

CHAPTER 163.

[S. B. 103.]

TEACHERS' RETIREMENT FUND.

AN ACT providing for the establishment and regulating the operation of teachers' retirement funds in school districts of the first class, defining the powers and duties of certain officers in relation thereto, providing for the levy and collection of taxes therefor, and providing for appeals from the decisions of the trustees of such fund.

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

SECTION 1. The word "teacher" whenever used in this act shall be held and construed to mean and include any person regularly employed as teacher, instructor, principal, supervisor or superintendent in the public schools, or as an assistant to any such teacher, instructor, principal, supervisor or superintendent. The word "member" whenever used in the act shall be held and construed to mean and include any teacher who shall be a contributor to the retirement fund of the district where such teacher is employed, any person who shall be an annuitant of such fund, and any person who, having been a teacher in such district of the first class, shall be a contributor to the retirement fund of such district while temporarily holding office or being employed as a county superintendent of schools or as a deputy or assistant thereof in the county where such district is situated, or as state superintendent of schools or deputy or assistant thereof, in this state, or while temporarily absent on leave for professional preparation, as hereinafter provided. The word "annuitant" whenever 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. The word "director" whenever used in this act shall be held and construed to mean and include a regularly elected, qualified and acting member of the board of school directors of a school district of the first class. The word "trustees"

Meaning of terms.

Teacher.

Member.

Annuitant.

Director.

whenever used in this act shall be held and construed to mean and include a regularly elected, qualified and acting member of the board of trustees of a teachers' retirement fund established under the provisions of this act. Trustees.

SEC. 2. Whenever a petition in writing is signed by an apparent majority of the teachers of any school district of the first class, and praying for the establishment of a teachers' retirement fund for such district, under the provisions of this act, shall be filed with the board of directors of such district, the board shall at its next regular meeting canvass such petition and if it be found to contain the valid signatures of a majority of the teachers of the district and to be in proper form, the board shall at the next regular meeting of the board, vote upon the question of establishing a teachers' retirement fund under the provisions of this act, in and for such district, and shall enter the result of such vote upon the minutes of the board and in case a majority of the board shall vote in favor thereof such fund shall be deemed established, but nothing herein contained shall be construed as preventing the filing of a new petition for the establishment of such fund, at any time after the expiration of one year from the date of the refusal of the board to establish such fund. Establishment of retirement fund.

SEC. 3. Every such fund established under the provisions of this act, shall be administered by a board of five trustees, two of whom shall be members of the board of directors of the district in which the fund is established, and three of whom shall be members of the fund, to be elected as hereinafter provided. Upon the establishment of the fund the board of directors shall elect two director trustees to serve until and for the term of one year from and after the second Monday in October next following the establishment of such fund, and thereafter shall annually at its first regular meeting in September, elect two director trustees for the term of one year from and after the second Monday in October next following such election: *Provided*, That no director trustee shall be eligible Administration of fund.

Director trustees.

Member
trustees.

to serve as trustee after he shall cease to be a director. Any vacancy in the office of director trustee shall be filled by the board of directors for the unexpired term. Upon the establishment of the fund the board of directors shall call an election to be held not less than one or more than two weeks from the date of establishment, at the office of the board of directors, at which the petitioners for such fund shall elect by ballot from among their number three member trustees, to serve until and for the respective term of one, two and three years from and after the second Monday in October next following the establishment of such fund, and thereafter the members of the fund shall annually, on the first Monday in October, elect one member trustee for the term of three years from and after the second Monday in October next following such election: *Provided*, That no petitioner shall be eligible to serve as trustee for more than ninety days after his election unless he shall become a member of the fund, and no member trustee shall be eligible to serve as such after he shall cease to be a member. Such annual election of the member trustee shall be called and held under the direction of and in the manner prescribed by the board of trustees. Any vacancy in the office of member trustee shall be filled by the board of trustees until such annual election, when the vacancy shall be filled by election for the unexpired term.

Organization
of board.—
Officers.

