

any auto transportation company "between fixed termini or over a regular route" within the meaning of this act shall be a question of fact and the finding of the "commission" thereon shall be final and shall not be subject to review.

Passed the House March 10, 1935.

Passed the Senate March 13, 1935.

Approved by the Governor March 20, 1935.

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## CHAPTER 121.

[H. B. 277.]

### VOLUNTEER FIREMEN'S RELIEF AND COMPENSATION FUND.

AN ACT relating to and creating a fund in the State Treasury to be known as the Volunteer Firemen's Relief and Compensation Fund, designating the duties of certain officials; providing for relief and compensation for volunteer firemen; creating a Board of Trustees in each municipality for the maintenance and distribution of said fund; empowering municipalities to limit the membership of said volunteer fire departments, and requiring medical and physical examinations for members of said fire departments.

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

Creation of fund.

Shall consist of.

Tax on insurance premiums.

SECTION 1. There is hereby created and set aside in the state treasury a fund to be known as the volunteer firemen's relief and compensation fund, for injured volunteer firemen, their widows and orphans. Said fund shall consist of all bequests, fees, gifts, emoluments or donations given or paid to the volunteer firemen's relief and compensation fund, and an annual fee of two (\$2.00) dollars for each regular member of such volunteer fire department, such municipality to pay such fee; and an annual fee of one (\$1.00) dollar to be paid by each regular member of such volunteer fire department; and ten (10) per cent of all monies received by the State of Wash-

ington from tax on fire insurance premiums; all such fees to be paid into the state treasury and credited to the volunteer firemen's relief and compensation fund.

SEC. 2. In every municipality in the State of Washington wherein is maintained a regularly organized volunteer fire department, which for the purposes of this act shall be defined as any fire department not employing its entire membership on a full time paid basis, or which may hereafter organize and maintain such fire department, there is hereby created and established a board of trustees of the volunteer firemen's relief and compensation fund, such board to be known as the board of trustees of the volunteer firemen's relief and compensation fund. Such board shall consist of the mayor, city clerk or comptroller and one councilman of such municipality, the chief of the fire department, and one member of said fire department, which one member shall be elected by the members of said fire department for a term of one (1) year and annually thereafter: *Provided*, That where a municipality is governed by the commission form of government, three commissioners shall serve as members of said board in lieu of the mayor, city clerk or comptroller and one city councilman. It shall be the duty of said board of trustees of such municipality to provide for the disbursement of relief and compensation, and they shall pass upon all claims to said fund, and shall direct payment from said fund to those entitled thereto under the terms of this act. It shall issue vouchers, signed by its chairman and secretary, to the persons entitled thereto for the amount of money ordered paid to such persons from said fund by said board, which vouchers shall state for what purpose such payment is to be made. It shall keep a record of its proceedings, which record shall be public. It shall, at each meeting, send to

Board of trustees.

Shall consist of.

Commission form of government.

Duties of such board.

Keep record of its proceedings.

the state treasurer a written or printed list of all persons entitled to payment from said fund herein provided for, stating the amount of such payment and for what granted, which list shall be certified to and signed by the chairman and secretary of said board, attested under oath, and the state officer whose duty it is to issue warrants, shall order and direct that a warrant for the amount specified on such voucher shall be drawn on said fund, for the amount thereof. The board herein provided shall, in addition to other powers herein granted, have power, to-wit:

Additional powers.

Power to compel witnesses to testify.

1. To compel the attendance of witnesses to testify before it upon all matters connected with the operation of this act, and in the same manner as is or may be provided by law for the taking of testimony before notaries public; and its chairman or any member of said board may administer oaths to such witness.

Make rules and regulations.

2. To make all needful rules and regulations for its guidance in conformity with the provisions of this act.

Keep accurate account of expenses.

3. To keep accurate account of any expenses incurred in complying with this law, and such expense shall be paid out of said fund. No compensation or emoluments shall be paid to any member of said board of trustees for any duties performed under this act as trustee.

