

CHAPTER 355

AN ACT to renumber 13.40 (7) (e); to amend 13.40 (4) and (7) (a) and 43.22 (1m); and to create 13.40 (7) (e) and (f) and (9), 42.41 (4) and 42.531 of the statutes, relating to the functions of the joint survey committee on retirement systems, eligibility under the Wisconsin retirement fund, and eligibility, reports and retirement age under the state teachers retirement system.

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

SECTION 1. 13.40 (4) and (7) (a) of the statutes are amended to read:

13.40 (4) The committee shall select a chairman, a vice-chairman and a secretary from its members, and shall adopt such rules as are necessary. It may employ a recording secretary and such personnel as are required for the performance of its duties, at such compensation as shall be in conformity with ch. 16 and s. 20.530 (20). It may also *employ or contract for actuarial and technical assistance* which shall not be subject to * * * ch. 16.

(7) (a) No bill creating or modifying any system for, or *making any provision for, the retirement of or payment of pensions to public officers or employes*, shall be acted upon by the legislature until it * * * *has been referred to the joint survey committee on retirement systems and such committee * * * has submitted a written report on the proposed bill.* Such report shall pertain to the probable costs involved, the effect on the actuarial soundness of the retirement system, and the desirability of such proposal as a matter of public policy.

SECTION 2. 13.40 (7) (e) of the statutes is renumbered 13.40 (7) (g).

SECTION 3. 13.40 (7) (e) and (f) of the statutes are created to read:

13.40 (7) (e) Each retirement fund or system to which the state contributes shall furnish the committee with a copy of each financial, actuarial and valuation report made by such fund or system, its actuary or treasurer, for the fiscal year beginning in 1957 and thereafter.

(f) Each retirement fund or system to which the state contributes shall maintain records in such form that the committee or any other authorized agency can obtain such necessary information as it may require. Such information shall include censuses of active, deferred annuitant, and retired annuitant classes by age, sex and membership service.

SECTION 4. 13.40 (9) of the statutes is created to read:

13.40 (9) (a) Whenever a public employe qualifies for membership in the Wisconsin retirement fund or the state teachers retirement system, but a question or dispute arises as to which of the 2 retirement systems he should be a member of, a petition may be filed with the committee requesting that the committee determine in which of said systems such person is eligible for membership. The petition may be made by the public employe, his employer, the board of trustees of the Wisconsin retirement fund, the state teachers retirement board, or the director of budget and accounts.

(b) Upon the filing of any such petition the committee shall investigate the facts of the case and make its decision on the basis of such facts

and the applicable statutes. The committee may conduct a hearing on any such petition if it deems such hearing necessary. The committee shall render its decision in writing, briefly stating the reasons therefor or referring to previous decisions.

(c) The committee shall furnish a copy of such decision to the petitioner, the Wisconsin retirement fund and the state teachers retirement system. To the extent possible such decisions may be followed as precedents applicable to similar cases. The decisions of the committee under this subsection may be reviewed under ch. 227. In the absence of such review the decision of the committee shall be followed by the Wisconsin retirement fund and the state teachers retirement system.

(d) If the duties of the position of any such public employe include both teaching and the performance of other services, the committee shall make its determination according to the type of activity which occupies the majority of the working time of the employe.

(e) A public employe who is a member of the Wisconsin retirement fund or the state teachers retirement system on the effective date of this subsection (1957) shall remain a member of such fund or system, if he continues to occupy the same position, and the procedure set forth in this subsection shall not apply to such member.

SECTION 5. 42.41 (4) of the statutes is created to read:

42.41 (4) The state teachers retirement board may provide by rule that the payroll reports under this section be made on a monthly, quarterly, semiannual or annual basis. Such basis may be different for different types of employers.

SECTION 6. 42.531 of the statutes is created to read:

42.531 MANDATORY RETIREMENT OF STATE EMPLOYEES IN CLASSIFIED SERVICE. Any member of the system in the classified service of the state shall be retired at the end of the month in which he attains the age of 65 unless his appointing officer, board or commission specifically authorizes him in writing to continue in employment for a period or periods of not to exceed one year at a time.

SECTION 7. 43.22 (1m) of the statutes is amended to read:

43.22 (1m) *Work as a librarian employed by any school board * * * in a library in any school under its jurisdiction * * *, by a person whose qualifications as a librarian are at least equal to the minimum librarian qualifications prescribed by the state superintendent of public instruction * * *, shall be * * * deemed * * * teaching as such term is defined in s. 42.20 * * *. In cities of the first class any school librarian employed by any school board therein * * * on July 4, 1937, in any such city and whose qualifications as a librarian at said time are at least equal to the minimum librarian qualifications prescribed by the state superintendent and who, prior to employment as such school librarian by said school board in any such city, shall have had not less than one year of experience in teaching in public schools, or in a responsible library position above the rank of page, shall be entitled to the status, rights and privileges of a regular teacher as defined in s. 38.24 (19) from and after the beginning of such employment as such school librarian.*

SECTION 8. This act shall take effect upon passage and publication, except that SECTION 6 shall take effect on July 1, 1958, and SECTION 7 shall take effect on July 1, 1957.

Approved July 10, 1957.