

of any such vehicle as aforementioned shall be paid by such vehicle's owner, and shall be a lien upon said vehicle until paid, and said lien may be enforced as otherwise provided by law for the enforcement of towing or storage liens or liens generally.

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CHAPTER 209
[Engrossed Substitute Senate Bill No. 74]
WASHINGTON LAW ENFORCEMENT OFFICERS' AND FIRE
FIGHTERS' RETIREMENT SYSTEM ACT

AN ACT Relating to retirement and pensions; establishing a new retirement system for law enforcement officers and fire fighters; allowing transfers by certain affected persons from present retirement systems to the newly established system; amending section 2, chapter 78, Laws of 1959 as amended by section 1, chapter 140, Laws of 1961, and RCW 41.20.085; amending section 1, chapter 82, Laws of 1963 and RCW 41.20.170; amending section 8, chapter 382, Laws of 1955 as amended by section 4, chapter 45, Laws of 1965 ex. sess., and RCW 41.18.100; amending section 4, chapter 382, Laws of 1955 as last amended by section 3, chapter 45, Laws of 1965 ex. sess., and RCW 41.18-.040; amending section 6, chapter 382, Laws of 1955 as amended by section 4, chapter 255, Laws of 1961, and RCW 41.18.060; amending section 11, chapter 382, Laws of 1955 as amended by section 6, chapter 255, Laws of 1961, and RCW 41.18.130; amending section 1, chapter 6, Laws of 1959 as last amended by section 1, chapter 123, Laws of 1969 (Engrossed SB 138) and RCW 41.20.050; amending section 5, chapter 39, Laws of 1909 as last amended by section 2, chapter 123, Laws of 1969 (Engrossed SB 138) and RCW 41.20.060; amending section 1, chapter 78, Laws of 1959 and RCW 41.20.005; amending section 1, chapter 382, Laws of 1955 as last amended by section 2, chapter 45, Laws of 1965 ex. sess., and RCW 41.18.010; adding new sections to chapter 382, Laws of 1955, and to chapter 41.18 RCW; adding a

new section to chapter 41.16 RCW; making an appropriation; adding a new chapter to Title 41 RCW; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. This act shall be known and cited as the "Washington Law Enforcement Officers' and Fire Fighters' Retirement System Act."

NEW SECTION. Sec. 2. The purpose of this 1969 amendatory act is to provide for an actuarial reserve system for the payment of death, disability, and retirement benefits to law enforcement officers and fire fighters, and to beneficiaries of such employees, thereby enabling such employees to provide for themselves and their dependents in case of disability or death, and effecting a system of retirement from active duty.

NEW SECTION. Sec. 3. As used in this 1969 amendatory act, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the "Washington law enforcement officers' and fire fighters' retirement system" provided herein.

(2) "Employer" means the legislative authority of any city, town, county or district or the elected officials of any municipal corporation that employs any law enforcement officer and/or fire fighter.

(3) "Law enforcement officer" means any full time sheriff, deputy sheriff, city police officer, or town marshal.

(4) "Fire fighter" means any person who is regularly employed and paid as a member of a fire department by an employer and who has passed a civil service examination for fire fighter, or fireman if this title is used by the department, and who is actively employed as such; and shall include anyone who is actively employed as a full time fire fighter where the fire department does not have a civil service examination; this term shall also include supervisory fire fighter personnel and all full time employees authorized under chapter 52.08 RCW.

(5) "Retirement board" means the Washington public employees' retirement system board established in chapter 41.40 RCW.

(6) "Surviving spouse" means the surviving widow or widower of a member. The word shall not include the divorced spouse of a member.

(7) "Child" or "children" whenever used in this 1969 amendatory act means every natural born child, posthumous child, child legally adopted prior to the date benefits are payable under this 1969 amendatory act, stepchild and illegitimate child legitimized prior to the date any benefits are payable under this 1969 amendatory act, all while under the age of eighteen years and unmarried.

(8) "Member" means any county sheriff, deputy sheriff, city police officer, fire fighter, or a full time town marshal of the state of Washington.

(9) "Retirement fund" means the "Washington law enforcement officers' and fire fighters' retirement system fund" as provided for herein.

(10) "Employee" means any law enforcement officer or fire fighter as defined in subsections (3) and (4) above.

(11) "Beneficiary" means any person in receipt of a retirement allowance, disability allowance, death benefit, or any other benefit described herein.

(12) "Final average salary" means (a) for a member holding the same civil service position for a minimum of twelve months preceding the date of retirement, the basic salary attached to such same position at time of retirement; (b) for any other member, including a civil service member who has not served a minimum of twelve months in the same civil service position preceding the date of retirement, the average of the greatest basic salaries payable to such member during any consecutive twenty-four month period within such member's last ten years of service for which service credit is allowed, computed by dividing the total basic salaries payable to such member during the selected twenty-four month period by 24;

(c) in the case of disability of any member, the basic salary payable to such member at the date a disability is claimed by such member to have been incurred.

(13) "Basic salary" means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages, upon which pension or retirement benefits will be computed and upon which employer contributions and salary deductions will be based.

(14) "Service" means service rendered as an employee. For the purposes of this 1969 amendatory act a member shall be considered as being in service only while he is receiving a salary from the employer for such service or is on leave granted for service in the armed forces of the United States as provided in section 17 of this 1969 amendatory act. Service shall also include any time that a member is on disability.

(15) 'Accumulated contributions' means the contributions made by a member plus accrued interest credited thereon.

(16) 'Actuarial reserve' means a method of financing a pension or retirement plan wherein reserves are accumulated as the liabilities for benefit payments are incurred in order that sufficient funds will be available on the date of retirement of each member to pay his future benefits during the period of his retirement.

(17) 'Actuarial valuation' means a mathematical determination of the financial condition of a retirement plan. It includes the computation of the present monetary value of benefits payable to present members, and the present monetary value of future employer and employee contributions, giving effect to mortality among active and retired members and also to the rates of disability, retirement, withdrawal from service, salary and interest earned on investments.

(18) 'Disability board' means either the county disability board or the city disability board established in section 11 of this 1969 amendatory act.

NEW SECTION. Sec. 4. The Washington law enforcement officers'

and fire fighters' retirement system is hereby created for fire fighters, policemen, deputy sheriffs, sheriffs, and town marshals.

(1) All fire fighters, policemen, deputy sheriffs, sheriffs and town marshals initially employed in that capacity on or after March 1, 1970, on a full time basis in this state shall be members of the retirement system established by this 1969 amendatory act, to the exclusion of any pension system existing under any prior act.

