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CHAPTER 357

AN ACT to amend 42.242 (1) (a), (5), (7) and (9), 42.243 (7) (e) and (g) (intro. par.), 42.35 (3) and (4), 42.49 (1) (intro. par.), (2) (intro. par.) and (e), (3), (4) (a), (6) (a), (7) (a), (10) (bb), (14) and (15) and to create 42.243 (2) (g) of the statutes, relating to the payment of retirement benefits by the Wisconsin state teachers retirement system.

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

SECTION 1. 42.242 (1) (a), (5), (7) and (9) of the statutes are amended to read:

42.242 (1) (a) When a member of the combined group has ceased to be employed as a teacher *in the public schools, state colleges or university in this state*, and is not on leave of absence from a teaching position *in the public schools, state colleges or university in this state*, the accumulation from the member's required deposits, additional deposits or state deposits may be applied by the member as a net single premium at the rate certified by the board, to the purchase of an annuity or annuities * * *. A member may elect to receive an annuity or annuities from member's required deposits in one form and an annuity or annuities from state deposits in another form. He may elect to receive his additional deposits in a lump sum or in the form of * * * an annuity or annuities * * *.

(5) Any member who has ceased to be employed as a teacher *in the public schools, state colleges or university in this state*, and is not on leave of absence from a teaching position *in the public schools, state colleges or university in this state*, may be paid the accumulation from the member's deposits made while a member of the combined group based on teaching service performed after June 30, 1957, on filing with the * * * board before the fiftieth birthday anniversary of such member a written request therefor and a full and complete discharge and release of all right, interest or claim on the part of such member to state deposit accumulations based on teaching service performed after June 30, 1957. Withdrawal of accumulations from member's deposits made before said member became a member of the combined group shall be governed by s. 42.49.

(7) Any member, who has attained the age of 50 years, has ceased to be employed as a teacher *in the public schools, state colleges or university in this state, and is not on leave of absence from a teaching position in the public schools, state colleges or university in this state*, and whose total accumulation from required deposits, state deposits and annuity payments withheld pursuant to sub. (6), *including accumulations under s. 42.243*, does not exceed \$3,000, may be paid such accumulation in a single payment upon filing an application therefor in such form as the board requires. The accumulation from additional deposits shall be paid at the same time.

(9) ANNUITY OPTIONS. An annuity under sub. (1), (2) (a) 1 or (3) may at the option of the member be granted in any of the optional forms set forth in s. 42.49 (2) (a) to * * * (e).

SECTION 1m. 42.243 (2) (g) of the statutes is created to read:

42.243 (2) (g) Any member of the separate group may direct, upon a form furnished by the board, that any or all additional deposits subsequently made by or on behalf of said member be paid into the retirement deposit fund of the variable annuity division, but the maximum amount of such additional deposits paid into such fund shall be \$5,000 per year. Benefits available from additional deposit accumulations for members of the combined group shall also be available to members of the separate group. Subsection (3) shall not apply to members of the separate group.

SECTION 2. 42.243 (7) (e) and (g) (intro. par.) of the statutes are amended to read:

42.243 (7) (e) Any member who has ceased to be employed as a teacher *in the public schools, state colleges or university in this state*, and is not on leave of absence from a teaching position *in the public schools, state colleges or university in this state*, may be paid the accumulation from the member's deposits made in or transferred to the variable annuity division, on filing with the board before the fiftieth birthday anniversary of such member a written request therefor and a full and complete discharge and release of all right, interest or claim on the part of such member to state deposit accumulations which accrued in the variable annuity division as the result of state deposits made in or transferred to the variable annuity division while he was a participant therein. Withdrawal of accumulations from member's deposits in the fixed annuity division shall be governed by s. 42.242 (5).

(g) (intro. par.) When a member has ceased to be employed as a teacher *in the public schools, state colleges or university in this state*, and is not on leave of absence from a teaching position *in the public schools, state colleges or university in this state*, the accumulation from the member's required deposits, additional deposits or state deposits may be applied by the member as a net single premium at the rate certified for beginning payments by the board, to the purchase of a variable annuity, which variable annuity may be:

SECTION 3. 42.35 (3) and (4) of the statutes are amended to read:

42.35 (3) Persons on leave from an educational institution not under the state teachers retirement system and who are visiting professors, visiting associate professors, visiting assistant professors, or visiting lecturers at the university of Wisconsin *or the state colleges* shall not come under the provisions of the state teachers retirement system provided their employment at the university *or state colleges* is for not more than one year. If their employment at the university *or state colleges* is continued for more than one year they will, at the start of the second year of such employment, come under * * * the state teachers retirement system.

(4) Persons engaged as teachers at the state colleges or the university for summer sessions only, and who are not members of the state teachers retirement system, shall not come under * * * that system.

SECTION 4. 42.49 (1) (intro. par.), (2) (intro. par.) and (e), (3), (4) (a), (6) (a), (7) (a), (10) (bb), (14) and (15) of the statutes are amended to read:

42.49 (1) (intro. par.) Upon the expiration of 6 months after filing application with the state teachers retirement board by a member who has ceased to be employed as a teacher in the public schools, state colleges or university in this state, and who is not on a leave of absence from a teaching position in the public schools, state colleges or university in this state, the * * * accumulations from the member's deposits, or any part thereof, may be withdrawn:

(2) (intro. par.) When a member has ceased to be employed as a teacher in the public schools, state colleges or university in this state, and is not on a leave of absence from a teaching position in the public schools, state colleges or university in this state, the accumulation from the member's deposits may be applied by the member as a net single premium at the rate certified by the state teachers retirement board, to the purchase of an annuity, the first payment to be made in such month and year after the application for the annuity is received by the board as the member * * * directs, which annuity may be:

(e) In such life annuity or annuities as the state teachers retirement board * * * approves but the amount payable monthly to others upon the death of the member shall not be more than the amount which would have been payable monthly to the member if he continued to live.

