

CHAPTER 39.

[S. B. 77.]

FIREMEN'S RELIEF AND PENSION FUNDS.

AN ACT relating to and providing for Firemen's Relief and Pension Funds in certain incorporated cities and towns of the state, providing for the maintenance and distribution of such funds and designating the beneficiaries thereof, defining the powers and duties of certain officials, and amending section 1 of chapter 196 of the Laws of 1919 and sections 4, 5, 7, 8, 9, 14, 15, 17, 18 and 19 of said chapter as amended.

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

Amends § 1,
ch. 196,
Laws 1919.

SECTION 1. That section 1 of chapter 196, Laws of 1919 (R. R. S. 9559, Pierce 939) be amended to read as follows:

Board of
trustees;
creation of.

Section 1. The mayor, clerk or comptroller and three members of the common council of every incorporated city or town in the State of Washington, who, in addition to the duties now required of them, are hereby created and constituted, together with six (6) members from the fire department of such city or town, a board of trustees of the "Firemen's Relief and Pension Fund" of the fire department of such incorporated city or town, and shall provide for the disbursement of such relief and pension fund, and shall designate the beneficiaries thereof, as hereinafter directed, which board shall be known as the board of trustees of the Firemen's Relief and Pension Fund, and upon the taking effect of this act, the fire department of each such incorporated city or town shall elect by ballot, six (6) members of such fire department, two (2) of whom shall serve for the term of one (1) year, two (2) for the term of two (2) years, and two (2) for the term of three (3) years, and thereafter such fire department shall, each year, elect by ballot two (2) of its members to serve for the term of three (3) years upon

Term of
trustees.

said board of trustees: *Provided*, That in incorporated cities and towns having no council three (3) persons holding office therein, other than the mayor and clerk, shall be elected as trustees of the Firemen's Relief and Pension Fund of such city or town by the other members of the board of trustees: *Provided further*, That in incorporated cities or towns having not more than six (6) paid firemen, such firemen together with the aforesaid city officials shall constitute the board of trustees until such time as the said members of the department shall exceed six (6) whereupon the departmental members of the board shall be elected and hold their membership on the board as herein above provided: *Provided further*, That the board of trustees of said fund, now acting in any city or town shall continue to act until their term has expired: *And provided further*, This act shall not apply to any city or town where no paid fire department is maintained.

Cities and towns having no council.

Cities and towns having not more than six paid firemen.

Present trustees act until end of term.

Not apply volunteer departments.

SEC. 2. That section 4 of chapter 196, Laws of 1919, as amended by section 2 of chapter 86, Laws of 1929 (R. R. S. 9562, Pierce 942) be amended to read as follows:

Amends § 4, ch. 196, Laws of 1929.

Section 4. Whenever any person, at the time of taking effect of this act, or thereafter, shall have been duly appointed and have served honorably for a period of twenty (20) years, or more, and shall have reached the age of fifty-five (55) years, or who has served honorably for twenty-five (25) years or more as a member in any capacity of the regularly constituted fire department of any such city or town which may be subject to the provisions of this act, the board shall be empowered to order and direct that such person may be retired from such fire department, and the board shall retire any member so entitled as hereinabove provided for, upon his written request for same, and such member so retired shall be paid from such fund a monthly pension

Retired with pension.

Maximum pension.

Deductions from salary.

Death of pensioner, widow to receive.

Wife for 5 years.

Pension to go to minor children if no widow.

Amends § 5, ch. 86, Laws 1929.

which shall be equal to fifty (50) per cent of the amount of salary attached to the rank held by such retired member at the date of such retirement: *Provided*, That no monthly pension allowed any member of the fire department working in any capacity of the regularly constituted fire department of any city or town which may be subject to the provisions of this act, shall exceed the amount of one hundred twenty-five (\$125.00) dollars per month: *Provided further*, That the auditor, city comptroller or officer whose duty it is to draw warrants, in making out warrants for the monthly salaries shall not deduct or withhold any part or percentage from any member's salary in excess of the amount deducted or withheld from the maximum salary rate on which the amount not exceeding one hundred twenty-five (\$125.00) dollars the monthly pension is based. Upon the death of any such retired member the amount of the pension which he would have received had he lived, shall be paid to his widow, if such widow was his wife five years prior to the time of his retirement: *Provided*, This five (5) year period of widowhood shall not apply when the marriage was consummated prior to the taking effect of this act, such payment to be made to such widow during her life, or until she shall again marry; if there be no such widow, then such payment shall be made to his minor child or children until such child or children shall have arrived at the age of eighteen (18) years, or shall prior thereto have married. The terms "member of the fire department" and "fireman" shall be deemed and held to include members of any police and fire alarm system whose time is occupied jointly in connection with the police and fire alarm systems of any city.

