

LEOFF 1 and Prior Act Disability Boards

Executive Summary

Before the implementation of the Law Enforcement and Fire Fighters' Retirement System (LEOFF) Plan 1 in 1970, law enforcement and firefighter pensions were administered by local pension boards. When LEOFF 1 was created, the law established LEOFF 1 disability boards. Disability boards determine disability benefits to be paid to LEOFF 1 members.

Currently, only active or retired Prior Act, LEOFF 1, and LEOFF 2 firefighters employed by or retired from the city, county, or fire protection district are eligible to be elected to a pension or disability board. Only those covered by the jurisdiction of the board are eligible to vote.

Correspondence to the Committee has indicated that boards are facing difficulty in finding members eligible to be elected, and that the language stipulating who can serve on such boards is inconsistent.

What is Before the Committee?

A proposal brought to the Committee by the Retired Firefighters Of Washington (RFFOW) seeks to:

1. Expand the eligibility on who can serve on a pension or disability board to any active or retired firefighter or police officer who resides in the city, county, or fire protection district the board serves.
2. Establish uniform qualifications around who can serve on Prior Act pension and LEOFF 1 disability boards.

How did This Come Before the Committee?

This proposal was recommended by the RFFOW at the November Executive Committee meeting and placed on the December agenda.

Who Does This Impact?

This impacts all active and retired members of the Prior Act, LEOFF 1, and LEOFF 2 pension systems who would become eligible to serve on a pension or disability board of the jurisdiction in which they reside. This also has the potential to impact pending litigation against the City of Edmonds.

Background

Current Situation

Prior to the creation of LEOFF 1 in 1970, police and fire pensions were managed and administered by local pension boards. [RCW 41.16](#) establishes a fire fighter pension board for cities, [RCW 41.18](#) establishes a pension board for fire protection districts, and [RCW 41.20](#) establishes the board of trustees for police pensions.

[RCW 41.26](#), also known as the "Washington Law Enforcement Officers' and Firefighters' Retirement System Act", created the LEOFF 1 system and establishes LEOFF 1 disability boards to administer disability benefits to members.

The type of pension and disability boards present in a jurisdiction depends on the size and type of the local government in question. (See details in **Appendix A.**)

Any firefighter or police officer employed by or retired from the city, county, or fire protection district can be elected by those under the jurisdiction of the board. Those under the jurisdiction of the board includes Prior Act law enforcement officers for 41.16, 41.18, and 41.20 boards, and LEOFF 1 firefighters in 41.26 disability boards.

These boards are composed of both government and member representatives. Each board has a different composition depending upon the type of local government it represents. See **Appendix A** for information on the composition of pension and disability boards.

Legislative History

- ❖ 2013: [SB 5220](#). Establishes that if there are no firefighters/law enforcement officers under the jurisdiction of the board to vote for a city 41.26 board, then an additional law enforcement officer/firefighter is to be elected to the vacant position.
- ❖ 2005: [HB 1328](#) (SCPP Request). Changed jurisdiction of county 41.26 board from those residing in the county to those employed by or retired from an employer within the county. Establishes that if there are no firefighters/law enforcement officers under the jurisdiction of the board to vote for a county 41.26 board, then an additional law enforcement officer/firefighter is to be elected to the vacant position.
- ❖ 2003: [SB 5090](#) (JCPP Request). Establishes that in 41.16 boards, all firefighters employed by or retired from the city may serve on the pension board, to be elected by those firefighters under the jurisdiction of the board. Establishes that all law enforcement officers and firefighters, regardless of plan, may be elected to 41.26 board by those under the jurisdiction of the board.

- ❖ 1988: [SSB 6212](#). Establishes that all active or retired members of the city or county fire department or police department can be elected to 41.16, 41.20, and 41.26 boards. Retained that members subject to the jurisdiction of the board are eligible to vote for membership.

Policy Analysis

Introduction

According to Committee correspondence from the RFFOW, some jurisdictions may be having difficulty in finding eligible members to be elected to pension and disability boards. Additionally, the correspondence indicated that the statutes defining who can serve on disability and pension boards is confusing and may be inconsistent.

The correspondence referenced ongoing litigation against the City of Edmonds relating to a claim of a retired Prior Act firefighter over retroactive pension adjustments. The correspondence indicates this may have been avoided if the City of Edmonds had a Prior Act pension board to manage Prior Act pensions.

