

No. 226, S.]

[Published July 17, 1953.]

CHAPTER 461

AN ACT to amend 66.902 (1), 66.903 (2) (a) 1, as amended by chapter 61 (Bill No. 30, S.), laws of 1953, and 4, 66.905 (1) (introductory paragraph), 66.906 (2) (b) 2, as amended by chapter 61 (Bill No. 30, S.), laws of 1953, and (3) (f), 66.917 (1) (b), 253.02 and 253.29 (2) (introductory paragraph) and (3); and to create 20.90 (3), 66.902 (1a) and (3) (o), 66.903 (1) (a) 6, 66.905 (7) and 66.906 (1b) of the statutes, relating to the retirement of county judges, providing for the payment of the cost thereof from probate fees and making an appropriation.

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

SECTION 1. 20.90 (3) of the statutes is created to read:

20.90 (3) There is appropriated from the general fund on January 1, 1954 and annually thereafter beginning July 1, 1954 such sums as may be necessary to make the municipality contributions to the Wisconsin retirement fund for county judges as provided by s. 66.905 (7).

SECTION 2. 66.902 (1) of the statutes is amended to read:

66.902 (1) Any municipality, except a city of the first class, a county having a population of 500,000 or more and the state of Wisconsin, shall be included within, and shall be subject to, the provisions of this fund by so electing, in accordance with this section. The effective date of participation of any such municipality shall be January 1 of the year after the year in which proper official notice of election to be included has been received by the board. The state of Wisconsin is hereby included, effective January 1,

1948. *Except as provided in sub. (1a), a municipality which has not elected to participate but some of whose employes will be included within and be subject to this fund on or after January 1, 1948 shall be included within and be subject to this fund effective January 1, 1948 as though such municipality had elected to participate herein, * * * provided that, until such municipality does actually so elect and such election becomes effective, its employes included within and subject to this fund shall be only those specified by ss. 61.65 (6) * * * and (7), 62.13 (9) (e), * * * (9a), * * * (10) (f) and * * * (g).*

SECTION 3. 66.902 (1a) of the statutes is created to read:

66.902 (1a) A county which has not elected to become a participating municipality but whose county judge has become a participating employe shall be included within and be subject to ss. 66.90 to 66.918 except that until such county does so elect and such election becomes effective only its county judge shall be included, and except that all municipality contributions for its county judge shall be made by the state as provided in s. 66.905 (7) instead of by the county. In no event shall such a county become a participating municipality or the county judge therein a participating employe prior to January 1, 1954.

SECTION 4. 66.902 (3) (o) of the statutes is created to read:

66.902 (3) (o) Each county judge who makes the election authorized by s. 66.903 (1) (a) 6 shall be granted prior service credit as of January 1, 1954 in accordance with s. 66.904 (1) (a) 1 for service rendered as county judge prior to said date at the rate of 2 times the municipality credit for current service after January 1, 1954 based only upon his salary as county judge (excluding fees and salary as juvenile judge) which prior service credit shall be reduced by the sum of all moral contributions made by him prior to said date and the interest added thereto. The \$350 per month limitation on earnings provided in ss. 66.901 (9) and 66.903 (2) (a) 1 shall not be applicable. His normal and additional contributions made for any period prior to January 1, 1954 and interest thereon shall become an additional credit of such participating employe and shall be treated in all respects as additional contributions made pursuant to s. 66.904 (1) (a) 4. The prior service credit granted as herein provided shall supersede and replace all prior service credit theretofore granted to such participating employe for service as a county judge which latter prior service credit shall be canceled forthwith.

