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SENATE BILL 5063

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State of Washington                      60th Legislature                      2007 Regular Session

By Senators Kohl-Welles, Fairley, Rockefeller, Kline, Schoesler, Keiser, Parlette, Kauffman, Fraser and Shin

Read first time 01/09/2007.                      Referred to Committee on Labor, Commerce, Research & Development.

1            AN ACT Relating to removing gender references; amending RCW  
2 41.08.020, 41.08.030, 41.08.075, 41.08.080, 41.08.090, 41.08.100,  
3 41.08.150, 41.08.220, 41.12.020, 41.12.030, 41.12.075, 41.12.080,  
4 41.12.090, 41.12.100, 41.12.150, 41.12.220, 41.16.010, 41.16.020,  
5 41.16.030, 41.16.040, 41.16.050, 41.16.070, 41.16.080, 41.16.100,  
6 41.16.110, 41.16.120, 41.16.130, 41.16.140, 41.16.145, 41.16.150,  
7 41.16.160, 41.16.170, 41.16.180, 41.16.190, 41.16.200, 41.16.210,  
8 41.16.220, 41.16.230, 41.16.250, 41.18.010, 41.18.015, 41.18.020,  
9 41.18.030, 41.18.040, 41.18.045, 41.18.050, 41.18.060, 41.18.080,  
10 41.18.090, 41.18.100, 41.18.102, 41.18.130, 41.18.140, 41.18.150,  
11 41.18.160, 41.18.165, 41.18.170, 41.18.180, 41.18.190, and 41.18.210;  
12 and creating a new section.

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

14            NEW SECTION.    **Sec. 1.** It is the intent of the legislature to make  
15 technical changes throughout chapters 41.08, 41.12, 41.16, and 41.18  
16 RCW with regard to gender-specific terminology. The legislature finds  
17 that gender-neutral terms must be used in accordance with RCW  
18 44.04.210. This act is technical in nature and no substantive legal  
19 changes are intended or implied.

1       **Sec. 2.** RCW 41.08.020 and 1935 c 31 s 2 are each amended to read  
2 as follows:

3       If any of the cities or towns referred to in RCW 41.08.010 shall at  
4 any time repeal the charter provisions or other local acts of said  
5 cities or towns providing for civil service for ((firemen))  
6 firefighters as referred to in RCW 41.08.010, in that event this  
7 chapter shall apply to all of such cities and towns which have at any  
8 time abolished civil service for members of the fire department.

9       **Sec. 3.** RCW 41.08.030 and 1935 c 31 s 3 are each amended to read  
10 as follows:

11       There is hereby created in every city, town or municipality except  
12 those referred to in RCW 41.08.010, having a full paid fire department  
13 a civil service commission which shall be composed of three persons.

14       The members of such commission shall be appointed by the person or  
15 group of persons who, acting singly or in conjunction, as a mayor, city  
16 manager, council, common council, commission, or otherwise, is or are  
17 vested by law with power and authority to select, appoint, or employ  
18 the chief of a fire department in any such city, prior to the enactment  
19 of this chapter. The members of such commission shall serve without  
20 compensation. No person shall be appointed a member of such commission  
21 who is not a citizen of the United States, a resident of such city for  
22 at least three years immediately preceding such appointment, and an  
23 elector of the county wherein he or she resides. The term of office of  
24 such commissioners shall be for six years, except that the first three  
25 members of such commission shall be appointed for different terms, as  
26 follows: One to serve for a period of two years, one to serve for a  
27 period of four years, and one to serve for a period of six years. Any  
28 member of such commission may be removed from office for incompetency,  
29 incompatibility or dereliction of duty, or malfeasance in office, or  
30 other good cause: PROVIDED, HOWEVER, That no member of the commission  
31 shall be removed until charges have been preferred, in writing, due  
32 notice and a full hearing had. The members of such commission shall  
33 devote due time and attention to the performance of the duties  
34 hereinafter specified and imposed upon them by this chapter. Two  
35 members of such commission shall constitute a quorum and the votes of  
36 any two members of such commission concurring shall be sufficient for  
37 the decision of all matters and the transaction of all business to be

1 decided or transacted by the commission under or by virtue of the  
2 provisions of this chapter. Confirmation of said appointment or  
3 appointments of commissioners by any legislative body shall not be  
4 required. At the time of any appointment not more than two  
5 commissioners shall be adherents of the same political party.

6 **Sec. 4.** RCW 41.08.075 and 1972 ex.s. c 37 s 4 are each amended to  
7 read as follows:

8 No city, town, or municipality shall require any person applying  
9 for or holding an office, place, position, or employment under the  
10 provisions of this chapter or under any local charter or other  
11 regulations described in RCW 41.08.010 to reside within the limits of  
12 such municipal corporation as a condition of employment, or to  
13 discriminate in any manner against any such person because of his or  
14 her residence outside of the limits of such city, town, or  
15 municipality.

16 **Sec. 5.** RCW 41.08.080 and 1935 c 31 s 8 are each amended to read  
17 as follows:

18 The tenure of every one holding an office, place, position or  
19 employment under the provisions of this chapter shall be only during  
20 good behavior, and any such person may be removed or discharged,  
21 suspended without pay, demoted, or reduced in rank, or deprived of  
22 vacation privileges or other special privileges for any of the  
23 following reasons:

24 (1) Incompetency, inefficiency or inattention to or dereliction of  
25 duty;

26 (2) Dishonesty, intemperance, immoral conduct, insubordination,  
27 discourteous treatment of the public, or a fellow employee, or any  
28 other act of omission or commission tending to injure the public  
29 service; or any other willful failure on the part of the employee to  
30 properly conduct himself or herself; or any willful violation of the  
31 provisions of this chapter or the rules and regulations to be adopted  
32 hereunder;

33 (3) Mental or physical unfitness for the position which the  
34 employee holds;

35 (4) Dishonest, disgraceful, immoral or prejudicial conduct;

1 (5) Drunkenness or use of intoxicating liquors, narcotics, or any  
2 other habit forming drug, liquid or preparation to such extent that the  
3 use thereof interferes with the efficiency or mental or physical  
4 fitness of the employee, or which precludes the employee from properly  
5 performing the functions and duties of any position under civil  
6 service;

7 (6) Conviction of a felony, or a misdemeanor, involving moral  
8 turpitude;

9 (7) Any other act or failure to act which in the judgment of the  
10 civil service commissioners is sufficient to show the offender to be an  
11 unsuitable and unfit person to be employed in the public service.

12 **Sec. 6.** RCW 41.08.090 and 1935 c 31 s 9 are each amended to read  
13 as follows:

14 No person in the classified civil service who shall have been  
15 permanently appointed or inducted into civil service under provisions  
16 of this chapter, shall be removed, suspended, demoted or discharged  
17 except for cause, and only upon the written accusation of the  
18 appointing power, or any citizen or taxpayer, a written statement of  
19 which accusation, in general terms, shall be served upon the accused,  
20 and a duplicate filed with the commission. Any person so removed,  
21 suspended, demoted or discharged may within ten days from the time of  
22 his or her removal, suspension, demotion or discharge, file with the  
23 commission a written demand for an investigation, whereupon the  
24 commission shall conduct such investigation. The investigation shall  
25 be confined to the determination of the question of whether such  
26 removal, suspension, demotion or discharge was or was not made for  
27 political or religious reasons and was or was not made in good faith  
28 (~~(for)~~) for cause. After such investigation the commission may  
29 affirm the removal, or if it shall find that the removal, suspension,  
30 or demotion was made for political or religious reasons, or was not  
31 made in good faith for cause, shall order the immediate reinstatement  
32 or reemployment of such person in the office, place, position or  
33 employment from which such person was removed, suspended, demoted or  
34 discharged, which reinstatement shall, if the commission so provides in  
35 its discretion, be retroactive, and entitle such person to pay or  
36 compensation from the time of such removal, suspension, demotion or  
37 discharge. The commission upon such investigation, in lieu of

1 affirming the removal, suspension, demotion or discharge may modify the  
2 order of removal, suspension, demotion or discharge by directing a  
3 suspension, without pay, for a given period, and subsequent restoration  
4 to duty, or demotion in classification, grade, or pay; the findings of  
5 the commission shall be certified, in writing to the appointing power,  
6 and shall be forthwith enforced by such officer.

7 All investigations made by the commission pursuant to the  
8 provisions of this section shall be by public hearing, after reasonable  
9 notice to the accused of the time and place of such hearing, at which  
10 hearing the accused shall be afforded an opportunity of appearing in  
11 person and by counsel, and presenting his or her defense. If such  
12 judgment or order be concurred in by the commission or a majority  
13 thereof, the accused may appeal therefrom to the court of original and  
14 unlimited jurisdiction in civil suits of the county wherein he or she  
15 resides. Such appeal shall be taken by serving the commission, within  
16 thirty days after the entry of such judgment or order, a written notice  
17 of appeal, stating the grounds thereof, and demanding that a certified  
18 transcript of the record and of all papers on file in the office of the  
19 commission affecting or relating to such judgment or order, be filed by  
20 the commission with such court. The commission shall, within ten days  
21 after the filing of such notice, make, certify and file such transcript  
22 with such court. The court of original and unlimited jurisdiction in  
23 civil suits shall thereupon proceed to hear and determine such appeal  
24 in a summary manner: PROVIDED, HOWEVER, That such hearing shall be  
25 confined to the determination of whether the judgment or order of  
26 removal, discharge, demotion or suspension made by the commission, was  
27 or was not made in good faith for cause, and no appeal to such court  
28 shall be taken except upon such ground or grounds.

