
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0174.4/25 4th draft

ATTY/TYPIST: KS:roy

BRIEF DESCRIPTION: Concerning the law enforcement officers' and
firefighters' retirement system.

1 AN ACT Relating to the law enforcement officers' and
2 firefighters' retirement system; amending RCW 41.50.075, 2.10.155,
3 26.09.138, 36.28A.010, 41.20.175, 41.32.800, 41.32.860, 41.35.230,
4 41.40.690, 41.40.850, 41.45.010, 41.45.020, 41.45.060, 41.50.030,
5 41.50.110, 41.50.112, 41.50.500, 41.50.670, 41.56.030, and 46.52.130;
6 reenacting and amending RCW 43.84.092 and 43.84.092; adding new
7 sections to chapter 41.26 RCW; adding new sections to chapter 41.50
8 RCW; creating new sections; repealing RCW 41.26.005, 41.26.035,
9 41.26.045, 41.26.046, 41.26.047, 41.26.075, 41.26.080, 41.26.090,
10 41.26.100, 41.26.105, 41.26.110, 41.26.115, 41.26.120, 41.26.125,
11 41.26.130, 41.26.135, 41.26.140, 41.26.150, 41.26.160, 41.26.161,
12 41.26.162, 41.26.164, 41.26.170, 41.26.190, 41.26.192, 41.26.194,
13 41.26.195, 41.26.197, 41.26.199, 41.26.200, 41.26.211, 41.26.221,
14 41.26.240, 41.26.250, 41.26.260, 41.26.270, 41.26.281, 41.26.291,
15 41.26.3901, 41.26.3902, and 41.26.3903; providing effective dates;
16 providing an expiration date; and declaring an emergency.

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

18 NEW SECTION. **Sec. 1.** The legislature finds that the state of
19 Washington established the law enforcement officers' and
20 firefighters' (LEOFF) plan 2 in 1977 to succeed LEOFF plan 1,
21 maintaining its commitment to secure retirement benefits for law

1 enforcement officers and firefighters. For more than 20 years, LEOFF
2 plan 1 has achieved and maintained full funding with a substantial
3 surplus beyond its projected liabilities. Based on the most recent
4 actuarial valuation, as of June 30, 2023, LEOFF plan 1 is 149 percent
5 funded. As the plan sponsor, the state retains the inherent power to
6 terminate a retirement plan and, upon the protection of sufficient
7 resources to ensure the actuarial soundness of the benefits promised
8 and full funding of all liabilities under LEOFF plan 1, is entitled
9 to a reversion of the surplus assets upon termination of the plan. It
10 is the intent of the legislature that the LEOFF plan 1 termination be
11 performed in accordance with the applicable provisions of the federal
12 internal revenue code and in recognition of the vested rights of the
13 members and beneficiaries of the plan to their accrued benefits and
14 to an actuarially sound retirement program.

15 The legislature further finds that LEOFF plan 1's surplus, which
16 significantly exceeds its actuarially determined liabilities,
17 presents an opportunity to ensure continued benefit security while
18 exercising responsible stewardship of public resources. The state can
19 exceed actuarial standards for funding, while providing resources for
20 public use that otherwise would not be available for decades. This
21 approach fulfills both the state's commitment to retirement security,
22 its obligations to LEOFF plan 1 members and beneficiaries and its
23 duty to thoughtfully utilize the surplus assets at a time of
24 significant public need.

25 PART I

26 TERMINATION OF LEOFF PLAN 1

27 NEW SECTION. **Sec. 101.** TERMINATION OF LEOFF PLAN 1. (1) Plan 1
28 is terminated effective June 1, 2026.

29 (2) During the transition between the termination of plan 1 and
30 the establishment of the plan 1 annuity under Part III of this act,
31 all plan 1 benefits, as they existed prior to the plan termination,
32 shall continue without interruption.

33 (3) Upon the termination of plan 1, the rights of all plan 1
34 members to benefits accrued to the date of such termination, are
35 vested including, but not limited to, any benefits provided to active
36 or retired members of plan 1 by city or county disability boards
37 pursuant to section 326 of this act.

1 (4) Nothing in this act interferes with the duties,
2 responsibilities, or authority granted to disability boards
3 established in section 319 of this act.

4 **Sec. 102.** RCW 41.50.075 and 2020 c 103 s 5 are each amended to
5 read as follows:

6 (1) ~~((Two funds are hereby created and))~~ There is hereby
7 established in the state treasury ~~((to be known as the Washington law~~
8 ~~enforcement officers' and firefighters' system plan 1 retirement~~
9 ~~fund, and))~~ the Washington law enforcement officers' and
10 firefighters' system plan 2 retirement fund which shall consist of
11 all moneys paid ~~((into them))~~ in accordance with the provisions of
12 this chapter and chapter 41.26 RCW, whether such moneys take the form
13 of cash, securities, or other assets. The ~~((plan 1))~~ fund shall
14 consist of all moneys paid to finance the benefits provided to
15 members of the law enforcement officers' and firefighters' retirement
16 system plan 1~~((7))~~ and ~~((the plan 2 fund shall consist of))~~ all
17 moneys paid to finance the benefits provided to members of the law
18 enforcement officers' and firefighters' retirement system plan 2.

19 (2) All of the assets of the Washington state teachers'
20 retirement system shall be credited according to the purposes for
21 which they are held, to two funds to be maintained in the state
22 treasury, namely, the teachers' retirement system plan 1 fund and the
23 teachers' retirement system combined plan 2 and 3 fund. The plan 1
24 fund shall consist of all moneys paid to finance the benefits
25 provided to members of the Washington state teachers' retirement
26 system plan 1, and the combined plan 2 and 3 fund shall consist of
27 all moneys paid to finance the benefits provided to members of the
28 Washington state teachers' retirement system plan 2 and 3.

29 (3) There is hereby established in the state treasury two
30 separate funds, namely the public employees' retirement system plan 1
31 fund and the public employees' retirement system combined plan 2 and
32 plan 3 fund. The plan 1 fund shall consist of all moneys paid to
33 finance the benefits provided to members of the public employees'
34 retirement system plan 1, and the combined plan 2 and plan 3 fund
35 shall consist of all moneys paid to finance the benefits provided to
36 members of the public employees' retirement system plans 2 and 3.

37 (4) There is hereby established in the state treasury the school
38 employees' retirement system combined plan 2 and 3 fund. The combined
39 plan 2 and 3 fund shall consist of all moneys paid to finance the

1 benefits provided to members of the school employees' retirement
2 system plan 2 and plan 3.

3 (5) There is hereby established in the state treasury the public
4 safety employees' retirement system plan 2 fund. The plan 2 fund
5 shall consist of all moneys paid to finance the benefits provided to
6 members of the public safety employees' retirement system plan 2.

7 (6) (a) (i) There is hereby established in the state treasury the
8 higher education retirement plan supplemental benefit fund. The
9 higher education retirement plan supplemental benefit fund shall
10 consist of all moneys paid to finance the benefits provided to
11 members of each of the higher education retirement plans.

12 (ii) The fund in this subsection (6) was originally created under
13 chapter 47, Laws of 2011 1st sp. sess. (Engrossed Substitute House
14 Bill No. 1981).

15 (b) The office of financial management must create individual
16 accounts for each institution of higher education within the higher
17 education retirement plan supplemental benefit fund. For fiscal year
18 2021, the office of financial management must transfer all the assets
19 of the higher education retirement plan supplemental benefit fund
20 into the individual accounts for each institution that will be used
21 to manage the accounting for each benefit plan. The higher education
22 retirement plan supplemental benefit fund will include all the
23 amounts in the individual accounts created in this subsection.

24 NEW SECTION. **Sec. 103.** NOTIFICATION TO LEOFF PLAN 1 MEMBERS.
25 Plan 1 members must be provided written notice by the department of
26 the merger of plan 1 members and assets into plan 2, the transfer of
27 plan 1 assets into the law enforcement officers' and firefighters'
28 benefit reserve account, the proposed termination of plan 1 after the
29 merger into plan 2, and the transfer of the plan 1 surplus assets
30 into the state general fund upon receiving approval from the federal
31 internal revenue service regarding these matters.

32 NEW SECTION. **Sec. 104.** The law enforcement officers' and
33 firefighters' retirement system plan 1 annuity is established as
34 provided in part III of this act. Members of plan 1 will receive
35 benefits after the termination of plan 1 no less than what they would
36 have received prior to the termination of plan 1.

1 **MERGER AND TRANSFER OF LEOFF PLAN 1 ASSETS**

2 NEW SECTION. **Sec. 201.** A new section is added to chapter 41.50
3 RCW to read as follows:

4 MERGER AND TRANSFER OF LEOFF PLAN 1 ASSETS. (1) The definitions
5 in this subsection apply throughout this section and section 202 of
6 this act unless the context clearly requires otherwise.

7 (a) "Benefit reserve account" means the law enforcement officers'
8 and firefighters' retirement system benefit reserve account created
9 in subsection (2) of this section.

10 (b) "Plan 1" and "plan 2" have the meanings defined in RCW
11 41.26.030.

12 (c) "Plan 1 annuity" means the law enforcement officers' and
13 firefighters' retirement system plan 1 annuity created in Part III of
14 this act.

15 (2) The law enforcement officers' and firefighters' retirement
16 system benefit reserve account is created within the law enforcement
17 officers' and firefighters' retirement system plan 2 fund.

18 (3) No later than May 31, 2026, based upon the analysis and
19 certification of the office of the state actuary, and in order to
20 fully fund the liabilities of the plan 1 annuity, no less than 125
21 percent of the amount necessary to fully fund the liabilities of the
22 plan 1 annuity shall be transferred by the state investment board
23 into the benefit reserve account. The assets in the benefit reserve
24 account shall be used to pay for the plan 1 annuity. In the event
25 that the assets in the benefit reserve account become insufficient to
26 pay for the plan 1 annuity the state of Washington, as the plan
27 sponsor, shall appropriate such assets as required to guarantee
28 payment.

29 (4) In the calculation of the market value of assets of the law
30 enforcement officers' and firefighters' retirement system plan 2
31 fund, the funds in the benefit reserve account shall not be included
32 by the actuary retained by the board.

33 (5) The law enforcement officers' and firefighters' plan 2
34 retirement board shall adopt necessary actuarial assumptions and
35 administer plan 2, including the benefit reserve account, in an
36 actuarially sound manner.

37 (6) The state investment board has the full power to invest,
38 reinvest, manage, contract, sell, or exchange investment money in the
39 benefit reserve account. The state investment board is authorized to

1 adopt investment policies for the money in the benefit reserve
2 account. All investment and operating costs associated with the
3 investment of money within the benefit reserve account shall be paid
4 pursuant to RCW 43.33A.160 and 43.84.160. With the exception of these
5 expenses, the earnings from the investment of the money shall be
6 retained by the benefit reserve account.

7 (7) All investments made by the state investment board shall be
8 made with the exercise of that degree of judgment and care pursuant
9 to RCW 43.33A.140 and the investment policy established by the state
10 investment board.

11 (8) When appropriate for investment purposes, the state
12 investment board may commingle money in the fund with other funds.

13 (9) Upon completion of the merger of plan 1 members into plan 2,
14 and the transfer of plan 1 assets into plan 2 as set forth in
15 subsection (3) of this section, plan 1 is terminated as provided in
16 section 101 of this act.

17 (10) The plan sponsor of plan 1 is the state of Washington. Upon
18 the termination of plan 1 pursuant to this section and section 101 of
19 this act, the remaining assets of plan 1 shall be transferred, no
20 later than June 30, 2026, by the state investment board from the law
21 enforcement officers' and firefighters' retirement system plan 1 fund
22 into the benefit reserve account, except for the transfer to the plan
23 sponsor through deposit into the state general fund as provided in
24 section 805, chapter . . ., Laws of 2025 (House Bill No. 1198).

25 NEW SECTION. **Sec. 202.** A new section is added to chapter 41.50
26 RCW to read as follows:

27 DETERMINATION LETTER. (1) The department of retirement systems
28 shall seek a determination letter from the internal revenue service
29 regarding the compliance of chapter . . ., Laws of 2025 (this act)
30 with federal tax law with respect to the termination of plan 1.

31 (2) The department of retirement systems shall seek a favorable
32 private letter ruling from the internal revenue service regarding the
33 merger of plan 1 members and assets into plan 2 and the reversion of
34 plan 1 surplus assets to the state of Washington as set forth in
35 sections 101 and 201 of this act.

36 (3) The department of retirement systems must provide written
37 notice of the determination of the internal revenue service to
38 affected parties, the chief clerk of the house of representatives,

1 the secretary of the senate, the office of the code reviser, the
2 state treasurer, and others as deemed appropriate by the department.

3 (4) In the event of an unfavorable ruling by the internal revenue
4 service, the state shall take any remedial actions necessary to
5 ensure that the benefit reserve account and plan 2 remain qualified
6 under federal law or as otherwise required by federal law or the
7 internal revenue service.

8 (5) The definitions in section 201(1) of this act apply to this
9 section.

10 **PART III**

11 **LEOFF PLAN 1 ANNUITY**

12 NEW SECTION. **Sec. 301.** APPLICATION OF SUBCHAPTER. This
13 subchapter applies only to members of the law enforcement officers'
14 and firefighters' plan 1 annuity. Membership in the plan 1 annuity is
15 limited to those persons who were members of plan 1 of the law
16 enforcement officers' and firefighters' retirement system under this
17 chapter prior to the termination of plan 1.

18 NEW SECTION. **Sec. 302.** DEFINITIONS. As used in this subchapter,
19 unless a different meaning is plainly required by the context:

20 (1) "Accumulated contributions" means the employee's
21 contributions made by a member, including any amount paid under RCW
22 41.50.165(2), plus accrued interest credited thereon.

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

28 (3) "Actuarial valuation" means a mathematical determination of
29 the financial condition of a retirement plan. It includes the
30 computation of the present monetary value of benefits payable to
31 present members, and the present monetary value of future employer
32 and employee contributions, giving effect to mortality among active
33 and retired members and also to the rates of disability, retirement,
34 withdrawal from service, salary and interest earned on investments.

35 (4) "Basic salary" means the basic monthly rate of salary or
36 wages, including longevity pay but not including overtime earnings or
37 special salary or wages, upon which pension or retirement benefits

1 will be computed and upon which employer contributions and salary
2 deductions will be based.

3 (5) "Beneficiary" means any person in receipt of a retirement
4 allowance, disability allowance, death benefit, or any other benefit
5 described herein.

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

10 (i) A natural born child;

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

13 (iii) A posthumous child;

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

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

18 (b) A person shall also be deemed to be a child up to and
19 including the age of twenty years and eleven months while attending
20 any high school, college, or vocational or other educational
21 institution accredited, licensed, or approved by the state, in which
22 it is located, including the summer vacation months and all other
23 normal and regular vacation periods at the particular educational
24 institution after which the child returns to school.

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

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

28 (9) "Disability board" means either the county disability board
29 or the city disability board established in section 319 of this act.

30 (10) "Disability leave" means the period of six months or any
31 portion thereof during which a member is on leave at an allowance
32 equal to the member's full salary prior to the commencement of
33 disability retirement.

34 (11) "Disability retirement" means the period following
35 termination of a member's disability leave, during which the member
36 is in receipt of a disability retirement allowance.

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

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

1 (14) (a) "Employer" means the legislative authority of any city,
2 town, county, district, or regional fire protection service authority
3 or the elected officials of any municipal corporation that employs
4 any law enforcement officer and/or firefighter, any authorized
5 association of such municipalities, and, except for the purposes of
6 section 326 of this act, any labor guild, association, or
7 organization, which represents the firefighters or law enforcement
8 officers of at least seven cities of over 20,000 population and the
9 membership of each local lodge or division of which is composed of at
10 least sixty percent law enforcement officers or firefighters as
11 defined in this chapter.

12 (b) Except as otherwise specifically provided in this chapter,
13 "employer" does not include a government contractor. For purposes of
14 this subsection, a "government contractor" is any entity, including a
15 partnership, limited liability company, for-profit or nonprofit
16 corporation, or person, that provides services pursuant to a contract
17 with an "employer." The determination whether an employer-employee
18 relationship has been established is not based on the relationship
19 between a government contractor and an "employer," but is based
20 solely on the relationship between a government contractor's employee
21 and an "employer" under this chapter.

22 (15) (a) "Final average salary" means (i) for a member holding the
23 same position or rank for a minimum of twelve months preceding the
24 date of retirement, the basic salary attached to such same position
25 or rank at time of retirement; (ii) for any other member, including a
26 civil service member who has not served a minimum of twelve months in
27 the same position or rank preceding the date of retirement, the
28 average of the greatest basic salaries payable to such member during
29 any consecutive twenty-four month period within such member's last
30 ten years of service for which service credit is allowed, computed by
31 dividing the total basic salaries payable to such member during the
32 selected twenty-four month period by twenty-four; (iii) in the case
33 of disability of any member, the basic salary payable to such member
34 at the time of disability retirement; (iv) in the case of a member
35 who hereafter vests pursuant to section 316 of this act, the basic
36 salary payable to such member at the time of vesting.

37 (b) In calculating final average salary under (a) of this
38 subsection, the department of retirement systems shall include:

39 (i) Any compensation forgone by a member employed by a state
40 agency or institution during the 2009-2011 fiscal biennium as a

1 result of reduced work hours, mandatory or voluntary leave without
2 pay, temporary reduction in pay implemented prior to December 11,
3 2010, or temporary layoffs if the reduced compensation is an integral
4 part of the employer's expenditure reduction efforts, as certified by
5 the employer;

6 (ii) Any compensation forgone by a member employed by the state
7 or a local government employer during the 2011-2013 fiscal biennium
8 as a result of reduced work hours, mandatory leave without pay,
9 temporary layoffs, or reductions to current pay if the reduced
10 compensation is an integral part of the employer's expenditure
11 reduction efforts, as certified by the employer. Reductions to
12 current pay shall not include elimination of previously agreed upon
13 future salary increases; and

14 (iii) Any compensation forgone by a member employed by the state
15 or a local government employer during the 2019-2021 and 2021-2023
16 fiscal biennia as a result of reduced work hours, mandatory leave
17 without pay, temporary layoffs, furloughs, reductions to current pay,
18 or other similar measures resulting from the COVID-19 budgetary
19 crisis, if the reduced compensation is an integral part of the
20 employer's expenditure reduction efforts, as certified by the
21 employer. Reductions to current pay shall not include elimination of
22 previously agreed upon future salary increases.

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

27 (17) "Firefighter" means:

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

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

34 (c) Supervisory firefighter personnel;

35 (d) Any full time executive secretary of an association of fire
36 protection districts authorized under RCW 52.12.031;

37 (e) The executive secretary of a labor guild, association or
38 organization (which is an employer under subsection (14) of this
39 section), if such individual has five years previous membership in a
40 retirement system established in chapter 41.16 or 41.18 RCW;

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

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

9 (h) Any person who is employed on a full-time, fully compensated
10 basis by an employer as an emergency medical technician that meets
11 the requirements of RCW 18.71.200 or 18.73.030(13), and whose duties
12 include providing emergency medical services as defined in RCW
13 18.73.030; and

14 (i) Personnel serving on a full-time, fully compensated basis as
15 an employee of a fire department in positions that necessitate
16 experience as a firefighter to perform the essential functions of
17 those positions.

18 (18) "General authority law enforcement agency" means any agency,
19 department, or division of a municipal corporation, political
20 subdivision, or other unit of local government of this state, the
21 government of a federally recognized tribe, and any agency,
22 department, or division of state government, having as its primary
23 function the detection and apprehension of persons committing
24 infractions or violating the traffic or criminal laws in general, but
25 not including the Washington state patrol. Such an agency,
26 department, or division is distinguished from a limited authority law
27 enforcement agency having as one of its functions the apprehension or
28 detection of persons committing infractions or violating the traffic
29 or criminal laws relating to limited subject areas, including but not
30 limited to, the state departments of natural resources and social and
31 health services, the state gambling commission, the state lottery
32 commission, the state parks and recreation commission, the state
33 utilities and transportation commission, the state liquor and
34 cannabis board, and the state department of corrections. A general
35 authority law enforcement agency under this chapter does not include
36 a government contractor.

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

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

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

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

17 (d) The term "law enforcement officer" also includes the
18 executive secretary of a labor guild, association or organization
19 (which is an employer under subsection (14) of this section) if that
20 individual has five years previous membership in the retirement
21 system established in chapter 41.20 RCW;

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

30 (f) The term "law enforcement officer" also includes a person who
31 is employed on or after January 1, 2024, on a full-time basis by the
32 government of a federally recognized tribe within the state of
33 Washington that meets the terms and conditions of RCW 41.26.565, is
34 employed in a police department maintained by that tribe, and who is
35 currently certified as a general authority peace officer under
36 chapter 43.101 RCW; and

37 (g) Beginning July 1, 2024, the term "law enforcement officer"
38 also includes any person who is commissioned and employed by an
39 employer on a fully compensated basis to enforce the criminal laws of

1 the state of Washington generally, on a less than full-time basis,
2 with the qualifications in (a) through (e) of this subsection.

3 (20) "Medical services" shall include the following as minimum
4 services to be provided. Reasonable charges for these services shall
5 be paid in accordance with section 326 of this act.

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

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

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

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

16 (i) The fees of the following:

17 (A) A physician or surgeon licensed under the provisions of
18 chapter 18.71 RCW;

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

21 (C) A chiropractor licensed under the provisions of chapter 18.25
22 RCW.

