

by the shipper shall be in triplicate form and it shall be unlawful for any person to substitute for any such nursery stock, fruit or vegetables not covered by said certificate, or to ship, sell or dispose of any other nursery stock, fruit or vegetables than that actually inspected and approved under such certificate of inspection: *Provided*, that the inspector may issue certificates of general inspection for shipment to points within this state in addition to the regular certificates of inspection.

Passed the House March 9, 1919.

Passed the Senate March 11, 1919.

Approved by the Governor March 21, 1919.

CHAPTER 196.

[S. B. 218.]

FIREMEN'S RELIEF AND PENSION FUND.

AN ACT relating to the Firemen's Relief and Pension Fund, in the several incorporated cities and towns, of the State of Washington; providing for the maintenance and distribution thereof, and repealing all acts or parts of acts in conflict herewith.

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

SECTION 1. The mayor, clerk or comptroller and three members of the common council of every incorporated city or town in the State of Washington, who, in addition to the duties now required of them, are hereby created and constituted, together with six (6) members from the fire department of such city or town, a board of trustees of the "Firemen's Relief and Pension Fund" of the fire department of such incorporated city or town, and shall provide for the disbursement of such relief and pension fund, and shall designate the beneficiaries thereof, as hereinafter directed, which board shall be known

as the board of trustees of the Firemen's Relief and Pension Fund, and upon the taking effect of this act, the fire department of each such incorporated city or town shall elect by ballot, six (6) members of such fire department, two (2) of whom shall serve for the term of one (1) year, two (2) for the term of two (2) years, and two (2) for the term of three (3) years, and thereafter such fire department shall, each year, elect by ballot two (2) of its members to serve for the term of three (3) years upon said board of trustees: *Provided*, that in incorporated cities and towns having no council three (3) persons holding office therein, other than the mayor and clerk, shall be elected as trustees of the Firemen's Relief and Pension Fund of such city or town by the other members of the board of trustees, and: *Provided further*, that the boards of trustees of said fund, now acting in any city or town shall continue to act until their term has expired: *Provided*, this act shall not apply to any city or town where no paid fire department is maintained.

Membership
and term
of office.

SEC. 2. The mayor shall be *ex-officio* chairman, the city clerk or comptroller shall be *ex-officio* secretary, and the city treasurer shall be *ex-officio* treasurer of said board. The secretary shall report annually, at the time of making his annual report as city clerk, the condition of the firemen's relief and pension fund, and the receipts and disbursements on account of the same, with a full list of the beneficiaries of said fund, and the amount paid them.

Officers of
board.

Annual
reports.

SEC. 3. The board herein provided for shall hold monthly meetings on or before the 15th day of each and every month of each year, upon such dates as may be agreed upon by the board of trustees, and upon the call of its chairman at such other times as the chairman deems necessary: It shall issue orders, signed by its chairman and secretary, to the persons entitled thereto, of the amount of money

Board
meetings.

Records.

ordered paid to such persons from such fund by said board, which order 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 monthly meeting, send to the treasurer of such city or town, a written or printed list of all persons entitled to payment from the 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 such board, attested under oath.

Disbursement of funds.

The treasurer of such city or town shall therefore enter a copy of said list upon a book to be kept for that purpose, which shall be known as "The Firemen's Relief and Pension Fund Book", and the said board shall direct payment of the said amounts to the persons named therein. A majority of all the members of said board herein provided for shall constitute a quorum and have power to transact business: *Provided, however,* no money belonging to said fund shall ever be disbursed for any purpose without a vote of a majority of all the members of the board of trustees, which shall be taken by the yeas and nays, and the vote of each member so voting entered upon the proceedings of the board.

Monthly pension on retirement due to age.

SEC. 4. Whenever any person, at the taking effect of this act, or thereafter, shall have been duly appointed and has served for a period of twenty years or more, ten years of which shall have been consecutive immediately preceding the end of such period, as a member in any capacity or any rank whatever of the regularly constituted fire department of any such city or town which may be subject to the provisions of this act, the board shall be empowered to order and direct that such person may, after becoming fifty-five years of age, be retired from such fire department, and the board shall

retire any member so entitled as hereinabove provided for, upon his written request for same, and such member so retired shall be paid from such fund a monthly pension equal to one-half the amount of salary attached to the rank which he may have held in said fire department for one year next preceding the date of such retirement. Upon the death of any such retired member one-half of the amount of the pension paid during his life, shall be continued and paid to his widow, who was his wife at the time of his retirement, during her life, or until she shall again marry, and if there be no such widow, then to his minor child or children until such child or children shall have arrived at the age of eighteen years, or shall prior thereto have married. Any such widow or child or children of any such retired member at the time of the taking effect of this act, shall come under its provisions.

