
HOUSE BILL 1905

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Riccelli, Dunshee, Hunt, Chandler, Haigh, Wilcox, Van De Wege, Buys, Orcutt, Moscoso, Ryu, Smith, Pollet, and Morrell

Read first time 02/15/13. Referred to Committee on Appropriations.

1 AN ACT Relating to the eligibility of support volunteers for the
2 volunteer firefighters' and relief officers' relief and pension system;
3 amending RCW 41.24.030; reenacting and amending RCW 41.24.010; and
4 adding new sections to chapter 41.24 RCW.

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

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

8 The definitions in this section apply throughout this chapter
9 unless the context clearly requires otherwise.

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

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

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

1 41.24.330; or (c) for matters affecting reserve officers, a reserve
2 officer board of trustees created under RCW 41.24.460.

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
6 emergency medical service personnel who are eligible for participation
7 in the Washington public employees' retirement system, with respect to
8 periods of service rendered in such capacity.

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

16 (6) "Firefighter" includes any firefighter or emergency worker who
17 is a member of any fire department of any municipality but shall not
18 include firefighters who are eligible for participation in the
19 Washington law enforcement officers' and firefighters' retirement
20 system or the Washington public employees' retirement system, with
21 respect to periods of service rendered in such capacity.

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

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

35 (9) "Performance of duty" or "performance of service" shall be
36 construed to mean and include any work in and about company quarters,
37 any fire station, any law enforcement office or precinct, or any other
38 place under the direction or general orders of the chief or other

1 officer having authority to order such member to perform such work;
2 performing other officially assigned duties that are secondary to his
3 or her duties as a firefighter, emergency worker, or reserve officer
4 such as maintenance, public education, inspections, investigations,
5 court testimony, and fund-raising for the benefit of the department;
6 being on call or on standby under the orders of the chief or designated
7 officer of the department, except at the individual's home or place of
8 business; responding to, working at, or returning from an alarm of
9 fire, emergency call, or law enforcement duties; drill or training; or
10 any work performed of an emergency nature in accordance with the rules
11 and regulations of the fire department or local law enforcement agency.

12 (10) "Principal fund" means the volunteer firefighters' and reserve
13 officers' relief and pension principal fund created under RCW
14 41.24.030.

15 (11) "Relief" for firefighters, emergency workers, or reserve
16 officers means all medical, death, and disability benefits available
17 under this chapter that are made necessary from death, sickness,
18 injury, or disability arising in the performance of duty, including
19 benefits provided under RCW 41.24.110, 41.24.150, 41.24.160, 41.24.175,
20 41.24.220, and 41.24.230, but does not include retirement pensions
21 provided under this chapter. For support volunteers, relief means all
22 medical and disability benefits available under this chapter that are
23 made necessary from death, sickness, injury, or disability caused by
24 and in the performance of duty, including benefits provided under RCW
25 41.24.110, 41.24.150, and 41.24.220, but does not include retirement or
26 death benefits provided in this chapter.

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

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

1 (14) "Retirement pension" means retirement payments for the
2 performance of service, as provided under RCW 41.24.170, 41.24.172,
3 41.24.175, 41.24.180, and 41.24.185.

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

6 (16) "Support volunteer" means any member of the fire department,
7 emergency medical service district, or law enforcement, but does not
8 include volunteers who meet the definitions in subsection (4), (6), or
9 (12) of this section.

10 **Sec. 2.** RCW 41.24.030 and 2005 c 37 s 2 are each amended to read
11 as follows:

12 (1) The volunteer firefighters' and reserve officers' relief and
13 pension principal fund is created in the state treasury as a trust fund
14 for the benefit of the participants covered by this chapter consisting
15 of:

16 (a) All bequests, fees, gifts, emoluments, or donations given or
17 paid to the fund.

18 (b) An annual fee for each member of its fire department to be paid
19 by each municipal corporation for the purpose of affording relief
20 provided in this chapter for firefighters as follows:

21 (i) Thirty dollars for each volunteer or part-paid member of its
22 fire department;

23 (ii) A sum equal to one and one-half of one percent of the annual
24 salary attached to the rank of each full-paid member of its fire
25 department, prorated for 1970 on the basis of services prior to March
26 1, 1970.