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

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

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

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

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

31 (D) Anesthesia and oxygen;

32 (E) Rental of iron lung and other durable medical and surgical
33 equipment;

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

35 (G) Professional ambulance service when used to transport the
36 member to or from a hospital when injured by an accident or stricken
37 by a disease;

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

- 1 (I) Nursing home confinement or hospital extended care facility;
2 (J) Physical therapy by a registered physical therapist;
3 (K) Blood transfusions, including the cost of blood and blood
4 plasma not replaced by voluntary donors;
5 (L) An optometrist licensed under the provisions of chapter 18.53
6 RCW.

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

13 (22) "Plan 1 annuity" means the law enforcement officers' and
14 firefighters' retirement system plan 1 annuity created in this
15 subchapter.

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

18 (24) "Regular interest" means such rate as the director may
19 determine.

20 (25) "Retirement system" means the "Washington law enforcement
21 officers' and firefighters' retirement system" provided herein.

22 (26) "Service" means all periods of employment for an employer as
23 a firefighter or law enforcement officer, for which compensation is
24 paid, together with periods of suspension not exceeding thirty days
25 in duration. For the purposes of this chapter service shall also
26 include service in the armed forces of the United States as provided
27 in section 331 of this act. Credit shall be allowed for all service
28 credit months of service rendered by a member from and after the
29 member's initial commencement of employment as a firefighter or law
30 enforcement officer, during which the member worked for seventy or
31 more hours, or was on disability leave or disability retirement. Only
32 service credit months of service shall be counted in the computation
33 of any retirement allowance or other benefit provided for in this
34 chapter.

35 (a) For members retiring after May 21, 1971 who were employed
36 under the coverage of a prior pension act before March 1, 1970,
37 "service" shall also include (i) such military service not exceeding
38 five years as was creditable to the member as of March 1, 1970, under
39 the member's particular prior pension act, and (ii) such other
40 periods of service as were then creditable to a particular member

1 under the provisions of RCW 41.18.165, 41.20.160, or 41.20.170.
2 However, in no event shall credit be allowed for any service rendered
3 prior to March 1, 1970, where the member at the time of rendition of
4 such service was employed in a position covered by a prior pension
5 act, unless such service, at the time credit is claimed therefor, is
6 also creditable under the provisions of such prior act.

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

10 (c) Reduction efforts such as furloughs, reduced work hours,
11 mandatory leave without pay, temporary layoffs, or other similar
12 situations as contemplated by subsection (15)(b)(iii) of this section
13 do not result in a reduction in service credit that otherwise would
14 have been earned for that month of work, and the member shall receive
15 the full service credit for the hours that were scheduled to be
16 worked before the reduction.

17 (27) "Service credit month" means a full service credit month or
18 an accumulation of partial service credit months that are equal to
19 one.

20 (28) "Service credit year" means an accumulation of months of
21 service credit which is equal to one when divided by twelve.

22 (29) "State actuary" or "actuary" means the person appointed
23 pursuant to RCW 44.44.010(2).

24 (30) "State elective position" means any position held by any
25 person elected or appointed to statewide office or elected or
26 appointed as a member of the legislature.

27 (31) "Surviving spouse" means the surviving widow or widower of a
28 member. "Surviving spouse" shall not include the divorced spouse of a
29 member except as provided in section 329 of this act.

30 NEW SECTION. **Sec. 303.** PLAN 1 ANNUITY. The law enforcement
31 officers' and firefighters' plan 1 annuity is hereby created within
32 plan 2 for firefighters and law enforcement officers.

33 (1) Notwithstanding section 302(21) of this act, all firefighters
34 and law enforcement officers employed as such on or after March 1,
35 1970, on a full time fully compensated basis in this state shall be
36 members of the retirement system established by this chapter with
37 respect to all periods of service as such, to the exclusion of any
38 pension system existing under any prior act.

1 (2) Any employee serving as a law enforcement officer or
2 firefighter on March 1, 1970, who is then making retirement
3 contributions under any prior act shall have his or her membership
4 transferred to the system established by this chapter as of such
5 date. Upon retirement for service or for disability, or death, of any
6 such employee, his or her retirement benefits earned under this
7 chapter shall be computed and paid. In addition, his or her benefits
8 under the prior retirement act to which he or she was making
9 contributions at the time of this transfer shall be computed as if he
10 or she had not transferred. For the purpose of such computations, the
11 employee's creditability of service and eligibility for service or
12 disability retirement and survivor and all other benefits shall
13 continue to be as provided in such prior retirement act, as if
14 transfer of membership had not occurred. The excess, if any, of the
15 benefits so computed, giving full value to survivor benefits, over
16 the benefits payable under this chapter shall be paid whether or not
17 the employee has made application under the prior act. If the
18 employee's prior retirement system was the Washington public
19 employees' retirement system, payment of such excess shall be made by
20 that system; if the employee's prior retirement system was the
21 statewide city employees' retirement system, payment of such excess
22 shall be made by the employer which was the member's employer when
23 his or her transfer of membership occurred: PROVIDED, That any death
24 in line of duty lump sum benefit payment shall continue to be the
25 obligation of that system as provided in RCW 41.44.210; in the case
26 of all other prior retirement systems, payment of such excess shall
27 be made by the employer which was the member's employer when his or
28 her transfer of membership occurred.

29 (3) All funds held by any firefighters' or police officers'
30 relief and pension fund shall remain in that fund for the purpose of
31 paying the obligations of the fund. The municipality shall continue
32 to levy the dollar rate as provided in RCW 41.16.060, and this dollar
33 rate shall be used for the purpose of paying the benefits provided in
34 chapters 41.16 and 41.18 RCW. The obligations of chapter 41.20 RCW
35 shall continue to be paid from whatever financial sources the city
36 has been using for this purpose.

37 NEW SECTION. **Sec. 304.** "MINIMUM MEDICAL AND HEALTH STANDARDS"
38 DEFINED. The term "minimum medical and health standards" means

1 minimum medical and health standards adopted by the department under
2 this chapter.

3 NEW SECTION. **Sec. 305.** MINIMUM MEDICAL AND HEALTH STANDARDS.

4 (1) Notwithstanding any other provision of law after February 19,
5 1974, no law enforcement officer or firefighter, may become eligible
6 for coverage in the pension system established by this chapter, until
7 the individual has met and has been certified as having met minimum
8 medical and health standards: PROVIDED, That an elected sheriff or an
9 appointed chief of police or fire chief, shall not be required to
10 meet the age standard: PROVIDED FURTHER, That in cities and towns
11 having not more than two law enforcement officers and/or not more
12 than two firefighters and if one or more of such persons do not meet
13 the minimum medical and health standards as required by the
14 provisions of this chapter, then such person or persons may join any
15 other pension system that the city has available for its other
16 employees: AND PROVIDED FURTHER, That for one year after February 19,
17 1974, any such medical or health standard now existing or hereinafter
18 adopted, insofar as it establishes a maximum age beyond which an
19 applicant is to be deemed ineligible for coverage, shall be waived as
20 to any applicant for employment or reemployment who is otherwise
21 eligible except for his or her age, who has been a member of any one
22 or more of the retirement systems created by chapter 41.20 RCW and
23 who has restored all contributions which he or she has previously
24 withdrawn from any such system or systems.

25 (2) This section shall not apply to persons who initially
26 establish membership in the retirement system on or after July 1,
27 1979.

28 NEW SECTION. **Sec. 306.** MINIMUM MEDICAL AND HEALTH STANDARDS—

29 BOARD TO ADOPT PUBLICATION AND DISTRIBUTION—EMPLOYER CERTIFICATION
30 PROCEDURES. The department shall adopt minimum medical and health
31 standards for membership coverage into the retirement system. In
32 adopting such standards the department shall consider existing
33 standards recommended by the international association of chiefs of
34 police and the international association of firefighters, and shall
35 adopt equal or higher standards, together with appropriate standards
36 and procedures to ensure uniform compliance with this chapter. The
37 standards when adopted shall be published and distributed to each
38 employer, and each employer shall adopt certification procedures and

1 such other procedures as are required to ensure that no law
2 enforcement officer or firefighter receives membership coverage
3 unless and until he or she has actually met minimum medical and
4 health standards: PROVIDED, That an elected sheriff or an appointed
5 chief of police, fire chief, or director of public safety shall not
6 be required to meet the age standard. The department may amend the
7 minimum medical and health standards as experience indicates, even if
8 the standards as so amended are lower or less rigid than those
9 recommended by the international associations mentioned above. The
10 cost of the medical examination contemplated by this section is to be
11 paid by the employer.

12 NEW SECTION. **Sec. 307.** MINIMUM MEDICAL AND HEALTH STANDARDS—
13 EXEMPTIONS—EMPLOYER MAY ADOPT HIGHER STANDARDS. Nothing in sections
14 304, 305, and 306 of this act shall apply to any firefighters or law
15 enforcement officers who are employed as such on or before August 1,
16 1971, as long as they continue in such employment; nor to promotional
17 appointments after becoming a member in the police or fire department
18 of any employer nor to the reemployment of a law enforcement officer
19 or firefighter by the same or a different employer within six months
20 after the termination of his or her employment, nor to the
21 reinstatement of a law enforcement officer or firefighter who has
22 been on military or disability leave, disability retirement status,
23 or leave of absence status. Nothing in this chapter shall be deemed
24 to prevent any employer from adopting higher medical and health
25 standards than those which are adopted by the department.

26 NEW SECTION. **Sec. 308.** SPECIAL DEATH BENEFIT—DEATH IN THE
27 COURSE OF EMPLOYMENT. (1) A \$150,000 death benefit shall be paid to
28 the member's estate, or such person or persons, trust or organization
29 as the member shall have nominated by written designation duly
30 executed and filed with the department. If there be no such
31 designated person or persons still living at the time of the member's
32 death, such member's death benefit shall be paid to the member's
33 surviving spouse or domestic partner as if in fact such spouse or
34 domestic partner had been nominated by written designation, or if
35 there be no such surviving spouse or domestic partner, then to such
36 member's legal representatives.

1 (2) The benefit under this section shall be paid only when death
2 occurs: (a) As a result of injuries sustained in the course of
3 employment; or (b) as a result of an occupational disease or
4 infection that arises naturally and proximately out of employment
5 covered under this chapter. The determination of eligibility for the
6 benefit shall be made consistent with Title 51 RCW by the department
7 of labor and industries. There is no statute of limitations for this
8 benefit. The department of labor and industries shall notify the
9 department of retirement systems by order under RCW 51.52.050.

10 (3) The department of labor and industries shall determine
11 eligibility under subsection (2) of this section for the special
12 death benefit for any beneficiaries who were denied the special death
13 benefit for failing to meet the statute of limitations under Title 51
14 RCW. If the department of labor and industries determines the
15 beneficiary is eligible for the special death benefit, the department
16 must provide the beneficiary an option to reelect their pension
17 benefit under RCW 41.26.510(2) and if the member elects an ongoing
18 pension benefit, the department must pay the beneficiary retroactive
19 to the date of the member's death.

20 (4)(a) Beginning July 1, 2010, and every year thereafter, the
21 department shall determine the following information:

22 (i) The index for the 2008 calendar year, to be known as "index
23 A";

24 (ii) The index for the calendar year prior to the date of
25 determination, to be known as "index B;" and

26 (iii) The ratio obtained when index B is divided by index A.

27 (b) The value of the ratio obtained shall be the annual
28 adjustment to the original death benefit and shall be applied
29 beginning every July 1st. In no event, however, shall the annual
30 adjustment:

31 (i) Produce a benefit which is lower than two hundred fourteen
32 thousand dollars;

33 (ii) Exceed three percent in the initial annual adjustment; or

34 (iii) Differ from the previous year's annual adjustment by more
35 than three percent.

36 (c) For the purposes of this section, "index" means, for any
37 calendar year, that year's average consumer price index — Seattle,
38 Washington area for urban wage earners and clerical workers, all
39 items, compiled by the bureau of labor statistics, United States
40 department of labor.

1 NEW SECTION. **Sec. 309.** EXEMPTION FROM JUDICIAL PROCESS, TAXES—
2 EXCEPTIONS—DEDUCTION FOR INSURANCE UPON REQUEST. (1) Subject to
3 subsections (2) and (3) of this section, the right of a person to a
4 retirement allowance, disability allowance, or death benefit, to the
5 return of accumulated contributions, the retirement, disability, or
6 death allowance itself, any optional benefit, any other right accrued
7 or accruing to any person under the provisions of this chapter, and
8 the moneys in the fund created under this chapter, are hereby exempt
9 from any state, county, municipal, or other local tax and shall not
10 be subject to execution, garnishment, attachment, the operation of
11 bankruptcy or insolvency laws, or any other process of law
12 whatsoever, whether the same be in actual possession of the person or
13 be deposited or loaned and shall be unassignable.

14 (2) On the written request of any person eligible to receive
15 benefits under this section, the department may deduct from such
16 payments the premiums for life, health, or other insurance. The
17 request on behalf of any child or children shall be made by the legal
18 guardian of such child or children. The department may provide for
19 such persons one or more plans of group insurance, through contracts
20 with regularly constituted insurance carriers or health care service
21 contractors.

22 (3) Subsection (1) of this section shall not prohibit the
23 department from complying with (a) a wage assignment order for child
24 support issued pursuant to chapter 26.18 RCW, (b) an order to
25 withhold and deliver issued pursuant to chapter 74.20A RCW, (c) an
26 income withholding order issued pursuant to RCW 26.23.060, (d) a
27 mandatory benefits assignment order issued by the department, (e) a
28 court order directing the department to pay benefits directly to an
29 obligee under a dissolution order as defined in RCW 41.50.500(3)
30 which fully complies with RCW 41.50.670 and 41.50.700, or (f) any
31 administrative or court order expressly authorized by federal law.

32 NEW SECTION. **Sec. 310.** NO BOND REQUIRED ON APPEAL TO COURT. No
33 bond of any kind shall be required of a claimant appealing to the
34 superior court, the court of appeals, or the supreme court from a
35 decision of the director affecting such claimant's right to
36 retirement or disability benefits.

1 NEW SECTION. **Sec. 311.** BENEFIT CALCULATION—LIMITATION. (1) The
2 annual compensation taken into account in calculating retiree
3 benefits under this system shall not exceed the limits imposed by
4 section 401(a)(17) of the federal internal revenue code for qualified
5 trusts.

6 (2) The department shall adopt rules as necessary to implement
7 this section.

8 NEW SECTION. **Sec. 312.** ESTABLISHING, RESTORING SERVICE CREDIT.
9 Notwithstanding any provision to the contrary, persons who fail to:

10 (1) Establish allowable membership service not previously
11 credited;

12 (2) Restore all or a part of that previously credited membership
13 service represented by withdrawn contributions; or

14 (3) Restore service credit represented by a lump sum payment in
15 lieu of benefits, before the deadline established by statute, may do
16 so under the conditions set forth in RCW 41.50.165.

17 NEW SECTION. **Sec. 313.** DISABILITY RETIREMENT—CRIMINAL CONDUCT.
18 A member shall not receive a disability retirement benefit under
19 section 321, 322, or 323 of this act if the disability is the result
20 of criminal conduct by the member committed after April 21, 1997.

21 NEW SECTION. **Sec. 314.** FALSIFICATION—PENALTY. Any employer,
22 member, or beneficiary who shall knowingly make false statements or
23 shall falsify or permit to be falsified any record or records of the
24 retirement system in an attempt to defraud the retirement system, is
25 guilty of a class B felony punishable according to chapter 9A.20 RCW.

26 NEW SECTION. **Sec. 315.** FUNDING TOTAL LIABILITY OF SYSTEM. No
27 employer or member contribution is required. The total liability of
28 the retirement system is funded through the law enforcement officers'
29 and firefighters' retirement system benefit reserve account created
30 in section 201 of this act.

31 NEW SECTION. **Sec. 316.** RETIREMENT FOR SERVICE. Retirement of a
32 member for service shall be made by the department as follows:

33 (1) Any member having five or more service credit years of
34 service and having attained the age of fifty years shall be eligible

1 for a service retirement allowance and shall be retired upon the
2 member's written request effective the first day following the date
3 upon which the member is separated from service.

4 (2) Any member having five or more service credit years of
5 service, who terminates his or her employment with any employer, may
6 leave his or her contributions in the fund. Any employee who so
7 elects, upon attaining age fifty, shall be eligible to apply for and
8 receive a service retirement allowance based on his or her years of
9 service, commencing on the first day following his or her attainment
10 of age fifty.

11 (3) Any member selecting optional vesting under subsection (2) of
12 this section with less than twenty service credit years of service
13 shall not be covered by the provisions of section 326 of this act,
14 and the member's survivors shall not be entitled to the benefits of
15 section 327 of this act unless his or her death occurs after he or
16 she has attained the age of fifty years. Those members selecting this
17 optional vesting with twenty or more years service shall not be
18 covered by the provisions of section 326 of this act until the
19 attainment of the age of fifty years. A member selecting this
20 optional vesting, with less than twenty service credit years of
21 service credit, who dies prior to attaining the age of fifty years,
22 shall have paid from the law enforcement officers' and firefighters'
23 retirement system benefit reserve account, to such member's surviving
24 spouse, if any, otherwise to such beneficiary as the member shall
25 have designated in writing, or if no such designation has been made,
26 to the personal representative of his or her estate, a lump sum which
27 is equal to the amount of such member's accumulated contributions
28 plus accrued interest. If the vested member has twenty or more
29 service credit years of service credit the surviving spouse or
30 children shall then become eligible for the benefits of section 327
31 of this act regardless of the member's age at the time of his or her
32 death, to the exclusion of the lump sum amount provided by this
33 subsection.

34 (4) Any member who has attained the age of sixty years shall be
35 retired on the first day of the calendar month next succeeding that
36 in which said member shall have attained the age of sixty and may not
37 thereafter be employed as a law enforcement officer or firefighter:
38 PROVIDED, That for any member who is elected or appointed to the
39 office of sheriff, chief of police, or fire chief, his or her
40 election or appointment shall be considered as a waiver of the age

1 sixty provision for retirement and nonemployment for whatever number
2 of years remain in his or her present term of office and any
3 succeeding periods for which he or she may be so elected or
4 appointed. The provisions of this subsection shall not apply to any
5 member who is employed as a law enforcement officer or firefighter on
6 March 1, 1970.

7 NEW SECTION. **Sec. 317.** ALLOWANCE ON RETIREMENT FOR SERVICE. All
8 plan 1 annuity members shall receive a retirement benefit equal to
9 the retirement benefit previously provided for plan 1 under this
10 chapter. Specifically, a member upon retirement for service shall
11 receive a monthly retirement allowance computed according to his or
12 her completed creditable service credit years of service as follows:
13 Five years but under ten years, one-twelfth of one percent of his or
14 her final average salary for each month of service; ten years but
15 under twenty years, one-twelfth of one and one-half percent of his or
16 her final average salary for each month of service; and twenty years
17 and over one-twelfth of two percent of his or her final average
18 salary for each month of service: PROVIDED, That the recipient of a
19 retirement allowance who shall return to service as a law enforcement
20 officer or firefighter shall be considered to have terminated his or
21 her retirement status and he or she shall immediately become a member
22 of the retirement system with the status of membership he or she had
23 as of the date of retirement. Retirement benefits shall be suspended
24 during the period of his or her return to service and he or she shall
25 make contributions and receive service credit. Such a member shall
26 have the right to again retire at any time and his or her retirement
27 allowance shall be recomputed, and paid, based upon additional
28 service rendered and any change in final average salary.

29 NEW SECTION. **Sec. 318.** PURCHASE OF ACTUARIALLY EQUIVALENT LIFE
30 ANNUITY BENEFIT UPON RETIREMENT—PURCHASE BY PAST RETIREES. (1) At the
31 time of retirement, plan 1 annuity members may purchase an optional
32 actuarially equivalent life annuity benefit from the law enforcement
33 officers' and firefighters' retirement system benefit reserve account
34 established in section 201 of this act. A minimum payment of twenty-
35 five thousand dollars is required.

36 (2) Subject to rules adopted by the department, a member
37 purchasing an annuity under this section must pay all of the cost

1 with an eligible rollover, direct rollover, or trustee-to-trustee
2 transfer from an eligible retirement plan.

3 (a) The department shall adopt rules to ensure that all eligible
4 rollovers and transfers comply with the requirements of the internal
5 revenue code and regulations adopted by the internal revenue service.
6 The rules adopted by the department may condition the acceptance of a
7 rollover or transfer from another plan on the receipt of information
8 necessary to enable the department to determine the eligibility of
9 any transferred funds for tax-free rollover treatment or other
10 treatment under federal income tax law.

11 (b) "Eligible retirement plan" means a tax qualified plan offered
12 by a governmental employer.

13 (3) Plan 1 annuity members whose retirement was effective prior
14 to June 9, 2016, may purchase an annuity under this section between
15 January 1, 2017, and June 1, 2017.

16 NEW SECTION. **Sec. 319.** DISABILITY BOARDS AUTHORIZED—COMPOSITION
17 —TERMS—REIMBURSEMENT FOR TRAVEL EXPENSES—DUTIES. (1) All claims for
18 disability shall be acted upon and either approved or disapproved by
19 either type of disability board authorized to be created in this
20 section.