(2) Any employee who has made retirement contributions under any prior act shall have his membership transferred to the system established by this 1969 amendatory act on March 1, 1970: PROVIDED, HOWEVER, That for purposes of employee contribution rate, creditability of service, eligibility for service or disability retirement, and survivor and all other benefits, such employee shall also continue to be covered by the provisions of such prior act which relate thereto, as if this transfer of membership had not occurred. Upon retirement for service or for disability, or death, of any such employee, his retirement benefits earned under this act shall be computed and paid. In addition, his benefits under the prior retirement act to which he was making contributions at the time of this transfer shall be computed as if he had continued to be a member of the retirement system covered thereby and these benefits, including survivor's benefits, offset by all benefits payable under this act, shall be paid to him by the county, city, town or district by which he was employed at the time of his retirement.

(3) All funds held by any firemens' or policemen's relief and pension fund shall remain in that fund for the purpose of paying the obligations of the fund, The municipality shall continue to levy the millage as provided in RCW 41.16.060, and this millage shall be used for the purpose of paying the benefits provided in chapters 41.16 and 41.18 RCW. The obligations of chapter 41.20 RCW shall continue to be paid from whatever financial sources the city has been using for this purpose.

(4) Any member transferring from the Washington public employ-
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ees' retirement system or the state-wide city employees' retirement system shall have transferred from the appropriate fund of the prior system of membership, a sum sufficient to pay into the Washington law enforcement officers' and fire fighters' retirement system fund the amount of the employees' and employers' contributions plus credited interest in the prior system from the date of the employee's entrance therein until March 1, 1970. Such transfer of funds shall discharge said state retirement systems from any further obligation to pay benefits to such transferring members, and thereafter the full obligation of payment of benefits earned shall be borne by the retirement board administering this act and by the member's employer as provided for in subsection (2) of this section.

(5) All unfunded liabilities created by this or any other section of this 1969 amendatory act shall be computed by the actuary in his biennial evaluation. Such computation shall provide for amortization of the unfunded liabilities over a period of not more than forty years from March 1, 1970. The amount thus computed as necessary shall be reported to the governor by the board of the retirement system for inclusion in the budget. The legislature shall make the necessary appropriation to fund the unfunded liability from the state general fund beginning with the 1971-1973 biennium.

NEW SECTION. Sec. 5. The retirement board shall be composed of the members of the public employees' retirement board established in chapter 41.40 RCW. Their terms of office shall be the same as their term of office with the public employees' retirement board. The members of the retirement system shall elect two additional members to the board who shall be members of the Washington law enforcement officers' and fire fighters' retirement system. These additional board members shall serve on the retirement board only for the purposes of administering this 1969 amendatory act. One board member shall be elected by the fire fighter members and one by the law enforcement members. These board members shall serve two year terms. The first board members elected by the system shall provide that the member

elected by the policemen shall serve for one year only and the member elected by the fire fighters shall serve a two year term, thereafter both shall serve two years unless they cease to be members of the retirement system. In such case it shall be the duty of the remaining board members to appoint another member from the same service to fill out the remaining part of the term. All administrative services of this system shall be performed by the director and staff of the public employees' retirement system with the cost of administration as determined by the retirement board charged against the Washington law enforcement officers' and fire fighters' retirement fund as provided in this 1969 amendatory act from funds appropriated for this purpose.

NEW SECTION. Sec. 6. The administration of this system is hereby vested in the board of the Washington public employees' retirement system pursuant to section 5 of this 1969 amendatory act and the board shall:

(1) Keep in convenient form such data as shall be deemed necessary for actuarial evaluation purposes;

(2) As of March 1, 1970, and at least every two years thereafter, through its actuary, make an actuarial valuation as to the mortality and service experience of the beneficiaries under this act and the various accounts created for the purpose of showing the financial status of the retirement fund;

(3) Adopt for the retirement system the mortality tables and such other tables as shall be deemed necessary;

(4) Keep a record of all its proceedings, which shall be open to inspection by the public;

(5) From time to time adopt such rules and regulations not inconsistent with this act, for the administration of the provisions of this 1969 amendatory act, for the administration of the fund created by this 1969 amendatory act and the several accounts thereof, and for the transaction of the business of the board;

(6) Provide for investment, reinvestment, deposit and withdrawal of funds;

(7) Prepare and publish annually a financial statement showing the condition of the fund and the various accounts thereof, and setting forth such other facts, recommendations and data as may be of use in the advancement of knowledge concerning the Washington law enforcement officers' and fire fighters' retirement system, and furnish a copy thereof to each employer, and to such members as may request copies thereof;

(8) Serve without compensation but shall be reimbursed for expense incident to service as individual members thereof;

(9) Perform such other functions as are required for the execution of the provisions of this 1969 amendatory act;

(10) No member of the board shall be liable for the negligence, default or failure of any employee or of any other member of the board to perform the duties of his office and no member of the board shall be considered or held to be an insurer of the funds or assets of the retirement system but shall be liable only for his own personal default or individual failure to perform his duties as such member and to exercise reasonable diligence in providing for the safeguarding of the funds and assets of the system;

(11) Fix the amount of interest to be credited at a rate which shall be based upon the net annual earnings of the fund for the preceding twelve-month period and from time to time make any necessary changes in such rate;

(12) Pay from the retirement fund the expenses incurred in administration of the retirement system from funds appropriated for that purpose.

(13) Perform any other duties prescribed elsewhere in this 1969 amendatory act: PROVIDED, That all disability claims shall be submitted and approved or disapproved by the disability boards established by this 1969 amendatory act and the retirement board shall have authority to approve or disapprove disability retirement requests only.

NEW SECTION. Sec. 7. A fund is hereby created and established in the state treasury to be known as the Washington law en-

forcement officers' and fire fighters' retirement fund, and shall consist of all moneys paid into it in accordance with the provisions of this 1969 amendatory act, whether such moneys shall take the form of cash, securities, or other assets. The members of the retirement board shall be the trustees of these funds created by this 1969 amendatory act and the retirement board shall have full power to invest or reinvest these funds in the securities authorized by RCW 41-.40.071 as now or hereafter amended.

NEW SECTION. Sec. 8. The total liability of this system shall be funded as follows:

(1) Every member shall have deducted from each payroll a sum equal to six percent of his basic salary for each pay period.

(2) Every employer shall contribute monthly a sum equal to six percent of the basic salary of each employee who is a member of this retirement system. The employer shall transmit the employee and employer contributions with a copy of the payroll to the retirement system monthly.

(3) The biennial actuarial evaluation required by section 6(2) of this 1969 amendatory act shall establish the total liability for this system. This liability shall be divided into current service liability and prior service liability. The contributions required by (1) and (2) above shall be applied toward the current service liability with the balance of the current service liability to be appropriated from the state general fund. The prior service liability shall be amortized over a period of not more than forty years from March 1, 1970. The amount thus computed shall be added to the current service liability to be appropriated from the state general fund.

