

No. 77, S.]

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**CHAPTER 553.**

AN ACT to repeal and recreate 42.49 (4) of the statutes, relating to disability clause in teachers retirement fund.

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

42.49 (4) of the statutes is repealed and recreated to read:

42.49 (4) If, before attaining age 50, a member who has made required deposits for not less than a school year during each of 5 fiscal years and who was employed in teaching or was on leave of absence from teaching in this state, within the 12-month period immediately preceding the occurrence of disability, becomes physically or mentally incapacitated to such extent that the member is wholly, and presumably will be permanently, unable to engage in teaching, and furnishes due proof thereof and that such disability has then existed for 60 days, the member shall be paid from the contingent fund an annuity during the continuance of such disability in monthly payments of \$25 each in addition to any other benefit payable to such member. The said retirement board may at any time not more than once in any year require proof of the continuance of such disability and if the member shall fail to furnish satisfactory proof thereof, or if it appears at any time that the member has become able to engage in teaching, such annuity shall cease. A member who has attained age 50 but who has not attained the minimum age required to qualify for the minimum benefit as provided in 42.49 (3) who has made required deposits for not less than a school year during each of five fiscal years, and who was employed in teaching or was on leave of absence from teaching in this state within the 12-month period immediately preceding the occurrence of disability, and becomes physically or mentally incapacitated as provided in this subsection, and furnishes due proof thereof, and that such disability has then existed for 60 days, shall be entitled to the increased annuity described in subsection (3) upon application therefor to the state annuity and investment board provided only that said member has had not less than 20 years of teaching experience in schools, departments, or institutions included in the state retirement system, and applies the entire accumulation from a member's deposits at the time that such disability occurs toward the purchase of an annuity. The increased annuity herein provided shall not be available for any member who has at any time withdrawn any amount from the retirement deposit fund or received any annuity under sections 42.20 to 42.54, except that (a) the increased annuity shall be available for any member who has withdrawn any amount from the retirement deposit fund provided that the amount withdrawn be repaid to the retirement deposit fund, with interest at the rate of 3 per cent per annum from the date of withdrawal to the date of repayment, before application is made for an annuity under this section, and (b) the increased annuity shall be available for any member who makes the repayment required by (a) immediately preceding, who has been an annuitant under sections 42.20 to 42.54, who returned to teaching and made required deposits prior to the effective date of this subsection and who, after such date teaches in a position in which such member is compelled to make required deposits, provided that when such member makes application for such increased annuity, all of the accumulations then to the credit of such member in the retirement deposit fund shall be used to increase the annuity last granted to such member and the increased annuity must be taken in the form of the annuity so last granted, which shall be decreased by that portion of the annuity or annuities previously granted to such member from his state deposit and prior service accumulations. The retirement board may at any time not more than once in any year during each of the first 5 years after such disability annuity has been granted require proof of the continuance of such disability and if the member shall fail to furnish satisfactory proof thereof, or if it appears at any time during said 5-year period that the member has become able to engage in teaching, such increase in the annuity shall cease.

Approved July 6, 1951.