

shall become necessary; and said expenses shall be allowed in the same manner as such expenses are allowed to the Superior Judges of this state holding sessions of court in different counties.

Residence
of judge.

SEC. 23. Whenever, in this state, any county shall be districted as hereinbefore provided, the judge or judges may reside in any district in such county that will best subserve the interests of the people therein.

Emergency.

SEC. 24. An emergency exists, and this act shall take effect immediately.

Passed by the Senate February 1, 1909.

Passed by the House February 24, 1909.

Approved March 4, 1909.

CHAPTER 50.

[S. S. B. 110.]

FIREMAN'S RELIEF AND PENSION FUND.

AN ACT to create a Fireman's Relief and Pension Fund in the several incorporated cities and towns of the State of Washington and making provisions for the maintenance and distribution thereof.

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

Board of
trustees.

SECTION 1. The mayor and clerk and three members of the common council of every incorporated city and town, in the State of Washington, are, in addition to the duties now required of them, hereby created and constituted together with six 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 each such incorporated city or town, and shall provide for the disbursement of such relief and pension fund, and shall designate the beneficiary 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 bill the fire department of each such incorporated city or town shall elect, by ballot, six members of such

fire department, two of whom shall serve for the term of one year, two for the term of two years and two for the term of three years, and thereafter such fire department shall, each year, elect, by ballot two of its members to serve for the term of three years upon said board of trustees: *Provided*, This act shall not apply to any city or town where no paid fire department is maintained.

SEC. 2. The mayor shall be ex-officio chairman, the clerk 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 and complete list of the beneficiaries of said funds, and the amount paid them.

Annual
report.

SEC. 3. The board herein provided for shall hold monthly meetings on the first Monday of each and every month of each year and upon the call of its president at such other times as the president deems necessary. It shall issue orders, signed by its president and secretary, to the persons entitled thereto of the amount of money 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 record; 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 president and secretary of such board, attested under oath. The treasurer of such city or town shall therefor enter a copy of said list upon a book to be kept for that purpose, and which shall be known as "The Fireman's Relief and Pension Fund Book" and the said board shall direct payment of the amounts named therein to the persons entitled thereto, out of such funds. A majority of all the members of said board herein provided for shall constitute a quorum and have power to transact business:

Monthly
meetings of
board.

Payments.

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.

SEC. 4. Whenever any person, at the taking effect of this act or thereafter, shall have been duly appointed and sworn, and has served for a period of twenty (20) years or more, two (2) 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 hereafter be subject to the provisions of this act, shall be empowered to order and direct that such person may, after becoming fifty-five (55) years of age, and his service in such fire department shall have ceased, to be paid from such funds a monthly pension equal to one-half ($\frac{1}{2}$) 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.

Service—
pension.

Pension for
physically
disabled.

SEC. 5. Whenever any person, when serving as a fireman in any such city or town, shall become physically or mentally disabled while in, and in consequence of, the performance of his duty as such fireman, said board may upon his written request, or without such request if it deem it for the good of the said fire department, retire such person from active service and, if so retired, shall order and direct that he be paid from said fund a monthly pension equal to one-half ($\frac{1}{2}$) the amount of the salary attached to the rank which he may have held on such fire department preceding such retirement: *Provided,* That whenever such disability shall cease such pension shall cease, and such person shall be restored to active service at the same salary he received at the time of his retirement.

Certificate of
disability.

SEC. 6. No person shall be retired, as provided in the next preceding section, or receive any pension from said fund, unless there shall be filed with said board certificates

of his disability, which certificates shall be subscribed and sworn to by said person and by the city or town physician, if there be one, and the Firemen's Relief and Pension Fund physician, and such board may require other evidence of disability before ordering such retirement and payment as aforesaid.

SEC. 7. Whenever any member of the fire department of any city or town shall, on account of sickness or temporary disability, caused or sustained while in the discharge of his duty as such member, be confined to any hospital or to his bed, and shall require professional nursing, care or attention, the said board shall pay the necessary hospital, care and professional nursing expenses of such member out of said funds, and the salary of said member shall continue while he is necessarily confined to such hospital or bed and necessarily requires care and professional nursing on account of such sickness or temporary disability for a period not exceeding six (6) months, after which said period the other provisions of this act shall apply. Sick benefits.

