

CHAPTER 4.

[S. B. 43.]

APPROPRIATION—PAYMENTS TO LEGISLATORS IN LIEU OF SUBSISTENCE AND LODGING.

AN ACT relating to legislators' subsistence; making an appropriation; and declaring an emergency.

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

SECTION 1. There is hereby appropriated out of the state general fund the sum of two hundred and twenty-three thousand five hundred dollars for payment to members of the legislature in lieu of subsistence and lodging while in attendance at the thirty-sixth legislative session. Appropriation.

SEC. 2. This act is necessary for the immediate support of the state government and shall take effect immediately. Emergency.

Passed the Senate January 15, 1959.

Passed the House January 16, 1959.

Approved by the Governor January 20, 1959.

CHAPTER 5.

[S. B. 25.]

FIREMEN'S RELIEF AND PENSIONS—
1947 ACT AMENDED.

AN ACT relating to firemen's relief and pensions; and amending and reenacting section 8, chapter 91, Laws of 1947 as divided and amended by sections 1 through 13, chapter 82, Laws of 1957, and RCW 41.16.080 through 41.16.190 and declaring an emergency.

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

SECTION 1. Section 8, chapter 91, Laws of 1947 as divided and amended by sections 1 through 13, chapter 82, Laws of 1957 is amended and reenacted

to read as set forth in sections 2 through 13 of this act.

RCW 41.16.080 enacted without amendment.

SEC. 2. (RCW 41.16.080) Any fireman employed in a fire department on and before the first day of January, 1947, hereinafter in this section and RCW 41.16.090 to 41.16.190 inclusive, referred to as "fireman", and who shall have served twenty-five or more years and having attained the age of fifty-five years, as a member of the fire department, shall be eligible for retirement and shall be retired by the board upon his written request. Upon his retirement any fireman shall be paid a pension based upon the average monthly salary drawn for the five calendar years before retirement, the number of years of his service and a percentage factor based upon his age on entering service, as follows:

Entrance age at last birthday	Salary percentage factor
20 and under.....	1.50%
21	1.55%
22	1.60%
23	1.65%
24	1.70%
25	1.75%
26	1.80%
27	1.85%
28	1.90%
29	1.95%
30 and over.....	2.00%

Said monthly pension shall be in the amount of his average monthly salary for the five calendar years before retirement, times the number of years of service, times the applicable percentage factor.

RCW 41.16.090 amended. Limit of pension.

SEC. 3. (RCW 41.16.090) No monthly pension or benefit shall be paid in excess of one hundred fifty dollars: *Provided*, That all pensioners receiving a pension under the provisions of this chapter as provided for in section 12, chapter 91, Laws of 1947

and RCW 41.16.230, shall have their pensions increased in the amount of twenty-five dollars per month, beginning at the time this 1957 law becomes effective; but no pensioners will be entitled to receive more than one hundred and fifty dollars per month.

SEC. 4. (RCW 41.16.100) The widow, child, children or beneficiary of any fireman retired under this chapter shall receive an amount equal to his accumulated contributions to the fund, plus earned interest thereon compounded semiannually: *Provided*, That there shall be deducted from said sum the amount paid to decedent in pensions and the remainder shall be paid to his widow, child, children or beneficiary: *Provided further*, That the amount paid shall not be less than one thousand dollars.

RCW 41.16.100
enacted
without
amendment.

SEC. 5. (RCW 41.16.110) Whenever any fireman shall die while eligible to retirement on account of years of service, and shall not have been retired, benefits shall be paid in accordance with RCW 41.16.100.

RCW 41.16.110
enacted
without
amendment.

SEC. 6. (RCW 41.16.120) Whenever any active fireman or fireman retired for disability shall die as the result of an accident or other fortuitous event occurring while in the performance of his duty, his widow may elect to accept a monthly pension equal to one-half the deceased fireman's salary but in no case in excess of one hundred fifty dollars per month, or the sum of five thousand dollars cash. The right of election must be exercised within sixty days of the fireman's death. If not so exercised, the pension benefits shall become fixed and shall be paid from the date of death. Such pension shall cease if, and when, she remarries. If there is no widow, then such pension benefits shall be paid to his child or children.

RCW 41.16.120
enacted
without
amendment.

SEC. 7. (RCW 41.16.130) (1) Any fireman who shall become disabled as a result of the performance

RCW 41.16.130
enacted
without
amendment.

of his duty or duties as defined in this chapter, may be retired at the expiration of six months from the date of his disability, upon his written request filed with his retirement board. The board may upon such request being filed, consult such medical advice as it sees fit, and may have the applicant examined by such physicians as it deems desirable. If from the reports of such physicians the board finds the applicant capable of performing his duties in the fire department, the board may refuse to recommend his retirement.

(2) If the board deems it for the good of the fire department or the pension fund, it may recommend the applicant's retirement without any request therefor by him, after giving him a thirty days notice. Upon his retirement he shall be paid a monthly disability pension in amount equal to one-half of his monthly salary at date of retirement, but which shall not exceed one hundred fifty dollars a month. If he recovers from his disability he shall thereupon be restored to active service, with the same rank he held when he retired.

