

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1219

Chapter 148, Laws of 1999

56th Legislature
1999 Regular Session

FIRE FIGHTERS OR RESERVE OFFICERS--RETIREMENT PENSIONS

EFFECTIVE DATE: 7/25/99

Passed by the House February 26, 1999
Yeas 96 Nays 0

CLYDE BALLARD
**Speaker of the House of
Representatives**

FRANK CHOPP
**Speaker of the House of
Representatives**

Passed by the Senate April 14, 1999
Yeas 48 Nays 0

BRAD OWEN
President of the Senate

Approved April 30, 1999

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1219** as passed by the House of Representatives and the Senate on the dates hereon set forth.

DEAN R. FOSTER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED

April 30, 1999 - 11:52 a.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1219

Passed Legislature - 1999 Regular Session

State of Washington

56th Legislature

1999 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Ogden, Carlson, Conway, Doumit, D. Schmidt, Lantz and Parlette)

Read first time 02/16/1999.

1 AN ACT Relating to relief and retirement pensions under chapter
2 41.24 RCW; amending RCW 41.24.010, 41.24.020, 41.24.035, 41.24.040,
3 41.24.060, 41.24.070, 41.24.080, 41.24.090, 41.24.110, 41.24.120,
4 41.24.140, 41.24.150, 41.24.160, 41.24.170, 41.24.172, 41.24.180,
5 41.24.200, 41.24.210, 41.24.220, 41.24.230, 41.24.245, 41.24.250,
6 41.24.280, 41.24.290, 41.24.300, 41.24.310, 41.24.320, 41.24.330,
7 41.24.340, 41.24.400, 41.24.450, and 41.24.460; reenacting and amending
8 RCW 41.24.030; and repealing RCW 41.24.350, 41.24.420, 41.24.440, and
9 41.24.470.

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

11 **Sec. 1.** RCW 41.24.010 and 1995 c 11 s 1 are each amended to read
12 as follows:

13 (~~As used in~~) The definitions in this section apply throughout
14 this chapter(~~(+)~~) unless the context clearly requires otherwise.

15 (1) "Municipal corporation" or "municipality" includes any county,
16 city, town or combination thereof, fire protection district, local law
17 enforcement agency, or any (~~(water, irrigation,)~~) emergency medical
18 service district or other special district, authorized by law (~~(to~~
19 ~~afford emergency medical services or protection)~~) to protect life

1 ((and)) or property within its boundaries through a fire department,
2 emergency workers, or reserve officers.

3 (2) "Fire department" means any regularly organized fire department
4 or emergency medical service district consisting wholly of volunteer
5 fire fighters, or any part-paid and part-volunteer fire department duly
6 organized and maintained by any municipality: PROVIDED, That any such
7 municipality wherein a part-paid fire department is maintained may by
8 appropriate legislation permit the full-paid members of its department
9 to come under the provisions of chapter 41.16 RCW.

10 (3) "Fire fighter" includes any fire fighter or emergency worker
11 who is a member of any fire department of any municipality but shall
12 not include full time, paid fire fighters who are members of the
13 Washington law enforcement officers' and fire fighters' retirement
14 system, with respect to periods of service rendered in such capacity.

15 (4) "Emergency worker" means any emergency medical service
16 personnel, regulated by chapters 18.71 and 18.73 RCW, who is a member
17 of an emergency medical service district but shall not include full-
18 time, paid emergency medical service personnel who are members of the
19 Washington public employees' retirement system, with respect to periods
20 of service rendered in such capacity.

21 (5) "Performance of duty" or "performance of service" shall be
22 construed to mean and include any work in and about company quarters
23 ~~((or))~~, any fire station, any law enforcement office or precinct, or
24 any other place under the direction or general orders of the chief or
25 other officer having authority to order such member to perform such
26 work; responding to, working at, or returning from an alarm of fire,
27 emergency call, or law enforcement duties; drill or training; or any
28 work performed of an emergency nature in accordance with the rules and
29 regulations of the fire department or local law enforcement agency.

30 (6) "State board" means the state board for volunteer fire fighters
31 and reserve officers ~~((created herein))~~.

32 (7) "Board of trustees" or "local board" means: (a) For matters
33 affecting fire fighters, a fire fighter board of trustees created under
34 RCW 41.24.060 ~~((or))~~; (b) for matters affecting an emergency worker,
35 an emergency medical service district board of trustees created under
36 RCW 41.24.330; or (c) for matters affecting reserve officers, a reserve
37 officer board of trustees created under RCW 41.24.460.

1 (8) "Appropriate legislation" means an ordinance when an ordinance
2 is the means of legislating by any municipality, and resolution in all
3 other cases.

4 (9) "Reserve officer" means the same as defined by the Washington
5 state criminal justice training commission under chapter 43.101 RCW,
6 but shall not include full-time, paid law enforcement officers who are
7 members of the Washington law enforcement officers' and fire fighters'
8 retirement system, with respect to periods of service rendered in such
9 capacity.

10 (10) "Participant" means: (a) For purposes of relief, any reserve
11 officer who is or may become eligible for relief under this chapter or
12 any fire fighter or emergency worker; and (b) for purposes of
13 retirement pension, any fire fighter, emergency worker, or reserve
14 officer who is or may become eligible to receive a benefit of any type
15 under the retirement provisions of this chapter, or whose beneficiary
16 may be eligible to receive any such benefit.

17 (11) "Relief" means all medical, death, and disability benefits
18 available under this chapter that are made necessary from death,
19 sickness, injury, or disability arising in the performance of duty,
20 including benefits provided under RCW 41.24.110, 41.24.150, 41.24.160,
21 41.24.175, 41.24.220, and 41.24.230, but does not include retirement
22 pensions provided under this chapter.

23 (12) "Retirement pension" means retirement payments for the
24 performance of service, as provided under RCW 41.24.170, 41.24.172,
25 41.24.175, 41.24.180, and 41.24.185.

26 (13) "Principal fund" means the volunteer fire fighters' and
27 reserve officers' relief and pension principal fund created under RCW
28 41.24.030.

29 (14) "Administrative fund" means the volunteer fire fighters' and
30 reserve officers' administrative fund created under RCW 41.24.030.

31 **Sec. 2.** RCW 41.24.020 and 1989 c 91 s 9 are each amended to read
32 as follows:

33 (1) Every municipal corporation maintaining and operating a
34 regularly organized fire department shall make provision by appropriate
35 legislation for the enrollment of every fire fighter under the relief
36 ~~((and compensation))~~ provisions of this chapter for the purpose of
37 providing protection for all its fire fighters and their families from
38 death, sickness, injury, or disability arising in the performance of

1 their duties as fire fighters(~~(: PROVIDED, That)~~). Nothing ((herein))
2 in this chapter shall prohibit any municipality from providing such
3 additional protection for relief (~~((and compensation, or death benefit))~~)
4 as it may deem proper.