SEC. 8. Whenever any member of the fire department of such city or town shall lose his life while in the performance of his duty, leaving a widow, or child or children under the age of sixteen (16) years, then upon satisfactory proof of such facts made to it, such board shall order and direct that a monthly pension equal to one-half ($\frac{1}{2}$) the amount of the salary attached to the rank which such member held in said fire department at the time of his death, shall be paid to such widow during her life, or if no widow, then to his child or children until they shall be sixteen (16) years of age: *Provided*, If such widow or child or children shall marry, then such person so marrying shall thereafter receive no further pension from such funds: *Provided, however*, Should there be no widow or children, then said pension may be paid to his parents or unmarried sister or sisters, or minor brother or brothers dependent upon him. Widow's pension.

SEC. 9. Whenever any member of the fire department of such city or town shall, after two (2) years, die from natural causes, then his widow or children, or if there be no Benefit.

widow or children then to his mother or unmarried sister or sisters, or if there be no mother or unmarried sister or sisters, then those immediately dependent upon him, shall be entitled to the sum of one thousand (\$1,000.00) dollars from such fund.

Physical
examination.

SEC. 10. Any person retired for disability under this act may be summoned before the board herein provided for, any time hereafter and shall submit himself thereto for examination as to his fitness for duty, and shall abide the decision and order of such board with reference thereto; and all members of the fire department, who may be retired under the provisions of this act, shall report to the city physician, or some physician designated by the board of the Fireman's Relief and Pension Fund of the city or town when so retired, on the first Monday of January, April, July and October of each year, and in case of great conflagration or great public emergency may be assigned to and shall perform such duty as the chief of the fire department may direct; and such person shall have no claim against the city or town for payment for such duty so performed.

Pension
stopped.

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 requirements of said board under this act, in respect to said examination or duty, then such board shall order that such pension or allowance as 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 be paid to those immediately dependent upon him, or to his legally appointed guardian.

Disquali-
fication.

SEC. 12. That no person who has resigned or been dismissed from such fire department shall be deemed entitled to any relief or pension from such fund.

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

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 president or any member of said board may administer oaths to such witnesses. Powers of board.

Second. To provide for the payment from such funds of all its necessary expenses and printing: *Provided*, That no compensation or emolument shall be paid to any member of said board for any duties performed under this act.

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

Fourth. To appoint one or more regularly licensed practicing physician of such city or town who shall be known as the Fireman's Relief and Pension Fund Physician who shall together with the city or town physician (if there be one) examine and report to the Board of Trustees upon all applications for relief and pension under this act and shall visit and examine all sick and temporarily disabled members when in their judgment the best interest of the Relief and Pension Fund require it, or ordered by the Board of Trustees, and such appointed physician shall be paid his fees from the said fund: *Provided, however*, That if such physician be retained as private physician he shall receive no compensation from said fund as private physician. 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. Examining physician.

SEC. 14. The city council of each city or town is hereby authorized and empowered to levy, in the annual tax levy of such city or town, such an amount not exceeding one-half ($\frac{1}{2}$) of one (1) mill for the maintenance of the Firemen's Relief and Pension Fund: *Provided, however*, Whenever the Firemen's Relief and Pension Fund shall reach the sum of twenty-five thousand (\$25,000.00) dollars no fur- Tax levy.

ther levy shall be made for that fund, until such time when the amount in said fund shall be less than twenty-five thousand (\$25,000.00) dollars.

Donations.

SEC. 15. All rewards or donations given or paid to the Firemen's Relief and Pension Fund, or any of its members thereof, except otherwise designated, by the donator, shall be placed to the credit of said fund.

Part of salary for fund.

SEC. 16. The treasurer of any city or town shall retain from the pay of each and every member of the fire department a sum equal to one and one-half per centum of the monthly compensation paid each such member, to be forthwith paid into said Firemen's Relief and Pension Fund, and no other or further retention or deduction shall be made from such pay for any other fund or purpose whatever.

Monthly payments.

SEC. 17. Payment provided for in this act shall be made monthly upon proper vouchers and in such manner as provided for as in other disbursements of such city or town.

Passed by the Senate February 23, 1909.

Passed by the House February 27, 1909.

Approved March 4, 1909.

CHAPTER 51.

[H. B. 100.]

PROVIDING FOR SURVEY OF CERTAIN STATE ROADS.

AN ACT providing for the survey of certain proposed state roads, and state road extensions, by the State Highway Commissioner, and a report on the feasibility of the same.

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

Survey.

SECTION 1. That the State Highway Commissioner is hereby authorized and it is made his duty to cause an examination, and if necessary a survey to be made, to determine the feasibility and utility of the following described proposed state road extensions, and proposed state