This total amount shall be reported to the governor by the director of the retirement system, upon approval of the board, for inclusion in the budget. The legislature shall make the necessary appropriation from the state general fund to the Washington law enforcement officers' and fire fighters' retirement fund after considering the estimates as prepared and submitted. The transfer of funds from the state general fund to the retirement system shall be at a rate

determined by the board of trustees on the basis of the latest actuarial valuation. The total amount of such transfers for a biennium shall not exceed the total amount appropriated by the legislature.

(4) Every member shall be deemed to consent and agree to the contribution made and provided for herein, and shall receipt in full for his salary or compensation. Payment less said contributions shall be a complete discharge of all claims and demands whatsoever for the services rendered by such person during the period covered by such payments, except his claim to the benefits to which he may be entitled under the provisions of this 1969 amendatory act.

NEW SECTION. Sec. 9. Retirement of a member for service shall be made by the board as follows:

(1) Any member having twenty-five or more years of service and having attained the age of fifty years shall be eligible for retirement and shall be retired upon his written request;

(2) Any member having five or more years of service, who terminates his employment with any employer, may leave his contributions in the fund. Any employee who so elects shall be eligible at age fifty for a retirement allowance based on his years of service as follows: Five years but under ten years, one percent of his final average salary for each year of service; ten years but under twenty years, one and one-half percent of his final average salary for each year of service; and twenty years and over, two percent of his final average salary for each year of service. Any member selecting this optional vesting shall not be covered by the provisions of section 15 of this 1969 amendatory act.

(3) Any member who has attained the age of sixty years shall be retired on the first day of the calendar month next succeeding that in which said member shall have attained the age of sixty: PROVIDED, That for any member who is elected or appointed to the office of sheriff, his election or appointment shall be considered as a waiver of the age sixty provision for retirement for whatever number of years remain in his present term of office and any

succeeding terms to which he may be so elected or appointed: PROVIDED FURTHER, That the provisions of this subsection shall not apply to any member employed on the effective date of this 1969 amendatory act.

NEW SECTION. Sec. 10. A member upon retirement for service shall receive a monthly retirement allowance of two percent of his final average salary for each completed year of service.

NEW SECTION. Sec. 11. (1) All claims for disability made against the retirement system as defined in section 3(1) of this 1969 amendatory act shall be acted upon and either approved or disapproved by either type of disability board hereafter authorized to be created.

(a) Each city having a population of twenty thousand or more shall establish a disability board having jurisdiction over all members employed by said cities and composed of the following five members: Two members of the city legislative body to be appointed by the mayor, one fire fighter to be elected by the fire fighters employed by the city, one law enforcement officer to be elected by the law enforcement officers employed by the city, and one member from the public at large who resides within the city to be appointed by the other four appointed members heretofore designated in this subsection. All members appointed or elected pursuant to this subsection shall serve for two year terms.

(b) Each county shall establish a disability board having jurisdiction over all members residing in the county and not residing within a city in which a disability board is established. The county disability board so created shall be composed of five members to be chosen as follows: One member of the legislative body of the county to be appointed by the county legislative body, one member of a city or town legislative body located within the county which does not contain a city disability board established pursuant to subsection (1) (a) of this section to be chosen by a majority of the mayors of such cities and towns within the county which does not contain a city disability board, one fire fighter to be elected by the fire fighters

subject to the jurisdiction of the county disability board, one law enforcement officer to be elected by the law enforcement officers subject to the jurisdiction of the county disability board, and one member from the public at large who resides within the county but does not reside within a city in which a city disability board is established, to be appointed by the other four appointed members heretofore designated in this subsection. All members appointed or elected pursuant to this subsection shall serve for two year terms.

(2) The members of both the county and city disability boards shall not receive compensation for their service upon the boards but said members shall be reimbursed for all travel expenses incidental to such service as to the amount authorized by law.

(3) The disability boards authorized for establishment by this section shall perform all functions, exercise all powers, and make all such determinations as specified in this 1969 amendatory act and subsequent legislative acts.

NEW SECTION. Sec. 12. Any member, regardless of his age or years of service may be recommended for retirement by the disability board for any disability which renders him unable to continue his service, whether incurred in the line of duty or not. Benefits hereunder shall not begin for a period of six months after the disability is incurred.

Any member who believes he is or is believed to be physically or mentally disabled, if such disability has been continuous from discontinuance of service, shall be examined by such medical authority as the disability board shall employ, upon the application of the head of the office or department in which the member is employed, or upon application of said member, or a person acting in his behalf, stating that said member is disabled, either physically or mentally. If examination shows, to the satisfaction of the disability board, that the member should be retired, he shall be retired forthwith: PROVIDED, That no such application shall be considered unless said member or someone in his behalf, in case of the incapacity of a member, shall have filed the application within a period of one year from and

after the discontinuance of service of said member. Where an application for disability is filed after the sixth month of disability but prior to the one-year time limit, the member shall be entitled to receive disability benefits to which he is entitled retroactive to the end of the sixth month.

NEW SECTION. Sec. 13. (1) On retirement for disability, as provided in section 12 of this 1969 amendatory act, a member shall be entitled to receive a monthly retirement allowance computed as follows: (a) A basic amount of fifty percent of final average salary at time of disability, and (b) an additional five percent of final average salary for each child as defined in section 3(8) of this 1969 amendatory act, (c) the combined total of subsections (1) (a) and (1) (b) of this section shall not exceed a maximum of sixty percent of final average salary.

(2) A disabled member shall receive his full monthly salary from the employer during the six months waiting period applicable under section 12 of this 1969 amendatory act.

(3) Benefits under this section will be payable until the member recovers from the disability or dies. If at the time that the disability ceases the member is over the age of fifty, he shall then receive either his disability retirement allowance or his retirement for service allowance, whichever is greater.

(4) Benefits under this section for a disability that is incurred while in other employment will be reduced by any amount the member receives or is entitled to receive from workmen's compensation, social security, group insurance or any other similar source provided by another employer.

(5) A member retired for disability shall, at the discretion of the disability board, be subject to a semiannual medical examination by a physician approved by the disability board.

NEW SECTION. Sec. 14. (1) Upon the basis of a semiannual re-examination of disabled members, the disability board shall determine whether such disability beneficiary is still unable to perform his

duties either physically or mentally for service in the department where he was employed.

