

## CHAPTER 61.

## PENSIONS FOR DISABLED AND RETIRED FIREMEN.

S. F. 271.

AN ACT authorizing the giving of pensions to disabled and retired firemen and the widows and minor children and dependent fathers and mothers of deceased firemen in cities, incorporated towns, and special charter cities having organized fire departments, creating a fund from which to pay such pensions and providing for the distribution thereof, creating a board of trustees to care for such pension fund and prescribing their powers and duties and authorizing the retiring from service of firemen under certain conditions. [Additional to title five (V) of the code, relating to city and town government.]

*Be it enacted by the General Assembly of the State of Iowa:*

**SECTION 1. Tax levy—firemen's pension fund.** In all cities and towns including cities organized under special charter, now or hereafter having an organized fire department, there may be and in all such cities having a paid fire department there shall be annually levied at the time of the levy of other taxes for city purposes a tax not exceeding one-half of a mill on the dollar upon all taxable property within the limits of such cities and towns for the purpose of creating a firemen's pension fund. All moneys derived from taxes so levied and all moneys received as membership fees and dues as hereinafter provided and all moneys received from grants, donations, and devises, for the benefit of such fund shall constitute a fund to be known and designated as a firemen's pension fund, which said fund shall be under the control of a board of trustees and shall be exclusively devoted to and for the purposes hereinafter enumerated.

**SEC. 2. Trustees—to serve without compensation.** The chief officer of the fire department, the city treasurer, and the city solicitor, or attorney, of such cities and towns shall be ex-officio members of and shall constitute the board of trustees of the firemen's pension fund. The chief officer of the fire department shall be president and the city treasurer, treasurer of such board of trustees and the faithful performance of the duties of the treasurer shall be secured by his official bond as city treasurer. Such trustees shall not receive any compensation for their services as members of said board.

**SEC. 3. Investment of surplus.** The firemen's pension fund shall be kept and preserved as a separate fund. The board of trustees shall have power to invest any surplus left in such fund at the end of the fiscal year, but no part of the fund realized from any tax levy shall be used for any purpose other than the payment of pensions. Investments shall be limited to interest bearing bonds of the United States, of the state of Iowa, of any county, township, or municipal corporation of the state of Iowa. All such securities shall be deposited with the treasurer of the board of trustees for safe keeping.

**SEC. 4. Gifts, devises or bequests—membership and annual fees.** The board of trustees may take by gift, grant, devise, or bequest, any money or property, real or personal, or other thing of value for the benefit of the firemen's pension fund. All rewards in money, fees, gifts, or emoluments of every kind or nature that may be paid or given to any fire department or to any member thereof, except when allowed to be retained or given to endow a medal or other permanent or competitive reward on account of extraordinary services rendered by said fire department or any member thereof, and all fines and penalties imposed upon members shall be paid into the said pension fund and become a part thereof. Every member of the paid fire department of any city or incorporated town within the provisions of this act shall be required to pay to the treasurer of said fund a membership fee to be fixed by the board of trustees, not exceeding five dollars (\$5.00), and shall also be assessed and required to pay annually an amount equal to one per cent per annum upon

the amount of the annual salary paid to him, which said assessment shall be deducted and retained in equal monthly installments out of such salary.

