

CHAPTER 223.

[S. B. 386.]

CIVIL DEFENSE—WORKERS COMPENSATION FOR INJURY OR DEATH.

AN ACT relating to civil defense; providing for procedure for compensating civil defense workers and their dependents in case of injury or death in line of duty; prescribing powers and duties of certain officers and persons; amending sections 2 and 3 of chapter 178, Laws of 1951 (uncodified); adding certain sections thereto; and declaring an emergency.

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

Amendment.

SECTION 1. Section 2, chapter 178, Laws of 1951 (uncodified), is amended to read as follows:

Declaration of purpose.

(1) Because of the existing and increasing possibility of the occurrence of disasters of unprecedented size and destructiveness resulting from enemy attack, sabotage or other hostile action, or from fire, flood, storm, earthquake, or other natural causes, and in order to insure that preparations of this state will be adequate to deal with such disasters, and generally to provide for the common defense and to protect the public peace, health, and safety, and to preserve the lives and property of the people of the state, it is hereby found and declared to be necessary: (a) to create a state civil defense agency, and to authorize the creation of local organizations for civil defense in the political subdivisions of the state; (b) to confer upon the governor and upon the executive heads of the political subdivisions of the state the emergency powers provided herein; (c) to provide for the rendering of mutual aid among the political subdivisions of the state and with other states and to cooperate with the federal government with respect to the carrying out of civil defense functions; and (d) to provide a means of compensating civil defense workers who may suffer any

injury as herein defined as a result of participation in civil defense service.

(2) It is further declared to be the purpose of this act and the policy of the state that all civil defense functions of this state and its political subdivisions be coordinated to the maximum extent with the comparable functions of the federal government including its various departments and agencies of other states and localities, and of private agencies of every type, to the end that the most effective preparation and use may be made of the nation's manpower, resources, and facilities for dealing with any disaster that may occur.

SEC. 2. Section 3, chapter 178, Laws of 1951 (uncodified), is amended to read as follows: Amendment.

As used in this act: (1) "Civil Defense" means the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters caused by enemy attack, sabotage, or other hostile action, or by fire, flood, storm, earthquake, or other natural causes. These functions include, without limitation, fire fighting services, police services, medical and health services, rescue, engineering, air raid warning services, communications, radiological, chemical and other special weapons defense[,] evacuation of persons from stricken areas, emergency welfare services, emergency transportation, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection, together with all other activities necessary or incidental to the preparation and for carrying out of the foregoing functions.

"Civil defense."

(2) "Local Organization for Civil Defense" means an organization created in accordance with the pro-

"Local Organization for Civil Defense."

visions of this act by state or local authority to perform local civil defense functions.

"Mobile Support Unit."

(3) "Mobile Support Unit" means an organization for civil defense created in accordance with the provisions of this act by state or local authority to be dispatched by the governor to supplement local organizations for civil defense in stricken areas.

"Political Subdivision."

(4) "Political Subdivision" means any county, city or town.

"Civil Defense Worker."

(5) "Civil Defense Worker" means any person who is registered with a state or local civil defense organization and holds an identification card issued by the state or local civil defense director for the purpose of engaging in authorized civil defense service or is an employee of the state of Washington or any political subdivision thereof who is called upon to perform civil defense service.

"Civil Defense Service."

(6) "Civil Defense Service" means and includes all activities authorized by and carried on pursuant to the provisions of the Washington Civil Defense Act of 1951, including training necessary or proper to engage in such activities.

"Injury."

(7) "Injury" as used in this act shall mean and include accidental injuries and/or occupational diseases arising out of civil defense service.

Compensation for injury or death; act exclusive remedy.

SEC. 3. Except as provided in this act, a civil defense worker and his dependents shall have no right to receive compensation from the state, from the agency, from the local organization for civil defense with which he is registered, or from the county or city which has empowered the local organization for civil defense to register him and direct his activities, for an injury or death arising out of and occurring in the course of his activities as a civil defense worker.

Compensation board; counties.

SEC. 4. (1) In each local organization for civil defense established by the county commissioners in accordance with the provisions of section 8, chapter

178, Laws of 1951 (uncodified), there is hereby created and established a compensation board for the processing of claims as provided in this act. The compensation board shall be composed of one member of the board of county commissioners selected by the county commissioners of the county who will serve as chairman of the compensation board; the county director of civil defense; the prosecuting attorney; the civil defense coordinator for medical and health services; and the county auditor who will serve as secretary of the compensation board.

(2) In each local organization for civil defense established by cities and towns in accordance with section 8, chapter 178, Laws of 1951 (uncodified), there is hereby created and established a compensation board for the processing of claims as provided in this act. The compensation board shall be composed of the mayor; the city director of civil defense; one councilman or commissioner selected by the council or the commission; the city attorney or corporation counsel; and the civil defense coordinator of medical and health services. The councilman or commissioner so selected shall serve as chairman of the compensation board and the director of civil defense shall serve as secretary of the board.

Cities and towns.

SEC. 5. Said compensation board shall meet on the call of its chairman on a regular monthly meeting day when there is business to come before it. The chairman shall be required to call a meeting on any monthly meeting day when any claim for compensation under the act has been submitted to the board.

