

No. 186, S.]

[Published June 9, 1953.

### CHAPTER 246

AN ACT to amend 66.901 (4) (d), (13) and (16), 66.906 (2) (b) and (5), 66.908 (2) (aa), 66.909 (3), 66.91 (1), 66.911 (5), 66.912 (1) (b), 66.918 (1) (b) and (5); to repeal and recreate 66.907 (2) (f); and to create 66.904 (1) (e), 66.912 (1) (ee) and 66.915 (8) of the statutes, relating to clarification of various provisions regarding the Wisconsin retirement fund.

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

SECTION 1. 66.901 (4) (d), (13) and (16) of the statutes are amended to read:

66.901 (4) (d) Has completed at least 6 months' continuous service or 12 months' total service for the municipality by which such person is employed when such person otherwise first becomes eligible for participation in the fund, *provided that leave of absence due to service connected disability compensated under ch. 102 shall be considered as continuous service but he shall not become a participating employe until after normal contributions become due.*

(13) The person so designated by a participant or annuitant in the last written designation of beneficiary on file with the board *for that particular purpose*; or if no person so designated survives, or if no designation is on file, the estate of such participant or annuitant.

(16) The council or common council in cities, village board in villages, county board in counties, school boards in common school districts or high school districts, joint county-city hospital board, joint sewerage commission, or metropolitan sewerage commission, or town board, or any agent duly appointed by any such body and designated in a written notice filed with the board as being authorized to act for any such body in matters pertaining to the fund. For the state of Wisconsin there shall be a governing body for each department, board or commission thereof which governing body shall be, for each such department, board or commission, the respective head thereof, who shall be certified in writing to the board of trustees by the director of the bureau of personnel for the state of Wisconsin, *except that the director of budget and accounts shall be the governing body for circuit judges and other circuit court personnel.*

SECTION 2. 66.904 (1) (e) of the statutes is created to read:

66.904 (1) (e) As of July 1 in each year all accounts of any participant having a total accumulation in the fund of less than \$250 who has ceased to be a participating employe for a consecutive period in excess of 24 months shall be transferred to a suspense file until such participant again becomes a participating employe and no interest shall be credited to any said account while it remains in said suspense file.

SECTION 3. 66.906 (2) (b) and (5) of the statutes are amended to read:

66.906 (2) (b) The amount of any retirement annuity shall be determined in accordance with the prescribed rate of interest \* \* \* *and the approved actuarial tables in effect \* \* \* on the date of approval of such annuity by the board* and shall be the sum of the following:

(5) Whenever any municipality shall employ any person who is entitled to receive a retirement *or disability* annuity from the fund, the municipality shall give written notice of such employment to the fund within 15 days of the date of such employment specifying in such notice the name of the employe, his birth date, the name of the participating municipality by which he was last employed and the date when his new employment began.

SECTION 4. 66.907 (2) (f) of the statutes is repealed and recreated to read:

66.907 (2) (f) Notwithstanding the fact that a disability annuity is granted for life,

if any disability annuitant shall receive earnings for personal services in any calendar year in excess of \$1,000 such annuity shall be suspended by the board. Such annuity may be reinstated by the board as of the beginning of the month following board action, upon a showing by the annuitant that such personal services have terminated. The board may require certifications as to earnings for personal services prior to the subsequent issuance of annuity checks.

SECTION 5. 66.908 (2) (aa) of the statutes is amended to read:

66.908 (2) (aa) If at the time of his death a participating employe who is currently in the service of a participating municipality or is on a leave of absence therefrom, subject to the limitations in s. 66.903 (1) (b), has then to his credit prior or current service credit, or both, for at least 60 months as a participating employe for any one participating municipality and, if the beneficiary or beneficiaries to whom the death benefit is payable are a spouse, parent, child (including legally adopted child), grandchild, brother or sister of such employe, there shall be added to the death benefit payable to such beneficiary or beneficiaries under par. (a) *an amount equivalent to the accumulated municipality and prior service credits of such employe on the date of his death; except that the total accumulated municipality and prior service credits used to provide the total death benefit shall not exceed such respective credits which could have been used to provide an annuity for the deceased employe at this age at the time of his death, assuming that an annuity could have been granted to him at such age. If any beneficiary who is entitled to an additional death benefit under this subsection shall also be entitled to an award under ch. 102 because of the death of such participating employe, the amount of the award under ch. 102 shall be reduced by the amount of the accumulated municipality and prior service credits payable to such beneficiary under this subsection. The executive director shall forthwith notify the industrial commission in writing of the payment of any such additional death benefit, specifying the amount thereof and the names of the payees and their relationship to the deceased participating employe.*

SECTION 6. 66.909 (3) of the statutes is amended to read:

66.909 (3) The amount of any beneficiary annuity shall be that which can be provided from the death benefit on the date such annuity begins in accordance with the prescribed rate of interest and the approved actuarial tables in effect \* \* \* *on the date of approval of such annuity by the board.*

SECTION 7. 66.91 (1) of the statutes is amended to read:

66.91 (1) Any participant who is not employed by a participating municipality and who at the time of application therefor would not be entitled to either a retirement or disability annuity beginning immediately. *Subsequent employment by a participating municipality prior to approval of the separation benefit shall cancel the application.*

SECTION 8. 66.911 (5) of the statutes is amended to read:

66.911 (5) All trustees shall serve without compensation, but shall be reimbursed for any reasonable traveling expenses \* \* \* and for the amount of any earnings withheld by an employing municipality because of attendance at any board meeting.

SECTION 9. 66.912 (1) (b) of the statutes is amended to read:

66.912 (1) (b) Consider and pass on all applications for annuities and benefits, authorize the payments of all annuities and benefits and terminate any such payment, all in accordance with the provisions of ss. 66.90 to 66.919, except that separation benefits may be paid upon the approval of the executive director and the actuary. The executive director with the approval of the legal advisor may suspend an annuity pending final action by the board when *in their judgment* the annuitant is not eligible to receive such annuity. No application shall be filed with the board unless the date therein specified on which an annuity is to begin shall be not later than 90 days after the date of receipt of such application by the board.

SECTION 10. 66.912 (1) (ee) of the statutes is created to read:

66.912 (1) (ee) Approve the tables to be used for computing annuities and benefits after certification thereof in writing by the actuary.

SECTION 11. 66.915 (8) of the statutes is created to read:

66.915 (8) Whenever upon the death of any participant any sum shall be due to the fund from that participant which cannot be recovered from the participant under existing statutes, the last participating municipality by which the participant was employed shall be charged with the amount due.

SECTION 12. 66.918 (1) (b) and (5) of the statutes are amended to read:

66.918 (1) (b) The board may retain out of any annuity or benefit such amount as the board in its discretion may determine, for the purpose of reimbursing the fund for any money paid to any annuitant, *beneficiary or \* \* \* participant* through misrepresentation, fraud or error. Upon the request of the board any \* \* \* municipality shall

withhold from any sum \* \* \* payable by such municipality to an annuitant, beneficiary or participant and remit to the board any amount which the board paid to such annuitant, beneficiary or participant through misrepresentation, fraud or error.

(5) Whenever any annuitant shall receive any annuity payment while in the service of any municipality contrary to the provisions of s. 66.906 (4) or 66.907 (2) (f), it shall be the duty of such municipality to withhold and remit to the board a sum equal to the annuity paid erroneously to the extent of any sums payable by such municipality, and any amount not recovered by the fund from the municipality may be procured by the fund pursuant to s. 66.918 (1) (b) or by action brought against such annuitant or his estate.

Approved June 3, 1953.

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