

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1328

Chapter 66, Laws of 2005

59th Legislature
2005 Regular Session

CITY AND COUNTY DISABILITY BOARDS

EFFECTIVE DATE: 4/15/05

Passed by the House February 28, 2005
Yeas 89 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 5, 2005
Yeas 46 Nays 0

BRAD OWEN

President of the Senate

Approved April 15, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1328** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

April 15, 2005 - 1:45 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 1328

Passed Legislature - 2005 Regular Session

State of Washington

59th Legislature

2005 Regular Session

By Representatives Conway, Crouse, Simpson and Chase; by request of
Select Committee on Pension Policy

Read first time 01/20/2005. Referred to Committee on Appropriations.

1 AN ACT Relating to city and county disability boards; amending RCW
2 41.26.110; and declaring an emergency.

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

4 **Sec. 1.** RCW 41.26.110 and 2003 c 30 s 3 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 fire fighter employed by or retired from the city
14 to be elected by the fire fighters 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 fire fighters and law enforcement officers who are
3 subject to the jurisdiction of the board have the right to elect under
4 this section. All fire fighters 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. The members appointed
7 pursuant to this subsection shall serve for two year terms: PROVIDED,
8 That cities of the first class only, shall retain existing firemen's
9 pension boards established pursuant to RCW 41.16.020 and existing
10 boards of trustees of the relief and pension fund of the police
11 department as established pursuant to RCW 41.20.010 which such boards
12 shall have authority to act upon and approve or disapprove claims for
13 disability by fire fighters or law enforcement officers as provided
14 under the Washington law enforcement officers' and fire fighters'
15 retirement system act.

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

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

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

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

28 NEW SECTION. Sec. 2. This act is necessary for the immediate
29 preservation of the public peace, health, or safety, or support of the
30 state government and its existing public institutions, and takes effect
31 immediately.

Passed by the House February 28, 2005.

Passed by the Senate April 5, 2005.

Approved by the Governor April 15, 2005.

Filed in Office of Secretary of State April 15, 2005.