

Issuance of
refunding
bonds
authorized.

tion of which such city derives a revenue, such city may by resolution of its city council authorize the issue of bonds to an amount not exceeding the amount of the local improvement bonds issued for the construction of such water systems then outstanding and unpaid with interest due and unpaid, and may redeem such outstanding local improvement bonds by exchanging therefor an equal amount at par of the bonds authorized by this act.

Passed the House February 14, 1929.

Passed the Senate February 27, 1929.

Approved by the Governor March 7, 1929.

CHAPTER 86.

[S. B. 65.]

FIREMEN'S RELIEF AND PENSION.

AN ACT relating to city firemen in certain cities and towns of the state, creating a relief, retirement and pension fund for such firemen and their widows, children, parents and dependents, providing for the maintenance and distribution thereof, and amending Sections 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18 and 19 of Chapter 196, Laws of 1919.

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

Amends
§ 9561 Rem.
Comp. Stat.

SECTION 1. That section 3 of chapter 196, Laws of 1919, (section 9561 of Remington's Compiled Statutes) be amended to read as follows:

Board to
hold semi-
monthly
meetings.

Section 3. The board herein provided for shall hold semi-monthly meetings on each and every month of each year at which meetings it shall pass upon claims to the said fund and shall direct payment from said fund to those entitled thereto under the terms of this act, and shall cause pay warrants to be issued on the regular semi-monthly city pay day. The board of trustees shall meet upon the call of its chairman at such other times as the chairman

deems necessary. 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 such fund by said board, which voucher 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 semi-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.

Vouchers signed by chairman and secretary.

The treasurer of such city or town shall thereupon 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.

"The Firemen's Relief and Pension Fund Book."

Majority of board constitutes quorum.

Money disbursed by vote.

SEC. 2. That section 4 of chapter 196, Laws of 1919, (section 9562 of Remington's Compiled Statutes) be amended to read as follows:

Amends § 9562 Rem. Comp. Stat.

Section 4. Whenever any person, at the time of taking effect of this act, or thereafter, shall have been duly appointed and has served for a period of twenty years or more and shall have reached the age of fifty-five (55) years as a member in any capacity of the regularly constituted fire department of any such city or town which may be subject to

20 years service entitles member to retirement.

the provisions of this act, the board shall be empowered to order and direct that such person may 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 which shall be equal to fifty per cent of the amount of salary received by such retired member at the date of such retirement.

Upon the death of any such retired member the amount of the pension which he would have received had he lived shall be paid to his widow, if such widow was his wife at the time of his retirement, such payment to be made to such widow during her life, or until she shall again marry; and if there be no such widow, then such payment shall be made 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; and if any child or children of such deceased fireman shall be eighteen years of age, or over, and by reason of physical or mental defects unable to work or earn any income, and shall be without any means of support, such payment shall be made to such child or children so long as such disability exists. The terms "member of the fire department" and "firemen" shall be deemed and held to include members of any police and fire alarm system whose time is occupied jointly in connection with the police and fire alarm systems of any city.

Monthly payment equal to 50% of salary.

Upon death paid to widow.

If no widow paid to children.

Physically or mentally defective children.

Members of police and fire alarm system.

Amends § 9563 Rem. Comp.Stat.

Physical or mental disability to cause retirement.

SEC. 3. That section 5 of chapter 196, Laws of 1919, (section 9563 of Remington's Compiled Statutes) be amended to read as follows:

Section 5. Whenever any person, when serving in any capacity as a member of the regularly constituted fire department of 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 which shall be equal to fifty per cent of the amount of salary received by such retired member 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 held at the time of his retirement: *Provided, further* upon the death of any member so retired the amount of pension which he would have received had he lived shall be paid to his widow, if such widow was his wife at the time of his retirement, such payment to be made to such widow during her life as hereinafter provided, or if there be no such widow, then such payment shall be made to his minor child, or children, until they shall have reached the age of eighteen years; and if any such child or children of such deceased fireman shall be eighteen years of age, or over, and by reason of physical or mental defects unable to work or earn any income, and shall be without any means of support, such payment shall be made to such child or children so long as such disability exists: *Provided, further*, If any such widow, or child, or children shall marry, then such person so marrying shall thereafter receive no further pension from said fund.

