

No. 217, S.]

[Published May 6, 1903.

CHAPTER 165.

AN ACT to create 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:

Pension fund created. SECTION 1. In all cities of the first class within this state having paid fire departments 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 set apart by the common council 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 fire 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; fines. SECTION 2. There shall also be paid into such fund by each and every member of such department, at the time this act takes effect and by all members subsequently acquired, during their term of service the following sums monthly, to-wit: Pipemen, truckmen, linemen and drivers, two dollars; lieutenants, assistant engineers, and firemen, two dollars and thirty cents; captains, engineers, and pilots and secretary, two dollars and sixty cents; superintendents of machinery and apparatus, two dollars and eighty-five cents; assistant chief engineers, and assistant superintendents of fire alarm telegraph, three dollars and forty cents; chief engineer, four dollars and thirty cents; also all fines imposed on members for violations of the rules of the department, and all moneys deducted for time lost by members on account of sickness.

Board of trustees; officers. SECTION 3. The mayor, 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 depart-

ment 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.

Powers conferred. SECTION 4. Said board shall have exclusive control and management of the fund mentioned in this act and all money donated, paid or assessed for the relief or pensioning of disabled, superrannuated or retired members of the fire 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 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 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.

Rewards, gifts; permanent fund when. 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 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.

Investments, how made. 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 treasurer of said board and shall be subject to the order of said board.

Interest to apply in payment of pensions. 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 agents so that said income from said tax shall meet the requirements of the pension list as provided by this act.

Pension for disabled firemen. SECTION 8. If any member of the fire department, being a beneficiary of such fund, shall, while engaged in the performance of his duty as such fireman, 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 service in such department 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 while in the active service of such department. Upon said retirement the said 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, etc. SECTION 9. If any member of such fire 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 or any disease contracted by reason of his occupation, or if any member of such department, after fifteen years' service in such department, 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 sixteen years of age surviving, or being unmarried shall leave a dependent father, mother or sister, 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 superin-

tendent of machinery and apparatus, fifty dollars; to the widow of any captain, engineer, pilot and secretary, forty-five dollars; to the widow of any lieutenant, assistant engineer and fireman, forty dollars; to the widow of any pipeman, truckman, lineman and drivers, 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; to the dependent father or mother, and to the dependent sister (while unmarried), in any case only to one of them, such sums as the widow would be entitled to as aforesaid; 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 not exceeding one-half the amount of the monthly salary of such retired member at the date of his retirement; provided, however, 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 the benefits thereof the full amount per month as hereinbefore provided, then and 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.

Retired firemen's pensions. SECTION 10. Any 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 or he may be retired by the said board of its own motion; in either 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 engineer shall have the power to assign any member retired or drawing a pension to the performance of light duties in such department when in their judgment it shall be advisable. 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 after her remarriage or to any minor child after it attains the age of sixteen years.

Persons eligible to benefits, who are. SECTION 11. This act shall apply to all members of the fire departments, except the

secretaries and the operators in the fire alarm service, who are now or who shall hereafter become members of any such fire departments. And all such persons shall be eligible to the benefits secured by this act. And all retired firemen, or the widows, parents, children or executors of any deceased firemen now drawing pensions under chapter 379 of the laws of 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 of the laws of 1895.

Duties of treasurer; bond. SECTION 12. 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 said fund in such a 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 securities 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 successors 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 said city for the use of said board, or of any person or persons interested in such breach.

Duty to draw warrant. SECTION 13. It shall be the duty of the mayor, or the president of the board of trustees, or clerk, or comptroller, or other officer or officers of said 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; deposits. SECTION 14. 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. SECTION 15. The board of trustees shall make report to the council of said city of the condition of said pension fund on the first Monday of May in each year unless the same be a legal holiday, when said report should be made as soon thereafter as possible.

Pension exempt from process of all kinds. SECTION 16. No portion of said pension fund shall either before or after its order of distribution by such board to such disabled members of said fire department or to the widow or guardian of such minor child or children of a deceased or retired 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 said widow or the guardian of said minor child or children of any deceased member; but the said fund shall be sacredly held, kept, secured and distributed for the purpose of pensioning the persons named in this act, and for no other purpose whatever.

Additional powers conferred. SECTION 17. 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.

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 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, except as provided in section 11 of this act, provided, however, that this act shall in no way affect or apply to the provisions of any law in reference to any other department in any of said cities.

Pension funds to be transferred. SECTION 19. In all cities of the first class having paid fire 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 firemen's pension fund, all such funds either in money or securities shall immediately upon the passage of this act be paid over to 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 firemen's pension fund shall be continued pursuant to the provisions of laws existing at the time such pensions were ordered and provided for.

SECTION 20. This act shall take effect and be in force from and after its passage and publication.

Approved May 4, 1903.