

CHAPTER 236.

[S. B. 431.]

WORKMEN'S COMPENSATION.

AN ACT relating to labor and industries; and amending sections 51.08.140, 51.16.020, 51.16.080, 51.16.110, 51.32.050, 51.36.020, and 51.44.070, R.C.W., and repealing section 51.44.060, R.C.W.

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

Amendment. SECTION 1. Section 51.08.140, R.C.W., as derived from section 1, chapter 235, Laws of 1941, is amended to read as follows:

“Occupational disease.” “Occupational disease” means such disease or infection as arises naturally and proximately out of extrahazardous employment. Such claims to be valid and compensable must be filed within one year following the date claimant has notice from a physician of his occupational disease.

[R.C.W. 51.08.140 was derived from Rem. Supp. 1941, § 7679-1; part (1st paragraph and proviso), remainder of § 7679-1 is codified in R.C.W. 51.08.100.]

Amendment. SEC. 2. Section 51.16.020, R.C.W., as derived from section 1, chapter 247, Laws of 1947, is amended to read as follows:

Determination of amounts paid to accident fund; basis. The amounts to be paid into the accident fund shall be determined as follows: The department shall, prior to the first day of January of each year, determine for each class and sub-class, a basic premium rate for the ensuing calendar year and, in so doing, shall take into consideration; first, that no class shall be liable for the depletion of the accident fund for accidents happening in any other class; second, that each class shall meet and be liable for its own accidents; third, the cost experience of each class and sub-class over the two year period immediately preceding July first of the year in which the basic rate is being fixed; fourth, the then condition of each class and sub-class account.

The department shall also, prior to the first day of January of each year, determine the premium rate to be paid into said accident fund during the ensuing year by each employer to be credited to each class and sub-class account, applicable to the employer's operations or business and, in so doing, shall take into consideration the average cost experience of each employer for each workman hour reported by him during each fiscal year in each such class or sub-class over the five year period immediately preceding July first of the year in which the rate is being determined and, in so computing the cost experience of any employer, seventy-five per cent of the average cost of pension claims shall be charged against his experience for each injury resulting in death or total permanent disability of a workman instead of the actual cost to the accident fund of such injury. The actual premium rate which any employer shall be required to pay for the accident fund shall be forty per cent of the basic rate, plus sixty per cent of the employer's cost rate for each workman hour reported by him during each fiscal year over the five year period next preceding the then last July first, but in no case shall the total rate exceed one hundred sixty per cent of the basic rate.

Determina-
tion of pre-
mium rates
to be paid
into fund;
basis.

[R.C.W. 51.16.020 was derived from Rem. Supp. 1947, § 7676a (second and third paragraphs).]

SEC. 3. Section 51.16.080, R.C.W., as derived from section 1, chapter 247, Laws of 1947, is amended to read as follows:

Amendment.

If a single establishment or work comprises several occupations listed in chapter 51.20 in different risk classes, the premium shall be computed according to the workmen hours of each occupation or, in the discretion of the director, a single rate of premium may be charged for the entire establishment

Where es-
tablishment
comprises
several oc-
cupations;
basis for
computing
premiums.

based upon the rate of premium of the occupation reporting the largest number of workmen hours.

[R.C.W. 51.16.080 was derived from Rem. Supp. 1947, § 7676e; part (second paragraph).]

[Chapter 51.20 R.C.W. is Rem. Supp. 1947, § 7676b (part).]

SEC. 4. Section 51.16.110, R.C.W., as derived from section 1, chapter 247, Laws of 1947, is amended to read as follows:

Premium based on estimated payroll and workman hours.

Every employer who shall enter into any business, or who shall resume operations in any work or plant after the final adjustment of his payroll in connection therewith, shall, before so commencing or resuming operations, as the case may be, notify the director of such fact, accompanying such notification with an estimate of his payroll and workmen hours for the first calendar month of his proposed operations, and shall make payment of the premiums on such estimate. Every such employer shall be liable for a premium of at least such estimate. Every such employer shall pay the full basic rate until such time as an experience rating in excess of a one, two, three, or four year period may be computed as of a first succeeding July first date, and shall be liable for a premium of at least one dollar per month irrespective of the amount of his workmen hours reported during said month to the department.

