

No. 233, S.]

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CHAPTER 279

AN ACT to amend chapter 423, laws of 1923, section 1 (60) (introductory paragraph), as last amended by chapter 161, laws of 1945; to repeal and recreate chapter 423, laws of 1923, section 1 (60) (h) as created by chapter 505, laws of 1949; and to create chapter 423, laws of 1923, section 1 (69) and (70), relating to firemen's annuity and pension funds in cities of the first class.

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

SECTION 1. Chapter 423, laws of 1923, section 1 (60) (introductory paragraph) as last amended by chapter 161, laws of 1945, is amended to read:

(Chapter 423, laws of 1923) Section 1. (60) (introductory paragraph) Notwithstanding the provisions of any other subsection of this section, any present employe who shall have been a member of the fire department of such city on December 31 * * *, 1923, or any fireman who was not a member of the fire department of such city on December 31 * * *, 1923 but was a member of such department of such city prior to said date and resigned or was discharged from the service prior to said date, being ineligible for annuity, who re-entered such service in such city subsequent to such date and remained in such service continuously for a period of at least 15 years from his date of re-entrance into said service, who shall * * * resign or be discharged from the service (either before or after he shall have become 50 years of age) after he shall have completed 22 or more years of service and for whom the amount of annuity provided in accordance with the foregoing provisions of this section shall be less than 50 per cent of his average annual earnable salary during * * * the highest 5 years of creditable service * * * preceding * * * retirement, *resignation or discharge from the service*, shall receive annuity from and after the date of such retirement, resignation or discharge of an amount equal to 50 per cent of his average annual earnable salary during * * * the highest 5 years of creditable service * * * preceding * * * retirement, resignation or discharge * * *. Any employe who shall have become a member of the fire department of such city on or after January 1, 1924, who shall retire, resign or be discharged from the service after he shall have completed 25 or more years of service and for whom the amount of annuity provided in accordance with the foregoing provisions of this section shall be less than 50 per cent of his average annual earnable salary during * * * the highest 5 years of creditable service * * * preceding * * * retirement, resignation or discharge from the service, shall receive annuity from and after the date of such resignation or discharge of an amount equal to 50 per cent of his average annual earnable salary

during * * * *the highest 5 years* of creditable service * * * preceding * * * retirement, resignation or discharge * * *, provided that nothing in this subsection shall act to reduce the amount of annuity of any member who was eligible to retire on annuity on the day before * * * *May 17, 1945* at one-half or more of his *average annual earnable salary during his highest 5 years of creditable service* as it was in effect on such day, to an amount less than his annuity would have been if he had retired as of that day; however, any increase in compensation received after the effective date of this section shall be considered for annuity purposes under the * * * *highest 5 years* salary provision of this section.

SECTION 2. Chapter 423, laws of 1923, section 1 (60) (h), as created by chapter 505, laws of 1949, is repealed and recreated to read:

(Chapter 423, laws of 1923) Section 1. (60) (h) Notwithstanding any other provision of this section, the retirement board shall allow as creditable membership or prior service, as the case may be, all time during which any fireman was absent due to service in the military, air or naval forces or in any defense or compulsory military training programs of the United States of America, and absence during federal hospitalization because of injuries or sickness resulting from such service, providing that such fireman was duly excused or granted leave of absence from his services as a fireman, and provided further that the period allowed for such service shall begin with the date the fireman was excused or granted leave of absence, and shall extend until a date not more than 90 days after his discharge from military, air or naval service or federal hospitalization. Upon the retirement of such member under the provisions of this act, he shall be credited with the periods of his military service by city contribution with the same result as though the fireman and the city during such military service made the normal contributions.

SECTION 3. Chapter 423, laws of 1923, section 1 (69) and (70) are created to read:

(Chapter 423, laws of 1923) Section 1. (69) For the purpose of giving to cities of the first class the largest measure of self-government with respect to pension annuity and retirement systems compatible with the constitution and general law, it is hereby declared to be the legislative policy that all future amendments and alterations to this section are matters of local affair and government and shall not be construed as an enactment of statewide concern. Cities of the first class are hereby empowered to amend or alter the provisions of this section in the manner prescribed by s. 66.01 of the statutes; provided that no such amendment or alteration shall modify the annuities, benefits or other rights of any person who is a member of the system prior to the effective date of such amendment or alteration. For the further purpose of safeguarding the stability of pension systems in cities of the first class the provisions of chapter 396, laws of 1937, section 15 (2), as created by chapter 441, laws of 1947, shall apply to this chapter.

(70) Notwithstanding any other provisions of this section, all rights or benefits under or by virtue of chapter 165, laws of 1903 and acts amendatory thereto or supplementary thereof, that have accrued or shall accrue in the future to any person or persons whomsoever, including those retired on annuity, shall be preserved to such person or persons.

Approved June 10, 1953.
