
SUBSTITUTE SENATE BILL 6026

State of Washington

64th Legislature

2016 Regular Session

By Senate Government Operations & Security (originally sponsored by Senator Dandel)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to volunteer emergency workers volunteering with
2 a nonprofit ambulance service provider; amending RCW 41.24.030,
3 41.24.170, 41.24.175, 41.24.180, 41.24.200, 41.24.215, and 41.24.290;
4 reenacting and amending RCW 41.24.010; and adding new sections to
5 chapter 41.24 RCW.

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

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

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

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

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

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

1 for matters affecting volunteer emergency workers, the nonprofit
2 ambulance service provider board of trustees created pursuant to
3 section 13 of this act.

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
8 participation in the Washington public employees' retirement system,
9 with respect to periods of service rendered in such capacity.

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

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

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

30 (8) "Nonprofit ambulance service provider" means any ground
31 ambulance service that is a qualified 26 U.S.C. Sec. 501(c)(3)
32 corporation and registered with the Washington state secretary of
33 state to operate as a nonprofit corporation within the state of
34 Washington for the purpose of providing ambulance service within its
35 boundaries, who has elected to participate in the volunteer
36 firefighters' and reserve officers' relief and pension fund.

37 (9) "Participant" means: (a) For purposes of relief, any reserve
38 officer who is or may become eligible for relief under this chapter
39 or any firefighter ((~~or~~)), emergency worker, or volunteer emergency
40 worker; and (b) for purposes of retirement pension, any firefighter,

1 emergency worker, ~~((9))~~ reserve officer, or volunteer emergency
2 worker who is or may become eligible to receive a benefit of any type
3 under the retirement provisions of this chapter, or whose beneficiary
4 may be eligible to receive any such benefit.

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

24 ~~((10))~~ (11) "Principal fund" means the volunteer firefighters'
25 and reserve officers' relief and pension principal fund created under
26 RCW 41.24.030.

27 ~~((11))~~ (12) "Relief" means all medical, death, and disability
28 benefits available under this chapter that are made necessary from
29 death, sickness, injury, or disability arising in the performance of
30 duty, including benefits provided under RCW 41.24.110, 41.24.150,
31 41.24.160, 41.24.175, 41.24.220, and 41.24.230, but does not include
32 retirement pensions provided under this chapter.

33 ~~((12))~~ (13) "Reserve officer" means the same as defined by the
34 Washington state criminal justice training commission under chapter
35 43.101 RCW, but shall not include enforcement officers who are
36 eligible for participation in the Washington law enforcement
37 officers' and firefighters' retirement system or the Washington
38 public employees' retirement system, with respect to periods of
39 service rendered in such capacity.

1 ~~((13))~~ (14) "Retired participant" means any participant who is
2 at least sixty-five years of age and has been retired by the board of
3 trustees under RCW 41.24.170 and has been in receipt of a monthly
4 pension for no less than three months.

5 ~~((14))~~ (15) "Retirement pension" means retirement payments for
6 the performance of service, as provided under RCW 41.24.170,
7 41.24.172, 41.24.175, 41.24.180, and 41.24.185.

8 ~~((15))~~ (16) "State board" means the state board for volunteer
9 firefighters and reserve officers.

10 (17) "Volunteer emergency worker" means any emergency medical
11 service personnel certified to render prehospital basic life support
12 emergency care by the department of health and regulated by chapter
13 18.73 RCW, and who is a member of a nonprofit ambulance service
14 provider, but does not include emergency medical technicians that
15 receive payment for such services or are certified to render advanced
16 life support emergency care.

17 NEW SECTION. Sec. 2. A new section is added to chapter 41.24
18 RCW to read as follows:

19 (1) Every nonprofit ambulance service provider maintaining and
20 operating regularly organized ambulance service may make provision by
21 appropriate legislation for the enrollment of every volunteer
22 emergency worker under the relief provisions of this chapter for the
23 purpose of providing protection for all its volunteer emergency
24 workers and their families from death, sickness, injury, or
25 disability arising in the performance of their duties as volunteer
26 emergency workers. Nothing in this chapter shall prohibit any
27 nonprofit ambulance service provider from providing such additional
28 protection for relief as it may deem proper.

29 (2) Any nonprofit ambulance service provider maintaining and
30 operating regularly organized ambulance service that has elected to
31 participate in the relief provisions of this chapter may make
32 provision by appropriate legislation allowing any volunteer emergency
33 worker to enroll under the retirement pension provisions of this
34 chapter.

