

first day of January, 1919, unless the runners shall measure from center to center four feet and six inches.

2. Any person, firm, or corporation violating any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than twenty-five dollars.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 10, 1917.

No. 224, A.]

[Published July 12, 1917.]

CHAPTER 606

AN ACT to create sections 959—46ua to 959—46uo, both inclusive, of the statutes, relating to pensions of disabled, superannuated or retired employes in cities of the first class.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There are added to the statutes sections 959—46ua to 959—46uo, both inclusive, to read: Section 959—46ua. In every city of the first class, the common council may make provision annually for the pension of disabled, superannuated or retired employes who are classed as civil service employes of departments of said municipality, which said departments are classed as being regulated by the public utility act.

Section 959—46ub. SOURCES OF PENSION FUND. For the purpose of establishing a permanent pension fund, said common council shall cause to be set apart and to be retained and set apart from the treasury of such cities all surplus earnings of said department, not to exceed in all, however, the sum of one hundred thousand dollars, except as herein provided.

Section 959—46uc. BOARD OF TRUSTEES. The mayor, treasurer, city comptroller, president of the common council, the superintendent or chief officer of such department of any such city, shall constitute and be a board by the name of the board of trustees of such department fund of the city of That the said board shall, on the fourth Tuesday of April of each year, convene at the mayor's office at two o'clock in the afternoon and select from among their number a president, vice president and a secretary, and in case of vacancy occurring during the term, the vacancy shall be filled by the board. The said treasurer shall be ex officio treasurer of said board and shall be custodian of said fund and shall be liable therefor on his bond as for other moneys officially in his possession. He shall keep books and accounts concerning such fund in such a manner as the said board

shall direct, and the said books and accounting concerning said fund shall always be subject to the inspection of said board or any member thereof.

Section 959—46ud. **TRUSTEES' POWERS AND PROCEEDINGS.** Said board shall have exclusive control of the management of said fund mentioned for the relief and pensioning of disabled, superannuated or retired employes of said department of such cities. The said board shall make all needful rules and regulations for their government in the discharge of their duties and for the control of such fund; it shall hear and discharge all applications for pensions under sections 959—46ua to 959—46uo of the statutes. The board shall cause to be kept by its secretary a record of all its meetings and proceedings.

Section 959—46ue. **INVESTMENT IN BONDS: CUSTODIAN OF SECURITIES.** The said board of trustees shall have power to withdraw said fund from the city treasury and to cause the same or any part thereof to be invested and from time to time reinvested in the name of the city in interest-bearing bonds of the United States or of the state of Wisconsin, or any county, township or municipal corporation of said state; and all the securities taken upon any such investment shall be deposited with the treasurer of the city together with any interest and gains derived therefrom and shall be subject to the order of said board for the purpose herein stated.

Section 959—46uf. **OPERATING FUND.** All gifts, emoluments and interest and gains of the pension fund shall be credited to a fund known and designated as a special relief fund for said department and constitute a part thereof, and any sum of said special relief fund in excess of fifty thousand dollars so held shall be returned to such department and used in such fund or funds as though this law had no effect. All fines and penalties assessed and collected by any such department shall be credited to and become a part of said special relief fund.

Section 959—46ug. **APPLICATION FOR PENSIONS.** The said board shall, in accordance with such needful rules and regulations as it may establish therefor, hear and discharge all applications for relief or pension under this chapter.

Section 959—46uh. **WARRANTS FOR MONEY BELONGING TO FUND.** It shall be the duty of the president of the board of trustees, or comptroller or other officer or officers of any such city, to draw or cause to be drawn warrants upon the treasury thereof upon request, in writing, by said board, for all funds in the hands of the treasurer of such city, belonging to said pension or its operating fund.

Section 959—46ui. **DISABLED EMPLOYEES, RETIRED WITH PENSION.** If any employe in said department, who has served twenty years or more in such department, whether or not the same was at all times under the public utility act, while engaged in the performance of his active duties, be injured and found upon examination by three medical officers selected by the board of trustees, to be permanently disabled, by reason thereof to render his retirement necessary from the service, he shall be so retired. Upon such retirement, the board shall order payment to such retired employe monthly of a sum equal to one-half of the average monthly compensation paid such person for the preceding three years of his service.

Section 959—46uj. **IF NOT SUFFICIENT AMOUNT IN TREASURY.** If at any time there shall not be sufficient money to pay each employe entitled to benefits thereof the full amount as herein provided, then and in that event an equal percentage of such monthly payment shall be made to each pensioner thereof until said fund shall be replenished to warrant payment in full of each of such beneficiaries.

Section 959—46uk. **PENSION FOR THIRTY YEARS' SERVICE; CERTAIN LIMITATIONS.** Any employe of such department of any such city, after having served thirty years or more in such department, whether or not the same was at all times under the public utility act, may make application to said board to be retired from such department, or he may be retired by said board of its own motion as herein provided: in either of which cases of retirement the said board shall, if the board is of the opinion that such person has become incapacitated or inefficient to perform his active duties in the service of such department and it is deemed for the good of the service of such department to retire such person, order and direct that such person be retired and paid a monthly pension of a sum equal to one-half of the average monthly compensation paid such person for the preceding three years of his service; or if any person shall be discharged after serving in such department thirty years or more, the said board shall order and direct that such person shall be paid such monthly pension computed as aforesaid the same as if retired as aforesaid, unless such person is discharged for a good and sufficient cause, which cause shall not include any of the reasons for which a pension may be granted, or is guilty of an infraction of the laws of the state and found guilty thereof. No person shall be entitled to receive any benefit from any such pension fund other than prescribed by this act.

Section 959—46ul. **PENSION EXEMPT FROM LEGAL PROCESS.**

No such money due or to become due to any pensioner created in this chapter shall be liable to attachment, levy or seizure by or under legal or equitable process whatever, whether the same remains with the city treasurer, or his agents, or is in course of transmission to the pensioner entitled thereto or in possession of the pensioner, but shall enure wholly to his benefit.

Section 959—46um. COMPULSORY PROCESS FOR WITNESSES: CLERK HIRE AND PRINTING. Said 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 sections 959—46ua to 959—46uo, 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 of all necessary expenses, including clerk hire and printing, from said fund; provided that no compensation or emolument shall be paid to any member of said board for any duty required or performed.

Section 959—46un. AMENDATORY OF CITY CHARTERS. The provisions of sections 959—46ua to 959—46uo shall be amendatory of the charters of all cities of the first class in this state; and any provisions in any such charters in conflict with sections 959—46ua to 959—46uo are hereby superseded and the provisions of any act or law now in force or effect, so far as they conflict with the provisions of sections 959—46ua to 959—46uo are repealed; provided, however, that sections 959—46ua to 959—46uo shall in no way affect or apply to provisions of any act or law in reference to another department in any of said cities.

Section 959—46uo. WORKMEN'S COMPENSATION. Sections 959—46ua to 959—46uo and the provisions thereof shall not be construed as in any way abrogating or repealing chapter 110a of the laws of 1915, termed "Workmen's Compensation and Industrial Commission" or any act or provision thereof; provided, however, that if any such person in case of disability receive a pension as provided for in section 959—46ui, he shall not be entitled to receive any of the benefits of said Workmen's Compensation Act.

SECTION 2. This act shall take effect upon passage and publication.

Approved July 10, 1917.