SEC. 3. That section 5 of chapter 196, Laws of 1919, as amended by section 3, chapter 86, Laws of 1929 (R. R. S. 9563, Pierce 943) be amended to read as follows:

Section 5. Whenever any person, when serving in any capacity as a member of the regularly constituted fire department of any such city or town, shall become physically or mentally disabled while in the performance of, or the result of his duty or duties as defined in this act, said board of trustees may, upon his written request, or without such request if it deems it for the good of said fire department, retire such person from active service, and if so retired, shall order and direct that he shall be paid from such fund a monthly pension which shall be equal to fifty (50) per cent of the amount of salary attached to the rank held by such retired member immediately preceding such retirement, but not to exceed one hundred twenty-five (\$125.00) dollars per month: *Provided*, That whenever such disability shall cease such pension shall cease and such retired person shall be restored to active service in the same rank he held at the time of his retirement: *Provided further*, Upon the death of any member so retired the amount of pension which he would have received had he lived shall be paid to his widow, if such widow was his wife at the time of his retirement, such payment to be made to such widow during her life as hereinafter provided, or if there be no such widow, then such payment shall be made to his minor child or children until they shall have reached the age of eighteen years: *Provided further*, If any such widow, or child or children shall marry, then such person so marrying shall thereafter receive no further pension from said fund.

Disabled in
line of duty.

Pension.

Pension
ceases.

Upon death
pension paid
to widow
or minor
children.

Pension shall
cease upon
marriage of
widow or
minor.

SEC. 4. That section 7 of chapter 196, Laws of 1919, as amended by section 5, chapter 86, Laws of 1929 (R. R. S. 9565), (Pierce 945) be amended to read as follows:

Amends § 5,
ch. 86, Laws
1929.

Section 7. Whenever any member of the fire department of any city or town shall, on account of

Hospitaliza-
tion expenses
of injured
member.

temporary physical disability, in consequence of the performance of his duty or duties, as defined in this act, be confined to any hospital or to his bed, or unable to perform his duties as such member on account of such temporary disability, and shall require nursing and medical care, the board of trustees shall provide a professional nurse and pay all necessary hospital and professional nursing expenses of such member out of the said fund; the salary of such member shall continue and be paid as other salaries are paid, while he is necessarily confined to such hospital or bed, or unable to perform his duties as a fireman on account of such temporary disability, for a period of not exceeding six months, after which period the other provisions of this act shall apply. If, however, the pension fund physician after an examination, shall decide the member will be incapacitated for a period extending beyond six months, then, in that event the board shall have the power and authority to retire such member after the first month: *Provided*, That in case of disability as herein defined, disabling the member, he shall receive his full salary for the period of six months even though such member is sooner retired; and after six months the provisions of section 5 shall apply. *Provided*, If a member shall become temporarily disabled on account of sickness as the result of the performance of his duties as herein defined, he shall be entitled to the benefits and be governed by the provisions in case of his disability by injury, except he shall not be entitled to or receive any compensation for the first five (5) days of any such sickness; after such period of five (5) days his salary shall continue for a period not exceeding six (6) months, after which the other provisions of this act shall apply.

Salary shall continue; not to exceed six months.

Power to retire such member.

Shall apply to sickness.

Amends § 6, ch. 86, Laws of 1929.

SEC. 5. That section 8 of chapter 196, Laws of 1919, as amended by section 6, chapter 86, Laws of

1929 (R. R. S. 9566, Pierce 946) be amended to read as follows:

Section 8. Whenever any member of the fire department of any city or town shall lose his life, or die from direct result of injuries received while in the performance of his duty or duties as herein defined, or shall die while eligible to retirement from such fire department on account of years of service, and shall not have been retired under the provisions of this act, and shall leave a widow, who was his wife at the time he received the injuries from which he died, or child or children under the age of eighteen years, then, upon satisfactory proof of such facts made known to the board of trustees, said board shall order and direct that a monthly pension, which shall be equal to fifty (50) per cent of the amount of salary attached to the rank held by such deceased member at the time of his death, but not exceeding one hundred twenty-five (\$125.00) dollars per month, shall be paid to his widow during her life, or if there be no such widow, then to his minor child or children until they shall have reached the age of eighteen years, and if there be no such widow, child or children then to his parents or either of them if it be proven to the satisfaction of the board of trustees that said parents or either of them were dependent upon said son for their support at the time of his death: *Provided*, If such widow, child or children or said parents shall marry, then such person so marrying shall thereafter receive no further pension from said fund.

If killed; widow to get pension.

Not to exceed \$125.00 per month.

Marriage annuls pension.