(2) If the disability board shall determine that the beneficiary is not so incapacitated his retirement allowance shall be canceled and he shall be restored to duty in the same civil service rank if any, held by the beneficiary 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. In no event, shall a beneficiary previously drawing a disability allowance be returned or be restored to duty at a salary or rate of pay less than that received by the said beneficiary at the date of his retirement for disability. If the disability board determines that the beneficiary is able to return to service he shall be entitled to notice and a hearing, both the notice and the hearing shall comply with the requirements of chapter 34.04 RCW, as now or hereafter amended. If the employer is unable to find employment for a disability beneficiary subsequently found to be able to perform his duties, the disability board shall continue the disability retirement allowance of the beneficiary until such time as employment is available.

(3) Should a disability beneficiary reenter service and be eligible for membership in the retirement system, his retirement allowance shall be canceled and he shall immediately become a member of the retirement system. Such member shall receive credit for service in the same manner as if he had never been retired for disability.

(4) Should any disability beneficiary under age fifty refuse to submit to medical examination, his retirement allowance shall be discontinued until his withdrawal of such refusal, and should such refusal continue for one year or more, his retirement allowance shall be canceled.

(5) Should a nonduty disability beneficiary, prior to attaining age fifty engage in a gainful occupation, the disability board shall reduce the amount of his retirement allowance to an amount which when added to

the compensation earned by him in such occupation shall not exceed the basic salary currently being paid for the rank the retired member held at the time he was disabled. All disability beneficiaries under age fifty shall file with the disability board every six months a signed and sworn statement of earnings and any person who shall knowingly swear falsely on such statement shall be subject to prosecution for perjury. Should the earning capacity of such beneficiary be further altered, the disability board may further alter his retirement allowance as indicated above. The failure of any member to file the required statement of earnings shall be cause for cancellation of retirement benefits.

(6) Should the disability retirement allowance of any disability beneficiary be canceled for any cause other than reentrance into service or retirement for service, he shall be paid his accumulated contributions, less annuity payments made to him.

NEW SECTION. Sec. 15. (1) Whenever any active member, or any member hereafter retired, on account of service, sickness or disability, not caused or brought on by dissipation or abuse, of which the disability board shall be judge, is confined in any hospital or in his home, and whether or not so confined, requires nursing, care, or attention, the employer shall pay for such active member and such member retired for disability the necessary hospital, care, and nursing expenses of such member; and the employer shall pay for such disability retired member hospital, care, and nursing expenses as are reasonable, in the disability board discretion. The salary of such active member shall continue while he is necessarily confined to such hospital or home or elsewhere during the period of recuperation, as determined by the disability board, for a period not exceeding six months; after which period the other provisions of this chapter shall apply: PROVIDED, That the disability board in all cases may have the active or retired member suffering from such sickness or disability examined at any time by a licensed physician or physicians, to be appointed by the disability board, for the purpose of ascertaining the nature and extent of the sickness or disability,

the physician or physicians to report to the disability board the result of the examination within three days thereafter. Any active or retired member who refuses to submit to such examination or examinations shall forfeit all his rights to benefits under this section: PROVIDED FURTHER, That the disability board shall designate the hospital and medical services available to such sick or disabled member.

(2) The medical benefits payable under this section will be reduced by any amount received or eligible to be received by the member under workmen's compensation, social security including the changes incorporated under Public Law 89-97 as now or hereafter amended, insurance provided by another employer, or any other similar source. Failure to apply for coverage if otherwise eligible under the provisions of Public Law 89-97 as now or hereafter amended shall not be deemed a refusal of payment of benefits thereby enabling collection of charges under the provisions of this 1969 amendatory act.

(3) Upon making such payments as are provided for in subsection (1), the employer shall be subrogated to all rights of the member against any third party who may be held liable for the member's injuries to the extent necessary to recover the amount of payments made by the employer.

NEW SECTION. Sec. 16. (1) Any person feeling aggrieved by any order or determination of a disability board shall have the right to appeal the said order or determination to the retirement board designated in chapter 41.40 RCW. The said retirement board shall have no jurisdiction to entertain the appeal unless a notice of appeal is filed with the said retirement board within thirty days following the rendition of the order by the applicable disability board.

(2) The said appeal authorized by this section shall be governed by the provisions of sections 19 and 20 of this 1969 amendatory act.

NEW SECTION. Sec. 17. (1) In the event of the death of any member who is in active service, or who is retired, his surviving spouse shall become entitled to receive a monthly allowance equal to

fifty percent of his final average salary at the date of death if active, or the amount of the retirement allowance such retired member was receiving at the time of his death if retired for service or disability. The amount of this allowance will be increased five percent of final average salary for each child as defined in section 3 (8) of this 1969 amendatory act, subject to a maximum combined allowance of sixty percent of final average salary.

(2) If at the time of the death of a member retired for service or disability, the surviving spouse has not been lawfully married to the member for one year prior to his retirement, the surviving spouse shall not be eligible to receive the benefits under this section: PROVIDED, That if a member dies as a result of a disability incurred in the line of duty, then if he was married at the time he was disabled, his surviving spouse shall be eligible to receive the benefits under this section.

(3) If there be no surviving spouse eligible to receive benefits at the time of such member's death, then the child or children of such member shall receive a monthly allowance equal to thirty percent of final average salary for one child and an additional ten percent for each additional child subject to a maximum combined payment, under this subsection, of sixty percent of final average salary. When all the eligible children reach the age of eighteen, the balance of employee contributions, if any, shall be paid to the legal heirs of said member.

(4) In the event that there is no surviving spouse eligible to receive benefits under this section, and that there be no child or children eligible to receive benefits under this section, then the accumulated contributions shall be paid to the estate of said member.

(5) If a surviving spouse receiving benefits under the provisions of this section thereafter dies and there are children under eighteen years of age the child or children shall receive the benefits as provided in subsection (3) above.

(6) If a surviving spouse receiving benefits under the provi-

sions of this section thereafter remarries and there are children under eighteen years of age, the benefit payable to the children will be twenty percent of final average salary for each child, subject to maximum combined payment of sixty percent of final average salary. When all the eligible children reach the age of eighteen the balance of employee contributions, if any, shall be paid to the legal heirs of said member.

NEW SECTION. Sec. 18. Each person affected by this 1969 amendatory act who at the time of entering the armed services was a member of this system, and has honorably served in the armed services of the United States, shall have added to his period of service as computed under this act, his period of service in the armed forces: PROVIDED, That such credited service shall not exceed five years: PROVIDED FURTHER, That such period of service shall be automatically added to each member's service when he has paid into the fund an amount equal to his contributions for this period of service. The employer shall pay into the fund an amount equal to that paid by the member.

NEW SECTION. Sec. 19. Any person aggrieved by any final decision of the retirement board must, before petitioning for judicial review, file with the director of the retirement system by mail or personally within sixty days from the day such decision was communicated to such person, a notice for a hearing before the retirement board. The notice of hearing shall set forth in full detail the grounds upon which such person considers such decision unjust or unlawful and shall include every issue to be considered by the retirement board, and it must contain a detailed statement of facts upon which such person relies in support thereof. Such persons shall be deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken other than those specifically set forth in the notice of hearing or appearing in the records of the retirement system.

