

No. 841, A.]

[Published November 21, 1957.

CHAPTER 695

AN ACT to create 66.901 (5a) of the statutes, relating to participation in the Wisconsin retirement fund.

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

66.901 (5a) of the statutes is created to read:

66.901 (5a) ELECTION TO EXCLUDE. Any participating municipality may act pursuant to sub. (5) (j) and may take such action as of the effective date of participation provided that:

(a) No contributions to the fund have been made by any individual for himself or by the municipality for any persons who in either case were included under a retirement system referred to in sub. (5) (j) on the effective date of participation.

(b) Written notice of the election pursuant to this subsection to exclude persons under such retirement plan prior to the effective date of participation is received by the board prior to February 1, 1958.

(c) Any person affected by action taken pursuant to this subsection may be included under the fund if such person prior to April 1, 1958, by written notice filed with the fund and with the clerk of such participating municipality, irrevocably renounces all present, future and contingent benefits under any retirement system existing in such municipality, excepting the old-age and survivors insurance system, after which such person shall be included under the Wisconsin retirement fund as of the effective date of participation.

(d) If any person affected by this subsection, or a beneficiary, heir, or estate of any such person, establishes a right to a benefit under the Wisconsin retirement fund, based upon service rendered by such person as an employe of any municipality making the election provided for under this subsection, the cost of such benefit except that portion of the benefit based upon contributions made by the employe shall be charged to such municipality by the Wisconsin retirement fund. In any action to establish a right to any such benefit, the said municipality shall be joined as a party defendant.

(e) The municipality has filed the required forms and payroll reports and submitted all contributions due for all employes who were not under such local retirement system on the effective date of participation, but who were employes after the effective date of participation and were eligible to be participating employes under the Wisconsin retirement fund for part or all of the period between the effective date of participation and October 1, 1957, for whom forms, reports and remittances have not previously been submitted. In no event shall an employe be entitled to receive a separation benefit in an amount in excess of the normal and additional contributions made by him, plus any interest credited thereon.

(f) If any person has been prevented from applying for a retirement annuity because the participating municipality has not complied with the statutory requirements, such person may upon application if otherwise eligible have such annuity approved as of the earliest date such annuity could have begun had the participating municipality complied with the statute. Any person who was employed in a department of the participating municipality for which any such retirement system was established shall be deemed, if otherwise eligible, to have been eligible under the fund if not eligible for an annuity under such retirement system.

(g) The effective date of the repeal of s. 66.901 (5) (j) shall be October 1, 1958.

Approved November 13, 1957.