5 (2) Any municipal corporation maintaining and operating a regularly
6 organized fire department may make provision by appropriate legislation
7 (~~((whereby))~~) allowing any member of its fire ((fighter may)) department
8 to enroll under the retirement pension provisions of this chapter ((for
9 ~~the purpose of enabling any fire fighter, so electing, to avail himself~~
10 ~~or herself of the retirement provisions of this chapter))~~).

11 (3) Every municipal corporation shall make provisions for the
12 collection and payment of the fees (~~((as herein))~~) provided under this
13 chapter, and shall continue to make such provisions for all fire
14 fighters who come under this chapter as long as they shall continue to
15 be members of its fire department.

16 **Sec. 3.** RCW 41.24.030 and 1995 c 45 s 1 and 1995 c 11 s 3 are each
17 reenacted and amended to read as follows:

18 (1) (~~((There))~~) The volunteer fire fighters' and reserve officers'
19 relief and pension principal fund is created in the state treasury as
20 a trust fund for the benefit of the participants covered by this
21 chapter(~~(, which shall be designated the volunteer fire fighters'~~
22 ~~relief and pension principal fund and shall consist))~~) consisting of:

23 (a) All bequests, fees, gifts, emoluments, or donations given or
24 paid to the fund.

25 (b) An annual fee for each member of its fire department to be paid
26 by each municipal corporation for the purpose of affording (~~(the~~
27 ~~members of its fire department with protection from death or disability~~
28 ~~as))~~) relief provided in this chapter for fire fighters as follows:

29 (i) Ten dollars for each volunteer or part-paid member of its fire
30 department;

31 (ii) A sum equal to one and one-half of one percent of the annual
32 salary attached to the rank of each full-paid member of its fire
33 department, prorated for 1970 on the basis of services prior to March
34 1, 1970.

35 (c) An annual fee for each emergency worker of an emergency medical
36 service district paid by the district that is sufficient to pay the
37 full costs of covering the emergency worker under the relief provisions
38 of this chapter, including operating expenses. The state board shall

1 determine the amount of this fee based on the latest actuarial
2 valuation of the system.

3 (d) Where a municipal corporation has elected to make relief
4 provisions of this chapter available to its reserve officers, an annual
5 fee for each reserve officer paid by the municipal corporation that is
6 sufficient to pay the full costs of covering the reserve officer under
7 the relief provisions of this chapter, including operating expenses.
8 The state board shall determine the amount of this fee based on the
9 latest actuarial valuation of the system.

10 (e) Where a municipal corporation has elected to make ((available
11 to the members of its fire department)) the retirement pension
12 provisions ((as provided in)) of this chapter available to members of
13 its fire department, an annual fee of sixty dollars for each of its
14 fire fighters electing to enroll ((therein)), thirty dollars of which
15 shall be paid by the municipality and thirty dollars of which shall be
16 paid by the fire fighter. However, nothing in this section prohibits
17 any municipality from voluntarily paying the fire fighters' ((share of
18 the)) fee for this retirement ((provision)) pension coverage.

19 ((d)) (f) Where an emergency medical service district has elected
20 to make the retirement pension provisions of this chapter available to
21 its emergency workers, for each emergency worker electing to enroll:
22 (i) An annual fee of thirty dollars shall be paid by the emergency
23 worker; and (ii) an annual fee paid by the emergency medical service
24 district that, together with the thirty-dollar fee per emergency
25 worker, is sufficient to pay the full costs of covering the emergency
26 worker under the retirement pension benefits provided under this
27 chapter, including operating expenses. The state board shall determine
28 the amount of this fee based on the latest actuarial valuation of the
29 system. However, nothing in this section prohibits any emergency
30 medical service district from voluntarily paying the emergency workers'
31 fees for this retirement pension coverage.

32 (g) Where a municipal corporation has elected to make the
33 retirement pension provisions of this chapter available to its reserve
34 officers, for each reserve officer ((that elects)) electing to enroll:
35 (i) An annual fee of thirty dollars shall be paid by the reserve
36 officer; and (ii) an annual fee ((determined by the state board)) paid
37 by the municipal corporation that, together with the thirty-dollar fee
38 per reserve officer, is sufficient to pay the full costs of covering
39 the reserve officer under the retirement pension benefits provided

1 under this chapter, including operating expenses. The state board
2 shall determine the amount of this fee based on the latest actuarial
3 valuation ((shall be paid by the municipal corporation. The fee paid
4 by the municipal corporation may include operating expenses.

5 ~~(e)~~ Forty percent of all moneys received by the state from taxes on
6 fire insurance premiums shall be paid into the state treasury and
7 credited to the administrative fund created in subsection (2) of this
8 section)) of the system. However, nothing in this section prohibits
9 any municipal corporation from voluntarily paying the reserve officers'
10 fees for this retirement pension coverage.

11 ~~((f))~~ (h) Moneys transferred from the administrative fund, as
12 provided under subsection (4) of this section, which may only be used
13 to pay relief and retirement pensions for fire fighters.

14 (i) Earnings from the investment of moneys in the principal fund.

15 (2) The state investment board, upon request of the state treasurer
16 shall have full power to invest ((or reinvest such)), reinvest, manage,
17 contract, sell, or exchange investments acquired from that portion of
18 the amounts credited to the principal fund as is not, in the judgment
19 of the state ((treasurer)) board, required to meet current withdrawals.
20 ((Such)) Investments shall be made in the manner prescribed by RCW
21 43.84.150 and not otherwise.

22 ~~((g))~~ All bonds, investments, or other obligations purchased
23 ((according to (f) of this subsection shall be forthwith)) by the state
24 investment board shall be placed in the custody of the state treasurer,
25 and he or she shall collect the principal thereof and interest thereon
26 when due.

27 The state investment board may sell any of the bonds, investments,
28 or obligations so acquired and the proceeds thereof shall be paid to
29 the state treasurer.

30 (3) The interest, earnings, and proceeds from the sale and
31 redemption of any ((bonds or other obligations)) investments held by
32 the principal fund and invested by the state investment board shall be
33 credited to and form a part of the principal fund, less the allocation
34 to the state investment board expense account pursuant to RCW
35 43.33A.160.

36 Subject to restrictions contained in this chapter, all amounts
37 credited to the principal fund shall be available for making the
38 benefit payments required by this chapter.

1 The state treasurer shall make an annual report showing the
2 condition of the fund.

3 ~~((2))~~ (4) The volunteer fire fighters' ~~((relief and pension))~~ and
4 reserve officers' administrative fund is ~~((hereby))~~ created in the
5 state treasury. Moneys in the ~~((account))~~ fund, including
6 unanticipated revenues under RCW 43.79.270, may be spent only after
7 appropriation, and may be used only for operating expenses of the
8 volunteer fire fighters' and reserve officers' relief and pension
9 principal fund, the operating expenses of the volunteer fire fighters'
10 ~~((relief and pension))~~ and reserve officers' administrative fund, or
11 for transfer from the administrative fund to the principal fund.