No compensation.

Employ physician.

4. To make provision for the employment of a regularly licensed practicing physician for the examination of members entering said volunteer fire department, at a fee of three (\$3.00) dollars for each fireman examined; and for the care of injured and disabled members of said volunteer fire departments. The fees for such care and medical attention shall be set by the state auditor and such fees shall be uniform in all municipalities throughout the state. Said physician shall report his findings to

Fee.

Set by state auditor.

said board of trustees on blanks provided for the purpose, and the fee of such physician for the cure of injured and disabled members of said volunteer fire departments shall be paid out of said fund. No other physician or surgeon, not employed by said board of trustees, except in case of emergency, shall receive or be entitled to receive any fees or compensation from said fund as private or attending physician to any disabled member. Said board of trustees shall hear and decide all applications for such relief or compensation under this act, and its decisions on such applications shall be final and conclusive and not subject to reversal or revision except by the board. A majority of the board of trustees shall constitute a quorum, and no business shall be transacted where a majority is not present, and no claim shall be allowed where a majority of the board has not voted favorably thereon. Said board shall have the power and authority to have a guardian appointed whenever and wherever the claim of a fireman who is a minor is involved.

Board shall hear applications for relief.

Quorum.

May appoint guardian.

SEC. 3. The mayor shall be ex-officio chairman; the city clerk or comptroller shall be ex-officio secretary and treasurer of said board. The secretary shall keep a record of receipts and disbursements, and shall make an annual report of the expenses and disbursements, with a full list of beneficiaries of said fund in such municipality and the amount of such payments, such record to be placed on file in such municipality and a copy filed with the state auditor.

Officers of board.

SEC. 4. Whenever any member of any regularly constituted volunteer fire department shall become physically disabled as the result of accidental injury sustained solely by external violent means, independent of all other causes, so as to be wholly prevented from engaging in each and every duty of

Compensation to injured firemen.

his regular occupation or business, while in the performance of his duty or duties as defined in this act, he shall be paid from said fund monthly the amount of one hundred (\$100.00) dollars for a period not to exceed six (6) months; after which period of disability, if the member is incapacitated to such an extent that he is thereby prevented from engaging in any occupation or performing any work for compensation or profit, he shall be entitled to draw from said fund an amount monthly of seventy-five (\$75.00) dollars as long as such disability continues.

Widow, to receive pension.

Children shall receive.

Widow shall not receive pension when.

Marriage shall annul pension.

Hospital expenses paid.

In case of the death of such disabled member as the result of such accidental injury sustained solely by external violent means, independent of all other causes, his widow shall be paid an allowance of fifty (\$50.00) dollars monthly as long as she lives. If there be no widow, then his child or children shall receive said allowance until they reach the age of eighteen (18) years; or if there be no widow, child or children, then to his parents or either of them, if it be proved to the satisfaction of the board of trustees that said parents or either of them were wholly dependent upon said son for their support at the time of his death: *Provided*, That his widow shall receive no compensation under this act if she is divorced from deceased at the time of his death, or has instituted divorce proceedings, or is living separate and apart from deceased at the time of his death: *And provided further*, That if such widow, child or children or said parents shall marry, then such person so marrying shall thereafter receive no further allowance from said fund.

SEC. 5. Whenever any member of the regularly constituted volunteer fire department shall, on account of temporary disability incurred as the result of accidental injury sustained solely by external violent means, independent of all other causes, while

in the performance of his duty or duties as defined in this act, be confined to any hospital, the amount of twenty (\$20.00) dollars weekly, or a proportionate amount for less than a whole week, shall be allowed and paid from said fund toward hospital expenses for a period not exceeding twenty-six (26) weeks.

