

Business cor-
poration act.

the decedent or for letters of administration upon the decedent's estate; and that no proceedings have been instituted to contest or set aside or cancel the agreement; and that

(c) The claims of creditors have been paid or provided for.

Passed the Senate March 3, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.

CHAPTER 86.

[Senate Bill No. 345.]

VOLUNTEER FIREMEN'S RELIEF AND PENSIONS.

AN ACT relating to volunteer firemen's relief and pensions; increasing death and disability benefits and employer contributions thereto; amending section 15, chapter 261, Laws of 1945, as last amended by section 1, chapter 159, Laws of 1957, and RCW 41.24.150; amending section 16, chapter 261, Laws of 1945 as last amended by section 1, chapter 57, Laws of 1961 and RCW 41.24.160; amending section 22, chapter 261, Laws of 1945 as last amended by section 5, chapter 57, Laws of 1961 and RCW 41.24.220; adding a new section to chapter 261, Laws of 1945 and to chapter 41.24 RCW; and declaring an effective date.

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

RCW 41.24.150
amended.

SECTION 1. Section 15, chapter 261, Laws of 1945 as last amended by section 1, chapter 159, Laws of 1957, and RCW 41.24.150 are each amended to read as follows:

Volunteer fire-
men's relief
and pensions.
Disability pay-
ments.

Whenever a fireman serving in any capacity as a member of a fire department subject to the provisions of this chapter becomes physically or mentally disabled, or sick, in consequence or as the result of the performance of his duties, so as to be wholly prevented from engaging in each and every duty as his regular occupation, business or profes-

sion, he shall be paid from the fund monthly, the sum of three hundred dollars for a period of not to exceed six months, or ten dollars per day for such period as is part of a month, after which period, if the member is incapacitated to such an extent that he is thereby prevented from engaging in any occupation or performing any work for compensation or profit, he shall be entitled to draw from the fund monthly, the sum of one hundred fifty dollars so long as the disability continues, except as herein-after provided: *Provided*, That if the member has a wife or husband and/or a child or children unemancipated or under eighteen years of age, he shall be entitled to draw from the fund monthly the additional sums of twenty-five dollars because of the fact of his wife or husband, twenty-five dollars because of the fact of his youngest or only child unemancipated or under eighteen years of age, and twenty dollars because of the fact of each additional child unemancipated or under eighteen years of age, all to a total maximum amount of three hundred dollars. The board may at any time reopen the grant of such disability pension if the pensioner is gainfully employed, and may reduce it in the proportion that the annual income from such gainful employment bears to the annual income received by the pensioner at the time of his disability: *Provided*, That where a fireman sustains a permanent partial disability the state board may provide that such injured fireman shall receive a lump sum compensation therefor to the same extent as is provided for permanent partial disability under the workmen's compensation act under Title 51 in lieu of such monthly disability payments.

SEC. 2. Section 16, chapter 261, Laws of 1945 as last amended by section 1, chapter 57, Laws of 1961 and RCW 41.24.160 are each amended to read as follows:

RCW 41.24.160
amended.

volunteer firemen's relief
and pensions.
Death benefits.

Whenever a fireman dies as the result of injuries received, or sickness contracted in consequence or as the result of the performance of his duties, the board of trustees shall order and direct the payment of the sum of one thousand dollars to his widow, or if there be no widow, then to his dependent child or children, or if there be no dependent child or children, then to his parents or either of them, and the sum of one hundred dollars per month to his widow during her life together with the additional monthly sums of twenty-five dollars for the youngest or only child and twenty dollars for each additional child of the member, unemancipated or under eighteen years of age, dependent upon the member for support at the time of his death, to a maximum total of two hundred dollars per month: *Provided*, That if there is no widow, or the widow dies while there are children, unemancipated or under eighteen years of age, then the amount of one hundred dollars per month shall be paid for the youngest or only child together with an additional twenty dollars per month for each additional of such children to a maximum of two hundred dollars per month until they become emancipated or reach the age of eighteen years; and if there are no widow, child or children entitled thereto, then to his parents or either of them the sum of one hundred dollars per month for life, if it is proved to the satisfaction of the board that the parents, or either of them, were dependent on the deceased for their support at the time of his death: *Provided*, That if the widow, child or children, or the parents, or either of them, marry while receiving such pension the person so marrying shall thereafter receive no further pension from the fund.

In the case provided for herein, the monthly payment provided may be converted in whole or in part, into a lump sum payment, not in any case to exceed eight thousand five hundred dollars, equal or propor-

tionate, as the case may be, to the value of the annuity then remaining, to be fixed and certified by the state insurance commissioner, in which event the monthly payments shall cease in whole or in part accordingly or proportionately. Such conversion may be made either upon written application to the state board and shall rest in the discretion of the state board; or the state board is authorized to make, and authority is hereby given it to make, on its own motion, lump sum payments, equal or proportionate, as the case may be, to the value of the annuity then remaining in full satisfaction of claims due to dependents. Within the rule aforesaid the amount and value of the lump sum payment may be agreed upon between the applicant and the state board. Any person receiving a monthly payment hereunder at the time of the effective date of this act may elect, within two years, to convert such payments into a lump sum payment as herein provided.

SEC. 3. Section 22, chapter 261, Laws of 1945 as last amended by section 5, chapter 57, Laws of 1961 and RCW 41.24.220 are each amended to read as follows:

RCW 41.24.220
amended.

Whenever any fireman becomes disabled or sick in the performance of his duties by reason of which he is confined to any hospital an amount not exceeding the daily ward rate of the hospital shall be allowed and paid from said fund toward such hospital expenses for a period not exceeding twenty-six weeks: *Provided*, That this allowance shall not be in lieu of but in addition to any other allowance in this chapter provided: *Provided further*, That costs of surgery, medicine, laboratory fees, x-ray, special therapies, and similar additional costs shall be paid in addition thereto.

Hospitaliza-
tion, surgery,
etc.

New section.

SEC. 4. There is added to chapter 261, Laws of 1945 and to chapter 41.24 RCW a new section to read as follows:

Volunteer firemen's relief and pensions. Additional fees.

In addition to the fees prescribed in RCW 41-24.030(2) the following fees shall be collected to finance the additional benefits conferred by this 1965 amendatory act:

(1) Two dollars per year for each volunteer or part-paid member of its fire department; and

(2) A sum equal to one-half of one percent of the annual salary attached to the rank of each full-paid member of its fire department.

These fees shall be paid into the volunteer firemen's relief and pension fund by each municipal corporation on behalf of the members of its fire department.

Severability.

SEC. 5. If any provision of this 1965 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the 1965 amendatory act, or the application of the provision to other persons or circumstances is not affected.

Effective date.

SEC. 6. The effective date of this 1965 amendatory act is July 1, 1965.

Passed the Senate March 7, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 20, 1965.