

No. 452, A.]

[Published June 14, 1907.

CHAPTER 213.

AN ACT to create section 4281m of the statutes relating to renewal of sureties on bonds and undertakings.

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

SECTION 1. There is added to the statutes, a new section to read:

* * * * *

Approved June 13, 1907.

(In effect July 1, 1907.)

No. 121, A.]

[Published June 14, 1907.

CHAPTER 214.

AN ACT to create sections 959—46e to 959—46u, inclusive, statutes of 1898, creating a pension fund for members of the fire department in cities of the second, third and fourth 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 of 1898 seventeen new sections to read:

* * * * *

SECTION 2. This act shall take effect and be in force from and after January 1st, 1908.

Approved June 13, 1907.

(4). Whenever any person against whom charges are made, shall be convicted, and the board shall decide to remove such person, such removal shall be made by an order to the effect to be entered in the records of said board.

(5). The decision of the board on all charges made against members of said departments shall be final and conclusive.

(6). No chief officer or member of either department shall be deprived of any salary or wages for the period of time he may be suspended pending an investigation.

(7). Further rules and regulations for the investigation of charges made against any member of said departments may be adopted by the board.

(Ch. 61, 1907.)

Cities, 2nd, 3rd and 4th class: firemen's pension fund.

SECTION 959—46e. In all cities of the second, third and fourth class within this state, having paid fire departments one-half of all sums collected or received by the treasurers of such cities, under the requirements of any law of this state or of the charter of any such city 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, which shall be and constitute a pension fund to be used for the pensioning of disabled and superannuated members of the fire departments, and the widows and orphans of deceased members thereof, and the treasurers of such cities shall be ex-officio treasurers of such funds.

(Ch. 214, 1907.)

Firemen's contributions. SECTION 959—46f. There shall also be paid into such funds, and shall constitute a part thereof for said purposes, by each and every member of such departments, at the time this act takes effect, and by all members subsequently acquired, during their term of service, the following sums monthly, to-wit: One per cent of their monthly salaries, 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.

(Ch. 214, 1907.)

Board of trustees; firemen's representatives therein.

SECTION 959—46g. The mayor, treasurer and city comptroller,

when no comptroller the city clerk, the chief engineer and three active members of the fire department of any such city, shall constitute and be a board by the name of the board of trustees of the firemen's pension fund of the city of The three members of the board from the fire department shall be elected annually, by ballot, at least three days before the annual election of the officers is held. Each member of such 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 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.

(Ch. 214, 1907.)

Trustees' power and duties. SECTION 959—46h. Said boards 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 fire 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. 214, 1907.)

Rewards, and gifts of property, as sources; permanent fund. SECTION 959—46i. All rewards in moneys, fees, gifts or emoluments, that may be paid or given for or on account of any service of said fire 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 funds, 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 pen-

sion funds 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. 214, 1907.)

Bond investments and securities. SECTION 959—46j. The said boards shall have power to draw such pension funds from the treasury of such cities and may invest such funds or any part thereof, in the name of said boards, 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 any such city as treasurer of said board, and shall be subject to the order of any said board.

(Ch. 214, 1907.)

Interest of permanent fund; fire insurance source to be replaced by. SECTION 959—46k. The interest received from any such investment of funds, after said funds shall have reached the sum of fifty 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-half 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.

(Ch. 214, 1907.)

Disabled firemen; retirement or discharge pensions. SECTION 959—46l. If any member of a fire department, while contributing to any such fund, shall, while engaged in the performance of his duty as such fireman, be injured or disabled, and found upon an examination by a duly licensed physician ordered by said board, to be physically or mentally permanently disabled so as to render necessary his retirement from service in such department, such board shall retire such dis-

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

(Ch. 214, 1907.)

Widows' and orphans' pensions; marriages; part payments. SECTION 959—46m. 1. If any member of such fire department shall, while in the performance of his duty, be killed, or die as the result of any injury received in the line of his duty, or any disease contracted by reason of his occupation, or if any member of any such departments, after ten years of service, shall die from any cause whatever, and shall leave a widow or minor child or children, under sixteen years of age surviving, or being unmarried shall leave a dependent father or mother, the board of any such city shall direct the payment from such pension fund, of the following sums monthly. to-wit:

(a) To the widow one-third of the salary received by the deceased fireman at the date of his death.

(b) To the guardian of such minor child or children, six dollars for each child until it reaches the age of sixteen years.

(c) To the dependent father or mother in any case only to one of them, such sums as the widow would be entitled to as aforesaid.

2. In the case of the remarriage or death of the widow, then the amount 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 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 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 a 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. 214, 1907.)

After twenty years' service; limit of benefits. SECTION 959—46n. 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, 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. No person shall be entitled to receive any benefit from any such funds 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.

(Ch. 214, 1907.)

Who eligible. SECTION 959—46o. This act shall apply to all members of fire departments of said cities receiving a monthly compensation for their services.

(Ch. 214, 1907.)

Care of fund and accounting; treasurer's bond. SECTION 959—46p. The treasurers of said boards shall be the custodians of said pension funds and shall secure and safely keep the same subject to the control and direction of said boards, and shall keep books and accounts concerning said funds in such a manner as the boards shall direct, and the said books and accounts shall always be subject to the inspection of said boards or any member thereof. The treasurer of any said cities 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 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 any of its conditions, 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.

(Ch. 214, 1907.)

Trustees' requests for payments from city. SECTION 959—46q. 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 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.

(Ch. 214, 1907.)

Procedure of pension payment; interest a part of fund. SECTION 959—46r. All moneys, ordered to be paid from any such pension fund to any person or persons, shall be paid by the treasurers of said board only upon warrants signed by the president 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 the treasurers to loan or deposit said funds or any part thereof unless so authorized by the board.

(Ch. 214, 1907.)

Trustees' annual report. SECTION 959—46s. The board of trustees shall make a report to the councils of said cities 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 shall be made as soon thereafter as possible.

(Ch. 214, 1907.)

Pensions exempt from seizure for debt. SECTION 959—46t. No portion of said pension fund shall, either before or after its order of distribution by such pension boards to any disabled members of said fire departments 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, garnishment, writ, interlocutory or other order or decree or any process or proceeding whatsoever, issued out of, or by any court of this state, for the payment or 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 kept, held, secured and distributed for the purpose of pensioning the persons named in this act, and for no other purpose whatever.

(Ch. 214, 1907.)

Compulsory processes for testimony; clerk hire and printing. SECTION 959—46u. The boards herein provided shall, in addition to other powers herein granted, have power to compel witnesses to attend and testify before them 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 any testimony before notaries public, and the president or any member of any of said boards to administer oaths to such witnesses. The said boards shall have power to appoint a clerk and provide for the payment from said funds of all their necessary expenses including clerk hire and printing; provided that no compensation or emolument shall be paid to any member of any said boards for any duty required or performed under this act.

(Ch. 214, 1907.)

Division of town not to transmit power plants. SECTION 959—70m. In case of any town, operating under the provisions of subdivision 13 of section 776, of the statutes, which has constructed and is operating within any such village an electric lighting and water plant, or either, for public use of such village and which has for such purpose of operating