

The county auditor shall regularly, when remitting motor vehicle excise taxes, pay to the state treasurer the excise taxes collected under this chapter. The treasurer shall then distribute such funds quarterly on the first day of the month of January, April, July and October of each year in the following amount: Fifteen percent to cities and towns for the use thereof apportioned ratably among such cities and towns on the basis of population; fifteen percent to counties for the use thereof to be apportioned ratably among such counties on the basis of moneys collected in such counties from the excise taxes imposed under this chapter; and seventy percent for schools to be ~~((distributed by the superintendent of public instruction and apportioned ratably among such school districts on the basis of moneys collected in such districts from the excise taxes imposed under this chapter. All of the funds distributed to school districts under this section shall be considered available revenues of the school district in computing state equalization support under RCW 28A.41.130))~~ deposited in the state general fund.

Passed the House January 26, 1976.

Passed the Senate February 24, 1976.

Approved by the Governor March 5, 1976.

Filed in Office of Secretary of State March 5, 1976.

CHAPTER 76

[House Bill No. 1255]

VOLUNTEER FIREMEN—DISABILITY, DEATH, SURVIVORS' BENEFITS

AN ACT Relating to volunteer firemen's relief and pensions; amending section 15, chapter 261, Laws of 1945 as last amended by section 4, chapter 118, Laws of 1969 and RCW 41.24.150; amending section 16, chapter 261, Laws of 1945 as last amended by section 74, chapter 154, Laws of 1973 1st ex. sess. and RCW 41.24.160; amending section 1, chapter 26, Laws of 1974 ex. sess. and RCW 41.24.180; amending section 22, chapter 261, Laws of 1945 as last amended by section 3, chapter 86, Laws of 1965 and RCW 41.24.220; and amending section 23, chapter 261, Laws of 1945 as last amended by section 6, chapter 57, Laws of 1961 and RCW 41.24.230.

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

Section 1. Section 15, chapter 261, Laws of 1945 as last amended by section 4, chapter 118, Laws of 1969 and RCW 41.24.150 are each amended to read as follows:

Whenever a fireman serving in any capacity as a member of ~~((a))~~ his own fire department subject to the provisions of this chapter becomes physically or mentally disabled, or sick, in consequence or as the result of the performance of his or her duties, so as to be wholly prevented from engaging in each and every duty ~~((as))~~ of his or her regular occupation, business or profession, he or she shall be paid from the fund monthly, the sum of ~~((five))~~ seven hundred fifty dollars for a period of not to exceed six months, or ~~((sixteen))~~ twenty-five dollars ~~((and sixty-seven cents))~~ per day for such period as is part of a month, after which period, if the member is incapacitated to such an extent that he or she is thereby prevented from engaging in any occupation or performing any work for compensation or profit, he or she shall be entitled to draw from the fund monthly, the sum of ~~((two))~~ three hundred ((fifty)) seventy-five dollars so long as the disability continues, except as hereinafter provided: PROVIDED, That if the member has a wife

or husband and/or a child or children unemancipated or under eighteen years of age, he or she shall be entitled to draw from the fund monthly the additional sums of ~~((fifty))~~ seventy-five dollars because of the fact of his wife or her husband, ~~((twenty-five))~~ thirty-seven dollars and fifty cents because of the fact of his or her youngest or only child unemancipated or under eighteen years of age, and ~~((twenty))~~ thirty dollars because of the fact of each additional child unemancipated or under eighteen years of age, all to a total maximum amount of ~~((five hundred))~~ seven hundred fifty dollars. The board may at any time reopen the grant of such disability pension if the pensioner is gainfully employed, and may reduce it in the proportion that the annual income from such gainful employment bears to the annual income received by the pensioner at the time of his disability: PROVIDED, That where a fireman sustains a permanent partial disability the state board may provide that such injured fireman shall receive a lump sum compensation therefor to the same extent as is provided for permanent partial disability under the workmen's compensation act under Title 51 RCW in lieu of such monthly disability payments.

Sec. 2. Section 16, chapter 261, Laws of 1945 as last amended by section 74, chapter 154, Laws of 1973 1st ex. sess. and RCW 41.24.160 are each amended to read as follows:

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

In the case provided for herein, the monthly payment provided may be converted in whole or in part, into a lump sum payment, not in any case to exceed ~~((eight))~~ ten thousand ~~((five hundred))~~ dollars, equal or proportionate, as the case

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

Sec. 3. Section 1, chapter 26, Laws of 1974 ex. sess. and RCW 41.24.180 are each amended to read as follows:

The board of trustees of any municipal corporation shall direct payment in lump sums from said fund in the following cases:

(1) To any volunteer fireman, upon his or her request, upon attaining the age of sixty-five years, who, for any reason, is not qualified to receive the monthly retirement pension herein provided and who was enrolled in said fund and on whose behalf annual fees for retirement pension were paid, an amount equal to the amount paid by himself or herself.