27 (c) An annual fee for each emergency worker of an emergency medical
28 service district paid by the district that is sufficient to pay the
29 full costs of covering the emergency worker under the relief provisions
30 of this chapter, including operating expenses. The state board shall
31 determine the amount of this fee based on the latest actuarial
32 valuation of the system.

33 (d) Where a municipal corporation has elected to make relief
34 provisions of this chapter available to its reserve officers, an annual
35 fee for each reserve officer paid by the municipal corporation that is
36 sufficient to pay the full costs of covering the reserve officer under

1 the relief provisions of this chapter, including operating expenses.
2 The state board shall determine the amount of this fee based on the
3 latest actuarial valuation of the system.

4 (e) Where a municipal corporation has elected to make relief
5 provisions of this chapter available to support volunteers, an annual
6 fee for each support volunteer electing to participate in the relief
7 provisions must be paid by the support volunteer on or before the first
8 day of December of each year for coverage during the succeeding year.
9 The state board shall determine the amount of this fee. Nothing in
10 this chapter prohibits any municipality from voluntarily paying all or
11 a portion of the support volunteers' fee for relief coverage.

12 (f) Where a municipal corporation has elected to make the
13 retirement pension provisions of this chapter available to members of
14 its fire department, an annual fee of sixty dollars for each of its
15 firefighters electing to enroll, thirty dollars of which shall be paid
16 by the municipality and thirty dollars of which shall be paid by the
17 firefighter. However, nothing in this section prohibits any
18 municipality from voluntarily paying the firefighters' fee for this
19 retirement pension coverage.

20 ~~((f))~~ (g) Where an emergency medical service district has elected
21 to make the retirement pension provisions of this chapter available to
22 its emergency workers, for each emergency worker electing to enroll:
23 (i) An annual fee of thirty dollars shall be paid by the emergency
24 worker; and (ii) an annual fee paid by the emergency medical service
25 district that, together with the thirty dollar fee per emergency
26 worker, is sufficient to pay the full costs of covering the emergency
27 worker under the retirement pension benefits provided under this
28 chapter, including operating expenses. The state board shall determine
29 the amount of this fee based on the latest actuarial valuation of the
30 system. However, nothing in this section prohibits any emergency
31 medical service district from voluntarily paying the emergency workers'
32 fees for this retirement pension coverage.

33 ~~((g))~~ (h) Where a municipal corporation has elected to make the
34 retirement pension provisions of this chapter available to its reserve
35 officers, for each reserve officer electing to enroll: (i) An annual
36 fee of thirty dollars shall be paid by the reserve officer; and (ii) an
37 annual fee paid by the municipal corporation that, together with the
38 thirty dollar fee per reserve officer, is sufficient to pay the full

1 costs of covering the reserve officer under the retirement pension
2 benefits provided under this chapter, including operating expenses.
3 The state board shall determine the amount of this fee based on the
4 latest actuarial valuation of the system. However, nothing in this
5 section prohibits any municipal corporation from voluntarily paying the
6 reserve officers' fees for this retirement pension coverage.

7 ~~((h))~~ (i) Moneys transferred from the administrative fund, as
8 provided under subsection (4) of this section, which may only be used
9 to pay relief and retirement pensions for firefighters.

10 ~~((i))~~ (j) Earnings from the investment of moneys in the principal
11 fund.

12 (2) The state investment board, upon request of the state treasurer
13 shall have full power to invest, reinvest, manage, contract, sell, or
14 exchange investments acquired from that portion of the amounts credited
15 to the principal fund as is not, in the judgment of the state board,
16 required to meet current withdrawals. Investments shall be made in the
17 manner prescribed by RCW 43.84.150 and not otherwise.

18 All bonds, investments, or other obligations purchased by the state
19 investment board shall be placed in the custody of the state treasurer,
20 and he or she shall collect the principal thereof and interest thereon
21 when due.

22 The state investment board may sell any of the bonds, investments,
23 or obligations so acquired and the proceeds thereof shall be paid to
24 the state treasurer.