NEW SECTION. Sec. 20. A hearing shall be held by members of
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the retirement board, or its duly authorized representatives, in the county of the residence of the claimant at a time and place designated by the retirement board: Such hearing shall be de novo and shall conform to the provisions of chapter 34.04 RCW, as now or hereafter amended. The retirement board shall be entitled to appear in all such proceedings and introduce testimony in support of the decision. Judicial review of any final decision by the retirement board shall be governed by the provisions of chapter 34.04 RCW as now law or hereafter amended.

NEW SECTION. Sec. 21. No bond of any kind shall be required of a claimant appealing to the superior or the supreme court from a finding of the retirement board affecting such claimant's right to retirement or disability benefits.

NEW SECTION. Sec. 22. (1) Should service of a member be discontinued except by death, disability or retirement, within six months after the day of discontinuance, he shall be paid his accumulated contributions, and his rights to all benefits as a member shall cease without notice. The provisions of this section shall be inapplicable to a member who leaves the service and is later found to have left the service by reason of disability: PROVIDED, That any member with at least five years' service may elect the provisions of section 9 (2) of this 1969 amendatory act.

(2) Any member who reenters the service of an employer shall upon the restoration of all withdrawn contributions, which restoration must be completed within a total period of five years of membership service following resumption of employment, then receive credit toward retirement for the period of previous service which these contributions are to cover.

NEW SECTION. Sec. 23. The right of a person to a retirement allowance, disability allowance, or death benefit, to the return of accumulated contributions, the retirement, disability or death allowance itself, any optional benefit, any other right accrued or accruing to any person under the provisions of this 1969 amendatory

act, and the moneys in the fund created under this 1969 amendatory act shall not be subject to execution, garnishment, or any other process whatsoever.

NEW SECTION. Sec. 24. For purposes of this section of this 1969 amendatory act:

(1) "Index" shall mean the Consumer Price Index - Seattle, Washington area for urban wage earners and clerical workers, all items (1957-1959 = 100), compiled by the bureau of labor statistics, United States department of labor;

(2) "Retirement allowance" shall mean the retirement allowance provided for in sections 10 and 13 of this 1969 amendatory act, and the monthly allowance provided for in section 17 of this 1969 amendatory act.

The retirement board, not later than April 1st of each year commencing with calendar year 1971, shall make a determination with respect to the percentage of increase or decrease, if any, in the index beginning with the period between January, 1970 and January, 1971 and for each such twelve-month period subsequent thereto.

If the index indicates an increase or decrease between the month commencing and the month ending any such period, the amount of each retirement allowance shall be increased or decreased by the amount of such percentage increase or decrease, commencing upon April 1, 1971 if an increase or decrease is indicated for the period preceding such date, and upon April 1st of each year subsequent to each such period in which an increase or decrease is indicated. No retirement allowance shall be increased or decreased unless it commenced prior to January 2nd of the year preceding any such April 1st date.

The total amount of each retirement allowance shall include and shall be increased or decreased by each such percentage increase or decrease which may be added thereto or subtracted therefrom from time to time. Each subsequent percentage increase or decrease shall be calculated on the basis of the total amount of such retirement allowance as increased or decreased by any such percentage increases

or decreases. No retirement allowance shall be decreased below the original amount of the retirement allowance granted under the provisions of this 1969 amendatory act.

NEW SECTION. Sec. 25. There is added to chapter 382, Laws of 1955 and to chapter 41.18 RCW a new section to read as follows:

Upon the death of a fireman who is eligible to retire under RCW 41.18.040, but who has not retired, a pension shall be paid to his widow at the same monthly rate that he was eligible to receive at the time of his death, if such widow was his wife for a period of five years prior to his death. If there be no widow, then such monthly payments shall be distributed to and divided among his children, share and share alike, until they reach the age of eighteen or are married, whichever comes first.

This section shall apply retroactively for the benefit of all widows and survivors of firemen who died after January 1, 1967, if such firemen were otherwise eligible to retire on the date of death.

Sec. 26. Section 2, chapter 78, Laws of 1959 as amended by section 1, chapter 140, Laws of 1961 and RCW 41.20.085 are each amended to read as follows:

Whenever any member of the police department of any such city shall die, or shall have heretofore died, or whenever any such member who has been heretofore retired or who is hereafter retired for length of service or a disability, shall have died, or shall die, leaving a surviving spouse or child or children under the age of eighteen years, upon satisfactory proof of such facts made to it, the board shall order and direct that a pension equal to one-third of the amount of salary at any time hereafter attached to the position held by such member in the police department at the time of his death or retirement, not to exceed one-third of the salary of captain, shall be paid to the surviving spouse during the surviving spouse's life, and in addition, to the child or children, until they are eighteen years of age, as follows: For one child, one-eighth of the salary on which such pension is based; for two children a total

of one-seventh of said salary; and for three or more children, a total of one-sixth of said salary: PROVIDED, If such spouse or child or children marry, the persons so marrying shall receive no further pension from the fund. In case there is no surviving spouse, or if the surviving spouse shall die, the child or children shall be entitled to the spouse's share in addition to the share specified herein until they reach eighteen years of age. No spouse shall be entitled to any payments on the death of a retired officer unless ((he)) such surviving spouse has been married to such officer for a period of at least five years prior to the date of his retirement.

As of July 1, 1961, a surviving spouse not otherwise covered by the provisions of section 2, chapter 78, Laws of 1959, shall be entitled to a pension of one hundred fifty dollars per month ((+--PROVIDED, That such pension shall be reduced by the amount of any pension such surviving spouse may be receiving under social security or any other pension grant)).

"Surviving spouse" as used in this section means surviving female or male spouse.

Sec. 27. Section 1, chapter 82, Laws of 1963 and RCW 41.20.170 are each amended to read as follows:

Any employee of a harbor department of a city of the first class that has been abolished and has had its functions included within the police department of such city who (1) is a member of the employees' retirement system of such city, and (2) is employed within the police department of such city, may transfer his membership from the city employees' retirement system to the city's police relief and pension fund system by filing a written request with the board of administration and the board of trustees, respectively, of the two systems.

Upon the receipt of such request, the transfer of membership to the city's police relief and pension fund system shall be made, together with a transfer of all accumulated contributions credited to such member. The board of administration of the city's employees' retirement system shall transmit to the board of trustees of the

city's police relief and pension fund system a record of service credited to such member which shall be computed and credited to such member as a part of his period of employment in the city's police and pension fund system.