21 (a) Each city having a population of twenty thousand or more
22 shall establish a disability board having jurisdiction over all
23 members employed by those cities and composed of the following five
24 members: Two members of the city legislative body to be appointed by
25 the mayor; one active or retired firefighter employed by or retired
26 from the city to be elected by the firefighters employed by or
27 retired from the city who are subject to the jurisdiction of the
28 board; one active or retired law enforcement officer employed by or
29 retired from the city to be elected by the law enforcement officers
30 employed by or retired from the city who are subject to the
31 jurisdiction of the board; and one member from the public at large
32 who resides within the city to be appointed by the other four members
33 designated in this subsection. Only those active or retired
34 firefighters and law enforcement officers who are subject to the
35 jurisdiction of the board have the right to elect under this section.
36 All firefighters and law enforcement officers employed by or retired
37 from the city are eligible for election. Each of the elected members
38 shall serve a two year term. If there are either no firefighters or
39 law enforcement officers under the jurisdiction of the board eligible

1 to vote, a second eligible employee representative shall be elected
2 by the law enforcement officers or firefighters eligible to vote. The
3 members appointed pursuant to this subsection shall serve for two
4 year terms: PROVIDED, That cities of the first class only, shall
5 retain existing firefighters' pension boards established pursuant to
6 RCW 41.16.020 and existing boards of trustees of the relief and
7 pension fund of the police department as established pursuant to RCW
8 41.20.010 which such boards shall have authority to act upon and
9 approve or disapprove claims for disability by firefighters or law
10 enforcement officers as provided under the Washington law enforcement
11 officers' and firefighters' retirement system act.

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

16 (i) Any active or retired firefighter under this chapter or
17 chapters 41.16, 41.18, and 52.26 RCW or law enforcement officers
18 under this chapter or chapter 41.20 RCW who resides within the
19 jurisdiction served by the board;

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

22 (c) Each county shall establish a disability board having
23 jurisdiction over all members employed by or retired from an employer
24 within the county and not employed by a city in which a disability
25 board is established. The county disability board so created shall be
26 composed of five members to be chosen as follows: One member of the
27 legislative body of the county to be appointed by the county
28 legislative body; one member of a city or town legislative body
29 located within the county which does not contain a city disability
30 board established pursuant to (a) of this subsection to be chosen by
31 a majority of the mayors of such cities and towns within the county
32 which does not contain a city disability board; one active
33 firefighter or retired firefighter employed by or retired from an
34 employer within the county to be elected by the firefighters employed
35 or retired from an employer within the county who are subject to the
36 jurisdiction of that board; one law enforcement officer or retired
37 law enforcement officer employed by or retired from an employer
38 within the county to be elected by the law enforcement officers
39 employed in or retired from an employer within the county who are
40 subject to the jurisdiction of that board; and one member from the

1 public at large who resides within the county but does not reside
2 within a city in which a city disability board is established, to be
3 appointed by the other four members designated in this subsection.
4 However, in counties with a population less than sixty thousand, the
5 member of the disability board appointed by a majority of the mayors
6 of the cities and towns within the county that do not contain a city
7 disability board must be a resident of one of the cities and towns
8 but need not be a member of a city or town legislative body. Only
9 those active or retired firefighters and law enforcement officers who
10 are subject to the jurisdiction of the board have the right to elect
11 under this section. All firefighters and law enforcement officers
12 employed by or retired from an employer within the county are
13 eligible for election. All members appointed or elected pursuant to
14 this subsection shall serve for two year terms. If there are no
15 firefighters under the jurisdiction of the board eligible to vote, a
16 second eligible employee representative shall be elected by the law
17 enforcement officers eligible to vote. If there are no law
18 enforcement officers under the jurisdiction of the board eligible to
19 vote, a second eligible representative shall be elected by the
20 firefighters eligible to vote.

21 (d) If no eligible active or retired firefighter or law
22 enforcement officer is willing or able to be elected to the board
23 under (c) of this subsection, then the following individuals may be
24 elected to the board under (c) of this subsection:

25 (i) Any active or retired firefighter under this chapter or
26 chapters 41.16, 41.18, and 52.26 RCW or law enforcement officers
27 under this chapter or chapter 41.20 RCW who resides within the
28 jurisdiction served by the board;

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

31 (2) The members of both the county and city disability boards
32 shall not receive compensation for their service upon the boards but
33 the members shall be reimbursed by their respective county or city
34 for all expenses incidental to such service as to the amount
35 authorized by law.

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

1 NEW SECTION. **Sec. 320.** DIRECTOR TO ADOPT RULES GOVERNING
2 DISABILITY BOARDS. (1) The director shall adopt rules, in accordance
3 with chapter 34.05 RCW, under which each disability board shall
4 execute its disability retirement duties under this chapter. The
5 rules shall include, but not be limited to, the following:

6 (a) Standards governing the type and manner of presentation of
7 medical, employability, and other evidence before disability boards;
8 and

9 (b) Standards governing the necessity and frequency of medical
10 and employability reexaminations of persons receiving disability
11 benefits.

12 (2) If the director determines that an order or determination of
13 a disability board was not processed in accordance with the rules
14 established under this section, the director may remand the order or
15 determination for further proceedings consistent with the rules.

16 NEW SECTION. **Sec. 321.** RETIREMENT FOR DISABILITY INCURRED IN
17 THE LINE OF DUTY. Any member, regardless of age or years of service,
18 may be retired by the disability board, subject to approval by the
19 director, for any disability incurred in the line of duty which has
20 been continuous since his or her discontinuance of service and which
21 renders the member unable to continue service. No disability
22 retirement allowance shall be paid until the expiration of a period
23 of six months after the discontinuance of service during which period
24 the member, if found to be physically or mentally unfit for duty by
25 the disability board following receipt of his or her application for
26 disability retirement, shall be granted a disability leave by the
27 disability board and shall receive an allowance equal to the full
28 monthly salary and shall continue to receive all other benefits
29 provided to active employees from the employer for such period.
30 However, if, at any time during the initial six-month period, the
31 disability board finds the beneficiary is no longer disabled, the
32 disability leave allowance shall be canceled and the member shall be
33 restored to duty in the same rank or position, if any, held by the
34 beneficiary at the time the member became disabled. Applications for
35 disability retirement shall be processed in accordance with the
36 following procedures:

37 (1) Any member who believes he or she is or is believed to be
38 physically or mentally disabled shall be examined by such medical
39 authority as the disability board shall employ, upon application of

1 the member, or a person acting in his or her behalf, stating that the
2 member is disabled, either physically or mentally: PROVIDED, That no
3 such application shall be considered unless the member or someone in
4 his or her behalf, in case of the incapacity of a member, shall have
5 filed the application within a period of one year from and after the
6 discontinuance of service of the member.

7 (2) If the examination shows, to the satisfaction of the
8 disability board, that the member is physically or mentally disabled
9 from the further performance of duty, that such disability was
10 incurred in the line of duty, and that such disability has been
11 continuous from the discontinuance of service, the disability board
12 shall enter its written decision and order, accompanied by
13 appropriate findings of fact and by conclusions evidencing compliance
14 with this chapter, granting the member a disability retirement
15 allowance; otherwise, if the member is not found by the disability
16 board to be so disabled, the application shall be denied pursuant to
17 a similar written decision and order, subject to appeal to the
18 director in accordance with section 336 of this act: PROVIDED, That
19 in any order granting a duty disability retirement allowance, the
20 disability board shall make a finding that the disability was
21 incurred in line of duty.

22 (3) Every order of a disability board granting a duty disability
23 retirement allowance shall immediately be reviewed by the director
24 except the finding that the disability was incurred in the line of
25 duty. The director may affirm the decision of the disability board or
26 remand the case for further proceedings, or the director may reverse
27 the decision of the disability board if the director finds the
28 disability board's findings, inferences, conclusions, or decisions
29 are:

- 30 (a) In violation of constitutional provisions;
- 31 (b) In excess of the statutory authority or jurisdiction of the
32 disability board;
- 33 (c) Made upon unlawful procedure;
- 34 (d) Affected by other error of law;
- 35 (e) Clearly erroneous in view of the entire record as submitted
36 and the public policy contained in this chapter; or
- 37 (f) Arbitrary or capricious.

38 (4) Every member who can establish, to the disability board, that
39 he or she is physically or mentally disabled from the further
40 performance of duty, that such disability was incurred in the line of

1 duty, and that such disability will be in existence for a period of
2 at least six months may waive the six-month period of disability
3 leave and be immediately granted a duty disability retirement
4 allowance, subject to the approval of the director as provided in
5 subsection (3) of this section.

6 NEW SECTION. **Sec. 322.** RETIREMENT FOR DISABILITY NOT INCURRED
7 IN THE LINE OF DUTY. Any member, regardless of age or years of
8 service, may be retired by the disability board, subject to approval
9 by the director as provided in this section, for any disability not
10 incurred in the line of duty which has been continuous since
11 discontinuance of service and which renders the member unable to
12 continue service. No disability retirement allowance may be paid
13 until the expiration of a period of six months after the
14 discontinuance of service during which period the member, if found to
15 be physically or mentally unfit for duty by the disability board
16 following receipt of the member's application for disability
17 retirement, shall be granted a disability leave by the disability
18 board and shall receive an allowance equal to the member's full
19 monthly salary and shall continue to receive all other benefits
20 provided to active employees from the member's employer for the
21 period. However, if, at any time during the initial six-month period,
22 the disability board finds the beneficiary is no longer disabled, the
23 disability leave allowance shall be canceled and the member shall be
24 restored to duty in the same rank or position, if any, held by the
25 member at the time the member became disabled. Applications for
26 disability retirement shall be processed in accordance with the
27 following procedures:

28 (1) Any member who believes he or she is, or is believed to be,
29 physically or mentally disabled shall be examined by such medical
30 authority as the disability board shall employ, upon application of
31 the member, or a person acting in the member's behalf, stating that
32 the member is disabled, either physically or mentally: PROVIDED, That
33 no such application shall be considered unless the member or someone
34 acting in the member's behalf, in case of the incapacity of a member,
35 has filed the application within a period of one year from and after
36 the discontinuance of service of the member.

37 (2) If the examination shows, to the satisfaction of the
38 disability board, that the member is physically or mentally disabled
39 from the further performance of duty, that such disability was not

1 incurred in the line of duty, and that such disability had been
2 continuous from the discontinuance of service, the disability board
3 shall enter its written decision and order, accompanied by
4 appropriate findings of fact and by conclusions evidencing compliance
5 with this chapter, granting the member a disability retirement
6 allowance. Otherwise, if the member is not found by the disability
7 board to be so disabled, the application shall be denied pursuant to
8 a similar written decision and order, subject to appeal to the
9 director in accordance with section 336 of this act: PROVIDED, That
10 in any order granting a nonduty disability retirement allowance, the
11 disability board shall make a finding that the disability was not
12 incurred in the line of duty.

13 (3) Every order of a disability board granting a nonduty
14 disability retirement allowance shall immediately be reviewed by the
15 director except the finding that the disability was not incurred in
16 the line of duty. The director may affirm the decision of the
17 disability board or remand the case for further proceedings, or the
18 director may reverse the decision of the disability board if the
19 director finds the disability board's findings, inferences,
20 conclusions, or decisions are:

- 21 (a) In violation of constitutional provisions;
22 (b) In excess of the statutory authority or jurisdiction of the
23 disability board;
24 (c) Made upon unlawful procedure;
25 (d) Affected by other error of law;
26 (e) Clearly erroneous in view of the entire record as submitted
27 and the public policy contained in this chapter; or
28 (f) Arbitrary or capricious.

29 (4) Every member who can establish to the disability board that
30 the member is physically or mentally disabled from the further
31 performance of duty, that such disability was not incurred in the
32 line of duty, and that such disability will be in existence for a
33 period of at least six months, may waive the six-month period of
34 disability leave and be immediately granted a nonduty disability
35 retirement allowance, subject to the approval of the director as
36 provided in subsection (3) of this section.

37 NEW SECTION. **Sec. 323.** ALLOWANCE ON RETIREMENT FOR DISABILITY.

38 (1) Upon retirement for disability a member shall be entitled to
39 receive a monthly retirement allowance computed as follows: (a) A

1 basic amount of fifty percent of final average salary at time of
2 disability retirement, and (b) an additional five percent of final
3 average salary for each child as defined in section 302(6) of this
4 act, (c) the combined total of (a) and (b) of this subsection shall
5 not exceed a maximum of sixty percent of final average salary.

6 (2) A disabled member shall begin receiving the disability
7 retirement allowance as of the expiration of his or her six month
8 period of disability leave or, if his or her application was filed
9 after the sixth month of discontinuance of service but prior to the
10 one year time limit, the member's disability retirement allowance
11 shall be retroactive to the end of the sixth month.

12 (3) Benefits under this section will be payable until the member
13 recovers from the disability or dies. If at the time that the
14 disability ceases the member is over the age of fifty, he or she
15 shall then receive either disability retirement allowance or
16 retirement for service allowance, whichever is greater.

17 (4) Benefits under this section for a disability that is incurred
18 while in other employment will be reduced by any amount the member
19 receives or is entitled to receive from workers' compensation, social
20 security, group insurance, other pension plan, or any other similar
21 source provided by another employer on account of the same
22 disability.

23 (5) A member retired for disability shall be subject to periodic
24 examinations by a physician approved by the disability board prior to
25 attainment of age fifty, pursuant to rules adopted by the director
26 under section 320 of this act. Examinations of members who retired
27 for disability prior to July 26, 1981, shall not exceed two medical
28 examinations per year.

29 NEW SECTION. **Sec. 324.** CESSATION OF DISABILITY—DETERMINATION.

30 (1) A disabled member who believes that his or her disability has
31 ceased in accordance with section 323(3) of this act may make
32 application to the disability board which originally found the member
33 to be disabled, for a determination that the disability has ceased.

34 (2) Every order of a disability board determining that a member's
35 disability has ceased pursuant to section 323(3) of this act shall
36 immediately be reviewed by the director. The director may affirm the
37 decision of the disability board or remand the case for further
38 proceedings if the director finds the disability board's findings,
39 inferences, conclusions, or decisions are:

- 1 (a) In violation of constitutional provisions;
2 (b) In excess of the statutory authority or jurisdiction of the
3 disability board;
4 (c) Made upon unlawful procedure;
5 (d) Affected by other error of law;
6 (e) Clearly erroneous in view of the entire record as submitted
7 and the public policy contained in this chapter; or
8 (f) Arbitrary or capricious.
9 (3) Determinations of whether a disability has ceased under
10 section 323(3) of this act and this section shall be made in
11 accordance with the same procedures and standards governing other
12 cancellations of disability retirement.

13 NEW SECTION. **Sec. 325.** REEXAMINATIONS OF DISABILITY
14 BENEFICIARIES—REENTRY—APPEAL. (1) Upon the basis of reexaminations
15 of members on disability retirement as provided in section 323(3) of
16 this act, the disability board shall determine whether such
17 disability beneficiary is still unable to perform his or her duties
18 either physically or mentally for service in the department where he
19 or she was employed.

20 (2) If the disability board determines that the beneficiary is
21 not so incapacitated the retirement allowance shall be canceled and
22 the member shall be restored to duty in the same civil service rank,
23 if any, held by the beneficiary at the time of his or her retirement
24 or if unable to perform the duties of that rank, then, at his or her
25 request, in such other like or lesser rank as may be or become open
26 and available, the duties of which he or she is then able to perform.
27 In no event, shall a beneficiary previously drawing a disability
28 allowance be returned or be restored to duty at a salary or rate of
29 pay less than the current salary attached to the rank or position
30 held by the beneficiary at the date of retirement for disability. If
31 the disability board determines that the beneficiary is able to
32 return to service he or she shall be entitled to notice and a
33 hearing, both the notice and the hearing shall comply with the
34 requirements of chapter 34.05 RCW.

35 (3) Should a disability beneficiary reenter service and be
36 eligible for membership in the retirement system, the retirement
37 allowance shall be canceled and he or she shall immediately become a
38 member of the retirement system.

1 (4) Should any disability beneficiary under age fifty refuse to
2 submit to examination, the retirement allowance shall be discontinued
3 until withdrawal of such refusal, and should such refusal continue
4 for one year or more, the retirement allowance shall be canceled.

5 (5) Should the disability retirement allowance of any disability
6 beneficiary be canceled for any cause other than reentrance into
7 service or retirement for service, he or she shall be paid the
8 excess, if any, of the accumulated contributions at the time of
9 retirement over all payments made on his or her behalf under this
10 chapter.

11 (6) Any person feeling aggrieved by an order of a disability
12 board determining that a beneficiary's disability has not ceased,
13 pursuant to section 323(3) of this act has the right to appeal the
14 order or determination to the director. The director shall have no
15 jurisdiction to entertain the appeal unless a notice of appeal is
16 filed with the director within thirty days following the rendition of
17 the order by the disability board. A copy of the notice of appeal
18 shall be served upon the director and the applicable disability board
19 and, within ninety days thereof, the disability board shall certify
20 its decision and order which shall include findings of fact and
21 conclusions of law, together with a transcript of all proceedings in
22 connection therewith, to the director for review. Upon review of the
23 record, the director may affirm the order of the disability board or
24 may remand the case for further proceedings if the director finds
25 that the disability board's findings, inferences, conclusions, or
26 decisions are:

- 27 (a) In violation of constitutional provisions;
28 (b) In excess of the statutory authority or jurisdiction of the
29 disability board;
30 (c) Made upon unlawful procedure;
31 (d) Affected by other error of law;
32 (e) Clearly erroneous in view of the entire record as submitted
33 and the public policy contained in this chapter; or
34 (f) Arbitrary or capricious.

35 NEW SECTION. **Sec. 326.** SICKNESS OR DISABILITY BENEFITS—MEDICAL
36 SERVICES. (1) Whenever any active member, or any member hereafter
37 retired, on account of service, sickness, or disability, not caused
38 or brought on by dissipation or abuse, of which the disability board
39 shall be judge, is confined in any hospital or in home, and whether

1 or not so confined, requires medical services, the employer shall pay
2 for the active or retired member the necessary medical services not
3 payable from some other source as provided for in subsection (2) of
4 this section. In the case of active or retired firefighters the
5 employer may make the payments provided for in this section from the
6 firefighters' pension fund established pursuant to RCW 41.16.050
7 where the fund had been established prior to March 1, 1970. If this
8 pension fund is depleted, the employer shall have the obligation to
9 pay all benefits payable under chapters 41.16 and 41.18 RCW.

10 (a) The disability board in all cases may have the active or
11 retired member suffering from such sickness or disability examined at
12 any time by a licensed physician or physicians, to be appointed by
13 the disability board, for the purpose of ascertaining the nature and
14 extent of the sickness or disability, the physician or physicians to
15 report to the disability board the result of the examination within
16 three days thereafter. Any active or retired member who refuses to
17 submit to such examination or examinations shall forfeit all rights
18 to benefits under this section for the period of the refusal.

19 (b) The disability board shall designate the medical services
20 available to any sick or disabled member.

21 (2) The medical services payable under this section will be
22 reduced by any amount received or eligible to be received by the
23 member under workers' compensation, social security including the
24 changes incorporated under Public Law 89-97, insurance provided by
25 another employer, other pension plan, or any other similar source.
26 Failure to apply for coverage if otherwise eligible under the
27 provisions of Public Law 89-97 shall not be deemed a refusal of
28 payment of benefits thereby enabling collection of charges under the
29 provisions of this chapter.

30 (3) Upon making the payments provided for in subsection (1) of
31 this section, the employer shall be subrogated to all rights of the
32 member against any third party who may be held liable for the
33 member's injuries or for payment of the cost of medical services in
34 connection with a member's sickness or disability to the extent
35 necessary to recover the amount of payments made by the employer.

36 (4) Any employer under this chapter, either singly, or jointly
37 with any other such employer or employers through an association
38 thereof as provided for in chapter 48.21 RCW, may provide for all or
39 part of one or more plans of group hospitalization and medical aid
40 insurance to cover any of its employees who are members of the

1 Washington law enforcement officers' and firefighters' retirement
2 system, and/or retired former employees who were, before retirement,
3 members of the retirement system, through contracts with regularly
4 constituted insurance carriers, with health maintenance organizations
5 as defined in chapter 48.46 RCW, or with health care service
6 contractors as defined in chapter 48.44 RCW. Benefits payable under
7 the plan or plans shall be deemed to be amounts received or eligible
8 to be received by the active or retired member under subsection (2)
9 of this section.

10 (5) Any employer under this chapter may, at its discretion, elect
11 to reimburse a retired former employee under this chapter for
12 premiums the retired former employee has paid for medical insurance
13 that supplements medicare, including premiums the retired former
14 employee has paid for medicare part B coverage.

15 NEW SECTION. **Sec. 327.** DEATH BENEFITS—DUTY OR MILITARY SERVICE
16 CONNECTED. (1) In the event of the duty connected death of any member
17 who is in active service, or who has vested under the provisions of
18 section 316 of this act with twenty or more service credit years of
19 service, or who is on duty connected disability leave or retired for
20 duty connected disability, or upon the death of a member who has left
21 the employ of an employer due to service in the national guard or
22 military reserves and dies while honorably serving in the national
23 guard or military reserves during a period of war as defined in RCW
24 41.04.005, the surviving spouse shall become entitled, subject to
25 section 329 of this act, to receive a monthly allowance equal to
26 fifty percent of the final average salary at the date of death if
27 active, or the amount of retirement allowance the vested member would
28 have received at age fifty, or the amount of the retirement allowance
29 such retired member was receiving at the time of death if retired for
30 duty connected disability. The amount of this allowance will be
31 increased five percent of final average salary for each child as
32 defined in section 302(6) of this act, subject to a maximum combined
33 allowance of sixty percent of final average salary: PROVIDED, That if
34 the child or children is or are in the care of a legal guardian,
35 payment of the increase attributable to each child will be made to
36 the child's legal guardian or, in the absence of a legal guardian and
37 if the member has created a trust for the benefit of the child or
38 children, payment of the increase attributable to each child will be
39 made to the trust.