35 (3) A nonprofit ambulance service provider cannot participate in
36 the pension provisions of this chapter unless it elects to
37 participate in the relief provisions of this chapter.

38 (4) Every nonprofit ambulance service provider shall make
39 provisions for the collection and payment of the fees provided under

1 this chapter, and shall continue to make such provisions for all
2 volunteer emergency workers who come under this chapter as long as
3 they continue to be members of the nonprofit ambulance service
4 provider.

5 **Sec. 3.** RCW 41.24.030 and 2005 c 37 s 2 are each amended to read
6 as follows:

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

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

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

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

18 (ii) A sum equal to one and one-half of one percent of the annual
19 salary attached to the rank of each full-paid member of its fire
20 department, prorated for 1970 on the basis of services prior to March
21 1, 1970.

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

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

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

1 operating expenses. The state board shall determine the amount of
2 this fee based on the latest actuarial valuation of the system.

3 ~~((e))~~ (f) Where a municipal corporation has elected to make the
4 retirement pension provisions of this chapter available to members of
5 its fire department, an annual fee of sixty dollars for each of its
6 firefighters electing to enroll, thirty dollars of which shall be
7 paid by the municipality and thirty dollars of which shall be paid by
8 the firefighter. However, nothing in this section prohibits any
9 municipality from voluntarily paying the firefighters' fee for this
10 retirement pension coverage.

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

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

39 (i) Where a municipal corporation has elected to make the
40 retirement pension provisions of this chapter available to its

1 reserve officers, for each reserve officer electing to enroll: (i) An
2 annual fee of thirty dollars shall be paid by the reserve officer;
3 and (ii) an annual fee paid by the municipal corporation that,
4 together with the thirty dollar fee per reserve officer, is
5 sufficient to pay the full costs of covering the reserve officer
6 under the retirement pension benefits provided under this chapter,
7 including operating expenses. The state board shall determine the
8 amount of this fee based on the latest actuarial valuation of the
9 system. However, nothing in this section prohibits any municipal
10 corporation from voluntarily paying the reserve officers' fees for
11 this retirement pension coverage.

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

15 ~~((i))~~ (k) Earnings from the investment of moneys in the
16 principal fund.

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

24 All bonds, investments, or other obligations purchased by the
25 state investment board shall be placed in the custody of the state
26 treasurer, and he or she shall collect the principal thereof and
27 interest thereon when due.

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

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

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

39 The state treasurer shall make an annual report showing the
40 condition of the fund.

1 (4) The volunteer firefighters' and reserve officers'
2 administrative fund is created in the state treasury. Moneys in the
3 fund, including unanticipated revenues under RCW 43.79.270, may be
4 spent only after appropriation, and may be used only for operating
5 expenses of the volunteer firefighters' and reserve officers' relief
6 and pension principal fund, the operating expenses of the volunteer
7 firefighters' and reserve officers' administrative fund, or for
8 transfer from the administrative fund to the principal fund.

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

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

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

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

22 On or before the first day of March of each year, every nonprofit
23 ambulance service provider shall pay such amount as shall be due from
24 it to the principal fund, together with the amounts collected from
25 the participants. A participant shall not forfeit his or her right to
26 participate in the relief provisions of this chapter by reason of the
27 municipal corporation failing to pay the amount due from it. A
28 participant shall not forfeit his or her right to participate in the
29 retirement pension provisions of this chapter until after March 1st
30 of the year in which the municipality fails to make the required
31 payments. Where a nonprofit ambulance service provider has failed to
32 pay or remit the annual fees required within the time provided, such
33 delinquent payment shall bear interest at the rate of one percent per
34 month from March 1st until paid or remitted. Where a participant has
35 forfeited his or her right to participate in the retirement
36 provisions of this chapter that participant may be reinstated so as
37 to participate to the same extent as if all fees had been paid by the
38 payment of all back fees with interest at the rate of one percent per
39 month provided he or she has at all times been otherwise eligible.

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

3 The chair of the county legislative authority, or the chair's
4 designee, shall be chair of the nonprofit ambulance service provider
5 board of trustees, and the county auditor, or the auditor's designee,
6 shall be the secretary-treasurer of the nonprofit ambulance service
7 provider board of trustees.