Any employee so transferring shall have all rights, benefits and privileges that he would have been entitled to had he been a member of the city's police relief and pension fund system from the beginning of his employment with the ~~((former-harbor-department))~~ city.

No person transferring shall thereafter be entitled to any other public pension, except social security, which is based upon service with the ~~((former-harbor-department))~~ city.

The right of any employee to file a written request for transfer of membership as set forth herein shall expire ~~((June-30,-1964))~~ December 31, 1969.

Sec. 28. Section 8, chapter 382, Laws of 1955 as amended by section 4, chapter 45, Laws of 1965 ex. sess., and RCW 41.18.100 are each amended to read as follows:

In the event a fireman is killed in the performance of duty, or in the event a fireman retired on account of service connected disability shall die from any cause his widow shall receive a monthly pension ~~((equal-to-fifty-percent-of-his-basic-salary-or-))~~ under one of the following applicable provisions: (1) If a fireman is killed in the line of duty his widow shall receive a monthly pension equal to fifty percent of his basic salary at the time of his death; (2) if a fireman who has retired on account of a service connected disability dies, his widow shall receive a monthly pension equal to the amount of the monthly pension such retired fireman was receiving at the time of his death. 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 month-

ly pension benefits hereinabove provided for shall be paid to and divided among his child or children share and share like, until they reach the age of eighteen or are married, whichever occurs first. ~~((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. All pensions payable under the provisions of this section shall be subject to an annual cost of living increase which shall be equal to two percent of the pension granted the widow at the time of the death of the fireman. This increase shall be effective and be paid starting with the January payment of each succeeding year.

Sec. 29. Section 4, chapter 382, Laws of 1955, as last amended by section 3, chapter 45, Laws of 1965 ex. sess. and RCW 41.18.040 are each amended to read as follows:

Whenever any fireman, at the time of taking effect of this act or thereafter, shall have been appointed under civil service rules and have served for a period of twenty-five years or more as a member in any capacity of the regularly constituted fire department of any city, town or fire protection district which may be subject to the provisions of this chapter, and shall have attained the age of fifty years, he 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 which shall be equal to fifty percent of ~~((his))~~ the basic salary now or hereafter attached to the same rank and status held by the said fireman at the date of his retirement: PROVIDED, That a fireman hereafter retiring who has served as a member for more than twenty-five years, shall have his pension payable under this section increased by two percent of the basic salary per year

for each full year of such additional service to a maximum of five additional years.

Upon the death of any such retired fireman, his pension shall be paid to his widow, at the same monthly rate that the retired fireman would have received had he lived, if such widow was his wife for a period of five years prior to the time of his retirement. If there be no widow, then such monthly payments shall be distributed to and divided among his children, share and share alike, until they reach the age of eighteen or are married, whichever occurs first.

Sec. 30. Section 6, chapter 382, Laws of 1955, as amended by section 4, chapter 255, Laws of 1961 and RCW 41.18.060 are each amended to read as follows:

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 basic monthly salary and, in addition, he shall be provided with 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 at a monthly sum equal to fifty percent of the amount of his basic salary at any time thereafter attached to the rank which he held at the date of his retirement: PROVIDED, That where, at the time of retirement hereafter for disability under this section, such fireman has served honorably for a period of more than twenty-five years as a member, in any capacity of the regularly constituted fire department of a municipality, he shall have his pension payable under this section increased by two percent of his basic salary per year for each full year of additional service to a maximum of five additional years.

Sec. 31. Section 11, chapter 382, Laws of 1955, as amended by section 6, chapter 255, Laws of 1961 and RCW 41.18.130 are each

amended to read as follows:

Any fireman who shall have served for a period of less than twenty-five years, or who shall be less than fifty years of age, 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: PROVIDED, That in the case of any fireman who has completed twenty years of service, such fireman, upon termination for any cause except for a conviction of a felony, shall have the option of electing, in lieu of recovery of his contributions as herein provided, to be classified as a vested fireman in accordance with the following provisions:

(1) Written notice of such election shall be filed with the board within thirty days after the effective date of such fireman's termination;

(2) During the period between the date of his termination and the date upon which he becomes a retired fireman as hereinafter provided, such vested fireman and his spouse or dependent children shall be entitled to all benefits available under chapter 41.18 RCW to a retired fireman and his spouse or dependent children with the exception of the service retirement allowance as herein provided for: PROVIDED, That any claim for medical coverage under RCW 41.18.060 shall be attributable to service connected illness or injury;

(3) Any fireman electing to become a vested fireman shall be entitled at such time as he otherwise would have completed twenty-five years of service had he not terminated, to receive a service retirement allowance computed on the following basis: Two percent of the amount of salary attached to the position held by the vested fireman for the year preceding the date of his termination, for each year of service rendered prior to the date of his termination.

NEW SECTION. Sec. 32. There is added to chapter 382, Laws of 1955 and to chapter 41.18 RCW a new section to read as follows:

The provisions of sections 28 and 29 of this 1969 amendatory

act shall be applicable to all firemen employed on the effective date thereof prior to March 1, 1970 and to those who shall thereafter become firemen, but shall not apply to any former fireman who has terminated his employment prior to the effective date of this 1969 amendatory act. - V

NEW SECTION. Sec. 33. There is added to chapter 382, Laws of 1955 and to chapter 41.18 RCW a new section to read as follows:

The amount of all benefits payable under the provisions of RCW 41.18.040, 41.18.080 and 41.18.100 as now or hereafter amended, shall be increased annually as hereafter in this section provided. The present benefits payable under RCW 41.18.040, 41.18.080 and 41.18.100 at the effective date of this 1969 amendatory act shall be increased two percent each year using as a basis for such two percent increase, the amount of the present benefit payable and not the amount of the future benefit payable which will hereafter be increased by the provisions of this section. - V

Said increases shall become effective July 1, 1969 or one year after the date when the said benefits are payable, whichever is later. Each year effective with the July payment all benefits specified herein, shall be increased two percent as authorized by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative but shall not be compounded. The increased benefits authorized by this section shall not affect any benefit payable under the provisions of chapter 41.18 RCW in which the benefit payment is attached to a current salary of the rank held at time of retirement.

NEW SECTION. Sec. 34. All benefits presently payable pursuant to the provisions of RCW 41.20.050, 41.20.060 and 41.20.080 as such RCW sections existed prior to the effective date of the amendment of such RCW sections by sections 1, 2, 3, chapter 191, Laws of 1961 to persons who retired prior to the effective date of the said 1961 amendatory act, shall be increased annually as hereafter in this section provided. At the effective date of this 1969 amendatory act

such presently payable benefits shall be increased two percent each year using as a basis for such two percent increase, the amount of the present benefit payable and not the amount of the future benefit payable which will hereafter be increased by the provisions of this section.