SEC. 4. On the Monday following the election of the first member trustees, the board of trustees shall meet and organize by the election of a president and a secretary to serve until and for the term ending one year from and after the second Monday in October next following the establishment of the fund, and thereafter shall annually on the second Monday in October elect said officers for the term of one year, and in case of a vacancy shall fill the same for the unexpired term. The secretary of the board of trustees may or may not be a member of the board. The trustees shall serve without pay, but the secretary, whether a trustee or not, shall receive such

reasonable salary as the board may authorize. The county treasurer, the county auditor and the prosecuting attorney of the county in which any such fund shall be established, shall be *ex-officio* treasurer, auditor and legal adviser, respectively, of such fund, and the board of trustees thereof, and shall be liable, respectively, upon their official bonds for the faithful performance of their duties under the provisions of this act, and shall serve without extra compensation: *Provided, however,* That in case of any controversy arising between the board of trustees and the board of directors, or the county treasurer, or county auditor, and whenever they shall deem it for the best interest of the fund the trustees are empowered to employ attorneys and pay reasonable fees for the services rendered, out of the retirement fund.

SEC. 5. The board of trustees shall hold regular meetings on the second Monday in October, January, April and July of each year, and may hold special meetings at the call of the president or three trustees, and may adjourn any regular meeting from day to day, or time to time, until the business before the board is completed.

SEC. 6. A place for the transaction of the business of the board of trustees and an office for the secretary, together with all necessary furniture and supplies, including books, records, blanks and forms as prescribed by the state bureau of inspection and supervision of public offices, and all necessary clerical assistance for transacting the business of the trustees and the secretary, shall be furnished at the expense of the district in which the fund is established, and the salary of the secretary shall be paid out of the retirement fund.

SEC. 7. At any time within one year from the date of the establishment of a fund as in this act provided, any teacher employed by the district at the date of the establishment of such fund, and any person who shall have been a teacher employed by the district within two years

prior to the date of the establishment of the fund and who shall have retired from service by reason of having become incapacitated for service in the public schools, and any person who having been a teacher in the district is holding office or is employed as state or county superintendent of schools in this state or as a deputy or assistant thereof or is absent on leave for professional preparation, may file with the secretary of the board of trustees, upon a blank to be furnished for that purpose, an application for membership in such fund, verified under oath by the applicant, and showing a detailed statement of the applicant's service as a teacher in the district, in this state and elsewhere, giving the years and months of service in each, respectively, and shall file with such application, upon blanks to be furnished for the purpose, such proof of service certified by the clerk, or other officer having charge of the records of the district where the service was rendered, as may be required by the board of trustees.

SEC. 8. All applications for membership 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 the application is found to be in proper form and accompanied by the proof required by the trustees, 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 the district, in this state, and elsewhere, respectively, and a certificate of membership showing the date of issue and the former teaching service allowed, shall be delivered to the applicant and a duplicate thereof transmitted to the secretary of the district, who shall cause the same to be entered upon the records of the district. 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 fractions equals one or more years.

Certificates
of mem-
bership.

SEC. 9. Every teacher entering the employment of a district after a fund has been established therein, shall become a member of such fund by virtue of such employment, and it shall be the duty of the secretary of the district, at the time a new teacher is employed, to file with the secretary of the fund a notice in writing stating the name of the teacher and the date when the employment begins, and to 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 ninety days from the date of the beginning of such employment. In case such application is filed within ninety days the same shall be considered by the board of trustees and credit allowed and certificate of membership issued as in the case of original applications for membership. In case such application for credit for former service is not filed within ninety days, the teacher's name shall be entered upon the membership register of the fund without credit for former service and a certificate of membership without such credit issued as in the case of original applications for membership.

Membership
of new
teachers.

SEC. 10. It shall be the duty of the board of directors 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 October and April, respectively, of each school year: *Provided*, That in case

Member-
ship dues.

