

CHAPTER 475.

AN ACT to amend 66.901 (5) (i), 66.903 (2) (a) 1, and 66.906 (2) (b) 2.; and to create 66.902 (3) (n), 66.903 (1) (a) 5. and (2) (a) 4. and 66.906 (1a) and (3) (f) of the statutes, providing for the inclusion of justices of the supreme court and circuit judges in the Wisconsin retirement fund.

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

SECTION 1. 66.901 (5) (i) of the statutes is amended to read:

66.901 (5) (i) Who are elected to office by vote of the people unless such elected person shall request the board in writing to be included within the provisions of this fund, provided that no person who is, or shall be, a member of the legislature or other state officer elected by vote of the people, *except justices of the supreme court and circuit judges*, shall be eligible to be included within the provisions of this fund because of service rendered to the state as a member of the legislature or as an elected state officer or be entitled to any credit hereunder because of such service. Any elected person who shall be or shall have been included at his request shall automatically be included during any subsequent term or part thereof which he may serve in the same office or in any other elective office in the same municipality or any other participating municipality, and at all times while he is included shall be subject to the compulsory retirement provisions of section 66.906 (1). Persons so electing to participate shall be considered employes on the effective date of participation of the employing municipality *except as provided in section 66.903 (1) (a) 5.*, only if such election is received by the board within 90 days of such effective date and if such person was in the service of such municipality on such effective date. In all other cases any person so electing to participate shall become an employe as of the first day of the month following the receipt by the board of notice of such election. The administrative determination to the effect that the compulsory retirement provisions in section 66.906 (1) apply to all persons who have once elected or shall once elect to be included in accordance with this paragraph is hereby declared to express and confirm the intention of the legislature.

SECTION 2. 66.902 (3) (n) of the statutes is created to read:

66.902 (3) (n) Each supreme court justice and circuit judge who makes the election pursuant to section 66.901 (5) (i) shall be given prior service credit as of January 1, 1952, in accordance with section 66.904 (1) (a) 1. for state service prior thereto as supreme court justice or circuit judge at the rate of 2 times the municipality credit for current service.

SECTION 3. 66.903 (1) (a) 5. of the statutes is created to read:

66.903 (1) (a) 5. The effective date for supreme court justices and circuit judges shall be January 1, 1952.

SECTION 4. 66.903 (2) (a) 1. of the statutes 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, policemen, including the chief and all other officers, and firemen, including the chief and all other officers*, shall be 7 per cent. Any county which shall be or become a participating municipality may require that after a date specified by it but not earlier than January 1, 1948 the normal contribution rate for such of its participating employes as then are or may become deputy sheriffs, undersheriffs or traffic policemen shall be 7 per cent; but no prior service credit may be granted to any such participating employe upon the basis of a 7 per cent contribution.

SECTION 5. 66.903 (2) (a) 4. of the statutes is created to read:

66.903 (2) (a) 4. The \$350 per month limitation on earnings provided in 66.901 (9) and 66.903 (2) (a) 1. shall not be applicable to justices of the supreme court or circuit judges.

SECTION 6. 66.906 (1a) of the statutes is created to read:

66.906 (1a) JUSTICES AND CIRCUIT JUDGES. Each supreme court justice and circuit judge included under this fund who shall have attained age 70 or more on or before September 30, 1952, shall be retired at the end of his then current term unless he retires prior thereto, and each supreme court justice and circuit judge who attains age 70 thereafter shall be retired at the end of the month in which such age is attained. This restriction shall supersede the provisions of subsection (1) for supreme court justices and circuit judges.

SECTION 7. 66.906 (2) (b) 2. of the statutes 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 employe 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 employe at such time, will equal 50 per cent of the final rate of earnings of the employe, or (b) *in the case of employes other than 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 employes who are over age 65 on such date, assuming the employe as then exactly age 65, from the total municipality and prior service credits of the employe, assuming that the prior service credits of such employe 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 employe, or (c) *in the case of 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 8. 66.906 (3) (f) of the statutes is created to read:

66.906 (3) (f) A justice of the supreme court or a circuit judge who is eligible to receive an ordinary retirement annuity under section 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 paragraphs (a) to (e) shall be applicable except that wherever the figure "180" appears in said paragraphs the figure "120" shall be substituted.

Approved June 27, 1951.
