

fiary. Within the above restrictions each member shall have the right to designate his beneficiary, and, from time to time, have the same changed in accordance with the laws, rules, or regulations of the society, and no beneficiary shall have or obtain any vested interest in the said benefit until the same has become due and payable upon the death of the said member: *Provided*, That any society may, by its laws, limit the scope of beneficiaries within the above classes.

Designation
of bene-
ficiary.

Passed the House March 11, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 115.

[H. B. 382.]

STATE TEACHERS' RETIREMENT FUND.

AN ACT providing for the management of the State Teachers' Retirement Fund by amending Sections 1, 9, 10, 11, 12, 16, 17, 18, 23 and 24 of Chapter 187 of the Session Laws of 1923, (Sections 5020-1, 5020-9, 5020-10, 5020-11, 5020-12, 5020-16, 5020-17, 5020-18, 5020-23, and 5020-24 of Remington's Compiled Statutes of Washington) and amending Chapter 187 of the Laws of 1923, (Section 5020 of Remington's Compiled Statutes of Washington) by adding new sections, to be known as Sections 18-A and 28-A, respectively.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 1 of chapter 187 of the Laws of 1923 (section 5020-1 of Remington's Compiled Statutes of Washington) be amended to read as follows:

Amends
§ 1, ch. 187,
Laws 1923;
§ 5020-1,
Rem. Comp.
Stat.

Section 1. The word "teacher" wherever used in this act shall be held and construed to mean and include any person regularly employed as teacher, instructor, principal, supervisor, state, county or city superintendent, in the public schools of this

Definitions.

"Teacher."

state, or as an assistant to any such teacher, instructor, principal, supervisor or superintendent.

“Member.” The word “member” wherever used in the act shall be held and construed to mean and include any teacher who shall be contributing to the retirement fund mentioned in section 2, but any member shall become an inactive member as defined in this section, as provided by this act.

“Annuitant.” The word “annuitant” wherever used in this act shall be held and construed to mean and include any member who shall have been retired and shall be entitled to receive an annuity under the provisions of this act.

“Trustees.” The word “trustees” wherever used in this act shall be held and construed to mean and include a regularly elected, qualified or acting member of the board of trustees provided for in section 3.

“Inactive member.” The words “inactive member” whenever used in this act shall be held and construed to mean and include any person not forever barred from further membership in the fund under the provisions of this act, who, having contributed to said fund, has ceased contributions thereto; or any person who is not actively employed as a teacher, as defined in this act, although such person may have made and may continue to make contributions to such fund while not employed as such teacher, for the purpose of adding to the required minimum payment.

Amends
 § 9, ch. 187,
 Laws 1923;
 § 5020-9,
 Rem. Comp.
 Stat.

SEC. 2. That section 9 of chapter 187 of the Laws of 1923 (section 5020-9 of Remington’s Compiled Statutes of Washington) be amended to read as follows:

Applications
 for credit.

Section 9. All applications for credit for former service shall be made on forms furnished by the board of trustees and shall be considered by the board of trustees at the next regular meeting after the same are filed, or at a special meeting called for that purpose before the next regular meeting, and if it appears that the applicant is a member of the

fund under this act, the board shall determine the service credit to which such applicant is entitled and the applicant's name shall be entered upon the membership register of the fund, together with the respective totals of years and months of service allowed in any district in this state, and elsewhere, respectively, and a certificate of membership showing the date of issue, the date the member became a teacher under the provisions of this act, and the former teaching service allowed, shall be delivered to the applicant and a duplicate thereof shall be retained by the secretary of the fund. In making allowance for former service, a year of service shall be a legal school year where the service was rendered and fractions of years of service may be counted in computing the total years of service when the sum of such fraction equals one or more years: *Provided*, That no teacher shall receive more than one year's credit for teaching in any school year, as defined by the school code of this state: *Provided further*, No teacher having the right to make application for membership prior to May 1st, 1924, as provided in section 8, who has failed or refused to do so, shall be received into membership.

Board to determine service credit.

