

No. 462, S.]

[Published May 21, 1945.]

CHAPTER 161.

AN ACT to amend chapter 423, laws of 1923, section 60 (Introductory paragraph) as amended by chapters 450, 453 and 553, laws of 1943, 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:

Chapter 423, laws of 1923, section 60 (Introductory paragraph), as amended by chapter 450, 453 and 553, laws of 1943, is amended to read:

(Chapter 423, Laws of 1923) Section 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 of the year before the year in which this section shall come into effect in such city, or any fireman who was not a member of the fire department of such city on December 31 of the year before the year in which this section came into effect in such city 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 reentered 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 reentrance into said service, who shall *retire*, 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 his last 5 years of creditable service immediately preceding his retirement*, 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 his last 5 years of creditable service immediately preceding his retirement*, resignation or discharge; and provided that 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 his last 5 years of creditable service immediately preceding his 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 his last 5 years of creditable service immediately preceding his retirement*, resignation or discharge; and provided further if any present employe while engaged in the performance of his duties be injured or disabled from any cause, or if any such present employe after 10 years of service shall be injured or disabled from any cause whatever, the said retirement board shall order such present employe to be examined by a duly licensed physician appointed by said board, and if such present employe is found upon such examination to be physically or mentally permanently disabled so as to render necessary his retirement from service in such department the said board shall retire said member from service, upon such retirement (and for whom the amount of annuity provided in accordance with the foregoing provision of this section shall be less than 50 per cent of his salary at the date of injury or disability) such member shall receive annuity of an amount equal to 50 per cent of his salary as it shall be at the date of his injury or disability, or if any such member disabled to the extent aforesaid under the conditions aforesaid be thereafter discharged, such discharged persons shall receive annuity according to the above provisions, *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 the effective date of this subsection at one-half or more of his salary 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 5-year average salary provision of this section.*

Approved May 17, 1945.