SEC. 6. Whenever any member of the regularly constituted volunteer fire department shall lose his life as the result of accidental bodily injuries sustained solely by external violent means, independent of all other causes, while in the performance of his duty or duties as defined in this act, his widow shall receive from said fund the amount of fifty (\$50.00) dollars monthly, as long as she lives. If there be no widow, then to his minor child or children until they shall reach the age of eighteen (18) years; or if there be no widow, child or children, then to his parents or either of them, if it be proved to the satisfaction of the board of trustees that said parents or either of them were wholly dependent upon said son for their support at the time of his death: *Provided*, That his widow shall receive no compensation under this act if she is divorced from deceased or has instituted divorce proceedings, or is living separate and apart from deceased at the time of his death: *And provided further*, That if such widow, child or children, or said parents shall marry, then such person so marrying shall thereafter receive no further allowance from said fund.

SEC. 7. Upon the death of any active member of any regularly constituted volunteer fire department, whose death resulted from accidental injury sustained solely by external violent means, independent of all other causes, while in the performance of his duty or duties as defined in this act, said board of trustees shall issue their voucher for the sum of one hundred (\$100.00) dollars to help defray

Pension to widow if killed in line of duty.

If no widow, minor children receive pension.

Divorce proceedings annul pension.

Marriage shall annul pension.

Funeral expenses partially paid.

funeral expenses of such member, and such amount shall be paid in the regularly prescribed manner.

Defining  
"perform-  
ance of  
duty or  
duties."

SEC. 8. The words "performance of duty or duties" whenever or wherever mentioned in this act, shall be held and construed to mean and include any work in or about company quarters under the direction or general orders of the chief or other officer having authority to so order such member to perform such work; going to, working at, or returning from an alarm of fire, drill, or any work performed of an emergency nature, in accordance with the rules and regulations of said volunteer fire department.

Membership  
limited  
according to  
population.

SEC. 9. Each municipality shall by ordinance, limit the membership of the fire department to twenty (20) firemen for each one thousand (1,000) population: *Provided*, That in municipalities where in the judgment of the city council it is necessary, an additional five firemen for each one thousand (1,000) population may be added to the membership of said fire department: *And provided further*, That in no case shall the membership of a volunteer fire department be limited to less than fifteen (15) firemen.

Not less than  
15 members.

Annual  
payment of  
dues by  
members.

SEC. 10. On or before the fifteenth day of January of each year, each municipality having a regularly organized volunteer fire department, and members of said fire department at said time shall, in order to participate in the benefits prescribed in this act, conform to the provisions of section 1 of this act, and shall pay said amount to the state treasurer: *Provided*, That no fire department shall forfeit its right to participate in the benefits of this act until after a thirty (30) day period of grace after the fifteenth day of January of each year shall have elapsed: *And provided further*, That when a volunteer fire department shall have failed to pay its annual fees thereby forfeiting its right to par-

Period of  
Grace.

May be  
reinstated.

ticipate in the benefits of this act, it may by the payment of all back dues be reinstated so that its members may participate in the benefits of this act: *And provided further*, That no volunteer fireman shall receive any of the benefits of this act whose annual fee was not paid at the time of his disablement or injury, unless such disablement occurred prior to the thirty (30) day period of grace after the fifteenth day of January of each year.

Must pay  
dues to  
receive  
benefits.

Sec. 11. If any section or part of this act shall be held to be unconstitutional and void, such holding shall not affect the remaining portions of the act.

Partial  
invalidity.

Passed the House March 11, 1935.

Passed the Senate March 13, 1935.

Approved by the Governor March 20, 1935.

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## CHAPTER 122.

[H. B. 286.]

### NO BOND REQUIRED OF STATE IN COURT PROCEEDINGS.

AN ACT providing that no bond shall be required of the State of Washington in any of the courts of this state.

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

SECTION 1. No bond shall be required of the State of Washington for any purpose in any case in any of the courts of the State of Washington and the State of Washington shall be, on proper showing, entitled to any orders, injunctions and writs of whatever nature without bond notwithstanding the provisions of any existing statute requiring that bonds be furnished by private parties.

No bond  
required.

Passed the House March 11, 1935.

Passed the Senate March 13, 1935.

Approved by the Governor March 20, 1935.