Meetings.

SEC. 6. The compensation board, in addition to other powers herein granted, shall have the power to compel the attendance of witnesses to testify before it on all matters connected with the operation of this act and its chairman or any member of said board may administer oath to such witnesses; to

Powers.

make all necessary rules and regulations for its guidance in conformity with the provisions of this act: *Provided, however,* That no compensation or emoluments shall be paid to any member of said board for any duties performed as a member of said compensation board.

Compensation of members.

Duties.

SEC. 7. The compensation board shall hear and decide all applications for compensation under this act. The board shall submit its recommendations to the director of the department of civil defense on such forms as he may prescribe. In case the decision of the director is different from the recommendation of the compensation board, the matter shall be submitted to the state civil defense council for action.

Quorum.

SEC. 8. A majority of the compensation board shall constitute a quorum, and no business shall be transacted when a majority is not present, and no claim shall be allowed when a majority of the board has not voted favorably thereon.

Majority vote necessary.

Minutes.

The board shall send a copy of the minutes of all meetings to the department of civil defense with copies of all material pertaining to each claim submitted and noting the action of the board on each claim. Appeals may be made by the civil defense worker from any action by the board within one year by writing to the department of civil defense.

Claim information.

Appeals from board.

Governmental immunity except for act.

SEC. 9. Liability for the compensation provided by this act, as limited by the provisions thereof, is in lieu of any other liability whatsoever to a civil defense worker or his dependents or any other person on the part of the state, the agency, the local organization for civil defense with which the civil defense worker is registered, and the county or city which has empowered the local organization for civil defense to register him and direct his activities, for injury or death arising out of and in the course of his activities while on duty as a civil defense

worker: *Provided*, That nothing in this act shall limit or bar the liability of the state or its political subdivisions engaged in proprietary functions as distinguished from governmental functions that may exist by reason of injury or death sustained by a civil defense worker.

Exception;
proprietary
functions.

SEC. 10. Compensation shall be furnished to a civil defense worker either within or without the state for any injury arising out of and occurring in the course of his activities as a civil defense worker, and for the death of any such worker if the injury proximately causes death, in those cases where the following conditions occur:

When
compensation
shall be
furnished.

(1) Where, at the time of the injury the civil defense worker is performing services as a civil defense worker, and is acting within the course of his duties as a civil defense worker.

Conditions.

(2) Where, at the time of the injury the local organization for civil defense with which the civil defense worker is registered is an approved local organization for civil defense.

(3) Where the injury is proximately caused by his service as a civil defense worker, either with or without negligence.

(4) Where the injury is not caused by the intoxication of the injured civil defense worker.

(5) Where the injury is not intentionally self-inflicted.

SEC. 11. Civil defense volunteers who are minors shall have the same rights as adults for the purpose of receiving benefits under the provisions of this act, but this provision shall not prevent the requirements that a guardian be appointed to receive and administer such benefits until the majority of such minor. Work as a civil defense volunteer shall not be deemed as employment or in violation of any of the provisions of RCW 49.12.

Compensa-
tion of
minors.

Funds for
compensation
payments.

SEC. 12. No compensation or benefits shall be paid or furnished to civil defense workers or their dependents pursuant to the provisions of this act except from money appropriated for the purpose of this act.

Maximum
compensa-
tion.

SEC. 13. Insofar as not inconsistent with the provisions of this act, the maximum amount payable to a claimant shall be not greater than the amount allowable for similar disability under the Workmen's Compensation Act, RCW 51.32.005 through RCW 51.32.170 and any amendments thereto. "Employee" as used in said title shall include a civil defense worker when liability for the furnishing of compensation and benefits exists pursuant to the provisions of this act and as limited by the provisions of this act. Where liability for compensation and benefits exists, such compensation and benefits shall be provided in accordance with the applicable provisions of said sections of RCW 51.32 and at the maximum rate provided therein, subject, however, to the limitations set forth in this act.

Procedure
for payment
of compen-
sation.

Election
where injury
caused by
person not on
civil defense
duty.

SEC. 14. If the injury to a civil defense worker is due to the negligence or wrong of another not on civil defense duty, the injured worker, or if death results from the injury, his widow, children, parents or dependents, as the case may be, shall elect whether to take under this act or seek a remedy against such other, such election to be in advance of any suit under this act; and if he takes under this act, the cause of action against such other shall be assigned to the department of civil defense; if the other choice is made, the compensation under this act shall be only the deficiency, if any, between the amount of recovery against such third person actually collected, and the compensation provided or estimated for such case under authority of this act: *Provided*, That the department of civil defense shall prosecute all claims assigned to it and do any and all

things necessary to recover on behalf of the state any and all amounts which an employer or insurance carrier might recover under the provisions of the law.

SEC. 15. The department of civil defense shall establish by rule and regulation various classes of civil defense workers, the scope of the duties of each class, and the conditions under which said workers shall be deemed to be on duty and covered by the provisions of this act. The department shall also adopt rules and regulations prescribing the manner in which civil defense workers of each class are to be registered.

Department of civil defense; rules and regulations.