Former service.

SEC. 3. That section 10 of chapter 187 of the Laws of 1923 (section 5020-10 of Remington's Compiled Statutes of Washington) be amended to read as follows:

Amends § 10, ch. 187, Laws 1923; § 5020-10, Rem. Comp. Stat.

Section 10. Every teacher except those mentioned in the last proviso of section 9 and those employed in a district having a local teachers' retirement fund shall become subject to the provisions of this act, and entitled to its benefits and privileges, and shall make the contributions and submit to the deductions from salary herein required. It shall be the duty of the county superintendent of schools of each county in the state and the city superintendent of each district of the first class coming under the

All teachers subject to act.

provisions of this act, on or before the fifteenth day of September of each year, to file with the secretary of the fund a notice in writing on forms provided for that purpose, stating the number of the district, the full name of each teacher under contract in each district in his county or city, the address of each teacher, and the date when the employment begins; and he shall report to the secretary of the fund, on the fifteenth day of each succeeding month during the school year, any change in the contracted teacher personnel of his county or city; and shall notify the teacher in writing of the provisions of this act with reference to membership in the fund and that an application for credit for former service, on a form to be furnished for that purpose, may be filed with the secretary of the fund within six months from the date of the beginning of such employment. In case such application is filed within six months the same shall be considered by the board of trustees and credit allowed and certificate of membership issued, showing the date of issue, the date the member became a teacher under the provisions of this act, and the former teaching service allowed. In case such application for credit for former service is not filed within six months, the teacher's name shall be entered as a member of the fund without credit for former service and a certificate of membership without such credit shall be issued, showing the date of issue and the date the member became a teacher under the provisions of this act.

List of
contract
teachers.

Teacher
notified.

Filing ap-
plication.

Amends
§ 11, ch. 187,
Laws 1923;
§ 5020-11,
Rem. Comp.
Stat.

SEC. 4. That section 11 of chapter 187 of the Laws of 1923 (section 5020-11 of Remington's Compiled Statutes of Washington) be amended to read as follows:

Section 11. Upon receipt of the certified list of contracted teachers from each county superintendent of schools and city superintendent of a district of the first class, as provided in section 10, it shall

Certified
list of
teachers.

be the duty of the secretary of the fund, on or before the fifteenth day of October and March of each year, to furnish each county superintendent of the state and each city superintendent of a district of the first class coming under the provisions of this act with a triplicate list of all members of the state teachers' retirement fund teaching in his county or city for the current school year, together with the amount to be deducted from the salary of each member in the months of November and April, respectively, of the current school year. Each county superintendent of schools of the state and each city superintendent of a district of the first class coming under the provisions of this act shall, upon receipt of such deduction list from the secretary of the fund, notify the county auditor or secretary of the first class district and the board of directors of each district of his county or city the amount to be deducted from the salary of each teacher who is a member of the fund. It shall be the duty of the board of directors of each school district, to assess against and deduct from the salary of each member of the fund employed by the district, membership dues at the following rates, to-wit: Twelve dollars (\$12.00) per year up to and including the tenth year of total service; twenty-four dollars (\$24.00) per year from and including the eleventh and up to and including the twentieth year of total service; and thirty-six dollars (\$36.00) from and including the twenty-first year of total service, until the total contribution of the member to the fund shall equal seven hundred and twenty dollars (\$720.00). Said assessments and deductions to be made in two equal semi-annual installments from the salary of such member earned in the months of November and April, respectively, of each school year: *Provided*, That if any school board in the state fails to provide for the required deduction on the dates above mentioned, it shall be the duty of the official who issues the salary war-

List of
members.

Salary
deductions.