8 The secretary shall keep a public record of all proceedings and
9 of all receipts and disbursements made by the nonprofit ambulance
10 service provider board of trustees, shall make an annual report of
11 its expenses and disbursements with a full list of the beneficiaries
12 of the principal fund in the county, and shall make all required
13 reports to the state board. The state board shall provide all
14 necessary forms to nonprofit ambulance service provider boards of
15 trustees.

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

18 The board of trustees created under section 13 of this act shall
19 provide for enrollment of all volunteer emergency workers of the
20 nonprofit ambulance service provider under the relief provisions of
21 this chapter; provide for enrollment of all volunteer emergency
22 workers of the nonprofit ambulance service provider under the relief
23 provisions of this chapter; receive all applications for the
24 enrollment under the retirement pension provisions of this chapter
25 when the nonprofit ambulance service provider has extended these
26 retirement pension provisions to its volunteer emergency workers;
27 provide for disbursements of relief; determine the eligibility of
28 volunteer emergency workers for retirement pensions; and pass on all
29 claims and direct payment thereof from the principal fund to those
30 entitled thereto. Vouchers shall be issued to the persons entitled
31 thereto by the local board. It shall send to the state board, after
32 each meeting, a voucher for each person entitled to payment from the
33 principal fund, stating the amount of such payment and for what
34 granted, which voucher shall be certified and signed by the chair and
35 secretary of the local board. The state board, after review and
36 approval, shall cause a warrant to be issued on the principal fund
37 for the amount specified and approved on each voucher. However, in
38 retirement pension cases after the applicant's eligibility for
39 pension is verified, the state board shall authorize the regular

1 issuance of monthly warrants or electronic transfers of funds in
2 payment of the retirement pension without further action of the board
3 of trustees.

4 **Sec. 7.** RCW 41.24.170 and 2003 c 62 s 1 are each amended to read
5 as follows:

6 Except as provided in RCW 41.24.410, whenever any participant has
7 been a member and served honorably for a period of ten years or more
8 as an active member in any capacity, of any regularly organized fire
9 department or law enforcement agency of any municipality in this
10 state, and which municipality has adopted appropriate legislation
11 allowing its firefighters or reserve officers to enroll in the
12 retirement pension provisions of this chapter, and the participant
13 has enrolled under the retirement pension provisions and has reached
14 the age of sixty-five years, the board of trustees shall order and
15 direct that he or she be retired and be paid a monthly pension from
16 the principal fund as provided in this section.

17 Whenever a participant has been a member, and served honorably
18 for a period of twenty-five years or more as an active member in any
19 capacity, of any regularly organized volunteer fire department or law
20 enforcement agency of any municipality in this state, and he or she
21 has reached the age of sixty-five years, and the annual retirement
22 fee has been paid for a period of twenty-five years, the board of
23 trustees shall order and direct that he or she be retired and such
24 participant be paid a monthly pension of three hundred dollars from
25 the fund for the balance of that participant's life.

26 Whenever any participant has been a member, and served honorably
27 for a period of twenty-five years or more as an active member in any
28 capacity, of any regularly organized volunteer fire department,
29 emergency medical service district, or law enforcement agency of any
30 municipality in this state, and the participant has reached the age
31 of sixty-five years, and the annual retirement fee has been paid for
32 a period of less than twenty-five years, the board of trustees shall
33 order and direct that he or she be retired and that such participant
34 shall receive a minimum monthly pension of fifty dollars increased by
35 the sum of ten dollars each month for each year the annual fee has
36 been paid, but not to exceed the maximum monthly pension provided in
37 this section, for the balance of the participant's life.

38 Whenever any participant has been a member, and served honorably
39 for a period of ten years or more as an active volunteer emergency

1 worker of a nonprofit ambulance service provider and which nonprofit
2 ambulance service provider has adopted appropriate legislation
3 allowing its volunteer emergency workers to enroll in the retirement
4 pension provisions of this chapter, and the participant has enrolled
5 under the retirement pension provisions and has reached the age of
6 sixty-five years, the board of trustees shall order and direct that
7 he or she be retired and be paid a monthly pension from the principal
8 fund as provided in this section.

9 Whenever a participant has been a member, and served honorably
10 for a period of twenty-five years or more as an active volunteer
11 emergency worker of a nonprofit ambulance service provider, and he or
12 she has reached the age of sixty-five years, and the annual
13 retirement fee has been paid for a period of twenty-five years, the
14 board of trustees shall order and direct that he or she be retired
15 and such participant be paid a monthly pension of three hundred
16 dollars from the fund for the balance of that participant's life.