1 (2) If at the time of the duty connected death of a vested member
2 with twenty or more service credit years of service as provided in
3 subsection (1) of this section or a member retired for duty connected
4 disability, or at the time of the death of a member who has left the
5 employ of an employer due to service in the national guard or
6 military reserves and dies while honorably serving in the national
7 guard or military reserves during a period of war as defined in RCW
8 41.04.005, the surviving spouse has not been lawfully married to such
9 member for one year prior to retirement or separation from service if
10 a vested member, the surviving spouse shall not be eligible to
11 receive the benefits under this section: PROVIDED, That if a member
12 dies as a result of a disability incurred in the line of duty or
13 while honorably serving in the national guard or military reserves
14 during a period of war as defined in RCW 41.04.005, then if he or she
15 was married at the time he or she was disabled or left the employ of
16 an employer due to service in the national guard or military reserves
17 during a period of war as defined in RCW 41.04.005, the surviving
18 spouse shall be eligible to receive the benefits under this section.

19 (3) If there be no surviving spouse eligible to receive benefits
20 at the time of such member's duty connected death, then the child or
21 children of such member shall receive a monthly allowance equal to
22 thirty percent of final average salary for one child and an
23 additional ten percent for each additional child subject to a maximum
24 combined payment, under this subsection, of sixty percent of final
25 average salary. When there cease to be any eligible children as
26 defined in section 302(6) of this act, there shall be paid to the
27 legal heirs of the member the excess, if any, of accumulated
28 contributions of the member at the time of death over all payments
29 made to survivors on his or her behalf under this chapter: PROVIDED,
30 That payments under this subsection to children shall be prorated
31 equally among the children, if more than one. If the member has
32 created a trust for the benefit of the child or children, the payment
33 shall be made to the trust.

34 (4) In the event that there is no surviving spouse eligible to
35 receive benefits under this section, and that there be no child or
36 children eligible to receive benefits under this section, then the
37 accumulated contributions shall be paid to the estate of the member.

38 (5) If a surviving spouse receiving benefits under this section
39 remarries after June 13, 2002, the surviving spouse shall continue to
40 receive the benefits under this section.

1 (6) If a surviving spouse receiving benefits under the provisions
2 of this section thereafter dies and there are children as defined in
3 section 302(6) of this act, payment to the spouse shall cease and the
4 child or children shall receive the benefits as provided in
5 subsection (3) of this section.

6 (7) The payment provided by this section shall become due the day
7 following the date of death and payments shall be retroactive to that
8 date.

9 NEW SECTION. **Sec. 328.** DEATH BENEFITS—NONDUTY CONNECTED. (1) In
10 the event of the nonduty connected death of any member who is in
11 active service, or who has vested under section 316 of this act with
12 twenty or more service credit years of service, or who is on
13 disability leave or retired, whether for nonduty connected disability
14 or service, the surviving spouse shall become entitled, subject to
15 section 329 of this act, to receive a monthly allowance equal to
16 fifty percent of the final average salary at the date of death if
17 active, or the amount of retirement allowance the vested member would
18 have received at age fifty, or the amount of the retirement allowance
19 such retired member was receiving at the time of death if retired for
20 service or nonduty connected disability. The amount of this allowance
21 will be increased five percent of final average salary for each child
22 as defined in section 302(6) of this act, subject to a maximum
23 combined allowance of sixty percent of final average salary:
24 PROVIDED, That if the child or children is or are in the care of a
25 legal guardian, payment of the increase attributable to each child
26 will be made to the child's legal guardian or, in the absence of a
27 legal guardian and if the member has created a trust for the benefit
28 of the child or children, payment of the increase attributable to
29 each child will be made to the trust.

30 (2) If at the time of the death of a vested member with twenty or
31 more service credit years of service as provided in subsection (1) of
32 this section or a member retired for service or disability, the
33 surviving spouse has not been lawfully married to such member for one
34 year prior to retirement or separation from service if a vested
35 member, the surviving spouse shall not be eligible to receive the
36 benefits under this section.

37 (3) If there be no surviving spouse eligible to receive benefits
38 at the time of such member's death, then the child or children of
39 such member shall receive a monthly allowance equal to thirty percent

1 of final average salary for one child and an additional ten percent
2 for each additional child subject to a maximum combined payment,
3 under this subsection, of sixty percent of final average salary. When
4 there cease to be any eligible children as defined in section 302(6)
5 of this act, there shall be paid to the legal heirs of the member the
6 excess, if any, of accumulated contributions of the member at the
7 time of death over all payments made to survivors on his or her
8 behalf under this chapter: PROVIDED, That payments under this
9 subsection to children shall be prorated equally among the children,
10 if more than one. If the member has created a trust for the benefit
11 of the child or children, the payment shall be made to the trust.

12 (4) In the event that there is no surviving spouse eligible to
13 receive benefits under this section, and that there be no child or
14 children eligible to receive benefits under this section, then the
15 accumulated contributions shall be paid to the estate of the member.

16 (5) If a surviving spouse receiving benefits under this section
17 remarries after June 13, 2002, the surviving spouse shall continue to
18 receive the benefits under this section.

19 (6) If a surviving spouse receiving benefits under the provisions
20 of this section thereafter dies and there are children as defined in
21 section 302(6) of this act, payment to the spouse shall cease and the
22 child or children shall receive the benefits as provided in
23 subsection (3) of this section.

24 (7) The payment provided by this section shall become due the day
25 following the date of death and payments shall be retroactive to that
26 date.

27 NEW SECTION. **Sec. 329.** EX SPOUSE QUALIFYING AS SURVIVING SPOUSE
28 —WHEN. (1) An ex spouse of a plan 1 annuity member or retiree shall
29 qualify as surviving spouse under section 327 or 328 of this act if
30 the ex spouse has been provided benefits under any currently
31 effective court decree of dissolution or legal separation or in any
32 court order or court-approved property settlement agreement incident
33 to any court decree of dissolution or legal separation. Such an ex
34 spouse shall continue to receive the court-awarded portion of the
35 member's benefit after the member's death as if the member was still
36 alive.

37 (2) An ex spouse whose benefit resumes as a result of chapter 62,
38 Laws of 2005 shall receive an initial payment equivalent to that
39 portion of the member's benefit received prior to its suspension. The

1 benefit will not be adjusted under section 339 of this act for the
2 period the allowance was suspended.

3 (3) Chapter 62, Laws of 2005 shall not result in the payment of
4 benefits for the period during which benefits were suspended.

5 (4) This section shall apply retroactively.

6 NEW SECTION. **Sec. 330.** REFUND OF CONTRIBUTIONS ON
7 DISCONTINUANCE OF SERVICE—REENTRY. (1) Should service of a member be
8 discontinued except by death, disability, or retirement, the member
9 shall, upon application therefor, be paid the accumulated
10 contributions within sixty days after the day of application and the
11 rights to all benefits as a member shall cease: PROVIDED, That any
12 member with at least five years' service may elect the provisions of
13 section 316(2) of this act.

14 (2) Any member whose contributions have been paid in accordance
15 with subsection (1) of this section and who reenters the service of
16 an employer shall upon the restoration of withdrawn contributions,
17 which restoration must be completed within a total period of five
18 years of service following resumption of employment, then receive
19 credit toward retirement for the period of previous service which
20 these contributions are to cover.

21 (3) If the member fails to meet the time limitations of
22 subsection (2) of this section, the member may make the payment
23 required under RCW 41.50.165(2) prior to retirement. The member shall
24 then receive credit toward retirement for the period of previous
25 service that the withdrawn contributions cover.

26 NEW SECTION. **Sec. 331.** CREDIT FOR MILITARY SERVICE. Each person
27 affected by this chapter who at the time of entering the armed
28 services was a member of this system or the plan 1 annuity, and has
29 honorably served in the armed services of the United States, shall
30 have added to the period of service as computed under this chapter,
31 the period of service in the armed forces: PROVIDED, That such
32 credited service shall not exceed five years.

33 NEW SECTION. **Sec. 332.** CREDIT FOR SERVICE UNDER PRIOR PENSION
34 SYSTEM—RESTORATION OF WITHDRAWN CONTRIBUTIONS. If a member of this
35 retirement system served as a law enforcement officer or firefighter
36 under a prior pension system and that service is not creditable to
37 this retirement system because the member withdrew his or her

1 contributions plus accrued interest from the prior pension system,
2 the member's prior service as a law enforcement officer shall be
3 credited to this retirement system if the member pays to the
4 retirement system the amount under RCW 41.50.165(2) prior to
5 retirement.

6 NEW SECTION. **Sec. 333.** CREDIT FOR SERVICE UNDER PRIOR PENSION
7 SYSTEM—SERVICE NOT COVERED UNDER PRIOR SYSTEM. If a member's prior
8 service as a law enforcement officer or firefighter under a prior
9 pension system is not creditable because, although employed in a
10 position covered by a prior pension act, the member had not yet
11 become a member of the pension system governed by the act, the
12 member's prior service as a law enforcement officer or firefighter
13 shall be creditable, if the member pays to the plan the amount set
14 forth under RCW 41.50.165(2) prior to retirement.

15 NEW SECTION. **Sec. 334.** TRANSFER OF SERVICE CREDIT FROM OTHER
16 RETIREMENT SYSTEM—IRREVOCABLE ELECTION ALLOWED. Any member of the
17 teachers' retirement system plans 1, 2, or 3, the public employees'
18 retirement system plans 1, 2, or 3, the public safety employees'
19 retirement system plan 2, the school employees' retirement system
20 plans 2 or 3, or the Washington state patrol retirement system plans
21 1 or 2 who has previously established service credit in the plan 1
22 annuity may make an irrevocable election to have such service
23 transferred to their current retirement system and plan subject to
24 the following conditions:

25 (1) If the individual is employed by an employer in an eligible
26 position, as of July 1, 1997, the election to transfer service must
27 be filed in writing with the department no later than July 1, 1998.
28 If the individual is not employed by an employer in an eligible
29 position, as of July 1, 1997, the election to transfer service must
30 be filed in writing with the department no later than one year from
31 the date they are employed by an employer in an eligible position.

32 (2) An individual transferring service under this section
33 forfeits the rights to all benefits as a member of the plan 1 annuity
34 and will be permanently excluded from membership.

35 (3) Any individual choosing to transfer service under this
36 section will have transferred to their current retirement system and
37 plan: (a) All the individual's accumulated contributions; (b) an
38 amount sufficient to ensure that the employer contribution rate in

1 the individual's current system and plan will not increase due to the
2 transfer; and (c) all applicable months of service, as defined in
3 section 302(26) of this act.

4 (4) If an individual has withdrawn contributions from the law
5 enforcement officers' and firefighters' retirement system plan 1, the
6 individual may restore the contributions, together with interest as
7 determined by the director, and recover the service represented by
8 the contributions for the sole purpose of transferring service under
9 this section. The contributions must be restored before the transfer
10 can occur and the restoration must be completed within the time
11 limitations specified in subsection (1) of this section.

12 (5) Service transferred under this section is applicable for
13 meeting the total service required for military service credit as
14 defined in RCW 41.40.170(3) but is not applicable for meeting the
15 total service credit required for military service credit under RCW
16 43.43.260(3). This subsection applies to members who retired on or
17 after January 1, 1998.

18 (6) If an individual does not meet the time limitations of
19 subsection (1) of this section, the individual may elect to restore
20 any withdrawn contributions and transfer service under this section
21 by paying the amount required under subsection (3)(b) of this section
22 less any employee contributions transferred.

23 NEW SECTION. **Sec. 335.** SERVICE CREDIT FOR PAID LEAVE OF ABSENCE
24 —APPLICATION TO ELECTED OFFICIALS OF LABOR ORGANIZATIONS. (1) A
25 member who is on a paid leave of absence authorized by a member's
26 employer shall continue to receive service credit as provided under
27 this chapter.

28 (2) A member who receives compensation from an employer while on
29 an authorized leave of absence to serve as an elected official of a
30 labor organization, and whose employer is reimbursed by the labor
31 organization for the compensation paid to the member during the
32 period of absence, may also be considered to be on a paid leave of
33 absence. This subsection shall only apply if the member's leave of
34 absence is authorized by a collective bargaining agreement that
35 provides that the member retains seniority rights with the employer
36 during the period of leave. The basic salary reported for a member
37 who establishes service credit under this subsection may not be
38 greater than the salary paid to the highest paid job class covered by
39 the collective bargaining agreement.

1 NEW SECTION. **Sec. 336.** APPEAL TO DIRECTOR. Any person feeling
2 aggrieved by any order or determination of a disability board denying
3 disability leave or disability retirement, or canceling a previously
4 granted disability retirement allowance, shall have the right to
5 appeal the order or determination to the director. The director shall
6 have no jurisdiction to entertain the appeal unless a notice of
7 appeal is filed with the director within thirty days following the
8 rendition of the order by the applicable disability board. A copy of
9 the notice of appeal shall be served upon the director and the
10 applicable disability board and, within ninety days thereof, the
11 disability board shall certify its decision and order which shall
12 include findings of fact and conclusions of law, together with a
13 transcript of all proceedings in connection therewith, to the
14 director for review. Upon review of the record, the director may
15 affirm the order of the disability board or may remand the case for
16 such further proceedings as he or she may direct, in accordance with
17 such rules of procedure as the director shall adopt.

18 NEW SECTION. **Sec. 337.** NOTICE FOR HEARING REQUIRED PRIOR TO
19 PETITIONING FOR JUDICIAL REVIEW. Any person aggrieved by any final
20 decision of the director must, before petitioning for judicial
21 review, file with the director by mail or personally within sixty
22 days from the day the decision was communicated to the person, a
23 notice for a hearing. The notice of hearing shall set forth in full
24 detail the grounds upon which such person considers such decision
25 unjust or unlawful and shall include every issue to be considered,
26 and it must contain a detailed statement of facts upon which such
27 person relies in support thereof. Such persons shall be deemed to
28 have waived all objections or irregularities concerning the matter on
29 which such appeal is taken other than those specifically set forth in
30 the notice of hearing or appearing in the records of the retirement
31 system.

32 NEW SECTION. **Sec. 338.** HEARING—CONDUCT. A hearing shall be held
33 by the director, or the director's duly authorized representative, in
34 the county of the residence of the claimant at a time and place
35 designated by the director. Such hearing shall be de novo and shall
36 conform to the provisions of chapter 34.05 RCW. The disability board
37 and the department shall be entitled to appear in all such
38 proceedings and introduce testimony in support of the decision.

1 Judicial review of any final decision by the director shall be
2 governed by the provisions of chapter 34.05 RCW.

3 NEW SECTION. **Sec. 339.** INCREASES OR DECREASES IN RETIREMENT
4 ALLOWANCES TO BE DETERMINED BY DEPARTMENT IN ACCORDANCE WITH CONSUMER
5 PRICE INDEX. For purposes of this section:

6 (1) "Index" means, for any calendar year, that year's average
7 consumer price index for the Seattle, Washington area for urban wage
8 earners and clerical workers, all items (1957-1959=100), compiled by
9 the bureau of labor statistics of the United States department of
10 labor;

11 (2) "Retirement allowance" means the retirement allowance
12 provided for in sections 317 and 323 of this act, and the monthly
13 allowance provided for in section 327 of this act.

14 On April 1st of each year, every retirement allowance which has
15 been in effect for more than one year shall be adjusted to that
16 dollar amount which exceeds its original dollar amount by the
17 percentage difference which the department finds to exist between the
18 index for the previous calendar year and the index for the calendar
19 year prior to the effective retirement date of the person to whom, or
20 on behalf of whom, such retirement allowance is being paid.

21 For the purposes of this section, "basic allowance" means that
22 portion of a total retirement allowance, and any cost-of-living
23 adjustment thereon, attributable to a member (individually) and shall
24 not include the increased amounts attributable to the existence of a
25 child or children. In those cases where a child ceases to be
26 qualified as an eligible child, so as to lessen the total allowance,
27 the allowance shall, at that time, be reduced to the basic allowance
28 plus the amount attributable for the appropriate number of eligible
29 children. In those cases where a child qualifies as an eligible child
30 subsequent to the retirement of a member so as to increase the total
31 allowance payable, such increased allowance shall at the time of the
32 next and appropriate subsequent cost-of-living adjustments, be
33 considered the original dollar amount of the allowance.

34 NEW SECTION. **Sec. 340.** INCREASE IN PRESENTLY PAYABLE BENEFITS
35 FOR SERVICE OR DISABILITY AUTHORIZED. All benefits presently payable
36 pursuant to the provisions of RCW 41.20.050, 41.20.060, and 41.20.080
37 as such RCW sections existed prior to the effective date of the
38 amendment of such RCW sections by sections 1, 2, 3, chapter 191, Laws

1 of 1961 to persons who retired prior to the effective date of the
2 1961 amendatory act, shall be increased annually as provided in this
3 section. The local pension board shall meet subsequent to March 31st
4 but prior to June 30th of each year for the purpose of adjusting
5 benefit allowances payable pursuant to RCW 41.20.050, 41.20.060, and
6 41.20.080. The local board shall determine the increase in the
7 consumer price index between January 1st and December 31st of the
8 previous year and increase in dollar amount the benefits payable
9 subsequent to July 1st of the year in which the board makes such
10 determination by a dollar amount proportionate to the increase in the
11 consumer price index: PROVIDED, That regardless of the change in the
12 consumer price index, such increase shall be at least two percent
13 each year such adjustment is made.

14 Each year effective with the July payment all benefits specified
15 in this section, shall be increased as authorized by this section.
16 This benefit increase shall be paid monthly as part of the regular
17 pension payment and shall be cumulative.

18 For the purpose of this section, "consumer price index" means,
19 for any calendar year, the consumer price index for the Seattle,
20 Washington area as compiled by the bureau of labor statistics of the
21 United States department of labor.

22 NEW SECTION. **Sec. 341.** INCREASE IN CERTAIN PRESENTLY PAYABLE
23 DEATH BENEFITS AUTHORIZED. All benefits presently payable pursuant to
24 the provisions of RCW 41.20.085 which are not related to the amount
25 of current salary attached to the position held by the deceased
26 member shall be increased annually in the same manner and to the same
27 extent as provided for pursuant to section 340 of this act.

28 NEW SECTION. **Sec. 342.** DECLARATION OF POLICY RESPECTING
29 BENEFITS FOR INJURY OR DEATH—CIVIL ACTIONS ABOLISHED. The legislature
30 of the state of Washington hereby declares that the relationship
31 between members of the plan 1 annuity and their governmental
32 employers is similar to that of workers to their employers and that
33 the sure and certain relief granted by this chapter is desirable, and
34 as beneficial to such law enforcement officers and firefighters as
35 workers' compensation coverage is to persons covered by Title 51 RCW.
36 The legislature further declares that removal of law enforcement
37 officers and firefighters from workers' compensation coverage under
38 Title 51 RCW necessitates the (1) continuance of sure and certain

1 relief for personal injuries incurred in the course of employment or
2 occupational disease, which the legislature finds to be accomplished
3 by the provisions of this chapter and (2) protection for the
4 governmental employer from actions at law; and to this end the
5 legislature further declares that the benefits and remedies conferred
6 by this chapter upon law enforcement officers and firefighters
7 covered under this chapter, shall be to the exclusion of any other
8 remedy, proceeding, or compensation for personal injuries or
9 sickness, caused by the governmental employer except as otherwise
10 provided by this chapter; and to that end all civil actions and civil
11 causes of actions by such law enforcement officers and firefighters
12 against their governmental employers for personal injuries or
13 sickness are hereby abolished, except as otherwise provided in this
14 chapter.

15 NEW SECTION. **Sec. 343.** CAUSE OF ACTION FOR INJURY OR DEATH,
16 WHEN. If injury or death results to a member from the intentional or
17 negligent act or omission of a member's governmental employer, the
18 member, the widow, widower, child, or dependent of the member shall
19 have the privilege to benefit under this chapter and also have cause
20 of action against the governmental employer as otherwise provided by
21 law, for any excess of damages over the amount received or receivable
22 under this chapter.

23 NEW SECTION. **Sec. 344.** LUMP SUM DEFINED BENEFIT—PAYABLE JANUARY
24 31, 2023. (1) Plan 1 annuity active members, term-vested members,
25 retirees, and survivors eligible for benefits under the plan 1
26 annuity provisions of this chapter on June 9, 2022, shall be eligible
27 to receive the plan 1 annuity lump sum defined benefit of \$100 per
28 service credit month payable by January 31, 2023.

29 (a) Members who retired for an in the line of duty disability
30 under section 321 of this act shall receive the greater of the lump
31 sum defined benefit of \$100 per service credit month or a lump sum
32 defined benefit of \$20,000.

33 (b) A member's beneficiary is eligible for an in the line of duty
34 death benefit under RCW 41.26.048. If there is more than one eligible
35 beneficiary the lump sum defined benefit will be distributed in
36 accordance with RCW 41.26.048.