29 **Sec. 7.** RCW 41.08.100 and 1935 c 31 s 11 are each amended to read  
30 as follows:

31 Whenever a position in the classified service becomes vacant, the  
32 appointing power, if it desires to fill the vacancy, shall make  
33 requisition upon the commission for the name and address of a person  
34 eligible for appointment thereto. The commission shall certify the  
35 name of the person highest on the eligible list for the class to which  
36 the vacant position has been allocated, who is willing to accept  
37 employment. If there is no appropriate eligible list for the class,

1 the commission shall certify the name of the person standing highest on  
2 said list held appropriate for such class. If more than one vacancy is  
3 to be filled an additional name shall be certified for each additional  
4 vacancy. The appointing power shall forthwith appoint such person to  
5 such vacant position.

6 Whenever requisition is to be made, or whenever a position is held  
7 by a temporary appointee and an eligible list for the class of such  
8 position exists, the commission shall forthwith certify the name of the  
9 person eligible for appointment to the appointing power, and said  
10 appointing power shall forthwith appoint the person so certified to  
11 said position. No person so certified shall be laid off, suspended, or  
12 given leave of absence from duty, transferred or reduced in pay or  
13 grade, except for reasons which will promote the good of the service,  
14 specified in writing, and after an opportunity to be heard by the  
15 commission and then only with its consent and approval.

16 To enable the appointing power to exercise a choice in the filling  
17 of positions, no appointment, employment or promotion in any position  
18 in the classified service shall be deemed complete until after the  
19 expiration of a period of three to six months' probationary service, as  
20 may be provided in the rules of the civil service commission during  
21 which the appointing power may terminate the employment of the person  
22 certified to him or her, or it, if during the performance test thus  
23 afforded, upon observation or consideration of the performance of duty,  
24 the appointing power deems him or her unfit or unsatisfactory for  
25 service in the department. Whereupon the appointing power shall  
26 designate the person certified as standing next highest on any such  
27 list and such person shall likewise enter upon said duties until some  
28 person is found who is deemed fit for appointment, employment or  
29 promotion for the probationary period provided therefor, whereupon the  
30 appointment, employment or promotion shall be deemed to be complete.

31 **Sec. 8.** RCW 41.08.150 and 1935 c 31 s 16 are each amended to read  
32 as follows:

33 No commissioner or any other person((7)) shall, by himself or  
34 herself, or in cooperation with one or more persons, defeat, deceive,  
35 or obstruct any person in respect of his or her right of examination or  
36 registration according to the rules and regulations of this chapter, or  
37 falsely mark, grade, estimate or report upon the examination or proper

1 standing of any person examined, registered or certified pursuant to  
2 the provisions of this chapter, or aid in so doing, or make any false  
3 representation concerning the same, or concerning the person examined,  
4 or furnish any person any special or secret information for the purpose  
5 of improving or injuring the prospects or chances of any person so  
6 examined, registered or certified, or to be examined, registered or  
7 certified or persuade any other person, or permit or aid in any manner  
8 any other person to personate him or her, in connection with any  
9 examination or registration or application or request to be examined or  
10 registered.

11 **Sec. 9.** RCW 41.08.220 and 1935 c 31 s 24 are each amended to read  
12 as follows:

13 As used in this chapter, the following mentioned terms shall have  
14 the following described meanings:

15 The term "commission" means the civil service commission herein  
16 created, and the term "commissioner" means any one of the three  
17 commissioners of that commission.

18 The term "appointing power" includes every person or group of  
19 persons who, acting singly or in conjunction, as a mayor, city manager,  
20 council, common council, commission, or otherwise, is or are, vested by  
21 law with power and authority to select, appoint, or employ any person  
22 to hold any office, place, position or employment subject to civil  
23 service.

24 The term "appointment" includes all means of selection, appointing  
25 or employing any person to hold any office, place, position or  
26 employment subject to civil service.

27 The term "city" includes all cities, towns and municipalities  
28 having a full paid fire department.

29 The term "full paid fire department" means that the officers and  
30 (~~firemen~~) firefighters employed in such are paid regularly by the  
31 city and devote their whole time to firefighting.

32 **Sec. 10.** RCW 41.12.020 and 1937 c 13 s 2 are each amended to read  
33 as follows:

34 If any of the cities or towns referred to in RCW 41.12.010 shall at  
35 any time repeal the charter provisions or other local acts of said  
36 cities or towns providing for civil service for (~~police~~) police

1 officers as referred to in RCW 41.12.010, in that event this chapter  
2 shall apply to all of such cities and towns which have at any time  
3 abolished civil service for members of the police department.

4 **Sec. 11.** RCW 41.12.030 and 1937 c 13 s 3 are each amended to read  
5 as follows:

6 There is hereby created in every city, town or municipality except  
7 those referred to in RCW 41.12.010, having fully paid (~~police~~)  
8 police officers a civil service commission which shall be composed of  
9 three persons.

10 The members of such commission shall be appointed by the person or  
11 group of persons who, acting singly or in conjunction, as a mayor, city  
12 manager, council, common council, commission, or otherwise, is or are  
13 vested by law with the power and authority to select, appoint, or  
14 employ the chief of a police department in any such city, prior to the  
15 enactment of this chapter. The members of such commission shall serve  
16 without compensation. No person shall be appointed a member of such  
17 commission who is not a citizen of the United States, a resident of  
18 such city for at least three years immediately preceding such  
19 appointment, and an elector of the county wherein he or she resides.  
20 The term of office of such commissioners shall be for six years, except  
21 that the first three members of such commission shall be appointed for  
22 different terms, as follows: One to serve for a period of two years,  
23 one to serve for a period of four years, and one to serve for a period  
24 of six years. Any member of such commission may be removed from office  
25 for incompetency, incompatibility or dereliction of duty, or  
26 malfeasance in office, or other good cause: PROVIDED, HOWEVER, That no  
27 member of the commission shall be removed until charges have been  
28 preferred, in writing, due notice and a full hearing had. The members  
29 of such commission shall devote due time and attention to the  
30 performance of the duties hereinafter specified and imposed upon them  
31 by this chapter. Two members of such commission shall constitute a  
32 quorum and the votes of any two members of such commission concurring  
33 shall be sufficient for the decision of all matters and the transaction  
34 of all business to be decided or transacted by the commission under or  
35 by virtue of the provisions of this chapter. Confirmation of said  
36 appointment or appointments of commissioners by any legislative body

1 shall not be required. At the time of any appointment not more than  
2 two commissioners shall be adherents of the same political party.

3 **Sec. 12.** RCW 41.12.075 and 1972 ex.s. c 37 s 5 are each amended to  
4 read as follows:

5 No city, town, or municipality shall require any person applying  
6 for or holding an office, place, position, or employment under the  
7 provisions of this chapter or under any local charter or other  
8 regulations described in RCW 41.12.010 to reside within the limits of  
9 such municipal corporation as a condition of employment or to  
10 discriminate in any manner against any such person because of his or  
11 her residence outside of the limits of such city, town, or  
12 municipality.

13 **Sec. 13.** RCW 41.12.080 and 1937 c 13 s 8 are each amended to read  
14 as follows:

15 The tenure of everyone holding an office, place, position or  
16 employment under the provisions of this chapter shall be only during  
17 good behavior, and any such person may be removed or discharged,  
18 suspended without pay, demoted, or reduced in rank, or deprived of  
19 vacation privileges or other special privileges for any of the  
20 following reasons:

21 (1) Incompetency, inefficiency or inattention to or dereliction of  
22 duty;

23 (2) Dishonesty, intemperance, immoral conduct, insubordination,  
24 discourteous treatment of the public, or a fellow employee, or any  
25 other act of omission or commission tending to injure the public  
26 service; or any other willful failure on the part of the employee to  
27 properly conduct himself or herself; or any willful violation of the  
28 provisions of this chapter or the rules and regulation to be adopted  
29 hereunder;

30 (3) Mental or physical unfitness for the position which the  
31 employee holds;

32 (4) Dishonest, disgraceful, immoral or prejudicial conduct;

33 (5) Drunkenness or use of intoxicating liquors, narcotics, or any  
34 other habit forming drug, liquid or preparation to such extent that the  
35 use thereof interferes with the efficiency or mental or physical

1 fitness of the employee, or which precludes the employee from properly  
2 performing the function and duties of any position under civil service;

3 (6) Conviction of a felony, or a misdemeanor, involving moral  
4 turpitude;

5 (7) Any other act or failure to act which in the judgment of the  
6 civil service commissioners is sufficient to show the offender to be an  
7 unsuitable and unfit person to be employed in the public service.

8 **Sec. 14.** RCW 41.12.090 and 1937 c 13 s 9 are each amended to read  
9 as follows:

10 No person in the classified civil service who shall have been  
11 permanently appointed or inducted into civil service under provisions  
12 of this chapter, shall be removed, suspended, demoted or discharged  
13 except for cause, and only upon written accusation of the appointing  
14 power, or any citizen or taxpayer; a written statement of which  
15 accusation, in general terms, shall be served upon the accused, and a  
16 duplicate filed with the commission. Any person so removed, suspended,  
17 demoted or discharged may within ten days from the time of his or her  
18 removal, suspension, demotion or discharge, file with the commission a  
19 written demand for an investigation, whereupon the commission shall  
20 conduct such investigation. The investigation shall be confined to the  
21 determination of the question of whether such removal, suspension,  
22 demotion or discharge was or was not made for political or religious  
23 reasons and was or was not made in good faith (~~((f))~~) for cause.  
24 After such investigation the commission may affirm the removal, or if  
25 it shall find that the removal, suspension, or demotion was made for  
26 political or religious reasons, or was not made in good faith for  
27 cause, shall order the immediate reinstatement (~~((ef--er))~~) or  
28 reemployment of such person in the office, place, position or  
29 employment from which such person was removed, suspended, demoted or  
30 discharged, which reinstatement shall, if the commission so provides in  
31 its discretion, be retroactive, and entitle such person to pay or  
32 compensation from the time of such removal, suspension, demotion or  
33 discharge. The commission upon such investigation, (~~((in))~~) in lieu of  
34 affirming the removal, suspension, demotion or discharge may modify the  
35 order of removal, suspension, demotion or discharge by directing a  
36 suspension, without pay, for a given period, and subsequent restoration

1 to duty, or demotion in classification, grade, or pay; the findings of  
2 the commission shall be certified, in writing to the appointing power,  
3 and shall be forthwith enforced by such officer.