The City of Edmonds declined to take a position on the proposal before the Committee.

This study does not include any potential impacts that the proposed change could have on local government operating procedures or practices. Additionally, it is unknown at this point how many pension boards are still in existence, and how many of the existing boards are having difficulty locating eligible members to serve.

Who is Impacted and How?

According to the Department of Retirement Systems, there are approximately 3022 members who may be eligible for a Prior Act pension benefit. The [2016 LEOFF 1 Medical Benefits Actuarial Valuation Report](#) indicates 62 active and 5,753 inactive LEOFF 1 members.

Amending the language currently in statute could impact municipal government rules or ordinances. Staff was not able to determine what, if any, impacts may result from amending language in statute for consistency. Additionally, staff could not confirm whether the differences currently in statute have a substantive impact on board administration.

A lawsuit regarding Prior Act pensions is ongoing in the City of Edmonds. Any law changes may impact this ongoing litigation.

Policy Considerations

The following are key points of consideration for the proposal before the Committee.

- ❖ Establishing uniform bill language may add consistency and clarity to the statutes, but may impact local government policies and practices.
- ❖ Pension and disability boards can still conduct business and achieve a quorum without elected firefighters/law enforcement officers.
 - ◇ A lack of eligible members to be elected reduces the size of the board, but business could still be conducted.
 - ◇ However, this does not align with the legislative intent of providing for member representatives on these boards.
- ❖ Under some circumstances, there may still be no members willing or able to serve on a pension or disability board under this proposal.
 - ◇ For example, a jurisdiction with no active or retired from department willing to serve that also has no resident firefighters/law enforcement officers.

Policy Options

Staff was requested to bring bill draft language for the Committee's consideration at the December meeting. Staff brought two bill draft options for the proposal requested of the Committee:

- ❖ Option 1 only expands eligibility to be elected to those who reside within the city, county, or fire protection district if otherwise eligible members cannot be found who are willing or able to serve. This option does not change the language regarding current eligibility for election and may avoid conflict with local government practice or policy.
- ❖ Option 2 amends the language for consistency across the four statutes, and expands eligibility to include those who reside within the district. All members still need to be elected by those under the jurisdiction of the board. This option does change the language regarding current eligibility for election and may create an impact to local government practice or policy.

Other Areas for Possible Study

For further study, staff could gather information on the total number of pension boards of the various types in the State of Washington. Additionally, more research could be conducted into boards' ability or inability to find members to serve.

Conclusion

If local governments are having difficulty in finding eligible members to serve on pension and disability boards, then expanding eligibility to those that reside within the government's jurisdiction may be of assistance. However, changes to the governing

statutes may effect local government policies and practices, and could impact ongoing litigation.

If the Committee would like to endorse draft legislation in response to this proposal, staff has prepared two options:

- ❖ Option 1 expands eligibility to those who reside within the city, county, or fire protection district of the board if there are no otherwise eligible members willing or able to be elected. This does not change the statutory definition of who is currently eligible to be elected.
- ❖ Option 2 creates consistency in the statutes, and establishes that all law enforcement officers or firefighters employed by or retired from the city, county, or fire protection district are eligible for election, along with active or retired law enforcement officers or firefighters who reside within the city, county, or fire protection district the board serves.

Appendix

Attachments

Attachment A: Stakeholder Proposal

Attachment B: Bill Drafts

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APPENDIX A

The following describes the types of pension and disability boards in local governments.

- ❖ A first class city has:
 - ◇ A 41.16 board that serves as both the firefighters prior act pension board and the LEOFF 1 disability board for firefighters.
 - ◇ A 41.20 board that serves as the trustees of the city Police Pension Fund and the LEOFF 1 disability board for police.
- ❖ A non-first class city with a population of over 20,000 has:
 - ◇ A 41.16 board that serves only as the Prior Act pension board for firefighters.
 - ◇ A 41.26 LEOFF 1 disability board for both firefighters and police.
- ❖ A city with a population of under 20,0000 has:
 - ◇ A 41.16 board that serves only as the Prior Act pension board for firefighters (same as above).
 - ◇ No 41.26 LEOFF 1 disability board. Board duties are given to the county in which the city resides.
- ❖ A county has:
 - ◇ A 41.26 LEOFF 1 disability board for all members employed/retired from an employer within the county that is not a city with population over 20,000 (this includes fire protection districts, county fire departments, and small cities).
- ❖ A fire protection district has:
 - ◇ A 41.18 board that serves as the firefighters' Prior Act pension board.

