

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5090**

Chapter 30, Laws of 2003

58th Legislature  
2003 Regular Session

FIRE FIGHTERS OR LAW ENFORCEMENT OFFICERS--PENSION BOARDS

EFFECTIVE DATE: 7/27/03

Passed by the Senate March 6, 2003  
YEAS 48 NAYS 0

BRAD OWEN

**President of the Senate**

Passed by the House April 8, 2003  
YEAS 95 NAYS 0

FRANK CHOPP

**Speaker of the House of Representatives**

Approved April 17, 2003.

GARY F. LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Milton H. Doumit, Jr.,  
Secretary of the Senate of the  
State of Washington, do hereby  
certify that the attached is  
**SENATE BILL 5090** as passed by the  
Senate and the House of  
Representatives on the dates  
hereon set forth.

MILTON H. DOUMIT JR.

**Secretary**

FILED

April 17, 2003 - 2:19 p.m.

**Secretary of State  
State of Washington**

---

**SENATE BILL 5090**

---

Passed Legislature - 2003 Regular Session

**State of Washington                      58th Legislature                      2003 Regular Session**

**By** Senators Carlson, Fraser, Spanel and Rasmussen; by request of  
Joint Committee on Pension Policy

Read first time 01/15/2003. Referred to Committee on Ways & Means.

1            AN ACT Relating to determining which fire fighters or law  
2 enforcement officers may elect or be elected to certain pension and  
3 disability boards; and amending RCW 41.16.010, 41.16.020, and  
4 41.26.110.

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

6            **Sec. 1.** RCW 41.16.010 and 1973 1st ex.s. c 154 s 61 are each  
7 amended to read as follows:

8            For the purpose of this chapter, unless clearly indicated by the  
9 context, words and phrases shall have the following meaning:

10            (1) "Beneficiary" shall mean any person or persons designated by a  
11 fireman in a writing filed with the board, and who shall be entitled to  
12 receive any benefits of a deceased fireman under this chapter.

13            (2) "Board" shall mean the municipal firemen's pension board.

14            (3) "Child or children" shall mean a child or children unmarried  
15 and under eighteen years of age.

16            (4) "Contributions" shall mean and include all sums deducted from  
17 the salary of firemen and paid into the fund as hereinafter provided.

18            (5) "Disability" shall mean and include injuries or sickness  
19 sustained as a result of the performance of duty.

1 (6) "Fireman" or "fire fighter" shall mean any person regularly or  
2 temporarily, or as a substitute, employed and paid as a member of a  
3 fire department, who has passed a civil service examination for fireman  
4 and who is actively employed as a fireman; and shall include any "prior  
5 fireman".

6 (7) "Fire department" shall mean the regularly organized, full  
7 time, paid, and employed force of firemen of the municipality.

8 (8) "Fund" shall mean the firemen's pension fund created herein.

9 (9) "Municipality" shall mean every city and town having a  
10 regularly organized full time, paid, fire department employing firemen.

11 (10) "Performance of duty" shall mean the performance of work and  
12 labor regularly required of firemen and shall include services of an  
13 emergency nature rendered while off regular duty, but shall not include  
14 time spent in traveling to work before answering roll call or traveling  
15 from work after dismissal at roll call.

16 (11) "Prior fireman" shall mean a fireman who was actively employed  
17 as a fireman of a fire department prior to the first day of January,  
18 1947, and who continues such employment thereafter.

19 (12) "Retired fireman" shall mean and include a person employed as  
20 a fireman and retired under the provisions of chapter 50, Laws of 1909,  
21 as amended.

22 (13) "Widow or widower" means the surviving wife or husband of a  
23 retired fireman who was retired on account of length of service and who  
24 was lawfully married to such fireman; and whenever that term is used  
25 with reference to the wife or former wife or husband or former husband  
26 of a retired fireman who was retired because of disability, it shall  
27 mean his or her lawfully married wife or husband on the date he or she  
28 sustained the injury or contracted the illness that resulted in his or  
29 her disability. Said term shall not mean or include a surviving wife  
30 or husband who by process of law within one year prior to the retired  
31 fireman's death, collected or attempted to collect from him or her  
32 funds for the support of herself or himself or for his or her children.