4 All investigations made by the commission pursuant to the  
5 provisions of this section shall be had by public hearing, after  
6 reasonable notice to the accused of the time and place of such hearing,  
7 at which hearing the accused shall be afforded an opportunity of  
8 appearing in person and by counsel, and presenting his or her defense.  
9 If such judgment or order be concurred in by the commission or a  
10 majority thereof, the accused may appeal therefrom to the court of  
11 original and unlimited jurisdiction in civil suits of the county  
12 wherein he or she resides. Such appeal shall be taken by serving the  
13 commission, within thirty days after the entry of such judgment or  
14 order, a written notice of appeal, stating the grounds thereof, and  
15 demanding that a certified transcript of the record and of all papers  
16 on file in the office of the commission affecting or relating to such  
17 judgment or order, be filed by the commission with such court. The  
18 commission shall, within ten days after the filing of such notice,  
19 make, certify and file such transcript with such court. The court of  
20 original and unlimited jurisdiction in civil suits shall thereupon  
21 proceed to hear and determine such appeal in a summary manner:  
22 PROVIDED, HOWEVER, That such hearing shall be confined to the  
23 determination of whether the judgment or order of removal, discharge,  
24 demotion or suspension made by the commission, was or was not made in  
25 good faith for cause, and no appeal to such court shall be taken except  
26 upon such ground or grounds.

27 **Sec. 15.** RCW 41.12.100 and 1937 c 13 s 11 are each amended to read  
28 as follows:

29 Whenever a position in the classified service becomes vacant, the  
30 appointing power, if it desires to fill the vacancy, shall make  
31 requisition upon the commission for the name and address of a person  
32 eligible for appointment thereto. The commission shall certify the  
33 name of the person highest on the eligible list for the class to which  
34 the vacant position has been allocated, who is willing to accept  
35 employment. If there is no appropriate eligible list for the class,  
36 the commission shall certify the name of the person standing highest on  
37 said list held appropriate for such class. If more than one vacancy is

1 to be filled an additional name shall be certified for each additional  
2 vacancy. The appointing power shall forthwith appoint such person to  
3 such vacant position.

4 Whenever requisition is to be made, or whenever a position is held  
5 by a temporary appointee and an eligible list for the class of such  
6 position exists, the commission shall forthwith certify the name of the  
7 person eligible for appointment to the appointing power, and said  
8 appointing power shall forthwith appoint the person so certified to  
9 said position. No person so certified shall be laid off, suspended, or  
10 given leave of absence from duty, transferred or reduced in pay or  
11 grade, except for reasons which will promote the good of the service,  
12 specified in writing, and after an opportunity to be heard by the  
13 commission and then only with its consent and approval.

14 To enable the appointing power to exercise a choice in the filling  
15 of positions, no appointment, employment or promotion in any position  
16 in the classified service shall be deemed complete until after the  
17 expiration of a period of three to six months' probationary service, as  
18 may be provided in the rules of the civil service commission during  
19 which the appointing power may terminate the employment of the person  
20 certified to him or her, or it, if during the performance test thus  
21 afforded, upon observation or consideration of the performance of duty,  
22 the appointing power deems him or her unfit or unsatisfactory for  
23 service in the department, whereupon the appointing power shall  
24 designate the person certified as standing next highest on any such  
25 list and such person shall likewise enter upon said duties until some  
26 person is found who is deemed fit for appointment, employment or  
27 promotion for the probationary period provided therefor, whereupon the  
28 appointment, employment or promotion shall be deemed to be complete.

29 **Sec. 16.** RCW 41.12.150 and 1937 c 13 s 16 are each amended to read  
30 as follows:

31 No commissioner or any other person((7)) shall, by himself or  
32 herself, or in cooperation with one or more persons, defeat, deceive,  
33 or obstruct any person in respect of his or her right of examination or  
34 registration according to the rules and regulations of this chapter, or  
35 falsely mark, grade, estimate or report upon the examination or proper  
36 standing of any person examined, registered or certified pursuant to  
37 the provisions of this chapter, or aid in so doing, or make any false

1 representation concerning the same, or concerning the person examined,  
2 or furnish any person any special or secret information for the purpose  
3 of improving or injuring the prospects or chances of any person so  
4 examined, registered or certified, or to be examined, registered or  
5 certified or persuade any other person, or permit or aid in any manner  
6 any other person to personate him or her, in connection with any  
7 examination or registration of application or request to be examined or  
8 registered.

9       **Sec. 17.** RCW 41.12.220 and 1937 c 13 s 24 are each amended to read  
10 as follows:

11       As used in this chapter, the following mentioned terms shall have  
12 the following described meanings:

13       The term "commission" means the civil service commission herein  
14 created, and the term "commissioner" means any one of the three  
15 commissioners of that commission.

16       The term "appointing power" includes every person or group of  
17 persons who, acting singly or in conjunction, as a mayor, city manager,  
18 council, common council, commission, or otherwise, is or are, invested  
19 by law with power and authority to select, appoint, or employ any  
20 person to hold any office, place, position or employment subject to  
21 civil service.

22       The term "appointment" includes all means of selection, appointing  
23 or employing any person to hold any office, place, position or  
24 employment subject to civil service.

25       The term "city" includes all cities, towns and municipalities  
26 having a full paid police department.

27       The term "full paid police department" means that the officers and  
28 (~~(police men)~~) police officers employed in such are paid regularly by  
29 the city and devote their whole time to police duty: PROVIDED, "full  
30 paid police department" whenever used in this chapter shall also mean  
31 "full paid (~~(police men-~~)) police officers."

32       **Sec. 18.** RCW 41.16.010 and 2003 c 30 s 1 are each amended to read  
33 as follows:

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

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

5 (2) "Board" shall mean the municipal ((firemen's)) firefighters'  
6 pension board.

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

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

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

14 (6) ((~~"Fireman" or~~)) "Firefighter" shall mean any person regularly  
15 or temporarily, or as a substitute, employed and paid as a member of a  
16 fire department, who has passed a civil service examination for  
17 ((fireman)) firefighter and who is actively employed as a ((fireman))  
18 firefighter; and shall include any "prior ((fireman)) firefighter."

19 (7) "Fire department" shall mean the regularly organized, full  
20 time, paid, and employed force of ((firemen)) firefighters of the  
21 municipality.

22 (8) "Fund" shall mean the ((firemen's)) firefighters' pension fund  
23 created herein.

24 (9) "Municipality" shall mean every city and town having a  
25 regularly organized full time, paid, fire department employing  
26 ((firemen)) firefighters.

27 (10) "Performance of duty" shall mean the performance of work and  
28 labor regularly required of ((firemen)) firefighters and shall include  
29 services of an emergency nature rendered while off regular duty, but  
30 shall not include time spent in traveling to work before answering roll  
31 call or traveling from work after dismissal at roll call.

32 (11) "Prior ((fireman)) firefighter" shall mean a ((fireman))  
33 firefighter who was actively employed as a ((fireman)) firefighter of  
34 a fire department prior to the first day of January, 1947, and who  
35 continues such employment thereafter.

36 (12) "Retired ((fireman)) firefighter" shall mean and include a  
37 person employed as a ((fireman)) firefighter and retired under the  
38 provisions of chapter 50, Laws of 1909, as amended.

1 (13) "Widow or widower" means the surviving wife or husband of a  
2 retired (~~(fireman)~~) firefighter who was retired on account of length of  
3 service and who was lawfully married to such (~~(fireman)~~) firefighter;  
4 and whenever that term is used with reference to the wife or former  
5 wife or husband or former husband of a retired (~~(fireman)~~) firefighter  
6 who was retired because of disability, it shall mean his or her  
7 lawfully married wife or husband on the date he or she sustained the  
8 injury or contracted the illness that resulted in his or her  
9 disability. Said term shall not mean or include a surviving wife or  
10 husband who by process of law within one year prior to the retired  
11 (~~(fireman's)~~) firefighter's death, collected or attempted to collect  
12 from him or her funds for the support of herself or himself or for his  
13 or her children.

14 **Sec. 19.** RCW 41.16.020 and 2003 c 30 s 2 are each amended to read  
15 as follows:

16 There is hereby created in each city and town a municipal  
17 (~~(firemen's)~~) firefighters' pension board to consist of the following  
18 five members, ex officio, the mayor, or in a city of the first class,  
19 the mayor or a designated representative who shall be an elected  
20 official of the city, who shall be (~~(chairman)~~) chairperson of the  
21 board, the city comptroller or clerk, the (~~(chairman)~~) chairperson of  
22 finance of the city council, or if there is no (~~(chairman)~~) chairperson  
23 of finance, the city treasurer, and in addition, two regularly employed  
24 or retired firefighters elected by secret ballot of those employed and  
25 retired firefighters who are subject to the jurisdiction of the board.  
26 The members to be elected by the firefighters shall be elected annually  
27 for a two year term. The two firefighters elected as members shall, in  
28 turn, select a third eligible member who shall serve as an alternate in  
29 the event of an absence of one of the regularly elected members. In  
30 case a vacancy occurs in the membership of the firefighters or retired  
31 members, the members shall in the same manner elect a successor to  
32 serve the unexpired term. The board may select and appoint a secretary  
33 who may, but need not be a member of the board. In case of absence or  
34 inability of the (~~(chairman)~~) chairperson to act, the board may select  
35 a (~~(chairman)~~) chairperson pro tempore who shall during such absence or  
36 inability perform the duties and exercise the powers of the

1 ((~~chairman~~)) chairperson. A majority of the members of the board shall  
2 constitute a quorum and have power to transact business.