Said increases shall become effective July 1, 1969 or one year after the date when the said benefits are payable, whichever is later. Each year effective with the July payment all benefits specified herein, shall be increased two percent as authorized by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative but shall not be compounded.

NEW SECTION. Sec. 35. All benefits presently payable pursuant to the provisions of RCW 41.20.085 which are not related to the amount of current salary attached to the position held by the deceased member, shall be increased annually as hereafter in this section provided. At the effective date of this 1969 amendatory act such presently payable benefits shall be increased two percent each year using as a basis for such two percent increase, the amount of the present benefit payable and not the amount of the future benefit payable which will hereafter be increased by the provisions of this section.

Said increases shall become effective July 1, 1969 or one year after the date when the said benefits are payable, whichever is later. Each year effective with the July payment all benefits specified herein, shall be increased two percent as authorized by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative but shall not be compounded.

Sec. 36. Section 1, chapter 6, Laws of 1959 as last amended by section 1, chapter 123, Laws of 1969 (Engrossed SB 138) and RCW 41.20-.050 are each amended to read as follows:

Whenever a person has been duly appointed, and has served honorably for a period of twenty-five years, as a member, in any capacity, of the regularly constituted police department of a city subject to the provisions of this chapter, the board, after hearing,

if one is requested in writing, may order and direct that such person be retired, and the board shall retire any member so entitled, upon his written request therefor. The member so retired hereafter shall be paid from the fund during his lifetime a pension equal to fifty percent of the amount of salary at any time hereafter attached to the position held by the retired member for the year preceding the date of his retirement: PROVIDED, That, except as to a position higher than that of captain held for at least three calendar years prior to date of retirement, no such pension shall exceed the amount equivalent to fifty percent of the salary of captain, and all existing pensions shall be increased to not less than one hundred fifty dollars per month as of July 1, 1957: PROVIDED FURTHER, That a person hereafter retiring who has served as a member for more than twenty-five years, shall have his pension payable under this section increased by two percent of his salary per year for each full year of such additional service to a maximum of five additional years.

Any person who has served in a position higher than the rank of captain for a minimum of three years may elect to retire at such higher position and receive for his lifetime a pension equal to fifty percent of the amount of the salary attached to the position held by such retired member for the year preceding his date of retirement: PROVIDED, That such person make the said election to retire at a higher position by September 1, 1969 and at the time of making the said election, pay into the relief and pension fund in addition to the contribution required by RCW 41.20.130; (1) an amount equal to six percent of that portion of all monthly salaries previously received upon which a sum equal to six percent has not been previously deducted and paid into the police relief and pension fund; (2) and such person agrees to continue paying into the police relief and pension fund until the date of retirement, in addition to the contributions required by RCW 41.20.130, an amount equal to six percent of that portion of monthly salary upon which a six percent contribution is not currently deducted pursuant to RCW 41.20.130.

Any person affected by this chapter who at the time of entering the armed services was a member of such police department and has honorably served in the armed services of the United States in the time of war, shall have added to his period of employment as computed under this chapter, his period of war service in the armed forces, but such credited service shall not exceed five years and such period of service shall be automatically added to each member's service upon payment by him of his contribution for the period of his absence at the rate provided in RCW 41.20.130.

Sec. 37. Section 5, chapter 39, Laws of 1909 as last amended by section 2, chapter 123, Laws of 1969 (Engrossed SB 138) and RCW 41.20.060 are each amended to read as follows:

Whenever any person, while serving as a policeman in any such city becomes physically disabled by reason of any bodily injury received in the immediate or direct performance or discharge of his duties as a policeman, or becomes incapacitated for service, such incapacity not having been caused or brought on by dissipation or abuse, of which the board shall be judge, the board may, upon his written request filed with the secretary, or without such written request, if it deems it to be for the benefit of the public, retire such person from the department, and order and direct that he be paid from the fund during his lifetime, a pension equal to fifty percent of the amount of salary at any time hereafter attached to the position which he held in the department at the date of his retirement, but not to exceed an amount equivalent to fifty percent of the salary of captain, and all existing pensions shall be increased to not less than one hundred fifty dollars per month as of July 1, 1957, except as to a position higher than that of captain held for at least three calendar years prior to the date of retirement in which case as to such position the provisions of section 36 of this 1969 amendatory act shall apply: PROVIDED, That where, at the time of retirement hereafter for disability under this section, such person has served honorably for a period of more than twenty-five years as a member, in any capacity of

the regularly constituted police department of a city subject to the provisions of this chapter, the foregoing percentage factors to be applied in computing the pension payable under this section shall be increased by two percent of his salary per year for each full year of such additional service to a maximum of five additional years.

Whenever such disability ceases, the pension shall cease, and such person shall be restored to active service at the same rank he held at the time of his retirement, and at the current salary attached to said rank at the time of his return to active service.

Disability benefits provided for by this chapter shall not be paid when the policeman is disabled while he is engaged for compensation in outside work not of a police or special police nature.

NEW SECTION. Sec. 38. There is added to chapter 41.16 RCW a new section to read as follows:

The amount of all benefits payable under the provisions of RCW 41.16.080, 41.16.120, 41.16.130 and 41.16.140 as now or hereafter amended, shall be increased annually as hereafter in this section provided. The present benefits payable under RCW 41.16.080, 41.16-.120, 41.16.130 and 41.16.140 at the effective date of this 1969 amendatory act shall be increased two percent each year using as a basis for such two percent increase, the amount of present benefit payable and not the amount of the future benefit payable which will hereafter be increased by the provisions of this section.

Said increases shall become effective July 1, 1969 or one year after the date when the said benefits are payable, whichever is later. Each year effective with the July payment all benefits specified herein, shall be increased two percent as authorized by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative but shall not be compounded. The increase benefits authorized by this section shall not affect any benefit payable under the provisions of chapter 41.16 RCW in which the benefit payment is attached to a current salary of the rank held at time of retirement.

Sec. 39. Section 1, chapter 78, Laws of 1959 and RCW 41.20-.005 are each amended to read as follows:

(1) "Rank" means civil service rank.

(2) "Position" means the particular employment held at any particular time, which may or may not be the same as civil service rank.

(3) Words importing masculine gender shall extend to females also.

(4) "Salary" means the basic monthly rate of salary or wages, including longevity pay but not including overtime earnings or special salary or wages.

Sec. 40. Section 1, chapter 382, Laws of 1955 as last amended by section 2, chapter 45, Laws of 1965 ex. sess. and RCW 41.18.010 are each amended to read as follows:

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

(1) "Beneficiary" shall mean any person or persons designated by a fireman in writing filed with the board, and who shall be entitled to receive any benefits of a deceased fireman under this chapter.