12 (a) Forty percent of all moneys received by the state from taxes on
13 fire insurance premiums shall be paid into the state treasury and
14 credited to the administrative fund.

15 (b) The state board shall compute a percentage of the amounts
16 credited to the administrative fund to be paid into the principal fund.

17 ~~((b))~~ (c) For the purpose of providing amounts to be used to
18 defray the cost of administration of the principal and administrative
19 funds, the state board shall ascertain at the beginning of each
20 biennium and request from the legislature an appropriation from the
21 administrative fund sufficient to cover estimated expenses for the
22 biennium.

23 **Sec. 4.** RCW 41.24.035 and 1989 c 194 s 2 are each amended to read
24 as follows:

25 The state board is authorized to pay from the ~~((interest))~~ earnings
26 of the ~~((trust funds of the system))~~ principal fund and administrative
27 fund lawful obligations of the system for legal expenses and medical
28 expenses which expenses are primarily incurred for the purpose of
29 protecting the ~~((trust))~~ principal fund or are incurred in compliance
30 with statutes governing such funds.

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

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

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

3 **Sec. 5.** RCW 41.24.040 and 1995 c 11 s 5 are each amended to read
4 as follows:

5 On or before the first day of March of each year, every (~~municipal~~
6 ~~corporation~~) municipality shall pay such amount as shall be due from
7 it to (~~said~~) the principal fund, together with the amounts collected
8 from the participants(~~(:—PROVIDED, That no fire fighter~~
9 ~~{participant})~~). A participant shall not forfeit his or her right to
10 participate in the relief (~~and compensation~~) provisions of this
11 chapter by reason of (~~nonpayment:—PROVIDED FURTHER, That no~~) the
12 municipal corporation failing to pay the amount due from it. A
13 participant shall not forfeit his or her right to participate in the
14 retirement pension provisions of this chapter until after March 1st of
15 (~~such~~) the year(~~(:—AND PROVIDED FURTHER, That)~~) in which the
16 municipality fails to make the required payments. Where a municipality
17 has failed to pay or remit the annual fees required within the time
18 provided, such delinquent payment shall bear interest at the rate of
19 one percent per month from March 1st until paid(~~(:—AND PROVIDED~~
20 ~~FURTHER, That)~~) or remitted. Where a participant has forfeited his or
21 her right to participate in the retirement provisions of this chapter
22 that participant may be reinstated so as to participate to the same
23 extent as if all fees had been paid by the payment of all back fees
24 with interest at the rate of one percent per month provided he or she
25 has at all times been otherwise eligible.

26 **Sec. 6.** RCW 41.24.060 and 1981 c 213 s 7 are each amended to read
27 as follows:

28 A fire fighter board of trustees is created and established to
29 administer this chapter in every municipal corporation maintaining a
30 regularly organized fire department (~~(there is hereby created and~~
31 ~~established a board of trustees for the administration of this chapter.~~
32 ~~Such)~~). A fire fighter board of trustees shall consist of the mayor,
33 city clerk or comptroller, and one councilmember of such municipality,
34 the chief of the fire department, and one member of the fire department
35 to be elected by the members of such fire department for a term of one
36 year and annually thereafter. Where a municipality is governed by a
37 board, the chair, one member of the board, and the secretary or clerk

1 thereof shall serve as members of ~~((said))~~ the fire fighter board of
2 trustees in lieu of the mayor, clerk or comptroller, and councilmember.

3 **Sec. 7.** RCW 41.24.070 and 1969 c 118 s 1 are each amended to read
4 as follows:

5 The mayor or ~~((chairman))~~ chair of the board or commission of any
6 ~~((such))~~ municipality with a fire department, or his or her designee,
7 shall be ~~((chairman))~~ chair of the fire fighter board of trustees, and
8 the clerk or comptroller or secretary of any such municipality, board,
9 or commission, or his or her designee, shall be the secretary-treasurer
10 of the board of trustees.

11 The secretary shall keep a public record of all proceedings~~((7))~~
12 and of all receipts and disbursements made by the board of trustees
13 ~~((and))~~, shall make an annual report of its expenses and disbursements
14 with a full list of the beneficiaries of ~~((said))~~ the principal fund in
15 ~~((such))~~ the municipality, ~~((such record to be placed on file in such~~
16 ~~municipality. Such forms as shall be necessary for the proper~~
17 ~~administration of this fund and of making the reports required~~
18 ~~hereunder shall be provided by the state board))~~ and shall make all
19 required reports to the state board. The state board shall provide all
20 necessary forms to fire fighter boards of trustees.

21 **Sec. 8.** RCW 41.24.080 and 1989 c 91 s 12 are each amended to read
22 as follows:

23 The board of trustees of each municipal corporation shall provide
24 for enrollment of all members of its fire department under the ~~((death~~
25 ~~and disability))~~ relief provisions ~~((hereof))~~ of this chapter; provide
26 for enrollment of all its reserve officers under the relief provisions
27 of this chapter if it has extended these relief provisions to its
28 reserve officers; receive all applications for the enrollment under the
29 retirement pension provisions ((hereof)) of this chapter when the
30 municipality has ((elected to enroll thereunder)) extended these
31 retirement pension provisions to its fire fighters or reserve officers;
32 provide for disbursements of relief ((and compensation)); determine the
33 eligibility of fire fighters and reserve officers for retirement
34 pensions; and pass on all claims and direct payment thereof from the
35 ~~((volunteer fire fighters' relief and pension))~~ principal fund to those
36 entitled thereto. Vouchers shall be issued to the persons entitled
37 thereto by the local board. It shall send to the state board, after

1 each meeting, a voucher for each person entitled to payment from the
2 principal fund, stating the amount of such payment and for what
3 granted, which voucher shall be certified and signed by the
4 ((~~chairman~~)) chair and secretary of the local board. The state board,
5 after review and approval, shall cause a warrant to be issued on the
6 principal fund for the amount specified and approved on each voucher(~~(÷~~
7 ~~PROVIDED, That in~~)). However, in retirement pension cases after the
8 applicant's eligibility for pension is verified, the state board shall
9 authorize the regular issuance of monthly warrants or electronic
10 transfers of funds in payment ((~~thereof~~)) of the retirement pension
11 without further action of the board of trustees of any such
12 municipality.

13 **Sec. 9.** RCW 41.24.090 and 1945 c 261 s 9 are each amended to read
14 as follows:

15 ((~~Said~~)) A board of trustees shall meet on the call of its
16 ((~~chairman~~)) chair on a regular monthly meeting day when there is
17 business to come before it. The ((~~chairman~~)) chair shall be required
18 to call a meeting on any regular meeting day at the request of any
19 member of the fund or his or her beneficiary claiming any relief(~~(÷~~
20 ~~compensation~~)) or retirement pension ((~~therefrom~~)).