The following describes the composition of pension and disability boards.

- ❖ 41.16: City firefighters board.
 - ◇ Mayor or designated representative.
 - ◇ City comptroller or clerk.
 - ◇ Chairperson of finance of city council/treasurer.
 - ◇ Two elected firefighters.
- ❖ 41.18: Fire protection district firefighters board.
 - ◇ Chairperson of fire commissioners for district.
 - ◇ County auditor.

- ◇ County treasurer.
- ◇ Two elected firefighters.
- ❖ 41.20: Board of trustees for police in first class cities.
 - ◇ Mayor or designated representative.
 - ◇ Clerk.
 - ◇ Treasurer.
 - ◇ President of the city council/mayor pro tem/commissioner supervising police.
 - ◇ Three elected police officers.
- ❖ 41.26: LEOFF 1 disability prior.
 - ◇ First class cities.
 - 41.16 / 41.20 board has the duties of the disability board.
 - ◇ Large cities.
 - Two members of city legislative body.
 - One active or retired firefighter.
 - One active or retired law enforcement officer.
 - One member of the public at large.
 - ◇ Counties.
 - One member of the legislative body of the county.
 - From those cities or towns in the county that do not have their own board:
 - One member of a city or town legislative body.
 - One active or retired firefighter.
 - One active or retired law enforcement officer.
 - One member of the public at large.

The first class cities in the State of Washington are:

- ❖ Aberdeen.
- ❖ Bellingham.
- ❖ Bremerton.
- ❖ Everett.
- ❖ Richland.
- ❖ Seattle.
- ❖ Spokane.
- ❖ Tacoma.
- ❖ Vancouver.
- ❖ Yakima.

ATTACHMENT A

Stakeholder Proposal.



Retired Firefighters of Washington

9134 207th Pl SW
Edmonds, WA 98026
425-775-9080
mwarbrouck@comcast.net

Richard C. Warbrouck
President

November 12, 2018

RECEIVED

NOV 13 2018

Senator Steve Conway
Chair Select Committee on Pension Policy

Office of the State Actuary

Dear Senator Conway,

There are four statutes creating firefighter and law enforcement officer Pension and Disability Boards:

- RCW 41.16
- RCW 41.18
- RCW 41.20
- RCW 41.26

RCW 41.18 covers both city and fire district boards. RCW 41.26 covers both city and county boards.

The language stipulating who serves on these boards and the qualifying language for fire and law enforcement officer representatives on the board is not uniform and confusing to some.

We respectfully request the Select Committee on Pension Policy to submit a Housekeeping Bill to create more uniform language regarding the qualifications for elected member representatives.

These boards have worked well in the past. We are currently having difficulty in staffing some of these boards.

In the City of Edmonds, Washington we have no LEOFF I firefighters to serve on a Prior Act, RCW 41.18 fire board. There are no firefighters in the City of Edmonds to serve on the board because the City has contracted out its fire service to Snohomish County Fire District 1. The firefighters serving the City of Edmonds are employees of Snohomish County Fire District 1 and not eligible to serve on the City of Edmonds Pension Board under RCW 41.16, RCW. 41.18.

This has resulted in a lawsuit against the City of Edmonds by a retired City of Edmonds firefighter regarding his retirement salary and retroactive pay.

Due to the difficulty in filling some of the board positions we request the Select Committee on Pension Policy to put forth a bill to broaden the eligibility for fire and law enforcement representatives to serve on the board.

We request that the statutes be amended to stipulate that any employed or retired firefighter or law enforcement officer living in the jurisdiction of the board be eligible for election to the board.

Thank you for your consideration of this request.

Respectfully,



Richard C. Warbrouck
President Retired Firefighters of Washington

ATTACHMENT B

Bill Drafts, options 1 and 2.

Corban Nemeth 786-6161
Office of the State Actuary
November 27, 2018 (9:55 AM)

1 AN ACT Relating to expanding which fire fighters or law enforcement
2 officers may be elected to certain pension and disability boards; and
3 amending RCW 41.16.020, 41.18.015, 41.20.010, and 41.26.110.