[R.C.W. 51.16.110 was derived from Rem. Supp. 1947, § 7676c (first paragraph).]

Amendment.

SEC. 5. Section 51.32.050, R.C.W., as derived from section 1, chapter 219, Laws of 1949, is amended to read as follows:

Burial expenses.

(a) Where death results from the injury the expenses of burial not to exceed two hundred dollars shall be paid to the undertaker conducting the funeral.

Monthly payment to surviving spouse and children.

(b) If the workman leaves a widow or invalid widower, a monthly payment of seventy-five dollars shall be made throughout the life of the surviving spouse, to cease at the end of the month in which

re-marriage occurs, and the surviving spouse shall also receive per month for each child of the deceased at the time any monthly payment is due the following payments: For the youngest or only child, twenty dollars, for the next or second youngest child, fifteen dollars, and for each additional child, ten dollars, but the total monthly payments shall not exceed one hundred forty dollars and any deficit shall be deducted proportionately among the beneficiaries. In addition to the monthly payments above provided for, a surviving widow, or parent or parents, if there is no surviving widow of any such deceased workman shall be forthwith paid the sum of three hundred dollars.

Additional
payment.

Upon re-marriage of a widow she shall receive, once and for all, a lump sum of one thousand dollars, but the monthly payments for the child or children shall continue as before.

Payment
upon remar-
riage of
widow.

(c) If the workman leaves no wife or husband, but an orphan child or children a monthly payment of thirty-five dollars shall be made to each such child, but the total monthly payment shall not exceed one hundred forty dollars and any deficit shall be deducted proportionately among the beneficiaries.

Payments
to orphan
children.

(d) In the event a surviving spouse receiving monthly payments dies, leaving a child or children, each shall receive the sum of thirty-five dollars per month, but the total monthly payment shall not exceed one hundred forty dollars and any deficit shall be deducted proportionately among the beneficiaries.

Payments to
children on
death of
surviving
spouse.

(e) If the workman is under the age of twenty-one years and unmarried at the time of his death, the parents or parent of the workman shall receive twenty-five dollars per month for each month after his death until the time at which he would have arrived at the age of twenty-one years.

Payment to
parents on
death of
minor un-
married
workman.

Payments to
other de-
pendents.

(f) If a workman leaves no widow, widower or child, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty per cent of the average monthly support actually received by such dependent from the workman during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed fifty dollars per month. If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen years. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

Payments
where death
occurs dur-
ing period of
permanent
total dis-
ability.

(g) If the injured workman dies during the period of permanent total disability, whatever the cause of death, leaving a widow, invalid widower, or child, the surviving widow or invalid widower shall receive seventy-five dollars per month until death or re-marriage, to be increased per month for each child of the deceased, as follows: for the youngest or only child, twenty dollars, for the next or second youngest, fifteen dollars and for each additional child, ten dollars: *Provided*, That the total monthly payments shall not exceed one hundred forty dollars and any deficit shall be deducted proportionately among the beneficiaries; but if such child is or shall be without father or mother, such child shall receive thirty-five dollars per month, but the total monthly payment to such children shall not exceed one hundred forty dollars, and any deficit shall be deducted proportionately among the children. Upon re-marriage the payments on account of the child or chil-

Maximum
monthly
payments.

Remarriage.

dren shall continue as before to such child or children.

[Subsections of R.C.W. 51.32.050 were derived from subsections of Rem. Supp. 1949, § 7679, as follows: subsection (a) was derived from subsection (a); subsection (b) was derived from subsection (a 1); subsection (c) was derived from subsection (a 2); subsection (d) was derived from subsection (a 4); subsection (e) was derived from subsection (a 3) (last paragraph); subsection (f) was derived from subsection (a 3) (first paragraph); subsection (g) was derived from subsection (c) (first paragraph).]

[R.C.W. 51.32.050 was also amended by sec. 1, ch. 115, Laws of 1951.]

SEC. 6. Section 51.36.020, R.C.W., as derived from section 2, chapter 186, Laws of 1943, is amended to read as follows: Amendment.