21 **Sec. 10.** RCW 41.24.110 and 1989 c 91 s 13 are each amended to read
22 as follows:

23 The local board shall make provisions for ((~~the employment of a~~))
24 reimbursing regularly licensed practicing physicians ((~~for the~~
25 ~~examination of members of fire departments~~)) and other medical staff
26 who examine participants making application for membership. ((~~Such~~
27 ~~appointed physician shall visit and examine all sick and injured fire~~
28 ~~fighters,~~)) Physicians and other medical staff shall perform such
29 services and operations and render all medical aid and care necessary
30 for the recovery and treatment of ((~~fire fighters~~)) participants on
31 account of injury, sickness, or disability received while in the
32 performance of duties((~~.—Such appointed physician~~)) and shall be paid
33 ((~~his or her fees from said~~)) for these services from the principal
34 fund, but not in excess of the schedule of fees for like services
35 approved by the director of labor and industries under Title 51 RCW.
36 ((~~No~~)) A physician or ((~~surgeon~~)) other medical staff, who is not
37 approved by the local board, shall not receive or be entitled to any

1 compensation from ~~((said))~~ the principal fund as the private or
2 attending physician or other private or attending medical staff of any
3 ~~((fire fighter))~~ participant. ~~((No))~~ A person shall not have any right
4 of action against the local board ~~((of trustees of said fund))~~ for the
5 negligence of any physician or ~~((surgeon employed by it))~~ other medical
6 staff who is reimbursed from the principal fund. Any physician
7 ~~((employed by the board to attend upon any fire fighter))~~ or other
8 medical staff who is reimbursed from the principal fund for providing
9 service or care for a participant shall report his or her findings in
10 writing to ~~((said))~~ the local board and the state board.

11 **Sec. 11.** RCW 41.24.120 and 1969 c 118 s 3 are each amended to read
12 as follows:

13 The local board shall initially hear and decide all applications
14 for relief or ~~((compensation and))~~ retirement pensions under this
15 chapter, subject to review by, or appeal by the proper person to, the
16 state board where decision on such review or appeal shall be final and
17 conclusive.

18 **Sec. 12.** RCW 41.24.140 and 1989 c 91 s 14 are each amended to read
19 as follows:

20 ~~((Said board of trustees shall have the power and authority to ask~~
21 ~~for the appointment of))~~ A local board may appoint a guardian whenever
22 and wherever the claim of a ~~((fire fighter))~~ participant or his or her
23 beneficiary would, in the opinion of the local board, be best served
24 ~~((thereby))~~ by the appointment. The local board shall have full power
25 to make and direct the payments ~~((herein provided for))~~ under this
26 chapter to any person entitled ~~((thereto))~~ to the payments without the
27 necessity of any guardianship or administration proceedings, when in
28 its judgment, it shall determine it to be for the best interests of the
29 beneficiary.

30 **Sec. 13.** RCW 41.24.150 and 1996 c 57 s 1 are each amended to read
31 as follows:

32 Whenever a ~~((fire fighter serving in any capacity as a member of~~
33 ~~the fire fighter's own fire department subject to the provisions of~~
34 ~~this chapter))~~ participant becomes physically or mentally disabled,
35 injured, or sick, in consequence or as the result of the performance of
36 his or her duties, so as to be wholly prevented from engaging in each

1 and every duty of his or her regular occupation, business, or
2 profession, he or she shall be paid from the principal fund monthly, an
3 amount equal to his or her monthly wage as certified by the local board
4 or two thousand five hundred fifty dollars, whichever is less, for a
5 period not to exceed six months, or an amount equal to his or her daily
6 wage as certified by the local board or eighty-five dollars, whichever
7 is less, per day for such period as is part of a month, after which
8 period, if the member is incapacitated to such an extent that he or she
9 is thereby prevented from engaging in any occupation or performing any
10 work for compensation or profit or if the member sustained an injury
11 after October 1, 1978, which resulted in the loss or paralysis of both
12 legs or arms, or one leg and one arm, or total loss of eyesight, but
13 such injury has not prevented the member from engaging in an occupation
14 or performing work for compensation or profit, he or she is entitled to
15 draw from the fund monthly, the sum of one thousand two hundred
16 seventy-five dollars so long as the disability continues, except as
17 (~~hereinafter~~) provided(~~(:—PROVIDED, That)~~). However, if the
18 (~~member~~) participant has a wife or husband and/or a child or children
19 unemancipated or under eighteen years of age, he or she is entitled to
20 draw from the fund monthly the additional sums of two hundred fifty-
21 five dollars because of the fact of his wife or her husband, and one
22 hundred ten dollars because of the fact of each child unemancipated or
23 under eighteen years of age, all to a total maximum amount of two
24 thousand five hundred fifty dollars.

25 The state board may at any time reopen the grant of such disability
26 pension if the pensioner is gainfully employed, and may reduce it in
27 the proportion that the annual income from such gainful employment
28 bears to the annual income received by the pensioner at the time of his
29 or her disability(~~(:—PROVIDED, That)~~).

30 Where a (~~fire fighter~~) participant sustains a permanent partial
31 disability the state board may provide that (~~such~~) the injured (~~fire~~
32 ~~fighter shall~~) participant receive a lump sum compensation therefor to
33 the same extent as is provided for permanent partial disability under
34 the workers' compensation act under Title 51 RCW in lieu of such
35 monthly disability payments.

36 **Sec. 14.** RCW 41.24.160 and 1998 c 151 s 1 are each amended to read
37 as follows:

1 (1) Whenever a (~~fire fighter, or a reserve officer provided a~~
2 ~~benefit under this section,~~) participant dies as the result of
3 injuries received, or sickness contracted in consequence or as the
4 result of the performance of his or her duties, the board of trustees
5 shall order and direct the payment from the principal fund of the sum
6 of one hundred fifty-two thousand dollars to his widow or her widower,
7 or if there is no widow or widower, then to his or her dependent child
8 or children, or if there is no dependent child or children, then to his
9 or her parents or either of them, and the sum of one thousand two
10 hundred seventy-five dollars per month to his widow or her widower
11 during his or her life together with the additional monthly sum of one
12 hundred ten dollars for each child of the member, unemancipated or
13 under eighteen years of age, dependent upon the member for support at
14 the time of his or her death, to a maximum total of two thousand five
15 hundred fifty dollars per month.