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

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10 **Sec. 1.** RCW 41.16.020 and 2007 c 218 s 19 are each amended to
11 read as follows:

12 (1) There is hereby created in each city and town a municipal
13 firefighters' pension board to consist of the following five
14 members, ex officio, the mayor, or in a city of the first class, the
15 mayor or a designated representative who shall be an elected
16 official of the city, who shall be chairperson of the board, the
17 city comptroller or clerk, the chairperson of finance of the city
18 council, or if there is no chairperson of finance, the city
19 treasurer, and in addition, two regularly employed or retired

1 firefighters elected by secret ballot of those employed and retired
2 firefighters who are subject to the jurisdiction of the board. The
3 members to be elected by the firefighters shall be elected annually
4 for a two year term. The two firefighters elected as members shall,
5 in turn, select a third eligible member who shall serve as an
6 alternate in the event of an absence of one of the regularly elected
7 members. In case a vacancy occurs in the membership of the
8 firefighters or retired members, the members shall in the same
9 manner elect a successor to serve the unexpired term. The board may
10 select and appoint a secretary who may, but need not be a member of
11 the board. In case of absence or inability of the chairperson to
12 act, the board may select a chairperson pro tempore who shall during
13 such absence or inability perform the duties and exercise the powers
14 of the chairperson. A majority of the members of the board shall
15 constitute a quorum and have power to transact business.

16 (2) If no eligible regularly employed or retired firefighters
17 are willing or able to be elected to the board pursuant to
18 subsection (1) of this section, then any active or retired
19 firefighters who reside within the jurisdiction served by the board
20 may be elected pursuant to subsection (1) of this section. This
21 includes active and retired firefighters under RCW 41.16, RCW 41.18,
22 and RCW 41.26

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24 **Sec. 2.** RCW 41.18.015 and 2007 c 218 s 42 are each amended to
25 read as follows:

26 (1) There is hereby created in each fire protection district
27 which qualifies under this chapter, a firefighters' pension board to
28 consist of the following five members, the chairperson of the fire
29 commissioners for said district who shall be chairperson of the
30 board, the county auditor, county treasurer, and in addition, two
31 regularly employed or retired firefighters elected by secret ballot
32 of the employed and retired firefighters. Retired members who are
33 subject to the jurisdiction of the pension board have both the right
34 to elect and the right to be elected under this section. The first

1 members to be elected by the firefighters shall be elected annually
2 for a two-year term. The two firefighter elected members shall, in
3 turn, select a third eligible member who shall serve in the event of
4 an absence of one of the regularly elected members. In case a
5 vacancy occurs in the membership of the firefighter or retired
6 members, the members shall in the same manner elect a successor to
7 serve the unexpired term. The board may select and appoint a
8 secretary who may, but need not be a member of the board. In case of
9 absence or inability of the chairperson to act, the board may select
10 a chairperson pro tempore who shall during such absence or inability
11 perform the duties and exercise the powers of the chairperson. A
12 majority of the members of said board shall constitute a quorum and
13 have power to transact business.

14 (2) If no eligible regularly employed or retired firefighters
15 are willing or able to be elected to the board pursuant to
16 subsection (1) of this section, then any active or retired
17 firefighters who reside within the jurisdiction served by the board
18 may be elected pursuant to subsection (1) of this section. This
19 includes active and retired firefighters under RCW 41.16, RCW 41.18,
20 and RCW 41.26

21

22 **Sec. 3.** RCW 41.20.010 and 2012 c 117 s 20 are each amended to
23 read as follows:

24 (1) The mayor or his or her designated representative who shall
25 be an elected official of the city, and the clerk, treasurer,
26 president of the city council or mayor pro tem of each city of the
27 first class, or in case any such city has no city council, the
28 commissioner who has supervision of the police department, together
29 with three active or retired members of the police department, to be
30 elected as herein provided, in addition to the duties now required
31 of them, are constituted a board of trustees of the relief and
32 pension fund of the police department of each such city, and shall
33 provide for the disbursement of the fund, and designate the
34 beneficiaries thereof.

1 (2) The police department and the retired law enforcement
2 officers of each city of the first class shall elect three members
3 to act as members of the board. Members shall be elected for three
4 year terms. Existing members shall continue in office until replaced
5 as provided for in this section.

