 25.** No emergency worker shall receive a  
24 disability pension from the fund, or be entitled to receive a relief or  
25 compensation for sickness or injuries received in the performance of  
26 duty, unless there is filed with the county board of trustees a report  
27 of accident, which report shall be subscribed to by the claimant, the  
28 head of the emergency district, and the authorized attending physician,

1 if there is one. No claim for benefits arising from sickness or  
2 injuries incurred in consequence or as a result of the performance of  
3 duties shall be allowed by the state board unless there has been filed  
4 with it a report of accident within ninety days after its occurrence  
5 and a claim based thereon within one year after the occurrence of the  
6 accident on which such claim is based. The state board may require  
7 further evidence as it deems advisable before ordering relief,  
8 compensation, or pension.

9 NEW SECTION. **Sec. 26.** Whenever an emergency worker becomes  
10 disabled or sick in consequence or as the result of the performance of  
11 duty by reason of which the emergency worker is confined to a hospital  
12 an amount not exceeding the daily ward rate of the hospital shall be  
13 allowed and paid from the fund toward hospital expenses. This  
14 allowance shall not be in lieu of but in addition to any other  
15 allowance provided in this chapter. Costs of surgery, medicine,  
16 laboratory fees, x-ray, special therapies, and similar additional costs  
17 shall be paid additionally. When extended treatment, not available in  
18 the injured emergency worker's home area, is required, the emergency  
19 worker may be reimbursed for actual mileage to and from the place of  
20 extended treatment pursuant to RCW 43.03.060.

21 NEW SECTION. **Sec. 27.** Upon the death of an emergency worker  
22 resulting from injuries or sickness in consequence or as the result of  
23 the performance of duty, the board of trustees shall authorize the  
24 issuance of a voucher for the sum of two thousand dollars, and upon the  
25 death of an emergency worker who is receiving a disability pension  
26 provided for in this chapter, the board of trustees shall authorize the  
27 issuance of a voucher for the sum of five hundred dollars, to help  
28 defray the funeral expenses and burial of the emergency worker. The

1 voucher shall be paid in the manner provided for payment of other  
2 charges against the fund.

3 NEW SECTION. **Sec. 28.** The right of any person to any future  
4 payment under the provisions of this chapter shall not be transferable  
5 or assignable at law or in equity, and none of the moneys paid or  
6 payable or the rights existing under this chapter, shall be subject to  
7 execution, levy, attachment, garnishment, or other legal process, or to  
8 the operation of any bankruptcy or insolvency law. This section shall  
9 not be applicable to any child support collection action taken under  
10 chapter 26.18, 26.23, or 74.20A RCW. Benefits under this chapter shall  
11 be payable to a spouse or ex-spouse to the extent expressly provided  
12 for in a court decree of dissolution or legal separation or in a court  
13 order or court-approved property settlement agreement incident to a  
14 court decree of dissolution or legal separation.

15 Nothing in this chapter shall be construed to deprive an emergency  
16 worker, eligible to receive a pension hereunder, from receiving a  
17 pension under any other act to which that emergency worker may become  
18 eligible by reason of services other than or in addition to his or her  
19 services as an emergency worker under this chapter.

20 NEW SECTION. **Sec. 29.** (1) If the state board or the secretary  
21 makes payments to a spouse or ex-spouse to the extent expressly  
22 provided for in a court decree of dissolution or legal separation or in  
23 a court order or court-approved property settlement agreement incident  
24 to a court decree of dissolution or legal separation, it shall be a  
25 sufficient answer to any claim of a beneficiary against the state  
26 board, the secretary, or the fund for the state board or secretary to  
27 show that the payments were made pursuant to a court decree.

1 (2) All payments made to a nonmember spouse or ex-spouse pursuant  
2 to section 28 of this act shall cease upon the death of such a  
3 nonmember spouse or ex-spouse. Upon such a death, the state board and  
4 the secretary shall pay to the emergency worker his or her full monthly  
5 entitlement of benefits.

6 (3) The provisions of section 28 of this act and this section shall  
7 apply to all court decrees of dissolution or legal separation and  
8 court-approved property settlement agreements, regardless of when  
9 entered, but shall apply only to those persons who have actually  
10 retired or who have requested withdrawal of any or all of their  
11 contributions to the fund. The state board or secretary shall not be  
12 responsible for making court-ordered divisions of withdrawals unless  
13 the order is filed with the state board at least thirty days before the  
14 withdrawal payment date.

15 NEW SECTION. **Sec. 30.** Sections 1 through 29 of this act shall  
16 constitute a new chapter in Title 41 RCW.

17 **Sec. 31.** RCW 41.24.010 and 1989 c 91 s 8 are each amended to read  
18 as follows:

19 As used in this chapter:

20 "Municipal corporation" or "municipality" includes any city or  
21 town, fire protection district, or any water, irrigation, or other  
22 district, authorized by law to afford protection to life and property  
23 within its boundaries from fire.

24 "Fire department" means any regularly organized fire department  
25 consisting wholly of volunteer fire fighters, or any part-paid and  
26 part-volunteer fire department duly organized and maintained by any  
27 municipality: PROVIDED, That any such municipality wherein a part-paid  
28 fire department is maintained may by appropriate legislation permit the

1 full-paid members of its department to come under the provisions of  
2 chapter 41.16 RCW.

