

No. 894, A.]

[Published July 18, 1907.]

CHAPTER 670.

AN ACT to create sections 35—1 to 35—13, inclusive, of the statutes, relating to nominations and elections in all cities adopting the same.

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

SECTION 1. There are added to the statutes thirteen new sections to read:

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Approved July 16, 1907.

(In effect from and after date of publication.)

No. 252, S.]

[Published July 18, 1907.]

CHAPTER 671.

AN ACT to create sections 925—52h, 925—52i, 925—52j, 925—52k, 925—52l, 925—52m, 925—52n, 925—52o, 925—52p, 925—52q, 925—52r, 925—52s, 925—52t, 925—52u, and 925—52v, of the statutes, relating to pensions for members of the police department in cities of the second and third 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 fifteen new sections to read:

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SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved July 16, 1907.

(d) To issue bonds for doing such dredging and docking and the purchasing and establishing of public docks and the making of such other harbor improvements as such city may do or make.

(Ch. 190, 1907.)

Public meetings in city school houses and grounds. [SECTION 925—52.] 70. School houses and grounds appurtenant thereto, under the direction of the proper school authorities, may be used for public meetings of a social and educational nature in addition to the purposes for which such buildings are now authorized to be used.

(Ch. 244, 1907.)

City council's powers: bill boards. [SECTION 925—52.] 71. To license and regulate bill boards and may limit the size and determine the location thereof.

(Ch. 302, 1907.)

Cities, second and third class: police pensions. SECTION 925—52h. In every city of the second or third class in this state, however incorporated, the common council shall make provision annually and from time to time as may be needed for the pensioning of disabled and superannuated members of police departments and the widows and orphans of deceased members thereof.

(Ch. 671, 1907.)

Sources of pension fund. SECTION 925—52i. For the purpose of establishing a permanent police pension fund said common councils shall cause to be set apart and to be retained and set apart by the treasurers of such cities all moneys received from dog licenses and one per cent. of all moneys received from all other licenses. There shall be deducted from the monthly pay of each member of the police department a sum equal to one per cent. of such monthly pay, which shall be added to such fund; also all moneys deducted for time lost by members on account of sickness; and there shall also be paid and added to said fund all rewards earned and received by members of such departments, and all moneys received from sales of unclaimed property; and any and all moneys and

property of every nature devised, bequeathed or donated there-to.

(Ch. 671, 1907.)

Board of trustees: police representation, officers, accounts. SECTION 925—52j. The mayor, treasurer and city comptroller, when no comptroller the city clerk, the chief of police and three active members of the police department of any such city, shall constitute and be a board by the name of the board of trustees of the policemen's pension fund of the city of 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 the officers is held. Each member of such police 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 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. The city treasurer shall be ex officio treasurer of said board and shall be custodian of said fund and shall be liable therefor upon his bond as for other moneys officially in his possession. He shall keep books and accounts concerning such funds in such a manner as the said board shall direct, and the said books and accounts concerning said funds shall always be subject to the inspection of said board or any member thereof.

(Ch. 671, 1907.)

Trustees' powers and proceedings. SECTION 925—52k. Said boards 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, superannuated or retired members of the police departments of such cities, their widows and children, shall be placed by the treasurers of such cities to the credit of such fund subject to the order of such boards. The said boards shall make all the needful rules and regulations for their government in the discharge of their duties and for the control of such funds; and shall hear and decide all applications for pensions under this act. Each board shall cause to be kept by its secretary a record of all its meetings and proceedings.

(Ch. 671, 1907.)

Investment in bonds; custodian of securities. SECTION 925—52l. The said boards 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 re-invested in the name of the city 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 investments 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 the said board for the purposes of this act.

(Ch. 671, 1907.)

Rewards and gifts of property as sources; permanent fund. SECTION 925—52m. All rewards in moneys, fees, gifts or emoluments that may be paid or given for on account of any service of said police departments, or any member thereof, except when allowed to be retained by said member by resolution of said boards, or given to endow a medal or other permanent competitive reward, shall be paid into said fund and constitute a part thereof. The said boards may take by grant, gift, devise or bequest, any money, real estate, personal property, right of property or other valuable thing the amount or value of which shall not exceed fifty thousand dollars. And said money, real estate, personal property, right of property or other valuable thing so obtained shall be paid into said fund and treated as a part thereof for the use of said funds; provided, that when the sum of fifty thousand dollars has been accumulated in any of said funds, from any source, it shall be retained as a permanent fund, and thereafter the annual income therefrom in addition to the other sums received for said purposes, shall be available for the use and purposes of such pension fund, and until any of such funds shall amount to the sum of fifty thousand dollars the principal and interest derived therefrom may be used for the payment of pensions provided for by this act.

