

---

HOUSE BILL 2823

---

State of Washington                      61st Legislature                      2010 Regular Session

By Representatives Kristiansen, Armstrong, Blake, and Kelley

Read first time 01/14/10. Referred to Committee on Ways & Means.

1            AN ACT Relating to permitting retired participants to resume  
2 volunteer firefighter, emergency worker, or reserve officer service;  
3 amending RCW 41.24.010; and adding a new section to chapter 41.24 RCW.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 41.24 RCW  
6 to read as follows:

7            (1) A local municipality may, at its discretion, permit a retired  
8 participant to make application to the local board to resume volunteer  
9 service as a firefighter, under the following conditions:

10            (a) A retired participant who chooses to resume volunteer service  
11 is not eligible for disability payments pursuant to RCW 41.24.150 in  
12 the event that the retired participant becomes disabled as the result  
13 of the performance of his or her duties.

14            (b) Prior to permitting a retired participant to resume volunteer  
15 service, a local board shall require that a retired participant submit  
16 to annual examinations by a physician or other medical staff. A  
17 retired participant may resume volunteer service only if the examining  
18 physician or other medical staff certifies each year that the retired  
19 participant meets appropriate medical and health standards. Physicians

1 and medical staff that examine retired participants shall be reimbursed  
2 by the local municipality, and report to the local and state boards,  
3 consistent with RCW 41.24.110.

4 (c) A local municipality that elects to permit retired participants  
5 to resume volunteer service shall be required to pay an additional  
6 annual charge based on the increased cost of medical and relief  
7 benefits for retired participants. The amount of the additional annual  
8 charge shall be set by the state board, in consultation with the state  
9 actuary.

10 (2) No period of volunteer service performed by a retired  
11 participant may be used in calculating a retirement pension under RCW  
12 41.24.170.

13 (3) The legislature reserves the right to amend or repeal this  
14 section in the future and no participant, retired participant, or  
15 beneficiary has a contractual right to resume volunteer service while  
16 in receipt of a retirement pension.

17 **Sec. 2.** RCW 41.24.010 and 2006 c 26 s 1 are each amended to read  
18 as follows:

19 The definitions in this section apply throughout this chapter  
20 unless the context clearly requires otherwise.

21 (1) "Municipal corporation" or "municipality" includes any county,  
22 city, town or combination thereof, fire protection district, local law  
23 enforcement agency, or any emergency medical service district or other  
24 special district, authorized by law to protect life or property within  
25 its boundaries through a fire department, emergency workers, or reserve  
26 officers.

27 (2) "Fire department" means any regularly organized fire department  
28 or emergency medical service district consisting wholly of volunteer  
29 firefighters, or any part-paid and part-volunteer fire department duly  
30 organized and maintained by any municipality: PROVIDED, That any such  
31 municipality wherein a part-paid fire department is maintained may by  
32 appropriate legislation permit the full-paid members of its department  
33 to come under the provisions of chapter 41.16 RCW.

34 (3) "Firefighter" includes any firefighter or emergency worker who  
35 is a member of any fire department of any municipality but shall not  
36 include firefighters who are eligible for participation in the

1 Washington law enforcement officers' and firefighters' retirement  
2 system or the Washington public employees' retirement system, with  
3 respect to periods of service rendered in such capacity.

4 (4) "Emergency worker" means any emergency medical service  
5 personnel, regulated by chapters 18.71 and 18.73 RCW, who is a member  
6 of an emergency medical service district but shall not include  
7 emergency medical service personnel who are eligible for participation  
8 in the Washington public employees' retirement system, with respect to  
9 periods of service rendered in such capacity.

10 (5) "Performance of duty" or "performance of service" shall be  
11 construed to mean and include any work in and about company quarters,  
12 any fire station, any law enforcement office or precinct, or any other  
13 place under the direction or general orders of the chief or other  
14 officer having authority to order such member to perform such work;  
15 performing other officially assigned duties that are secondary to his  
16 or her duties as a firefighter, emergency worker, or reserve officer  
17 such as maintenance, public education, inspections, investigations,  
18 court testimony, and fund-raising for the benefit of the department;  
19 being on call or on standby under the orders of the chief or designated  
20 officer of the department, except at the individual's home or place of  
21 business; responding to, working at, or returning from an alarm of  
22 fire, emergency call, or law enforcement duties; drill or training; or  
23 any work performed of an emergency nature in accordance with the rules  
24 and regulations of the fire department or local law enforcement agency.

25 (6) "State board" means the state board for volunteer firefighters  
26 and reserve officers.

27 (7) "Board of trustees" or "local board" means: (a) For matters  
28 affecting firefighters, a firefighter board of trustees created under  
29 RCW 41.24.060; (b) for matters affecting an emergency worker, an  
30 emergency medical service district board of trustees created under RCW  
31 41.24.330; or (c) for matters affecting reserve officers, a reserve  
32 officer board of trustees created under RCW 41.24.460.

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

36 (9) "Reserve officer" means the same as defined by the Washington  
37 state criminal justice training commission under chapter 43.101 RCW,  
38 but shall not include enforcement officers who are eligible for

1 participation in the Washington law enforcement officers' and  
2 firefighters' retirement system or the Washington public employees'  
3 retirement system, with respect to periods of service rendered in such  
4 capacity.

5 (10) "Participant" means: (a) For purposes of relief, any reserve  
6 officer who is or may become eligible for relief under this chapter or  
7 any firefighter or emergency worker; and (b) for purposes of retirement  
8 pension, any firefighter, emergency worker, or reserve officer who is  
9 or may become eligible to receive a benefit of any type under the  
10 retirement provisions of this chapter, or whose beneficiary may be  
11 eligible to receive any such benefit.

12 (11) "Retired participant" means any participant who is at least  
13 sixty-five years of age and has been retired by the board of trustees  
14 under RCW 41.24.170 and has been in receipt of a monthly pension for no  
15 less than three months.

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

22 ((+12+)) (13) "Retirement pension" means retirement payments for  
23 the performance of service, as provided under RCW 41.24.170, 41.24.172,  
24 41.24.175, 41.24.180, and 41.24.185.

25 ((+13+)) (14) "Principal fund" means the volunteer firefighters'  
26 and reserve officers' relief and pension principal fund created under  
27 RCW 41.24.030.

28 ((+14+)) (15) "Administrative fund" means the volunteer  
29 firefighters' and reserve officers' administrative fund created under  
30 RCW 41.24.030.

--- END ---