SECTION 5. 66.903 (1) (a) 6 of the statutes is created to read:

66.903 (1) (a) 6 In all counties under 500,000, every county judge who shall file his official oath as county judge on or after January 1, 1954 shall be included within the fund and be subject to ss. 66.90 to 66.918 notwithstanding s. 66.901 (5) (i), except that in computing his normal contributions, all fees and all salary as juvenile judge shall be disregarded and no prior service credits shall be granted because of such inclusion. Any county judge in a county under 500,000 (including any such county judge who shall have been appointed and who previously had no right of election) who shall have filed his official oath as county judge prior to January 1, 1954, and who after September 1, 1953 and prior to January 1, 1954, notwithstanding any prior election, shall have filed with the board an election to participate pursuant to s. 66.901 (5) (i) shall be included within the fund and be subject to ss. 66.90 to 66.918.

SECTION 6. 66.903 (2) (a) 1, as amended by chapter 61, (Bill No. 30, S.), laws of 1953, is amended to read:

66.903 (2) (a) 1. Normal contributions of 5 per cent of each payment of earnings, excepting any part of such earnings in excess of \$350 per month or an equivalent for any other period, paid to any such employe by any participating municipality, provided, however, that the normal contribution rate on said earnings for such employes who are justices of the supreme court, circuit judges, conservation wardens, state forest rangers, members of the state traffic patrol, policemen, including the chief and all other officers, and firemen, including the chief and all other officers, shall be 7 per cent. *Effective January 1, 1954 for a county judge who makes the election authorized by s. 66.903 (1) (a) 6, and effective upon becoming a participating employe for a county judge who shall file his official oath as county judge on or after January 1, 1954, the normal contribution rate shall be 7 per cent.* Any county which shall be or become a participating municipality may certify to the Wisconsin retirement fund that any employe who then is or may become a deputy sheriff or traffic policeman is engaged in a hazardous occupation and may require that after a date specified by it but not earlier than January 1, 1948, the normal contribution rate for such employe shall be 7 per cent and in such case such employes shall be included under and receive the benefits of s. 102.455; but no prior service credit may be granted to any such participating employe upon the basis of a 7 per cent contribution.

SECTION 7. 66.903 (2) (a) 4 of the statutes is amended to read:

66.903 (2) (a) 4. The \$350 per month limitation on earnings provided in ss. 66.901 (9) and 66.903 (2) (a) 1 shall not be applicable to justices of the supreme court or circuit judges. *Effective January 1, 1954 for a county judge who makes the election authorized by s. 66.903 (1) (a) 6, and effective upon becoming a participating employe for a county judge who shall file his official oath as county judge on or after January 1, 1954, the \$350 limitation on earnings provided in ss. 66.901 (9) and 66.903 (2) (a) 1 shall not be applicable.*

SECTION 8. 66.905 (1) (introductory paragraph) of the statutes is amended to read: 66.905 (1) (introductory paragraph) *Except as provided in s. 66.905 (7)*, each participating municipality shall make contributions to the fund as follows:

SECTION 9. 66.905 (7) of the statutes is created to read:

66.905 (7) Notwithstanding any other provision, the cost of all prior service credits and municipality current service credits granted on and after January 1, 1954 to county judges whose normal contribution rate is 7 per cent shall be paid by the state. Each county under 500,000 shall submit a separate report to the fund each month pursuant to s. 66.903 (2) (e) for county judges whose normal contribution rate is 7 per cent unaccompanied by any matching municipality contribution. This report shall exclude all fees and all salary as juvenile judge. The fund shall consolidate all of such reports each month and apply to the total participating earnings shown thereon the appropriate municipality contribution rate for the state and transmit such consolidated report to the director of budget and accounts together with a voucher for payment to the Wisconsin retirement fund from the general fund of the matching municipality contribution payable thereto as indicated by the consolidated report so submitted. Thereupon the director of budget and accounts shall promptly approve such voucher for payment and the state treasurer shall forthwith issue his check therefor to the Wisconsin retirement fund.

SECTION 10. 66.906 (1b) of the statutes is created to read:

66.906 (1b) Each county judge included under this fund shall cease to hold office and shall be retired at the end of the month in which he shall attain the age of 70 years, except that any county judge who shall have filed his official oath as county judge on or before January 1, 1954, may at his election serve out the term for which such oath was filed. This provision shall supersede the provisions of sub. (1) for county judges.