16 (2) If the widow or widower does not have legal custody of one or
17 more dependent children of the deceased (~~fire fighter~~) participant or
18 if, after the death of the (~~fire fighter~~) participant, legal custody
19 of such child or children passes from the widow or widower to another
20 person, any payment on account of such child or children not in the
21 legal custody of the widow or widower shall be made to the person or
22 persons having legal custody of such child or children. Such payments
23 on account of such child or children shall be subtracted from the
24 amount to which such widow or widower would have been entitled had such
25 widow or widower had legal custody of all the children and the widow or
26 widower shall receive the remainder after such payments on account of
27 such child or children have been subtracted. If there is no widow or
28 widower, or the widow or widower dies while there are children,
29 unemancipated or under eighteen years of age, then the amount of
30 (~~eight~~) one thousand two hundred (~~twenty-five~~) seventy-five dollars
31 per month shall be paid for the youngest or only child together with an
32 additional (~~seventy~~) one hundred ten dollars per month for each
33 additional of such children to a maximum of (~~one~~) two thousand
34 (~~six~~) five hundred fifty dollars per month until they become
35 emancipated or reach the age of eighteen years; and if there are no
36 widow or widower, child, or children entitled thereto, then to his or
37 her parents or either of them the sum of (~~eight~~) one thousand two
38 hundred (~~twenty-five~~) seventy-five dollars per month for life, if it
39 is proved to the satisfaction of the board that the parents, or either

1 of them, were dependent on the deceased for their support at the time
2 of his or her death. In any instance in subsections (1) and (2) of
3 this section, if the widow or widower, child or children, or the
4 parents, or either of them, marries while receiving such pension the
5 person so marrying shall thereafter receive no further pension from the
6 fund.

7 (3) In the case provided for in this section, the monthly payment
8 provided may be converted in whole or in part into a lump sum payment,
9 not in any case to exceed twelve thousand dollars, equal or
10 proportionate, as the case may be, to the actuarial equivalent of the
11 monthly payment in which event the monthly payments shall cease in
12 whole or in part accordingly or proportionately. Such conversion may
13 be made either upon written application to the state board and shall
14 rest in the discretion of the state board; or the state board is
15 authorized to make, and authority is (~~hereby~~) given it to make, on
16 its own motion, lump sum payments, equal or proportionate, as the case
17 may be, to the value of the annuity then remaining in full satisfaction
18 of claims due to dependents. Within the rule (~~aforsaid~~) under this
19 subsection the amount and value of the lump sum payment may be agreed
20 upon between the applicant and the state board. (~~Any person receiving~~
21 ~~a monthly payment under this section on June 29, 1961, may elect,~~
22 ~~within two years, to convert such payments into a lump sum payment as~~
23 ~~provided in this section.~~)

24 **Sec. 15.** RCW 41.24.170 and 1995 c 11 s 7 are each amended to read
25 as follows:

26 Except as provided in RCW 41.24.410, whenever any participant has
27 been a member and served honorably for a period of ten years or more as
28 an active member in any capacity, of any regularly organized
29 (~~volunteer~~) fire department or law enforcement agency of any
30 municipality in this state, and which municipality has adopted
31 appropriate legislation allowing its fire fighters or reserve officers
32 to enroll in the retirement pension provisions of this chapter, and the
33 participant (~~are~~) has enrolled under the retirement pension
34 provisions(~~_)~~) and (~~the participant~~) has reached the age of sixty-
35 five years, the board of trustees shall order and direct that he or she
36 be retired and be paid a monthly pension from the principal fund as
37 provided in this section.

1 Whenever a participant has been a member, and served honorably for
2 a period of twenty-five years or more as an active member in any
3 capacity, of any regularly organized volunteer fire department or law
4 enforcement agency of any municipality in this state, and he or she has
5 reached the age of sixty-five years, and the annual retirement fee has
6 been paid for a period of twenty-five years, the board of trustees
7 shall order and direct that he or she be retired and such participant
8 be paid a monthly pension of two hundred twenty-five dollars from the
9 fund for the balance of that participant's life.

10 Whenever any participant has been a member, and served honorably
11 for a period of twenty-five years or more as an active member in any
12 capacity, of any regularly organized volunteer fire department or law
13 enforcement agency of any municipality in this state, and the
14 participant has reached the age of sixty-five years, and the annual
15 retirement fee has been paid for a period of less than twenty-five
16 years, the board of trustees shall order and direct that he or she be
17 retired and that such participant shall receive a minimum monthly
18 pension of twenty-five dollars increased by the sum of eight dollars
19 each month for each year the annual fee has been paid, but not to
20 exceed the maximum monthly pension provided in this section, for the
21 balance of the participant's life.

22 No pension provided in this section may become payable before the
23 sixty-fifth birthday of the participant, nor for any service less than
24 twenty-five years: PROVIDED, HOWEVER, That:

25 (1) Any participant, upon completion of twenty-five years' service
26 and attainment of age sixty, may irrevocably elect, in lieu of the
27 pension to which that participant would be entitled under this section
28 at age sixty-five, to receive for the balance of his or her life a
29 monthly pension equal to sixty percent of such pension.

30 (2) Any participant, upon completion of twenty-five years' service
31 and attainment of age sixty-two, may irrevocably elect, in lieu of the
32 pension to which that participant would be entitled under this section
33 at age sixty-five, to receive for the balance of his or her life a
34 monthly pension equal to seventy-five percent of such pension.

35 (3) Any participant, upon completion of less than twenty-five years
36 of service shall receive the applicable reduced pension provided in
37 this subsection, according to the age at which that participant elects
38 to begin to receive the pension. If receipt of the benefits begins at
39 age sixty-five the participant shall receive one hundred percent of the

1 reduced benefit; at age sixty-two the participant shall receive
2 seventy-five percent of the reduced benefit; and at age sixty the
3 participant shall receive sixty percent of the reduced benefit. The
4 reduced benefit shall be computed as follows:

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

9 (b) Upon completion of fifteen years, but less than twenty years of
10 service, a monthly pension equal to thirty percent of such pension as
11 the participant would have been entitled to receive at age sixty-five
12 after twenty-five years of service; and

13 (c) Upon completion of twenty years, but less than twenty-five
14 years of service, a monthly pension equal to sixty percent of such
15 pension as the participant would have been entitled to receive at age
16 sixty-five after twenty-five years of service.

17 **Sec. 16.** RCW 41.24.172 and 1995 c 11 s 9 are each amended to read
18 as follows:

19 Before beginning to receive the retirement pension provided for in
20 RCW 41.24.170, the participant shall elect, in a writing filed with the
21 state board, to have the retirement pension paid under either option 1
22 or 2, with option 2 calculated so as to be actuarially equivalent to
23 option 1.

24 (1) Option 1. A participant electing this option shall receive a
25 monthly pension payable throughout the participant's life. However, if
26 the participant dies before the total retirement pension paid to the
27 participant equals the amount paid on behalf of the participant into
28 the principal fund, then the balance shall be paid to the participant's
29 surviving spouse, or if there be no surviving spouse, then to the
30 participant's legal representatives.

31 (2) Option 2. A participant electing this option shall receive a
32 reduced monthly pension, which upon the participant's death shall be
33 continued throughout the life of and paid to the participant's
34 surviving spouse named in the written election filed with the state
35 board.