(2) If any fireman dies before attaining the age at which a pension shall be payable to him or her under the provisions of this chapter, there shall be paid to his widow or her widower, or if there be no widow or widower to his or her child or children, or if there be no widow or widower or child or children then to his or her heirs at law as may be determined by the board of trustees or to his or her estate if it be administered and there be no heirs as above determined, an amount equal to the amount paid into said fund by himself or herself.

(3) If any fireman dies after beginning to receive the pension provided for in this chapter, and before receiving an amount equal to the amount paid by himself or herself and the municipality or municipalities in whose department he or she shall have served, there shall be paid to his widow or her widower, or if there be no widow or widower then to his or her child or children, or if there be no widow or widower or child or children then to his or her heirs at law as may be determined by the board of trustees, or to his or her estate if it be administered and there be no heirs as above determined, an amount equal to the difference between the amount paid into said fund by himself or herself and the municipality or municipalities in whose department he or she shall have served and the amount received by him or her as a pensioner.

(4) If any volunteer fireman retires from the fire service before attaining the age of sixty-five years, he or she may make application for the return of the amount paid into said fund by himself or herself.

Sec. 4. Section 22, chapter 261, Laws of 1945 as last amended by section 3, chapter 86, Laws of 1965 and RCW 41.24.220 are each amended to read as follows:

Whenever any fireman becomes disabled or sick in consequence or as the result of the performance of his or her duties by reason of which he or she is confined to any hospital an amount not exceeding the daily ward rate of the hospital shall be allowed and paid from said fund toward such hospital expenses (~~for a period not exceeding twenty-six weeks~~): PROVIDED, That this allowance shall not be in lieu of but in addition to any other allowance in this chapter provided: PROVIDED FURTHER, That costs of surgery, medicine, laboratory fees, x-ray, special therapies, and similar additional costs shall be paid in addition thereto: PROVIDED FURTHER, That when extended treatment, not available in the injured fireman's home area, is required, such fireman may be reimbursed for actual mileage to and from the place of extended treatment pursuant to RCW 43.03.060 as now existing or hereafter amended.

Sec. 5. Section 23, chapter 261, Laws of 1945 as last amended by section 6, chapter 57, Laws of 1961 and RCW 41.24.230 are each amended to read as follows:

Upon the death of any fireman resulting from injuries or sickness in consequence or as the result of the performance of his or her duties, the board of trustees shall authorize the issuance of a voucher for the sum of ~~((five))~~ seven hundred fifty dollars, and upon the death of any fireman who is receiving any disability pension provided for in this chapter, the board of trustees shall authorize the issuance of a voucher for the sum of two hundred fifty dollars, to help defray the funeral expenses and burial of such fireman, which voucher shall be paid in the manner provided for payment of other charges against the fund.

Passed the House February 6, 1976.

Passed the Senate February 25, 1976.

Approved by the Governor March 5, 1976.

Filed in Office of Secretary of State March 5, 1976.

CHAPTER 77

[House Bill No. 1376]

LOST OR DESTROYED WARRANTS—GOVERNMENTAL EMPLOYEES' PAY OR PENSIONS

AN ACT Relating to lost or destroyed instruments evidencing indebtedness; amending section 4, chapter 61, Laws of 1965 ex. sess. and RCW 39.72.010; and amending section 43.08.064, chapter 8, Laws of 1965, as amended by section 1, chapter 61, Laws of 1965 ex. sess. and RCW 43.08.064.

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

Section 1. Section 4, chapter 61, Laws of 1965 ex. sess. and RCW 39.72.010 are each amended to read as follows:

In case of the loss or destruction of a warrant for the payment of money, or any bond or other instrument or evidence of indebtedness, issued by any county, city or town, district or other political subdivision or municipal corporation of the state of Washington, hereinafter referred to as a municipal corporation, or by any department or agency of such municipal corporation, such municipal corporation may cause a duplicate to be issued in lieu thereof, subject to the same requirements and conditions, and according to the same procedure, as prescribed for the issuance of duplicate state instruments in RCW 43.08.064 and 43.08.066as now or