SEC. 16. The department of civil defense shall provide each compensation board with the approved maximum schedule of payments for injury or death prescribed in RCW 51.32: *Provided*, That nothing in this act shall be construed as establishing any liability on the part of the department of labor and industries.

Maximum schedule of payments to be furnished board.

SEC. 17. The department of civil defense is authorized to make all expenditures necessary and proper to carry out the provisions of this act including payments to claimants for compensation as civil defense workers and their dependents; to adjust and dispose of all claims submitted by a local compensation board: *Provided*, That nothing herein shall be construed to mean that the department of civil defense or the state civil defense council or its offices or agents shall have the final decision with respect to the compensability of any case or the amount of compensation or benefits due, but any civil defense worker or his dependents shall have the same right of appeal from any order, decision, or award to the same extent as provided in RCW 51.52.050 to 51.52.110.

Authorized expenditures.

Appeal by worker or dependents unaffected.

Compensation for injury or death in regular course of employment.

SEC. 18. Nothing in this act shall deprive any civil defense worker or his dependents of any right to compensation for injury or death sustained in the course of his regular employment even though his regular work is under direction of civil defense authorities: *Provided*, That such worker, if he is eligible for some other compensation plan, and receives the benefits of such plan shall not also receive any compensation under this act. The department of civil defense shall adopt such rules and regulations as may be necessary to protect the rights of such workers and may enter into agreements with authorities in charge of other compensation plans to insure protection of such workers: *Provided*, That if the compensation from some other plan is less than would have been available under this act, he shall be entitled to receive the deficiency between the amount received under such other plan and the amount available under this act.

Federal aid; monetary or other relief.

SEC. 19. Should the United States or any agent thereof, in accordance with any federal statute or rule or regulation, furnish monetary assistance, benefits, or other temporary or permanent relief to civil defense workers or to their dependents for injuries arising out of and occurring in the course of their activities as civil defense workers, then the amount of compensation which any civil defense worker or his dependents are otherwise entitled to receive from the state of Washington as provided herein, shall be reduced by the amount of monetary assistance, benefits, or other temporary or permanent relief the civil defense worker or his dependents have received and will receive from the United States or any agent thereof as a result of his injury.

Federal aid; medical, surgical or hospital treatment.

SEC. 20. If, in addition to monetary assistance, benefits or other temporary or permanent relief, the United States or any agent thereof furnishes medical, surgical or hospital treatment or any combina-

tion thereof to an injured civil defense worker, then the civil defense worker has no right to receive similar medical, surgical or hospital treatment as provided in this act. However, the department of civil defense may furnish medical, surgical or hospital treatment as part of the compensation provided under the provisions of this act.

Department of civil defense; medical, surgical or hospital treatment.

SEC. 21. If, in addition to monetary assistance, benefits, or other temporary or permanent relief, the United States or any agent thereof, will reimburse a civil defense worker or his dependents for medical, surgical or hospital treatment, or any combination thereof, furnished to the injured civil defense worker, the civil defense worker has no right to receive similar medical, surgical or hospital treatment as provided in this act, but the department of civil defense, may furnish a medical, surgical or hospital treatment as part of the compensation provided under the provisions of this act and apply to the United States or its agent for the reimbursement which will be made to the civil defense worker or his dependents. As a condition to the furnishing of such medical, surgical or hospital treatment, the department shall require the civil defense worker and his dependents to assign to the state of Washington, for the purpose of reimbursing for any medical, surgical or hospital treatment furnished or to be furnished by the state, any claim or right such civil defense worker or his dependents may have to reimbursement from the United States or any agent thereof.

Federal aid; reimbursement for medical, surgical or hospital treatment.

SEC. 22. If the furnishing of compensation under the provisions of this act to a civil defense worker or his dependents prevents such civil defense worker or his dependents from receiving assistance, benefits or other temporary or permanent relief under the provisions of a federal statute or rule or regulation,

Federal aid; forfeiture by state compensation prevented.

then the civil defense worker and his dependents shall have no right to, and shall not receive, any compensation from the state of Washington under the provisions of this act for any injury for which the United States or any agent thereof will furnish assistance, benefits or other temporary or permanent relief in the absence of the furnishing of compensation by the state of Washington.

Emergency.

SEC. 23. This act is necessary for the immediate preservation of the public peace, health and safety, support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate February 23, 1953.

Passed the House March 10, 1953.

Approved by the Governor March 19, 1953.

CHAPTER 224.

[S. B. 439.]

DISPOSITION OF CERTAIN DEAD BODIES.

AN ACT relating to the disposition of certain dead bodies; and amending sections 36.39.030 and 68.08.070, RCW.

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

Amendment.

SECTION 1. Section 36.39.030, RCW, as derived from section 1, chapter 258, Laws of 1951, is amended to read as follows:

Indigents.

The board of county commissioners of any county shall provide for the disposition of the remains of any indigent person including a recipient of public assistance who dies within the county and whose body is unclaimed by relatives or church organization.

Amendment.

SEC. 2. Section 68.08.070, RCW, as derived from section 2, chapter 123, Laws of 1891, is amended to read as follows: