

No. 210, S.]

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CHAPTER 445.

AN ACT to amend chapter 201, laws of 1937, section 1 (10) and (14); section 5 (1) (d) 2, 3, 4 and 5 and (e) 1 and 2 (as created by chapter 357, laws of 1947), (4) (a) (as amended by chapter 144, laws of 1941 and chapter 357, laws of 1947), and (6) (a) 2 and 4 (as recreated by chapter 357, laws of 1947), section 6 (2) and (4) (as amended by chapter 357, laws of 1947), section 8, introductory paragraph, and section 9 (3) and (4); to repeal and recreate chapter 201, laws of 1937, section 4 (2) (b) (created by chapter 144, laws of 1941), section 5 (1) (f) (created by chapter 357, laws of 1947), and section 8 (5), and to create chapter 201, laws of 1937, section 1 (22) and section 5 (1) (e) 3, relating to the general employes' and sheriffs' retirement system in counties of a population of 500,000 or more.

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

SECTION 1. Chapter 201, laws of 1937, section 1 (10) is amended to read:

(Chapter 201, Laws of 1937) Section 1. (10) "Final average salary" shall mean the average annual earnable compensation * * * for the 5 consecutive calendar years of creditable service during which the member's earnable compensation was the highest, or, if he should have less than 5 years of creditable service, then his average annual earnable compensation during creditable service.

SECTION 2. Chapter 201, laws of 1937, section 1 (14) is amended to read:

(Chapter 201, Laws of 1937) Section 1. (14) "Creditable service" shall mean prior service, *military service and* * * * membership service for which credit is allowable under section 4 of this act.

SECTION 3. Chapter 201, laws of 1937, section 1 (22) is created to read:

(Chapter 201, Laws of 1937) Section 1. (22) "Military service" shall mean all time after January 1, 1938, during which any employe was absent in the active service of the armed forces of the United States of America during a period officially proclaimed to be a national emergency, and absence during federal hospitalization because of injuries or sickness resulting from war service, provided that such employe was duly excused or granted leave of absence from his service as an employe, and provided further that such period of military service shall begin with the date the employe was excused or granted leave of absence and shall extend until the date of his honorable discharge from such armed forces.

SECTION 4. Chapter 201, laws of 1937, section 4, (2) (b), as created by chapter 144, laws of 1941, is repealed and recreated to read:

(Chapter 201, Laws of 1937) Section 4. (2) (b) The board shall allow credit for military service as defined in section 1 (22) of this chapter to any eligible person in the active service of the county, on or subsequent to the effective date of this paragraph, provided such person returned to county employment not later than 6 months after the termination of his military service. The board shall upon request issue a certificate to evidence the credit for such military service. No absences allowed for military service shall be considered as absences under the provisions of section 3 (6) of this chapter.

SECTION 5. Chapter 201, Laws of 1937, section 5 (1) (d) 2, 3, 4 and 5 and (e) 1 and 2, as created by chapter 357, laws of 1947, are amended to read:

(Chapter 201, laws of 1937) Section 5. (1) (d) 2. A pension equal to * * * *one-hundred and twentieth* of the member's final average salary for each year of membership service, and

3. If the member has a prior service certificate *or a military service certificate* in full force and effect, a pension of * * * *one-sixtieth* of the member's final average salary for each year of creditable prior service *and for each year of creditable military service.*

4. If the retirement allowance of a member entitled to prior service *and who has not attained age 65* is less than \$60 per month the pension shall be increased so that the retirement allowance is equal to \$3 per month for each creditable year of service, provided

that such increase shall not result in a total retirement allowance in excess of \$60 per month. *If the retirement allowance of a member who has attained age 65 is less than \$90 per month the pension shall be increased so that the retirement allowance is equal to \$4.50 per month for each creditable year of service, provided that such increase shall not result in a total retirement allowance in excess of \$90 per month.* The retirement allowance of a part-time employe shall be reduced in proportion to the ratio of part-time hours to normal full-time hours, or should such ratio be indeterminate, then in ratio of the part-time salary to the full-time salary.