6 (3) Such election shall be held in the following manner. Not
7 more than thirty nor less than fifteen days preceding the first day
8 of June in each year, written notice of the nomination of any member
9 or retired member of the department for membership on the board may
10 be filed with the secretary of the board. Each notice of nomination
11 shall be signed by not less than five members or retired members of
12 the department, and nothing herein contained shall prevent any
13 member or retired member of the department from signing more than
14 one notice of nomination. The election shall be held on a date to be
15 fixed by the secretary during the month of June. Notice of the dates
16 upon which notice of nomination may be filed and of the date fixed
17 for the election of such members of the board shall be given by the
18 secretary of the board by posting written notices thereof in a
19 prominent place in the police headquarters. For the purpose of such
20 election, the secretary of the board shall prepare and furnish
21 printed or typewritten ballots in the usual form, containing the
22 names of all persons regularly nominated for membership and shall
23 furnish a ballot box for the election. Each member and each retired
24 member of the police department shall be entitled to vote at the
25 election for one nominee as a member of the board. The chief of the
26 department shall appoint two members to act as officials of the
27 election, who shall be allowed their regular wages for the day, but
28 shall receive no additional compensation therefor. The election
29 shall be held in the police headquarters of the department and the
30 polls shall open at 7:30 a.m. and close at 8:30 p.m. The one nominee
31 receiving the highest number of votes shall be declared elected to
32 the board and his or her term shall commence on the first day of
33 July succeeding the election. In the first election the nominee
34 receiving the greatest number of votes shall be elected to the three

1 year term, the second greatest to the two year term and the third
2 greatest to the one year term. Retired members who are subject to
3 the jurisdiction of the board have both the right to elect and the
4 right to be elected under this section. Ballots shall contain all
5 names of those nominated, both active and retired. Notice of
6 nomination and voting by retired members shall be conducted by the
7 board.

8 (4) If no eligible active or retired members of the police
9 department are willing or able to be elected to the board pursuant
10 to subsection (3) of this section, then any active or retired law
11 enforcement officers who reside within the jurisdiction served by
12 the board may be elected pursuant to subsection (3) of this section.
13 This includes active and retired law enforcement officers under RCW
14 41.20 and RCW 41.26.

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18 **Sec. 4.** RCW 41.26.110 and 2013 c 213 s 1 are each amended to
19 read as follows:

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

23 (a) Each city having a population of twenty thousand or more
24 shall establish a disability board having jurisdiction over all
25 members employed by those cities and composed of the following five
26 members: Two members of the city legislative body to be appointed by
27 the mayor; one active or retired firefighter employed by or retired
28 from the city to be elected by the firefighters employed by or
29 retired from the city who are subject to the jurisdiction of the
30 board; one active or retired law enforcement officer employed by or
31 retired from the city to be elected by the law enforcement officers
32 employed by or retired from the city who are subject to the
33 jurisdiction of the board; and one member from the public at large
34 who resides within the city to be appointed by the other four

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

20 (b) If no eligible active or retired firefighter or law
21 enforcement officer is willing or able to be elected to the board
22 pursuant to subsection (1)(a) of this section, then any active or
23 retired firefighter under RCW 41.16, RCW 41.18, and RCW 41.26 or law
24 enforcement officer under RCW 41.20 and RCW 41.26 who resides within
25 the jurisdiction served by the board may be elected pursuant to
26 subsection (1)(a).

27 ~~(b)~~(c) Each county shall establish a disability board having
28 jurisdiction over all members employed by or retired from an
29 employer within the county and not employed by a city in which a
30 disability board is established. The county disability board so
31 created shall be composed of five members to be chosen as follows:
32 One member of the legislative body of the county to be appointed by
33 the county legislative body; one member of a city or town
34 legislative body located within the county which does not contain a

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

1 representative shall be elected by the firefighters eligible to
2 vote.

3 (d) If no eligible active or retired firefighter or law
4 enforcement officer is willing or able to be elected to the board
5 pursuant to subsection (1)(c), then any active or retired
6 firefighter under RCW 41.16, RCW 41.18, and RCW 41.26 or law
7 enforcement officer under RCW 41.20 and RCW 41.26 who resides within
8 the jurisdiction served by the board may be elected pursuant to
9 subsection (1)(c).