Portion payable to wife or children on death.

SEC. 5. Whenever any person, when serving as a fireman in any such city or town, shall become physically or mentally disabled while in the performance of, or the result of his duty or duties as defined in this act, said board of trustees may, upon his written request, or without such request if it deems it for the good of said fire department, retire such person from active service, and if so retired, shall order and direct that he shall be paid from such fund a monthly pension equal to one-half the amount of salary attached to the rank which he may have held in such fire department immediately preceding such retirement: *Provided*, that whenever such disability shall cease such pension shall cease, and such retired person shall be restored to active service in the same rank he may have held at the time of his retirement: *Provided, further*, upon the death of any member so retired, one-half of the amount of pension allowed and paid to him during such retirement shall be continued and paid to his

Retirement for disability.

Pensions.

Allowance on death to wife or children.

widow, who was his wife at the time of his retirement, during her life as hereinafter provided, or if there be no such widow, then to his minor child or children, until they shall have reached the age of eighteen years: *Provided, however,* if such widow or child or children shall marry, then such person so marrying shall thereafter receive no further pension from said fund.

Showing of
disability.

SEC. 6. No person shall be retired under this act, or receive any pension from said fund, except for old age, unless there shall be filed with the board of trustees, certificate of his disability or cause for retirement which certificate shall be subscribed and sworn to by said person, or members of the board of trustees, and by the firemen's relief and pension fund physician and attending physician if there be one, and the board may require other evidence of disability or cause before ordering such retirement and payment of pension as provided for in this act.

Hospital
and medical
expenses.

SEC. 7. Whenever any member of the fire department of any city or town shall, on account of temporary physical disability, the result of accident in consequence of the performance of his duty or duties, as defined in this act, be confined to any hospital or to his bed, or unable to perform his duties as such member on account of such temporary disability and shall require nursing and medical care, the board of trustees shall provide a professional nurse and pay all necessary hospital and professional nursing expenses of such member out of the said fund, and the salary of such member shall continue and shall be paid out of said fund while he is necessarily confined to such hospital or bed, or unable to perform his duties as a fireman on account of such temporary disability for a period not exceeding six months, after which period the other provisions of this act shall apply. Such pulmonary diseases as pneumonia and tuberculosis when di-

Diseases
classed as
physical
disability.

rectly traceable to exposure while in active fire duty, shall be considered the same as accident causing physical disability and not under sickness as hereinafter provided for. If, however, the pension fund physicians after an examination shall decide the member will be incapacitated for a period extending beyond six months, then, in that event the board shall have the power and authority to retire the member after the first month: *Provided, further,* that in cases of accident as herein defined, disabling the member, he shall receive his full salary for the period of six months, even though such member is sooner retired, after six months, the provisions of section 5 shall apply. If a member shall become temporarily disabled on account of sickness caused by becoming wet or from exposure, the result of the performance of his duty or duties as herein defined, he shall be entitled to the benefits and be governed by the provisions in case of disability by accident, except he shall receive but one-half of his regular salary: *Provided,* if the pension fund physicians after an examination shall decide the member will be incapacitated for a period extending beyond six months, then in that event, the board of trustees shall have the power and authority to retire such member after the first month in accordance with section 5 of this act.

SEC. 8. Whenever any member of the fire department of any city or town shall lose his life, or die from the direct result of injuries received while in the performance of his duty or duties as herein defined, leaving a widow, or child or children under the age of eighteen years, then, upon satisfactory proof of such facts made known to the board of trustees, said board shall order and direct that a monthly pension equal to one-half the amount of the salary attached to the rank which such member

Loss of life.

Payment of half salary to beneficiaries.

held in said fire department at the time of his death, shall be paid to his widow during her life, or if there be no widow, then to his minor child or children until they shall have reached the age of eighteen years, or if there be no children then to his parents if it be proven to the satisfaction of the board of trustees that said parents are dependent upon said son for their support: *Provided*, if such widow, child or children or said parents shall marry, then such person so marrying shall thereafter receive no further pension from said fund.

Death not arising in performance of duties.

