

and the employing agency. The board shall furnish the agency concerned with a copy of the appeal in advance of the hearing.

NEW SECTION. Sec. 4. There is added to chapter 1, Laws of 1961 and to chapter 41.06 RCW a new section to read as follows:

The board may appoint, following consultation with employee organizations and employing agencies, one or more hearings officers to preside over, conduct and make recommended decisions in accordance with rules established by the board in all cases of employee appeals to the board. Hearings officers shall not be employees of the state. The hearings officer shall conduct hearings in the same manner and shall have the same authority as provided in hearings by the board. The recommended decisions shall be forthwith served upon the parties and transmitted to the board. Within thirty days of service of the recommended decision, any party adversely affected may appeal directly to the board, which shall proceed in accordance with RCW 41.06.120, as now or hereafter amended. Such hearings by the board shall not be limited to the record.

NEW SECTION. Sec. 5. If any provision of this 1976 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.

Passed the Senate February 17, 1976.

Passed the House February 13, 1976.

Approved by the Governor February 21, 1976.

Filed in Office of Secretary of State February 21, 1976.

CHAPTER 44

[Substitute Senate Bill No. 3001]

FIRE FIGHTERS, LAW ENFORCEMENT OFFICERS—PENSION BENEFITS— INCREASES—APPEALS

AN ACT Relating to public employment retirement systems; amending section 38, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 178, Laws of 1975 1st ex. sess. and RCW 41.16.145; amending section 33, chapter 209, Laws of 1969 ex. sess. as last amended by section 2, chapter 178, Laws of 1975 1st ex. sess. and RCW 41.18.104; and amending section 6, chapter 209, Laws of 1969 ex. sess. as amended by section 1, chapter 216, Laws of 1971 ex. sess. and RCW 41.26.060.

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

Section 1. Section 38, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 178, Laws of 1975 1st ex. sess. and RCW 41.16.145 are each amended to read as follows:

The amount of all benefits payable under the provisions of RCW 41.16.080, 41.16.120, 41.16.130, 41.16.140 and 41.16.230 as now or hereafter amended, shall be increased annually as hereafter in this section provided. The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purposes of adjusting benefit allowances payable pursuant to the aforementioned sections. The local board shall determine the increase in the consumer

price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: PROVIDED, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.

Each year effective with the July payment all benefits specified herein, shall be increased by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative. The increased 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. A beneficiary of benefit increases provided for pursuant to this section is hereby authorized to appeal a decision on such increases or the failure of the local pension board to order such increased benefits or the amount of such benefits to the Washington law enforcement officers' and fire fighters' system retirement board provided for in RCW 41.26.050.

For the purpose of this section the term

"Consumer price index" shall mean, for any calendar year, the consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor.

Sec. 2. Section 33, chapter 209, Laws of 1969 ex. sess. as last amended by section 2, chapter 178, Laws of 1975 1st ex. sess. and RCW 41.18.104 are each amended to read as follows:

The amount of all benefits payable under the provisions of RCW 41.18.040, 41.18.080, 41.18.100 and 41.18.200 as now or hereafter amended, shall be increased annually as hereafter in this section provided. The local pension board shall meet subsequent to March 31st but prior to June 30th of each year for the purpose of adjusting benefit allowances payable pursuant to the aforementioned sections. The local board shall determine the increase in the consumer price index between January 1st and December 31st of the previous year and increase in dollar amount the benefits payable subsequent to July 1st of the year in which said board makes such determination by a dollar amount proportionate to the increase in the consumer price index: PROVIDED, That regardless of the change in the consumer price index, such increase shall be at least two percent each year such adjustment is made.

Each year effective with the July payment all benefits specified herein, shall be increased as authorized by this section. This benefit increase shall be paid monthly as part of the regular pension payment and shall be cumulative. 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. A beneficiary of benefit increases provided for pursuant to this section is hereby authorized to appeal a decision on such increases or the failure of the local pension board to order such increased benefits or the amount of such benefits to the Washington law enforcement officers' and fire fighters' system retirement board provided for in RCW 41.26.050.

For the purpose of this section the term

"Consumer price index" shall mean, for any calendar year, the consumer price index for the Seattle, Washington area as compiled by the bureau of labor statistics of the United States department of labor.

Sec. 3. Section 6, chapter 209, Laws of 1969 ex. sess. as amended by section 1, chapter 216, Laws of 1971 ex. sess. and RCW 41.26.060 are each amended to read as follows:

The administration of this system is hereby vested in the board of the Washington public employees' retirement system pursuant to RCW 41.26.050 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 chapter 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 chapter, for the administration of the provisions of this chapter, for the administration of the fund created by this chapter 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 chapter;
- (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 system expense fund the expenses incurred in administration of the retirement system from those funds appropriated for that purpose;

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

(14) Issue decisions relating to appeals initiated pursuant to RCW 41.16.145 and 41.18.104 as now or hereafter amended and shall be authorized to order increased benefits pursuant to RCW 41.16.145 and 41.18.104 as now or hereafter amended.

Passed the Senate February 9, 1976.

Passed the House February 13, 1976.

Approved by the Governor February 21, 1976.

Filed in Office of Secretary of State February 21, 1976.

CHAPTER 45

[Engrossed Senate Bill No. 3047]

INDUSTRIAL INSURANCE—SURVIVING SPOUSE BENEFITS—OPTIONS UPON REMARRIAGE

AN ACT Relating to industrial insurance; amending section 51.32.050, chapter 23, Laws of 1961 as last amended by section 1, chapter 179, Laws of 1975 1st ex. sess. and RCW 51.32.050; and creating a new section.

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

NEW SECTION. Section 1. The legislative intent of chapter 179, Laws of 1975 1st ex. sess. (2nd SSB No. 2241) was in part to offer surviving spouses of eligible workmen two options upon remarriage; such options to be available to any otherwise eligible surviving spouse regardless of the date of death of the injured workman. Accordingly this 1976 amendatory act is required to clarify that intent.

Sec. 2. Section 51.32.050, chapter 23, Laws of 1961 as last amended by section 1, chapter 179, Laws of 1975 1st ex. sess. and RCW 51.32.050 are each amended to read as follows:

(1) Where death results from the injury the expenses of burial not to exceed one thousand dollars shall be paid.

(2) Where death results from the injury, a surviving spouse of a deceased workman eligible for benefits under this title shall receive monthly for life or until remarriage the following sums: (a) If there are no children of the deceased workman, sixty percent of the wages of the deceased workman but not less than one hundred eighty-five dollars. (b) If there is one child of the deceased workman and in the legal custody of such spouse, sixty-two percent of the wages of the deceased workman but not less than two hundred twenty-two dollars. (c) If there are two children of the deceased workman and in the legal custody of such spouse, sixty-four percent of the wages of the deceased workman but not less than two hundred fifty-three dollars. (d) If there are three children of the deceased workman and in the legal custody of such spouse, sixty-six percent of the wages of the deceased workman but not less than two hundred seventy-six dollars. (e) If there are four children of the deceased workman and in the legal custody of such spouse, sixty-eight percent of the wages of the deceased workman but not less than two hundred ninety-nine dollars. (f) If there are five or more children of the