Deduction
from salaries.

any member shall be discharged or shall retire from employment of the district the membership dues for the months since the last semi-annual installment shall be deducted from the salary earned in the last month of service in the district. A receipt for the amount deducted, signed by the secretary of the board of directors, shall be delivered to the member, with the warrant for the installment of salary from which the deduction is made. It shall be the duty of the secretary of the board of directors, on or before the tenth day of November and May respectively in each year, to draw a warrant upon the county treasurer payable out of the general fund of the district and in favor of the retirement fund of the district, for the total amount of deductions made during the preceding six months, which warrant shall be presented to the county treasurer, who shall transfer the amount of such warrant from the general fund of the district to the retirement fund. Every member of the fund holding office or being employed as state or county superintendent of schools, or as deputy or assistant thereof, and every member of the fund granted a leave of absence for professional preparation, by the board of directors, may on or before the fifth day of November and May, respectively, of each year, pay to the county 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 the district, and take the treasurer's receipt therefor.

Transfers
from general
to retire-
ment fund.

SEC. 11. It shall be the duty of the secretary of the district, at the time of issuing the transfer warrants hereinabove provided for, to certify to the secretary of the fund the names of the teachers assessed and respective number of months of serving since the last certificate, and the respective amounts deducted from the salary of each. 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 and respective amounts contributed by each, in the proper columns of the membership register after their respective names. Each mem-

Credits for
services and
contributions.

ber of the fund not employed by the district or granted leave of absence for professional preparation by the board of directors, may on or before the 10th day of November, of each year, present his receipt from the county treasurer for his payment for the benefit of the fund, to the secretary of the fund, together with a verified statement of the amount and character of services rendered during the preceding half year, and it shall be the duty of the secretary to credit such service and contribution 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 professional 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.

SEC. 12. The fiscal year of any retirement fund established under the provisions of this act shall begin on the first day of July in each year and end on the thirtieth day of June following, and it shall be the duty of the county treasurer, on or before the second Monday of July of each year, to certify to the board of trustees the balance of cash remaining in the fund at the close of the preceding fiscal year, and the face value of and the amount of interest accrued upon any securities belonging to the fund, and it shall be the duty of the treasurer, from time to time, upon written request of the trustees, to certify the amount of cash remaining in, and the face value of and the amount of interest accrued upon any securities belonging to the fund at any given date.

Fiscal
year.

Duty of
county
treasurer.

SEC. 13. It shall be the duty of the board of trustees, at its regular meeting in July of each year, to make an estimate of the total receipts of the fund for the current fiscal year, including membership dues, interest earned on securities belonging to the fund, and contributions transferred from other retirement funds in the state, and an estimate of the total disbursements from the fund during the current fiscal year, including retirement an-

Annual
estimate of
receipts and
disburse-
ments.

nunities, disability annuities, the secretary's salary, refunds to discharged members, payments to beneficiaries of deceased members, and contributions transferred to other retirement funds in this state.

Investment
of excess
moneys.

SEC. 14. If at any time it shall appear, to the board of trustees, that the balance of cash remaining in the fund, together with the estimated receipts for the remainder of the fiscal year, will exceed the estimated disbursements for the remainder of the year, in the sum of one thousand dollars (\$1,000.00) or more, it shall be the duty of the board of trustees to invest such excess in such bonds as are by law authorized for the investment of the permanent school funds of the state, and in such investment to give preference to school district bonds regularly created and issued. Upon such investment being authorized by the board of trustees, the secretary of the board shall draw a warrant on the fund for the amount so invested, and the bonds so purchased shall be deposited with the county treasurer whose duty it shall be to collect all interest payments falling due thereon, and the principal at maturity, and to credit the amounts so collected to the retirement fund. If at any time it shall appear to the board of trustees, that the cash remaining in the fund together with the estimated receipts for the remainder of the fiscal year will not meet the estimated disbursements as they shall fall due, it shall be the duty of the board to sell so many of the bonds belonging to the fund as will produce cash sufficient for that purpose.

