
SUBSTITUTE HOUSE BILL 2719

State of Washington **65th Legislature** **2018 Regular Session**

By House Local Government (originally sponsored by Representatives Vick and Harris)

READ FIRST TIME 02/02/18.

1 AN ACT Relating to the size of cities that must establish a law
2 enforcement officers' and firefighters' retirement system plan 1
3 disability board; and reenacting and amending RCW 41.26.110.

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

5 **Sec. 1.** RCW 41.26.110 and 2013 c 213 s 1 and 2013 c 23 s 69 are
6 each reenacted and amended to read as follows:

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

10 (a)(i) Each city (~~having a population of twenty thousand or~~
11 ~~more~~) shall:

12 (A) Establish a city disability board having jurisdiction over
13 all members employed by that city if the city has a population of
14 thirty thousand or more; and

15 (B) Maintain a city disability board having jurisdiction over all
16 members employed by that city if the city has a population of at
17 least twenty thousand and such city established its disability board
18 on or before the effective date of this section. The operations of an
19 existing city disability board created on or before the effective
20 date of this section shall be maintained by the city and the city

1 shall continue to carry out the benefits as provided by the
2 established city disability board.

3 (ii) A city operated disability board has jurisdiction over all
4 members employed by those cities and must be composed of the
5 following five members: Two members of the city legislative body to
6 be appointed by the mayor; one active or retired firefighter employed
7 by or retired from the city to be elected by the firefighters
8 employed by or retired from the city who are subject to the
9 jurisdiction of the board; one active or retired law enforcement
10 officer employed by or retired from the city to be elected by the law
11 enforcement officers employed by or retired from the city who are
12 subject to the jurisdiction of the board; and one member from the
13 public at large who resides within the city to be appointed by the
14 other four members designated in this subsection. Only those active
15 or retired firefighters and law enforcement officers who are subject
16 to the jurisdiction of the board have the right to elect under this
17 section. All firefighters and law enforcement officers employed by or
18 retired from the city are eligible for election. Each of the elected
19 members shall serve a two year term. If there are either no
20 firefighters or law enforcement officers under the jurisdiction of
21 the board eligible to vote, a second eligible employee representative
22 shall be elected by the law enforcement officers or firefighters
23 eligible to vote. The members appointed pursuant to this subsection
24 shall serve for two year terms: PROVIDED, That cities of the first
25 class only, shall retain existing firefighters' pension boards
26 established pursuant to RCW 41.16.020 and existing boards of trustees
27 of the relief and pension fund of the police department as
28 established pursuant to RCW 41.20.010 which such boards shall have
29 authority to act upon and approve or disapprove claims for disability
30 by firefighters or law enforcement officers as provided under the
31 Washington law enforcement officers' and firefighters' retirement
32 system act.

33 (b)(i) Each county shall establish a county disability board
34 (~~having~~) and have jurisdiction over all members employed by a city
35 whose population reaches twenty thousand after the effective date of
36 this section, if such city has never established a disability board
37 under this section and the city has entered into an interlocal
38 agreement with the county to have jurisdiction over the members
39 employed by that city to carry out the benefits as provided by the
40 county disability board.

1 (ii) A county operated disability board shall also have
2 jurisdiction over all members employed by or retired from an employer
3 within the county and not employed by a city in which a disability
4 board is established. The county disability board so created shall be
5 composed of five members to be chosen as follows: One member of the
6 legislative body of the county to be appointed by the county
7 legislative body; one member of a city or town legislative body
8 located within the county which does not contain a city disability
9 board established pursuant to (a) of this subsection to be chosen by
10 a majority of the mayors of such cities and towns within the county
11 which does not contain a city disability board; one active
12 firefighter or retired firefighter employed by or retired from an
13 employer within the county to be elected by the firefighters employed
14 or retired from an employer within the county who are not employed by
15 or retired from a city in which a disability board is established and
16 who are subject to the jurisdiction of that board; one law
17 enforcement officer or retired law enforcement officer employed by or
18 retired from an employer within the county to be elected by the law
19 enforcement officers employed in or retired from an employer within
20 the county who are not employed by or retired from a city in which a
21 disability board is established and who are subject to the
22 jurisdiction of that board; and one member from the public at large
23 who resides within the county but does not reside within a city in
24 which a city disability board is established, to be appointed by the
25 other four members designated in this subsection. However, in
26 counties with a population less than sixty thousand, the member of
27 the disability board appointed by a majority of the mayors of the
28 cities and towns within the county that do not contain a city
29 disability board must be a resident of one of the cities and towns
30 but need not be a member of a city or town legislative body. Only
31 those active or retired firefighters and law enforcement officers who
32 are subject to the jurisdiction of the board have the right to elect
33 under this section. All firefighters and law enforcement officers
34 employed by or retired from an employer within the county who are not
35 employed by or retired from a city in which a disability board is
36 established are eligible for election. All members appointed or
37 elected pursuant to this subsection shall serve for two year terms.
38 If there are no firefighters under the jurisdiction of the board
39 eligible to vote, a second eligible employee representative shall be
40 elected by the law enforcement officers eligible to vote. If there

1 are no law enforcement officers under the jurisdiction of the board
2 eligible to vote, a second eligible representative shall be elected
3 by the firefighters eligible to vote.

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

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

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