(3) If the fireman dies during disability and not as a result thereof, RCW 41.16.160 shall apply.

RCW 41.16.140
enacted
without
amendment.

SEC. 8. (RCW 41.16.140) Any fireman who has served more than fifteen years and sustains a disability not in the performance of his duty which renders him unable to continue his service, shall within sixty days exercise his choice either to receive his contribution to the fund, plus earned interest compounded semiannually, or be retired and paid a monthly pension based on the factor of his age shown in RCW 41.16.080, times his average monthly salary as a member of the fire department of his municipality at the date of his retirement, times the number of years of service rendered at the time he sustained such disability. If such fireman shall die leaving surviving him a wife, or child

or children, then such wife, or if he leaves no wife, then his child or children shall receive the sum of his contributions, plus accumulated compound interest, and such payment shall be reduced in the amount of the payments made to deceased.

SEC. 9. (RCW 41.16.150) (1) Any fireman who has served twenty years or more and who shall resign or be dismissed, shall have the option of receiving all his contributions plus earned interest compounded semiannually, or a monthly pension in the amount of his average monthly salary times the number of years of service rendered, times one and one-half percent. Payment of such pension shall commence at the time of severance from the fire department, or at the age of fifty-five years, whichever shall be later. The fireman shall have sixty days from the severance date to elect which option he will take. In the event he fails to exercise his right of election then he shall receive the amount of his contributions plus accrued compounded interest. In the event he elects such pension, but dies before attaining the age of fifty-five, his widow, or if he leaves no widow, then his child or children shall receive only his contribution, plus accrued compounded interest. In the event he elects to take a pension and dies after attaining the age of fifty-five, his widow, or if he leaves no widow, then child or children shall receive his contributions, plus accrued compounded interest, less the amount of pension payments made to such fireman during his lifetime.

RCW 41.16.150
enacted
without
amendment.

(2) Any fireman who shall have served for a period of less than twenty years, and shall resign or be dismissed, shall be paid the amount of his contributions, plus accrued compounded interest.

SEC. 10. (RCW 41.16.160) Whenever any fireman, after four years of service, shall die from natural causes, or from an injury not sustained in the performance of his duty and for which no pen-

RCW 41.16.160
enacted
without
amendment.

sion is provided in this chapter, and who has not been retired on account of disability, his widow, if she was his wife at the time he was stricken with his last illness, or at the time he received the injuries from which he died; or if there is no such widow, then his child or children shall be entitled to the amount of his contributions, plus accrued compounded interest, or the sum of one thousand dollars, whichever sum shall be the greater. In case of death as above stated, before the end of four years of service, an amount based on the proportion of the time of service to four years shall be paid such beneficiaries.

RCW 41.16.170
enacted
without
amendment.

SEC. 11. (RCW 41.16.170) Whenever a fireman dies leaving no widow or children, the amount of his accumulated contributions, plus accrued compounded interest only, shall be paid his beneficiary.

RCW 41.16.180
enacted
without
amendment.

SEC. 12. (RCW 41.16.180) Upon the death of any active, disabled or retired fireman the board shall pay from the fund the sum of two hundred dollars to assist in defraying the funeral expenses of such fireman.

RCW 41.16.190
enacted
without
amendment.

SEC. 13. (RCW 41.16.190) No fireman disabled in the performance of duty shall receive a pension until six months has elapsed after such disability was sustained. Therefore, whenever the retirement board, pursuant to examination by the board's physician and such other evidence as it may require, shall find a fireman has been disabled while in the performance of his duties, it shall declare him inactive. For a period of six months from the time he became disabled, he shall continue to draw full pay from his municipality and in addition thereto he shall, at the expense of the municipality, be provided with such medical, hospital and nursing care as the retirement board deems proper. If the board finds at the expiration of six months that the fireman is unable

to return to and perform his duties, then he shall be retired as herein provided.

SEC. 14. The provisions of this act are intended to be remedial and procedural and any benefits heretofore paid to recipients hereunder pursuant to any previous act are retroactively included and authorized as a part of this act. Construction.

SEC. 15. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to any other persons or circumstances is not affected. Severability.

SEC. 16. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately. Emergency.

Passed the Senate January 21, 1959.

Passed the House January 23, 1959.

Approved by the Governor January 27, 1959.

CHAPTER 6.

[S. B. 51.]

POLICE RELIEF AND PENSIONS—FIRST CLASS CITIES.

AN ACT relating to pensions for retired police department members and their families; reenacting section 4, chapter 39, Laws of 1909 as last amended by section 1, chapter 84, Laws of 1957 and RCW 41.20.050; reenacting section 5, chapter 39, Laws of 1909 as last amended by section 2, chapter 84, Laws of 1957 and RCW 41.20.060; reenacting section 7, chapter 39, Laws of 1909 as last amended by section 3, chapter 84, Laws of 1957 and RCW 41.20.080; and declaring an emergency.

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

SECTION 1. Section 4, chapter 39, Laws of 1909 as last amended by section 1, chapter 84, Laws of RCW 41.20.050
reenacted.