25 (3) The interest, earnings, and proceeds from the sale and
26 redemption of any investments held by the principal fund and invested
27 by the state investment board shall be credited to and form a part of
28 the principal fund, less the allocation to the state investment board
29 expense account pursuant to RCW 43.33A.160.

30 Subject to restrictions contained in this chapter, all amounts
31 credited to the principal fund shall be available for making the
32 benefit payments required by this chapter.

33 The state treasurer shall make an annual report showing the
34 condition of the fund.

35 (4) The volunteer firefighters' and reserve officers'
36 administrative fund is created in the state treasury. Moneys in the
37 fund, including unanticipated revenues under RCW 43.79.270, may be
38 spent only after appropriation, and may be used only for operating

1 expenses of the volunteer firefighters' and reserve officers' relief
2 and pension principal fund, the operating expenses of the volunteer
3 firefighters' and reserve officers' administrative fund, or for
4 transfer from the administrative fund to the principal fund.

5 (a) Forty percent of all moneys received by the state from taxes on
6 fire insurance premiums shall be paid into the state treasury and
7 credited to the administrative fund.

8 (b) The state board shall compute a percentage of the amounts
9 credited to the administrative fund to be paid into the principal fund.

10 (c) For the purpose of providing amounts to be used to defray the
11 cost of administration of the principal and administrative funds, the
12 state board shall ascertain at the beginning of each biennium and
13 request from the legislature an appropriation from the administrative
14 fund sufficient to cover estimated expenses for the biennium.

15 NEW SECTION. **Sec. 3.** A new section is added to chapter 41.24 RCW
16 to read as follows:

17 (1) Except as provided under subsection (2) of this section, any
18 municipality may adopt appropriate legislation and make payment of the
19 fees for support volunteers as required by RCW 41.24.030(1) for the
20 purpose of enrolling support volunteers under the relief provisions of
21 this chapter.

22 (2) The relief provisions of this chapter may not be extended to
23 support volunteers if the municipality has extended industrial
24 insurance coverage to its support volunteers under Title 51 RCW or any
25 other provision of law.

26 (3) A municipality that adopts appropriate legislation extending
27 the relief provisions to its support volunteers is immune from civil
28 actions for personal injuries to its support volunteers to the same
29 extent as if the support volunteers were covered under Title 51 RCW.

30 (4) Support volunteers are not eligible to receive benefits under
31 RCW 41.24.160 or 41.24.230, or any retirement provisions of this
32 chapter.

33 (5) Credit for service as a support volunteer shall not be included
34 for purposes of determining retirement pension eligibility or benefits
35 under RCW 41.24.170.

1 NEW SECTION. **Sec. 4.** A new section is added to chapter 41.24 RCW
2 to read as follows:

3 (1) There shall be a local board of trustees designated to
4 administer this chapter in every municipal corporation maintaining a
5 regularly organized department.

6 (2) Fire departments shall use the boards of trustees created under
7 RCW 41.24.060, emergency medical service districts shall use the boards
8 of trustees created under RCW 41.24.330, and law enforcement
9 departments shall use the boards of trustees created under RCW
10 41.24.460.

11 (3) Departments without a local board of trustees as established
12 under RCW 41.24.060, 41.24.330, or 41.24.460 shall create a local board
13 of trustees to administer this chapter in every municipality extending
14 the provisions of this chapter to support volunteers as follows:

15 (a) A county support volunteer board of trustees shall consist of
16 the following five members:

17 (i) Two members of the county legislative authority, or their
18 designees;

19 (ii) The county auditor, or a designee;

20 (iii) The sheriff or the head of the emergency medical service
21 district; and

22 (iv) One support volunteer elected by the support volunteers of the
23 county for an annual one-year term.

24 (b) A city department support volunteer board of trustees shall
25 consist of the following five members:

26 (i) The mayor or the mayor's designee;

27 (ii) The city clerk, comptroller, or administrator;

28 (iii) One council member of the city, or a designee;

29 (iv) The chief of the department; and

30 (v) One support volunteer elected by the support volunteers of the
31 city for an annual one-year term.

32 (4) The board of trustees shall have the same powers and duties as
33 provided to boards of trustees under RCW 41.24.070 through 41.24.140.

--- END ---