**SEC. 5. Who entitled to pension—amounts—how paid—exempt from liability for debts.** Any member of a fire department within the provisions of this act who shall, while a member of such department and while engaged in the performance of his duties as such fireman, be injured or disabled and, upon an examination by a physician appointed by the board of trustees, be found to be physically or mentally permanently disabled as a result of such injury so as to render him unfit for the performance of duties of a fireman shall be entitled to be retired and the board of trustees shall thereupon order his retirement and, upon being retired, shall be paid out of the firemen's pension fund of such city, monthly, a sum equal to one-half the amount of the monthly compensation allowed such member as salary at the date of his injury or disability, if such person be a member of an organized fire department in which salaries are paid to its members; but if such person be a regular member of an organized volunteer fire department, or a volunteer or call member of a paid fire department, he shall be paid such pension as the board of trustees fix and determine. If a member of such fire department, retired, as above provided, because of permanent disability, shall die as a result of such injury, or if a member of such fire department, while in the performance of his duties, shall be killed or die as a result of injuries received, or if a member die because of any disease contracted by reason of his occupation as a fireman and shall leave a widow or minor children or dependent father or mother surviving him, there shall be paid to the surviving widow, so long as she remains unmarried and of good moral character, a pension of twenty dollars (\$20.00) per month out of the firemen's pension fund, and there shall also be paid to the guardian of the minor children of such member, out of said fund, a pension of six dollars (\$6.00) per month for each of said children until it or they reach the age of sixteen years, provided, however, that there shall not be paid to the surviving widow and minor children an aggregate sum in excess of a sum equal to one-half of the amount of the salary of such member at the time of his death or disability; and if such deceased fireman leave no widow or minor children, then there shall be paid to his dependent father and mother, or to either, if one alone survives, a pension of twenty dollars (\$20.00) per month. There shall be paid to the surviving widow and children and dependent father and mother of members of volunteer fire companies, killed while in the performance of their duties, or dying as the result of any disease contracted by reason of their occupation as fireman, or dying after being retired because of injury received in the performance of such duty, a pension to be fixed and determined by the board of trustees. Any member of a fire department who may be entitled to benefits under the provisions of this act and who has served twenty-two years or more in such fire department, of which the last five years' service shall have been continuous, may make application to the board of trustees to be retired from such fire department and thereupon it shall be the duty of the board of trustees to order the retirement of such member, if it be found that he is unable to perform the duties to which he is or may be assigned, or has reached the age of fifty-five years, and upon retirement, he shall be paid a monthly pension equal to one-half the amount of salary received by him as monthly compensation at the date of his retirement. Any member of a fire department entitled to be retired, under the provisions of this act, but who shall continue in service and who shall be thereafter discharged for cause other than the violation of any law of the United States or the state of Iowa, amounting to a felony, shall, upon being discharged, be entitled to, and there shall be paid to him, a monthly pension equal to one-half of the amount of salary received by him at the date of his discharge; provided, however, that the chief officer of any fire department

shall have the power to assign any members of the fire department retired or drawing pensions under this act to the performance of light duties in such fire department in cases of extraordinary emergencies, and provided, further, that, after the decease of a retired or discharged member receiving a pension under the provisions of this act, his widow and minor child or children under sixteen years of age, or, in case he leaves no widow and minor children, his dependent parent or parents, if any, shall be entitled to a pension in the amount and under the conditions heretofore provided to be paid to the surviving widow and minor children and dependent parents of a member killed or disabled in the performance of his duties. And provided further, if, at any time, there shall be insufficient funds in the firemen's pension fund to meet and pay all pensions due and owing from said fund, the board of trustees shall apportion the amount on hand in said fund among the persons entitled to such pensions in proportion to the amount to which each is entitled and the payment of such proportionate amount shall be considered a full payment of the amount then due and no liability shall thereafter exist for the unpaid portions of such pensions. All pensions paid under the provisions of this act shall be exempt from liability for debts of the person receiving the same and shall not be subject to seizure upon execution or other process.

**SEC. 6. Pension payments to begin—when.** No pension shall be paid under the provisions of this act prior to the first day of January, 1910, and no portion of the pension fund accumulated under the provisions of this act shall be expended for any purpose whatsoever prior to that time. If, on that date, there are living any person or persons who would have been entitled to draw pensions under the provisions of this act, but for this limitation, pensions shall be paid to said persons from and after the first day of January, 1910, as though the right to said pensions had accrued on that date.