Sale of
securities to
meet
necessary
expenses.

Credits for
re-entries
and transfers.

SEC. 15. Any member who leaves the employment of the district in which a retirement fund has been established under the provisions of this act, and subsequently re-enters the employment of such district, shall be entitled to credit for contributions previously made, and any member who leaves the employment of such district and enters the employment of another district in this state in which a retirement fund has been or shall be established under the provisions of this act, shall be entitled to have the amount such member has contributed to the fund of the

first district, but without interest thereon, transferred to, and shall be given credit therefor in the fund of the second district, and shall be entitled to have not more than three years of service in the first district credited as service in the second district in case the member shall apply for an annuity from the fund of the second district under the provisions of this act: *Provided*, That such transferred service shall not reduce the total amount of service required, or the amount of service required in this state.

SEC. 16. 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, fifteen years of which service shall have been in the public schools of this state, and twelve years of which service shall have been in the district where such person is a member, 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 in case the credit for membership dues of such member, at the date of retirement, shall be less than the sum of seven hundred and twenty dollars (\$720.00), such member shall be credited with such annuity on the books of the fund until the total credits shall equal seven hundred and twenty dollars (\$720.00), and thereafter shall be paid such annuity, unless the member shall elect to pay into such fund the necessary amount to make up the total credit of seven hundred and twenty dollars (\$720.00), in which case the annuity shall be paid to the member: *And provided further*, That no retirement annuity shall be credited or paid until the expiration of one year from the date of establishment of the fund: *And provided further*, That any member of the fund who shall have been a teacher for a period of or periods aggregating thirty-five years, embracing not less than two hundred and eighty months of service, fifteen years of which shall have been in the public schools of this state, and who is employed as a teacher in the district at the time the fund is established, shall be

Length of
service
required.

Retirement
annuities.

entitled upon and during retirement from service in the public schools to receive an annuity of four hundred and eighty dollars (\$480.00).

Disability
annuity.

SEC. 17. 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, and six years of such service shall have been in the district where such person is a member, 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, for a period not to exceed two years, and any member of a 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, and ten years of such service shall have been in the district where such person is a member, 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 no disability annuity shall be paid for less than three months' incapacity, nor shall accrue until any sick benefit allowed by the district shall have ceased: *And provided further*, That no such disability annuity shall be paid until the expiration of one year from the date of the establishment of the fund.

Payment of
annuities.

SEC. 18. All retirement annuities shall be credited or paid in quarterly installments on the third Monday of

October, January, April and July, for the quarters ending on the first day of said months and shall accrue from the first day of the month next following the date of their allowance: *Provided*, The annuitant shall have retired from service on that date, otherwise from the first day of the month next following the date of retirement. All disability annuities shall be paid on the first day of the month next following the date of allowance for the amount accrued to that date, and thereafter in monthly installments on the first day of the month for the amount accruing for the previous month.

SEC. 19. In case there shall not at any time be sufficient funds to the credit of the retirement fund to pay annuities in full as they shall fall due they shall be paid *pro rata*. Annuities granted under the provisions of this act shall not be subject to attachment, garnishment, or seizure by execution in the hands of the board of trustees or the county treasurer, and such annuities shall not be subject to sale, assignment, pledge, mortgage or other alienation.

Pro rata
payments.

Exemptions.

SEC. 20. Any member of the fund who shall be discharged from the employment of the district where such person is a member, or who is refused further employment in the district where such person is a member, before such member is entitled to a retirement annuity, shall be entitled to be paid back, out of such fund, the amount such member has paid into such fund as membership dues, but without interest thereon, less such sum or sums as have been paid to such member as disability annuities.

Discharged
members
repaid dues.