10
11 (2) The members of both the county and city disability boards
12 shall not receive compensation for their service upon the boards but
13 the members shall be reimbursed by their respective county or city
14 for all expenses incidental to such service as to the amount
15 authorized by law.

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

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Corban Nemeth 786-6161
Office of the State Actuary
November 27, 2018 (9:55 AM)

1 AN ACT Relating to expanding which fire fighters or law enforcement
2 officers may be elected to certain pension and disability boards and
3 establishing consistent language; and amending RCW 41.16.020, 41.18.015,
4 41.20.010, and 41.26.110.

5

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

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11 **Sec. 1.** RCW 41.16.020 and 2007 c 218 s 19 are each amended to
12 read as follows:

13 There is hereby created in each city and town a municipal
14 firefighters' pension board to consist of the following five
15 members, ex officio, the mayor, or in a city of the first class, the
16 mayor or a designated representative who shall be an elected
17 official of the city, who shall be chairperson of the board, the
18 city comptroller or clerk, the chairperson of finance of the city
19 council, or if there is no chairperson of finance, the city

1 treasurer, and in addition, two (~~regularly employed or retired~~)
2 firefighters who are either employed by or retired from the city or
3 are active or retired firefighters who reside within the city to be
4 elected by secret ballot of those employed and retired firefighters
5 who are subject to the jurisdiction of the board. The members to be
6 elected by the firefighters shall be elected annually for a two year
7 term. The two firefighters elected as members shall, in turn, select
8 a third eligible member who shall serve as an alternate in the event
9 of an absence of one of the regularly elected members. In case a
10 vacancy occurs in the membership of the firefighters or retired
11 members, the members shall in the same manner elect a successor to
12 serve the unexpired term. The board may select and appoint a
13 secretary who may, but need not be a member of the board. In case of
14 absence or inability of the chairperson to act, the board may select
15 a chairperson pro tempore who shall during such absence or inability
16 perform the duties and exercise the powers of the chairperson. A
17 majority of the members of the board shall constitute a quorum and
18 have power to transact business.

19

20 **Sec. 2.** RCW 41.18.015 and 2007 c 218 s 42 are each amended to
21 read as follows:

22 There is hereby created in each fire protection district which
23 qualifies under this chapter, a firefighters' pension board to
24 consist of the following five members, the chairperson of the fire
25 commissioners for said district who shall be chairperson of the
26 board, the county auditor, county treasurer, and in addition, two
27 (~~regularly employed or retired~~) firefighters who are either
28 employed by or retired from the fire protection district or are
29 active or retired firefighters who reside within the fire protection
30 district to be elected by secret ballot of the employed and retired
31 firefighters who are subject to the jurisdiction of the board.

32 (~~Retired members who are subject to the jurisdiction of the pension~~
33 ~~board have both the right to elect and the right to be elected under~~
34 ~~this section.~~) The first members to be elected by the firefighters

1 shall be elected annually for a two-year term. The two firefighter
2 elected members shall, in turn, select a third eligible member who
3 shall serve in the event of an absence of one of the regularly
4 elected members. In case a vacancy occurs in the membership of the
5 firefighter or retired members, the members shall in the same manner
6 elect a successor to serve the unexpired term. The board may select
7 and appoint a secretary who may, but need not be a member of the
8 board. In case of absence or inability of the chairperson to act,
9 the board may select a chairperson pro tempore who shall during such
10 absence or inability perform the duties and exercise the powers of
11 the chairperson. A majority of the members of said board shall
12 constitute a quorum and have power to transact business.

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14 **Sec. 3.** RCW 41.20.010 and 2012 c 117 s 20 are each amended to
15 read as follows:

16 (1) The mayor or his or her designated representative who shall
17 be an elected official of the city, and the clerk, treasurer,
18 president of the city council or mayor pro tem of each city of the
19 first class, or in case any such city has no city council, the
20 commissioner who has supervision of the police department, together
21 with three active or retired members of the police department, to be
22 elected as herein provided, in addition to the duties now required
23 of them, are constituted a board of trustees of the relief and
24 pension fund of the police department of each such city, and shall
25 provide for the disbursement of the fund, and designate the
26 beneficiaries thereof.