SECTION 11. 66.906 (2) (b) 2, as amended by chapter 61 (Bill No. 30, S.), laws of 1953, is amended to read:

66.906 (2) (b) 2. The annuity which can be provided on the date such annuity begins, from the total accumulated municipality and prior service credits of the participant at such time; subject, however, to the limitation that in no event shall any annuity arising out of the total of the accumulated municipality and prior service credits exceed either of the following: a. The amount which, when added to the annuity provided, on the date such annuity begins, from the accumulated normal credits of the participant at such time, will equal 50 per cent of the final rate of earnings of the participant, or b. in the case of employes other than *county judges contributing on a 7 per cent basis*, supreme court justices and circuit judges, the amount of the annuity which could have been provided at age 65 from the accumulations at age 65, or on the effective date of participation for participants who are over 65 on such date, assuming the participant as then exactly age 65, from the total municipality and prior service credits of the participant, assuming that the prior service credits of such participant had been accumulated on the basis of a contribution rate equal to the sum of the rates of normal and municipality credits as they were on the effective date of participation of such participant, (except that this limitation shall be modified to include municipality credits equal to normal credits after attaining age 65 and prior to attaining age 70 for service rendered after December 31, 1951), or c. in the case of *county judges contributing on a 7 per cent basis*, supreme court justices and circuit judges, the amount of the annuity which can be provided, on the date of retirement, from the total municipality and prior service credits of the employe at such date.

SECTION 12. 66.906 (3) (f) of the statutes is amended to read:

66.906 (3) (f) A justice of the supreme court * * *, a circuit judge or a county judge who is eligible to receive an ordinary retirement annuity under s. 66.906 (2) may elect, in lieu of such annuity, to take the actuarial equivalent thereof as a retirement annuity payable monthly for the life of the participating employe as the annuitant, with a guaranty of 120 monthly payments, in which event all of the provisions of pars. (a) to (e) shall be applicable except that wherever the figure "180" appears in said paragraphs the figure "120" shall be substituted.

SECTION 13. 66.917 (1) (b) of the statutes is amended to read:

66.917 (1) (b) Authorized and directed to pay to the board concurrently with each

remittance of employe contributions, the corresponding municipality contribution out of the general fund or any special fund from which the earnings, from which the corresponding employe contributions were deducted were paid, *except as provided in s. 66.905 (7)*.

SECTION 14. 253.02 of the statutes is amended to read:

253.02 A county judge shall be elected in each county on the first Tuesday in April, 1913, and every sixth year thereafter. The term of office of county judge shall be 6 years, commencing on the first Monday in January after election. No person shall be eligible to the office of county judge who is not, at the time of his election or appointment, an attorney of a court of record. *Commencing January 1, 1954, no person 70 years of age or over shall be eligible to take office as county judge in counties under 500,000 population.*

SECTION 15. 253.29 (2) (introductory paragraph) and (3) are amended to read:

253.29 (2) (introductory paragraph) The fees enumerated in this subsection * * * shall be charged and collected by the registers in probate, and clerks of the county court, in full for all services rendered in the respective proceedings. The term "register of probate" appearing in any special act means the same as the term "register in probate."

(3) The register in probate and the clerk of the county court shall, on the first Monday of each month, pay into the office of the county treasurer * * * all fees collected by him and in his hands and still unclaimed as of said day. *Each county treasurer of a county under 500,000 shall make a report under oath to the state treasurer on or before the fifth day of January, April, July and October of all fees received by him under s. 253.29 (2) (a) to (f) up to the first day of each of said months and shall at the same time pay 65 per cent of such fees to the state treasurer for deposit in the general fund. Each county treasurer shall retain the balance of fees received by him under this section for the use of the county. In counties having a population of 500,000 or more all fees paid under this section shall be kept for use by the county.*

SECTION 16. This act shall take effect upon publication, except that Section 15 shall take effect January 1, 1954.

Approved July 7, 1953.