1 (c) If the member is deceased the member's survivor beneficiary
2 under section 327 of this act is eligible for this lump sum defined
3 benefit.

4 (2) If a member is active or term-vested, interest on the lump
5 sum defined benefit as determined by the director of retirement
6 systems shall accumulate from January 1, 2023, until distribution to
7 the participant upon retirement from service or for disability. For
8 the purposes of this section, a "term-vested member" is a member who
9 has rendered five years of service, has not withdrawn his or her
10 member contributions, and who has not applied for retirement.

11 (3) If a member dies after June 9, 2022, but before distribution
12 of the lump sum defined benefit created in this section occurs, the
13 distribution shall be made according to the member's beneficiary
14 designation under this chapter.

15 (4) The lump sum defined benefit created in this section is
16 subject to section 309 of this act.

17 NEW SECTION. **Sec. 345.** PURCHASE OF ADDITIONAL SERVICE CREDIT—
18 COSTS—RULES. (1) A member eligible to retire under section 316 of
19 this act may, at the time of filing a written application for
20 retirement with the department, apply to the department to make a
21 one-time purchase of up to five years of additional service credit.

22 (2) To purchase additional service credit under this section, a
23 member shall pay the actuarial equivalent value of the resulting
24 increase in the member's benefit.

25 (3) Subject to rules adopted by the department, a member
26 purchasing additional service credit under this section may pay all
27 or part of the cost with a lump sum payment, eligible rollover,
28 direct rollover, or trustee-to-trustee transfer from an eligible
29 retirement plan. The department shall adopt rules to ensure that all
30 lump sum payments, rollovers, and transfers comply with the
31 requirements of the internal revenue code and regulations adopted by
32 the internal revenue service. The rules adopted by the department may
33 condition the acceptance of a rollover or transfer from another plan
34 on the receipt of information necessary to enable the department to
35 determine the eligibility of any transferred funds for tax-free
36 rollover treatment or other treatment under federal income tax law.

37 (4) Additional service credit purchased under this section is not
38 membership service and shall be used exclusively to provide the

1 member with a monthly annuity that is paid in addition to the
2 member's retirement allowance.

3 NEW SECTION. **Sec. 346.** OPTIONAL REDUCED RETIREMENT ALLOWANCE—
4 CONTINUES FOR SPOUSE OTHERWISE INELIGIBLE FOR SURVIVOR BENEFITS. (1)
5 No later than July 1, 2005, the department shall adopt rules to allow
6 a member who meets the criteria set forth in subsection (2) of this
7 section to choose an actuarially equivalent benefit that pays the
8 member a reduced retirement allowance and upon death, such portion of
9 the member's reduced retirement allowance as the department by rule
10 designates shall be continued throughout the life of a spouse
11 ineligible for survivor benefits under section 327 or 328 of this
12 act.

13 (2) To choose an actuarially equivalent benefit according to
14 subsection (1) of this section, a member shall:

15 (a) Have a portion of the retirement allowance payable to the
16 retiree that is not subject to periodic payments pursuant to a
17 property division obligation as provided for in RCW 41.50.670; and

18 (b) Choose an actuarially reduced benefit equivalent to that
19 portion not subject to periodic payments under (a) of this subsection
20 during a one-year period beginning one year after the date of
21 marriage to the survivor benefit-ineligible spouse.

22 (3)(a) A member who married a spouse ineligible for survivor
23 benefits under section 327 or 328 of this act prior to the effective
24 date of the rules adopted under this section and satisfies subsection
25 (2)(a) of this section has one year to designate their spouse as a
26 survivor beneficiary following the adoption of the rules.

27 (b) A member who married a spouse ineligible for survivor
28 benefits under section 327 or 328 of this act, has been married to
29 that spouse for at least two years prior to September 1, 2015, and
30 satisfies subsection (2)(a) of this section has one year from
31 September 1, 2015, to designate their spouse as a survivor
32 beneficiary. The office of the state actuary must provide the
33 department with administrative factors to ensure that the benefits
34 provided under this section are actuarially equivalent.

35 (c) A deceased member's spouse who was eligible to be provided a
36 survivor benefit under subsection (1) of this section but the member
37 did not select a survivor benefit, and who prior to March 1, 2015,
38 exhausted all administrative remedies with the department for
39 establishing eligibility for a benefit under this section, is

1 eligible beginning August 1, 2015, for a retirement allowance equal
2 to two-thirds of the gross monthly retirement allowance the retired
3 member received at the time of death.

4 (4) No benefit provided to a child survivor beneficiary under
5 section 327 or 328 of this act is affected or reduced by the member's
6 selection of the actuarially reduced spousal survivor benefit
7 provided by this section.

8 (5)(a) Any member who chose to receive a reduced retirement
9 allowance under subsection (1) of this section is entitled to receive
10 a retirement allowance adjusted in accordance with (b) of this
11 subsection if:

12 (i) The retiree's survivor spouse designated in subsection (1) of
13 this section predeceases the retiree; and

14 (ii) The retiree provides to the department proper proof of the
15 designated beneficiary's death.

16 (b) The retirement allowance payable to the retiree from the
17 beginning of the month following the date of the beneficiary's death
18 shall be increased by the following:

19 (i) One hundred percent multiplied by the result of (b)(ii) of
20 this subsection converted to a percent;

21 (ii) Subtract one from the reciprocal of the appropriate joint
22 and survivor option factor.

23 PART IV

24 OTHER STATUTES REFERENCING LEOFF PLAN 1

25 **Sec. 401.** RCW 2.10.155 and 1990 c 274 s 14 are each amended to
26 read as follows:

27 (1) No judge shall be eligible to receive the judge's monthly
28 service or disability retirement allowance if the retired judge is
29 employed:

30 (a) For more than eight hundred ten hours in a calendar year as a
31 pro tempore judge; or

32 (b) In an eligible position as defined in RCW 41.40.010 or
33 41.32.010, or as a law enforcement officer or firefighter as defined
34 in RCW 41.26.030 or section 302 of this act.

35 (2) Subsection (1) of this section notwithstanding, a previously
36 elected judge of the superior court who retired before June 7, 1990,
37 leaving a pending case in which the judge had made discretionary

1 rulings may hear the pending case as a judge pro tempore without
2 having his or her retirement allowance suspended.

3 (3) If a retired judge's benefits have been suspended under this
4 section, his or her benefits shall be reinstated when the retiree
5 terminates the employment that caused his or her benefits to be
6 suspended. Upon reinstatement, the retired judge's benefits shall be
7 actuarially recomputed pursuant to the rules adopted by the
8 department.

9 (4) The department shall adopt rules implementing this section.

10 **Sec. 402.** RCW 26.09.138 and 1991 c 365 s 24 are each amended to
11 read as follows:

12 (1) Any obligee of a court order or decree establishing a spousal
13 maintenance obligation may seek a mandatory benefits assignment order
14 under chapter 41.50 RCW if any spousal maintenance payment is more
15 than fifteen days past due and the total of such past due payments is
16 equal to or greater than one hundred dollars, or if the obligor
17 requests a withdrawal of accumulated contributions from the
18 department of retirement systems.

19 (2) Any court order or decree establishing a spousal maintenance
20 obligation may state that, if any spousal maintenance payment is more
21 than fifteen days past due and the total of such past due payments is
22 equal to or greater than one hundred dollars, or if the obligor
23 requests a withdrawal of accumulated contributions from the
24 department of retirement systems, the obligee may seek a mandatory
25 benefits assignment order under chapter 41.50 RCW without prior
26 notice to the obligor. Any such court order or decree may also, or in
27 the alternative, contain a provision that would allow the department
28 to make a direct payment of all or part of a withdrawal of
29 accumulated contributions pursuant to RCW 41.50.550(3). Failure to
30 include this provision does not affect the validity of the court
31 order or decree establishing the spousal maintenance, nor does such
32 failure affect the general applicability of RCW 41.50.500 through
33 41.50.650 to such obligations.

34 (3) The remedies in RCW 41.50.530 through 41.50.630 are the
35 exclusive provisions of law enforceable against the department of
36 retirement systems in connection with any action for enforcement of a
37 spousal maintenance obligation ordered pursuant to a divorce,
38 dissolution, or legal separation, and no other remedy ordered by a

1 court under this chapter shall be enforceable against the department
2 of retirement systems for collection of spousal maintenance.

3 (4) (a) Nothing in this section regarding mandatory assignment of
4 benefits to enforce a spousal maintenance obligation shall abridge
5 the right of an ex spouse to receive direct payment of retirement
6 benefits payable pursuant to: (i) A court decree of dissolution or
7 legal separation; or (ii) any court order or court-approved property
8 settlement agreement; or (iii) incident to any court decree of
9 dissolution or legal separation, if such dissolution orders fully
10 comply with RCW 41.50.670 and 41.50.700, or as applicable, RCW
11 2.10.180, 2.12.090, 41.04.310, 41.04.320, 41.04.330, (~~41.26.180~~),
12 41.26.053, section 309 of this act, 41.32.052, 41.40.052, or
13 43.43.310 as those statutes existed before July 1, 1987, and as those
14 statutes exist on and after July 28, 1991.

15 (b) Persons whose dissolution orders as defined in RCW
16 41.50.500(3) were entered between July 1, 1987, and July 28, 1991,
17 shall be entitled to receive direct payments of retirement benefits
18 to satisfy court-ordered property divisions if the dissolution orders
19 filed with the department comply or are amended to comply with RCW
20 41.50.670 through 41.50.720 and, as applicable, RCW 2.10.180,
21 2.12.090, (~~41.26.180~~) 41.26.053, 41.32.052, 41.40.052, or
22 43.43.310.

23 **Sec. 403.** RCW 36.28A.010 and 1975 1st ex.s. c 172 s 1 are each
24 amended to read as follows:

25 The Washington association of sheriffs and police chiefs is
26 hereby declared to be a combination of units of local government:
27 PROVIDED, That such association shall not be considered an "employer"
28 within the meaning of RCW 41.26.030(~~((+2))~~), section 302 of this act,
29 or 41.40.010(~~((+4))~~): PROVIDED FURTHER, That no compensation received
30 as an employee of the association shall be considered salary for
31 purposes of the provisions of any retirement system created pursuant
32 to the general laws of this state: PROVIDED FURTHER, That such
33 association shall not qualify for inclusion under the unallocated two
34 mills of the property tax of any political subdivision: PROVIDED
35 FURTHER, That the association shall not have the authority to assess
36 any excess levy or bond measure.

37 **Sec. 404.** RCW 41.20.175 and 2012 c 117 s 36 are each amended to
38 read as follows:

1 A former employee of a fire department of a city of the first
2 class who (1) was a member of the firefighters' pension system
3 created by chapter((§)) 41.16 or 41.18 RCW, and (2) is now employed
4 within the police department of such city, will be regarded as having
5 received membership service credit for such service to the fire
6 department in the city's police and relief pension system at the time
7 he or she recovers such service credit by paying withdrawn
8 contributions to the Washington law enforcement officers' and
9 firefighters' retirement system pursuant to RCW 41.26.030(~~((+28))~~)
10 (29) or section 302(26) of this act.

11 **Sec. 405.** RCW 41.32.800 and 2011 1st sp.s. c 47 s 11 are each
12 amended to read as follows:

13 (1) Except as provided in RCW 41.32.802, no retiree under the
14 provisions of plan 2 shall be eligible to receive such retiree's
15 monthly retirement allowance if he or she is employed in an eligible
16 position as defined in RCW 41.40.010, 41.32.010, 41.37.010, or
17 41.35.010, or as a law enforcement officer or firefighter as defined
18 in RCW 41.26.030 or section 302 of this act, or in a position covered
19 by annuity and retirement income plans offered by institutions of
20 higher education pursuant to RCW 28B.10.400.

21 If a retiree's benefits have been suspended under this section,
22 his or her benefits shall be reinstated when the retiree terminates
23 the employment that caused his or her benefits to be suspended. Upon
24 reinstatement, the retiree's benefits shall be actuarially recomputed
25 pursuant to the rules adopted by the department.

26 (2) The department shall adopt rules implementing this section.

27 **Sec. 406.** RCW 41.32.860 and 2011 1st sp.s. c 47 s 13 are each
28 amended to read as follows:

29 (1) Except under RCW 41.32.862, no retiree shall be eligible to
30 receive such retiree's monthly retirement allowance if he or she is
31 employed in an eligible position as defined in RCW 41.40.010,
32 41.32.010, 41.35.010, or 41.37.010, or as a law enforcement officer
33 or firefighter as defined in RCW 41.26.030 or section 302 of this
34 act, or in a position covered by annuity and retirement income plans
35 offered by institutions of higher education pursuant to RCW
36 28B.10.400.

37 (2) If a retiree's benefits have been suspended under this
38 section, his or her benefits shall be reinstated when the retiree

1 terminates the employment that caused the suspension of benefits.
2 Upon reinstatement, the retiree's benefits shall be actuarially
3 recomputed pursuant to the rules adopted by the department.

4 **Sec. 407.** RCW 41.35.230 and 2011 1st sp.s. c 47 s 16 are each
5 amended to read as follows:

6 (1) Except as provided in RCW 41.35.060, no retiree under the
7 provisions of plan 2 shall be eligible to receive such retiree's
8 monthly retirement allowance if he or she is employed in an eligible
9 position as defined in RCW 41.35.010, 41.40.010, 41.37.010, or
10 41.32.010, or as a law enforcement officer or firefighter as defined
11 in RCW 41.26.030 or section 302 of this act, or in a position covered
12 by annuity and retirement income plans offered by institutions of
13 higher education pursuant to RCW 28B.10.400, except that a retiree
14 who ends his or her membership in the retirement system pursuant to
15 RCW 41.40.023(3)(b) is not subject to this section if the retiree's
16 only employment is as an elective official.

17 (2) If a retiree's benefits have been suspended under this
18 section, his or her benefits shall be reinstated when the retiree
19 terminates the employment that caused his or her benefits to be
20 suspended. Upon reinstatement, the retiree's benefits shall be
21 actuarially recomputed pursuant to the rules adopted by the
22 department.

23 (3) The department shall adopt rules implementing this section.

24 **Sec. 408.** RCW 41.40.690 and 2004 c 242 s 57 are each amended to
25 read as follows:

26 (1) Except as provided in RCW 41.40.037, no retiree under the
27 provisions of plan 2 shall be eligible to receive such retiree's
28 monthly retirement allowance if he or she is employed in an eligible
29 position as defined in RCW 41.40.010, 41.32.010, 41.37.010, or
30 41.35.010, or as a law enforcement officer or firefighter as defined
31 in RCW 41.26.030 or section 302 of this act, except that a retiree
32 who ends his or her membership in the retirement system pursuant to
33 RCW 41.40.023(3)(b) is not subject to this section if the retiree's
34 only employment is as an elective official of a city or town.

35 (2) If a retiree's benefits have been suspended under this
36 section, his or her benefits shall be reinstated when the retiree
37 terminates the employment that caused his or her benefits to be
38 suspended. Upon reinstatement, the retiree's benefits shall be

1 actuarially recomputed pursuant to the rules adopted by the
2 department.

3 (3) The department shall adopt rules implementing this section.

4 **Sec. 409.** RCW 41.40.850 and 2005 c 327 s 9 are each amended to
5 read as follows:

6 (1) Except as provided in RCW 41.40.037, no retiree under the
7 provisions of plan 3 shall be eligible to receive such retiree's
8 monthly retirement allowance if he or she is employed in an eligible
9 position as defined in RCW 41.40.010, 41.32.010, 41.35.010, or
10 41.37.010, or as a law enforcement officer or firefighter as defined
11 in RCW 41.26.030 or section 302 of this act, except that a retiree
12 who ends his or her membership in the retirement system pursuant to
13 RCW 41.40.023(3)(b) is not subject to this section if the retiree's
14 only employment is as an elective official of a city or town.

15 (2) If a retiree's benefits have been suspended under this
16 section, his or her benefits shall be reinstated when the retiree
17 terminates the employment that caused his or her benefits to be
18 suspended. Upon reinstatement, the retiree's benefits shall be
19 actuarially recomputed pursuant to the rules adopted by the
20 department.

21 (3) The department shall adopt rules implementing this section.

22 **Sec. 410.** RCW 41.45.010 and 2009 c 561 s 1 are each amended to
23 read as follows:

24 It is the intent of the legislature to provide a dependable and
25 systematic process for funding the benefits provided to members and
26 retirees of the public employees' retirement system, chapter 41.40
27 RCW; the teachers' retirement system, chapter 41.32 RCW; the law
28 enforcement officers' and firefighters' retirement systems, chapter
29 41.26 RCW; the school employees' retirement system, chapter 41.35
30 RCW; the public safety employees' retirement system, chapter 41.37
31 RCW; and the Washington state patrol retirement system, chapter 43.43
32 RCW.

33 The funding process established by this chapter is intended to
34 achieve the following goals:

35 (1) To fully fund the public employees' retirement system plans 2
36 and 3, the teachers' retirement system plans 2 and 3, the school
37 employees' retirement system plans 2 and 3, the public safety
38 employees' retirement system plan 2, and the law enforcement

1 officers' and firefighters' retirement system plan 2 as provided by
2 law;

3 ~~(2) ((To fully amortize the total costs of the law enforcement~~
4 ~~officers' and firefighters' retirement system plan 1, not later than~~
5 ~~June 30, 2024;~~

6 ~~(3))~~ To fully amortize the unfunded actuarial accrued liability
7 in the public employees' retirement system plan 1 and the teachers'
8 retirement system plan 1 within a rolling ten-year period, using
9 methods and assumptions that balance needs for increased benefit
10 security, decreased contribution rate volatility, and affordability
11 of pension contribution rates;

12 ~~((4))~~ (3) To establish long-term employer contribution rates
13 which will remain a relatively predictable proportion of the future
14 state budgets; and

15 ~~((5))~~ (4) To fund, to the extent feasible, all benefits for
16 plan 2 and 3 members over the working lives of those members so that
17 the cost of those benefits are paid by the taxpayers who receive the
18 benefit of those members' service.

19 **Sec. 411.** RCW 41.45.020 and 2006 c 365 s 1 are each amended to
20 read as follows:

21 As used in this chapter, the following terms have the meanings
22 indicated unless the context clearly requires otherwise.

23 (1) "Council" means the pension funding council created in RCW
24 41.45.100.

25 (2) "Department" means the department of retirement systems.

26 (3) "Law enforcement officers' and firefighters' retirement
27 system plan 1 annuity" and "law enforcement officers' and
28 firefighters' retirement system plan 2" means the benefits and
29 funding provisions under chapter 41.26 RCW.

30 (4) "Public employees' retirement system plan 1," "public
31 employees' retirement system plan 2," and "public employees'
32 retirement system plan 3" mean the benefits and funding provisions
33 under chapter 41.40 RCW.

34 (5) "Teachers' retirement system plan 1," "teachers' retirement
35 system plan 2," and "teachers' retirement system plan 3" mean the
36 benefits and funding provisions under chapter 41.32 RCW.

37 (6) "School employees' retirement system plan 2" and "school
38 employees' retirement system plan 3" mean the benefits and funding
39 provisions under chapter 41.35 RCW.

1 (7) "Washington state patrol retirement system" means the
2 retirement benefits provided under chapter 43.43 RCW.

3 (8) "Unfunded liability" means the unfunded actuarial accrued
4 liability of a retirement system.

5 (9) "Actuary" or "state actuary" means the state actuary employed
6 under chapter 44.44 RCW.

7 (10) "State retirement systems" means the retirement systems
8 listed in RCW 41.50.030.

9 (11) "Classified employee" means a member of the Washington
10 school employees' retirement system plan 2 or plan 3 as defined in
11 RCW 41.35.010.

12 (12) "Teacher" means a member of the teachers' retirement system
13 as defined in RCW 41.32.010(~~((15))~~).

14 (13) "Select committee" means the select committee on pension
15 policy created in RCW 41.04.276.

16 (14) "Actuarial value of assets" means the value of pension plan
17 investments and other property used by the actuary for the purpose of
18 an actuarial valuation.

19 (15) "Public safety employees' retirement system plan 2" means
20 the benefits and funding provisions established under chapter 41.37
21 RCW.

22 (16) "Normal cost" means the portion of the actuarial present
23 value of projected benefits and expenses that is allocated to a
24 period, typically twelve months, under the actuarial cost method.

25 **Sec. 412.** RCW 41.45.060 and 2020 c 103 s 4 are each amended to
26 read as follows:

27 (1) The state actuary shall provide preliminary actuarial
28 valuation results based on the economic assumptions and asset value
29 smoothing technique included in RCW 41.45.035 or adopted under RCW
30 41.45.030 or 41.45.035.

31 (2) Not later than July 31, 2008, and every two years thereafter,
32 consistent with the economic assumptions and asset value smoothing
33 technique included in RCW 41.45.035 or adopted under RCW 41.45.030 or
34 41.45.035, the council shall adopt and may make changes to:

35 (a) (~~A basic state contribution rate for the law enforcement
36 officers' and firefighters' retirement system plan 1;~~

37 ~~(b))~~) Basic employer contribution rates for the public employees'
38 retirement system, the teachers' retirement system, and the
39 Washington state patrol retirement system; and

1 ~~((e))~~ (b) Basic employer contribution rates for the school
2 employees' retirement system and the public safety employees'
3 retirement system for funding both those systems and the public
4 employees' retirement system plan 1.

