

CERTIFICATION OF ENROLLMENT

**SENATE BILL 6226**

52nd Legislature  
1992 Regular Session

Passed by the Senate February 10, 1992  
Yeas 43 Nays 0

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**President of the Senate**

Passed by the House March 4, 1992  
Yeas 95 Nays 0

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Speaker of the  
House of Representatives

Approved

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Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6226** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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SENATE BILL 6226

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Passed Legislature - 1992 Regular Session

State of Washington                      52nd Legislature                      1992 Regular Session

By Senators McCaslin, Madsen and Conner

Read first time 01/22/92.      Referred to Committee on Governmental Operations.

1            AN ACT Relating to investment of the moneys of the firemen's  
2 pension fund; and amending RCW 41.16.040.

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

4            **Sec. 1.** RCW 41.16.040 and 1967 ex.s. c 91 s 1 are each amended to  
5 read as follows:

6            The board shall have such general powers as are vested in it by the  
7 provisions of this chapter, and in addition thereto, the power to:

8            (1) Generally supervise and control the administration of this  
9 chapter and the firemen's pension fund created hereby.

10            (2) Pass upon and allow or disallow all applications for pensions  
11 or other benefits provided by this chapter.

12            (3) Provide for payment from said fund of necessary expenses of  
13 maintenance and administration of said pension system and fund.

1           (4) Invest the moneys of the fund in (~~(such securities of the~~  
2 ~~United States, state, municipal corporations and other public bodies as~~  
3 ~~are designated by the laws of the state of Washington as lawful~~  
4 ~~investments for funds of mutual savings banks; and in any bonds or~~  
5 ~~warrants, including local improvement bonds or warrants issued under~~  
6 ~~the state local improvement guaranty fund law, or in utility bonds or~~  
7 ~~warrants issued by the municipality operating the fund. Subject to the~~  
8 ~~limitations hereinafter in this section contained, investment of moneys~~  
9 ~~of the fund may also be made in amounts not to exceed twenty five~~  
10 ~~percent of the fund's total investments in the shares of certain open-~~  
11 ~~end investment companies: PROVIDED, That the total amount invested in~~  
12 ~~any one company shall not exceed five percent of the assets of such~~  
13 ~~company, and shall only be made in the shares of such companies as are~~  
14 ~~registered as open end companies under the federal investment company~~  
15 ~~act of 1940, as from time to time amended. The company must be at~~  
16 ~~least ten years old and have net assets of at least five million~~  
17 ~~dollars. It must have outstanding no bonds, debentures, notes, or~~  
18 ~~other evidences of indebtedness, or any stock having priority over the~~  
19 ~~shares being purchased, either as to distribution of assets or payment~~  
20 ~~of dividends. It must have paid dividends from investment income in~~  
21 ~~each of the ten years next preceding purchase. The maximum selling~~  
22 ~~commission on its shares, furthermore, may not exceed eight and one-~~  
23 ~~half percent of the sum of the asset value plus such commission)) a~~  
24 manner consistent with the investment policies outlined in RCW  
25 35.39.060. Authorized investments shall include investment grade  
26 securities issued by the United States, state, municipal corporations,  
27 other public bodies, corporate bonds, and other investments authorized  
28 by RCW 35.39.030, 35.58.510, 35.81.070, 35.82.070, 36.29.020,  
29 39.58.020, 39.58.080, 39.58.130, 39.60.010, 39.60.020, 68.52.060,  
30 68.52.065, and 72.19.120.

1           (5) Employ such agents, employees and other personnel as the board  
2 may deem necessary for the proper administration of this chapter.

3           (6) Compel witnesses to appear and testify before it, in the same  
4 manner as is or may be provided by law for the taking of depositions in  
5 the superior court. Any member of the board may administer oaths to  
6 witnesses who testify before the board of a nature and in a similar  
7 manner to oaths administered by superior courts of the state of  
8 Washington.

9           (7) Issue vouchers approved by the chairman and secretary and to  
10 cause warrants therefor to be issued and paid from said fund for the  
11 payment of claims allowed by it.

12           (8) Keep a record of all its proceedings, which record shall be  
13 public; and prepare and file with the city treasurer and city clerk or  
14 comptroller prior to the date when any payments are to be made from the  
15 fund, a list of all persons entitled to payment from the fund, stating  
16 the amount and purpose of such payment, said list to be certified to  
17 and signed by the chairman and secretary of the board and attested  
18 under oath.

19           (9) Make rules and regulations not inconsistent with this chapter  
20 for the purpose of carrying out and effecting the same.

21           (10) Appoint one or more duly licensed and practicing physicians  
22 who shall examine and report to the board upon all applications for  
23 relief and pension under this chapter. Such physicians shall visit and  
24 examine all sick and disabled firemen when, in their judgment, the best  
25 interests of the relief and pension fund require it or when ordered by  
26 the board. They shall perform all operations on such sick and injured  
27 firemen and render all medical aid and care necessary for the recovery  
28 of such firemen on account of sickness or disability received while in  
29 the performance of duty as defined in this chapter. Such physicians  
30 shall be paid from said fund, the amount of said fees or salary to be

1 set and agreed upon by the board and the physicians. No physician not  
2 regularly appointed or specially appointed and employed, as hereinafter  
3 provided, shall receive or be entitled to any fees or compensation from  
4 said fund as attending physician to a sick or injured fireman. If any  
5 sick or injured fireman refuses the services of the appointed  
6 physicians, or the specially appointed and employed physician, he shall  
7 be personally liable for the fees of any other physician employed by  
8 him. No person shall have a right of action against the board or the  
9 municipality for negligence of any physician employed by it. The board  
10 shall have the power and authority to select and employ, besides the  
11 regularly appointed physician, such other physician, surgeon or  
12 specialist for consultation with, or assistance to the regularly  
13 appointed physician, or for the purpose of performing operations or  
14 rendering services and treatment in particular cases, as it shall deem  
15 advisable, and to pay fees for such services from said fund. Said  
16 board shall hear and decide all applications for such relief or  
17 pensions under this chapter, and its decisions on such applications  
18 shall be final and conclusive and not subject to revision or reversal  
19 except by the board.