5. The total pension of any member payable under the provisions of this section shall not exceed * * * \$300 per month, or \$150 per month in the case of a person employed by the state where part of his wage or salary is paid by the county, provided that such employe is included within the coverage of the Wisconsin Retirement Fund.

(e) The service retirement allowance of deputy sheriffs shall consist of:

1. An annuity which is the actuarial equivalent of the member's accumulated contributions * * *;

2. A pension equal to one one-hundredth of the member's final average salary for each year of membership service * * * and

SECTION 6. Chapter 201, laws of 1937, section 5 (1) (e) 3 is created to read:

(Chapter 201, Laws of 1937) Section 5. (1) (e) 3. A pension equal to one-fiftieth of the member's final average salary for each year of creditable military service.

SECTION 7. Chapter 201, laws of 1937, section 5 (1) (f), as created by chapter 357, laws of 1947, is repealed and recreated to read:

(Chapter 201, Laws of 1937) Section 5. (1) (f) Years of membership service for any member who retires after attainment of age 70 shall be calculated only to the date on which such member reaches age 70.

SECTION 8. Chapter 201, laws of 1937, section 5. (4) (a), as amended by chapter 144, laws of 1941, and chapter 357, laws of 1947, is amended to read:

(Chapter 201, Laws of 1937) Section 5. (4) DEATH BENEFITS. (a) Upon the receipt of proper proofs of the death of a member in active service who is not a deputy sheriff, his accumulated contributions shall be paid to such person, if any, as he has nominated by written designation duly executed and filed *prior to his death* with the *secretary of the board*, otherwise to his executors or administrators, and if such member has completed one or more years of creditable service, there shall be so paid in addition a lump sum benefit of one-half the final average salary of such deceased member, but not to exceed * * * \$2,000.

SECTION 9. Chapter 201, laws of 1937, section (5) (6) (a) 2 and 4, as recreated by chapter 357, laws of 1947, are amended to read:

(Chapter 201, Laws of 1937) Section 5. (6) (a) 2. If he is separated from the service for any cause other than fault or delinquency on his part, and his retirement allowance at age 60 as calculated in accordance with this paragraph equals or exceeds \$10 per month, he may elect not to withdraw any part of his accumulated contributions and to receive a retirement allowance commencing at the attainment of age 60 and consisting of an annuity of equivalent actuarial value to his accumulated contributions and in addition a pension of * * * *one-sixtieth* of his final average salary at withdrawal multiplied by the number of his years of prior service *and military service* plus one-one hundred and * * * *twentieth* of such final average salary multiplied by the number of his years of membership service; provided that if he is removed or otherwise involuntarily separated from service for any cause other than fault or delinquency on his part after having completed 15 years of creditable service, including not less than one-half year during the year immediately preceding such discontinuance, he may elect to receive in lieu of a retirement allowance commencing at age 60 the amount of his accumulated contributions in a lump sum or an annuity of equivalent actuarial value, and a pension commencing immediately which shall be the actuarial equivalent of the retirement allowance commencing at age 60. The provisions of section 5 (1) (d) 4 shall not apply in calculating the retirement allowance provided for in this subdivision. Failure of re-election by a member elected by vote of the people shall not be construed as fault or delinquency on the part of such member as such phrase is used in this subsection and paragraph.

4. Upon the death of any such person before the effective date of his deferred retirement allowance as provided in subdivision 2 above, there shall be paid to his estate or to such person as he has nominated by written designation, duly executed and filed *prior to his death* with the *secretary of the board*, his accumulated contributions.