Restored to duty when disability ceases.

Upon death paid to widow.

If no widow to minor child.

Mentally or physically defective children.

Marriage of widow terminates payment.

SEC. 4. That section 6 of chapter 196, Laws of 1919 (section 9564 of Remington's Compiled Statutes) be amended to read as follows:

Amends § 9564 Rem. Comp.Stat.

Section 6. No person shall be retired under this act, or receive any pension from said fund, except for length of service, unless there shall be filed with the board of trustees, certificate of his disability or

Certificate of physician before retirement for disability.

cause for retirement which certificate shall be subscribed and sworn to by said person, or member 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.

SEC. 5. That section 7 of chapter 196, Laws of 1919, (section 9565 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 9565 Rem.
Comp.Stat.

Hospital,
nurse, and
sick benefits
provided.

Section 7. Whenever any member of the fire department of any city or town shall, on account of temporary physical disability or sickness, 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 or sickness, 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; the salary of such member 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 or sickness, for a period of not exceeding six months, after which period the other provisions of this act shall apply. If, however, the pension fund physician 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 such member after the first month: *Provided*, That in cases of accident or sickness as herein defined, disabling the member, he shall receive from said fund an allowance equal to his full salary for the period of six months even though such member is sooner retired;

Retirement
if incapacity
extends be-
yond six
months.

Full salary
for six
months.

and after six months the provisions of section 5 shall apply.

SEC. 6. That section 8 of chapter 196, Laws of 1919 (section 9566 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 9566 Rem.
Comp. Stat.

Section 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, and shall not have been retired under the provisions of this act, and shall leave a widow, who was his wife at the time that he received the injuries from which he died, 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, which shall be equal to fifty per cent of the amount of salary received by such deceased member at the time of his death, shall be paid to his widow during her life, or if there be no such widow, then to his minor child or children until they shall have reached the age of eighteen years; and if any such child or children of such deceased firemen shall be eighteen years of age, or over, and by reason of physical or mental defects unable to work or earn any income, and shall be without any means of support, such payment shall be made to such child or children so long as such disability exists; and if there be no such widow or child or children then to his parents or either of them if it be proven to the satisfaction of the board of trustees that said parents or either of them were dependent upon said son for their support at the time of his death: *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.

Upon death
50% of
salary paid
to widow.

If no widow
paid to
minor
children.

Physically
or mentally
defective
children.

Parents to
be paid.

Marriage
terminates
pension.

SEC. 7. That section 9 of chapter 196, Laws of 1919, (section 9567 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 9567 Rem.
Comp. Stat.

Death from
natural
causes.

Widow to
be paid.

Children to
be paid.

Mentally or
physically
defective
children.

\$1,000 pay-
ment.

15 years of
service.

Section 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 length of service or disability prior to his death, then in that event his widow, if she was his wife at the time he was stricken with his last illness, or at the time he received the injuries from which he died; or, if there be no such widow, then his child, or children under eighteen years of age, or physically or mentally incompetent child or children of such deceased fireman, which child or children shall be eighteen years of age, or over, and who by reason of such physical or mental defect is unable to work or earn any income and who is without any means of support; or if there be no such widow, or child or children, then his parents, or either of them, if it be proven to the satisfaction of the board of trustees, that said parents, or either of them, were dependent upon said son for their support at the time of his death, 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 his beneficiaries herein named shall have the option on request to receive said one thousand dollar payment or a monthly pension which shall be equal to one-third of the amount of salary received by such member of such fire department at the time of his