(Ch. 671, 1907.)

Applications for pension. SECTION 925—52n. The said board shall, in accordance with such needful rules and regulations as it may establish therefor, hear and decide all applications for relief or pensions under this act.

Warrants for moneys belonging to fund. SECTION 925—52o. It shall be the duty of the mayor or president of the board of trustees or city clerk or comptroller or other officer or officers of any of said cities 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 board for all funds in the hands of the treasurer of such city belonging to said pension fund.

(Ch. 671, 1907.)

Disabled policemen: retirement with pensions. SECTION 925—52p. If any member of the police department while engaged in the performance of his active duty as such policeman be injured and found upon 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 of a sum equal to one-half the monthly compensation allowed such member as salary at the date of his retirement.

(Ch. 671, 1907.)

Pensions to widows and orphans; marriages; part payments. SECTION 925—52q. 1. 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 ten years' service in such department shall die from any cause whatever while in the 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, a sum equal to one-third of the monthly pay of the deceased member at the time of his death; to the

guardian of such minor child or children, six dollars for each child until it reach the age of sixteen years.

2. In case of the re-marriage or death of the widow, then the amount that she may be entitled to by the provisions of this act shall be paid to and for the benefit of such minor child or children of the deceased father as are under the age of sixteen years.

3. There shall not be paid to the family of a deceased member a total pension 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 exceeding one-half 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.

4. 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 said fund shall be replenished to warrant the payment in full to each of such beneficiaries.

(Ch. 671, 1907.)

Pensions after twenty-two years service: certain limitations. SECTION 925—52r. 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 cases the said board shall order and direct that such member shall be paid a monthly pension of a sum equal to one-half of the monthly compensation allowed such member as salary at the date of his retirement; or, if any member shall be discharged after serving twenty-two years or more, the said board shall order or direct that such person shall be paid a monthly pension equal to one-half the monthly compensation allowed to such member as salary at the date of his discharge. 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 any widow after her re-marriage, or to any minor child after it attains the age of sixteen years.

(Ch. 671, 1907.)

Pensions exempt from legal process. SECTION 925—52s. No sum of money due or to become due to any pensioner under this act shall be liable to attachment, levy or seizure by or under any legal or equitable process whatever, whether the same remains with the city treasurer or his agent, or is in course of transmission to the pensioner entitled thereto, or is in the possession of the pensioner, but shall inure wholly to the benefit of such pensioner.

(Ch. 671, 1907.)

Compulsory process for witnesses; clerk hire and printing. SECTION 925—52t. Said boards 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 shall provide for the payment of all its necessary expenses, including clerk hire and printing, from said funds, provided that, no compensation or emolument shall be paid to any member of said board for any duty required or performed under this act.

(Ch. 671, 1907.)

Old funds, pensions and claims, to be transferred to new fund. SECTION 925—52u. In all cities of the second or third classes 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 any 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 second, third or fourth class by the officers or board of any 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's 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.

(Ch. 671, 1907.)

Sections 925—52h to 925—52v, inclusive, amendatory of city charters. SECTION 925—52v. The provisions of this act shall be amendatory of the charters of all cities of the second or third class in this state, and any provisions in any such charters in conflict herewith are hereby superceded, 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 repealed; provided, however, that this act shall in no way affect or apply to the provisions of any act or law in reference to another department in any of said cities.

(Ch. 671, 1907.)

Claims against cities under general law; tort cases. SECTION 925—58. No action shall be maintained by any person against any city organized under the provisions of this chapter upon any claim or demand of any kind or character whatsoever, until he shall have first presented his claim or demand to the council for allowance and the same shall have been disallowed in whole or in part; provided, that the failure to pass upon such claim or demand within sixty days after its presentation shall be deemed a disallowance thereof; *provided further that on appeal from the disallowance in whole or in part of any claim or demand founded upon tort no bond shall be required to perfect the appeal.*

(Ch. 663, 1907.)

Deposits with bids: certified check. SECTION 925—90a. In all such cities wherein parties bidding on or submitting proposals for doing public work, are required by law or ordinance to deposit a certain amount of money as a guaranty of good faith, a certified check for the amount payable to the