

CHAPTER 263.

[H. B. 425.]

VOLUNTEER FIREMEN BOARD

AN ACT relating to state government; establishing a state board for volunteer firemen; prescribing its powers and duties; providing for a staff; amending section 1, chapter 261, Laws of 1945 and RCW 41.24.010, and section 8, chapter 261, Laws of 1945 and RCW 41.24.080, and section 12, chapter 261, Laws of 1945 and RCW 41.24.120; adding seven new sections to chapter 41.24 RCW; making an appropriation; and repealing any provisions of chapter 41.24 RCW inconsistent herewith.

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

SECTION 1. Section 1, chapter 261, Laws of 1945 and RCW 41.24.010 are each amended to read as follows: Amendment.

As used in this chapter:

Defined as herein used.

“Municipal corporation” or “municipality” includes any city or town, fire protection district, or any water, irrigation, or other district, authorized by law to afford protection to life and property within its boundaries from fire.

“Municipal corporation,”
“municipality.”

“Fire department” means any regularly organized fire department consisting wholly of volunteer firemen, or any part-paid and part-volunteer fire department duly organized and maintained by any municipality: *Provided*, That any such municipality wherein a part-paid fire department is maintained may by appropriate legislation permit the full-paid members of its department to come under the provisions of chapter 41.16.

“Fire department.”

Proviso.

“Firemen” includes any fireman who is a member of any fire department of any municipality.

“Firemen.”

“Performance of duty” shall be construed to mean and include any work in and about company quarters or any fire station or any other place under the direction or general orders of the chief or other officer having authority to order such member to

“Performance of duty.”

perform such work; responding to, working at, or returning from an alarm of fire; drill; or any work performed of an emergency nature in accordance with the rules and regulations of the fire department.

"State board." "State board" means the state board for volunteer firemen created herein.

"Appropriate legislation." "Appropriate legislation" means an ordinance when an ordinance is the means of legislating by any municipality, and resolution in all other cases.

New section. SEC. 2. A new section is added to chapter 41.24 RCW to read as follows:

State board for volunteer firemen established; appointment by governor. There is established a state board for volunteer firemen to consist of three members of a fire department covered by chapter 41.24 RCW, no two of whom shall be from the same congressional district, to be appointed by the governor to serve overlapping terms of six years. Of members first appointed, one shall be appointed for a term of six years, one for four years, and one for two years. Upon the expiration of a term, a successor shall be appointed by the governor for a term of six years. Any vacancy shall be filled by the governor for the unexpired term. Each member of the state board, before entering on the performance of his duties, shall take an oath that he will not knowingly violate or willingly permit the violation of any provision of law applicable to this act, which oath shall be filed with the secretary of state.

Terms.

Vacancy. Members oath filed.

New section. SEC. 3. A new section is added to chapter 41.24 RCW to read as follows:

Semiannual and special meetings. The state board shall hold regular semiannual meetings in April and October of each year, and special meetings not more than once monthly at such times and places as may be called by the chairman or by two of its members. No action shall be taken by the state board without the approval of two members.

Action to have approval of two members.

SEC. 4. A new section is added to chapter 41.24 RCW to read as follows: New section.

Each member of the state board shall receive ten dollars per day for each day actually spent in attending meetings of the state board. Each member shall also receive his actual and necessary traveling and other expenses, including going to and from meetings of the state board or other authorized business of the state board, at the same rate as other state officers and employees, but not to exceed the per diem allowance provided by law. Per diem.

SEC. 5. A new section is added to chapter 41.24 RCW to read as follows: New section.

The attorney general shall be the legal advisor for the board. Attorney general, legal advisor.

SEC. 6. There is added to chapter 41.24 RCW a new section to read as follows: New section.

The state board shall: Duties of state board.

(1) Generally supervise and control the administration of chapter 41.24 RCW;

(2) Promulgate, amend, or repeal rules and regulations not inconsistent with chapter 41.24 RCW for the purpose of effecting a uniform and efficient manner of carrying out the provisions of chapter 41.24 RCW and the purposes to be accomplished thereby, and for the government of boards of trustees of the municipalities of this state in the discharge of their functions under chapter 41.24 RCW;

(3) Review any action, and hear and determine any appeal which may be taken from the decision of the board of trustees of any municipality made pursuant to chapter 41.24 RCW;

(4) Take such action as may be necessary to secure compliance of the municipalities governed by chapter 41.24 RCW and to provide for the collection of all fees and penalties which are, or may be, due and delinquent from any such municipality;

(5) Review the action of the board of trustees of any municipality authorizing any pension as provided by chapter 41.24 RCW; and authorize the regular issuance of monthly warrants in payment thereof without further action of the board of trustees of such municipality;

(6) Require periodic reports from the recipient of any benefits under chapter 41.24 RCW for the purpose of determining their continued eligibility therefor;

(7) Maintain such records as may be necessary and proper for the proper maintenance and operation of the volunteer firemen's relief and pension fund and provide all necessary forms to enable local boards of trustees to effectively carry out their duties as provided by chapter 41.24 RCW;

(8) Compel the taking of testimony from witnesses under oath before the state board, or any member or the secretary thereof, or before the local board of trustees or any member thereof, for the purpose of obtaining evidence, at any time, in connection with any claim or pension pending or authorized for payment. For such purpose the state board shall have the same power of subpoena as prescribed in RCW 51.52.100. Failure of any claimant to appear and give any testimony as herein provided shall suspend any rights or eligibility to receive payments for the period of such failure to appear and testify;

Secretary.