**SEC. 7. Retired members re-examined—witnesses—notice.** If any member of any fire department shall have been retired by reason of physical or mental disability, the board of trustees shall have the right and power, at any time, to cause such retired member to be brought before it and again examined by competent physicians for the purpose of discovering whether such disability yet continues and whether such retired member should be continued on the pension roll, and shall also have the power to examine witnesses for the same purpose. Such retired member shall be entitled to reasonable notice that such examination will be made and to be present at the time of the taking of any testimony, shall be permitted to examine the witnesses brought before the board, and shall also have the right to introduce evidence in his own behalf. All witnesses produced shall be examined under oath and any member of such board of trustees is hereby authorized and empowered to administer such oath to such witnesses. The decision of such board upon such matters shall be final and conclusive, in the absence of fraud, and no appeal shall be allowed therefrom. Such disabled member shall remain upon the pension roll unless and until reinstated in such fire department by reason of such examination.

**SEC. 8. Provisions subject to alteration or change.** The provisions of this act shall be, at all times, subject to alteration or change and all persons claiming benefits under the provisions hereof shall be entitled to receive only such benefits as provided by law at the time such benefits shall be paid.

**SEC. 9. Warrants—report of receipts and expenditures.** All pensions paid and all moneys drawn from the pension fund, under the provisions of this act, shall be upon warrants signed by the board of trustees, which said warrants shall designate the name of the person and the purpose for which payment is made. The treasurer of the board of trustees shall prepare annually, immediately after the first day of January, a report of the receipts and expenditures for the year ending December 31 of the previous year, showing

the money on hand, how invested, all moneys received and paid out, which said report shall be filed with the city clerk.

Approved April 7, A. D. 1909.

## CHAPTER 62.

### PENSIONS FOR DISABLED AND RETIRED POLICEMEN.

S. F. 382.

AN ACT authorizing the giving of pensions to disabled and retired policemen and the widows and minor children and dependent fathers and mothers of deceased policemen in cities, incorporated towns, and special charter cities having organized police departments, creating a fund from which to pay such pensions and providing for the distribution thereof, creating a board of trustees to care for such pension fund and prescribing their powers and duties and authorizing the retiring from service of policemen under certain conditions. [Additional to title five (V) of the code relating to city and town government.]

*Be it enacted by the General Assembly of the State of Iowa:*

**SECTION 1. Tax levy—policemen's pension fund.** In all cities and towns including cities organized under special charter, now or hereafter having an organized police department, there may be annually levied at the time of the levy of other taxes for city purposes a tax not exceeding one-half of a mill on the dollar upon all taxable property within the limits of such cities and towns for the purpose of creating a policemen's pension fund. All moneys derived from taxes so levied and all moneys received as membership fees and dues as hereinafter provided and all moneys received from grants, donations, and devises, for the benefit of such fund shall constitute a fund to be known and designated as a policemen's pension fund, which said fund shall be under the control of a board of trustees and shall be exclusively devoted to and for the purposes hereinafter enumerated.

**SEC. 2. Trustees—to serve without compensation.** The chief officer of the police department, the city treasurer, and the city solicitor, or attorney, of such cities and towns shall be ex-officio members of and shall constitute the board of trustees of the policemen's pension fund. The chief officer of the police department shall be president and the city treasurer, treasurer of such board of trustees and the faithful performance of the duties of the treasurer shall be secured by his official bond as city treasurer. Such trustees shall not receive any compensation for their services as members of said board.

**SEC. 3. Investment of surplus.** The policemen's pension fund shall be kept and preserved as a separate fund. The board of trustees shall have power to invest any surplus left in such fund at the end of the fiscal year, but no part of the fund realized from any tax levy shall be used for any purpose other than the payment of pensions. Investments shall be limited to interest bearing bonds of the United States, of the state of Iowa, of any county, township, or municipal corporation of the state of Iowa. All such securities shall be deposited with the treasurer of the board of trustees for safe keeping.

**SEC. 4. Gifts, devises and bequests—membership and annual fees.** The board of trustees may take by gift, grant, devise, or bequest, any money or property, real or personal, or other thing of value for the benefit of the policemen's pension fund. All rewards in money, fees, gifts or emoluments of every kind or nature that may be paid or given to any police department or to any member thereof, except when allowed to be retained or given to endow a medal or other permanent or competitive reward on account of extraordinary services rendered by said police department or any member thereof, and all