

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1328**

59th Legislature  
2005 Regular Session

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

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**Speaker of the House of Representatives**

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

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**President of the Senate**

Approved

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**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.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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HOUSE BILL 1328

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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.

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