17 Whenever any participant has been a member, and served honorably
18 for a period of twenty-five years or more as an active volunteer
19 emergency worker of a nonprofit ambulance service provider and the
20 participant has reached the age of sixty-five years, and the annual
21 retirement fee has been paid for a period of less than twenty-five
22 years, the board of trustees shall order and direct that he or she be
23 retired and that such participant shall receive a minimum monthly
24 pension of fifty dollars increased by the sum of ten dollars each
25 month for each year the annual fee has been paid, but not to exceed
26 the maximum monthly pension provided in this section, for the balance
27 of the participant's life.

28 No pension provided in this section may become payable before the
29 sixty-fifth birthday of the participant, nor for any service less
30 than twenty-five years: PROVIDED, HOWEVER, That:

31 (1) Any participant, who is older than fifty-nine years of age,
32 less than sixty-five years of age, and has completed twenty-five
33 years or more of service may irrevocably elect a reduced monthly
34 pension in lieu of the pension that participant would be entitled to
35 under this section at age sixty-five. The participant who elects this
36 option shall receive the reduced pension for the balance of his or
37 her life. The reduced monthly pension is calculated as a percentage
38 of the pension the participant would be entitled to at age sixty-
39 five. The percentage used in the calculation is based upon the age of
40 the participant at the time of retirement as follows:

1 Age 60 Sixty percent
2 Age 61 Sixty-eight percent
3 Age 62 Seventy-six percent
4 Age 63 Eighty-four percent
5 Age 64 Ninety-two percent

6 (2) If a participant is age sixty-five or older but has less than
7 twenty-five years of service, the participant is entitled to a
8 reduced benefit. The reduced benefit shall be computed as follows:

9 (a) Upon completion of ten years, but less than fifteen years of
10 service, a monthly pension equal to twenty percent of such pension as
11 the participant would have been entitled to receive at age sixty-five
12 after twenty-five years of service;

13 (b) Upon completion of fifteen years, but less than twenty years
14 of service, a monthly pension equal to thirty-five percent of such
15 pension as the participant would have been entitled to receive at age
16 sixty-five after twenty-five years of service; and

17 (c) Upon completion of twenty years, but less than twenty-five
18 years of service, a monthly pension equal to seventy-five percent of
19 such pension as the participant would have been entitled to receive
20 at age sixty-five after twenty-five years of service.

21 (3) If a participant with less than twenty-five years of service
22 elects to retire after turning age sixty but before turning age
23 sixty-five, the participant's retirement allowance is subject:

24 (a) First to the reduction under subsection (2) of this section
25 based upon the participant's years of service; and

26 (b) Second to the reduction under subsection (1) of this section
27 based upon the participant's age.

28 **Sec. 8.** RCW 41.24.175 and 1989 c 91 s 15 are each amended to
29 read as follows:

30 Payments to persons who are now receiving, or who may hereafter
31 receive any disability or retirement payments under the provisions of
32 this chapter (~~(41.24-RCW)~~) shall be computed in accordance with the
33 last act enacted by the legislature relative thereto: PROVIDED
34 HOWEVER, That nothing herein contained shall be construed as reducing
35 the amount of any pension to which any firefighter, emergency worker,
36 volunteer emergency worker, or law enforcement officer shall have
37 been eligible to receive under the provisions of section 1, chapter
38 103, Laws of 1951.

1 **Sec. 9.** RCW 41.24.180 and 1999 c 148 s 17 are each amended to
2 read as follows:

3 The board of trustees of any municipal corporation or nonprofit
4 ambulance service provider shall direct payment from the principal
5 fund in the following cases:

6 (1) To any participant, upon his or her request, upon attaining
7 the age of sixty-five years, who, for any reason, is not qualified to
8 receive the monthly retirement pension provided under this chapter
9 and who was enrolled in the retirement provisions and on whose behalf
10 annual fees for retirement pension were paid, a lump sum amount equal
11 to the amount paid into the fund by the participant.

