

No. 148, A.]

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CHAPTER 83

AN ACT to amend 66.903 (1) (a) 2 and (b), 66.907 (2) (a) 1, 66.908 (2) (a) and (aa); and to create 66.906 (3c), 66.908 (2) (ab) and 66.909 (1) (cc) of the statutes, relating to death benefits, termination of employment, and eligibility under the Wisconsin retirement fund, and granting rule-making authority.

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

SECTION 1. 66.903 (1) (a) 2 and (b) of the statutes are amended to read:

66.903 (1) (a) 2. All such persons who become employes of any participating municipality after the effective date of participation of such municipality as provided in s. 66.902, beginning upon the first day of the calendar month following the date on which any such person has met all of the other qualifications for becoming a participating employe, *but beginning immediately for any former participating employe who is otherwise eligible.*

(b) Every leave of absence granted by a participating municipality to a participating employe except a military leave shall automatically terminate at the end of 2 years for the purposes of this fund if not previously terminated by the participating municipality * * *. No leave of absence shall be deemed to have been ended or interrupted until the participating employe * * * *has* resumed active performance of duty for the participating municipality which granted such leave of absence for at least 18 working days within a period of 30 consecutive calendar days * * * .

SECTION 2. 66.906 (3c) of the statutes is created to read:

66.906 (3c) OTHER FORMS OF ANNUITIES. In addition to the optional forms of annuities permitted under this section the board may by rule establish such additional optional forms of annuities as it deems desirable. Such additional forms of annuities shall be based on actuarial equivalent values, with due regard to selection against the fund.

SECTION 3. 66.907 (2) (a) 1 of the statutes is amended to read:

66.907 (2) (a) 1. Any participating employe who has not attained age 65 and irrespective of the amount of accumulated credits at the time, is separated from the service of all participating municipalities, and who at such time is totally disabled, either mentally or physically, by a disability which is likely to be permanent. The participating municipality shall certify to the fund that such separation occurred because of the disability. For the purposes of this subsection a participant shall, within the limitations of s. 66.903 (1) (b), be considered to be a participating employe *on leave of absence, notwithstanding the fact that no*

formal leave of absence is in effect, if no other employment has intervened since service for the participating municipality, and if the termination of active service for the participating municipality was due to such disability.

SECTION 3m. 66.908 (2) (a) and (aa) of the statutes are amended to read:

66.908 (2) (a) Upon the death of * * * a participating employe * * *, or upon the death of an applicant for a retirement annuity, whose application had been received within 30 days after termination of the employment * * * and who would have been entitled to such annuity had he lived, the sum of: 1. The accumulated normal credits of such employe on the date of death, or \$500, whichever is the greater, and 2. the accumulated additional credits of such employe on the date of death.

(aa) Upon the death of a participating employe * * *, or upon the death of an applicant for a * * * retirement annuity, other than an annuity authorized by s. 66.906 (3), whose application had been received within 30 days after termination of employment and who would have been entitled to such annuity had he lived, which participating employe or applicant * * * had at the time of his death prior or current service credit, or both, for at least * * * 20 calendar quarter years as a participating employe for any one participating municipality, 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 or applicant, the death benefit provided under par. (a) or, if greater, an amount equal to the accumulated normal, additional, municipality and prior service credits of such participating employe or applicant 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 participating employe or applicant at the time of his death, assuming that an annuity could have been granted to him at such time. *If the death is determined under ch. 102 to have arisen out of employment in a position which under ss. 66.90 to 66.918 qualified the deceased as a participating employe the 20 calendar quarter years service requirement herein is not applicable.*

SECTION 4. 66.908 (2) (ab) of the statutes is created to read:

66.908 (2) (ab) For the purposes of this subsection a participant shall, within the limitations of s. 66.903 (1) (b) be considered a participating employe on leave of absence, notwithstanding the fact that no formal leave of absence is in effect, if no termination of employment forms shall have been filed by the participating municipality. If while on a leave of absence death arises from employment by any employer other than the participating municipality for which a person currently has the status of participating employe there shall be deemed to have been a termination of employment and the beneficiaries of that person shall not be eligible for a death benefit under this paragraph.

SECTION 5. 66.909 (1) (cc) of the statutes is created to read:

66.909 (1) (cc) A beneficiary who is a widow of a participant or annuitant may, in lieu of a life annuity, which annuity is to begin prior to the widow's sixty-second birthday, elect to take the actuarial equivalent thereof as:

1. A reduced annuity payable monthly for life, plus
2. A temporary annuity payable monthly and terminating with the payment due in the month in which the widow attains age 62. It is the intent of this option that so far as is practicable the aforesaid life annuity and temporary annuity will be determined in such amounts that the

widow's total anticipated retirement benefits from the fund and her survivors benefit from the federal old-age and survivors insurance system will be the same both before and after attainment of age 62. Section 66.908 (2) (d) shall apply to an annuity granted under this subsection.

Approved May 9, 1957.