SEC. 6. That section 9 of chapter 196, Laws of 1919, as amended by section 7, chapter 86, Laws of 1929 (R. R. S. 9567, Pierce 947) be amended to read as follows:

Amends § 7, ch. 86, Laws of 1929.

Section 9. Whenever any member regularly and actively employed in the fire department of such city or town shall, after four (4) years of service in

Death from natural causes after 4 years service; widow may receive pension.

said fire department die from natural causes, or injury not caused in the performance of his duty or duties as herein defined, and for which no pension is provided for in this act, and who has not been retired for length of service or disability prior to his death, then in that event 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 be no such widow, then his child or children under eighteen years of age, or if there be no such widow, child or children, then to his parents, or either of them if it be proven to the satisfaction of the board of trustees that said parents, or either of them, were dependent upon said son for their support at the time of his death, shall be entitled to the sum of one thousand (\$1,000.00) dollars from said fund: *Provided*, In case of death as above stated before four (4) years of service an amount proportionate to the time of service shall be paid to above mentioned beneficiaries: *Provided*, If the member at the time of his death had served fifteen (15) years in the fire department his beneficiaries herein named shall have the option on request to receive said one thousand (\$1,000.00) dollar payment or a monthly pension which shall be equal to one-third ($\frac{1}{3}$) of the amount of salary attached to the rank held by such member of such fire department at the time of his death, until such time as the beneficiaries shall marry or the child or children become eighteen (18) years of age, when the pension shall cease. Whenever a member shall have been regularly and actively employed in the fire department of any such city or town for a period of one (1) year, or more, and less than fifteen (15) years, and shall sustain a permanent disablement rendering him unable to continue his employment in said fire department, which disablement was not caused in the performance of his duty or duties as

Option of cash or pension.

Disability not in line of duty.

herein defined, and for which no pension is provided in this act, and who has not been retired for length of service or disability prior thereto, he shall be paid from said fund a sum equal to all sums he has paid into said fund, plus four (4) per cent interest on the amount of such payments; and whenever such member has served in said fire department fifteen (15) years or more and shall sustain a disability rendering him unable to continue his employment in said fire department, which disablement was not caused in the performance of his duty or duties as defined in this act, he shall be retired and be paid a pension from said fund which shall be equal to one-third ($\frac{1}{3}$) of the salary attached to the rank held by such member in said department at the time he suffered his disability. Upon the death of any member so retired the amount of pension which he would have received had he lived shall be paid to his widow, if such widow was his wife at the time of his retirement, such payment to be made to such widow during her life, or until she shall again marry; or if there be no such widow then such pension shall be paid to his minor child or children until they shall have reached the age of eighteen (18) years or shall sooner marry: *Provided*, That whenever such disability shall cease, such pensioner shall be restored to active duty in the rank held by him at the time of his retirement, and such pension herein provided for shall cease.

SEC. 7. That section 14 of chapter 196, Laws of 1919, as amended by section 11 of chapter 86, Laws of 1929 (R. R. S. 9572, Pierce 952) to be amended to read as follows:

Amends
§ 11, ch. 86,
Laws of
1929.

Section 14. There is hereby created in the treasury of every city and town now or hereafter coming under the provisions of this act a fund to be known as the "Firemen's Relief and Pension Fund" which shall consist of all bequests, fees, gifts, emoluments

Creation
of fund.

or donations given or paid to such fund, or any of its members, except as otherwise designated by the donor, and a monthly fee which shall be paid into the fund by each member of said fire department, including substitutes and temporarily appointed members, amounting to not less than two (2) per cent or more than four (4) per cent of his regular monthly salary, the exact percentage to be determined as hereinafter provided, the proceeds of the tax levy as provided for in this act, forty-five (45) per cent of all moneys received by the state from tax on fire insurance premiums, and the interest on investment of any portion of said fund. The moneys appropriated by the legislature of the State of Washington shall be and are allocated to the several cities and towns now or hereafter coming under the provisions of this act, in proportion to the number of paid firemen in such city or town, to be ascertained in the manner following:

Appropriation.

Shall certify annually number of paid firemen.

The secretary of the Firemen's Relief and Pension Fund board of trustees of each city and town now or hereafter coming under the provisions of this act shall within thirty (30) days after the taking effect of this amendatory act and on or before the fifteenth day of January of each year thereafter certify to the state auditor the number of paid firemen in the department in such city or town. The state auditor shall on or before the first day of March of each year issue and deliver to the treasurer of each and every city or town working or coming under the provisions of this act his warrant on the state treasurer payable from such legislation appropriation for the amount then due such city or town, and the treasurer of each such city or town shall place the amount thereof to the credit of the Firemen's Relief and Pension Fund of such city or town.