Membership
dues.

rants for such district to deduct from the salary due each member the payment required by this act, and to issue the warrant for the salary due less such payment. Every member of the fund other than those from whose salaries deductions are being made and those who have been granted leave of absence for professional preparation shall on or before the fifth day of December and May respectively of each year, pay to the state treasurer for the benefit of the fund a like amount as is hereinabove required to be deducted from the salary of a member employed by any district and take the treasurer's receipt therefor. It shall be the duty of the county auditor of each county of the state and the secretary of each district of the first class coming under the provisions of this act, on or before the tenth day of December and May, respectively, in each year, to draw warrants upon the several school districts of his county or city, payable out of the general funds of the several districts and in favor of the state treasurer covering the amounts of deductions made from the salaries of teachers in the several school districts as provided by law. The county auditor or secretary of first class districts shall forthwith remit said warrants to the state treasurer, accompanied by a report giving the names of the teachers of each district from whose salaries deductions have been made, the amount of each deduction, the total amount of each district warrant, and the number and date of each district warrant. A duplicate copy of said report shall be sent to the secretary of the fund and a triplicate copy to the county or city superintendent of schools. Upon the presentation of such warrants the county treasurer shall transfer the amount thereof from the general funds of the several districts to the state treasurer. The state treasurer shall place the amounts so received to the credit of the teachers' retirement fund and shall, by order of the board of trustees, disburse the same

Warrants
for state
treasurer.

Transfer
of funds.

upon warrants issued and signed by the state auditor. Upon receipt of such report from the county auditor, it shall be the duty of the secretary of the fund to credit the members with the respective amounts of deductions in the proper columns of the membership register after their respective names.

Credit of
members.

SEC. 5. That section 12 of chapter 187 of the Laws of 1923 (section 5020-12 of Remington's Compiled Statutes of Washington) be amended to read as follows:

Amends
§ 12, ch. 187,
Laws 1923 ;
§ 5020-12,
Rem. Comp.
Stat.

Section 12. It shall be the duty of the county superintendent or city superintendent of a district of the first class coming under the provisions of this act, on or before the thirtieth day of June in each year, to certify to the secretary of the fund the names of all teachers under the provisions of this act contracted in his county or city, together with the respective number of months of service during the current school year. Upon receiving such certificate, it shall be the duty of the secretary of the fund to credit the members with the respective months of service in the proper columns of the membership register after their respective names. Each member of the fund who is not employed by a district, or who has been granted leave of absence for professional preparation by the board of directors, shall on or before the 10th day of December, and on or before the 10th day of May of each year, present his receipt from the state treasurer for his payment for the fund, to the secretary of the fund, together with a verified statement of the amount and character of service rendered or preparation pursued during the preceding half year, and it shall be the duty of the secretary to credit such service and contributions to such member on the membership register and endorse such credit on the receipt and return it to the member: *Provided*, That credit shall not be allowed a member absent on leave for profes-

Certified
list of
service.

Members
credit.

sional preparation in excess of two years of total absence on such leave, or in excess of one year of absence on such leave in any ten-year period of total service.

Amends
§ 16, ch. 187,
Laws 1923;
§ 5020-16,
Rem. Comp.
Stat.

SEC. 6. That section 16 of chapter 187 of the Laws of 1923 (section 5020-16 of Remington's Compiled Statutes of Washington) be amended to read as follows:

Inactive
members.

Section 16. Any inactive member shall upon being reemployed as a teacher be credited with contributions previously made to the fund, and upon satisfactory proof shall be credited with such service rendered as a teacher, as defined in this act or with service of the same character rendered elsewhere, as has been rendered in the interim: *Provided*, That accumulated dues for such service for the interim period shall be due the fund and payable by the end of the school year during which such teacher is employed.

Service
credit.

Amends
§ 17, ch. 187,
Laws 1923;
§ 5020-17,
Rem. Comp.
Stat.

SEC. 7. That section 17 of chapter 187 of the Laws of 1923 (section 5020-17 of Remington's Compiled Statutes of Washington) be amended to read as follows:

Retirement
annuity,
amount.

