

SEC. 12. This act is necessary for the immediate Emergency. preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 9, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 382.

[Sub. H. B. 449.]

MUNICIPAL FIREMEN RELIEF AND PENSION SYSTEM.

AN ACT relating to firemen of cities and towns; creating a relief and pension system for certain firemen and providing for pensions, benefits and allowances thereunder; providing for the maintenance of and contributions and payments to municipal firemen's pension funds; providing for the distribution of and payments from such funds; and defining terms and prescribing powers and duties of certain officers and individuals.

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

SECTION 1. For the purpose of this act, unless Definitions. clearly indicated otherwise by the context, words and phrases shall have the meaning hereinafter ascribed.

(1) The words "board", "contributions", "disability", "fire department", "firemen's pension fund", "fund", "municipality", and "performance of duty", shall have the meaning set forth in section 1, chapter 91, Laws of 1947 (RCW 41.16.010). Miscellaneous terms.

(2) "Fireman" means any person hereafter regularly or temporarily, or as a substitute newly employed and paid as a member of a fire department, who has passed a civil service examination for fireman and who is actively employed as a fireman; and any person heretofore regularly or temporarily, or as a substitute, employed and paid as a member of a "Fireman."

fire department, and who has contributed under and been covered by the provisions of chapter 91, Laws of 1947 (chapter 41.16 RCW) and who has come under the provisions of this act in accordance with section 16 hereof and who is actively engaged as a fireman or as a member of the fire department.

"Retired fireman."

(3) "Retired fireman" means and includes a person employed as a fireman and retired under the provisions of this act.

"Basic salary."

(4) "Basic salary" means the basic monthly salary attached to the rank held by the retired fireman for the year preceding the date of his retirement or disability, as the case may be, without regard to extra compensation which such fireman may have received for special duties or services: *Provided*, That such basic salary shall not be deemed to exceed the salary of a Battalion Chief.

"Widow."

(5) "Widow" means the surviving wife of a fireman and shall include the surviving wife of a fireman, retired on account of length of service, who was lawfully married to him for a period of five years prior to the time of his retirement; and the surviving wife of a fireman, retired on account of disability, who was lawfully married to him at and prior to the time he sustained the injury or contracted the illness resulting in his disability. The word shall not mean the divorced wife of an active or a retired fireman.

"Child."
"Children."

(6) "Child" or "children" means a fireman's child or children under the age of eighteen years, unmarried, and in the legal custody of such fireman at the time of his death.

"Earned interest."

(7) "Earned interest" means and includes all annual increments to the firemen's pension fund from income earned by investment of the fund. The earned interest payable to any fireman shall be determined as being that portion of the total earned income of the firemen's pension fund which such

fireman's contributions to such fund bears to the total contributions to such fund by all firemen.

SEC. 2. The board, in addition to such general and special powers as are vested in it by the provisions of chapter 91, Laws of 1947 (chapter 41.16 RCW), which powers the board shall have with respect to this act shall have power to:

Additional board powers.

(1) Generally supervise and control the administration of this act;

(2) Pass upon and allow or disallow applications for pensions or other benefits provided by this act;

(3) Provide for payment from the firemen's pension fund of necessary expenses of maintenance and administration required by the provisions of this act;

(4) Make rules and regulations not inconsistent with this act for the purpose of carrying out and effecting the same;

(5) Require the physicians appointed under the provisions of chapter 91, Laws of 1947 (chapter 41.16 RCW), to examine and report to the board upon all applications for relief and pensions under this act; and

(6) Perform such acts, receive such compensation and enjoy such immunity as provided in section 4, chapter 91, Laws of 1947 (RCW 41.16.040).

SEC. 3. Every fireman to whom this act applies shall contribute to the firemen's pension fund and there shall be deducted from his pay and placed in the fund an amount in accordance with the following table:

Determination of fireman's contribution to fund.

Fireman whose age at last birthday at time of entry of service was:	Contributions and deductions from salary up to the pay of a battalion chief
21 and under	5.00%
22	5.24%
23	5.50%
24	5.77%

25	6.07%
26	6.38%
27	6.72%
28	7.09%
29	7.49%
30 and over	7.92%

Eligibility for retirement.