5 The council may adopt annual rate changes for any plan for any
6 rate-setting period. The contribution rates adopted by the council
7 shall be subject to revision by the legislature.

8 (3) The employer and state contribution rates adopted by the
9 council shall be the level percentages of pay that are needed:

10 ~~(a) ((To fully amortize the total costs of the law enforcement
11 officers' and firefighters' retirement system plan 1 not later than
12 June 30, 2024;~~

13 ~~(b))~~ To fully fund the public employees' retirement system plans
14 2 and 3, the teachers' retirement system plans 2 and 3, the public
15 safety employees' retirement system plan 2, and the school employees'
16 retirement system plans 2 and 3 in accordance with RCW 41.45.061,
17 41.45.067, and this section; and

18 ~~((e))~~ (b) To fully fund the public employees' retirement system
19 plan 1 and the teachers' retirement system plan 1 in accordance with
20 RCW 41.45.070, 41.45.150, and this section.

21 (4) The aggregate actuarial cost method shall be used to
22 calculate a combined plan 2 and 3 normal cost, a Washington state
23 patrol retirement system normal cost, and a public safety employees'
24 retirement system normal cost.

25 (5) A modified entry age normal cost method, as set forth in this
26 chapter, shall be used to calculate employer contributions to the
27 public employees' retirement system plan 1 and the teachers'
28 retirement system plan 1.

29 (6) The employer contribution rate for the public employees'
30 retirement system and the school employees' retirement system shall
31 equal the sum of:

32 (a) The amount required to pay the combined plan 2 and plan 3
33 normal cost for the system, subject to any minimum rates applied
34 pursuant to RCW 41.45.155; plus

35 (b) The amount required to amortize the unfunded actuarial
36 accrued liability in plan 1 of the public employees' retirement
37 system over a rolling ten-year period using projected future salary
38 growth and growth in system membership, and subject to any minimum or
39 maximum rates applied pursuant to RCW 41.45.150; plus

1 (c) The amounts required to amortize the costs of any benefit
2 improvements in plan 1 of the public employees' retirement system
3 that become effective after June 30, 2009. The cost of each benefit
4 improvement shall be amortized over a fixed ten-year period using
5 projected future salary growth and growth in system membership. The
6 amounts required under this subsection are not subject to, and are
7 collected in addition to, any minimum or maximum rates applied
8 pursuant to RCW 41.45.150.

9 (7) The employer contribution rate for the public safety
10 employees' retirement system shall equal the sum of:

11 (a) The amount required to pay the normal cost for the system,
12 subject to any minimum rates applied pursuant to RCW 41.45.155; plus

13 (b) The amount required to amortize the unfunded actuarial
14 accrued liability in plan 1 of the public employees' retirement
15 system over a rolling ten-year period using projected future salary
16 growth and growth in system membership, and subject to any minimum or
17 maximum rates applied pursuant to RCW 41.45.150; plus

18 (c) The amounts required to amortize the costs of any benefit
19 improvements in plan 1 of the public employees' retirement system
20 that become effective after June 30, 2009. The cost of each benefit
21 improvement shall be amortized over a fixed ten-year period using
22 projected future salary growth and growth in system membership. The
23 amounts required under this subsection are not subject to, and are
24 collected in addition to, any minimum or maximum rates applied
25 pursuant to RCW 41.45.150.

26 (8) The employer contribution rate for the teachers' retirement
27 system shall equal the sum of:

28 (a) The amount required to pay the combined plan 2 and plan 3
29 normal cost for the system, subject to any minimum rates applied
30 pursuant to RCW 41.45.155; plus

31 (b) The amount required to amortize the unfunded actuarial
32 accrued liability in plan 1 of the teachers' retirement system over a
33 rolling ten-year period using projected future salary growth and
34 growth in system membership, and subject to any minimum or maximum
35 rates applied pursuant to RCW 41.45.150; plus

36 (c) The amounts required to amortize the costs of any benefit
37 improvements in plan 1 of the teachers' retirement system that become
38 effective after June 30, 2009. The cost of each benefit improvement
39 shall be amortized over a fixed ten-year period using projected
40 future salary growth and growth in system membership. The amounts

1 required under this subsection are not subject to, and are collected
2 in addition to, any minimum or maximum rates applied pursuant to RCW
3 41.45.150.

4 (9) The employer contribution rate for each of the institutions
5 of higher education for the higher education supplemental retirement
6 benefits must be sufficient to fund, as a level percentage of pay, a
7 portion of the projected cost of the supplemental retirement benefits
8 for the institution beginning in 2035, with the other portion
9 supported on a pay-as-you-go basis, either as direct payments by each
10 institution to retirees, or as contributions to the higher education
11 retirement plan supplemental benefit fund. Contributions must
12 continue until the council determines that the institution for higher
13 education supplemental retirement benefit liabilities are satisfied.

14 (10) The council shall immediately notify the directors of the
15 office of financial management and department of retirement systems
16 of the state and employer contribution rates adopted. The rates shall
17 be effective for the ensuing biennial period, subject to any
18 legislative modifications.

19 (11) The director shall collect those rates adopted by the
20 council. The rates established in RCW 41.45.062, or by the council,
21 shall be subject to revision by the legislature.

22 (12) The state actuary shall prepare final actuarial valuation
23 results based on the economic assumptions, asset value smoothing
24 technique, and contribution rates included in or adopted under RCW
25 41.45.030, 41.45.035, and this section.

26 **Sec. 413.** RCW 41.50.030 and 2011 1st sp.s. c 47 s 20 are each
27 amended to read as follows:

28 (1) As soon as possible but not more than one hundred and eighty
29 days after March 19, 1976, there is transferred to the department of
30 retirement systems, except as otherwise provided in this chapter, all
31 powers, duties, and functions of:

32 (a) The Washington public employees' retirement system;

33 (b) The Washington state teachers' retirement system;

34 (c) The Washington law enforcement officers' and firefighters'
35 retirement system, including the plan 1 annuity;

36 (d) The Washington state patrol retirement system;

37 (e) The Washington judicial retirement system; and

38 (f) The state treasurer with respect to the administration of the
39 judges' retirement fund imposed pursuant to chapter 2.12 RCW.

1 (2) On July 1, 1996, there is transferred to the department all
2 powers, duties, and functions of the deferred compensation committee.

3 (3) The department shall administer chapter 41.34 RCW.

4 (4) The department shall administer the Washington school
5 employees' retirement system created under chapter 41.35 RCW.

6 (5) The department shall administer the Washington public safety
7 employees' retirement system created under chapter 41.37 RCW.

8 (6) The department shall administer the collection of employer
9 contributions and initial prefunding of the higher education
10 retirement plan supplemental benefits, also referred to as the
11 annuity or retirement income plans created under chapter 28B.10 RCW.

12 **Sec. 414.** RCW 41.50.110 and 2015 3rd sp.s. c 4 s 951 are each
13 amended to read as follows:

14 (1) Except as provided by RCW 41.50.255 and subsection (6) of
15 this section, all expenses of the administration of the department,
16 the expenses of administration of the retirement systems, and the
17 expenses of the administration of the office of the state actuary
18 created in chapters 2.10, 2.12, 28B.10, 41.26, 41.32, 41.40, 41.34,
19 41.35, 41.37, 43.43, and 44.44 RCW shall be paid from the department
20 of retirement systems expense fund.

21 (2) In order to reimburse the department of retirement systems
22 expense fund on an equitable basis the department shall ascertain and
23 report to each employer, as defined in RCW 28B.10.400, 41.26.030,
24 section 302 of this act, 41.32.010, 41.35.010, 41.37.010, or
25 41.40.010, the sum necessary to defray its proportional share of the
26 entire expense of the administration of the retirement system that
27 the employer participates in during the ensuing biennium or fiscal
28 year whichever may be required. Such sum is to be computed in an
29 amount directly proportional to the estimated entire expense of the
30 administration as the ratio of monthly salaries of the employer's
31 members bears to the total salaries of all members in the entire
32 system. It shall then be the duty of all such employers to include in
33 their budgets or otherwise provide the amounts so required.

34 (3) The department shall compute and bill each employer, as
35 defined in RCW 28B.10.400, 41.26.030, section 302 of this act,
36 41.32.010, 41.35.010, 41.37.010, or 41.40.010, at the end of each
37 month for the amount due for that month to the department of
38 retirement systems expense fund and the same shall be paid as are its
39 other obligations. Such computation as to each employer shall be made

1 on a percentage rate of salary established by the department.
2 However, the department may at its discretion establish a system of
3 billing based upon calendar year quarters in which event the said
4 billing shall be at the end of each such quarter.

5 (4) The director may adjust the expense fund contribution rate
6 for each system at any time when necessary to reflect unanticipated
7 costs or savings in administering the department.

8 (5) An employer who fails to submit timely and accurate reports
9 to the department may be assessed an additional fee related to the
10 increased costs incurred by the department in processing the
11 deficient reports. Fees paid under this subsection shall be deposited
12 in the retirement system expense fund.

13 (a) Every six months the department shall determine the amount of
14 an employer's fee by reviewing the timeliness and accuracy of the
15 reports submitted by the employer in the preceding six months. If
16 those reports were not both timely and accurate the department may
17 prospectively assess an additional fee under this subsection.

18 (b) An additional fee assessed by the department under this
19 subsection shall not exceed fifty percent of the standard fee.

20 (c) The department shall adopt rules implementing this section.

21 (6) Expenses other than those under RCW 41.34.060(4) shall be
22 paid pursuant to subsection (1) of this section.

23 (7) During the 2009-2011 and 2011-2013 fiscal biennia, the
24 legislature may transfer from the department of retirement systems'
25 expense fund to the state general fund such amounts as reflect the
26 excess fund balance of the fund. During the 2015-2017 fiscal
27 biennium, state contributions to the judicial retirement system may
28 be made in part by appropriations from the department of retirement
29 systems expense fund.

30 **Sec. 415.** RCW 41.50.112 and 2000 c 247 s 1107 are each amended
31 to read as follows:

32 Employers, as defined in RCW 41.26.030, section 302 of this act,
33 41.32.010, 41.34.020, 41.35.010, and 41.40.010, must report all
34 member data to the department in a format designed and communicated
35 by the department. Employers failing to comply with this reporting
36 requirement shall be assessed an additional fee as defined under RCW
37 41.50.110(5).

1 **Sec. 416.** RCW 41.50.500 and 2004 c 242 s 50 are each amended to
2 read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout RCW 41.50.500 through 41.50.650,
5 41.50.670 through 41.50.720, and 26.09.138.

6 (1) "Benefits" means periodic retirement payments or a withdrawal
7 of accumulated contributions.

8 (2) "Disposable benefits" means that part of the benefits of an
9 individual remaining after the deduction from those benefits of any
10 amount required by law to be withheld. The term "required by law to
11 be withheld" does not include any deduction elective to the member.

12 (3) "Dissolution order" means any judgment, decree, or order of
13 spousal maintenance, property division, or court-approved property
14 settlement incident to a decree of divorce, dissolution, invalidity,
15 or legal separation issued by the superior court of the state of
16 Washington or a judgment, decree, or other order of spousal support
17 issued by a court of competent jurisdiction in another state or
18 country, that has been registered or otherwise made enforceable in
19 this state.

20 (4) "Mandatory benefits assignment order" means an order issued
21 to the department of retirement systems pursuant to RCW 41.50.570 to
22 withhold and deliver benefits payable to an obligor under chapter
23 2.10, 2.12, 41.26, 41.32, 41.40, 41.35, 41.37, or 43.43 RCW.

24 (5) "Obligee" means an ex spouse or spouse to whom a duty of
25 spousal maintenance or property division obligation is owed.

26 (6) "Obligor" means the spouse or ex spouse owing a duty of
27 spousal maintenance or a property division obligation.

28 (7) "Periodic retirement payments" means periodic payments of
29 retirement allowances, including but not limited to service
30 retirement allowances, disability retirement allowances, and
31 survivors' allowances. The term does not include a withdrawal of
32 accumulated contributions.

33 (8) "Property division obligation" means any outstanding court-
34 ordered property division or court-approved property settlement
35 obligation incident to a decree of divorce, dissolution, or legal
36 separation.

37 (9) "Standard allowance" means a benefit payment option selected
38 under RCW 2.10.146(1)(a), 41.26.460(1)(a), 41.32.785(1)(a),
39 41.40.188(1)(a), 41.40.660(1), 41.40.845(1)(a), 41.37.170, or
40 41.35.220 that ceases upon the death of the retiree. Standard

1 allowance also means the benefit allowance provided under RCW
2 2.10.110, 2.10.130, 43.43.260, (~~(41.26.100, 41.26.130(1)(a),)~~)
3 section 317 or 323 of this act or chapter 2.12 RCW. Standard
4 allowance also means the maximum retirement allowance available under
5 RCW 41.32.530(1) following member withdrawal of accumulated
6 contributions, if any.

7 (10) "Withdrawal of accumulated contributions" means a lump sum
8 payment to a retirement system member of all or a part of the
9 member's accumulated contributions, including accrued interest, at
10 the request of the member including any lump sum amount paid upon the
11 death of the member.

12 **Sec. 417.** RCW 41.50.670 and 2004 c 242 s 51 are each amended to
13 read as follows:

14 (1) Nothing in this chapter regarding mandatory assignment of
15 benefits to enforce a spousal maintenance obligation shall abridge
16 the right of an obligee to direct payments of retirement benefits to
17 satisfy a property division obligation ordered pursuant to a court
18 decree of dissolution or legal separation or any court order or
19 court-approved property settlement agreement incident to any court
20 decree of dissolution or legal separation as provided in RCW
21 2.10.180, 2.12.090, 41.26.053, 41.26.162, section 309 of this act,
22 41.32.052, 41.35.100, 41.34.070(4), 41.40.052, 43.43.310, 41.37.090,
23 or 26.09.138, as those statutes existed before July 1, 1987, and as
24 those statutes exist on and after July 28, 1991. The department shall
25 pay benefits under this chapter in a lump sum or as a portion of
26 periodic retirement payments as expressly provided by the dissolution
27 order. A dissolution order may not order the department to pay a
28 periodic retirement payment or lump sum unless that payment is
29 specifically authorized under the provisions of chapter 2.10, 2.12,
30 41.26, 41.32, 41.35, 41.34, 41.40, 41.37, or 43.43 RCW, as
31 applicable.

32 (2) The department shall pay directly to an obligee the amount of
33 periodic retirement payments or lump sum payment, as appropriate,
34 specified in the dissolution order if the dissolution order filed
35 with the department pursuant to subsection (1) of this section
36 includes a provision that states in the following form:

37 If (the obligor) receives periodic retirement
38 payments as defined in RCW 41.50.500, the department of retirement
39 systems shall pay to (the obligee) dollars

1 from such payments or . . . percent of such payments. If the
2 obligor's debt is expressed as a percentage of his or her periodic
3 retirement payment and the obligee does not have a survivorship
4 interest in the obligor's benefit, the amount received by the obligee
5 shall be the percentage of the periodic retirement payment that the
6 obligor would have received had he or she selected a standard
7 allowance.

8 If (the obligor) requests or has requested a
9 withdrawal of accumulated contributions as defined in RCW 41.50.500,
10 or becomes eligible for a lump sum death benefit, the department of
11 retirement systems shall pay to (the obligee)
12 dollars plus interest at the rate paid by the department of
13 retirement systems on member contributions. Such interest to accrue
14 from the date of this order's entry with the court of record.

15 (3) This section does not require a member to select a standard
16 allowance upon retirement nor does it require the department to
17 recalculate the amount of a retiree's periodic retirement payment
18 based on a change in survivor option.

19 (4) A court order under this section may not order the department
20 to pay more than seventy-five percent of an obligor's periodic
21 retirement payment to an obligee.

22 (5) Persons whose court decrees were entered between July 1,
23 1987, and July 28, 1991, shall also be entitled to receive direct
24 payments of retirement benefits to satisfy court-ordered property
25 divisions if the dissolution orders comply or are modified to comply
26 with this section and RCW 41.50.680 through 41.50.720 and, as
27 applicable, RCW 2.10.180, 2.12.090, 41.26.053, section 309 of this
28 act, 41.32.052, 41.35.100, 41.34.070, 41.40.052, 43.43.310,
29 41.37.090, and 26.09.138.

30 (6) The obligee must file a copy of the dissolution order with
31 the department within ninety days of that order's entry with the
32 court of record.

33 (7) A division of benefits pursuant to a dissolution order under
34 this section shall be based upon the obligor's gross benefit prior to
35 any deductions. If the department is required to withhold a portion
36 of the member's benefit pursuant to 26 U.S.C. Sec. 3402 and the sum
37 of that amount plus the amount owed to the obligee exceeds the total
38 benefit, the department shall satisfy the withholding requirements
39 under 26 U.S.C. Sec. 3402 and then pay the remainder to the obligee.

1 The provisions of this subsection do not apply to amounts withheld
2 pursuant to 26 U.S.C. Sec. 3402(i).

3 **Sec. 418.** RCW 41.56.030 and 2024 c 124 s 1 are each amended to
4 read as follows:

5 As used in this chapter:

6 (1) "Adult family home provider" means a provider as defined in
7 RCW 70.128.010 who receives payments from the medicaid and state-
8 funded long-term care programs.

9 (2) "Bargaining representative" means any lawful organization
10 which has as one of its primary purposes the representation of
11 employees in their employment relations with employers.

12 (3) "Child care subsidy" means a payment from the state through a
13 child care subsidy program established pursuant to RCW 74.12.340, 45
14 C.F.R. Sec. 98.1 through 98.17, or any successor program.

15 (4) "Collective bargaining" means the performance of the mutual
16 obligations of the public employer and the exclusive bargaining
17 representative to meet at reasonable times, to confer and negotiate
18 in good faith, and to execute a written agreement with respect to
19 grievance procedures, subject to RCW 41.58.070, and collective
20 negotiations on personnel matters, including wages, hours, and
21 working conditions, which may be peculiar to an appropriate
22 bargaining unit of such public employer, except that by such
23 obligation neither party shall be compelled to agree to a proposal or
24 be required to make a concession unless otherwise provided in this
25 chapter.

26 (5) "Commission" means the public employment relations
27 commission.

28 (6) "Executive director" means the executive director of the
29 commission.

30 (7) "Family child care provider" means a person who: (a) Provides
31 regularly scheduled care for a child or children in the home of the
32 provider or in the home of the child or children for periods of less
33 than twenty-four hours or, if necessary due to the nature of the
34 parent's work, for periods equal to or greater than twenty-four
35 hours; (b) receives child care subsidies; and (c) under chapter
36 43.216 RCW, is either licensed by the state or is exempt from
37 licensing.

38 (8) "Fish and wildlife officer" means a fish and wildlife officer
39 as defined in RCW 77.08.010 who ranks below lieutenant and includes

1 officers, detectives, and sergeants of the department of fish and
2 wildlife.

3 (9) "Individual provider" means an individual provider as defined
4 in RCW 74.39A.240(3) who, solely for the purposes of collective
5 bargaining, is a public employee as provided in RCW 74.39A.270.

6 (10) "Institution of higher education" means the University of
7 Washington, Washington State University, Central Washington
8 University, Eastern Washington University, Western Washington
9 University, The Evergreen State College, and the various state
10 community colleges.

11 (11)(a) "Language access provider" means any independent
12 contractor who provides spoken language interpreter services, whether
13 paid by a broker, language access agency, or the respective
14 department:

15 (i) For department of social and health services appointments,
16 department of children, youth, and families appointments, medicaid
17 enrollee appointments, or who provided these services on or after
18 January 1, 2011, and before June 10, 2012;

19 (ii) For department of labor and industries authorized medical
20 and vocational providers who provided these services on or after
21 January 1, 2019; or

22 (iii) For state agencies who provided these services on or after
23 January 1, 2019.

24 (b) "Language access provider" does not mean a manager or
25 employee of a broker or a language access agency.

26 (12) "Public employee" means any employee of a public employer
27 except any person (a) elected by popular vote, or (b) appointed to
28 office pursuant to statute, ordinance or resolution for a specified
29 term of office as a member of a multimember board, commission, or
30 committee, whether appointed by the executive head or body of the
31 public employer, or (c) whose duties as deputy, administrative
32 assistant or secretary necessarily imply a confidential relationship
33 to (i) the executive head or body of the applicable bargaining unit,
34 or (ii) any person elected by popular vote, or (iii) any person
35 appointed to office pursuant to statute, ordinance or resolution for
36 a specified term of office as a member of a multimember board,
37 commission, or committee, whether appointed by the executive head or
38 body of the public employer, or (d) who is a court commissioner or a
39 court magistrate of superior court, district court, or a department
40 of a district court organized under chapter 3.46 RCW, or (e) who is a

1 personal assistant to a district court judge, superior court judge,
2 or court commissioner. For the purpose of (e) of this subsection, no
3 more than one assistant for each judge or commissioner may be
4 excluded from a bargaining unit.

5 (13) "Public employer" means any officer, board, commission,
6 council, or other person or body acting on behalf of any public body
7 governed by this chapter, or any subdivision of such public body. For
8 the purposes of this section, the public employer of district court
9 or superior court employees for wage-related matters is the
10 respective county legislative authority, or person or body acting on
11 behalf of the legislative authority, and the public employer for
12 nonwage-related matters is the judge or judge's designee of the
13 respective district court or superior court. For the purposes of this
14 chapter, public employer does not include a comprehensive cancer
15 center participating in a collaborative arrangement as defined in RCW
16 28B.10.930 that is operated in conformance with RCW 28B.10.930.