(9) Appoint a secretary to hold office at the pleasure of the state board, fix his compensation at such sum as it shall deem appropriate, and prescribe his duties not otherwise provided by chapter 41.24 RCW.

New section.

SEC. 7. A new section is added to chapter 41.24 RCW to read as follows:

Expenses accomplished by vouchers.

All expenses incurred by the state board shall be accomplished by vouchers signed by two members of the state board and issued to the persons entitled thereto and sent to the state auditor. The auditor

shall issue a warrant on the fund for the amount specified.

SEC. 8. A new section is added to chapter 41.24 RCW to read as follows: New section.

The secretary shall maintain an office at Olympia at a place to be provided, wherein he shall Duties of secretary.

(1) keep a record of all proceedings of the state board, which shall be public,

(2) maintain a record of all members of the pension fund, including such pertinent information relative thereto as may be required by law or regulation of the state board,

(3) receive and promptly remit to the state treasurer all moneys received for the volunteer firemen's relief and pension fund,

(4) transmit periodically to the state auditor for payment all claims payable from the volunteer firemen's relief and pension fund, stating the amount and purpose of such payment,

(5) certify monthly for payment a list of all persons approved for pensions and the amount to which each is entitled,

(6) perform such other and further duties as shall be prescribed by the state board.

Before entering into the performance of his duties, the secretary shall furnish a good and sufficient surety bond in the sum of ten thousand dollars, conditioned upon the faithful performance and discharge of his duties, and the prompt deposit and accounting for all funds coming into his hands under the provision of chapter 41.24 RCW. The secretary shall receive such compensation as shall be fixed by the state board, together with his necessary traveling and other expenses in carrying out his duties authorized by the state board. Surety bond required of secretary.

Compensation for secretary.

SEC. 9. Section 8, chapter 261, Laws of 1945 and RCW 41.24.080 are each amended to read as follows: Amendment.

The board of trustees of each municipal corpora-

Duties of board of trustees of each municipal corporation.

tion shall provide for enrollment of all members of its fire department under the death and disability provisions hereof; receive all applications for the enrollment under the retirement provisions hereof when the municipality has elected to enroll thereunder; provide for disbursements of relief and compensation; determine the eligibility of firemen for pensions; and pass on all claims and direct payment thereof from the volunteer firemen's relief and pension fund to those entitled thereto. Vouchers shall be signed by the chairman and secretary of the board and issued to the persons entitled thereto for the amount of money ordered paid to them from the fund by the board, which vouchers shall state for what purpose the payment is made. It shall send to the state board, after each meeting, a list of all persons entitled to payment from the fund, stating the amount of such payment and for what granted, which list shall be certified and signed by the chairman and secretary of the board, attested under oath. The state auditor shall issue a warrant on the fund for the amount specified on each voucher: *Provided*, That in pension cases after the initial payment is made to the beneficiary, the state board shall thereafter authorize the regular issuance of monthly warrants in payment thereof without further action of the board of trustees of any such municipality.

Proviso.

Amendment.

SEC. 10. Section 12, chapter 261, Laws of 1945 and RCW 41.24.120 are each amended to read as follows:

Board decisions final and conclusive.

The board shall hear and decide all applications for relief or compensation and pensions under this chapter, and its decision on such applications shall be final and conclusive, subject only to review by, or appeal by the proper person to, the state board.

Appropriation.

SEC. 11. For the biennium ending June 30, 1957, there is appropriated from the volunteer firemen's relief and pension fund to the state board the sum

of twenty thousand dollars, or so much thereof as may be necessary, for the purpose of this act.

SEC. 12. Any provisions of chapter 41.24 RCW Invalidity. inconsistent with the provisions of this act are hereby repealed: *Provided*, That such repeal shall not affect any act or proceeding had or pending, under such provision repealed, but the same shall be construed and prosecuted as though such provision had not been repealed.

Passed the House February 24, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 18, 1955.

CHAPTER 264.

[H. B. 446.]

MOTOR VEHICLE DEFINED FOR EXCISE TAX.

AN ACT relating to the motor vehicle excise tax; and amending section 1, chapter 152, Laws of 1945 and RCW 82.44.010.

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

SECTION 1. Section 1, chapter 152, Laws of 1945 Amendment. and RCW 82.44.010 are each amended to read as follows:

For the purposes of this chapter, unless context otherwise requires:

“Motor vehicle” means all motor vehicles, trailers and semitrailers used, or of the type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads and facilities for human habitation; but shall not include (1) vehicles carrying exempt licenses, (2) dock and warehouse tractors and their cars or trailers, lumber carriers of the type known as spiders, and all other “Motor vehicle” defined.
Motor vehicles not included.