

Section 11 of Engrossed House Bill No. 314 neither mentions the amendment to RCW 46.68.041 by Chapter 99 nor provides for the allocation of the increased driver's license fee.

In order to avoid the confusion resulting from both these amendments to the same section from becoming effective and the danger that section 9 of Chapter 99, Laws of 1969, would thereby be repealed by implication, I have vetoed section 11 of Engrossed House Bill No. 314. Since section 5 of Engrossed House Bill No. 314 specifically changes the name of the "driver education account" to the "traffic safety education account", my veto will not affect the practical operation of the bill.

With the exception of Section 11 which I have vetoed, the remainder of Engrossed House Bill No. 314 is approved."

CHAPTER 219

[Engrossed Substitute Senate Bill No. 468]  
POLICEMEN'S AND FIREMEN'S BENEFITS

AN ACT Relating to public employment; amending section 1, chapter 6, Laws of 1959 as last amended by section 36, chapter ..., Laws of 1969 (Engrossed Substitute SB 74), and RCW 41.20.050; amending section 5, chapter 39, Laws of 1909 as last amended by section 37, chapter ..., Laws of 1969 (Engrossed Substitute SB 74), and RCW 41.20.060; amending section 11, chapter ..., Laws of 1969 (Engrossed Substitute SB 74); amending section 15, chapter ..., Laws of 1969 (Engrossed Substitute SB 74); and declaring an emergency.

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

Section 1. Section 1, chapter 6, Laws of 1959 as last amended by section 36, chapter ..., Laws of 1969 (Engrossed Substitute SB 74), and RCW 41.20.050 are each amended to read as follows:

Whenever a person has been duly appointed, and has served honorably for a period of twenty-five years, as a member, in any capacity, of the regularly constituted police department of a city subject to the provisions of this chapter, the board, after hearing, if one is requested in writing, may order and direct that such person be retired, and the board shall retire any member so entitled, upon his written request therefor. The member so retired hereafter shall be paid from the fund

during his lifetime a pension equal to fifty percent of the amount of salary at any time hereafter attached to the position held by the retired member for the year preceding the date of his retirement: PROVIDED, That, except as to a position higher than that of captain held for at least three calendar years prior to the date of retirement, no such pension shall exceed the amount equivalent to fifty percent of the salary of captain, and all existing pensions shall be increased to not less than one hundred fifty dollars per month as of July 1, 1957: PROVIDED FURTHER, That a person hereafter retiring who has served as a member for more than twenty-five years, shall have his pension payable under this section increased by two percent of his salary per year for each full year of such additional service to a maximum of five additional years.

Any person who has served in a position higher than the rank of captain for a minimum of three years may elect to retire at such higher position and receive for his lifetime a pension equal to fifty percent of the amount of the salary at any time hereafter attached to the position held by such retired member for the year preceding his date of retirement: PROVIDED, That such person make the said election to retire at a higher position by September 1, 1969 and at the time of making the said election, pay into the relief and pension fund in addition to the contribution required by RCW 41.20.130; (1) an amount equal to six percent of that portion of all monthly salaries previously received upon which a sum equal to six percent has not been previously deducted and paid into the police relief and pension fund; (2) and such person agrees to continue paying into the police relief and pension fund until the date of retirement, in addition to the contributions required by RCW 41.20.130, an amount equal to six percent of that portion of monthly salary upon which a six percent contribution is not currently deducted pursuant to RCW 41.20.130.

Any person affected by this chapter who at the time of entering the armed services was a member of such police department and has honorably served in the armed services of the United States in the

time of war, shall have added to his period of employment as computed under this chapter, his period of war service in the armed forces, but such credited service shall not exceed five years and such period of service shall be automatically added to each member's service upon payment by him of his contribution for the period of his absence at the rate provided in RCW 41.20.130.

Sec. 2. Section 5, chapter 39, Laws of 1909 as last amended by section 37, chapter ..., Laws of 1969 (Engrossed Substitute SB 74) and RCW 41.20.060 are each amended to read as follows:

Whenever any person, while serving as a policeman in any such city becomes physically disabled by reason of any bodily injury received in the immediate or direct performance or discharge of his duties as a policeman, or becomes incapacitated for service, such incapacity not having been caused or brought on by dissipation or abuse, of which the board shall be judge, the board may, upon his written request filed with the secretary, or without such written request, if it deems it to be for the benefit of the public, retire such person from the department, and order and direct that he be paid from the fund during his lifetime, a pension equal to fifty percent of the amount of salary at any time hereafter attached to the position which he held in the department at the date of his retirement, but not to exceed an amount equivalent to fifty percent of the salary of captain ((~~7~~)) except as to a position higher than that of captain held for at least three calendar years prior to the date of retirement in which case as to such position the provisions of section 1 of this 1969 amendatory act shall apply, and all existing pensions shall be increased to not less than one hundred fifty dollars per month as of July 1, 1957 (~~((7-except-as-to-a-position-higher-than-that-of-captain-held-for-at-least-three-calendar-years-prior-to-the-date-of-retirement-in-which-case-as-to-such-position-the-provisions-of-section-36-of-this-1969-amendatory-act-shall-apply))~~): PROVIDED, That where, at the time of retirement hereafter for disability under this section, such person has served honorably for a period of more than

twenty-five years as a member, in any capacity of the regularly constituted police department of a city subject to the provisions of this chapter, the foregoing percentage factors to be applied in computing the pension payable under this section shall be increased by two percent of his salary per year for each full year of such additional service to a maximum of five additional years.

Whenever such disability ceases, the pension shall cease, and such person shall be restored to active service at the same rank he held at the time of his retirement, and at the current salary attached to said rank at the time of his return to active service.

