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CHAPTER 397.

AN ACT to create a pension fund for members of the police department in cities of the first class.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

Police pension fund created; one per cent. of license revenues.

SECTION 1. In all cities of the first class within this state, having a paid police department, one per cent. of all revenues collected or received by such cities from licenses issued by such cities, except dog licenses, shall be set apart by the common councils and comptrollers of such cities and retained and set apart by the treasurers of such cities for the pensioning of disabled and superannuated members of the police departments and of the widows and orphans of deceased members thereof, and the treasurers of such cities shall be ex-officio treasurers of such fund.

Monthly payments; rewards. SECTION 2. There shall also be paid into such fund by the members of such department at the time this act takes effect and by all members subsequently acquired the following sums, monthly, to-wit: patrolmen and linemen two dollars; sergeants two dollars and thirty cents; lieutenants, detectives, batteryman and secretary two dollars and sixty cents; assistant superintendent of police alarm and captains two dollars and eighty-five cents; inspectors three dollars and forty cents; chief four dollars and thirty cents; also all fines imposed on members for violation of the rules of the department, also all moneys deducted for the time lost by members on account of sickness, and one-half of all moneys received by the city from dog licenses. There shall also be paid and applied to said fund all rewards received and earned by members of such department and all moneys received from sales of unclaimed property.

Board of trustees; terms; officers. SECTION 3. The mayor, treasurer, city comptroller and chief of police and three active members of the police department shall constitute and be a

board by the name of the "Board of Trustees of the Police-men's Pension Fund." The three members of the board from the police department shall be elected annually by ballot at least three days before the annual election of officers is held; each member shall be entitled to vote for such three members of the board upon one ballot, and the three candidates receiving the highest number of votes shall be considered elected. The said board shall annually select from among their number a president and a secretary, and in case of a vacancy occurring during the term the same shall be filled by the board.

Duties and powers of board. SECTION 4. Said board shall have exclusive control and management of the fund mentioned in this act and all moneys donated, paid or assessed for the relief or pensioning of disabled, superannuated or retired members of the police department, their widows and children, the same to be placed by the treasurer of such city to the credit of such fund subject to the orders of such board. The said board shall make all needful rules and regulations for its government in the discharge of its duties and for the control of such fund; and shall hear and decide all applications for relief or pensions under this act. The board shall cause to be kept by its secretary a record of all its meetings and proceedings.

Permanent fund; income of. SECTION 5. All rewards in moneys, fees, gifts or emoluments that may be paid or given for or on account of any service of said police department, or any member thereof, except when allowed to be retained by said member by resolution of said board or given to endow a medal or other permanent competitive reward, shall be paid into said fund. The board may take by grant, gift, devise or bequest any money, real estate, personal property, right of property or other valuable thing, the annual income of which shall not exceed one hundred thousand dollars in the whole. And said money, real estate, personal property, right of property or other valuable thing so obtained shall be paid into said pension fund and treated as a part thereof for the use of said fund; provided, that the sum of two hundred thousand dollars when accumulated in said fund shall be retained as a permanent fund, and thereupon and thereafter the annual income may be made available for the use and purposes of such pension fund.

Funds may be invested, how. SECTION 6. The said board shall have power to draw such pension fund from the treasury of

such city and may invest such fund or any part thereof, in the name of the board in interest bearing bonds of the United States or of the state of Wisconsin or of any county, township or municipal corporation of said state; and all securities taken upon any such investment shall be deposited with the treasurer of such city as treasurer of said board and shall be subject to the order of said board.

Interest applied to payment of pensions; rate from licenses diminished. SECTION 7. The interest received from any such investment of funds after said fund shall have reached the sum of two hundred thousand dollars shall be applicable to the payment of pensions under this act. And when such interest shall become applicable it shall be competent for the council of such city to diminish such annual rate of one per cent. from licenses so that said income from licenses shall meet the requirements of the pension list as provided by this act.

Disabled members may be retired on half pay, when. SECTION 8. If any member of the police department while engaged in the performance of his active duty as such policeman be injured, and found upon an examination by a medical officer ordered by said board to be physically or mentally permanently disabled by reason of such injury so as to render necessary his retirement from service in such department, such board shall retire such disabled member from service; provided no such retirement on account of disability shall occur unless the member has contracted such disability within the hours of each day or night when he is required to be on active duty by the rules of the department or while he is engaged in the performance of "emergency duty" during his regular "off hours." Upon said retirement the board shall order payment to such retired member, monthly, from such pension fund a sum equal to one-half the monthly compensation allowed such member as salary at the date of his retirement.

Pensions to widows or minor children. SECTION 9. If any member of such police department shall while in the performance of his duty be killed or die as the result of an injury received in the line of his duty, as described in the preceding section, or if any member of such department, after fifteen years' service in such department, shall die from any cause whatever while in said service, or if any member shall die from any cause whatever after having been retired upon a pension

under the provisions of this act, and shall leave a widow or minor child or children under the age of sixteen years surviving, the said board shall direct the payment from said pension fund of the following sums, monthly, to-wit: To the widow of the chief of police, sixty dollars; to the widows of inspectors, fifty-five dollars; to the widows of captains and assistant superintendent of police alarm, fifty dollars; to the widows of lieutenants, detectives, secretary and batterymen, forty-five dollars; to the widows of sergeants, forty dollars; to the widows of patrolmen and linemen, thirty-five dollars; to the guardian of such minor child or children, six dollars for each child until it reaches the age of sixteen years; provided, however, that there shall not be paid to the family of a deceased member a total pension exceeding one-half the amount of the monthly salary of such deceased member at the time of his death, or, if a retired member, a sum exceeding one-half the amount of the monthly salary of such retired member at the date of his retirement; provided, further, that if a pensioner shall marry after his retirement from service and shall thereafter die, leaving a widow, such widow shall not be entitled to any relief or pension from such fund. If at any time there shall not be sufficient money in such pension fund to pay each person entitled to the benefits thereof the full amount per month as hereinbefore provided, then in that event an equal percentage of such monthly payments shall be made to each pensioner or beneficiary thereof until the said fund shall be replenished to warrant the payment in full to each of such beneficiaries.