SEC. 4. Every fireman to whom this act applies, who shall have served twenty-five or more years as a member of the fire department, and having attained the age of fifty-five years, shall be eligible for retirement and shall be retired by the board upon his written request. Upon his retirement such fireman shall be paid a monthly pension based upon his basic salary, the number of years of his service and a salary percentage factor based upon his age on entering service as follows:

Monthly pension; basis of.

Salary percentage factor determination.

Entrance age at last birthday	Salary percentage factor
20 and under	1.50%
21	1.54%
22	1.58%
23	1.62%
24	1.66%
25	1.71%
26	1.76%
27	1.81%
28	1.87%
29	1.93%
30 and over	2.00%

Computation of monthly pension.

Unless the retired fireman otherwise elects, as hereinafter provided, his regular monthly pension shall be an amount computed by multiplying the monthly basic salary of such fireman by the number of years of his service and by multiplying the result by the applicable salary percentage factor.

Pension ceases on death.

When the retired fireman, not having otherwise elected as hereinafter provided, dies, all his pension benefits, including survivors' benefits, shall cease.

Should the fireman so elect on or before the effective date of his retirement by giving written notice of such election to the board, his pension shall be paid under one of the following three options, each of which will provide the eventual additional benefit proper to the individual option:

Election of option; notice to board.

(1) A monthly pension in an amount less by five dollars than the regular monthly pension hereinabove provided for—the additional benefit proper to this option shall be the return to the retired fireman's widow or, if there be no widow, to his child or children, of the amount, if any, of the firemen's total contributions to the fund, plus earned interest, after deducting therefrom the total monthly pension benefits paid to said fireman;

Option.

(2) A monthly pension in the amount of eighty percent of the regular monthly pension hereinabove provided for—the additional benefit proper to this option shall be the payment of a like monthly amount to the retired fireman's widow or, if there be no widow, to his child or children;

Option.

(3) A monthly pension in the amount of ninety percent of the regular monthly pension hereinabove provided for—the additional benefit proper to this option shall be the payment of a monthly sum to the retired firemen's widow or, if there be no widow, to his child or children, equal to one-half of the monthly pension theretofore paid to such fireman.

Option.

Whenever any fireman shall die while eligible to retirement on account of years of service and age and shall not have been retired there shall be paid to his widow or, if there be no widow, to his child or children, a monthly sum equal to eighty percent of the regular monthly pension hereinabove provided for.

Death when eligible for retirement.

SEC. 5. Every fireman who shall become disabled as a result of the performance of duty may be retired at the expiration of six months from the date

Disabled fireman—retirement.

Procedure.

of his disability, upon his written request filed with his retirement board. The board may, upon such request being filed, consult such medical advice as it sees fit, and may have the applicant examined by such physicians as it deems desirable. If from the reports of such physicians the board finds the applicant capable of performing his duties in the fire department, the board may refuse to recommend his retirement. If, after the expiration of six months from the date of his disability, the board deems it for the good of the fire department or the pension fund it may recommend the retirement of a fireman disabled as a result of the performance of duty without any request for the same by him, and after having been given by the board a thirty days' written notice of such recommendation he shall be retired.

Fireman
declared
inactive.

SEC. 6. Whenever the retirement board, pursuant to examination by the board's physician and such other evidence as it may require, shall find a fireman has been disabled while in the performance of his duties it shall declare him inactive. For a period of six months from the time of such disability he shall draw from the pension fund a disability allowance equal to his monthly salary at the time of disability and, in addition, he may be provided with such medical, hospital and nursing care as long as the disability exists. If the board finds at the expiration of six months that the fireman is unable to return to and perform his duties, then he shall be retired as provided in section 7.

Inactive duty
—disability
pension.

SEC. 7. If a fireman, disabled as a result of the performance of duty, shall have at the time of his retirement (after six months disability) a total of less than twenty-five years of creditable service or shall be less than age fifty-five, he shall be placed on inactive duty and shall receive a disability pension of fifty percent of his basic salary. If he recovers from his disability he shall be restored to active

service with the same rank held at the time of the disability. If such fireman at the time of his disability retirement shall have a total of twenty-five years or more of creditable service and shall be not less than age fifty-five or, becoming fifty-five years of age or more while on disability retirement he would have had a total of twenty-five years or more of creditable service had he continued in active service, he shall receive a disability pension computed in the same manner and selected under the same options as the service retirement pension provided for under section 4 of this act.

