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HOUSE BILL 1723

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State of Washington

62nd Legislature

2011 Regular Session

By Representatives Appleton, Armstrong, Dunshee, Chandler, Morris, Ross, Moscoso, Bailey, Alexander, and Hinkle

Read first time 02/01/11. Referred to Committee on Ways & Means.

1 AN ACT Relating to volunteer firefighting; and reenacting and  
2 amending RCW 41.24.010.

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

4 **Sec. 1.** RCW 41.24.010 and 2010 c 60 s 2 are each reenacted and  
5 amended to read as follows:

6 The definitions in this section apply throughout this chapter  
7 unless the context clearly requires otherwise.

8 (1) "Administrative fund" means the volunteer firefighters' and  
9 reserve officers' administrative fund created under RCW 41.24.030.

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

13 (3) "Board of trustees" or "local board" means: (a) For matters  
14 affecting firefighters, a firefighter board of trustees created under  
15 RCW 41.24.060; (b) for matters affecting an emergency worker, an  
16 emergency medical service district board of trustees created under RCW  
17 41.24.330; or (c) for matters affecting reserve officers, a reserve  
18 officer board of trustees created under RCW 41.24.460.

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

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

14 (6) "Firefighter" includes any firefighter or emergency worker who  
15 is a member of any fire department of any municipality (~~but shall~~)  
16 who responds to emergencies, has assigned tasks in the mitigation of  
17 emergency incidents, has tasks at emergency incidents contained within  
18 the incident command system, and participates in ongoing emergency  
19 services training, but does not include firefighters who are eligible  
20 for participation in the Washington law enforcement officers' and  
21 firefighters' retirement system or the Washington public employees'  
22 retirement system, with respect to periods of service rendered in such  
23 capacity.

24 (7) "Municipal corporation" or "municipality" includes any county,  
25 city, town or combination thereof, fire protection district, local law  
26 enforcement agency, (~~or~~) any emergency medical service district or  
27 other special district, or any regional fire protection service  
28 authority formed under chapter 52.26 RCW, authorized by law to protect  
29 life or property within its boundaries through a fire department,  
30 emergency workers, or reserve officers.

31 (8) "Participant" means: (a) For purposes of relief, any reserve  
32 officer who is or may become eligible for relief under this chapter or  
33 any firefighter or emergency worker; and (b) for purposes of retirement  
34 pension, any firefighter, emergency worker, or reserve officer who is  
35 or may become eligible to receive a benefit of any type under the  
36 retirement provisions of this chapter, or whose beneficiary may be  
37 eligible to receive any such benefit.

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

16 (10) "Principal fund" means the volunteer firefighters' and reserve  
17 officers' relief and pension principal fund created under RCW  
18 41.24.030.

19 (11) "Relief" means all medical, death, and disability benefits  
20 available under this chapter that are made necessary from death,  
21 sickness, injury, or disability arising in the performance of duty,  
22 including benefits provided under RCW 41.24.110, 41.24.150, 41.24.160,  
23 41.24.175, 41.24.220, and 41.24.230, but does not include retirement  
24 pensions provided under this chapter.

25 (12) "Reserve officer" means the same as defined by the Washington  
26 state criminal justice training commission under chapter 43.101 RCW,  
27 but shall not include enforcement officers who are eligible for  
28 participation in the Washington law enforcement officers' and  
29 firefighters' retirement system or the Washington public employees'  
30 retirement system, with respect to periods of service rendered in such  
31 capacity.

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

36 (14) "Retirement pension" means retirement payments for the  
37 performance of service, as provided under RCW 41.24.170, 41.24.172,  
38 41.24.175, 41.24.180, and 41.24.185.

1           (15) "State board" means the state board for volunteer firefighters  
2 and reserve officers.

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