(3) When a member has ceased to be employed as a teacher in the public schools, state colleges or university in this state, and is not on leave of absence from a teaching position in the public schools, state colleges or university in this state, the accumulations from state deposits may be applied by the member, except as provided in sub. (15), to the purchase of an annuity in the same manner as provided in sub. (2) (a), (b), (c), * * *, (d) or (e), except that the first payment cannot be made before the fiftieth birthday anniversary of the member unless he has qualified for a disability annuity under sub. (9) (a).

(4) (a) When a member who has taught after August 3, 1947, ceases to be employed as a teacher * * * in the public schools, state colleges or university in this state and is not on a leave of absence from a teaching position in the public schools, state colleges or university in this state, and has attained the age of 60 years or more, and has had not less than 30 years of teaching experience of which not less than 20 years were in the public schools, the state colleges * * * or the university in this state, and has applied the entire accumulations from required deposits as provided in sub. (2), and the accumulations from state deposits have been applied by the member to the purchase of annuity as provided in sub. (3), and when the annuity purchased by such accumulations from state deposits, together with the annuity, if any, provided for the member under s. 42.51 (3), when computed as an annuity payable monthly to the member during life is less than an annuity of \$2 per month for each year of the member's teaching experience, not exceeding 35 years, in the public schools, state colleges or university in this state, the annuity to the member shall be increased so that the member shall be paid an annuity for life equal to such annuity, or the actuarial equivalent of such life annuity. The increase in the annuity shall be paid from the contingent fund.

(6) (a) When a member who, after July 29, 1951, taught in a position which compelled such member to make required deposits, ceases to be employed as a teacher in the public schools, state colleges or university in this state, and is not on a leave of absence from a teaching position in the

*public schools, state colleges or university in this state, and has attained the age of 60 years or more, and has had not less than 30 years of teaching experience of which not less than 20 years were in the public schools, the state colleges * * * or the university in this state, and has applied the entire accumulation from required deposits as provided in sub. (2) and the accumulation from the state deposits has been applied by the member to the purchase of an annuity as provided in sub. (3) :*

(7) (a) When a member *who has taught after July 29, 1951, ceases to be employed as a teacher * * * in the public schools, state colleges or university in this state* and is not on a leave of absence from a teaching position *in the public schools, state colleges or university in this state, and has attained the age of 60 years or more and has had not less than 25 years of teaching experience in the public schools, the state colleges * * * or the university in this state, or has attained the age of 55 years or more and has had not less than 30 years of teaching experience in the public schools, the state colleges * * * or the university in this state, and has applied the entire accumulation from the member's required deposits as provided in sub. (2), and the accumulations from the state deposits have been applied by the member to the purchase of an annuity as provided in sub. (3), and when the annuity purchased by such accumulations from the state deposits, together with the annuity, if any, provided for the member under s. 42.51 (3), when computed as an annuity payable monthly to the member during life is less than an annuity of \$2 per month for each year of the member's teaching experience, not exceeding 35 years, in the public schools, state colleges or university in this state, the annuity to the member shall be increased so that the member shall be paid an annuity for life equal to such annuity, or the actuarial equivalent of such life annuity. The increase in the annuity shall be paid from the contingent fund.*

(10) (bb) Any person who is receiving a disability annuity of \$25 per month for which such person qualified under sub. (9) (a), or the former sub. (4) [see 42.49 (4), Statutes of 1953 and prior years], before the attainment of age 50, or who is receiving a disability annuity under the teachers insurance and retirement fund, or who has retired from teaching because of disability as defined in sub. (9) (a) and is not eligible for OASI *primary or disability benefits earned either wholly or partially as a result of OASI coverage as a teacher in the public schools, state colleges or university in this state* shall be paid an additional \$1.25 per month for each year of the first 20 years of teaching experience in the public schools, state colleges or university in this state and \$1 per month for each additional year of such teaching experience but the total additional payment shall not exceed \$45 per month, provided that no person shall be eligible to receive a benefit under both par. (a) and this paragraph.

(14) LUMP SUM WITHDRAWAL; FORFEITURE. * * * Any member of * * * the separate group, who * * * *ceases to be employed as a teacher in the public schools, state colleges or university in this state, and is not on leave of absence from a teaching position in the public schools, state colleges or university in this state, shall be paid the accumulation from all of the member's deposits, on filing with the state teachers retirement board a written request therefor and a full and complete discharge and release of all right, interest or claim on the part of such member under the state teachers retirement law.*

(15) Any member, after attaining the age of 50 years, having ceased to be employed as a teacher *in the public schools, state colleges or university in this state, and not being on a leave of absence from a teaching position in the public schools, state colleges or university in this state, whose accumulation from state deposits does not exceed \$1,500 may apply such accumulation to the purchase of an annuity as provided in sub. (3) or may withdraw such accumulation in a single payment upon filing an application*

therefor with the state teachers retirement board in such form as said board * * * *requires*; provided that the payment of said accumulation in a single sum shall be made only with, or after, the withdrawal of all of the accumulation from said member's own deposits in accordance with sub. (1).

Approved September 23, 1963.