SEC. 8. In the event a fireman is killed in the performance of duty, or in the event a disabled fireman shall die as a result of service-connected disabilities, his widow shall receive a monthly pension equal to fifty percent of his basic salary or, if she at any time so elects in writing and the board after hearing finds it to be financially beneficial to the pension fund, she may receive in lieu of all future monthly pension and other benefits, including benefits to child or children, the sum of five thousand dollars in cash. If there be no widow at the time of such fireman's death or upon the widow's death the monthly pension benefits hereinabove provided for shall be paid to his child or children. If there be a widow and a child or children at the time of such fireman's death, the widow's monthly pension benefit shall be increased in a sum equal to five percent of the basic salary of such fireman for each child until such child reaches the age of eighteen years: *Provided*, That such increased benefit shall in no event exceed ten percent of the basic salary of such fireman. The widow's monthly pension benefit, including increased benefits to her children shall cease if and when she remarries.

Fireman killed in performance of duty or dies as result of; provision for dependents.

Limitations.

SEC. 9. Any fireman who has served more than fifteen years and sustains a disability not in the per-

Disabled not in performance of duty.

Contribution
of monthly
pension.

Death of
fireman not in
performance
of duty.

Resignation
or dismissal
of fireman.

Contribution
or monthly
pension.

Election of
option; failure
to exercise.

formance of his duty which renders him unable to continue his service, shall within sixty days exercise his choice either to receive his contribution to the fund, plus earned interest, or be retired and paid a monthly pension based on the factor of his age shown in section 4, hereof, times his monthly basic salary at the date of his retirement, times the number of years of service rendered at the time he sustained such disability. If such fireman shall die leaving surviving him a wife, or child or children, then such wife, or if he leaves no wife, then his child or children shall receive the sum of his contributions, plus earned interest, and such payment shall be reduced in the amount of the payments made to deceased.

SEC. 10. Any fireman who has served twenty years or more and who shall resign or be dismissed, shall have the option of receiving all his contributions plus earned interest, or a monthly pension in the amount of his basic salary times the number of years of service rendered, times one and one-half percent. Payment of such pension shall commence at the time of severance from the fire department, or at the age of fifty-five years, whichever shall be later. The fireman shall have sixty days from the severance date to elect which option he will take. In the event he fails to exercise his right of election then he shall receive the amount of his contributions plus earned interest. In the event he elects such pension, but dies before attaining the age of fifty-five, his widow, or if he leaves no widow, then his child or children shall receive only his contribution, plus earned interest. In the event he elects to take a pension and dies after attaining the age of fifty-five, his widow, or if he leaves no widow, then child or children shall receive his contribution, plus earned interest, less the amount of pension payments made to such fireman during his lifetime.

SEC. 11. Any fireman who shall have served for a period of less than twenty years, and shall resign, or be dismissed from the fire department for a reason other than conviction for a felony, shall be paid the amount of his contributions to the fund plus earned interest.

Resignation or dismissal—
contribution
returned.

SEC. 12. Whenever any fireman shall die from natural causes, or from an injury not sustained in the performance of his duty and for which no pension is provided for in this act, and who has not been retired on account of disability, his widow or, if there be no widow, his child or children, shall be entitled to the amount of his contributions to the fund plus earned interest, or the sum of one thousand dollars, whichever sum shall be the greater.

Death from
natural
causes, etc.;
contributions
returned.

SEC. 13. The board shall pay from the firemen's pension fund upon the death of any active or retired fireman the sum of two hundred dollars, to assist in defraying the funeral expenses of such fireman.

Funeral
expenses.

SEC. 14. Every person who was a member of the fire department at the time he entered and served in the armed forces of the United States in time of war, whether as a draftee or inductee, and who shall have been discharged from such armed forces under conditions other than dishonorable, shall have added and accredited to his period of employment as a fireman his period of war or peacetime service in the armed forces: *Provided*, That such added and accredited service shall not as to any individual exceed five years.

