

No. 190, S.]

[Published June 3, 1953.

CHAPTER 191

AN ACT to amend 38.24 (16) (b) and (c); and to create 38.24 (11) (e), (12) (q), (14) (f) and (16) (d) of the statutes, relating to public school teachers' annuity and retirement funds in cities of the first class and the payment of contributions and benefits thereunder.

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

SECTION 1. 38.24 (11) (e), (12) (q) and (14) (f) of the statutes are created to read:

38.24 (11) (e) Beginning with the first monthly payment of teachers' salaries after September 1, 1953, the managing body of such schools in any such city shall reserve from the salary of each teacher who enters teaching service, and, beginning with the first monthly payment after such election, from the salary of each teacher who elects to come under the provisions of this paragraph, and from every monthly payment thereafter, the sum of \$17 for the first 10 years of service, and thereafter the sum of \$26, but such reservations shall be limited to 10 in any school year, and shall pay the sums so reserved into the annuity and retirement fund. Any teacher from whose salary reservations or deductions have been made under the provisions of s. 925-xx or of par. (a), (b), (c) or (d), may elect in such manner as the board of trustees may prescribe to have reservations made from salary under the provisions of this paragraph and become entitled to benefits as provided herein. Any teacher who does not elect to come under the provisions of this paragraph within one year from its effective date shall be forever barred from coming under the provisions of this paragraph, except that any teacher on leave at the effective date of this paragraph may elect to come under its provisions within one year after returning to teaching service upon termination of such leave. Annuities payable to teachers coming under the provisions of this paragraph shall be determined as provided in sub. (12) (q), subject to the provisions of sub. (14) (f), and payment of refunds shall be governed by the provisions of sub. (16) (b).

(12) (q) Any teacher from whose salary reservations have been made in accordance with the provisions of sub. (11) (e) shall become eligible for an annuity under the following conditions: (1) Upon certification for total and permanent disability as provided in par. (f); or (2) upon certification for temporary disability after 5 years or more of teaching service in the public schools of a city to which this section applies, as provided in par. (d); or (3) after 10 or more years of service in a city to which this section applies, having ceased to render teaching service in the public schools of a city to which this section applies and having attained the age of 55 years and upon compliance with the provisions of sub. (14) (f) and if no refund of contributions has been paid to such teacher as provided in sub. (16) (b). The annuity payable shall be determined as follows: where the period of service is less than 10 years, the annuity shall be as many tenths of \$600 as the years of teaching service are a part of 10, and for the periods of service of 10 years or more the annuity shall be \$600 for the first 10 years of service, increased by \$84 for each additional year of service, but shall not exceed \$2,700 in any event.

(14) (f) No annuity shall be paid on retirement to any teacher from whose salary reservations have been made in accordance with the provisions of sub. (11) (e) until such teacher shall have contributed to the annuity and retirement fund at least \$1,300 under said sub. (11) (e) in addition to the amounts required, if any, while under the provisions of sub. (11) (a), (b), (c) or (d). Any teacher making application for retirement under sub. (12) (q) who has not contributed the sum of at least \$1,300 under sub. (11) (e) in addition to the amounts required, if any, while under the provisions of sub. (11) (a), (b), (c) or (d), shall pay into the annuity and retirement fund the difference between the amounts actually contributed under sub. (11) (e) and \$1,300 which amount may be paid, at the option of the member, by deduction from the annuity payments for the first year. The provisions of this paragraph shall not be required to qualify for a temporary disability annuity.

SECTION 2. 38.24 (16) (b) and (c) of the statutes are amended to read:

38.24 (16) (b) Any contributing teacher from whose salary reservations shall have been made in accordance with the provisions of sub. (11) (b), (c) * * *, (d) or (e) and who shall retire voluntarily or involuntarily from the service, not being in receipt of an annuity, shall be entitled to receive the total amount paid by him into said fund under the provisions of said paragraph or paragraphs, and in case of the death of any such contributing teacher, his designated beneficiary, or in the absence of such designa-

tion, his executors or administrators shall be entitled to receive the total amount paid by such teacher into said fund as above provided, upon application therefor and upon proof of death of said contributing teacher, and establishment of said claim to the satisfaction of said board of trustees. In case of the death of an annuitant who has contributed to said fund the amounts provided for in sub. (11) (b), (c) * * *, (d) or (e) and sub. (14) (b), (c) * * *, (e) or (f) prior to the time when such annuitant shall have received as annuity, in monthly payments, an aggregate amount equal to the amount paid into said fund by said annuitant under said pars. (b), (c) * * *, (e) or (f), the designated beneficiary, or in the absence of such designation, the executors or administrators of said deceased annuitant shall be entitled to receive an amount equal to the difference between the amount paid into said fund as aforesaid by said annuitant and the amount paid to said annuitant, as annuity, during said annuitant's life, upon application therefor and upon proof of death of said annuitant and establishment of said claim to the satisfaction of said board of trustees.

(c) In the event of the death of a contributing teacher from whose salary reservations have been made in accordance with the provisions of sub. (11) (a), (b), (c) or (d) while employed in the public schools in a city to which this section applies and who has qualified by reason of age and service for an annuity under the provisions of sub. (12), the designated beneficiary of such teacher, or in the absence of such designation, the estate of such teacher shall be entitled to a death benefit in lieu of such refund, which shall be the actuarial equivalent of the life annuity to which such teacher would have been entitled if retirement had taken place on the date of death. Such death benefit shall be reduced by the amount of any award under ch. 102 to such beneficiary on account of the death of the member. Such death benefit may be paid in one sum, or in instalments for a guaranteed period or as a life income to the beneficiary as may have been elected by such teacher in writing. In the absence of such election by the teacher such election may be made by the beneficiary after the death of the teacher. Such death benefit shall be in lieu of any payment provided in par. (b).

SECTION 3. 38.24 (16) (d) of the statutes is created to read:

38.24 (16) (d) In the event of the death of a contributing teacher from whose salary reservations have been made in accordance with the provisions of sub. (11) (e) while employed in the public schools in a city to which this section applies and who has qualified by reason of years of service for an annuity under the provisions of sub. (12), the designated beneficiary or beneficiaries of such teacher, subject to the restrictions contained herein, shall be entitled to a death benefit which shall be the actuarial equivalent of the life annuity to which such teacher would have been entitled if retirement had taken place on the date of death, except that when the death of the teacher occurs at an age less than age 55, the amount of the death benefit shall be the actuarial equivalent of the life annuity to which the teacher would have been entitled for the period of service rendered if retirement had taken place at age 55. Such death benefit shall be paid as a life annuity to the designated beneficiary or beneficiaries. If more than one beneficiary is designated, the teacher may elect in writing the manner in which the death benefit shall be apportioned to the beneficiaries; in the absence of such election, the death benefit shall be apportioned in equal shares to the beneficiaries, and each beneficiary shall be entitled to the life annuity provided by his or her share. No beneficiary shall be entitled to the payment of benefits under this paragraph unless such beneficiary bears one of the following relationships to the teacher: wife, husband, child, father, mother, sister, or brother. The death benefit under this paragraph shall be in lieu of any payment provided in par. (b).

SECTION 4. This act shall take effect upon passage and publication.

Approved May 29, 1953.