

No. 14, S.]

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CHAPTER 87.

AN ACT to amend sections 1 to 11 inclusive of chapter 165, laws of 1903 as amended, relating to a pension fund for members of the fire department in cities of the first class.

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

Fireman's pension fund set apart. SECTION 1. Sections 1 to 11 inclusive of chapter 165, laws of 1903, as amended by chapter 300, laws of 1905, is amended to read as follows: Section 1. In all cities of the first class within this state * * * two-thirds of all sums collected or received by the treasurers of such cities, under requirements of the charters of such cities relating to and providing for the taxation of fire insurance companies or agents, shall be *and the same is hereby* set apart * * * *and constituted a firemen's pension fund in the hands of the treasurers of such cities for the purpose of pensioning the hereinafter described disabled and superannuated members of the fire department and their beneficiaries hereinafter mentioned. The city council and comptroller of said city shall set apart said fund for such purpose. All members of such fire department may come in under this act as amended by acquiescence therein or payments made thereunder and thereafter their rights shall in all respects be governed by the provisions hereof.*

Percentage of fireman's salary payable. SECTION 2. There shall also be paid into such fund by each and every member hereinafter described of such department, * * * *whether such person be now a member or become a member hereafter, during * * * his term of service, * * * two and one-half per cent of * * * his monthly salary as such member, and there shall also be paid into such fund all fines imposed on any member or members of said fire department for violations of the rules of the department, and also all money deducted for time lost by members on account of sickness.*

Election of firemen's representatives; treasurer of fund. SECTION 3. The mayor, city treasurer, city comptroller, the chief engineer, and three active members of the fire department

shall constitute and be a board by the name of the board of trustees of the firemen's pension fund. The three members of the board from the fire department shall be elected annually by ballot * * * *upon a day or days fixed by resolution of said board at least thirty days in advance of such election and such election shall take place at least three days before the annual election of officers is held.* Each member of the fire department 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. *Counting and canvassing votes and conduct of election to be regulated by by-law of the board.* The said board shall annually select from among their number a president and a secretary, and in case of a vacancy * * * *in said offices last named or in the board occurring during the term, the same shall be filled by the board.* *The city treasurer shall be ex-officio treasurer of said pension fund, shall be entitled in his official name to sue for and recover all loans or moneys wrongfully withheld by any person.*

The board may decide questions of fact. SECTION 4. Said board shall have exclusive control and management of the fund mentioned in this act and of all * * * *moneys* donated, paid or assessed for the relief or pensioning of disabled, superannuated or retired members of the fire department and their * * * *beneficiaries hereinafter mentioned,* 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 the 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 questions of fact arising upon applications for pensions under this act.* The board shall cause to be kept by its secretary a record of all its meetings and proceedings.

Permanent fund defined. 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 fire 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 said 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 when the sum of two hundred thousand dollars has been accumulated in said fund *over and above all moneys paid out for benefits* it shall be retained as a permanent fund and thereafter the annual income therefrom may be made available for the use and purposes of such pension fund.

Securities of fund deposited with city treasurer. 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 said 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 * * * *city treasurer as treasurer of such firemen's pension fund* subject to the order of said board

Rate of taxation to supply fund. 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 two-thirds of the tax on fire insurance *companies or agents but not so that said income from said tax together with the other funds mentioned in this act shall* * * * *be insufficient to meet the full requirements of the pension list as provided by this act.*

Pensions after ten years upon retirement or discharge. SECTION 8. If any member of the fire department * * * *while contributing to such fund shall, while engaged in the performance of his duties as such fireman, be injured * * * or disabled from any cause, or if any such contributing member after ten years' service in such department shall be injured or disabled from any cause whatever, said board shall order said member to be examined by a duly licensed physician appointed by said board, and if such member is found upon such examination to be physically or mentally permanently disabled* * * * *so as to render necessary his retirement from service in such department, such board shall retire such disabled member from*

service; * * * and upon * * * such retirement the said board shall order payment to such retired member monthly from such pension fund of a sum equal to one-half the monthly compensation allowed such member as salary at the date of his * * * injury or disability, or if any such member disabled to the extent aforesaid under the conditions aforesaid be thereafter discharged, such discharged person shall receive a pension according to the above provisions.

Retirement; motherless orphans; dependent daughters.