(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 or, if provided by the municipality by appropriate local legislation, as a fire dispatcher: PROVIDED, Nothing in this 1969 amendatory act shall impair or permit the impairment of any vested pension rights of persons who are employed as fire dispatchers at the time this 1969 amendatory act takes effect; and any person heretofore regularly or temporarily, or as a substitute, employed and paid as a member of a fire department, and who has contributed under and been covered by the provisions of chapter 41.16 RCW and who has come under the provisions of this chapter in

accordance with RCW 41.18.170 and who is actively engaged as a fireman or as a member of the fire department as a fireman or fire dispatcher.

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

(4) "Basic salary" means the basic monthly salary, including longevity pay, attached to the rank held by the retired fireman at the date of his retirement, without regard to extra compensation which such fireman may have received for special duties assignments not acquired through civil service examination: PROVIDED, That such basic salary shall not be deemed to exceed the salary of a battalion chief.

(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 retired fireman.

(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.

(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 when he leaves the service and accepts his contributions, shall be that portion of the total earned income of the fund which is directly attributable to each individual fireman's contributions. Earnings of the fund for the preceding year attributable to individual contributions shall be allocated to individual fireman's accounts as of January 1st of each year.

(8) "Board" shall mean the municipal firemen's pension board.

(9) "Contributions" shall mean and include all sums deducted

from the salary of firemen and paid into the fund as hereinafter provided.

(10) "Disability" shall mean and include injuries or sickness sustained by a fireman.

(11) "Fire department" shall mean the regularly organized, full time, paid, and employed force of firemen of the municipality.

(12) "Fund" shall have the same meaning as in RCW 41.16.010. Such fund shall be created in the manner and be subject to the provisions specified in chapter 41.16 RCW.

(13) "Municipality" shall mean every city, town and fire protection district having a regularly organized full time, paid, fire department employing firemen.

(14) "Performance of duty" shall mean the performance of work or labor regularly required of firemen and shall include services of an emergency nature normally rendered while off regular duty.

NEW SECTION. Sec. 41. There is added to chapter 382, Laws of 1955 and to chapter 41.18 RCW, a new section to read as follows:

Any fireman as defined in section 40 of this 1969 amendatory act who has prior to July 1, 1969 been employed as a member of a fire department and who desires to make contributions and avail himself of the pension and other benefits of chapter 41.18 RCW as now law or hereafter amended, may transfer his membership from any other pension fund, except the Washington Law Enforcement Officers' and Fire Fighters' Retirement System, to the pension fund provided in chapter 41.18 RCW: PROVIDED, That such fireman transmits written notice of his intent to transfer to the pension board of his municipality prior to September 1, 1969.

NEW SECTION. Sec. 42. If any provision of this 1969 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 43. To the extent that the provisions of this 1969 amendatory act are inconsistent with the provisions of any

other law, the provisions of this 1969 amendatory act shall be controlling.

NEW SECTION. Sec. 44. There is appropriated and transferred to the Washington law enforcement officers' and fire fighters' retirement system fund from the general fund the sum of one million, seven hundred thousand dollars to carry out the purposes of this 1969 amendatory act. Of this amount two hundred fifty thousand dollars shall be available for costs of administration during the 1969-1971 fiscal biennium and said sum is hereby appropriated from the retirement fund for that purpose.

NEW SECTION. Sec. 45. This 1969 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect on July 1, 1969.

NEW SECTION. Sec. 46. Sections 1 through 24, 34, 35, 42, and 43 of this 1969 amendatory act shall be added as a new chapter to Title 41 of the Revised Code of Washington.

Passed the Senate April 17, 1969.

Passed the House April 15, 1969.

Approved by the Governor April 25, 1969, with the exception of two items in section 32 which are vetoed.

Filed in office of Secretary of State May 8, 1969.

NOTE: Governor's explanation of partial veto is as follows:
"...This bill creates a unified statewide retirement system for law enforcement officers and fire fighters. It is one of the significant accomplishments of the 1969 legislature and I heartily endorse the purposes of this legislation.

Section 32 of the bill provides:

'The provisions of sections 28 and 29 of this 1969 amendatory act shall be applicable to all firemen employed on the effective date thereof prior to March 1, 1970, and to those who shall thereafter become firemen, but shall not apply to any former fireman who has terminated his employment prior to the effective date of this 1969 amendatory act.'

Sections 28 and 29 of the act contain amendments to the existing firemen's pension system. The intent of section 32 is to permit all firemen who are employed prior to March 1, 1970, the effective date of the new pen-

sion system, to participate in the benefits of the existing firemen's pension system. However, as drafted, section 32 will actually allow persons who become firemen subsequent to March 1, 1970, to participate in the benefits of the existing firemen's pension system. This is in direct conflict with section 4 (1) of the bill which specifically excludes all fire fighters employed subsequent to March 1, 1970, from any pension system existing under any prior act.

In order to conform section 32 to the clear intent of this legislation I have vetoed two items in that section to make clear that firemen employed subsequent to March 1, 1970, will not participate in the existing firemen's pension system.

The remainder of the bill is approved.

CHAPTER 210
[Substitute House Bill No. 349]
PUBLIC SERVICE COMPANIES

AN ACT Relating to public service companies; amending section 80.04-.500, chapter 14, Laws of 1961 and RCW 80.04.500; amending section 80.28.210, chapter 14, Laws of 1961 and RCW 80.28.210; adding a new section to chapter 14, Laws of 1961, and to chapter 80.28 RCW; amending section 81.12.010, chapter 14, Laws of 1961 as last amended by section 4, chapter 105, Laws of 1965 ex. sess., and RCW 81.12.010; amending section 81.16.010, chapter 14, Laws of 1961 and RCW 81.16.010; amending section 81.24-.010, chapter 14, Laws of 1961 as amended by section 11, chapter 59, Laws of 1963, and RCW 81.24.010; amending section 81-.44.085, chapter 14, Laws of 1961 and RCW 81.44.085; amending section 81.53.060, chapter 14, Laws of 1961 and RCW 81.53.060; amending section 81.53.080, chapter 14, Laws of 1961 and RCW 81.53.080; amending section 81.68.010, chapter 14, Laws of 1961 and RCW 81.68.010; amending section 9, chapter 295, Laws of 1961 as amended by section 12, chapter 59, Laws of 1963 and RCW 81.77.080; amending section 81.80.270, chapter 14, Laws of 1961 as last amended by section 1, chapter 134, Laws of 1965 ex. sess., and RCW 81.80.270; amending section 81.80.300, chapter 14, Laws of 1961 as amended by section 1, chapter 170, Laws