SEC. 9. Whenever any member regularly and actively employed in the fire department of any such city or town shall, after one year of service in said fire department die from natural causes, or accident not caused in the performance of his duty or duties as herein defined, and for which no pension is provided for in this act, and who has not been retired for old age or disability prior to his death, then in that event his widow, or children under eighteen years of age, or if there be no widow or children, then his parents if it be proven to the satisfaction of the board of trustees, that said parents are dependent upon said son for their support, shall be entitled to the sum of one thousand dollars (\$1,000.00) from said fund: *Provided*, in case of death as above stated before one year of service an amount proportionate to the time of service shall be paid to above mentioned beneficiaries: *Provided*, if the member at the time of his death had served fifteen years in the fire department, ten years of which shall have been continuous immediately prior to his death, his beneficiaries herein named shall have the option on request, to receive a monthly pension equal to one-quarter of the amount of salary received by such member at the time of his death until such time as the beneficiaries shall marry or the children become eighteen years of age, when the pension shall cease.

Lump sum payment.

Option to take monthly payments.

SEC. 10. All members of the fire department who may be retired for disability under the provisions of this act, except for old age or permanent disability, may be summoned before the board of trustees any time, and shall submit himself thereto for examination, as to his fitness for duty, and shall obey and abide the decisions and orders of such board, and shall report for examination to the firemen's relief and pension fund physician, or some physician designated by the board of trustees, on the first Monday of January, April, July and October of each year.

Examinations of members temporarily retired.

SEC. 11. When any person who shall have received any benefits from said fund shall be convicted of any felony, or shall become an habitual drunkard, or shall fail to report himself for examination for duty as required herein, unless excused by the board, or shall disobey the orders or requirements of said board under this act, then such board of trustees shall order and direct that such pension or allowances that may have been granted to such person shall immediately cease, and such person shall receive no further pension or allowance or benefit under this act, but in lieu thereof the said pension or allowance or benefit may at the discretion of the board be paid to those immediately dependent upon him, or to his legally appointed guardian.

Cessation of pension for cause.

Lieu allowances.

SEC. 12. No person who has resigned or been dismissed from such fire department, or who refuses to comply with the orders of the board of trustees, shall be deemed entitled to any relief or pension from said fund, except in cases where notice of, or claim for disability has been filed with the board before such resignation or dismissal.

Resignation or dismissal.

SEC. 13. The board herein provided for shall, in addition to other powers herein granted, have power, to-wit:

Powers of board.

First—To compel witnesses to attend and 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 notary publics; and its chairman or any member of said board may administer oaths to such witnesses.

Second—To provide for the payment from said fund of all its necessary expenses and printing. No compensation or emoluments shall be paid to any member of said board of trustees for any duties performed under this act, as a trustee: *Provided*, the board shall have the power and authority to appoint an assistant secretary in any city or town where the secretary is unable owing to his other duties to properly devote his time to the pension fund affairs. It shall be the duty of the assistant secretary to perform all clerical work and such duties as prescribed by the board of trustees, but he shall have no vote unless he be a member of the board of trustees; the board may pay such assistant secretary such salary as they deem just from the fund, and such salary shall be in addition to any salary he may receive from the city or town as regular employee, or any pension allowed to any retired or pensioned member from the pension fund.

Assistant secretary, appointment and compensation.

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

Fourth—To appoint one or more regularly licensed practicing physicians of such city or town who shall be known as the firemen's relief and pension fund physicians, who shall examine and report to the board of trustees, upon all applications for relief and pension under this act. They shall visit and examine all sick and temporary disabled members, when, in their judgment, the best interests of the relief and pension fund require it or when or-

Pension fund physicians, duties and compensation.

dered by the board of trustees. They shall perform all operations on sick and injured members and render all medical aid and care necessary for the recovery of the member on account of sickness or temporary disability received while in the performance of his duty or duties as defined in this act. And such appointed physicians shall be paid their fees from said fund, the amount of said fees or salary to be set and agreed upon by the board of trustees and the pension fund physicians. No other physician or surgeon not a regularly appointed pension fund physician shall receive or be entitled to any fees or compensation from said fund as private or attending physician to any sick or injured member of fire department, and should any sick or injured member refuse the services of the pension fund physicians, and engage any other physician or surgeon, he shall be liable for such fees to said physician. No person shall have a right of action against the board of trustees or the pension fund for negligence of any pension fund physician; the board shall have the power and authority to select and employ specialists to assist in consultation or performing any operation on sick or injured members as defined in section 7 of this act and shall pay his fees from said fund. Said board shall hear and decide all applications for such relief or pensions under this act, and its decisions on such applications shall be final and conclusive and not subject to revision or reversal except by the board.