Section 17. Any member of the fund who shall have been a teacher for a period of, or periods aggregating thirty years, embracing not less than two hundred and forty months of service, twenty years of which service shall have been in the public schools of this state, shall be entitled, upon and during retirement from service in the public schools to receive a retirement annuity of four hundred and eighty dollars (\$480.00): *Provided*, That no retirement annuity shall be credited or paid to a member until such member has taught and contributed under the provisions of this act for a period of, or periods aggregating five school years, embracing forty months of service; and no member shall be entitled to an annuity until such member shall have paid or con-

tributed to the fund a minimum of seven hundred and twenty dollars (\$720.00).

SEC. 8. That section 18 of chapter 187 of the Laws of 1923 (section 5020-18 of Remington's Compiled Statutes of Washington) be amended to read as follows:

Amends
§ 18, ch. 187,
Laws 1923 ;
§ 5020-18,
Rem. Comp.
Stat.

Section 18. Any member of the fund who shall have been a teacher for a period of, or periods aggregating ten years, embracing not less than eighty months of service, eight years of which service shall have been in the public schools of this state, shall be entitled, upon retiring from service in the public schools and proving to the satisfaction of the board of trustees that he or she has become incapacitated for service in the public schools, to receive a disability annuity of such part of four hundred and eighty dollars (\$480.00) as the number of years of total service of such member is a part of thirty, while incapacitated for service but for a period not to exceed five years, and any member of the fund who shall have been a teacher for a period of, or periods aggregating twenty years, embracing not less than one hundred and sixty months of service, twelve years of which service shall have been in the public schools of this state, shall be entitled, upon retiring from service in the public schools and proving to the satisfaction of the board of trustees that he or she has become incapacitated for service in the public schools, to receive a disability annuity of such part of four hundred and eighty dollars (\$480.00) as the number of years of total service of such member is a part of thirty, so long as such member is incapacitated for service: *Provided*, That credit for service outside the State of Washington shall not exceed fifteen years toward any disability annuity: *Provided further*, That no disability annuity shall accrue or become due until applicant has

Disability
annuity,
amount.

Credit for
service out-
side state.

been incapacitated during three consecutive contracted school months and unless all sick benefits allowed by a district shall have ceased, and until after application for the disability annuity has been filed with the secretary of the fund stating such facts: *And provided further*, That no such disability annuity shall be paid until the expiration of one year from the date the applicant became a teacher under the provisions of this act.

§ 18-a added
to ch. 187,
Laws 1923.

SEC. 9. That chapter 187 of the Laws of 1923 (section 5020 of Remington's Compiled Statutes of Washington) be amended by adding a new section to follow section 18, to be known and designated as section 18-A, to read as follows:

Section 18-A. Any teacher who is and shall have been a member of the fund for a period of one school year, embracing not less than eight months of service, shall be entitled, upon proving to the satisfaction of the board of trustees that he or she has become totally and permanently disabled and incapacitated for teaching or any other occupation whatsoever, to receive a disability annuity of twenty dollars (\$20.00) per month for a period not to exceed thirty-six months; and any teacher who is and shall have been a member of the fund for a period of, or periods aggregating five years, embracing forty months of service, shall be entitled, upon proving to the satisfaction of the board of trustees that he or she has become totally and permanently disabled and incapacitated for teaching or any other occupation whatsoever, to receive a disability annuity of twenty dollars (\$20.00) per month for a period not to exceed sixty months: *Provided*, That no member shall be granted such annuity more than once, and no member of the fund having sufficient service to apply for a disability annuity under section 18 of this act shall be entitled to receive the disability annuity provided for in this section.

Monthly
disability
annuity.

SEC. 10. That section 23 of chapter 187 of the Laws of 1923 (section 5020 of Remington's Compiled Statutes of the State of Washington) be amended to read as follows:

Amends
§ 23, ch. 187,
Laws 1923.

Section 23. All original claims for retirement annuities, disability annuities, refunds to discharged members, and payments to beneficiaries, legatees or heirs of deceased members, shall be made in writing, in duplicate, on voucher forms to be furnished for that purpose, verified under oath by the claimant, and filed with the secretary of the fund, and shall be supported by such proof, by affidavit or otherwise, of the facts upon which the claim is based, as may be required by the rules and regulations adopted by the board of trustees. Upon the filing of any claim the secretary shall set the same down for hearing before the board of trustees at the next ensuing regular meeting of the board, or at a special meeting called for that purpose in case the board shall determine that an emergency exists, and notify the claimant of the date of the hearing, and shall, at such hearing, certify to the board the facts with reference to the years and months of service, of membership dues paid by, and previous payments made to, the member upon whose record the claim is based, as shown by the records in the office of the secretary.