Armed forces
time
accredited.

Limitation.

SEC. 15. The board shall require all firemen receiving disability pensions to be examined every six months: *Provided*, That no such examinations shall be required if upon certification by physicians the board shall formally enter upon its records a finding of fact that the disability is and will continue to be of such a nature that return to active duty

Examination
required.

Examination
requirement
waived.

Examination procedure.

Rights forfeited.

Procedure when found fit for service.

can never reasonably be expected. All examinations shall be made by physicians duly appointed by the board. If a fireman shall wilfully fail to present himself for examination, within thirty days after being ordered so to do, he shall forfeit all rights under this act. If such fireman, upon examination as aforesaid, shall be found fit for service, he shall be restored to duty in the same rank held at the time of his retirement, or if unable to perform the duties of said rank then, at his request, in such other like or lesser rank as may be or become open and available, the duties of which he is then able to perform. The board shall thereupon so notify the fireman and shall require him to resume his duties as a member of the fire department. If, upon being so notified, such member shall wilfully fail to report for employment within ten days, he shall forfeit all rights to any benefit under this act.

Provisions exclusive application to following.

SEC. 16. The provisions of this act governing contributions, pensions, and benefits shall have exclusive application (1) to firemen as defined in this act hereafter becoming members of a fire department, (2) to firemen as defined in this act heretofore employed in a department who have not otherwise elected as provided for in section 17 hereof, and (3) to firemen on disability retirement under chapter 91, Laws of of 1947 (chapter 41.16 RCW), at the effective date of this act, who thereafter shall have been returned to active duty by the retirement board, and who have not otherwise elected as provided for in section 17 hereof within sixty days after return to active duty.

Every fireman may avail himself of benefits of act.

SEC. 17. Every fireman as defined in this act heretofore employed as a member of a fire department, whether or not as a prior fireman as defined in chapter 91, Laws of 1947 (chapter 41.16 RCW), who desires to make the contributions and avail himself of the pension and other benefits of said

chapter 91, Laws of 1947 (chapter 41.16 RCW), can do so by handing to and leaving with the firemen's pension board of his municipality a written notice of such intention within sixty days of the effective date of this act, or if he was on disability retirement under chapter 91, Laws of 1947 (chapter 41.16 RCW), at the effective date of this act and has been recalled to active duty by the retirement board, shall give such notice within sixty days of his return to active duty, and not otherwise.

Notice of
intention.

Passed the House February 26, 1955.

Passed the Senate March 8, 1955.

Approved by the Governor March 21, 1955.

CHAPTER 383.

[H. B. 639.]

HIGHWAYS.

AN ACT relating to state government and to public highways and the operation of motor vehicles thereon; defining the duties of the state highway commission and the joint fact-finding committee on highways, streets and bridges; establishing certain primary and secondary state highways; making appropriations and reappropriations from the motor vehicle fund and the highway equipment fund; making appropriations for surveys and studies of highways; relating to the functions of the Washington state toll bridge authority as to certain toll roads and bridges; amending section 3, chapter 225, Laws of 1949 and RCW 47.16.020, section 2, chapter 273, Laws of 1951 and RCW 47.16.100, and section 5, chapter 225, Laws of 1949 and RCW 47.16.190, and section 1, chapter 8, Laws of 1951 and RCW 47.16.140, and section 2, chapter 207, Laws of 1937, as amended by sections 2 through 5, chapter 280, Laws of 1953 and RCW 47.20.010 through 47.20.120, and section 4, chapter 207, Laws of 1937, as amended by section 5, chapter 273, Laws of 1951 and sections 7 and 8, chapter 280, Laws of 1953 and RCW 47.20.170 through 47.20.220, and section 2, chapter 212, Laws of 1943 and RCW 47.20.250 through 47.20.300, and section 9, chapter 280, Laws of 1953 and 47.20.320, and section 10, chapter 207, Laws of 1937, as amended by section 1, chapter 232, Laws of 1947 and section 8, chapter 273, Laws of 1951 and RCW 47.20.360 through 47.20.380, and section 11, chapter 207, Laws of 1937 and