SECTION 9. If any member of such fire department *while contributing to such fund*, shall, while *engaged* in the performance of his * * * duties, be killed, or die as the result of an injury or exposure received in the line of * * * duty or as the result of any disease contracted by reason of his * * * duties in said department, or if any contributing member * * * after * * * ten years' service in such department, shall die from any cause * * * while a member or during said retirement mentioned in section 8 hereof or after said retirement or after retirement after twenty-two years' service and shall leave a widow or minor child or children under eighteen years of age, * * * or if there be no widow and there shall be any minor child or children or dependent daughter, or being unmarried shall leave a dependent father or mother, the said board shall direct the payment from said pension fund of the following sums monthly, to-wit: to the widow of the chief engineer of the department, sixty dollars; to the widows of the assistant chief engineers and assistant superintendent of fire alarm telegraph, fifty-five dollars; to the widow of the superintendent of machinery and apparatus, fifty dollars; to the widow of any captain, engineer, pilot or * * * secretary forty-five dollars; to the widow of any lieutenant, assistant engineer * * * or fireman, forty dollars; to the * * * widows of * * * all * * * other contributing members thirty-five; to the guardian of such minor child or children, *while widow is living*, six dollars for each child until it reaches the age of eighteen years; *to the guardian of such minor child or children where there is no widow surviving or where the widow dies before such child reaches the age of eighteen years the amount the widow would have been entitled to until such child reaches the age of eighteen years;* to the dependent daughter, father or mother *in case where there is no widow (but in any case only to one of them)* * * * the amount * * * a widow would be entitled to * * *

in the particular case. Provided, however, that there shall not be paid to the family of a deceased member a total pension *in any case* exceeding one-half of the amount of the monthly salary of such deceased member at the time of his death, or if a retired member, a sum not exceeding one-half 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 fund to pay each person entitled to * * * benefits thereof the full amount per month as hereinbefore provided, then and in that event a * * * *pro rata amount* of such monthly payments shall be made to each pensioner or beneficiary thereof until the said fund shall be replenished *so as* to warrant the payment in full to each of such beneficiaries *of the sums herein provided for.*

Pensions upon discharge; marriage of daughters. SECTION 10. Any *contributing* member of the fire department of any such city having served twenty-two years or more in such department, may make application to said board to be retired from such department, * * * the said board *after receiving such application* shall *within sixty days* order and direct that * * * *such* member shall be paid a monthly pension * * * equal to one-half of the monthly compensation allowed such member as salary at the date * * * of such application; or if any member shall be discharged after serving twenty-two years or more, the said board shall order and direct that such discharged person shall be paid a monthly pension equal to one-half the monthly compensation allowed such member as salary at the date of his discharge. The said board upon the recommendation of the chief engineer shall have the power to * * * retire any superannuated member of such department; such member so retired shall receive a monthly pension equal to one-half the monthly compensation allowed such member as salary at the date of his retirement. No person shall be entitled to receive any benefit from any such fund other than that prescribed by this act and in no event shall any allowance be paid to any widow * * * or daughter who marries after the death of the member through whom she is entitled to a pension, * * * nor to any minor child after it attains the age of eighteen years, nor to any dependent daughter, mother or father except during such time as she or he shall continue to be dependent.

Beneficiaries; police service. Section 11. This act shall apply to all *present or hereafter contributing* members of the fire department, *whether now members or hereafter becoming members* except the * * * *veterinary surgeon, stenographer and emergency appointments*, and shall be applicable to * * * *contributing* members of such department who may have served for a period of * * * *twelve years or upwards* * * * as members of the police department of * * * *the same city* * * * *and who thereafter become contributing members of the fire department, and all such persons shall be entitled to all the benefits secured by this act.* All retiring firemen or the widows, parents, children or executors of any deceased fireman now drawing pensions under chapter 379 of the laws of *Wisconsin for 1895* shall continue to receive monthly the same sums as they are now receiving and such sums shall hereafter be paid to them by the treasurers of such cities as provided by said chapter 379 * * * *laws of 1895 and they do not come within this act.*

SECTION 2. Chapter 165, laws of 1903, as amended by chapter 300, laws of 1905, is continued in force only as to all existing rights and contract obligations acquired thereunder and not waived by consent as herein specified but for all other purposes is amended as heretofore set forth.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 8, 1907.