3 **Sec. 20.** RCW 41.16.030 and 2002 c 15 s 1 are each amended to read  
4 as follows:

5 The board shall meet at least once quarterly, the date to be fixed  
6 by regulation of the board, at such other regular times as may be fixed  
7 by a regulation of the board; and at any time upon call of the  
8 ((~~chairman~~)) chairperson, of which due advance notice shall be given  
9 the other members of the board.

10 **Sec. 21.** RCW 41.16.040 and 1992 c 89 s 1 are each amended to read  
11 as follows:

12 The board shall have such general powers as are vested in it by the  
13 provisions of this chapter, and in addition thereto, the power to:

14 (1) Generally supervise and control the administration of this  
15 chapter and the ((~~firemen's~~)) firefighters' pension fund created  
16 hereby.

17 (2) Pass upon and allow or disallow all applications for pensions  
18 or other benefits provided by this chapter.

19 (3) Provide for payment from said fund of necessary expenses of  
20 maintenance and administration of said pension system and fund.

21 (4) Invest the moneys of the fund in a manner consistent with the  
22 investment policies outlined in RCW 35.39.060. Authorized investments  
23 shall include investment grade securities issued by the United States,  
24 state, municipal corporations, other public bodies, corporate bonds,  
25 and other investments authorized by RCW 35.39.030, 35.58.510,  
26 35.81.070, 35.82.070, 36.29.020, 39.58.020, 39.58.080, 39.58.130,  
27 39.60.010, 39.60.020, 68.52.060, 68.52.065, and 72.19.120.

28 (5) Employ such agents, employees and other personnel as the board  
29 may deem necessary for the proper administration of this chapter.

30 (6) Compel witnesses to appear and testify before it, in the same  
31 manner as is or may be provided by law for the taking of depositions in  
32 the superior court. Any member of the board may administer oaths to  
33 witnesses who testify before the board of a nature and in a similar  
34 manner to oaths administered by superior courts of the state of  
35 Washington.

1 (7) Issue vouchers approved by the ((~~chairman~~)) chairperson and  
2 secretary and to cause warrants therefor to be issued and paid from  
3 said fund for the payment of claims allowed by it.

4 (8) Keep a record of all its proceedings, which record shall be  
5 public; and prepare and file with the city treasurer and city clerk or  
6 comptroller prior to the date when any payments are to be made from the  
7 fund, a list of all persons entitled to payment from the fund, stating  
8 the amount and purpose of such payment, said list to be certified to  
9 and signed by the ((~~chairman~~)) chairperson and secretary of the board  
10 and attested under oath.

11 (9) Make rules and regulations not inconsistent with this chapter  
12 for the purpose of carrying out and effecting the same.

13 (10) Appoint one or more duly licensed and practicing physicians  
14 who shall examine and report to the board upon all applications for  
15 relief and pension under this chapter. Such physicians shall visit and  
16 examine all sick firefighters and ((~~disabled firemen~~)) firefighters who  
17 are disabled when, in their judgment, the best interests of the relief  
18 and pension fund require it or when ordered by the board. They shall  
19 perform all operations on such sick and injured ((~~firemen~~))  
20 firefighters and render all medical aid and care necessary for the  
21 recovery of such ((~~firemen~~)) firefighters on account of sickness or  
22 disability received while in the performance of duty as defined in this  
23 chapter. Such physicians shall be paid from said fund, the amount of  
24 said fees or salary to be set and agreed upon by the board and the  
25 physicians. No physician not regularly appointed or specially  
26 appointed and employed, as hereinafter provided, shall receive or be  
27 entitled to any fees or compensation from said fund as attending  
28 physician to a sick or injured ((~~fireman~~)) firefighter. If any sick or  
29 injured ((~~fireman~~)) firefighter refuses the services of the appointed  
30 physicians, or the specially appointed and employed physician, he or  
31 she shall be personally liable for the fees of any other physician  
32 employed by him or her. No person shall have a right of action against  
33 the board or the municipality for negligence of any physician employed  
34 by it. The board shall have the power and authority to select and  
35 employ, besides the regularly appointed physician, such other  
36 physician, surgeon or specialist for consultation with, or assistance  
37 to the regularly appointed physician, or for the purpose of performing  
38 operations or rendering services and treatment in particular cases, as

1 it shall deem advisable, and to pay fees for such services from said  
2 fund. Said board shall hear and decide all applications for such  
3 relief or pensions under this chapter, and its decisions on such  
4 applications shall be final and conclusive and not subject to revision  
5 or reversal except by the board.

6 **Sec. 22.** RCW 41.16.050 and 1999 c 117 s 3 are each amended to read  
7 as follows:

8 There is hereby created and established in the treasury of each  
9 municipality a fund which shall be known and designated as the  
10 (~~firemen's~~) firefighters' pension fund, which shall consist of: (1)  
11 All bequests, fees, gifts, emoluments, or donations given or paid  
12 thereto; (2) twenty-five percent of all moneys received by the state  
13 from taxes on fire insurance premiums; (3) taxes paid pursuant to the  
14 provisions of RCW 41.16.060; (4) interest on the investments of the  
15 fund; and (5) contributions by firefighters as provided for herein.  
16 The moneys received from the tax on fire insurance premiums under the  
17 provisions of this chapter shall be distributed in the proportion that  
18 the number of paid firefighters in the city, town, or fire protection  
19 district bears to the total number of paid firefighters throughout the  
20 state to be ascertained in the following manner: The secretary of the  
21 (~~firemen's~~) firefighters' pension board of each city, town, and fire  
22 protection district now or hereafter coming under the provisions of  
23 this chapter shall within thirty days after June 7, 1961, and on or  
24 before the fifteenth day of January thereafter, certify to the state  
25 treasurer the number of paid firefighters in the fire department in  
26 such city, town, or fire protection district. For any city or town  
27 annexed by a fire protection district at any time before, on, or after  
28 June 9, 1994, the city or town shall continue to certify to the state  
29 treasurer the number of paid firefighters in the city or town fire  
30 department immediately before annexation until all obligations against  
31 the (~~firemen's~~) firefighters' pension fund in the city or town have  
32 been satisfied. For the purposes of the calculation in this section,  
33 the state treasurer shall subtract the number certified by the annexed  
34 city or town from the number of paid firefighters certified by an  
35 annexing fire protection district. The state treasurer shall on or  
36 before the first day of June of each year deliver to the treasurer of  
37 each city, town, and fire protection district coming under the

1 provisions of this chapter his or her warrant, payable to each city,  
 2 town, or fire protection district for the amount due such city, town or  
 3 fire protection district ascertained as herein provided and the  
 4 treasurer of each such city, town, or fire protection district shall  
 5 place the amount thereof to the credit of the ((firemen's))  
 6 firefighters' pension fund of such city, town, or fire protection  
 7 district.

8 **Sec. 23.** RCW 41.16.070 and 1947 c 91 s 7 are each amended to read  
 9 as follows:

10 (1) Every ((fireman)) firefighter employed on and after January 1,  
 11 1947, shall contribute to the fund and there shall be deducted from his  
 12 or her pay and placed in the fund an amount in accordance with the  
 13 following table:

14	15 ((Fireman))	
16	17 <u>Firefighter</u> whose	
18	19 age at last birthday	Contributions and
19	20 at time of entry	deductions from
20	21 of service was:	salary
21	22 21 and under.....	5.00%
22	23 .....	5.24%
23	24 .....	5.50%
24	25 .....	5.77%
25	26 .....	6.07%
26	27 .....	6.38%
27	28 .....	6.72%
28	29 .....	7.09%
29	30 and over.....	7.49%
		7.92%

30 (2) Every ((fireman)) firefighter employed prior to January 1,  
 31 1947, and continuing active employment shall contribute to the fund and  
 32 there shall be deducted from his or her salary and placed in the fund,  
 33 five percent of his or her salary.

34 (3) Every ((fireman)) firefighter actively employed and eligible

1 for retirement and not retired shall contribute to the fund and there  
2 shall be deducted from his or her salary and placed in the fund, four  
3 percent of his or her salary.

4 **Sec. 24.** RCW 41.16.080 and 1959 c 5 s 2 are each amended to read  
5 as follows:

6 Any (~~fireman~~) firefighter employed in a fire department on and  
7 before the first day of January, 1947, hereinafter in this section and  
8 RCW 41.16.090 to 41.16.190 inclusive, referred to as (~~"fireman",~~)  
9 "firefighter," and who shall have served twenty-five or more years and  
10 having attained the age of fifty-five years, as a member of the fire  
11 department, shall be eligible for retirement and shall be retired by  
12 the board upon his or her written request. Upon his or her retirement  
13 any (~~fireman~~) firefighter shall be paid a pension based upon the  
14 average monthly salary drawn for the five calendar years before  
15 retirement, the number of years of his or her service and a percentage  
16 factor based upon his or her age on entering service, as follows:

17	Entrance age at	Salary
18	last birthday	percentage factor
19	20 and under.....	1.50%
20	21 .....	1.55%
21	22 .....	1.60%
22	23 .....	1.65%
23	24 .....	1.70%
24	25 .....	1.75%
25	26 .....	1.80%
26	27 .....	1.85%
27	28 .....	1.90%
28	29 .....	1.95%
29	30 and over.....	2.00%

30 Said monthly pension shall be in the amount of his or her average  
31 monthly salary for the five calendar years before retirement, times the  
32 number of years of service, times the applicable percentage factor.