SEC. 8. That section 15 of chapter 196, Laws of 1919, as amended by section 12, chapter 86, Laws of 1929 and by section 1, chapter 132, Laws of 1933 (R. S. 9573, Pierce 953) be amended to read as follows:

Amends § 1,
ch. 132,
Laws 1933.

Section 15. The city council or city commissioners of each city or town are hereby authorized and empowered to, and shall, when requested in writing by two-thirds of the members of said board of trustees of the Firemen's Relief and Pension Fund, at the same time other levies of taxes are made as provided by the charter or laws, and in addition to the levy authorized by the charter or laws, levy a tax for the amount estimated to be required by the pension fund board of trustees, not to exceed one (1) mill on each dollar of the assessed valuation of the property in such city or town not exempt from taxation, which taxes shall be credited to the Firemen's Relief and Pension Fund. Should the amount in the fund at any time be exhausted by unforeseen circumstances, the board of trustees shall be empowered to obtain a loan from the general fund or any other fund available or budget allowance of such city or town, until the Firemen's Relief and Pension Fund can be replenished and the loan returned to the other fund. The board of trustees by a two-thirds (2/3) vote shall have power to invest all funds, or any part thereof not required for immediate use, in government, county or city bonds, or general obligation warrants of such city, to be taken in the name of the Firemen's Relief and Pension Fund of such city or town and deposited in such bank or banks or vaults together with other securities of such city or town; by the same vote the board shall have the power to sell and dispose of any securities.

City may
levy tax.

Not to
exceed one
mill.

Trustees
may borrow
money.

Empowered
to invest
funds.

SEC. 9. That section 17 of chapter 196, Laws of 1919, as amended by section 14 of chapter 86, Laws

Amends § 14,
ch. 86, Laws
1929.

of 1929 (R. R. S. 9575, Pierce 955) be amended to read as follows:

Deduction
from salary.

Section 17. It shall be the duty of the auditor or city comptroller, or officer whose duty it is to draw warrants, in making out warrants for the monthly salaries, to deduct and withhold monthly from the salary of each member of the fire department, including substitutes and temporarily appointed members two (2) per cent of such monthly salary during all the time such member may be in the employ of the fire department: *Provided, however,* That should the board of trustees of the Firemen's Relief and Pension Fund cause a tax to be levied pursuant to the provisions of section 15 of this act, the following amounts shall be deducted from the monthly salaries of all members of the fire department during the year in which said tax is levied: Two (2) per cent of said monthly salary where the tax levy is less than one-half ($\frac{1}{2}$) mill on each dollar of assessed valuation of property in such city or town, not exempt from taxation; four (4) per cent of said monthly salary where said tax levy is one-half ($\frac{1}{2}$) mill or more. It shall be the duty of the auditor or city comptroller to draw a warrant for the full amount so withheld from the firemen's salaries payable to the city treasurer and by him credited to the Firemen's Relief and Pension Fund.

May levy
tax on
salaries.

Amends § 15,
ch. 86, Laws
of 1929.

SEC. 10. That section 18 of chapter 196, Laws of 1919, as amended by section 15, chapter 86, Laws of 1929 (R. R. S. 9576, Pierce 955 a) be amended to read as follows:

Funeral
expenses
be defrayed
by fund.

Section 18. Upon the death of any active or retired member of the fire department, the board of trustees shall appropriate from the fund the sum of two hundred (\$200.00) dollars to assist in defraying the funeral expenses of such member.

SEC. 11. That section 19 of chapter 196, Laws of 1919, as amended by section 16, chapter 86, Laws of 1929 (R. R. S. 9577, Pierce 955 b) be amended to read as follows:

Amends § 16,
ch. 86, Laws
of 1929.

Section 19. The words "performance of duty and duties" whenever and wherever mentioned in this act, shall be held and construed to mean and include the performance of any work required in or about company quarters of any fire station or any other place under the direction or general orders of the chief, acting chief, or any officer having authority to so order such member to perform such work, responding to, working at, or returning from an alarm of fire, drill, going to and returning from meals in departments operating under what is known as the continuous twenty-four (24) hour system, responding to an alarm of fire, or performing any work of an emergency nature when off duty in accordance with the rules and regulation of such fire departments working under the continuous or twenty-four (24) hour system, double platoon or three (3) shifts.

Defining
"performance
of duty and
duties."

SEC. 12. Nothing contained in this act shall affect, or be construed as affecting, the validity of any act done, obligation entered into or rights accrued, or any proceedings had or pending, under the act of which this act is amendatory.

Partial
invalidity.

SEC. 13. If any section or part of this act shall be held to be unconstitutional and void, such holding shall not affect the remaining portions of the act.

Passed the Senate February 19, 1935.

Passed the House February 28, 1935.

Approved by the Governor March 9, 1935.