33 **Sec. 2.** RCW 41.16.020 and 1988 c 164 s 2 are each amended to read  
34 as follows:

35 There is hereby created in each city and town a municipal firemen's  
36 pension board to consist of the following five members, ex officio, the  
37 mayor, or in a city of the first class, the mayor or (~~his~~) a

1 designated representative who shall be an elected official of the city,  
2 who shall be chairman of the board, the city comptroller or clerk, the  
3 chairman of finance of the city council, or if there is no chairman of  
4 finance, the city treasurer, and in addition, two regularly employed or  
5 retired (~~(firemen)~~) fire fighters elected by secret ballot of (~~(the)~~)  
6 those employed and retired (~~(firemen. Retired members who are subject~~  
7 ~~to the jurisdiction of the pension board have both the right to elect~~  
8 ~~and the right to be elected under this section)~~) fire fighters who are  
9 subject to the jurisdiction of the board. The members to be elected by  
10 the (~~(firemen)~~) fire fighters shall be elected annually for a two year  
11 term. The two (~~(firemen)~~) fire fighters elected as members shall, in  
12 turn, select a third eligible member who shall serve as an alternate in  
13 the event of an absence of one of the regularly elected members. In  
14 case a vacancy occurs in the membership of the (~~(firemen)~~) fire  
15 fighters or retired members, the members shall in the same manner elect  
16 a successor to serve (~~(his)~~) the unexpired term. The board may select  
17 and appoint a secretary who may, but need not be a member of the board.  
18 In case of absence or inability of the chairman to act, the board may  
19 select a chairman pro tempore who shall during such absence or  
20 inability perform the duties and exercise the powers of the chairman.  
21 A majority of the members of (~~(said)~~) the board shall constitute a  
22 quorum and have power to transact business.

23 **Sec. 3.** RCW 41.26.110 and 2000 c 234 s 1 are each amended to read  
24 as follows:

25 (1) All claims for disability shall be acted upon and either  
26 approved or disapproved by either type of disability board  
27 (~~(hereafter)~~) authorized to be created in this section.

28 (a) Each city having a population of twenty thousand or more shall  
29 establish a disability board having jurisdiction over all members  
30 employed by (~~(said)~~) those cities and composed of the following five  
31 members: Two members of the city legislative body to be appointed by  
32 the mayor(~~(τ)~~); one active or retired fire fighter employed by or  
33 retired from the city to be elected by the fire fighters employed by or  
34 retired from the city(~~(τ)~~) who are subject to the jurisdiction of the  
35 board; one active or retired law enforcement officer employed by or  
36 retired from the city to be elected by the law enforcement officers  
37 employed by or retired from the city who are subject to the

1 jurisdiction of the board; and one member from the public at large who  
2 resides within the city to be appointed by the other four members  
3 (~~heretofore~~) designated in this subsection. (~~Retired members who~~  
4 ~~are subject to the jurisdiction of the board have both the right to~~  
5 ~~elect and the right to be elected under this section.~~) Only those  
6 active or retired fire fighters and law enforcement officers who are  
7 subject to the jurisdiction of the board have the right to elect under  
8 this section. All fire fighters and law enforcement officers employed  
9 by or retired from the city are eligible for election. Each of the  
10 elected members shall serve a two year term. The members appointed  
11 pursuant to this subsection shall serve for two year terms: PROVIDED,  
12 That cities of the first class only, shall retain existing firemen's  
13 pension boards established pursuant to RCW 41.16.020 and existing  
14 boards of trustees of the relief and pension fund of the police  
15 department as established pursuant to RCW 41.20.010 which such boards  
16 shall have authority to act upon and approve or disapprove claims for  
17 disability by fire fighters or law enforcement officers as provided  
18 under the Washington law enforcement officers' and fire fighters'  
19 retirement system act.

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

1 the jurisdiction of the board; and one member from the public at large  
2 who resides within the county but does not reside within a city in  
3 which a city disability board is established, to be appointed by the  
4 other four members (~~heretofore~~) designated in this subsection.  
5 However, in counties with a population less than sixty thousand, the  
6 member of the disability board appointed by a majority of the mayors of  
7 the cities and towns within the county that do not contain a city  
8 disability board must be a resident of one of the cities and towns but  
9 need not be a member of a city or town legislative body. (~~Retired~~  
10 ~~members who are subject to the jurisdiction of the board have both the~~  
11 ~~right to elect and the right to be elected under this section.~~) Only  
12 those active or retired fire fighters and law enforcement officers who  
13 are subject to the jurisdiction of the board have the right to elect  
14 under this section. All fire fighters and law enforcement officers  
15 employed by or retired from the county are eligible for election. All  
16 members appointed or elected pursuant to this subsection shall serve  
17 for two year terms.

18 (2) The members of both the county and city disability boards shall  
19 not receive compensation for their service upon the boards but (~~said~~)  
20 the members shall be reimbursed by their respective county or city for  
21 all expenses incidental to such service as to the amount authorized by  
22 law.

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

Passed by the Senate March 6, 2003.

Passed by the House April 8, 2003.

Approved by the Governor April 17, 2003.

Filed in Office of Secretary of State April 17, 2003.