When the injury to any workman is so serious as to require his being taken from the place of injury to a place of treatment, his employer shall, at his own expense and without charge against the medical aid fund, furnish transportation to the nearest place of proper treatment. To assure prompt and adequate hospital care in cases of serious injury the department shall furnish to employers suitable index cards which the employer shall be required to have filled in and shall keep at all times convenient and accessible on which shall be set forth the name and address of each workman, together with such information as, in the judgment of the department, is necessary in cases of serious injury where the workman may be rendered unconscious and at the point of death, said card to be filled in at time of employment of workman and to have space for the following information: hospital preferred, doctor preferred, religious, fraternal or union affiliations, and name of nearest relative: *Provided*, That the employee may at his option decline to give any or all of the information hereinbefore provided for. Employer to pay expense of transporting seriously injured worker to place of treatment.

Every workman whose injury results in the loss of one or more limbs or eyes shall be provided with proper artificial substitutes to be purchased by the department at the expense of the accident fund. Every workman, who suffers a penetrating wound Index cards, stating hospital preference, etc.

Artificial limbs provided.

Injury to the cornea, glasses provided.

Damage to artificial limb, eye, or tooth.

Mechanical appliances.

Workman within provisions of subsec. (4) of R.C.W. 51.32.090.

of the cornea producing an error of refraction, shall be once provided, at the expense of the accident fund, proper and properly equipped lenses to correct such error of refraction and his disability rating shall be based upon the loss of sight before correction. Every workman, whose accident results in damage to or destruction of an artificial limb, eye or tooth, shall have same repaired or replaced at the expense of the accident fund. All mechanical appliances necessary in the treatment of an injured workman, such as braces, belts, casts and crutches, may be provided at the expense of the medical aid fund and all mechanical appliances required as permanent equipment after treatment has been completed shall be provided at the expense of the accident fund. A workman, whose injury is of such short duration as to bring him within the provisions of paragraph (e) of section 51.32.080 [subsection (4) of R.C.W. 51.32.090] shall nevertheless receive during the omitted period medical, surgical and hospital care and service and transportation under the provisions of this chapter.

[R.C.W. 51.36.020 was derived from Rem. Supp. 1943, § 7714; part (line 34, p. 454 to end of section).]

[Subsection (4) of R.C.W. 51.32.090 is Rem. Supp. 1949, § 7679 (subsection k).]

Amendment.

SEC. 7. Section 51.44.070, R.C.W., as derived from section 1, chapter 169, Laws of 1941, is amended to read as follows:

Cases resulting in death or permanent total disability; transfer of money to the "reserve fund."

For every case resulting in death or permanent total disability the department shall transfer on its books from the accident fund of the proper class to the "reserve fund" a sum of money for that case equal to the estimated present cash value of the monthly payments provided for it, to be calculated upon the basis of an annuity covering the payments in this title provided to be made for the case. Such annuities shall be based upon tables to be prepared for that purpose by the state insurance commissioner

Basis.

and by him furnished to the state treasurer, calculated upon standard mortality tables with an interest assumption of two per cent *per annum*.

[R.C.W. 51.44.070 was derived from Rem. Supp. 1949, § 7679 (e) third sentence to end of paragraph. Note also that Rem. Supp. 1941, § 7705-2 contains the same language.]

[Reference in title to repeal R.C.W. 51.44.060 was not stricken when the bill was amended to strike section 8 thereof which purported to repeal R.C.W. 51.44.060.]

Passed the Senate March 2, 1951.

Passed the House March 6, 1951.

Approved by the Governor March 19, 1951.

CHAPTER 237.

[S. B. 427.]

IRRIGATION DISTRICTS—DISSOLUTION.

AN ACT relating to irrigation districts and the dissolution thereof; and repealing chapter 87.54, R.C.W.

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

SECTION 1. An irrigation district may be dissolved and its affairs liquidated as herein prescribed. If there are outstanding bonds of the district the acknowledged uniform consent in writing of at least two thirds in amount of the holders of the bonds must be recorded in the office of the auditor of the county in which the district board has its office.

District may be dissolved.

Consent of holders of outstanding bonds.

SEC. 2. The acknowledged uniform written consent of one hundred per cent of the holders of bonds may provide for cancellation of part of the bonds and for the manner and terms of payment of the balance. The bondholders may also make a firm offer for all property and rights of the district, except property in the district sold for taxes and district assessments, to be paid for by turning over for cancellation an appropriate amount in bonds with accrued interest.

Cancellation of part of bonds.

Bondholders; offer for property and rights of district.