17 (14) "Uniformed personnel" means: (a) Law enforcement officers as
18 defined in RCW 41.26.030 or section 302 of this act employed by the
19 governing body of any city or town with a population of two thousand
20 five hundred or more and law enforcement officers employed by the
21 governing body of any county with a population of ten thousand or
22 more; (b) correctional employees who are uniformed and nonuniformed,
23 commissioned and noncommissioned security personnel employed in a
24 jail as defined in RCW 70.48.020(9), by a county with a population of
25 seventy thousand or more, in a correctional facility created under
26 RCW 70.48.095, or in a detention facility created under chapter 13.40
27 RCW that is located in a county with a population over one million
28 five hundred thousand, and who are trained for and charged with the
29 responsibility of controlling and maintaining custody of inmates in
30 the jail and safeguarding inmates from other inmates; (c) general
31 authority Washington peace officers as defined in RCW 10.93.020
32 employed by a port district in a county with a population of one
33 million or more; (d) security forces established under RCW 43.52.520;
34 (e) firefighters as that term is defined in RCW 41.26.030 or section
35 302 of this act; (f) employees of a port district in a county with a
36 population of one million or more whose duties include crash fire
37 rescue or other firefighting duties; (g) employees of fire
38 departments of public employers who dispatch exclusively either fire
39 or emergency medical services, or both; (h) employees in the several
40 classes of advanced life support technicians, as defined in RCW

1 18.71.200, who are employed by a public employer; (i) court marshals
2 of any county who are employed by, trained for, and commissioned by
3 the county sheriff and charged with the responsibility of enforcing
4 laws, protecting and maintaining security in all county-owned or
5 contracted property, and performing any other duties assigned to them
6 by the county sheriff or mandated by judicial order; or (j) public
7 safety telecommunicators, as defined in RCW 38.60.020, employed by a
8 public employer. This subsection (14)(j) does not apply to public
9 safety telecommunicators employed by the Washington state patrol or
10 any other state agency.

11 **Sec. 419.** RCW 43.84.092 and 2024 c 210 s 4 and 2024 c 168 s 12
12 are each reenacted and amended to read as follows:

13 (1) All earnings of investments of surplus balances in the state
14 treasury shall be deposited to the treasury income account, which
15 account is hereby established in the state treasury.

16 (2) The treasury income account shall be utilized to pay or
17 receive funds associated with federal programs as required by the
18 federal cash management improvement act of 1990. The treasury income
19 account is subject in all respects to chapter 43.88 RCW, but no
20 appropriation is required for refunds or allocations of interest
21 earnings required by the cash management improvement act. Refunds of
22 interest to the federal treasury required under the cash management
23 improvement act fall under RCW 43.88.180 and shall not require
24 appropriation. The office of financial management shall determine the
25 amounts due to or from the federal government pursuant to the cash
26 management improvement act. The office of financial management may
27 direct transfers of funds between accounts as deemed necessary to
28 implement the provisions of the cash management improvement act, and
29 this subsection. Refunds or allocations shall occur prior to the
30 distributions of earnings set forth in subsection (4) of this
31 section.

32 (3) Except for the provisions of RCW 43.84.160, the treasury
33 income account may be utilized for the payment of purchased banking
34 services on behalf of treasury funds including, but not limited to,
35 depository, safekeeping, and disbursement functions for the state
36 treasury and affected state agencies. The treasury income account is
37 subject in all respects to chapter 43.88 RCW, but no appropriation is
38 required for payments to financial institutions. Payments shall occur

1 prior to distribution of earnings set forth in subsection (4) of this
2 section.

3 (4) Monthly, the state treasurer shall distribute the earnings
4 credited to the treasury income account. The state treasurer shall
5 credit the general fund with all the earnings credited to the
6 treasury income account except:

7 (a) The following accounts and funds shall receive their
8 proportionate share of earnings based upon each account's and fund's
9 average daily balance for the period: The abandoned recreational
10 vehicle disposal account, the aeronautics account, the Alaskan Way
11 viaduct replacement project account, the ambulance transport fund,
12 the budget stabilization account, the capital vessel replacement
13 account, the capitol building construction account, the Central
14 Washington University capital projects account, the charitable,
15 educational, penal and reformatory institutions account, the Chehalis
16 basin account, the Chehalis basin taxable account, the clean fuels
17 credit account, the clean fuels transportation investment account,
18 the cleanup settlement account, the climate active transportation
19 account, the climate transit programs account, the Columbia river
20 basin water supply development account, the Columbia river basin
21 taxable bond water supply development account, the Columbia river
22 basin water supply revenue recovery account, the common school
23 construction fund, the community forest trust account, the connecting
24 Washington account, the county arterial preservation account, the
25 county criminal justice assistance account, the covenant
26 homeownership account, the deferred compensation administrative
27 account, the deferred compensation principal account, the department
28 of licensing services account, the department of retirement systems
29 expense account, the developmental disabilities community services
30 account, the diesel idle reduction account, the opioid abatement
31 settlement account, the drinking water assistance account, the
32 administrative subaccount of the drinking water assistance account,
33 the early learning facilities development account, the early learning
34 facilities revolving account, the Eastern Washington University
35 capital projects account, the education construction fund, the
36 education legacy trust account, the election account, the electric
37 vehicle account, the energy freedom account, the energy recovery act
38 account, the essential rail assistance account, The Evergreen State
39 College capital projects account, the fair start for kids account,
40 the family medicine workforce development account, the ferry bond

1 retirement fund, the fish, wildlife, and conservation account, the
2 freight mobility investment account, the freight mobility multimodal
3 account, the grade crossing protective fund, the higher education
4 retirement plan supplemental benefit fund, the Washington student
5 loan account, the highway bond retirement fund, the highway
6 infrastructure account, the highway safety fund, the hospital safety
7 net assessment fund, the Interstate 5 bridge replacement project
8 account, the Interstate 405 and state route number 167 express toll
9 lanes account, the judges' retirement account, the judicial
10 retirement administrative account, the judicial retirement principal
11 account, the limited fish and wildlife account, the local leasehold
12 excise tax account, the local real estate excise tax account, the
13 local sales and use tax account, the marine resources stewardship
14 trust account, the medical aid account, the money-purchase retirement
15 savings administrative account, the money-purchase retirement savings
16 principal account, the motor vehicle fund, the motorcycle safety
17 education account, the move ahead WA account, the move ahead WA
18 flexible account, the multimodal transportation account, the multiuse
19 roadway safety account, the municipal criminal justice assistance
20 account, the oyster reserve land account, the pension funding
21 stabilization account, the perpetual surveillance and maintenance
22 account, the pilotage account, the pollution liability insurance
23 agency underground storage tank revolving account, the public
24 employees' retirement system plan 1 account, the public employees'
25 retirement system combined plan 2 and plan 3 account, the public
26 facilities construction loan revolving account, the public health
27 supplemental account, the public works assistance account, the Puget
28 Sound capital construction account, the Puget Sound ferry operations
29 account, the Puget Sound Gateway facility account, the Puget Sound
30 taxpayer accountability account, the real estate appraiser commission
31 account, the recreational vehicle account, the regional mobility
32 grant program account, the reserve officers' relief and pension
33 principal fund, the resource management cost account, the rural
34 arterial trust account, the rural mobility grant program account, the
35 rural Washington loan fund, the second injury fund, the sexual
36 assault prevention and response account, the site closure account,
37 the skilled nursing facility safety net trust fund, the small city
38 pavement and sidewalk account, the special category C account, the
39 special wildlife account, the state hazard mitigation revolving loan
40 account, the state investment board expense account, the state

1 investment board commingled trust fund accounts, the state patrol
2 highway account, the state reclamation revolving account, the state
3 route number 520 civil penalties account, the state route number 520
4 corridor account, the statewide broadband account, the statewide
5 tourism marketing account, the supplemental pension account, the
6 Tacoma Narrows toll bridge account, the teachers' retirement system
7 plan 1 account, the teachers' retirement system combined plan 2 and
8 plan 3 account, the tobacco prevention and control account, the
9 tobacco settlement account, the toll facility bond retirement
10 account, the transportation 2003 account (nickel account), the
11 transportation equipment fund, the JUDY transportation future funding
12 program account, the transportation improvement account, the
13 transportation improvement board bond retirement account, the
14 transportation infrastructure account, the transportation partnership
15 account, the traumatic brain injury account, the tribal opioid
16 prevention and treatment account, the University of Washington bond
17 retirement fund, the University of Washington building account, the
18 voluntary cleanup account, the volunteer firefighters' relief and
19 pension principal fund, the volunteer firefighters' and reserve
20 officers' administrative fund, the vulnerable roadway user education
21 account, the Washington judicial retirement system account, (~~the~~
22 ~~Washington law enforcement officers' and firefighters' system plan 1~~
23 ~~retirement account,~~) the law enforcement officers' and firefighters'
24 retirement system benefit reserve account, the Washington law
25 enforcement officers' and firefighters' system plan 2 retirement
26 account, the Washington public safety employees' plan 2 retirement
27 account, the Washington school employees' retirement system combined
28 plan 2 and 3 account, the Washington state patrol retirement account,
29 the Washington State University building account, the Washington
30 State University bond retirement fund, the water pollution control
31 revolving administration account, the water pollution control
32 revolving fund, the Western Washington University capital projects
33 account, the Yakima integrated plan implementation account, the
34 Yakima integrated plan implementation revenue recovery account, and
35 the Yakima integrated plan implementation taxable bond account.
36 Earnings derived from investing balances of the agricultural
37 permanent fund, the normal school permanent fund, the permanent
38 common school fund, the scientific permanent fund, and the state
39 university permanent fund shall be allocated to their respective
40 beneficiary accounts.

1 (b) Any state agency that has independent authority over accounts
2 or funds not statutorily required to be held in the state treasury
3 that deposits funds into a fund or account in the state treasury
4 pursuant to an agreement with the office of the state treasurer shall
5 receive its proportionate share of earnings based upon each account's
6 or fund's average daily balance for the period.

7 (5) In conformance with Article II, section 37 of the state
8 Constitution, no treasury accounts or funds shall be allocated
9 earnings without the specific affirmative directive of this section.

10 **Sec. 420.** RCW 43.84.092 and 2024 c 210 s 5 and 2024 c 168 s 13
11 are each reenacted and amended to read as follows:

12 (1) All earnings of investments of surplus balances in the state
13 treasury shall be deposited to the treasury income account, which
14 account is hereby established in the state treasury.

15 (2) The treasury income account shall be utilized to pay or
16 receive funds associated with federal programs as required by the
17 federal cash management improvement act of 1990. The treasury income
18 account is subject in all respects to chapter 43.88 RCW, but no
19 appropriation is required for refunds or allocations of interest
20 earnings required by the cash management improvement act. Refunds of
21 interest to the federal treasury required under the cash management
22 improvement act fall under RCW 43.88.180 and shall not require
23 appropriation. The office of financial management shall determine the
24 amounts due to or from the federal government pursuant to the cash
25 management improvement act. The office of financial management may
26 direct transfers of funds between accounts as deemed necessary to
27 implement the provisions of the cash management improvement act, and
28 this subsection. Refunds or allocations shall occur prior to the
29 distributions of earnings set forth in subsection (4) of this
30 section.

31 (3) Except for the provisions of RCW 43.84.160, the treasury
32 income account may be utilized for the payment of purchased banking
33 services on behalf of treasury funds including, but not limited to,
34 depository, safekeeping, and disbursement functions for the state
35 treasury and affected state agencies. The treasury income account is
36 subject in all respects to chapter 43.88 RCW, but no appropriation is
37 required for payments to financial institutions. Payments shall occur
38 prior to distribution of earnings set forth in subsection (4) of this
39 section.

1 (4) Monthly, the state treasurer shall distribute the earnings
2 credited to the treasury income account. The state treasurer shall
3 credit the general fund with all the earnings credited to the
4 treasury income account except:

5 (a) The following accounts and funds shall receive their
6 proportionate share of earnings based upon each account's and fund's
7 average daily balance for the period: The abandoned recreational
8 vehicle disposal account, the aeronautics account, the Alaskan Way
9 viaduct replacement project account, the budget stabilization
10 account, the capital vessel replacement account, the capitol building
11 construction account, the Central Washington University capital
12 projects account, the charitable, educational, penal and reformatory
13 institutions account, the Chehalis basin account, the Chehalis basin
14 taxable account, the clean fuels credit account, the clean fuels
15 transportation investment account, the cleanup settlement account,
16 the climate active transportation account, the climate transit
17 programs account, the Columbia river basin water supply development
18 account, the Columbia river basin taxable bond water supply
19 development account, the Columbia river basin water supply revenue
20 recovery account, the common school construction fund, the community
21 forest trust account, the connecting Washington account, the county
22 arterial preservation account, the county criminal justice assistance
23 account, the covenant homeownership account, the deferred
24 compensation administrative account, the deferred compensation
25 principal account, the department of licensing services account, the
26 department of retirement systems expense account, the developmental
27 disabilities community services account, the diesel idle reduction
28 account, the opioid abatement settlement account, the drinking water
29 assistance account, the administrative subaccount of the drinking
30 water assistance account, the early learning facilities development
31 account, the early learning facilities revolving account, the Eastern
32 Washington University capital projects account, the education
33 construction fund, the education legacy trust account, the election
34 account, the electric vehicle account, the energy freedom account,
35 the energy recovery act account, the essential rail assistance
36 account, The Evergreen State College capital projects account, the
37 fair start for kids account, the family medicine workforce
38 development account, the ferry bond retirement fund, the fish,
39 wildlife, and conservation account, the freight mobility investment
40 account, the freight mobility multimodal account, the grade crossing

1 protective fund, the higher education retirement plan supplemental
2 benefit fund, the Washington student loan account, the highway bond
3 retirement fund, the highway infrastructure account, the highway
4 safety fund, the hospital safety net assessment fund, the Interstate
5 5 bridge replacement project account, the Interstate 405 and state
6 route number 167 express toll lanes account, the judges' retirement
7 account, the judicial retirement administrative account, the judicial
8 retirement principal account, the limited fish and wildlife account,
9 the local leasehold excise tax account, the local real estate excise
10 tax account, the local sales and use tax account, the marine
11 resources stewardship trust account, the medical aid account, the
12 money-purchase retirement savings administrative account, the money-
13 purchase retirement savings principal account, the motor vehicle
14 fund, the motorcycle safety education account, the move ahead WA
15 account, the move ahead WA flexible account, the multimodal
16 transportation account, the multiuse roadway safety account, the
17 municipal criminal justice assistance account, the oyster reserve
18 land account, the pension funding stabilization account, the
19 perpetual surveillance and maintenance account, the pilotage account,
20 the pollution liability insurance agency underground storage tank
21 revolving account, the public employees' retirement system plan 1
22 account, the public employees' retirement system combined plan 2 and
23 plan 3 account, the public facilities construction loan revolving
24 account, the public health supplemental account, the public works
25 assistance account, the Puget Sound capital construction account, the
26 Puget Sound ferry operations account, the Puget Sound Gateway
27 facility account, the Puget Sound taxpayer accountability account,
28 the real estate appraiser commission account, the recreational
29 vehicle account, the regional mobility grant program account, the
30 reserve officers' relief and pension principal fund, the resource
31 management cost account, the rural arterial trust account, the rural
32 mobility grant program account, the rural Washington loan fund, the
33 second injury fund, the sexual assault prevention and response
34 account, the site closure account, the skilled nursing facility
35 safety net trust fund, the small city pavement and sidewalk account,
36 the special category C account, the special wildlife account, the
37 state hazard mitigation revolving loan account, the state investment
38 board expense account, the state investment board commingled trust
39 fund accounts, the state patrol highway account, the state
40 reclamation revolving account, the state route number 520 civil

1 penalties account, the state route number 520 corridor account, the
2 statewide broadband account, the statewide tourism marketing account,
3 the supplemental pension account, the Tacoma Narrows toll bridge
4 account, the teachers' retirement system plan 1 account, the
5 teachers' retirement system combined plan 2 and plan 3 account, the
6 tobacco prevention and control account, the tobacco settlement
7 account, the toll facility bond retirement account, the
8 transportation 2003 account (nickel account), the transportation
9 equipment fund, the JUDY transportation future funding program
10 account, the transportation improvement account, the transportation
11 improvement board bond retirement account, the transportation
12 infrastructure account, the transportation partnership account, the
13 traumatic brain injury account, the tribal opioid prevention and
14 treatment account, the University of Washington bond retirement fund,
15 the University of Washington building account, the voluntary cleanup
16 account, the volunteer firefighters' relief and pension principal
17 fund, the volunteer firefighters' and reserve officers'
18 administrative fund, the vulnerable roadway user education account,
19 the Washington judicial retirement system account, (~~the Washington~~
20 ~~law enforcement officers' and firefighters' system plan 1 retirement~~
21 ~~account,~~) the law enforcement officers' and firefighters' retirement
22 system benefit reserve account, the Washington law enforcement
23 officers' and firefighters' system plan 2 retirement account, the
24 Washington public safety employees' plan 2 retirement account, the
25 Washington school employees' retirement system combined plan 2 and 3
26 account, the Washington state patrol retirement account, the
27 Washington State University building account, the Washington State
28 University bond retirement fund, the water pollution control
29 revolving administration account, the water pollution control
30 revolving fund, the Western Washington University capital projects
31 account, the Yakima integrated plan implementation account, the
32 Yakima integrated plan implementation revenue recovery account, and
33 the Yakima integrated plan implementation taxable bond account.
34 Earnings derived from investing balances of the agricultural
35 permanent fund, the normal school permanent fund, the permanent
36 common school fund, the scientific permanent fund, and the state
37 university permanent fund shall be allocated to their respective
38 beneficiary accounts.

39 (b) Any state agency that has independent authority over accounts
40 or funds not statutorily required to be held in the state treasury

1 that deposits funds into a fund or account in the state treasury
2 pursuant to an agreement with the office of the state treasurer shall
3 receive its proportionate share of earnings based upon each account's
4 or fund's average daily balance for the period.

5 (5) In conformance with Article II, section 37 of the state
6 Constitution, no treasury accounts or funds shall be allocated
7 earnings without the specific affirmative directive of this section.

8 **Sec. 421.** RCW 46.52.130 and 2023 c 118 s 1 are each amended to
9 read as follows:

10 Upon a proper request, the department may only furnish
11 information contained in an abstract of a person's driving record as
12 permitted under this section.

13 (1) **Contents of abstract of driving record.** An abstract of a
14 person's driving record, whenever possible, must include:

15 (a) An enumeration of motor vehicle accidents in which the person
16 was driving, including:

17 (i) The total number of vehicles involved;

18 (ii) Whether the vehicles were legally parked or moving;

19 (iii) Whether the vehicles were occupied at the time of the
20 accident; and

21 (iv) Whether the accident resulted in a fatality;

22 (b) Any reported convictions, forfeitures of bail, or findings
23 that an infraction was committed based upon a violation of any motor
24 vehicle law;

25 (c) The status of the person's driving privilege in this state;
26 and

27 (d) Any reports of failure to appear in response to a traffic
28 citation or failure to respond to a notice of infraction served upon
29 the named individual by an arresting officer.

30 (2) **Release of abstract of driving record.** Unless otherwise
31 required in this section, the release of an abstract does not require
32 a signed statement by the subject of the abstract. An abstract of a
33 person's driving record may be furnished to the following persons or
34 entities:

35 (a) **Named individuals.** (i) An abstract of the full driving record
36 maintained by the department may be furnished to the individual named
37 in the abstract.

38 (ii) Nothing in this section prevents a court from providing a
39 copy of the driver's abstract to the individual named in the abstract

1 or that named individual's attorney, provided that the named
2 individual has a pending or open infraction or criminal case in that
3 court. A pending case includes criminal cases that have not reached a
4 disposition by plea, stipulation, trial, or amended charge. An open
5 infraction or criminal case includes cases on probation, payment
6 agreement or subject to, or in collections. A probation clerk or
7 probation officer employed by the court may also provide a copy of
8 the driver's abstract to a treatment agency in accordance with (f) of
9 this subsection. Courts may charge a reasonable fee for the
10 production and copying of the abstract for the individual unless the
11 person is indigent as defined in RCW 10.101.010.

12 (b) **Employers or prospective employers.** (i) An abstract of the
13 full driving record maintained by the department may be furnished to
14 an employer or prospective employer or agents acting on behalf of an
15 employer or prospective employer of the named individual for purposes
16 related to driving by the individual as a condition of employment or
17 otherwise at the direction of the employer.

18 (ii) The department may provide employers or their agents a
19 three-year insurance carrier driving record of existing employees
20 only for the purposes of sharing the driving record with its
21 insurance carrier for underwriting. Employers may not provide the
22 employees' full driving records to its insurance carrier.

23 (iii) An abstract of the full driving record maintained by the
24 department may be furnished to an employer or prospective employer or
25 the agent(s) acting on behalf of an employer or prospective employer
26 of the named individual for purposes unrelated to driving by the
27 individual when a driving record is required by federal or state law,
28 or the employee or prospective employee will be handling heavy
29 equipment or machinery.