12 (2) If any participant who has not completed at least ten years
13 of service dies without having requested a lump sum payment under
14 subsection (1) or (3) of this section, there shall be paid to the
15 participant's surviving spouse, or if there be no surviving spouse,
16 then to such participant's legal representatives, a lump sum amount
17 equal to the amount paid into the fund by the participant. If any
18 participant who has completed at least ten years of service dies
19 other than as the result of injuries received or sickness contracted
20 in consequence or as the result of the performance of his or her
21 duties, without having requested a lump sum payment under subsection
22 (1) or (3) of this section and before beginning to receive the
23 monthly pension provided for in this chapter, the participant's
24 surviving spouse shall elect to receive either:

25 (a) A monthly pension computed as provided for in RCW 41.24.170
26 actuarially adjusted to reflect option 2 of RCW 41.24.172 and further
27 actuarially reduced to reflect the difference in the number of years
28 between the participant's age at death and age sixty-five; (~~or~~)

29 (b) A lump sum amount equal to the amount paid into the principal
30 fund by the participant and the municipality or municipalities in
31 whose department he or she has served; or

32 (c) A lump sum amount equal to the amount paid into the principal
33 fund by the participant and the nonprofit ambulance service provider
34 in whose service he or she has served.

35 If there be no such surviving spouse, then there shall be paid to
36 the participant's legal representatives a lump sum amount equal to
37 the amount paid into the fund by the participant.

38 (3) If any participant retires from service before attaining the
39 age of sixty-five years, the participant may make application for the

1 return in a lump sum of the amount paid into the fund by himself or
2 herself.

3 **Sec. 10.** RCW 41.24.200 and 1999 c 148 s 18 are each amended to
4 read as follows:

5 The aggregate term of service of any participant need not be
6 continuous nor need it be confined to a single fire department,
7 emergency medical service district, nonprofit ambulance service
8 provider, or law enforcement agency nor a single municipality in this
9 state to entitle such participant to a retirement pension if the
10 participant has been duly enrolled in a fire department, emergency
11 medical service district, nonprofit ambulance service provider, or
12 law enforcement agency (~~(of a municipality)~~) which has elected to
13 extend the retirement pension provisions of this chapter to its
14 firefighters, emergency workers, volunteer emergency workers, or
15 reserve officers at the time he or she becomes eligible for the
16 retirement pension and has paid all fees prescribed. To be eligible
17 to the full pension a participant must have an aggregate of twenty-
18 five years service, have made twenty-five annual payments into the
19 fund, and be sixty-five years of age at the time the participant
20 commences drawing the pension provided for by this chapter, all of
21 which twenty-five years service must have been in the fire
22 department, emergency medical service district, nonprofit ambulance
23 service provider, or law enforcement agency of a municipality or
24 municipalities which have elected to extend the retirement pension
25 provisions of this chapter to its firefighters, emergency workers,
26 volunteer emergency workers, or reserve officers. Nothing in this
27 chapter shall require any participant having twenty-five years active
28 service to continue as a firefighter, emergency worker, volunteer
29 emergency worker, or reserve officer and no participant who has
30 completed twenty-five years of active service for which annual
31 retirement pension fees have been paid and who continues as a
32 firefighter, emergency worker, volunteer emergency worker, or reserve
33 officer shall be required to pay any additional annual pension fees.

34 **Sec. 11.** RCW 41.24.215 and 2005 c 37 s 3 are each amended to
35 read as follows:

36 (1) If an injured volunteer seeks damages from a third party, the
37 state board may also seek recovery of actual costs from the
38 responsible third party. A volunteer seeking damages from a third

1 party is required to notify the state board about the legal
2 proceeding.

3 (2) The state board is responsible for its proportionate share of
4 the costs and attorneys' fees of the legal proceedings.

5 (3) Any recovery is subject to a lien by the state board for its
6 share under this section.

7 (4) This section does not restrict or prohibit the state board's
8 right to seek recovery from a third party when a volunteer
9 (~~firefighter~~) is injured.

10 **Sec. 12.** RCW 41.24.290 and 1999 c 148 s 25 are each amended to
11 read as follows:

12 The state board shall:

13 (1) Generally supervise and control the administration of this
14 chapter;

15 (2) Promulgate, amend, or repeal rules and regulations not
16 inconsistent with this chapter for the purpose of effecting a uniform
17 and efficient manner of carrying out the provisions of this chapter
18 and the purposes to be accomplished thereby, and for the government
19 of boards of trustees of the municipalities or nonprofit ambulance
20 service providers of this state in the discharge of their functions
21 under this chapter;

22 (3) Review any action, and hear and determine any appeal which
23 may be taken from the decision of the board of trustees of any
24 municipality or nonprofit ambulance service provider made pursuant to
25 this chapter;