SEC. 21. In case of the death of any member before such member has been retired and granted a retirement annuity, the beneficiary or beneficiaries, designated upon a form provided for that purpose, signed by the member, witnessed by two witnesses and filed with the secretary of the board of trustees, or in case no beneficiary is designated, then the legatee or legatees, or heir or heirs, of the member, as the case may be, shall be entitled to be paid

Payments in
case of death
of member.

out of the fund a sum equal to one-half of the difference between the entire amount such deceased member has paid into the fund as membership dues, and the entire amount which has been paid to such deceased member as disability annuities. And in case of the death of any member after such member has been retired and granted a retirement annuity, such beneficiary or beneficiaries, legatee or legatees, heir or heirs, as the case may be, shall be entitled to be paid out of the fund a sum equal to one-half of the difference between the entire amount such deceased member has paid into the fund as membership dues, and the entire amount which has been paid to such deceased member as and for disability and retirement annuities.

Verified
claims
against fund.

SEC. 22. All original claims for retirement annuities, disability annuities, refunds to discharged members, transfers to the retirement funds of other districts, and payments to beneficiaries, legatees or heirs of deceased members, shall be made in writing on 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.

Allowance
or rejection.

SEC. 23. 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 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 draw the necessary warrant on the county treasurer payable out of the retirement fund, deliver the same to the claimant and take a receipt therefor, and enter the payment on the membership register. All subsequent payments of annuities shall be authorized by resolution of the board entered on the minutes, upon proper vouchers signed and verified by the annuitant as may be required by the rules adopted by the board, and the secretary shall draw the necessary warrant therefor at the expiration of five days from the date of authorization, if no appeal is taken, and deliver the same to the annuitant. All warrants issued by authority of the board of trustees shall be entered in a warrant register to be kept by the secretary, specifying the date, number, amount and name of the payee thereof, and the secretary shall on or before the fifth day of each month transmit certified copies of such warrant register from the preceding month to the county treasurer and the county auditor, respectively.

Resolution
of board
requisite of
payment.

Warrant
register.

SEC. 24. Any claimant feeling aggrieved by the action of the board in rejecting any claim, or any annuitant aggrieved by the action of the board in discontinuing the payment of any annuity, or any five members aggrieved by the action of the board in allowing any claim or continuing the payment of any annuity allowed, may, within ten days from the date of such action appeal therefrom to the superior court of the county in which the fund is established, by filing with the secretary a notice of appeal in writing, signed by the appellants and giving a bond to the fund, with sufficient security to be approved by the secretary, in the sum of fifty dollars (\$50.00), conditioned to pay all costs which may be adjudged against the appellants in the superior court, and in case the appeal is

Appeals to
superior
court.

taken by members, a copy of the notice of appeal shall be served upon the claimant or annuitant as the case may be. Upon the taking of an appeal, the secretary shall certify to the clerk of the superior court all papers and documents filed in the matter of the claim, together with a transcript of the record of the action of the board thereon, the notice of appeal and the appeal bond, and the matter shall be set down for hearing *de novo* before the court without a jury and heard in the manner provided by law for setting and hearing appeals from justices of the peace, except as hereinabove provided. Appeals from the decisions of the superior court may be taken to the supreme court of this state in the manner provided by law for taking appeals in equity cases.

Partial
invalidity.

SEC. 25. If any part of this act shall be adjudged to be invalid or unconstitutional, such adjudication or [of] invalidity or unconstitutionality shall not affect the validity or constitutionality of the act as a whole, or of any part thereof not adjudged invalid or unconstitutional.

Passed the Senate February 15, 1917.

Passed the House March 6, 1917.

Approved by the Governor March 16, 1917.

CHAPTER 164.

[S. S. B. 315.]

AMENDMENTS OF GAME LAW.

AN ACT relating to game and game birds, standardizing the time of sunset in the State of Washington, and amending sections 5395-4, 5395-24, 5395-25, 5395-26, 5395-27, 5395-33 and 5395-35 of Remington & Ballinger's Annotated Codes and Statutes of Washington.

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

SECTION 1. That section 5395-4 of Rem. & Bal. Code be amended to read as follows:

County game
commission,
duties.

Section 5395-4. Said county game commission shall enforce the laws of the state within their respective coun-