3 "Fire fighter" includes any fire fighter who is a member of any  
4 fire department of any municipality but shall not include full time,  
5 paid fire fighters who are members of the Washington law enforcement  
6 officers' and fire fighters' retirement system, with respect to periods  
7 of service rendered in such capacity.

8 "Performance of duty" shall be construed to mean and include any  
9 work in and about company quarters or any fire station or any other  
10 place under the direction or general orders of the chief or other  
11 officer having authority to order such member to perform such work;  
12 responding to, working at, or returning from an alarm of fire; drill;  
13 or any work performed of an emergency nature in accordance with the  
14 rules and regulations of the fire department.

15 "State board" means the state board for volunteer fire fighters and  
16 emergency service district workers created herein.

17 "Emergency district board of trustees" means the board of trustees  
18 created in section 6 of this act.

19 "Appropriate legislation" means an ordinance when an ordinance is  
20 the means of legislating by any municipality, and resolution in all  
21 other cases.

22 **Sec. 32.** RCW 41.24.250 and 1989 c 91 s 22 are each amended to read  
23 as follows:

24 There is established a state board for volunteer fire fighters and  
25 emergency service district workers to consist of:

26 (1) Three members of a fire department covered by this chapter, no  
27 two of whom shall be from the same congressional district, to be  
28 appointed by the governor to serve overlapping terms of six years. Of

1 members first appointed, one shall be appointed for a term of six  
2 years, one for four years, and one for two years; and

3 (2) One member of an emergency medical service district covered by  
4 sections 1 through 29 of this act, to be appointed by the governor to  
5 serve a term of six years.

6 Upon the expiration of a term, a successor shall be appointed by  
7 the governor for a term of six years. Any vacancy shall be filled by  
8 the governor for the unexpired term. Each member of the state board,  
9 before entering on the performance of his or her duties, shall take an  
10 oath that he or she will not knowingly violate or willingly permit the  
11 violation of any provision of law applicable to this chapter, which  
12 oath shall be filed with the secretary of state.

13 The board shall not be deemed to be unlawfully constituted and a  
14 member of the board shall not be deemed ineligible to serve the  
15 remainder of the member's unexpired term on the board solely by reason  
16 of the establishment of new or revised boundaries for congressional  
17 districts.

18 **Sec. 33.** RCW 41.24.290 and 1989 c 91 s 23 are each amended to read  
19 as follows:

20 The state board shall:

21 (1) Generally supervise and control the administration of this  
22 chapter and sections 1 through 29 of this act;

23 (2) Promulgate, amend, or repeal rules and regulations not  
24 inconsistent with this chapter and sections 1 through 29 of this act  
25 for the purpose of effecting a uniform and efficient manner of carrying  
26 out the provisions of this chapter and sections 1 through 29 of this  
27 act and the purposes to be accomplished thereby, and for the government  
28 of boards of trustees of the municipalities and emergency district

1 boards of trustees for counties of this state in the discharge of their  
2 functions under this chapter and sections 1 through 29 of this act;

3 (3) Review any action, and hear and determine any appeal which may  
4 be taken from the decision of the board of trustees of any municipality  
5 or emergency district board of trustees of any county made pursuant to  
6 this chapter or sections 1 through 29 of this act;

7 (4) Take such action as may be necessary to secure compliance of  
8 the municipalities governed by this chapter or counties governed by  
9 sections 1 through 29 of this act and to provide for the collection of  
10 all fees and penalties which are, or may be, due and delinquent from  
11 any such municipality or county;

12 (5) Review the action of the board of trustees of any municipality  
13 or emergency district board of trustees of any county authorizing any  
14 pension as provided by this chapter or sections 1 through 29 of this  
15 act; and authorize the regular issuance of monthly warrants in payment  
16 thereof without further action of the board of trustees of such  
17 municipality or emergency district board of trustees of any county;

18 (6) Require periodic reports from the recipient of any benefits  
19 under this chapter or sections 1 through 29 of this act for the purpose  
20 of determining their continued eligibility therefor;

21 (7) Maintain such records as may be necessary and proper for the  
22 proper maintenance and operation of the volunteer fire fighters' relief  
23 and pension fund and the volunteer emergency workers' relief and  
24 pension fund, including records of the names and addresses of every  
25 person enrolled under this chapter or sections 1 through 29 of this  
26 act, and provide all necessary forms to enable local boards of trustees  
27 or emergency district boards of trustees to effectively carry out their  
28 duties as provided by this chapter;

29 (8) Compel the taking of testimony from witnesses under oath before  
30 the state board, or any member or the secretary thereof, or before the

1 local board of trustees or emergency district board of trustees or any  
2 member thereof, for the purpose of obtaining evidence, at any time, in  
3 connection with any claim or pension pending or authorized for payment.  
4 For such purpose the state board shall have the same power of subpoena  
5 as prescribed in RCW 51.52.100. Failure of any claimant to appear and  
6 give any testimony as herein provided shall suspend any rights or  
7 eligibility to receive payments for the period of such failure to  
8 appear and testify;

9 (9) Appoint a secretary to hold office at the pleasure of the state  
10 board, fix the secretary's compensation at such sum as it shall deem  
11 appropriate, and prescribe the secretary's duties not otherwise  
12 provided by this chapter.