26 (4) Take such action as may be necessary to secure compliance of
27 the municipalities or nonprofit ambulance service providers governed
28 by this chapter and to provide for the collection of all fees and
29 penalties which are, or may be, due and delinquent from any such
30 municipality or nonprofit ambulance service provider;

31 (5) Review the action of the board of trustees of any
32 municipality or nonprofit ambulance service provider authorizing any
33 pension as provided by this chapter; and authorize the regular
34 issuance of monthly warrants in payment thereof without further
35 action of the board of trustees of such municipality or nonprofit
36 ambulance service provider;

37 (6) Require periodic reports from the recipient of any benefits
38 under this chapter for the purpose of determining their continued
39 eligibility therefor;

1 (7) Maintain such records as may be necessary and proper for the
2 proper maintenance and operation of the principal fund, including
3 records of the names of every person enrolled under this chapter, and
4 provide all necessary forms to enable local boards of trustees to
5 effectively carry out their duties as provided by this chapter;

6 (8) Compel the taking of testimony from witnesses under oath
7 before the state board, or any member or the secretary thereof, or
8 before the local board of trustees or any member thereof, for the
9 purpose of obtaining evidence, at any time, in connection with any
10 claim or pension pending or authorized for payment. For such purpose
11 the state board shall have the same power of subpoena as prescribed
12 in RCW 51.52.100. Failure of any claimant to appear and give any
13 testimony as herein provided shall suspend any rights or eligibility
14 to receive payments for the period of such failure to appear and
15 testify;

16 (9) Appoint a secretary to hold office at the pleasure of the
17 state board, fix the secretary's compensation at such sum as it shall
18 deem appropriate, and prescribe the secretary's duties not otherwise
19 provided by this chapter.

20 NEW SECTION. **Sec. 13.** A new section is added to chapter 41.24
21 RCW to read as follows:

22 A nonprofit ambulance service provider board of trustees is
23 created to administer this chapter in every county in which a
24 nonprofit ambulance service provider operates. The nonprofit
25 ambulance service provider board shall consist of two of the members
26 of the county legislative authority or their designees, the county
27 auditor or the auditor's designee, the head of each nonprofit
28 ambulance service provider, and one volunteer emergency worker from
29 each nonprofit ambulance service provider to be elected by the
30 volunteer emergency workers of each nonprofit ambulance service
31 provider for a term of one year and annually thereafter.

32 The secretary of the board of trustees shall keep a public record
33 of all proceedings and of all receipts and disbursements made by the
34 nonprofit ambulance service provider board of trustees, shall make an
35 annual report of its expenses and disbursements with a full list of
36 the beneficiaries of the principal fund, and shall make all required
37 reports to the state board. The state board shall provide all
38 necessary forms to emergency nonprofit ambulance service provider
39 boards of trustees.

1 NEW SECTION. **Sec. 14.** A new section is added to chapter 41.24
2 RCW to read as follows:

3 Credit for service as a volunteer emergency worker shall not be
4 counted for purposes of RCW 41.24.170 except as stated in this
5 section. Within one year of an election to volunteer emergency
6 workers under the retirement provisions of this chapter, the
7 nonprofit ambulance service provider must elect, on a one-time basis,
8 one of the following:

9 (1) To count credit for service and pay for fees only after July
10 1, 2016; or

11 (2) To count credit for all service as an emergency medical
12 technician, but only if the actuarial cost, as determined by the
13 state board, is paid by the nonprofit ambulance service provider. The
14 nonprofit ambulance service provider may charge volunteer emergency
15 workers for any portion of the cost.

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

18 A nonprofit ambulance service provider employing volunteer
19 emergency workers may adopt appropriate legislation extending the
20 relief provisions of this chapter to its volunteer emergency workers.
21 The relief provisions of this chapter may not be extended to
22 volunteer emergency workers if the nonprofit ambulance service
23 provider has extended industrial insurance coverage to its volunteer
24 emergency workers under RCW 51.12.140 or 51.12.035(2), or any other
25 provision of law. A nonprofit ambulance service provider that adopts
26 appropriate legislation extending the relief provisions of this
27 chapter to its volunteer emergency workers shall enjoy the same
28 extent of immunity from civil actions for personal injuries to its
29 volunteer emergency workers that arises if the volunteer emergency
30 workers were covered under Title 51 RCW.

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