

No. 217, A.]

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CHAPTER 371.

AN ACT to amend chapter 423, laws of 1923, section 1, 34. (a), relating to firemen's annuity and pension funds in cities of the first class.

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

Chapter 423, laws of 1923, section 1, 34. (a) is amended to read:

(Chapter 423, Laws of 1923) section 1, 34. (a) In any case in which annuity provided in accordance with the foregoing subsections of this section for the widow of a fireman whose death shall *occur while on duty or shall* result from injury incurred in the direct performance of one or more specific acts of duty shall not be equal in amount to the annuity to which such widow would have had a right if such fireman had lived and continued in the service upon salary at the rate of his final salary until he would have attained an age of 57 years if he would then have completed at least 15 years of service, or until the time subsequent to his attainment of such age when he would have completed 15 years of service if he would not have completed such a term of service upon attainment of an age of 57 years, as of her age as it would be on the date when such fireman would have attained an age of 57 years, in accordance with the provisions of subsection 27 or subsection 28 of this section, whichever shall apply to the case of the widow concerned, additional annuity to be known as "compensation annuity" equal in amount to the difference between the amounts of such annuities shall be provided for and paid to such widow until the time when such fireman, if alive, would have attained an age of 57 years, if he would then have completed 15 years of service, or until the time subsequent to his attainment of such age when he would have completed 15 years of service if he would not have completed such a term of service upon attainment of an age of 57 years. *As used in this paragraph "while on duty" means and includes: (1) The entire period of time commencing when a member of the department reports at his assigned place of duty for regularly scheduled duty and ending when he is dismissed from such duty, (2) Any other period of time while in the actual performance of department business pursuant to any lawful order of a superior officer, and (3) The period of time commencing when a member then off duty receives an order to respond to an emergency and ending when he is dismissed from such emergency duty; all upon the condition that*

during such periods of duty as hereinabove set forth said member shall be conducting himself according to all the rules of the department and all lawful orders of his superior officers. This amendment shall apply to and govern any pending application or compensation and supplemental annuity, by a widow of a deceased fireman, whose death comes within the purview of this subsection, as amended, provided said application shall not have been finally heard and determined by the supreme court of the state of Wisconsin, at the time that this amendment becomes effective. This amendment (1949) shall supersede any provision of this chapter, as amended, in conflict therewith.

Approved June 27, 1949.