30 (iv) Release of an abstract of the driving record of an employee
31 or prospective employee requires a statement signed by: (A) The
32 employee or prospective employee that authorizes the release of the
33 record; and (B) the employer attesting that the information is
34 necessary for employment purposes related to driving by the
35 individual as a condition of employment or otherwise at the direction
36 of the employer. If the employer or prospective employer authorizes
37 agents to obtain this information on their behalf, this must be noted
38 in the statement. The statement must also note that any information
39 contained in the abstract related to an adjudication that is subject
40 to a court order sealing the juvenile record of an employee or

1 prospective employee may not be used by the employer or prospective
2 employer, or an agent authorized to obtain this information on their
3 behalf, unless required by federal regulation or law. The employer or
4 prospective employer must afford the employee or prospective employee
5 an opportunity to demonstrate that an adjudication contained in the
6 abstract is subject to a court order sealing the juvenile record.

7 (v) Upon request of the person named in the abstract provided
8 under this subsection, and upon that same person furnishing copies of
9 court records ruling that the person was not at fault in a motor
10 vehicle accident, the department must indicate on any abstract
11 provided under this subsection that the person was not at fault in
12 the motor vehicle accident.

13 (vi) No employer or prospective employer, nor any agents of an
14 employer or prospective employer, may use information contained in
15 the abstract related to an adjudication that is subject to a court
16 order sealing the juvenile record of an employee or prospective
17 employee for any purpose unless required by federal regulation or
18 law. The employee or prospective employee must furnish a copy of the
19 court order sealing the juvenile record to the employer or
20 prospective employer, or the agents of the employer or prospective
21 employer, as may be required to ensure the application of this
22 subsection.

23 (c) **Volunteer organizations.** (i) An abstract of the full driving
24 record maintained by the department may be furnished to a volunteer
25 organization or an agent for a volunteer organization for which the
26 named individual has submitted an application for a position that
27 would require driving by the individual at the direction of the
28 volunteer organization.

29 (ii) Release of an abstract of the driving record of a
30 prospective volunteer requires a statement signed by: (A) The
31 prospective volunteer that authorizes the release of the record; and
32 (B) the volunteer organization attesting that the information is
33 necessary for purposes related to driving by the individual at the
34 direction of the volunteer organization. If the volunteer
35 organization authorizes an agent to obtain this information on their
36 behalf, this must be noted in the statement.

37 (d) **Transit authorities.** An abstract of the full driving record
38 maintained by the department may be furnished to an employee or
39 agents of a transit authority checking prospective or existing
40 volunteer vanpool drivers for insurance and risk management needs.

1 (e) **Insurance carriers.** (i) An abstract of the driving record
2 maintained by the department covering the period of not more than the
3 last three years may be furnished to an insurance company or its
4 agents:

5 (A) That has motor vehicle or life insurance in effect covering
6 the named individual;

7 (B) To which the named individual has applied; or

8 (C) That has insurance in effect covering the employer or a
9 prospective employer of the named individual.

10 (ii) The abstract provided to the insurance company must:

11 (A) Not contain any information related to actions committed by
12 law enforcement officers or firefighters, as both terms are defined
13 in RCW 41.26.030 or section 302 of this act, or by Washington state
14 patrol officers, while driving official vehicles in the performance
15 of their occupational duty, or by registered tow truck operators as
16 defined in RCW 46.55.010 in the performance of their occupational
17 duties while at the scene of a roadside impound or recovery so long
18 as they are not issued a citation. This does not apply to any
19 situation where the vehicle was used in the commission of a
20 misdemeanor or felony;

21 (B) Include convictions under RCW 46.61.5249 and 46.61.525,
22 except that the abstract must report the convictions only as
23 negligent driving without reference to whether they are for first or
24 second degree negligent driving; and

25 (C) Exclude any deferred prosecution under RCW 10.05.060, except
26 that if a person is removed from a deferred prosecution under RCW
27 10.05.090, the abstract must show the deferred prosecution as well as
28 the removal.

29 (iii) Any policy of insurance may not be canceled, nonrenewed,
30 denied, or have the rate increased on the basis of information
31 regarding an accident included in the abstract of a driving record,
32 unless the policyholder was determined to be at fault.

33 (iv) Any insurance company or its agents, for underwriting
34 purposes relating to the operation of commercial motor vehicles, may
35 not use any information contained in the abstract relative to any
36 person's operation of motor vehicles while not engaged in such
37 employment. Any insurance company or its agents, for underwriting
38 purposes relating to the operation of noncommercial motor vehicles,
39 may not use any information contained in the abstract relative to any
40 person's operation of commercial motor vehicles. For the purposes of

1 this subsection, "commercial motor vehicle" has the same meaning as
2 in RCW 46.25.010(6).

3 (f) **Alcohol/drug assessment or treatment agencies.** An abstract of
4 the full driving record maintained by the department may be furnished
5 to an alcohol/drug assessment or treatment agency approved by the
6 department of health to which the named individual has applied or
7 been assigned for evaluation or treatment, for purposes of assisting
8 employees in making a determination as to what level of treatment, if
9 any, is appropriate, and the abstract must:

10 (i) Also include records of alcohol-related offenses, as defined
11 in RCW 46.01.260(2); and

12 (ii) Indicate whether an alcohol-related offense was originally
13 charged as a violation of either RCW 46.61.502 or 46.61.504.

14 (g) **Attorneys—City attorneys, county prosecuting attorneys, and**
15 **named individual's attorney of record.** An abstract of the full
16 driving record maintained by the department, including whether a
17 recorded violation is an alcohol-related offense, as defined in RCW
18 46.01.260(2), that was originally charged as a violation of either
19 RCW 46.61.502 or 46.61.504, may be furnished to city attorneys,
20 county prosecuting attorneys, or the named individual's attorney of
21 record. City attorneys, county prosecuting attorneys, or the named
22 individual's attorney of record may provide the driving record to
23 alcohol/drug assessment or treatment agencies approved by the
24 department of social and health services to which the named
25 individual has applied or been assigned for evaluation or treatment.

26 (h) **State colleges, universities, or agencies, or units of local**
27 **government.** An abstract of the full driving record maintained by the
28 department may be furnished to (i) state colleges, universities, or
29 agencies for employment and risk management purposes or (ii) units of
30 local government authorized to self-insure under RCW 48.62.031, or
31 their agents, for employment and risk management purposes. "Unit of
32 local government" includes an insurance pool established under RCW
33 48.62.031.

34 (i) **Superintendent of public instruction.** (i) An abstract of the
35 full driving record maintained by the department may be furnished to
36 the superintendent of public instruction for review of public school
37 bus driver records. The superintendent or superintendent's designee
38 may discuss information on the driving record with an authorized
39 representative of the employing school district for employment and
40 risk management purposes.

1 (ii) The superintendent of public instruction is exempt from
2 paying the fees related to the reviewing of records and the fee
3 required in subsection (5) of this section.

4 (j) **State and federal agencies.** An abstract of the driving record
5 maintained by the department may be furnished to state and federal
6 agencies, or their agents, in carrying out its functions.

7 (k) **Transportation network companies.** An abstract of the full
8 driving record maintained by the department may be furnished to a
9 transportation network company or its agents acting on its behalf of
10 the named individual for purposes related to driving by the
11 individual as a condition of being a contracted driver.

12 (l) **Research.** (i) The department may furnish driving record data
13 to state agencies and bona fide scientific research organizations.
14 The department may require review and approval by an institutional
15 review board. For the purposes of this subsection, "research" means a
16 planned and systematic sociological, psychological, epidemiological,
17 biomedical, or other scientific investigation carried out by a state
18 agency, or by a scientific research professional associated with a
19 bona fide scientific research organization with an objective to
20 contribute to scientific knowledge, the solution of social and health
21 problems, or the evaluation of public benefit and service programs.
22 This definition excludes methods of record analysis and data
23 collection that are subjective, do not permit replication, and are
24 not designed to yield reliable and valid results.

25 (ii) The state agency, or a scientific research professional
26 associated with a bona fide scientific research organization, are
27 exempt from paying the fees related to the reviewing of records and
28 the fee required in subsection (5) of this section. However, the
29 department may charge a cost-recovery fee for the actual cost of
30 providing the data.

31 (3) **Reviewing of driving records.** (a) In addition to the methods
32 described herein, the director may enter into a contractual agreement
33 for the purpose of reviewing the driving records of existing
34 employees for changes to the record during specified periods of time.
35 The department shall establish a fee for this service, which must be
36 deposited in the highway safety fund. The fee for this service must
37 be set at a level that does not result in a net revenue loss to the
38 state. Any information provided under this subsection must be treated
39 in the same manner and is subject to the same restrictions as driving
40 record abstracts.

1 (b) The department may provide reviewing services to the
2 following entities:

3 (i) Employers for existing employees, or their agents;

4 (ii) Transit authorities for current vanpool drivers, or their
5 agents;

6 (iii) Insurance carriers for current policyholders, or their
7 agents;

8 (iv) State colleges, universities, or agencies, or units of local
9 government, or their agents;

10 (v) The office of the superintendent of public instruction for
11 school bus drivers statewide; and

12 (vi) Transportation network companies, or their agents.

13 (4) **Release to third parties prohibited.** (a) Any person or entity
14 receiving an abstract of a person's driving record under subsection
15 (2)(b) through (1) of this section shall use the abstract exclusively
16 for his, her, or its own purposes or as otherwise expressly permitted
17 under this section, and shall not divulge any information contained
18 in the abstract to a third party.

19 (b) The following release of records to third parties are hereby
20 authorized:

21 (i) Employers may divulge driving records to regulatory bodies,
22 as defined by the department by rule, such as the United States
23 department of transportation and the federal motor carrier safety
24 administration.

25 (ii) Employers may divulge a three-year driving record to their
26 insurance carrier for underwriting purposes.

27 (iii) Employers may divulge driving records to contracted motor
28 carrier consultants for the purposes of ensuring driver compliance
29 and risk management.

30 (5) **Fees.** (a) The director shall collect a \$15 fee for each
31 abstract of a person's driving record furnished by the department.
32 After depositing \$2 of the driver's abstract fee in the move ahead WA
33 flexible account created in RCW 46.68.520, the remainder shall be
34 distributed as follows:

35 (i) Fifty percent must be deposited in the highway safety fund;
36 and

37 (ii) Fifty percent must be deposited according to RCW 46.68.038.

38 (b) Beginning July 1, 2029, the director shall collect an
39 additional \$2 fee for each abstract of a person's driving record
40 furnished by the department. The \$2 additional driver's abstract fee

1 must be deposited in the move ahead WA flexible account created in
2 RCW 46.68.520.

3 (c) City attorneys and county prosecuting attorneys are exempt
4 from paying the fees specified in (a) and (b) of this subsection for
5 an abstract of a person's driving record furnished by the department
6 for use in criminal proceedings.

7 (6) **Violation.** (a) Any negligent violation of this section is a
8 gross misdemeanor.

9 (b) Any intentional violation of this section is a class C
10 felony.

11 (7) Effective July 1, 2019, the contents of a driving abstract
12 pursuant to this section shall not include any information related to
13 sealed juvenile records unless that information is required by
14 federal law or regulation.

15 **PART V**
16 **MISCELLANEOUS**

17 NEW SECTION. **Sec. 501.** REPEALER. The following acts or parts of
18 acts are each repealed:

19 (1) RCW 41.26.005 (Provisions applicable to "plan 1" and "plan
20 2.") and 1992 c 72 s 2, 1991 c 35 s 12, 1989 c 273 s 10, 1985 c 102 s
21 5, 1979 ex.s. c 249 s 1, & 1977 ex.s. c 294 s 18;

22 (2) RCW 41.26.035 ("Minimum medical and health standards"
23 defined) and 1991 c 35 s 14 & 1971 ex.s. c 257 s 2;

24 (3) RCW 41.26.045 (Minimum medical and health standards) and 2012
25 c 117 s 40, 1979 ex.s. c 249 s 3, 1977 ex.s. c 294 s 20, 1974 ex.s. c
26 120 s 8, & 1971 ex.s. c 257 s 3;

27 (4) RCW 41.26.046 (Minimum medical and health standards—Board to
28 adopt—Publication and distribution—Employer certification
29 procedures) and 2012 c 117 s 41, 1987 c 418 s 2, 1977 ex.s. c 294 s
30 21, 1974 ex.s. c 120 s 12, 1972 ex.s. c 131 s 2, & 1971 ex.s. c 257 s
31 4;

32 (5) RCW 41.26.047 (Minimum medical and health standards—
33 Exemptions—Employer may adopt higher standards) and 2012 c 117 s 42,
34 1972 ex.s. c 131 s 3, & 1971 ex.s. c 257 s 5;

35 (6) RCW 41.26.075 (Provisions applicable to plan 1) and 1992 c 72
36 s 3 & 1991 c 35 s 101;

1 (7) RCW 41.26.080 (Funding total liability of plan 1 system) and
2 2007 c 492 s 8, 2000 2nd sp.s. c 1 s 907, 1991 c 35 s 17, 1989 c 273
3 s 13, & 1969 ex.s. c 209 s 8;

4 (8) RCW 41.26.090 (Retirement for service) and 1991 sp.s. c 11 s
5 4;

6 (9) RCW 41.26.100 (Allowance on retirement for service) and 2006
7 c 350 s 1, 1991 c 343 s 16, 1974 ex.s. c 120 s 3, 1972 ex.s. c 131 s
8 7, 1971 ex.s. c 257 s 9, 1970 ex.s. c 6 s 5, & 1969 ex.s. c 209 s 10;

9 (10) RCW 41.26.105 (Purchase of actuarially equivalent life
10 annuity benefit upon retirement—Purchase by past retirees) and 2016 c
11 222 s 2;

12 (11) RCW 41.26.110 (Disability boards authorized—Composition—
13 Terms—Reimbursement for travel expenses—Duties) and 2020 c 107 s 7;

14 (12) RCW 41.26.115 (Director of retirement systems to adopt rules
15 governing disability boards—Remand of orders not in accordance with
16 rules) and 1981 c 294 s 1;

17 (13) RCW 41.26.120 (Retirement for disability incurred in the
18 line of duty) and 1991 c 35 s 19, 1986 c 176 s 5, 1985 c 102 s 2,
19 1981 c 294 s 2, 1974 ex.s. c 120 s 10, 1972 ex.s. c 131 s 8, 1970
20 ex.s. c 6 s 7, & 1969 ex.s. c 209 s 12;

21 (14) RCW 41.26.125 (Retirement for disability not incurred in the
22 line of duty) and 1986 c 176 s 6 & 1985 c 102 s 3;

23 (15) RCW 41.26.130 (Allowance on retirement for disability) and
24 1991 c 35 s 20, 1987 c 185 s 11, 1981 c 294 s 3, 1970 ex.s. c 6 s 8,
25 & 1969 ex.s. c 209 s 13;

26 (16) RCW 41.26.135 (Cessation of disability—Determination) and
27 1985 c 103 s 1;

28 (17) RCW 41.26.140 (Reexaminations of disability beneficiaries—
29 Reentry—Appeal) and 1991 c 35 s 21, 1985 c 103 s 2, 1981 c 294 s 4,
30 1974 ex.s. c 120 s 4, 1970 ex.s. c 6 s 9, & 1969 ex.s. c 209 s 14;

31 (18) RCW 41.26.150 (Sickness or disability benefits—Medical
32 services) and 2013 c 23 s 70, 1992 c 22 s 3, 1991 c 35 s 22, 1987 c
33 185 s 12, 1983 c 106 s 23, 1974 ex.s. c 120 s 11, 1971 ex.s. c 257 s
34 10, 1970 ex.s. c 6 s 10, 1969 ex.s. c 219 s 4, & 1969 ex.s. c 209 s
35 15;

36 (19) RCW 41.26.160 (Death benefits—Duty or military service
37 connected) and 2009 c 226 s 1, 2005 c 62 s 1, 2002 c 158 s 1, 1999 c
38 134 s 2, & 1991 sp.s. c 11 s 5;

1 (20) RCW 41.26.161 (Death benefits—Nonduty connected) and 2005 c
2 62 s 2, 2002 c 158 s 2, & 1999 c 134 s 3;
3 (21) RCW 41.26.162 (Ex spouse qualifying as surviving spouse) and
4 2005 c 62 s 3, 2002 c 158 s 3, & 1991 sp.s. c 12 s 2;
5 (22) RCW 41.26.164 (Optional reduced retirement allowance—
6 Continues for spouse otherwise ineligible for survivor benefits) and
7 2016 c 120 s 1, 2005 c 67 s 1, & 2002 c 158 s 4;
8 (23) RCW 41.26.170 (Refund of contributions on discontinuance of
9 service—Reentry) and 1994 c 197 s 6, 1991 c 35 s 24, 1970 ex.s. c 6 s
10 14, & 1969 ex.s. c 209 s 22;
11 (24) RCW 41.26.190 (Credit for military service) and 1991 c 35 s
12 26, 1970 ex.s. c 6 s 13, & 1969 ex.s. c 209 s 18;
13 (25) RCW 41.26.192 (Credit for service under prior pension system
14 —Restoration of withdrawn contributions) and 1994 c 197 s 7 & 1992 c
15 157 s 1;
16 (26) RCW 41.26.194 (Credit for service under prior pension system
17 —Service not covered under prior system) and 1994 c 197 s 8 & 1992 c
18 157 s 2;
19 (27) RCW 41.26.195 (Transfer of service credit from other
20 retirement system—Irrevocable election allowed) and 2010 c 260 s 1,
21 2007 c 492 s 9, 2003 c 294 s 2, & 1997 c 122 s 1;
22 (28) RCW 41.26.197 (Service credit for paid leave of absence—
23 Application to elected officials of labor organizations) and 1993 c
24 95 s 3;
25 (29) RCW 41.26.199 (Purchase of additional service credit—Costs—
26 Rules) and 2006 c 214 s 5;
27 (30) RCW 41.26.200 (Appeal to director of retirement systems) and
28 1981 c 294 s 5, 1974 ex.s. c 120 s 6, 1971 ex.s. c 257 s 13, 1970
29 ex.s. c 6 s 11, & 1969 ex.s. c 209 s 16;
30 (31) RCW 41.26.211 (Notice for hearing required prior to
31 petitioning for judicial review) and 1984 c 184 s 16, 1981 c 294 s 6,
32 & 1969 ex.s. c 209 s 19;
33 (32) RCW 41.26.221 (Hearing—Conduct) and 1984 c 184 s 17, 1981 c
34 294 s 7, & 1969 ex.s. c 209 s 20;
35 (33) RCW 41.26.240 (Increases or decreases in retirement
36 allowances to be determined by department in accordance with consumer
37 price index) and 1991 c 35 s 27, 1974 ex.s. c 120 s 13, 1970 ex.s. c
38 6 s 16, & 1969 ex.s. c 209 s 24;

1 (34) RCW 41.26.250 (Increase in presently payable benefits for
2 service or disability authorized) and 1975 1st ex.s. c 178 s 3, 1974
3 ex.s. c 190 s 3, 1970 ex.s. c 37 s 2, & 1969 ex.s. c 209 s 34;

4 (35) RCW 41.26.260 (Increase in certain presently payable death
5 benefits authorized) and 1974 ex.s. c 190 s 4 & 1969 ex.s. c 209 s
6 35;

7 (36) RCW 41.26.270 (Declaration of policy respecting benefits for
8 injury or death—Civil actions abolished) and 1989 c 12 s 13, 1987 c
9 185 s 13, 1985 c 102 s 4, & 1971 ex.s. c 257 s 14;

10 (37) RCW 41.26.281 (Cause of action for injury or death, when)
11 and 1991 c 35 s 28 & 1971 ex.s. c 257 s 15;

12 (38) RCW 41.26.291 (Lump sum defined benefit—Payable January 31,
13 2023) and 2022 c 168 s 1;

14 (39) RCW 41.26.3901 (Severability—1969 ex.s. c 209) and 1969
15 ex.s. c 209 s 42;

16 (40) RCW 41.26.3902 (Act to control inconsistencies) and 1969
17 ex.s. c 209 s 43; and

18 (41) RCW 41.26.3903 (Effective date—1969 ex.s. c 209) and 1969
19 ex.s. c 209 s 45.

20 NEW SECTION. **Sec. 502.** SAVINGS. The repeals in section 501 of
21 this act do not affect any existing right acquired or liability or
22 obligation incurred under the statutes repealed or under any rule or
23 order adopted under those statutes nor do they affect any proceeding
24 instituted under them. Rules adopted by the department of retirement
25 systems relating to plan 1 of the law enforcement officers' and
26 firefighters' retirement system under chapter 41.26 RCW shall
27 continue in effect and apply to the law enforcement officers' and
28 firefighters' plan 1 annuity under Part III of this act unless
29 expressly inconsistent therewith and until repealed or superseded.

30 NEW SECTION. **Sec. 503.** (1) Sections 101, 103, and 104 of this
31 act are each added to chapter 41.26 RCW under the subchapter heading
32 "plan 1."

33 (2) Sections 301 through 346 of this act are each added to
34 chapter 41.26 RCW under the subchapter heading "plan 1 annuity."

35 NEW SECTION. **Sec. 504.** (1) Except for sections 102, 103, 201,
36 202, and 420 of this act, this act takes effect June 1, 2026.

1 (2) Section 102 of this act takes effect July 1, 2026.

2 (3) Sections 103 and 202 of this act are necessary for the
3 immediate preservation of the public peace, health, or safety, or
4 support of the state government and its existing public institutions,
5 and take effect immediately.

6 (4) Section 201 of this act takes effect May 1, 2026.

7 (5) Section 420 of this act takes effect July 1, 2028.

8 NEW SECTION. **Sec. 505.** Section 419 of this act expires July 1,
9 2028.

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