27 (2) The police department and the retired law enforcement
28 officers of each city of the first class shall elect three
29 (~~members~~) law enforcement officers who are either employed by or
30 retired from the city, or are active or retired law enforcement
31 officers who reside within the city to act as members of the board.
32 Members shall be elected for three year terms. Existing members
33 shall continue in office until replaced as provided for in this
34 section.

1 (3) Such election shall be held in the following manner. Not
2 more than thirty nor less than fifteen days preceding the first day
3 of June in each year, written notice of the nomination of any
4 (~~member~~) eligible active or retired law enforcement officer (~~or~~
5 ~~retired member of the department~~)) for membership on the board may
6 be filed with the secretary of the board. Each notice of nomination
7 shall be signed by not less than five members or retired members of
8 the department, and nothing herein contained shall prevent any
9 member or retired member of the department from signing more than
10 one notice of nomination. The election shall be held on a date to be
11 fixed by the secretary during the month of June. Notice of the dates
12 upon which notice of nomination may be filed and of the date fixed
13 for the election of such members of the board shall be given by the
14 secretary of the board by posting written notices thereof in a
15 prominent place in the police headquarters. For the purpose of such
16 election, the secretary of the board shall prepare and furnish
17 printed or typewritten ballots in the usual form, containing the
18 names of all persons regularly nominated for membership and shall
19 furnish a ballot box for the election. Each member and each retired
20 member of the police department who are subject to the jurisdiction
21 of the board shall be entitled to vote at the election for one
22 nominee as a member of the board. The chief of the department shall
23 appoint two members to act as officials of the election, who shall
24 be allowed their regular wages for the day, but shall receive no
25 additional compensation therefor. The election shall be held in the
26 police headquarters of the department and the polls shall open at
27 7:30 a.m. and close at 8:30 p.m. The one nominee receiving the
28 highest number of votes shall be declared elected to the board and
29 his or her term shall commence on the first day of July succeeding
30 the election. In the first election the nominee receiving the
31 greatest number of votes shall be elected to the three year term,
32 the second greatest to the two year term and the third greatest to
33 the one year term. (~~Retired members who are subject to the~~
34 ~~jurisdiction of the board have both the right to elect and the right~~

1 ~~to be elected under this section.))~~ Ballots shall contain all names
2 of those nominated, both active and retired. Notice of nomination
3 and voting by retired members shall be conducted by the board.

4

5 **Sec. 4.** RCW 41.26.110 and 2013 c 213 s 1 are each amended to
6 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
9 authorized to be created in this section.

10 (a) Each city having a population of twenty thousand or more
11 shall establish a disability board having jurisdiction over all
12 members employed by those cities and composed of the following five
13 members: Two members of the city legislative body to be appointed by
14 the mayor; one ~~((active or retired))~~ firefighter who is either
15 employed by or retired from the city or is an active or retired
16 firefighter who resides within the city to be elected by the
17 firefighters employed by or retired from the city who are subject to
18 the jurisdiction of the board; one ~~((active or retired))~~ law
19 enforcement officer who is either employed by or retired from the
20 city or is an active or retired law enforcement officer who resides
21 within the city to be elected by the law enforcement officers
22 employed by or retired from the city who are subject to the
23 jurisdiction of the board; and one member from the public at large
24 who resides within the city to be appointed by the other four
25 members designated in this subsection. ~~((Only those active or~~
26 ~~retired firefighters and law enforcement officers who are subject to~~
27 ~~the jurisdiction of the board have the right to elect under this~~
28 ~~section. All firefighters and law enforcement officers employed by~~
29 ~~or retired from the city are eligible for election.))~~ Each of the
30 elected members shall serve a two year term. If there are either no
31 firefighters or law enforcement officers under the jurisdiction of
32 the board eligible to vote, a second eligible employee
33 representative shall be elected by the law enforcement officers or
34 firefighters eligible to vote. The members appointed pursuant to

1 this subsection shall serve for two year terms: PROVIDED, That
2 cities of the first class only, shall retain existing firefighters'
3 pension boards established pursuant to RCW 41.16.020 and existing
4 boards of trustees of the relief and pension fund of the police
5 department as established pursuant to RCW 41.20.010 which such
6 boards shall have authority to act upon and approve or disapprove
7 claims for disability by firefighters or law enforcement officers as
8 provided under the Washington law enforcement officers' and
9 firefighters' retirement system act.

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

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

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

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

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