36 **Sec. 17.** RCW 41.24.180 and 1989 c 91 s 5 are each amended to read
37 as follows:

1 The board of trustees of any municipal corporation shall direct
2 payment from ~~((said))~~ the principal fund in the following cases:

3 (1) To any ~~((volunteer fire fighter))~~ participant, upon his or her
4 request, upon attaining the age of sixty-five years, who, for any
5 reason, is not qualified to receive the monthly retirement pension
6 ~~((herein))~~ provided under this chapter and who was enrolled in ~~((said~~
7 ~~fund))~~ the retirement provisions and on whose behalf annual fees for
8 retirement pension were paid, a lump sum amount equal to the amount
9 paid into the fund by the ~~((fire fighter))~~ participant.

10 (2) If any ~~((fire fighter))~~ participant who has not completed at
11 least ten years of service dies without having requested a lump sum
12 payment under subsection (1) or ~~((+4))~~ (3) of this section, there
13 shall be paid to the ~~((fire fighter's))~~ participant's surviving spouse,
14 or if there be no surviving spouse, then to such ~~((fire fighter's))~~
15 participant's legal representatives, a lump sum amount equal to the
16 amount paid into the fund by the ~~((fire fighter))~~ participant. If any
17 ~~((fire fighter))~~ participant who has completed at least ten years of
18 service dies other than as the result of injuries received or sickness
19 contracted in consequence or as the result of the performance of his or
20 her duties, without having requested a lump sum payment under
21 subsection (1) or ~~((+4))~~ (3) of this section and before beginning to
22 receive the monthly pension provided for in this chapter, the ~~((fire~~
23 ~~fighter's))~~ participant's surviving spouse shall elect to receive
24 either:

25 (a) A monthly pension computed as provided for in RCW 41.24.170
26 actuarially adjusted to reflect option 2 of RCW 41.24.172 and further
27 actuarially reduced to reflect the difference in the number of years
28 between the ~~((fire fighter's))~~ participant's age at death and age
29 sixty-five; or

30 (b) A lump sum amount equal to the amount paid into the principal
31 fund by the ~~((fire fighter))~~ participant and the municipality or
32 municipalities in whose department he or she has served.

33 If there be no such surviving spouse, then there shall be paid to
34 the ~~((fire fighter's))~~ participant's legal representatives a lump sum
35 amount equal to the amount paid into the fund by the ~~((fire fighter))~~
36 participant.

37 ~~((+4){(3)})~~ (3) If any ~~((volunteer fire fighter))~~ participant
38 retires from ~~((the fire))~~ service before attaining the age of sixty-
39 five years, the ~~((fire fighter))~~ participant may make application for

1 the return in a lump sum of the amount paid into the fund by himself or
2 herself.

3 **Sec. 18.** RCW 41.24.200 and 1995 c 11 s 12 are each amended to read
4 as follows:

5 The aggregate term of service of any participant need not be
6 continuous nor need it be confined to a single fire department or law
7 enforcement agency nor a single municipality in this state to entitle
8 such participant to a retirement pension (~~((:—PROVIDED, That))~~) if the
9 participant has been duly enrolled in a fire department or law
10 enforcement agency of a municipality which has elected to ~~((make~~
11 ~~provisions for))~~ extend the retirement ~~((of its participants))~~ pension
12 provisions of this chapter to its fire fighters or reserve officers at
13 the time he or she becomes eligible for ~~((such))~~ the retirement pension
14 ~~((as in this chapter provided,))~~ and has paid all fees prescribed. To
15 be eligible to the full pension a participant must have an aggregate of
16 twenty-five years service, have made twenty-five annual payments into
17 the fund, and be sixty-five years of age at the time the participant
18 commences drawing the pension provided for by this chapter, all of
19 which twenty-five years service must have been in the fire department
20 or law enforcement agency of a municipality or municipalities which
21 have elected to ~~((make provisions for))~~ extend the retirement ~~((of its~~
22 ~~participants:—PROVIDED, HOWEVER, That))~~ pension provisions of this
23 chapter to its fire fighters or reserve officers. Nothing ~~((herein~~
24 ~~contained))~~ in this chapter shall require any participant having
25 twenty-five years active service to continue as a fire fighter or
26 reserve officer and no participant who has completed twenty-five years
27 of active service for which annual retirement pension fees have been
28 paid and who continues as a fire fighter or reserve officer shall be
29 required to pay any additional annual pension fees.

30 **Sec. 19.** RCW 41.24.210 and 1989 c 91 s 18 are each amended to read
31 as follows:

32 ~~((No fire fighter))~~ A participant shall not receive ~~((any~~
33 ~~disability pension from the fund, or be entitled to receive any))~~
34 relief ~~((or compensation))~~ for disability, sickness, or injuries
35 received in the performance of his or her duties, unless there is filed
36 with the board of trustees a report of accident, which report shall be
37 subscribed to by the claimant, the ~~((fire chief))~~ head of the

1 department, and the authorized attending physician, if there is one.
2 ~~((No))~~ A claim for benefits arising from disability, sickness, or
3 injuries incurred in consequence or as a result of the performance of
4 duties shall not be allowed by the state board unless there has been
5 filed with it a report of accident within ninety days after its
6 occurrence and a claim based thereon within one year after the
7 occurrence of the accident on which such claim is based. The state
8 board may require such other or further evidence as it deems advisable
9 before ordering any relief(~~(, compensation, or pension)~~).

10 **Sec. 20.** RCW 41.24.220 and 1989 c 91 s 19 are each amended to read
11 as follows:

12 Whenever any ~~((fire—fighter))~~ participant becomes injured,
13 disabled, or sick in consequence or as the result of the performance of
14 his or her duties by reason of which he or she is confined to any
15 hospital or other medical facility, an amount not exceeding the daily
16 ward rate of the hospital or regular fees for such service shall be
17 allowed and paid from ~~((said fund toward such hospital expenses:~~
18 ~~PROVIDED, That))~~ the principal fund. This allowance shall not be in
19 lieu of but in addition to any other allowance provided in this chapter
20 ~~((provided:—PROVIDED FURTHER, That))~~. In addition, the costs of
21 surgery, medicine, laboratory fees, x-ray, special therapies, and
22 similar additional costs shall be paid ~~((in addition thereto:—PROVIDED~~
23 ~~FURTHER, That))~~. When extended treatment, not available in the injured
24 ~~((fire—fighter's))~~, disabled, or sick participant's home area, is
25 required, ~~((such fire—fighter))~~ the participant may be reimbursed for
26 actual mileage to and from the place of extended treatment pursuant to
27 RCW 43.03.060 ~~((as now existing or hereafter amended))~~.

28 **Sec. 21.** RCW 41.24.230 and 1989 c 91 s 20 are each amended to read
29 as follows:

30 Upon the death of any ~~((fire—fighter))~~ participant resulting from
31 injuries or sickness in consequence or as the result of the performance
32 of his or her duties, the board of trustees shall authorize the
33 issuance of a voucher for the sum of two thousand dollars, and upon the
34 death of any ~~((fire—fighter))~~ participant who is receiving any
35 disability ~~((pension))~~ payments provided for in this chapter, the board
36 of trustees shall authorize the issuance of a voucher for the sum of
37 five hundred dollars, to help defray the funeral expenses and burial of

1 ((such fire fighter)) the participant, which voucher shall be paid in
2 the manner provided for payment of other charges against the principal
3 fund.

4 **Sec. 22.** RCW 41.24.245 and 1987 c 326 s 19 are each amended to
5 read as follows:

6 (1) If the state board or the secretary makes payments to a spouse
7 or ex spouse to the extent expressly provided for in any court decree
8 of dissolution or legal separation or in any court order or court-
9 approved property settlement agreement incident to a court decree of
10 dissolution or legal separation, it shall be a sufficient answer to any
11 claim of a beneficiary against the state board, the secretary, or the
12 principal fund for the state board or secretary to show that the
13 payments were made pursuant to a court decree.

14 (2) All payments made to a nonmember spouse or ex spouse pursuant
15 to RCW 41.24.240 shall cease upon the death of such a nonmember spouse
16 or ex spouse. Upon such a death, the state board and the secretary
17 shall pay to the member his or her full monthly entitlement of
18 benefits.

19 (3) The provisions of RCW 41.24.240 and this section shall apply to
20 all court decrees of dissolution or legal separation and court-approved
21 property settlement agreements, regardless of when entered, but shall
22 apply only to those persons who have actually retired or who have
23 requested withdrawal of any or all of their contributions to the
24 principal fund: PROVIDED, That the state board or secretary shall not
25 be responsible for making court-ordered divisions of withdrawals unless
26 the order is filed with the state board at least thirty days before the
27 withdrawal payment date.

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

30 ((There is established a)) The state board for volunteer fire
31 fighters and reserve officers is created to consist of three members of
32 a fire department covered by this chapter, no two of whom shall be from
33 the same congressional district, to be appointed by the governor to
34 serve overlapping terms of six years. Of members first appointed, one
35 shall be appointed for a term of six years, one for four years, and one
36 for two years. Upon the expiration of a term, a successor shall be
37 appointed by the governor for a term of six years. Any vacancy shall

1 be filled by the governor for the unexpired term. Each member of the
2 state board, before entering on the performance of his or her duties,
3 shall take an oath that he or she will not knowingly violate or
4 willingly permit the violation of any provision of law applicable to
5 this chapter, which oath shall be filed with the secretary of state.

6 The state board shall not be deemed to be unlawfully constituted
7 and a member of the board shall not be deemed ineligible to serve the
8 remainder of the member's unexpired term on the board solely by reason
9 of the establishment of new or revised boundaries for congressional
10 districts.

11 **Sec. 24.** RCW 41.24.280 and 1955 c 263 s 5 are each amended to read
12 as follows:

13 The attorney general shall be the legal advisor for the state
14 board.

15 **Sec. 25.** RCW 41.24.290 and 1989 c 91 s 23 are each amended to read
16 as follows:

17 The state board shall:

18 (1) Generally supervise and control the administration of this
19 chapter;

20 (2) Promulgate, amend, or repeal rules and regulations not
21 inconsistent with this chapter for the purpose of effecting a uniform
22 and efficient manner of carrying out the provisions of this chapter and
23 the purposes to be accomplished thereby, and for the government of
24 boards of trustees of the municipalities of this state in the discharge
25 of their functions under this chapter;

26 (3) Review any action, and hear and determine any appeal which may
27 be taken from the decision of the board of trustees of any municipality
28 made pursuant to this chapter;

29 (4) Take such action as may be necessary to secure compliance of
30 the municipalities governed by this chapter and to provide for the
31 collection of all fees and penalties which are, or may be, due and
32 delinquent from any such municipality;

33 (5) Review the action of the board of trustees of any municipality
34 authorizing any pension as provided by this chapter; and authorize the
35 regular issuance of monthly warrants in payment thereof without further
36 action of the board of trustees of such municipality;

1 (6) Require periodic reports from the recipient of any benefits
2 under this chapter for the purpose of determining their continued
3 eligibility therefor;

4 (7) Maintain such records as may be necessary and proper for the
5 proper maintenance and operation of the (~~volunteer fire fighters'~~
6 ~~relief and pension~~) principal fund, including records of the names
7 (~~and addresses~~) of every person enrolled under this chapter, and
8 provide all necessary forms to enable local boards of trustees to
9 effectively carry out their duties as provided by this chapter;

10 (8) Compel the taking of testimony from witnesses under oath before
11 the state board, or any member or the secretary thereof, or before the
12 local board of trustees or any member thereof, for the purpose of
13 obtaining evidence, at any time, in connection with any claim or
14 pension pending or authorized for payment. For such purpose the state
15 board shall have the same power of subpoena as prescribed in RCW
16 51.52.100. Failure of any claimant to appear and give any testimony as
17 herein provided shall suspend any rights or eligibility to receive
18 payments for the period of such failure to appear and testify;

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

23 **Sec. 26.** RCW 41.24.300 and 1979 ex.s. c 157 s 2 are each amended
24 to read as follows:

25 All expenses incurred by the state board shall be accomplished by
26 vouchers signed by the secretary and one member of the state board and
27 issued to the persons entitled thereto and sent to the proper state
28 agency. The proper state agency shall issue a warrant on the principal
29 fund or administrative fund for the amount specified.

30 **Sec. 27.** RCW 41.24.310 and 1989 c 91 s 24 are each amended to read
31 as follows:

32 The secretary shall maintain an office at Olympia at a place to be
33 provided, wherein the secretary shall:

34 (1) Keep a record of all proceedings of the state board, which
35 shall be public((7))i

1 (2) Maintain a record of all members of the pension fund, including
2 such pertinent information relative thereto as may be required by law
3 or ~~((regulation))~~ rule of the state board~~((τ))~~i

4 (3) Receive and promptly remit to the state treasurer all moneys
5 received for the ~~((volunteer fire fighters' relief and pension))~~
6 principal fund~~((τ))~~i

7 (4) Transmit periodically to the proper state agency for payment
8 all claims payable from the ~~((volunteer fire fighters' relief and~~
9 ~~pension))~~ principal fund, stating the amount and purpose of such
10 payment~~((τ))~~i

11 (5) Certify monthly for payment a list of all persons approved for
12 retirement pensions and the amount to which each is entitled~~((τ))~~i and

13 (6) Perform such other and further duties as shall be prescribed by
14 the state board.

