

CHAPTER 45.

[Substitute House Bill No. 391.]

FIREMEN'S RELIEF AND PENSIONS.

AN ACT relating to firemen's relief and pensions; amending section 6, chapter 91, Laws of 1947 as last amended by section 9, chapter 255, Laws of 1961 and RCW 41.16.060; amending section 1, chapter 382, Laws of 1955 as amended by section 1, chapter 255, Laws of 1961 and RCW 41.18.010; amending section 4, chapter 382, Laws of 1955 as amended by section 3, chapter 255, Laws of 1961 and RCW 41.18.040; and amending section 8, chapter 382, Laws of 1955 and RCW 41.18.100.

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

RCW 41.16.060 amended.

SECTION 1. Section 6, chapter 91, Laws of 1947 as last amended by section 9, chapter 255, Laws of 1961 and RCW 41.16.060 are each amended to read as follows:

Firemen's relief and pensions. Tax levy for firemen's pension fund.

It shall be the duty of the legislative authority of each municipality, each year as a part of its annual tax levy, to levy and place in the fund a tax of one mill on all the taxable property of such municipality: *Provided*, That if a report by a qualified actuary on the condition of the fund establishes that the whole or any part of said millage is not necessary to maintain the actuarial soundness of the fund, the levy of said one mill may be omitted, or the whole or any part of said millage may be levied and used for any other municipal purpose.

It shall be the duty of the legislative authority of each municipality, each year as a part of its annual tax levy and in addition to the city fifteen mill levy limit now provided by law, to levy and place in the fund an additional tax of one mill on all taxable property of such municipality: *Provided*, That if a report by a qualified actuary establishes that all or any part of the additional one mill levy is unnecessary to meet the estimated demands on the fund

under this chapter for the ensuing budget year, the levy of said additional one mill may be omitted, or the whole or any part of such millage may be levied and used for any other municipal purpose.

SEC. 2. Section 1, chapter 382, Laws of 1955 as amended by section 1, chapter 255, Laws of 1961 and RCW 41.18.010 are each amended to read as follows:

RCW 41.18.010
amended.

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

Definitions.

(1) "Beneficiary" shall mean any person or persons designated by a fireman in a 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; 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 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.

(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 firemen'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.

SEC. 3. Section 4, chapter 382, Laws of 1955 as amended by section 3, chapter 255, Laws of 1961 and RCW 41.18.040 are each amended to read as follows:

RCW 41.18.040
amended.

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 basic salary.

Retirement for
service—
Widow's
pension.

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.

RCW 41.18.100
amended.

SEC. 4. Section 8, chapter 382, Laws of 1955 and RCW 41.18.100 are each amended to read as follows:

Firemen's
relief and
pensions.
Payment on
death in line
of duty or
while disabled.

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, 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 and divided among his child or children share and share alike, 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.

Passed the House March 18, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.