After service of twenty-two years, members may be retired on half-pay. SECTION 10. Any member of the police department of any such city after having served twenty-two years or more in such department, may make application to said board to be retired from such department, or he may be retired by the said board of its own motion; in either of which case the said board shall order and direct that such member shall be paid a monthly pension of a sum equal to one-half the monthly compensation allowed such member as salary at the date of his retirement. The said board, upon the recommendation of the chief of police, shall have the power to assign any member retired or drawing pension to the performance of light duties in such department where in their judgment it shall be advisable. No person shall be entitled to receive any benefit from any such pension fund other than that prescribed by this act, and in no event shall any allowance be paid to any widow after her re-

marriage or to any minor child after it attains the age of sixteen years.

Duty of treasurer; bond. SECTION 11. The treasurer of the board shall be the custodian of said pension fund and shall secure and safely keep the same subject to the control and direction of said board, and shall keep his books and accounts concerning such fund in such manner as the board shall direct, and the said books and accounts shall always be subject to the inspection of said board or any member thereof. The treasurer shall, within ten days after his election or appointment, execute a bond to the city with good and sufficient sureties, to be approved by the board, and in a sum to be fixed by the board, conditioned for the faithful performance of the duties of his office, that he will safely keep and well and truly account for all moneys and property which may come into his hands as such treasurer, and that at the expiration of his term of office he will surrender and deliver over to his successor all unexpended moneys and all property that shall have come to his hands as treasurer of such fund. Such bond shall be filed in the office of the clerk of such city, and, in case of a breach of the same, or of the conditions thereof, suit may be brought on the same in the name of such city for the use of said board or of any person or persons interested in such breach.

Duty to draw warrants, when requested. SECTION 12. It shall be the duty of the mayor, or clerk, or comptroller, or other officer or officers of such city, who are or may be authorized by law to draw warrants upon the treasurer of such city, upon request made in writing by said board, to draw warrants upon the treasurer of such city payable to the treasurer of such board for all funds in the hands of the treasurer of such city belonging to said pension fund.

Warrants, how drawn; deposits in banks. SECTION 13. All moneys ordered to be paid from such pension fund to any person or persons shall be paid by the treasurer of said board only upon warrants signed by the president of the board and countersigned by the secretary thereof; and no warrant shall be drawn except by order of the board duly entered in the record of the proceedings of said board. In case the pension fund or any part thereof shall, by order of said board or otherwise, be deposited in any bank, or loaned, all interest or money which may be paid or agreed to be paid on account of any such loan or

deposit shall belong to and constitute a part of such fund; provided, that nothing herein contained shall be construed as authorizing said treasurer to loan or deposit said fund or any part thereof unless so authorized by the board.

Report annually. SECTION 14. The board of trustees shall make report to the council of said city of the condition of said pension fund at the first regular meeting of the council in the month of May in each year.

Pensions exempt from any legal process or proceeding. SECTION 15. No portion of said pension fund shall either before or after its order of distribution by such board to such disabled or superannuated members of said police department or to the widow or guardian of such minor child or children of a deceased member of such department be held, seized, taken subject to or detained or levied on by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or any process or proceeding whatever issued out of or by any court of this state, for the payment and satisfaction, in whole or in part, of any debt, damages, claim, demand or judgment against such member or his widow or the guardian of said minor child or children of any deceased member.

Additional powers conferred on board. SECTION 16. The board herein provided for shall in addition to other powers herein granted have power to compel witnesses to attend and testify before it upon all matters connected with the operation of this act in the same manner as is or may be provided by law for the taking of testimony before notaries public, and its president or any member of said board may administer oaths to such witnesses. The said board shall have power to appoint a clerk and provide for the payment from said fund of all its necessary expenses, including clerk hire and printing; provided, that no compensation or emolument shall be paid to any member of said board for any duty required or performed under this act.

Former funds, claims, and pensions unaffected. SECTION 17. In all cities of the first class having paid police departments in which prior to the passage of this act a pension fund has been created under existing laws and pursuant to which laws moneys have been collected and are now held by the proper officers of such Policemen's Pension Fund, all such funds either in money or securities shall immediately upon the passage of this act be

paid over and transferred to the proper officers mentioned and provided for in this act, who shall have power to receive, sue for and collect the same, and such funds shall be devoted to the purposes herein mentioned and prescribed. All pensions heretofore provided for in cities of the first class by the officers or board of such policemen's pension fund shall be continued pursuant to the provisions of law existing at the time such pensions were ordered and provided for. Any pending or ungranted claim heretofore existing or made for a pension on or out of any policemen pension fund heretofore existing, is hereby continued, and, if established or allowed, shall be paid out of the fund herein provided for pursuant to the provisions of law existing at the time such claim arose.

Conflicting laws repealed. SECTION 18. The provisions of this act shall be amendatory of the charter of all cities of the first class in this state containing a population of one hundred and fifty thousand inhabitants and any provision in any such charter in conflict herewith is hereby superseded, and the provisions of any act or law now in force or effect so far as they conflict with the provisions of this act are hereby repealed; provided, however, that this act shall in no way effect or apply to the provisions of any act or law in reference to another department in any of said cities.

SECTION 19. This act shall take effect and be in force from and after its passage and publication.

Approved May 21, 1903.