
HOUSE BILL 2901

State of Washington 58th Legislature 2004 Regular Session

By Representatives Armstrong and Condotta

Read first time 01/22/2004. Referred to Committee on Local Government.

1 AN ACT Relating to permitting retired participants to resume
2 volunteer fire fighter, 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 fire fighter, 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 1999 c 148 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 fire fighters, 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) "Fire fighter" includes any fire fighter or emergency worker
35 who is a member of any fire department of any municipality but shall
36 not include full time, paid fire fighters who are members of the

1 Washington law enforcement officers' and fire fighters' retirement
2 system, with respect to periods of service rendered in such capacity.

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

9 (5) "Performance of duty" or "performance of service" shall be
10 construed to mean and include any work in and about company quarters,
11 any fire station, any law enforcement office or precinct, or any other
12 place under the direction or general orders of the chief or other
13 officer having authority to order such member to perform such work;
14 responding to, working at, or returning from an alarm of fire,
15 emergency call, or law enforcement duties; drill or training; or any
16 work performed of an emergency nature in accordance with the rules and
17 regulations of the fire department or local law enforcement agency.

18 (6) "State board" means the state board for volunteer fire fighters
19 and reserve officers.

20 (7) "Board of trustees" or "local board" means: (a) For matters
21 affecting fire fighters, a fire fighter board of trustees created under
22 RCW 41.24.060; (b) for matters affecting an emergency worker, an
23 emergency medical service district board of trustees created under RCW
24 41.24.330; or (c) for matters affecting reserve officers, a reserve
25 officer board of trustees created under RCW 41.24.460.

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

29 (9) "Reserve officer" means the same as defined by the Washington
30 state criminal justice training commission under chapter 43.101 RCW,
31 but shall not include full-time, paid law enforcement officers who are
32 members of the Washington law enforcement officers' and fire fighters'
33 retirement system, with respect to periods of service rendered in such
34 capacity.

35 (10) "Participant" means: (a) For purposes of relief, any reserve
36 officer who is or may become eligible for relief under this chapter or
37 any fire fighter or emergency worker; and (b) for purposes of
38 retirement pension, any fire fighter, emergency worker, or reserve

1 officer who is or may become eligible to receive a benefit of any type
2 under the retirement provisions of this chapter, or whose beneficiary
3 may be eligible to receive any such benefit.

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

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

14 ((+12+)) (13) "Retirement pension" means retirement payments for
15 the performance of service, as provided under RCW 41.24.170, 41.24.172,
16 41.24.175, 41.24.180, and 41.24.185.

17 ((+13+)) (14) "Principal fund" means the volunteer fire fighters'
18 and reserve officers' relief and pension principal fund created under
19 RCW 41.24.030.

20 ((+14+)) (15) "Administrative fund" means the volunteer fire
21 fighters' and reserve officers' administrative fund created under RCW
22 41.24.030.

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