

No. 842, A.]

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### CHAPTER 451

AN ACT to amend sections 59.107 (2) (a); 59.124 (1) (d) (as created by chapter 249, laws of 1943); 59.125 (1) (a); 59.135 (as amended by chapter 250, laws of 1939), and 59.136 (as created by chapter 357, laws of 1947) all of chapter 155, laws of 1937, relating to annuity and benefit funds for the benefit of sheriffs employed by counties of a population of 500,000 or more, and for the benefit of the widows and children of such sheriffs.

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

SECTION 1. Chapter 155, laws of 1937, 59.107 (2) (a) is amended to read:  
(Chapter 155, laws of 1937) 59.107 (2) (a) From and after January 1 of the first year after the year in which said sections shall come into effect in such county, 3 per cent of each payment of the salary of each future entrant shall be deducted and contributed to said annuity and benefit fund to January 1, 1954, and after January 1, 1954, 4 per cent of each payment of the salary of each future entrant shall be deducted and contributed to said annuity and benefit fund. Such deductions shall be made at the times such payments of salary are payable and shall be continued while such future entrant shall be in the service until he shall attain an age of 57 years, unless such future entrant

shall not then have completed 15 years of service, in which case the said deductions shall be continued until the end of the fifteenth year of his service.

SECTION 2. Chapter 155, laws of 1937, 59.124 (1) (d) (as created by chapter 249, laws of 1943) is amended to read:

(Chapter 155, laws of 1937) 59.124 (1) (d) The retirement board shall allow as periods of service for annuity purposes, in addition to those provided in paragraph (a) or (b), either or both, all periods of time during which any employe was absent in the military or naval service of the United States of America during a period officially proclaimed to be a national emergency or limited national emergency, and absence during federal hospitalization because of injuries or sickness resulting from such war service, provided that such employe was duly excused or granted leave of absence from his services as an employe, or was drafted into such military or naval service, and provided further, that the period allowed for such service shall begin with the date the employe was excused or granted leave of absence or drafted into such service, and shall extend until a date not more than 90 days after his discharge from military or naval service or federal hospitalization. *Notwithstanding the provisions of any other subsection of this section, no sheriff whose service was interrupted by reason of a military leave of absence, and who subsequently was reinstated to his former position in the department, shall have any of his rights, or his widow's or children's rights to annuity or any other benefits provided by the fund, reduced, diminished, abridged or in any way decreased by reason of the absence of regular contributions to the fund from payment of salary during the period he was on military leave of absence; and every such sheriff, who was so on military leave of absence and who was reinstated to his former position as aforesaid in compliance with statutory provisions governing such reinstatement, shall enjoy all of the privileges and rights to annuities or benefits provided by the fund, and his widow and children shall enjoy all of the rights to annuity and other benefits provided by the fund in the same way and to the same extent and degree that such rights to annuities and other benefits provided by the fund are provided by sheriffs in continuous service in the department without interruption by reason of military leave of absence, and his widow and children shall also have all of the rights to annuities and other benefits provided by the fund as is provided for the widows and children of sheriffs whose service was not interrupted by reason of military leave of absence; and no such sheriff whose service was interrupted by military leave of absence and who was reinstated to his former position as provided by law, shall be required to pay into the fund the amount which he would have contributed to the fund if his service had not been interrupted by military leave of absence, or any part thereof to establish such credits for himself, widow, and children in the fund as would have been established for him if his service had not been interrupted by reason of military leave of absence. The provisions of this subsection shall apply to veterans of all future wars in which the United States of America may engage. The cost of such annuities and other benefits shall be paid from the prior service fund described in section 59.128. The contributions made by the county for the purposes of this paragraph shall not be refundable under the provisions of section 59.118.*

SECTION 3. Chapter 155, laws of 1937, 59.125 (1) (a) is amended to read:

(Chapter 155, laws of 1937) 59.125 (1) (a) For the purpose of paying prior service annuities and widows' prior service annuities provided for in this section, *also for the purpose of paying for the annuities and benefits provided for in sections 59.135 and 59.124 (1) (d) and also for the purpose of providing a sufficient amount of money in the investment and interest fund, described in section 59.128 (1), to make possible the transfer of moneys from said fund to other funds of the annuity and benefit fund herein provided for as stated in said section 59.128 (1), the county shall contribute \* \* \* each year to the annuity and benefit fund herein provided for such an amount as is necessary to pay for the annuities and benefits and interest transfers specified in this section provided however that if such amount together with all other sums required during such year for purposes of the annuity and benefit fund herein provided for, in accordance with the provisions of this act, shall constitute a total amount in excess of the total amount received into said annuity and benefit fund during such year, all sums required for purposes other than those stated in this section shall be applied for such purposes, and the balance of said total amount received shall be applied for the purposes named in this section.*

SECTION 4. Chapter 155, laws of 1937, 59.135 (as amended by chapter 250, laws of 1939) is amended to read:

(Chapter 155, laws of 1937) 59.135 Notwithstanding the provisions of any other section of this act, any present employe (*one who was such employe on the effective date of chapter 155, laws of 1937*) who shall resign or be discharged from the service after he shall have attained the age of 57 years and shall have completed 22 or more years of

service or any future entrant (one who became a member between the effective date of chapter 155, laws of 1937 and August 1, 1947) who shall resign or be discharged from the service after he shall have attained the age of 57 years and shall have completed 25 or more years of service, for whom the amount of annuity provided in accordance with the provisions of sections 59.100 to 59.134 shall be less than an amount equal to 50 per cent of \* \* \* his final monthly salary \* \* \* or less than an amount equal to 50 per cent of the average monthly salary during the 5 years of service in which his salary was the highest, any such present employe or future entrant shall receive an annuity of an amount equal to 50 per cent of \* \* \* his final monthly salary \* \* \* or equal to 50 per cent of the average monthly salary during the 5 years of service in which his salary was the highest, whichever is the highest, at the time of such resignation or discharge. Such excess \* \* \* annuities shall be paid from the prior service annuity fund described in section 59.128.

SECTION 5. Chapter 155, laws of 1937, 59.136 (as created by chapter 357, laws of 1947) is amended to read:

(Chapter 155, laws of 1937) 59.136 No person who had not contributed to and become a member of a sheriff's annuity and benefit fund in a county having a population over 500,000 established pursuant to chapter 155, laws of 1937, shall be permitted to contribute to such fund or become a member thereof on or after the passage of this section, nor shall he or his widow or his child be, or become, entitled to receive any benefit from such fund. Only persons who are members of such fund created by chapter 155, laws of 1937, on the day before this section becomes effective may contribute to such fund or be members thereof after said date. From and after January 1, 1954, there shall be deducted and contributed to the annuity and benefit fund herein provided for 3 per cent of each payment of salary of each present employe (who was such employe on the effective date of chapter 155, laws of 1937) and 4 per cent of each payment of salary of each future entrant (one who became a member between the effective date of chapter 155, laws of 1937, and August 1, 1947) from whose salary no further age and service annuity deductions are required under the preceding sections of this act. Such deductions shall be made at the times such payments of salary shall be made and shall be continued while such present employe or such future entrant shall be in the service, such deductions shall be placed in the annuity payment fund described in section 59.128 (4) to be used for the purposes described in section 59.128 (4).

Approved July 7, 1953.

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