15 The secretary shall receive such compensation as shall be fixed by
16 the state board, together with travel expenses in carrying out his or
17 her duties authorized by the state board in accordance with RCW
18 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended))~~.

19 **Sec. 28.** RCW 41.24.320 and 1989 c 91 s 25 are each amended to read
20 as follows:

21 The state actuary shall provide actuarial services for the state
22 board.

23 **Sec. 29.** RCW 41.24.330 and 1993 c 331 s 2 are each amended to read
24 as follows:

25 An emergency medical service district board of trustees is created
26 to administer this chapter in every county maintaining a regularly
27 organized emergency medical service district ~~((there is hereby created~~
28 ~~an emergency medical service district board of trustees for the~~
29 ~~administration of this chapter))~~. The emergency medical service
30 district board shall consist of ~~((three))~~ two of the members of the
31 county legislative authority or their designees, the county auditor or
32 the auditor's designee, the head of the emergency medical service
33 district, and one emergency worker from the emergency medical service
34 district to be elected by the emergency workers of the emergency
35 medical service district for a term of one year and annually
36 thereafter.

1 The emergency medical service district shall make provisions for
2 the collection and payment of the fees provided under this chapter and
3 shall continue to make such provisions for all emergency workers who
4 come under this chapter as long as they shall continue to be members of
5 the fire department.

6 **Sec. 30.** RCW 41.24.340 and 1993 c 331 s 3 are each amended to read
7 as follows:

8 The chair of the ~~((board of county commissioners))~~ county
9 legislative authority, or the chair's designee, shall be chair of the
10 emergency medical service district board of trustees, and the county
11 ~~((clerk))~~ auditor, or the auditor's designee, shall be the secretary-
12 treasurer of the emergency medical service district board of trustees.

13 The secretary shall keep a public record of all proceedings~~((7))~~
14 and of all receipts and disbursements made by the emergency medical
15 service district board of trustees ~~((and))~~, shall make an annual report
16 of its expenses and disbursements with a full list of the beneficiaries
17 of ~~((said))~~ the principal fund in the county, ~~((the record to be placed~~
18 ~~on file in the county. Such forms as shall be necessary for the proper~~
19 ~~administration of this fund and of making the reports required~~
20 ~~hereunder shall be provided by the state board))~~ and shall make all
21 required reports to the state board. The state board shall provide all
22 necessary forms to emergency worker boards of trustees.

23 **Sec. 31.** RCW 41.24.400 and 1998 c 307 s 4 are each amended to read
24 as follows:

25 (1) Except as provided in subsection (2) of this section, any
26 municipality may make provision by appropriate legislation and payment
27 of fees required by RCW 41.24.030(1)~~((d))~~ solely for the purpose of
28 enabling any reserve officer to enroll under the retirement pension
29 provisions of this chapter or fees required under RCW ~~((41.24.470))~~
30 41.24.030(1) to pay for the costs of extending ~~((disability and death~~
31 ~~benefits))~~ the relief provisions of this chapter to its reserve
32 officers.

33 (2) A reserve officer is not eligible to receive a benefit under
34 the retirement provisions of this chapter for service under chapter
35 41.26, 41.32, or 41.40 RCW.

36 (3) Every municipality shall make provisions for the collection and
37 payment of the fees required under this chapter, and shall continue to

1 make provisions for all reserve officers who come under this chapter as
2 long as they continue to be employed as reserve officers.

3 (4) Except as provided under RCW 41.24.450, a reserve officer is
4 not eligible to receive a benefit under the relief ~~((and compensation))~~
5 provisions of this chapter.

6 **Sec. 32.** RCW 41.24.450 and 1998 c 307 s 1 are each amended to read
7 as follows:

8 A municipality employing reserve officers may adopt appropriate
9 legislation extending ~~((disability and death benefits under))~~ the
10 relief provisions of this chapter to ((their)) its reserve officers.
11 ~~((Disability and death benefits under))~~ The relief provisions of this
12 chapter may not be extended to reserve officers if the municipality has
13 extended industrial insurance coverage to its reserve officers under
14 RCW 51.12.140 or 51.12.035(2), or any other provision of law. A
15 municipality that adopts appropriate legislation extending ~~((disability~~
16 ~~and death benefits))~~ the relief provisions of this chapter to its
17 reserve officers ~~((under RCW 41.24.150 and 41.24.160))~~ shall enjoy the
18 same extent of immunity from civil actions for personal injuries to its
19 reserve officers that arises if the reserve officers were covered under
20 Title 51 RCW.

21 ~~((Each municipality that adopts appropriate legislation extending~~
22 ~~disability and death benefits under this chapter to its reserve~~
23 ~~officers must pay all fees established under RCW 41.24.470 established~~
24 ~~for this coverage.))~~

25 **Sec. 33.** RCW 41.24.460 and 1998 c 307 s 2 are each amended to read
26 as follows:

27 A municipality that adopts appropriate legislation ~~((providing))~~
28 extending the relief provisions of this chapter to its reserve officers
29 ~~((with disability and death benefits under RCW 41.24.150 and~~
30 ~~41.24.160))~~ shall create a reserve officer board of trustees to
31 administer this chapter composed as follows:

32 (1) A county reserve officer board of trustees shall consist of the
33 following five members: (a) Two members of the county legislative
34 authority and the county auditor, or their designees; (b) the sheriff;
35 and (c) one reserve officer who is elected by reserve officers of the
36 county for an annual one-year term.

1 (2) Any other reserve officer board of trustees shall consist of
2 the following five members: (a) The mayor, if one exists for the
3 municipality, and one member of the municipality's legislative
4 authority, or two members of the municipality's legislative authority
5 if a mayor does not exist for the municipality, or their designees; (b)
6 the clerk, comptroller, or chief fiscal officer of the municipality;
7 (c) the head of the law enforcement agency; and (d) one reserve officer
8 who is elected by reserve officers of the municipality for an annual
9 term of one year.

10 (3) The secretary of the board of trustees shall keep a public
11 record of all proceedings and of all receipts and disbursements made by
12 the board of trustees, shall make an annual report of its expenses and
13 disbursements with a full list of the beneficiaries of the principal
14 fund in the municipality, and shall make all required reports to the
15 state board. The state board shall provide the boards of trustees with
16 all necessary forms.

17 NEW SECTION. Sec. 34. The following acts or parts of acts are
18 each repealed:

19 (1) RCW 41.24.350 (Emergency medical service districts--State board
20 shall set pension fees) and 1993 c 331 s 4;

21 (2) RCW 41.24.420 (Reserve officers--Enrollment--Procedure) and
22 1995 c 11 s 6;

23 (3) RCW 41.24.440 (Reserve officers--Lump sum payments--Payments to
24 surviving spouse) and 1995 c 11 s 10; and

25 (4) RCW 41.24.470 (Reserve officers--Disability and death
26 benefits--Fees) and 1998 c 307 s 3.

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