death, until such time as the beneficiaries shall marry or the child or children become eighteen years of age, or overcomes the physical or mental defect or secures means of support, when the pension shall cease. Whenever a member shall have been regularly and actively employed in the fire department of any such city or town for a period of one year, or more, and less than fifteen years, and shall sustain a permanent disablement rendering him unable to continue his employment in said fire department, which disablement was not caused in the performance of his duty or duties as herein defined, and for which no pension is provided in this act, and who has not been retired for length of service or disability prior thereto, he shall be paid from said fund a sum equal to all sums he has paid into said fund, plus four per cent interest on the amount of such payments; and whenever such member has served in said fire department fifteen years or more and shall sustain a disability rendering him unable to continue his employment in said fire department, which disablement was not caused in the performance of his duty or duties as defined in this act, he shall be retired and be paid a pension from said fund which shall be equal to one-third of the salary paid to such member in said department at the time he suffered his disability; *Provided*, That whenever such disability shall cease, such pensioner shall be restored to active duty in the rank held by him at the time of his retirement, and such pension herein provided for shall cease.

One year
and less than
15 years
service.

More than
15 years
service
retirement on
one-third
salary.

Pensioner
restored to
duty.

SEC. 8. That section 10 of chapter 196, Laws of 1919, (section 9568 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 9568 Rem.
Comp.Stat.

Section 10. All members of the fire department who may be retired for disability under the provisions of this act, except for length of service or permanent disability, may be summoned before the

Physical
examination
of retired
member.

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 whenever directed to do so by the board, or he may be required by the board to report for examination to some physician designated by the board of trustees, at any place where the pensioner may be, at such times as the board may direct. Whenever any pensioner shall fail or refuse to report to the board, or submit himself for examination to some physician, as required by the board, or who shall disobey any order or requirement made by the board under this act, the board may suspend or stop further payments to the pensioner under this act.

Refusal to submit.

Amends
§ 9570 Rem.
Comp. Stat.

SEC. 9. That section 12 of chapter 196, Laws of 1919, (section 9570 of Remington's Compiled Statutes) be amended to read as follows:

Resigned or dismissed member not to receive pension.

Section 12. No person who has resigned or been dismissed from such fire department shall be deemed entitled to any relief or pension from said fund, except in cases where such person has rendered twenty years of service in such fire department, or where disability exists which was incurred while in the performance of, or as the result of his duty or duties as defined in this act.

Amends
§ 9571 Rem.
Comp. Stat.

SEC. 10. That section 13 of chapter 196, Laws of 1919, (section 9571 of Remington's Compiled Statutes) be amended to read as follows:

Board powers.

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

Compel attendance of witnesses.

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 notaries public; 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.

Expenses
and printing.

Assistant
secretary.

Salary.

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

Rules and
regulations.

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 ordered 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 perform-

Physicians
appointed.

Duties of
physicians.

ance 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, or a specially appointed and employed physician or surgeon, as hereinafter provided for, shall receive or be entitled to any fees or compensation from said fund as private or attending physician to sick or injured member of fire department, and should any sick or injured member refuse the services of the pension fund physicians, or the specially appointed and employed physician or surgeon, he shall be liable for the fees to any other physician or surgeon. No person shall have a right of action against the board of trustees or the pension fund for negligence of any physician or surgeon employed by it. The board shall have the power and authority to select and employ besides the regular pension fund physicians, such other physicians, surgeons or specialists for consultation with, or assistance to the regular pension fund physicians, or for the purpose of performing operations or rendering services and treatment in particular cases, as it shall deem advisable, and to pay fees for such services 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.

Action
against
board.

Specialists
employed.

Decision of
board final.

Amends
§ 9572 Rem.
Comp. Stat.

Fund to
consist of
bequests,
fees, etc.

SEC. 11. That section 14 of chapter 196, Laws of 1919 (section 9572 of Remington's Compiled Statutes), be amended to read as follows:

Section 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 not less than two (2) per cent or more than four (4) per cent of his regular monthly salary, the exact percentage to be determined as hereinafter provided, and the proceeds of the tax levy as provided for in this act, and the interest on investment of any portion of said fund.

2% to 4%
of firemen's
monthly
salary.

SEC. 12. That section 15 of chapter 196, Laws of 1919 (section 9573 of Remington's Compiled Statutes), be amended to read as follows:

Amends
§ 9573 Rem.
Comp. Stat.

Section 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 said board of trustees of the firemen's relief and pension fund, at the same time other levies of taxes are made as provided 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 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

City council
or commis-
sioners to levy
tax.

Fund ex-
hausted, loan
from general
fund.

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 the power to sell and dispose of any securities.

SEC. 13. That section 16 of chapter 196, Laws of 1919 (section 9574 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 9574 Rem.
Comp. Stat.

Section 16. Payment provided for in this act shall be made semi-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.

Payment to
be made
semi-monthly
on vouchers.

SEC. 14. That section 17 of chapter 196, Laws of 1919 (section 9575 of Remington's Compiled Statutes), be amended to read as follows:

Amends
§ 9575 Rem.
Comp. Stat.

Section 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 two per cent of such monthly salary during all the time such member may be in the employ of the fire department: *Provided, however*, That should the board of trustees of the firemen's relief and pension fund cause a tax to be levied pursuant to the provisions of section 15 of this act, the following amounts shall be deducted from the monthly salaries of all members of the fire department during the year in which said tax is levied: Two per cent of said monthly salary where the tax levy is less than one-half mill on each dollar of assessed valuation of property in such city or town, not exempt from taxa-

City auditor
or city
comptroller
to draw
warrants.

Salary
deductions
determined
by amount
of tax levy.

tion; four per cent of said monthly salary where said tax levy is one-half mill. 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.

SEC. 15. That section 18 of chapter 196, Laws of 1919 (section 9576 of Remington's Compiled Statutes), be amended to read as follows:

Amends
§ 9576 Rem.
Comp. Stat.

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

Funeral
expense.

SEC. 16. That section 19 of chapter 196, Laws of 1919 (section 9577 of Remington's Compiled Statutes), be amended to read as follows:

Amends
§ 9577 Rem.
Comp. Stat.

Section 19. That words "performance of duty and duties" whenever and wherever mentioned in this act, shall be held and construed to mean and include the performance of any work required in or about company quarters of any fire station or any other place under the direction or general orders of the chief, acting chief, or any officer having authority to so order such member to perform such work, working at or returning from an alarm of fire, drill, exercise or physical practice, responding to an alarm of fire when off duty in accordance with the rules and regulations of the fire department.

"Perform-
ance of duty
and duties"
defined.

SEC. 17. Nothing contained in this act shall affect, or be construed as affecting, the validity of any act done, obligation entered into or rights accrued, or any proceeding had or pending, under the act of which this act is amendatory.

Validity of
acts under
prior act.

SEC. 18. If any section or portion of this act shall be held to be unconstitutional and void, such

Saving
clause if part
held uncon-
stitutional.

holding shall not affect the remaining portions of the act.

Passed the Senate February 6, 1929.

Passed the House February 20, 1929.

Approved by the Governor March 7, 1929.

CHAPTER 87.

[S. B. 109.]

EMINENT DOMAIN COMMISSIONERS.

AN ACT relating to the compensation of eminent domain commissioners, and amending Section 9236 of Remington's Compiled Statutes of Washington.

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

SECTION 1. That section 9236 of Remington's Compiled Statutes of Washington be amended to read as follows:

Section 9236. All commissioners before entering upon their duties shall take and subscribe an oath that they will faithfully perform the duties of the office to which they are appointed, and will to the best of their abilities make true and impartial assessments according to the law. Every commissioner shall receive compensation at the rate of five dollars per day for each day actually spent in making the assessment herein provided for: *Provided*, That in any city of the first class the superior court of the county in which said city is situated may, by order duly entered in its record, fix the compensation of each commissioner in an amount in no case to exceed twelve and one-half dollars per day for each day actually spent in making the assessment herein provided for. Each commissioner shall file in the proceeding in which he has made such assessment his account, stating the number of days he has actually spent in said proceeding, and upon the ap-

Oath of office.

Compensation \$5.00 per day.

First class city \$12.50 per day.

Account showing number of days spent.