33 **Sec. 25.** RCW 41.16.100 and 1973 1st ex.s. c 154 s 62 are each  
34 amended to read as follows:

1 The widow or widower, child, children or beneficiary of any  
2 ((fireman)) firefighter retired under this chapter shall receive an  
3 amount equal to his or her accumulated contributions to the fund, plus  
4 earned interest thereon compounded semiannually: PROVIDED, That there  
5 shall be deducted from said sum the amount paid to decedent in pensions  
6 and the remainder shall be paid to his or her widow or widower, child,  
7 children or beneficiary: PROVIDED FURTHER, That the amount paid shall  
8 not be less than one thousand dollars.

9 **Sec. 26.** RCW 41.16.110 and 1959 c 5 s 5 are each amended to read  
10 as follows:

11 Whenever any ((fireman)) firefighter shall die while eligible to  
12 retirement on account of years of service, and shall not have been  
13 retired, benefits shall be paid in accordance with RCW 41.16.100.

14 **Sec. 27.** RCW 41.16.120 and 1973 1st ex.s. c 154 s 63 are each  
15 amended to read as follows:

16 Whenever any active ((fireman)) firefighter or ((fireman))  
17 firefighter retired for disability shall die as the result of an  
18 accident or other fortuitous event occurring while in the performance  
19 of his or her duty, his widow or her widower may elect to accept a  
20 monthly pension equal to one-half the deceased ((fireman's))  
21 firefighter's salary but in no case in excess of one hundred fifty  
22 dollars per month, or the sum of five thousand dollars cash. The right  
23 of election must be exercised within sixty days of the ((fireman's))  
24 firefighter's death. If not so exercised, the pension benefits shall  
25 become fixed and shall be paid from the date of death. Such pension  
26 shall cease if, and when, he or she remarries. If there is no widow or  
27 widower, then such pension benefits shall be paid to his or her child  
28 or children.

29 **Sec. 28.** RCW 41.16.130 and 1959 c 5 s 7 are each amended to read  
30 as follows:

31 (1) Any ((fireman)) firefighter who shall become disabled as a  
32 result of the performance of his or her duty or duties as defined in  
33 this chapter, may be retired at the expiration of six months from the  
34 date of his or her disability, upon his or her written request filed  
35 with his or her retirement board. The board may upon such request

1 being filed, consult such medical advice as it sees fit, and may have  
2 the applicant examined by such physicians as it deems desirable. If  
3 from the reports of such physicians the board finds the applicant  
4 capable of performing his or her duties in the fire department, the  
5 board may refuse to recommend his or her retirement.

6 (2) If the board deems it for the good of the fire department or  
7 the pension fund, it may recommend the applicant's retirement without  
8 any request therefor by him or her, after giving him or her a thirty  
9 days' notice. Upon his or her retirement he or she shall be paid a  
10 monthly disability pension in amount equal to one-half of his or her  
11 monthly salary at date of retirement, but which shall not exceed one  
12 hundred fifty dollars a month. If he or she recovers from his or her  
13 disability he or she shall thereupon be restored to active service,  
14 with the same rank he or she held when he or she retired.

15 (3) If the ((fireman)) firefighter dies during disability and not  
16 as a result thereof, RCW 41.16.160 shall apply.

17 **Sec. 29.** RCW 41.16.140 and 1973 1st ex.s. c 154 s 64 are each  
18 amended to read as follows:

19 Any ((fireman)) firefighter who has served more than fifteen years  
20 and sustains a disability not in the performance of his or her duty  
21 which renders him or her unable to continue his or her service, shall  
22 within sixty days exercise his or her choice either to receive his or  
23 her contribution to the fund, plus earned interest compounded  
24 semiannually, or be retired and paid a monthly pension based on the  
25 factor of his or her age shown in RCW 41.16.080, times his or her  
26 average monthly salary as a member of the fire department of his or her  
27 municipality at the date of his or her retirement, times the number of  
28 years of service rendered at the time he or she sustained such  
29 disability. If such ((fireman)) firefighter shall die leaving  
30 surviving him a wife or surviving her a husband, or child or children,  
31 then such wife or husband, or if he leaves no wife or she leaves no  
32 husband, then his or her child or children shall receive the sum of his  
33 or her contributions, plus accumulated compound interest, and such  
34 payment shall be reduced in the amount of the payments made to  
35 deceased.

1       **Sec. 30.** RCW 41.16.145 and 1975-'76 2nd ex.s. c 44 s 1 are each  
2 amended to read as follows:

3       The amount of all benefits payable under the provisions of RCW  
4 41.16.080, 41.16.120, 41.16.130, 41.16.140 and 41.16.230 (~~as now or~~  
5 ~~hereafter amended,~~) shall be increased annually as hereafter in this  
6 section provided. The local pension board shall meet subsequent to  
7 March 31st but prior to June 30th of each year for the purposes of  
8 adjusting benefit allowances payable pursuant to the aforementioned  
9 sections. The local board shall determine the increase in the consumer  
10 price index between January 1st and December 31st of the previous year  
11 and increase in dollar amount the benefits payable subsequent to July  
12 1st of the year in which said board makes such determination by a  
13 dollar amount proportionate to the increase in the consumer price  
14 index: PROVIDED, That regardless of the change in the consumer price  
15 index, such increase shall be at least two percent each year such  
16 adjustment is made.

17       Each year effective with the July payment all benefits specified  
18 herein, shall be increased by this section. This benefit increase  
19 shall be paid monthly as part of the regular pension payment and shall  
20 be cumulative. The increased benefits authorized by this section shall  
21 not affect any benefit payable under the provisions of chapter 41.16  
22 RCW in which the benefit payment is attached to a current salary of the  
23 rank held at time of retirement. A beneficiary of benefit increases  
24 provided for pursuant to this section is hereby authorized to appeal a  
25 decision on such increases or the failure of the local pension board to  
26 order such increased benefits or the amount of such benefits to the  
27 Washington law enforcement officers' and firefighters' system  
28 retirement board provided for in RCW 41.26.050.

29       For the purpose of this section the term

30       "Consumer price index" shall mean, for any calendar year, the  
31 consumer price index for the Seattle, Washington area as compiled by  
32 the bureau of labor statistics of the United States department of  
33 labor.

34       **Sec. 31.** RCW 41.16.150 and 1973 1st ex.s. c 154 s 65 are each  
35 amended to read as follows:

36       (1) Any (~~fireman~~) firefighter who has served twenty years or more  
37 and who shall resign or be dismissed, shall have the option of

1 receiving all his or her contributions plus earned interest compounded  
2 semiannually, or a monthly pension in the amount of his or her average  
3 monthly salary times the number of years of service rendered, times one  
4 and one-half percent. Payment of such pension shall commence at the  
5 time of severance from the fire department, or at the age of fifty-five  
6 years, whichever shall be later. The ((~~fireman~~)) firefighter shall  
7 have sixty days from the severance date to elect which option he or she  
8 will take. In the event he or she fails to exercise his or her right  
9 of election then he or she shall receive the amount of his or her  
10 contributions plus accrued compounded interest. In the event he or she  
11 elects such pension, but dies before attaining the age of fifty-five,  
12 his widow or her widower, or if he leaves no widow or she leaves no  
13 widower, then his or her child or children shall receive only his or  
14 her contribution, plus accrued compounded interest. In the event he or  
15 she elects to take a pension and dies after attaining the age of fifty-  
16 five, his widow or her widower, or if he leaves no widow or she leaves  
17 no widower, then child or children shall receive his or her  
18 contributions, plus accrued compounded interest, less the amount of  
19 pension payments made to such ((~~fireman~~)) firefighter during his or her  
20 lifetime.

21 (2) Any ((~~fireman~~)) firefighter who shall have served for a period  
22 of less than twenty years, and shall resign or be dismissed, shall be  
23 paid the amount of his or her contributions, plus accrued compounded  
24 interest.

25 **Sec. 32.** RCW 41.16.160 and 1973 1st ex.s. c 154 s 66 are each  
26 amended to read as follows:

27 Whenever any ((~~fireman~~)) firefighter, after four years of service,  
28 shall die from natural causes, or from an injury not sustained in the  
29 performance of his or her duty and for which no pension is provided in  
30 this chapter, and who has not been retired on account of disability,  
31 his widow or her widower, if he or she was his wife or her husband at  
32 the time he or she was stricken with his or her last illness, or at the  
33 time he or she received the injuries from which he or she died; or if  
34 there is no such widow, then his or her child or children shall be  
35 entitled to the amount of his or her contributions, plus accrued  
36 compounded interest, or the sum of one thousand dollars, whichever sum

1 shall be the greater. In case of death as above stated, before the end  
2 of four years of service, an amount based on the proportion of the time  
3 of service to four years shall paid such beneficiaries.

4 **Sec. 33.** RCW 41.16.170 and 1973 1st ex.s. c 154 s 67 are each  
5 amended to read as follows:

6 Whenever a ((~~fireman~~)) firefighter dies leaving no widow or widower  
7 or children, the amount of his or her accumulated contributions, plus  
8 accrued compounded interest only, shall be paid his or her beneficiary.

9 **Sec. 34.** RCW 41.16.180 and 1959 c 5 s 12 are each amended to read  
10 as follows:

11 Upon the death of any active firefighter, ((~~disabled~~)) firefighter  
12 who is disabled, or retired ((~~fireman~~)) firefighter, the board shall  
13 pay from the fund the sum of two hundred dollars to assist in defraying  
14 the funeral expenses of such ((~~fireman~~)) firefighter.

