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SENATE BILL 5220

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State of Washington

63rd Legislature

2013 Regular Session

By Senators Conway and Shin

Read first time 01/23/13. Referred to Committee on Governmental Operations.

1 AN ACT Relating to membership on city disability boards; and  
2 amending RCW 41.26.110.

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

4 **Sec. 1.** RCW 41.26.110 and 2005 c 66 s 1 are each amended to read  
5 as follows:

6 (1) All claims for disability shall be acted upon and either  
7 approved or disapproved by either type of disability board authorized  
8 to be created in this section.

9 (a) Each city having a population of twenty thousand or more shall  
10 establish a disability board having jurisdiction over all members  
11 employed by those cities and composed of the following five members:  
12 Two members of the city legislative body to be appointed by the mayor;  
13 one active or retired firefighter employed by or retired from the city  
14 to be elected by the firefighters employed by or retired from the city  
15 who are subject to the jurisdiction of the board; one active or retired  
16 law enforcement officer employed by or retired from the city to be  
17 elected by the law enforcement officers employed by or retired from the  
18 city who are subject to the jurisdiction of the board; and one member  
19 from the public at large who resides within the city to be appointed by

1 the other four members designated in this subsection. Only those  
2 active or retired firefighters and law enforcement officers who are  
3 subject to the jurisdiction of the board have the right to elect under  
4 this section. All firefighters and law enforcement officers employed  
5 by or retired from the city are eligible for election. Each of the  
6 elected members shall serve a two year term. If there are no  
7 firefighters under the jurisdiction of the board eligible to vote, a  
8 second eligible employee representative shall be elected by the law  
9 enforcement officers eligible to vote. The members appointed pursuant  
10 to this subsection shall serve for two year terms: PROVIDED, That  
11 cities of the first class only, shall retain existing ((firemen's))  
12 firefighters' pension boards established pursuant to RCW 41.16.020 and  
13 existing boards of trustees of the relief and pension fund of the  
14 police department as established pursuant to RCW 41.20.010 which such  
15 boards shall have authority to act upon and approve or disapprove  
16 claims for disability by firefighters or law enforcement officers as  
17 provided under the Washington law enforcement officers' and  
18 firefighters' retirement system act.

19 (b) Each county shall establish a disability board having  
20 jurisdiction over all members employed by or retired from an employer  
21 within the county and not employed by a city in which a disability  
22 board is established. The county disability board so created shall be  
23 composed of five members to be chosen as follows: One member of the  
24 legislative body of the county to be appointed by the county  
25 legislative body; one member of a city or town legislative body located  
26 within the county which does not contain a city disability board  
27 established pursuant to ((~~subsection (1)~~))(a) of this subsection to be  
28 chosen by a majority of the mayors of such cities and towns within the  
29 county which does not contain a city disability board; one active  
30 firefighter or retired firefighter employed by or retired from an  
31 employer within the county to be elected by the firefighters employed  
32 or retired from an employer within the county who are not employed by  
33 or retired from a city in which a disability board is established and  
34 who are subject to the jurisdiction of that board; one law enforcement  
35 officer or retired law enforcement officer employed by or retired from  
36 an employer within the county to be elected by the law enforcement  
37 officers employed in or retired from an employer within the county who  
38 are not employed by or retired from a city in which a disability board

1 is established and who are subject to the jurisdiction of that board;  
2 and one member from the public at large who resides within the county  
3 but does not reside within a city in which a city disability board is  
4 established, to be appointed by the other four members designated in  
5 this subsection. However, in counties with a population less than  
6 sixty thousand, the member of the disability board appointed by a  
7 majority of the mayors of the cities and towns within the county that  
8 do not contain a city disability board must be a resident of one of the  
9 cities and towns but need not be a member of a city or town legislative  
10 body. Only those active or retired firefighters and law enforcement  
11 officers who are subject to the jurisdiction of the board have the  
12 right to elect under this section. All firefighters and law  
13 enforcement officers employed by or retired from an employer within the  
14 county who are not employed by or retired from a city in which a  
15 disability board is established are eligible for election. All members  
16 appointed or elected pursuant to this subsection shall serve for two  
17 year terms. If there are no firefighters under the jurisdiction of the  
18 board eligible to vote, a second eligible employee representative shall  
19 be elected by the law enforcement officers eligible to vote. If there  
20 are no law enforcement officers under the jurisdiction of the board  
21 eligible to vote, a second eligible representative shall be elected by  
22 the firefighters eligible to vote.

23 (2) The members of both the county and city disability boards shall  
24 not receive compensation for their service upon the boards but the  
25 members shall be reimbursed by their respective county or city for all  
26 expenses incidental to such service as to the amount authorized by law.

27 (3) The disability boards authorized for establishment by this  
28 section shall perform all functions, exercise all powers, and make all  
29 such determinations as specified in this chapter.

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