

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2823

Chapter 60, Laws of 2010

61st Legislature
2010 Regular Session

VOLUNTEER FIREFIGHTERS, EMERGENCY WORKERS, RESERVE OFFICERS--
RETIREEES--RESUMING SERVICE

EFFECTIVE DATE: 06/10/10

Passed by the House February 16, 2010
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 4, 2010
Yeas 44 Nays 0

BRAD OWEN

President of the Senate

Approved March 15, 2010, 2:54 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2823** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 15, 2010

**Secretary of State
State of Washington**

HOUSE BILL 2823

Passed Legislature - 2010 Regular Session

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.

Passed by the House February 16, 2010.

Passed by the Senate March 4, 2010.

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