15 **Sec. 35.** RCW 41.16.190 and 1959 c 5 s 13 are each amended to read  
16 as follows:

17 No ((~~fireman~~)) firefighter disabled in the performance of duty  
18 shall receive a pension until six months has elapsed after such  
19 disability was sustained. Therefore, whenever the retirement board,  
20 pursuant to examination by the board's physician and such other  
21 evidence as it may require, shall find a ((~~fireman~~)) firefighter has  
22 been disabled while in the performance of his or her duties, it shall  
23 declare him or her inactive. For a period of six months from the time  
24 he or she became disabled, he or she shall continue to draw full pay  
25 from his or her municipality and in addition thereto he or she shall,  
26 at the expense of the municipality, be provided with such medical,  
27 hospital and nursing care as the retirement board deems proper. If the  
28 board finds at the expiration of six months that the ((~~fireman~~))  
29 firefighter is unable to return to and perform his or her duties, then  
30 he or she shall be retired as herein provided.

31 **Sec. 36.** RCW 41.16.200 and 1947 c 91 s 9 are each amended to read  
32 as follows:

33 The board shall require all ((~~firemen~~)) firefighters receiving  
34 disability pensions to be examined every six months. All such

1 examinations shall be made by physicians duly appointed by the board.  
2 If a ((fireman)) firefighter shall fail to submit to such examination  
3 within ten days of having been so ordered in writing by said retirement  
4 board all pensions or benefits paid to said ((fireman)) firefighter  
5 under this chapter, shall immediately cease and the disbursing officer  
6 in charge of such payments shall issue no further payments to such  
7 ((fireman)) firefighter. If such ((fireman)) firefighter fails to  
8 present himself or herself for examination within thirty days after  
9 being ordered so to do, he or she shall forfeit all rights under this  
10 chapter. If such ((fireman)) firefighter, upon examination as  
11 aforesaid, shall be found fit for service, he or she shall be restored  
12 to duty in the same rank held at the time of his or her retirement, or  
13 if unable to perform the duties of said rank, then, at his or her  
14 request, in such other rank, the duties of which he or she is then able  
15 to perform. The board shall thereupon so notify the ((fireman))  
16 firefighter and shall require him or her to resume his or her duties as  
17 a member of the fire department. If, upon being so notified, such  
18 member shall fail to report for employment within ten days, he or she  
19 shall forfeit all rights to any benefits under this chapter.

20 **Sec. 37.** RCW 41.16.210 and 1947 c 91 s 10 are each amended to read  
21 as follows:

22 (1) Funds or assets on hand in the ((firemen's)) firefighters'  
23 relief and pension fund of any municipality established under the  
24 provisions of chapter 50, Laws of 1909, as amended, after payment of  
25 warrants drawn upon and payable therefrom, shall, by the city  
26 treasurer, be transferred to and placed in the ((firemen's))  
27 firefighters' pension fund created by this chapter; and the  
28 ((firemen's)) firefighters' pension fund created by this chapter shall  
29 be liable for and there shall be paid therefrom in the order of their  
30 issuance any and all unpaid warrants drawn upon said ((firemen's))  
31 firefighters' relief and pension fund.

32 (2) Any moneys loaned or advanced by a municipality from the  
33 general or any other fund of such municipality to the ((firemen's))  
34 firefighters' relief and pension fund created under the provisions of  
35 chapter 50, Laws of 1909, as amended, and not repaid shall be an  
36 obligation of the ((firemen's)) firefighters' pension fund created

1 under this chapter, and shall at such times and in such amounts as is  
2 directed by the board be repaid.

3 **Sec. 38.** RCW 41.16.220 and 1969 ex.s. c 269 s 7 are each amended  
4 to read as follows:

5 Any person who was a member of the fire department and within the  
6 provisions of chapter 50, Laws of 1909, as amended, at the time he or  
7 she entered, and who is a veteran, as defined in RCW 41.04.005, shall  
8 have added and accredited to his or her period of employment as a  
9 (~~fireman~~) firefighter as computed under this chapter his or her  
10 period of war service in such armed forces upon payment by him or her  
11 of his or her contribution for the period of his or her absence, at the  
12 rate provided by chapter 50, Laws of 1909, as amended, for other  
13 members: PROVIDED, HOWEVER, Such accredited service shall not in any  
14 case exceed five years.

15 **Sec. 39.** RCW 41.16.230 and 1973 1st ex.s. c 154 s 68 are each  
16 amended to read as follows:

17 Chapter 50, Laws of 1909; chapter 196, Laws of 1919; chapter 86,  
18 Laws of 1929, and chapter 39, Laws of 1935 (secs. 9559 to 9578, incl.,  
19 Rem. Rev. Stat.; secs. 396-1 to 396-43, incl., PPC) and all other acts  
20 or parts of acts in conflict herewith are hereby repealed: PROVIDED,  
21 That the repeal of said laws shall not affect any (~~"prior fireman",~~)  
22 "prior firefighter," his widow, her widower, child or children, any  
23 (~~fireman~~) firefighter eligible for retirement but not retired, his  
24 widow, her widower, child or children, or the rights of any retired  
25 (~~fireman~~) firefighter, his widow, her widower, child or children, to  
26 receive payments and benefits from the (~~firemen's~~) firefighters'  
27 pension fund created under this chapter, in the amount, and in the  
28 manner provided by said laws which are hereby repealed and as if said  
29 laws had not been repealed.

30 **Sec. 40.** RCW 41.16.250 and 1963 c 63 s 1 are each amended to read  
31 as follows:

32 If all or any portion of a fire protection district is annexed to  
33 or incorporated into a city or town, or is succeeded by a metropolitan  
34 municipal corporation or county fire department, no full time paid  
35 (~~fireman~~) firefighter affected by such annexation, incorporation or

1 succession shall receive a reduction in his or her retirement and job  
2 security rights: PROVIDED, That this section shall not apply to any  
3 retirement and job security rights authorized under chapter 41.24 RCW.

4 **Sec. 41.** RCW 41.18.010 and 1973 1st ex.s. c 154 s 69 are each  
5 amended to read as follows:

6 For the purpose of this chapter, unless clearly indicated otherwise  
7 by the context, words and phrases shall have the meaning hereinafter  
8 ascribed.

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

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

29 (3) "Retired (~~fireman~~) firefighter" means and includes a person  
30 employed as a (~~fireman~~) firefighter and retired under the provisions  
31 of this chapter.

32 (4) "Basic salary" means the basic monthly salary, including  
33 longevity pay, attached to the rank held by the retired (~~fireman~~)  
34 firefighter at the date of his or her retirement, without regard to  
35 extra compensation which such (~~fireman~~) firefighter may have received  
36 for special duties assignments not acquired through civil service

1 examination: PROVIDED, That such basic salary shall not be deemed to  
2 exceed the salary of a battalion chief.

3 (5) "Widow or widower" means the surviving spouse of a ((fireman))  
4 firefighter and shall include the surviving wife or husband of a  
5 ((fireman)) firefighter, retired on account of length of service, who  
6 was lawfully married to him or to her for a period of five years prior  
7 to the time of his or her retirement; and the surviving wife or husband  
8 of a ((fireman)) firefighter, retired on account of disability, who was  
9 lawfully married to him or her at and prior to the time he or she  
10 sustained the injury or contracted the illness resulting in his or her  
11 disability. The word shall not mean the divorced wife or husband of an  
12 active or retired ((fireman)) firefighter.

13 (6) "Child" or "children" means a ((fireman's)) firefighter's child  
14 or children under the age of eighteen years, unmarried, and in the  
15 legal custody of such ((fireman)) firefighter at the time of his death  
16 or her death.

17 (7) "Earned interest" means and includes all annual increments to  
18 the ((firemen's)) firefighters' pension fund from income earned by  
19 investment of the fund. The earned interest payable to any ((fireman))  
20 firefighter when he or she leaves the service and accepts his or her  
21 contributions, shall be that portion of the total earned income of the  
22 fund which is directly attributable to each individual ((fireman's))  
23 firefighter's contributions. Earnings of the fund for the preceding  
24 year attributable to individual contributions shall be allocated to  
25 individual ((firemen's)) firefighters' accounts as of January 1st of  
26 each year.

27 (8) "Board" shall mean the municipal ((firemen's)) firefighters'  
28 pension board.

29 (9) "Contributions" shall mean and include all sums deducted from  
30 the salary of ((firemen)) firefighters and paid into the fund as  
31 hereinafter provided.

32 (10) "Disability" shall mean and include injuries or sickness  
33 sustained by a ((fireman)) firefighter.

34 (11) "Fire department" shall mean the regularly organized, full  
35 time, paid, and employed force of ((firemen)) firefighters of the  
36 municipality.

37 (12) "Fund" shall have the same meaning as in RCW 41.16.010 as now

1 or hereafter amended. Such fund shall be created in the manner and be  
2 subject to the provisions specified in chapter 41.16 RCW as now or  
3 hereafter amended.

4 (13) "Municipality" shall mean every city, town and fire protection  
5 district having a regularly organized full time, paid, fire department  
6 employing (~~firemen~~) firefighters.

7 (14) "Performance of duty" shall mean the performance of work or  
8 labor regularly required of (~~firemen~~) firefighters and shall include  
9 services of an emergency nature normally rendered while off regular  
10 duty.

11 **Sec. 42.** RCW 41.18.015 and 1992 c 6 s 1 are each amended to read  
12 as follows:

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



1 monthly pension which shall be equal to fifty percent of the basic  
2 salary now or hereafter attached to the same rank and status held by  
3 the said ((~~fireman~~)) firefighter at the date of his or her retirement:  
4 PROVIDED, That a ((~~fireman~~)) firefighter hereafter retiring who has  
5 served as a member for more than twenty-five years, shall have his or  
6 her pension payable under this section increased by two percent of the  
7 basic salary per year for each full year of such additional service to  
8 a maximum of five additional years.