Disability benefits provided for by this chapter shall not be paid when the policeman is disabled while he is engaged for compensation in outside work not of a police or special police nature.

.Sec. 3. Section 11, chapter ..., Laws of 1969 (Engrossed Substitute SB 74) is amended to read as follows:

(1) All claims for disability made against the retirement system as defined in section 3(1) of this 1969 amendatory act (SSB 74) shall be acted upon and either approved or disapproved by either type of disability board hereafter authorized to be created.

(a) Each city having a population of twenty thousand or more shall establish a disability board having jurisdiction over all members employed by said cities and composed of the following five members: Two members of the city legislative body to be appointed by the mayor, one fire fighter to be elected by the fire fighters employed by the city, one law enforcement officer to be elected by the law enforcement officers employed by the city and one member from the public at large who resides within the city to be appointed by the other four appointed members heretofore designated in this subsection. All members appointed or elected pursuant to this subsection shall serve for two year terms: PROVIDED, That cities of the first class only, shall retain existing firemen's pension boards established pursuant to RCW 41.16.020 and existing boards of trustees of the relief and pension fund of the police department as established pursuant

to RCW 41.20.010 which such boards shall have authority to act upon and approve or disapprove claims for disability by fire fighters' or law enforcement officers' as appropriate under the Washington Law Enforcement officers' and Fire Fighters' Retirement System Act.

(b) Each county shall establish a disability board having jurisdiction over all members residing in the county and not residing within a city in which a disability board is established. The county disability board so created shall be composed of five members to be chosen as follows: One member of the legislative body of the county to be appointed by the county legislative body, one member of a city or town legislative body located within the county which does not contain a city disability board established pursuant to subsection (1) (a) of this section to be chosen by a majority of the mayors of such cities and towns within the county which does not contain a city disability board, one fire fighter to be elected by the fire fighters subject to the jurisdiction of the county disability board, one law enforcement officer to be elected by the law enforcement officers subject to the jurisdiction of the county disability board, and one member from the public at large who resides within the county but does not reside within a city in which a city disability board is established, to be appointed by the other four appointed members heretofore designated in this subsection. All members appointed or elected pursuant to this subsection shall serve for two year terms.

(2) The members of both the county and city disability boards shall not receive compensation for their service upon the boards but said members shall be reimbursed for all travel expenses incidental to such service as to the amount authorized by law.

(3) The disability boards authorized for establishment by this section shall perform all functions, exercise all powers, and make all such determinations as specified in this 1969 amendatory act (SSB 74) and subsequent legislative acts.

Sec. 4. Section 15, chapter ..., Laws of 1969 (Engrossed Substitute SB 74) is amended to read as follows:

[1647]

(1) Whenever any active member, or any member hereafter retired, on account of service, sickness or disability, not caused or brought on by dissipation or abuse, of which the disability board shall be judge, is confined in any hospital or in his home, and whether or not so confined, requires nursing, care, or attention, the employer shall pay for such active member and such member retired for disability the necessary hospital, care, and nursing expenses of such member; and the employer shall pay for such (~~disability-retired-member~~) member retired on account of service, hospital, care, and nursing expenses as are reasonable, in the disability board discretion. The salary of such active member shall continue while he is necessarily confined to such hospital or home or elsewhere during the period of recuperation, as determined by the disability board, for a period not exceeding six months; after which period the other provisions of this chapter shall apply: PROVIDED, That the disability board in all cases may have the active or retired member suffering from such sickness or disability examined at any time by a licensed physician or physicians, to be appointed by the disability board, for the purpose of ascertaining the nature and extent of the sickness or disability, the physician or physicians to report to the disability board the result of the examination within three days thereafter. Any active or retired member who refuses to submit to such examination or examinations shall forfeit all his rights to benefits under this section: PROVIDED FURTHER, That the disability board shall designate the hospital and medical services available to such sick or disabled member.

(2) The medical benefits payable under this section will be reduced by any amount received or eligible to be received by the member under workmen's compensation, social security including the changes incorporated under Public Law 89-97 as now or hereafter amended, insurance provided by another employer, or any other similar source. Failure to apply for coverage if otherwise eligible under the provisions of Public Law 89-97 as now or hereafter amended shall not be deemed a refusal of payment of benefits thereby enabling col-

lection of charges under the provisions of this 1969 amendatory act (SSB 74).

(3) Upon making such payments as are provided for in subsection (1), the employer shall be subrogated to all rights of the member against any third party who may be held liable for the member's injuries to the extent necessary to recover the amount of payments made by the employer.

NEW SECTION. Sec. 5. If any provision of this 1969 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6. This 1969 amendatory 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 on July 1, 1969.

Passed the Senate May 1, 1969.  
 Passed the House April 22, 1969.  
 Approved by the Governor May 10, 1969.  
 Filed in office of Secretary of State May 10, 1969.

CHAPTER 220  
 [Engrossed Senate Bill No. 477]  
 WASHINGTON LAW ENFORCEMENT OFFICERS'  
 TRAINING COMMISSION

AN ACT Relating to state government; amending section 3, chapter 158, Laws of 1965 and RCW 43.100.030; amending section 8, chapter 158, Laws of 1965, and RCW 43.100.080; and making an appropriation.

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

Section 1. Section 3, chapter 158, Laws of 1965 and RCW 43-100.030 are hereby amended to read as follows:

(1) The commission shall consist of ~~((nine))~~ eleven members.  
~~((Six))~~ Eight members shall be selected as follows:

(a) ~~((Two-shall-be-appointed-by))~~ The governor shall appoint