SEC. 14. Said fund shall consist of all bequests, fees, gifts, emoluments or donations given or paid to the firemen's relief and pension fund, or any of its members, except otherwise designated by the donor, and a monthly fee which shall be paid into the fund by each member of said fire department, including substitutes and temporarily appointed members, amounting to one and one-half per cent

Pension
fund, how
provided.

of his regular monthly salary as hereinafter provided, and the proceeds of the tax levy as provided for in this act, and the interest or investment of any portion of said fund.

Tax levy
for fund.

SEC. 15. The city council or city commissioners of each city or town are hereby authorized and empowered to, and shall, when requested in writing by two-thirds of the members of the board of trustees of the firemen's relief and pension fund, at the same time other levies of taxes are made as provided for by the charter or laws, and in addition to the levy authorized by the charter or laws, levy a tax for an amount estimated to be required by the pension fund board of trustees, not to exceed one-half mill on each dollar of the assessed valuation of the property in such city or town not exempt from taxation, which taxes shall be credited to the firemen's relief and pension fund. Should the amount in the fund at any time be exhausted by unforeseen circumstances, the board of trustees shall be empowered to obtain a loan from the general fund or any other fund available or budget allowance of such city or town, until the firemen's relief and pension fund can be replenished and the loan returned to the other fund. The board of trustees by a two-thirds vote shall have the power to invest all funds, or any part thereof not required for immediate use, in government, county or city bonds, to be taken in the name of the firemen's relief and pension fund of such city or town and deposited in such bank or banks or vaults together with other securities of such city or town; by the same vote the board shall have power to sell and dispose of any securities.

Replenish-
ment of
fund by
loans.

Invest-
ment of
fund.

Monthly
payments.

SEC. 16. Payment provided for in this act shall be made monthly upon proper vouchers and in such manner as provided by the board of trustees in conformity with the procedure in other disbursements

of such city or town: *Provided*, that no warrants shall be drawn upon said fund except by order of the board of trustees which shall be duly entered upon the records of the proceedings of the board.

SEC. 17. It shall be the duty of the auditor or city comptroller, or officer whose duty it is to draw warrants in making out warrants for the monthly salaries, to deduct and withhold monthly from the salary of each member of the fire department, including substitutes and temporarily appointed members, one and one-half per cent of such monthly salary during all the time such member may be in the employ of the fire department: *Provided, however*, the one and one-half per cent shall not be deducted from the allowance of any member of the fire department who has been retired and placed on the pension list on account of old age or disability; and it shall be the duty of the auditor or city comptroller to draw a warrant for the full amount so withheld from the firemen's salaries payable to the city treasurer and by him credited to the firemen's relief and pension fund.

Deductions from members' salary warrants.

SEC. 18. Upon the death of any active or retired member of the fire department, the board of trustees shall have the power and authority to appropriate from the fund the sum of one hundred dollars (\$100.00) to assist in defraying the funeral expenses of such member.

Allowance for funeral expenses.

SEC. 19. The words, "Performance of Duty and Duties" whenever and wherever mentioned in this act, shall be construed to include the performance of any work required in or about company quarters, of any fire station or any other place under the direction or orders of the chief, acting chief, or any officer having the authority to so order such member to perform such work, working at or returning from an alarm of fire, drill or practice, going to

"Performance of duty" defined

and returning from meals in departments operating under what is known as the continuous or twenty-four hour system, responding to an alarm of fire when off duty in accordance with the rules and regulations of fire departments working under the double platoon or three shifts. Games and sports of any nature for recreation, amusement, exercise or compensation are expressly excluded. Members shall not be entitled to any benefits or pension from said fund, on account of any sickness or injury received while off duty, on vacation, or on leave of absence, except as provided for in section 9 of this act.

Partial
invalidity.

SEC. 20. If any portion of this act should be declared unconstitutional, it shall not thereby affect the constitutionality of the remaining portions.

Repealing
clause.

SEC. 21. All acts or parts of acts in conflict herewith are hereby repealed.

Passed the Senate March 7, 1919.

Passed the House March 11, 1919.

Approved by the Governor March 21, 1919.

CHAPTER 197.

[H. B. 133.]

DESCENT AND ESCHEAT OF PROPERTY.

AN ACT relating to the descent of property.

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

Inheritance
from step-
parent.

SECTION 1. If a person die leaving a surviving spouse and issue by a former spouse and leaving a will whereby all or substantially all the deceased's property passes to the surviving spouse or having before death conveyed all or substantially all his or her property to the surviving spouse, and afterwards the latter die without heirs and without dis-