Claims for
retirement.

Hearing.

SEC. 11. That section 24 of chapter 187 of the Laws of 1923 (section 5020 of Remington's Compiled Statutes of Washington) be amended to read as follows:

Amends
§ 24, ch. 187,
Laws 1923.

Section 24. If at the hearing it shall appear to the board that the claim is based upon sufficient facts, but is not in proper form or the requisite proof is not offered, the hearing may be adjourned for such reasonable time as the board may determine. The final action of the board in allowing or rejecting any claim shall be by resolution of a majority of the members of the board and entered

Hearing
adjourned.

Action on
claim.

Payment.

Subsequent payments.

on the minutes, and in case the claim is allowed, the secretary at the expiration of ten days from the date of allowance, if no appeal is taken, shall send the original claim voucher to the state auditor who shall draw the necessary warrant on the state treasurer payable out of the retirement fund, deliver the same to the secretary of the fund, who shall enter the payment on the membership register and forward the warrant to the claimant. All subsequent payments of annuities shall be authorized by resolution of the board entered on the minutes after the proper vouchers signed and verified in duplicate by the annuitant, as may be required by the rules, have been submitted to the board, and the secretary shall, at the expiration of five days from date of authorization, if no appeal is taken, send the original voucher to the state auditor who shall draw the necessary warrant on the state treasurer payable out of the retirement fund and deliver the same to the secretary of the fund, who shall enter the payment on the membership register and forward the warrant to the claimant. On or before the fifth day of each month the secretary shall furnish to the state auditor a report, in triplicate, of all expenditures for the preceding month.

Adds § 28-a to ch. 187, Laws 1923.

SEC. 12. That chapter 187 of the Laws of 1923 (section 5020 of Remington's Compiled Statutes of Washington) be amended by adding a new section to follow section 28, to be known and designated as section 28-a, to read as follows:

Member of local fund admitted.

Section 28-a. On and after July 1, 1931, any member of a local teachers' retirement fund under the provisions of chapter 163 of the Laws of 1917 and amendments thereto, who shall leave the employment of a district maintaining such a fund and who shall cease to be a member of such local fund, and shall become and be regularly employed as a teacher, instructor, principal, supervisor, state,

county or city superintendent, in the public schools of this state, or as an assistant to any such teacher, instructor, principal, supervisor, or superintendent, may be admitted as a member of the state teachers' retirement fund under the provisions of this act, in the discretion of the board of trustees, by making application for such membership on forms furnished by the board of trustees: *Provided*, Applicant shall not be entitled to any credit for previous service except the equivalent of the credit for service to which applicant is entitled under the local fund, not exceeding ten years: *Provided, further*, Applicant shall be required to pay to the state fund the equivalent of all sums paid to the local fund.

Service
credit.

Passed the House March 7, 1931.

Passed the Senate March 10, 1931.

Approved by the Governor March 20, 1931.

CHAPTER 116.

[H. B. 384.]

COSTS AND EXPENSES IN APPEALS FROM DECISIONS OF DEPARTMENT OF LABOR AND INDUSTRIES.

AN ACT relating to the Department of Labor and Industries; providing for the payment of costs and expenses, court costs and fees in appeals from decisions of the Division of Industrial Insurance to the joint board or to any court.

*Be it enacted by the Legislature of the State of
Washington:*

SECTION 1. Whenever any appeal is taken from any decision of the division of industrial insurance of the department of labor and industries to the joint board or to any court, all expenses and costs incurred therein by the department of labor and industries, including fees for expert medical testimony, court reporter costs and attorneys' fees, and all costs taxed against such department, shall be