9 Upon the death of any such retired ((~~fireman~~)) firefighter, his or  
10 her pension shall be paid to his widow or her widower, at the same  
11 monthly rate that the retired ((~~fireman~~)) firefighter would have  
12 received had he or she lived, if such widow or widower was his wife or  
13 her husband for a period of five years prior to the time of his or her  
14 retirement. If there be no widow or widower, then such monthly  
15 payments shall be distributed to and divided among his or her children,  
16 share and share alike, until they reach the age of eighteen or are  
17 married, whichever occurs first.

18 **Sec. 46.** RCW 41.18.045 and 1973 1st ex.s. c 154 s 71 are each  
19 amended to read as follows:

20 Upon the death of a ((~~fireman~~)) firefighter who is eligible to  
21 retire under RCW 41.18.040 as now or hereafter amended, but who has not  
22 retired, a pension shall be paid to his widow or her widower at the  
23 same monthly rate that he or she was eligible to receive at the time of  
24 his or her death, if such widow or widower was his wife or her husband  
25 for a period of five years prior to his or her death. If there be no  
26 widow or widower, then such monthly payments shall be distributed to  
27 and divided among his or her children, share and share alike, until  
28 they reach the age of eighteen or are married, whichever comes first.

29 This section shall apply retroactively for the benefit of all  
30 widows or widowers and survivors of ((~~firemen~~)) firefighters who died  
31 after January 1, 1967, if such ((~~firemen~~)) firefighters were otherwise  
32 eligible to retire on the date of death.

33 **Sec. 47.** RCW 41.18.050 and 1955 c 382 s 5 are each amended to read  
34 as follows:

35 Every ((~~fireman~~)) firefighter who shall become disabled as a result  
36 of the performance of duty may be retired at the expiration of six

1 months from the date of his or her disability, upon his or her written  
2 request filed with his or her retirement board. The board may, upon  
3 such request being filed, consult such medical advice as it sees fit,  
4 and may have the applicant examined by such physicians as it deems  
5 desirable. If from the reports of such physicians the board finds the  
6 applicant capable of performing his or her duties in the fire  
7 department, the board may refuse to recommend his or her retirement.  
8 If, after the expiration of six months from the date of his or her  
9 disability, the board deems it for the good of the fire department or  
10 the pension fund it may recommend the retirement of a ((fireman))  
11 firefighter disabled as a result of the performance of duty without any  
12 request for the same by him or her, and after having been given by the  
13 board a thirty days' written notice of such recommendation he or she  
14 shall be retired.

15 **Sec. 48.** RCW 41.18.060 and 1992 c 22 s 1 are each amended to read  
16 as follows:

17 Whenever the retirement board, pursuant to examination by the  
18 board's physician and such other evidence as it may require, shall find  
19 a firefighter has been disabled while in the performance of his or her  
20 duties it shall declare the firefighter inactive. For a period of six  
21 months from the time of the disability the firefighter shall draw from  
22 the pension fund a disability allowance equal to his or her basic  
23 monthly salary and, in addition, shall be provided with medical,  
24 hospital and nursing care as long as the disability exists. The board  
25 may, at its discretion, elect to reimburse the ((disabled)) firefighter  
26 who is disabled for premiums the firefighter has paid for medical  
27 insurance that supplements medicare, including premiums the firefighter  
28 has paid for medicare part B coverage. If the board finds at the  
29 expiration of six months that the firefighter is unable to return to  
30 and perform his or her duties, the firefighter shall be retired at a  
31 monthly sum equal to fifty percent of the amount of his or her basic  
32 salary at any time thereafter attached to the rank which he or she held  
33 at the date of retirement: PROVIDED, That where, at the time of  
34 retirement hereafter for disability under this section, the firefighter  
35 has served honorably for a period of more than twenty-five years as a  
36 member, in any capacity of the regularly constituted fire department of  
37 a municipality, the firefighter shall have his or her pension payable

1 under this section increased by two percent of his or her basic salary  
2 per year for each full year of additional service to a maximum of five  
3 additional years.

4 **Sec. 49.** RCW 41.18.080 and 1973 1st ex.s. c 154 s 72 are each  
5 amended to read as follows:

6 Any ((fireman)) firefighter who has completed his or her  
7 probationary period and has been permanently appointed, and sustains a  
8 disability not in the performance of his or her duty which renders him  
9 or her unable to continue his or her service, may request to be retired  
10 by filing a written request with his or her retirement board within  
11 sixty days from the date of his or her disability. The board may, upon  
12 such request being filed, consult such medical advice as it deems fit  
13 and proper. If the board finds the ((fireman)) firefighter capable of  
14 performing his or her duties, it may refuse to recommend retirement and  
15 order the ((fireman)) firefighter back to duty. If no request for  
16 retirement has been received after the expiration of sixty days from  
17 the date of his or her disability, the board may recommend retirement  
18 of the ((fireman)) firefighter. The board shall give the ((fireman))  
19 firefighter a thirty-day written notice of its recommendation, and he  
20 or she shall be retired upon expiration of said notice. Upon  
21 retirement he or she shall receive a pension equal to fifty percent of  
22 his or her basic salary. For a period of ninety days following such  
23 disability the ((fireman)) firefighter shall receive an allowance from  
24 the fund equal to his or her basic salary. He or she shall during said  
25 ninety days be provided with such medical, hospital, and nursing care  
26 as the board deems proper. No funds shall be expended for such  
27 disability if the board determines that the ((fireman)) firefighter was  
28 gainfully employed or engaged for compensation in other than fire  
29 department duty when the disability occurred, or if such disability was  
30 the result of dissipation or abuse. Whenever any ((fireman))  
31 firefighter shall die as a result of a disability sustained not in the  
32 line of duty, his widow or her widower shall receive a monthly pension  
33 equal to one-third of his or her basic salary until remarried; if such  
34 widow or widower has dependent upon her or him for support a child or  
35 children of such deceased ((fireman)) firefighter, he or she shall  
36 receive an additional pension as follows: One child, one-eighth of the  
37 deceased's basic salary; two children, one-seventh; three or more

1 children, one-sixth. If there be no widow or widower, monthly payments  
2 equal to one-third of the deceased (~~(fireman's)~~) firefighter's basic  
3 salary shall be made to his or her child or children. The widow or  
4 widower may elect at any time in writing to receive a cash settlement,  
5 and if the board after hearing finds it financially beneficial to the  
6 pension fund, he or she may receive the sum of five thousand dollars  
7 cash in lieu of all future monthly pension payments, and other  
8 benefits, including benefits to any child and/or children.

9 **Sec. 50.** RCW 41.18.090 and 1955 c 382 s 15 are each amended to  
10 read as follows:

11 The board shall require all (~~(firemen)~~) firefighters receiving  
12 disability pensions to be examined every six months: PROVIDED, That no  
13 such examinations shall be required if upon certification by physicians  
14 the board shall formally enter upon its records a finding of fact that  
15 the disability is and will continue to be of such a nature that return  
16 to active duty can never reasonably be expected. All examinations  
17 shall be made by physicians duly appointed by the board. If a  
18 (~~(fireman)~~) firefighter shall willfully fail to present himself or  
19 herself for examination, within thirty days after being ordered so to  
20 do, he or she shall forfeit all rights under this chapter. If such  
21 (~~(fireman)~~) firefighter, upon examination as aforesaid, shall be found  
22 fit for service, he or she shall be restored to duty in the same rank  
23 held at the time of his or her retirement, or if unable to perform the  
24 duties of said rank then, at his or her request, in such other like or  
25 lesser rank as may be or become open and available, the duties of which  
26 he or she is then able to perform. The board shall thereupon so notify  
27 the (~~(fireman)~~) firefighter and shall require him or her to resume his  
28 or her duties as a member of the fire department. If, upon being so  
29 notified, such member shall willfully fail to report for employment  
30 within ten days, he or she shall forfeit all rights to any benefit  
31 under this chapter.

32 **Sec. 51.** RCW 41.18.100 and 1975 1st ex.s. c 178 s 4 are each  
33 amended to read as follows:

34 In the event a (~~(fireman)~~) firefighter is killed in the performance  
35 of duty, or in the event a (~~(fireman)~~) firefighter retired on account  
36 of service connected disability shall die from any cause, his widow or

1 her widower shall receive a monthly pension under one of the following  
2 applicable provisions: (1) If a ((fireman)) firefighter is killed in  
3 the line of duty his widow or her widower shall receive a monthly  
4 pension equal to fifty percent of his or her basic salary at the time  
5 of his or her death; (2) if a ((fireman)) firefighter who has retired  
6 on account of a service connected disability dies, his widow or her  
7 widower shall receive a monthly pension equal to the amount of the  
8 monthly pension such retired ((fireman)) firefighter was receiving at  
9 the time of his or her death. If she or he at any time so elects in  
10 writing and the board after hearing finds it to be financially  
11 beneficial to the pension fund, he or she may receive in lieu of all  
12 future monthly pension and other benefits, including benefits to child  
13 or children, the sum of five thousand dollars in cash. If there be no  
14 widow or widower at the time of such ((fireman's)) firefighter's death  
15 or upon the widow's or widower's death the monthly pension benefits  
16 hereinabove provided for shall be paid to and divided among his or her  
17 child or children share and share alike, until they reach the age of  
18 eighteen or are married, whichever occurs first. The widow's or  
19 widower's monthly pension benefit, including increased benefits to his  
20 or her children shall cease if and when he or she remarries: PROVIDED,  
21 That no pension payable under the provisions of this section shall be  
22 less than that specified under RCW 41.18.200.

23 **Sec. 52.** RCW 41.18.102 and 1969 ex.s. c 209 s 32 are each amended  
24 to read as follows:

25 The provisions of RCW 41.18.040 and 41.18.100 shall be applicable  
26 to all ((firemen)) firefighters employed prior to March 1, 1970, but  
27 shall not apply to any former ((fireman)) firefighter who has  
28 terminated his or her employment prior to July 1, 1969.