SECTION 10. Chapter 201, laws of 1937, section 6 (2) is amended to read:

(Chapter 201, Laws of 1937) Section 6. (2) Should the board upon recommendation of the medical board deem that any disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his final average

salary at the time of retirement and his retirement allowance, then the pension shall be reduced by the amount of such excess. Should his earning capacity be later changed, the amount of his pension may be further modified; provided that the new pension shall not exceed the amount of pension granted at the time of retirement, nor an amount which when added to the amount earnable by the retired employe together with his annuity equals the amount of his final average salary at retirement. *In determining any adjustment of the pension as aforesaid, the term "final average salary" shall be defined either in accordance with the provisions of section 1 (10) of this act or as the maximum salary or compensation which the disability beneficiary currently would be receiving in the position from which he was last retired for disability, if he had not been so retired, whichever is greater, provided however, that if the position from which he was so retired has been abolished, the board, upon the basis of salary or compensation currently paid by the county to persons in similar or comparable positions, shall determine for the purposes of this subsection the maximum amount of salary or compensation which such disability beneficiary would be receiving in such position.*

SECTION 11. Chapter 201, laws of 1937, section 6 (4) (as amended by chapter 357, laws of 1947), is amended to read:

(Chapter 201, Laws of 1937) Section 6. (4) Should any disability beneficiary be restored to active service prior to attaining the minimum age for service retirement and at a salary equal to or greater than his final average salary at the time of retirement, or should any disability beneficiary be at any time in active service prior to attaining the minimum age for service retirement at a salary equal to or greater than his final average salary at the time of retirement, his disability retirement allowance shall cease, and he shall again become a member of the retirement system and shall contribute thereafter at the same rate at which he contributed prior to his disability retirement. Any prior service certificate on the basis of which his allowance was computed at the time of his disability retirement shall be restored to full force and effect, and in addition, upon his subsequent retirement he shall be credited with all his membership service on the basis of which his allowance was computed at the time of his disability retirement, but should he be restored to active service * * * *within 3 years of his minimum retirement age*, his pension upon subsequent retirement shall not exceed the sum of the pension which he was receiving immediately prior to his last restoration to membership and the pension that he would have received on account of his service since such last restoration had he first become a member at that time.

SECTION 12. Chapter 201, laws of 1937, section 8, introductory paragraph, is amended to read:

(Chapter 201, Laws of 1937) Section 8. All of the assets of the retirement system shall be credited according to the purpose for which they are held to one of * * * *four* funds, namely, the annuity savings fund, the annuity reserve fund, the pension accumulation fund * * * *and the pension reserve fund* * * *.

SECTION 13. Chapter 201, laws of 1937, section 8 (5) is repealed and recreated to read:

(Chapter 201, Laws of 1937) Section 8. (5) ADMINISTRATIVE EXPENSE APPROPRIATION. An appropriation for administrative expenses of the retirement system shall be provided by the county board of supervisors pursuant to the provisions of section 59.84 of the statutes.

SECTION 14. Chapter 201, laws of 1937, section 9 (3) is amended to read:

(Chapter 201, Laws of 1937) Section 9. (3) The board annually shall allow regular interest of the mean amount for the preceding year in each of the funds * * *. The amounts so allowed shall be due and payable to said funds, and shall be annually credited thereto by the board from interest and other earnings on the moneys of the retirement system. Any additional amount required to meet the interest on the funds of the retirement system shall be paid by the county, and any excess of earnings over such amount required shall be deductible from the amounts to be contributed by the county. Regular interest shall mean such rate, compounded annually, as shall be determined by the board on the basis of the interest earnings of the system for the preceding year and of the probable earnings to be made, in the judgment of the board, during the immediate future, such rate to be limited to a minimum of 3 per centum and a maximum of 4 per centum, with the latter rate applicable during the first year of operation of the retirement system.

SECTION 15. Chapter 201, laws of 1937, section 9 (4) is amended to read:

(Chapter 201, Laws of 1937) Section 9. (4) The treasurer of the county shall be the custodian of the several funds of the retirement system * * *. All payments from * * * *such* funds shall be made by him only * * * *by voucher* signed by two persons designated by the board. A duly attested copy of a resolution of the board designating

such persons and bearing on its face specimen signatures of such persons shall be filed with the treasurer as his authority for making payments upon such * * * *voucher*. No voucher shall be drawn unless it has * * * *been previously* authorized by resolution of the board.

Approved June 26, 1951.
