

No. 281, S.]

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CHAPTER 514

AN ACT to amend 66.904 (1) (a) 2 d and 66.915 (2); and to create 66.905 (2) (d), 66.907 (3) and 66.915 (1) (d) of the statutes, relating to contributions and special disability benefits of law enforcement and fire-fighting personnel under the Wisconsin retirement fund.

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

SECTION 1. 66.904 (1) (a) 2 d of the statutes is amended to read:

66.904 (1) (a) 2. d. In conformity with procedures established by rule, * * * *supplementary* municipality credits of amounts equal to 2 per cent of the participating earnings as such, of each conservation warden, conservation patrol boat captain, conservation patrol boat engineer, conservation airplane pilot, state forest ranger, member of the state traffic patrol, policeman (including the chief and all other officers), fireman (including the chief and all other officers), or employe of the conservation commission who is designated by the conservation director as being subject to call for forest fire control or warden duty, as of the date such earnings are payable, for the period from January 1, 1958 * * * to July 1, 1961. *Such supplementary municipality credits shall not vest in the participant for purposes of a death benefit and such credits accumulated at the time of death shall revert to the municipality. The county board of any county which has pursuant to s. 66.903 (2) (a) required the normal contribution rate for undersheriffs, deputy sheriffs or traffic policemen to be 5 per cent may elect to provide supplementary credits for such employes pursuant to this subd. 2. d; such supplementary credits to be effective at the beginning of the calendar quarter year following the receipt of official notice thereof by the board. The amount of credits provided under this subdivision which may be applied to provide an annuity shall not exceed the amount required to provide the retirement annuity which would have been payable to such person if he had continued to be a participating employe in the same position and at the same salary until attaining age 60 from the accumulation of normal, additional, municipal and prior service credits which would have been available at that time excluding credits provided under this subdivision, assuming the accumulation of all such credits at the prescribed rate of interest.*

SECTION 2. 66.905 (2) (d) of the statutes is created to read:

66.905 (2) (d) The amount of the one-year term premium required to provide the excess, if any, of the present value of the special disability benefits under s. 66.907 (3) expected to be granted during such year to the employes of such municipality, over the available accumulated credits of such employes.

SECTION 3. 66.907 (3) of the statutes is created to read:

66.907 (3) LAW ENFORCEMENT AND FIRE-FIGHTING PERSONNEL. (a) *Employes included.* Each participating employe who is a conservation warden, conservation patrol boat captain, conservation patrol boat engineer, conservation airplane pilot, state forest ranger, member of the state traffic patrol, state motor vehicle inspectors, policeman, fireman, and each employe of the conservation commission who is designated by the conservation director as being subject to forest fire control or warden duty shall be entitled to the special disability benefits provided by this subsection if he meets the requirements set forth herein.

(b) To be eligible therefor such person shall:

1. Have attained age 55, but have not attained age 60; and have been a participating employe for not less than 15 years in the municipality by which he is employed; and

2. Have become physically or mentally disabled to such an extent that he can no longer efficiently and safely perform the duties required by his position, and such condition is unlikely to improve.

(c) Any person who qualifies under this subsection shall receive a special disability benefit consisting of 2 components as follows:

1. A retirement annuity as provided under s. 66.906; and

2. A special disability annuity payable monthly during life of an amount which, when added to the monthly retirement annuity paid under subd. 1 (excluding any portion thereof based upon additional contributions), equals the lesser of a. 50 per cent of the final rate of earnings of the employe at the time of application for benefits under this subsection, or b. the retirement annuity which would have been payable to such person if he had continued to be a participating employe in the same position and at the same salary until attaining age 60, from the accumulation of normal, municipal and prior service credits, excluding supplementary municipality credits, which would be available at such time, assuming the accumulation of all such credits at the prescribed rate of interest.

(d) *Application for benefits; reports.* A person who claims to be disabled as provided herein, may make written application to the Wisconsin retirement fund for benefits hereunder. The board shall make an investigation including examination of medical reports, and shall make a preliminary report as to whether or not a special disability benefit shall be granted. A copy of the report shall be served by mail on the applicant and on the municipality employing him.

(e) *Finality of report.* If neither the applicant nor his employer appeals to the board from its preliminary report within 20 days, the report shall be final.

(f) *Review; final determination.* Either the employe or the employer may request a review of the preliminary report by the board. Such a request for review shall be filed in writing within 20 days following receipt of the report by the employe or employer. The board shall thereupon be authorized to proceed pursuant to s. 20.904 to use the services of staff members of the industrial commission, including an examiner and reporter to provide for a hearing to be conducted by such examiner on behalf of the board. Such hearing shall be conducted pursuant to ss. 227.08 to 227.13, and the examiner shall submit to the board a written report of his findings

together with the summary of the evidence. The employer shall be considered a party to the proceeding. Thereupon the board shall make a final determination. Such determination shall be subject to review under ch. 227.

(g) Such disability annuity shall begin as provided in subd. (2) (a) 3.

(h) No payments shall be made under this subsection for any period as to which payments are being made under s. 66.191 or this section. Payments under par. (b) 2 shall be suspended for any period during which the annuitant is employed in a law enforcement or fire-fighting capacity in Wisconsin by any municipality as defined in s. 66.901 (2).

(i) The county board of any county which has pursuant to s. 66.903 (2) (a) required the normal contribution rate for undersheriffs, deputy sheriffs or traffic policemen to be 5 per cent may elect to include such employes under this subsection by filing official notice thereof with the board.

SECTION 4. 66.915 (1) (d) of the statutes is created to read:

66.915 (1) (d) For special disability benefits granted pursuant to s. 66.907 (3) a current service obligation will be charged in an amount equal to the excess of the present value of such benefits as of the date the annuity began over the available accumulated credits of the employe.

SECTION 5. 66.915 (2) of the statutes is amended to read:

66.915 (2) As each municipality contribution becomes due, in accordance with s. 66.905 (1) (a) and (5), it shall be prorated in the same proportion that the amount for each purpose under s. 66.905 (2) is of the total of all amounts under such subsection for the corresponding year. The proportions applicable to the prior service obligation, and the current service obligation shall be credited to the corresponding * * * obligation of the participating municipality from which it is receivable. The proportions of such contributions applicable to disability and expense shall not be credited to the municipality required to make such contributions * * *. *Contributions made pursuant to s. 66.905 (2) (d) shall be credited to the current service obligation of the respective municipalities.*

Approved September 25, 1959.