29 **Sec. 53.** RCW 41.18.130 and 1969 ex.s. c 209 s 31 are each amended  
30 to read as follows:

31 Any ((fireman)) firefighter who shall have served for a period of  
32 less than twenty-five years, or who shall be less than fifty years of  
33 age, and shall resign, or be dismissed from the fire department for a  
34 reason other than conviction for a felony, shall be paid the amount of  
35 his or her contributions to the fund plus earned interest: PROVIDED,  
36 That in the case of any ((fireman)) firefighter who has completed

1 twenty years of service, such ((fireman)) firefighter, upon termination  
2 for any cause except for a conviction of a felony, shall have the  
3 option of electing, in lieu of recovery of his or her contributions as  
4 herein provided, to be classified as a vested ((fireman)) firefighter  
5 in accordance with the following provisions:

6 (1) Written notice of such election shall be filed with the board  
7 within thirty days after the effective date of such ((fireman's))  
8 firefighter's termination;

9 (2) During the period between the date of his or her termination  
10 and the date upon which he or she becomes a retired ((fireman))  
11 firefighter as hereinafter provided, such vested ((fireman))  
12 firefighter and his or her spouse or dependent children shall be  
13 entitled to all benefits available under chapter 41.18 RCW to a retired  
14 ((fireman)) firefighter and his or her spouse or dependent children  
15 with the exception of the service retirement allowance as herein  
16 provided for: PROVIDED, That any claim for medical coverage under RCW  
17 41.18.060 shall be attributable to service connected illness or injury;

18 (3) Any ((fireman)) firefighter electing to become a vested  
19 ((fireman)) firefighter shall be entitled at such time as he or she  
20 otherwise would have completed twenty-five years of service had he or  
21 she not terminated, to receive a service retirement allowance computed  
22 on the following basis: Two percent of the amount of salary attached  
23 to the position held by the vested ((fireman)) firefighter for the year  
24 preceding the date of his or her termination, for each year of service  
25 rendered prior to the date of his or her termination.

26 **Sec. 54.** RCW 41.18.140 and 1961 c 255 s 7 are each amended to read  
27 as follows:

28 The board shall pay from the ((firemen's)) firefighters' pension  
29 fund upon the death of any active or retired ((fireman)) firefighter  
30 the sum of five hundred dollars, to assist in defraying the funeral  
31 expenses of such ((fireman)) firefighter.

32 **Sec. 55.** RCW 41.18.150 and 1955 c 382 s 14 are each amended to  
33 read as follows:

34 Every person who was a member of the fire department at the time he  
35 or she entered and served in the armed forces of the United States in  
36 time of war, whether as a draftee, or inductee, and who shall have been

1 discharged from such armed forces under conditions other than  
2 dishonorable, shall have added and accredited to his or her period of  
3 employment as a (~~fireman~~) firefighter his or her period of war or  
4 peacetime service in the armed forces: PROVIDED, That such added and  
5 accredited service shall not as to any individual exceed five years.

6 **Sec. 56.** RCW 41.18.160 and 1955 c 382 s 17 are each amended to  
7 read as follows:

8 Every (~~fireman~~) firefighter as defined in this chapter heretofore  
9 employed as a member of a fire department, whether or not as a prior  
10 (~~fireman~~) firefighter as defined in chapter 41.16 RCW, who desires to  
11 make the contributions and avail himself or herself of the pension and  
12 other benefits of said chapter 41.16 RCW, can do so by handing to and  
13 leaving with the (~~firemen's~~) firefighters' pension board of his or  
14 her municipality a written notice of such intention within sixty days  
15 of the effective date of this chapter, or if he or she was on  
16 disability retirement under chapter 41.16 RCW, at the effective date of  
17 this chapter and has been recalled to active duty by the retirement  
18 board, shall give such notice within sixty days of his or her return to  
19 active duty, and not otherwise.

20 **Sec. 57.** RCW 41.18.165 and 1959 c 69 s 1 are each amended to read  
21 as follows:

22 Every person who was a member of a fire-fighting organization  
23 operated by a private enterprise, which fire-fighting organization  
24 shall be hereafter acquired before September 1, 1959, by a municipality  
25 as its fire department as a matter of public convenience or necessity,  
26 where it is in the public interest to retain the trained personnel of  
27 such fire-fighting organization, shall have added and accredited to his  
28 or her period of employment as a (~~fireman~~) firefighter his or her  
29 period of service with said private enterprise, except that this shall  
30 apply only to those persons who are in the service of such fire-  
31 fighting organization at the time of its acquisition by the  
32 municipality and who remain in the service of that municipality until  
33 this chapter shall become applicable to such persons.

34 No such person shall have added and accredited to his or her period  
35 of employment as a (~~fireman~~) firefighter his or her period of service  
36 with said private enterprise unless he, she, or a third party shall pay

1 to the municipality his or her contribution for the period of such  
2 service with the private enterprise at the rate provided in RCW  
3 41.18.030, or, if he or she shall be entitled to any private pension or  
4 retirement benefits as a result of such service with the private  
5 enterprise, unless he or she agrees at the time of his or her  
6 employment by the municipality to accept a reduction in the payment of  
7 any benefits payable under this chapter that are based in whole or in  
8 part on such added and accredited service by the amount of those  
9 private pension or retirement benefits received. For the purposes of  
10 RCW 41.18.030, the date of entry of service shall be deemed the date of  
11 entry into service with the private enterprise, which service is  
12 accredited by this section, and the amount of contributions for the  
13 period of accredited service shall be based on the wages or salary of  
14 such person during that added and accredited period of service with the  
15 private enterprise.

16 The city may receive payments for these purposes from a third party  
17 and shall make from such payments contributions with respect to such  
18 prior service as may be necessary to enable the fund to assume its  
19 obligations.

20 **Sec. 58.** RCW 41.18.170 and 1955 c 382 s 16 are each amended to  
21 read as follows:

22 The provisions of this chapter governing contributions, pensions,  
23 and benefits shall have exclusive application (1) to (~~firemen~~)  
24 firefighters as defined in this chapter hereafter becoming members of  
25 a fire department, (2) to (~~firemen~~) firefighters as defined in this  
26 chapter heretofore employed in a department who have not otherwise  
27 elected as provided for in RCW 41.18.160, and (3) to (~~firemen~~)  
28 firefighters on disability retirement under chapter 41.16 RCW, at the  
29 effective date of this chapter, who thereafter shall have been returned  
30 to active duty by the retirement board, and who have not otherwise  
31 elected as provided for in RCW 41.18.160 within sixty days after return  
32 to active duty.

33 **Sec. 59.** RCW 41.18.180 and 1961 c 255 s 12 are each amended to  
34 read as follows:

35 Any (~~fireman~~) firefighter who has made contributions under any  
36 prior act may elect to avail himself or herself of the benefits

1 provided by this chapter or under such prior act by filing written  
2 notice with the board within sixty days from the effective date of this  
3 1961 amendatory act: PROVIDED, That any ((fireman)) firefighter who  
4 has received refunds by reason of selecting the benefits of prior acts  
5 shall return the amount of such refunds as a condition to coverage  
6 under this 1961 amendatory act.

7 **Sec. 60.** RCW 41.18.190 and 1969 ex.s. c 209 s 41 are each amended  
8 to read as follows:

9 Any ((fireman)) firefighter as defined in RCW 41.18.010 who has  
10 prior to July 1, 1969 been employed as a member of a fire department  
11 and who desires to make contributions and avail himself or herself of  
12 the pension and other benefits of chapter 41.18 RCW as now law or  
13 hereafter amended, may transfer his or her membership from any other  
14 pension fund, except the Washington law enforcement officers' and  
15 firefighters' retirement system, to the pension fund provided in  
16 chapter 41.18 RCW: PROVIDED, That such ((fireman)) firefighter  
17 transmits written notice of his or her intent to transfer to the  
18 pension board of his or her municipality prior to September 1, 1969.

19 **Sec. 61.** RCW 41.18.210 and 1974 ex.s. c 148 s 1 are each amended  
20 to read as follows:

21 Any former employee of a department of a city of the first class,  
22 who (1) was a member of the employees' retirement system of such city,  
23 and (2) is now employed within the fire department of such city, may  
24 transfer his or her former membership credit from the city employees'  
25 retirement system to the ((fireman's)) firefighter's pension system  
26 created by chapters 41.16 and 41.18 RCW by filing a written request  
27 with the board of administration and the municipal ((fireman's))  
28 firefighters' pension board, respectively.

29 Upon the receipt of such request, the transfer of membership to the  
30 city's ((fireman's)) firefighter's pension system shall be made,  
31 together with a transfer of all accumulated contributions credited to  
32 such member. The board of administration shall transmit to the  
33 municipal ((fireman's)) firefighters' pension board a record of service  
34 credited to such member which shall be computed and credited to such  
35 member as a part of his or her period of employment in the city's  
36 ((fireman's)) firefighter's pension system. For the purpose of the

1 transfer contemplated by this section, those affected individuals who  
2 have formerly withdrawn funds from the city employees' retirement  
3 system shall be allowed to restore contributions withdrawn from that  
4 retirement system directly to the ((~~fireman's~~)) firefighter's pension  
5 system and receive credit in the ((~~fireman's~~)) firefighter's pension  
6 system for their former membership service in the prior system.

7 Any employee so transferring shall have all the rights, benefits,  
8 and privileges that he or she would have been entitled to had he or she  
9 been a member of the city's ((~~fireman's~~)) firefighter's pension system  
10 from the beginning of his or her employment with the city.

11 No person so transferring shall thereafter be entitled to any other  
12 public pension, except that provided by chapter 41.26 RCW or social  
13 security, which is based upon such service with the city.

14 The right of any employee to file a written request for transfer of  
15 membership as set forth in this section shall expire December 31, 1974.

--- END ---