

39.76; 1967 c. 43; 1967 c. 291 s. 14; 1969 c. 55 s. 113; 1969 c. 154.

CHAPTER 40.

General Trust Funds for Public Employes.

40.01 History: 1969 c. 154; 1969 c. 331 ss. 7, 23; 1969 c. 392 ss. 20, 21; Stats. 1969 s. 40.01.

40.10 History: Stats. 1967 s. 66.919 (1), (3); 1969 c. 154 ss. 206, 377, 378; 1969 c. 158 ss. 19, 20, 21, 93, 95, 99; 1969 c. 331 ss. 8, 9; Stats. 1969 s. 40.10.

Editor's Note: For histories of 40.10 through 40.23 see 66.919 in Wis. Annotations, 1960 and also the history cited under 66.919 in the 1967 statutes.

40.11 History: Stats. 1967 s. 66.919 (4); 1969 c. 154 ss. 199, 378; 1969 c. 158 ss. 22, 23, 24, 96, 97, 107; 1969 c. 331 s. 10; Stats. 1969 s. 40.11.

40.12 History: Stats. 1967 s. 66.919 (5); 1969 c. 158 ss. 97, 107; 1969 c. 331 s. 11; Stats. 1969 s. 40.12.

40.13 History: Stats. 1967 s. 66.919 (6); 1969 c. 154 ss. 200, 201, 378; 1969 c. 158 ss. 97, 107; 1969 c. 331 ss. 12, 13; Stats. 1969 s. 40.13.

40.14 History: Stats. 1967 s. 66.919 (7); 1969 c. 158 ss. 97, 107; 1969 c. 245 ss. 12, 14 (2); Stats. 1969 s. 40.14.

40.145 History: Stats. 1967 s. 66.919 (7a); 1969 c. 158 ss. 97, 107; Stats. 1969 s. 40.145.

40.15 History: Stats. 1967 s. 66.919 (8); 1969 c. 154 ss. 203, 377, 378; 1969 c. 158 ss. 25, 97, 107; 1969 c. 331 s. 14; Stats. 1969 s. 40.15.

40.16 History: Stats. 1967 s. 66.919 (9); 1969 c. 154 ss. 204, 378; 1969 c. 158 ss. 25, 97, 107; 1969 c. 245 ss. 13, 14 (2); Stats. 1969 s. 40.16.

40.17 History: Stats. 1967 s. 66.919 (10); 1969 c. 158 ss. 25, 97; 1969 c. 331 s. 15; Stats. 1969 s. 40.17.

40.18 History: Stats. 1967 s. 66.919 (11); 1969 c. 55; 1969 c. 158 ss. 25, 97; Stats. 1969 s. 40.18.

40.19 History: Stats. 1967 s. 66.919 (12), (12a), (14); 1969 c. 158 ss. 97, 99, 107; Stats. 1969 s. 40.19.

40.20 History: Stats. 1967 s. 66.919 (15); 1969 c. 158 ss. 25, 99, 107; 1969 c. 326 ss. 2, 3; 1969 c. 331 ss. 16, 17, 18; Stats. 1969 s. 40.20.

The reasoning applied in construing 66.902 (1c), Stats. 1955, is equally applicable to the construction of 66.919 (15) (cc). 55 Atty. Gen. 207.

40.21 History: Stats. 1967 s. 66.919 (21); 1969 c. 158 ss. 99, 107; Stats. 1969 s. 40.21.

40.22 History: Stats. 1967 s. 66.919 (25); 1969 c. 154 s. 377; 1969 c. 158 ss. 25, 99; Stats. 1969 s. 40.22.

40.23 History: Stats. 1967 s. 66.919 (16); 1969 c. 158 ss. 99, 107; Stats. 1969 s. 40.23.

40.24 History: 1969 c. 154 ss. 205, 378; 1969 c. 331 s. 19; Stats. 1969 s. 40.24.

40.25 History: 1969 c. 154 ss. 205, 378; 1969 c. 331 s. 19; Stats. 1969 s. 40.25.

40.26 History: 1969 c. 154 ss. 205, 378; 1969 c. 331 s. 19; 1969 c. 392 s. 22; Stats. 1969 s. 40.26.

40.40 History: 1969 c. 158 s. 27; Stats. 1969 s. 40.40.

Editor's Note: Prior to the enactment of ch. 158, Laws 1969, the subject of social security coverage for public employes was governed by 66.99, Stats. 1967.

40.41 History: 1969 c. 158 s. 27; 1969 c. 331 s. 20; Stats. 1969 s. 40.41.

40.42 History: 1969 c. 154 ss. 207, 208, 209, 378; 1969 c. 158 s. 27; 1969 c. 331 ss. 21, 22; Stats. 1969 s. 40.42.

40.43 History: 1969 c. 158 s. 27; Stats. 1969 s. 40.43.

CHAPTER 41.

Public Employes Retirement (Except Teachers).

41.01 History: 1943 c. 175; Stats. 1943 s. 66.90 (1), (2); 1947 c. 206, 362; Stats. 1947 s. 66.90; 1957 c. 381; 1969 c. 158 ss. 84, 107; Stats. 1969 s. 41.01.

41.02 History: 1943 c. 175; Stats. 1943 s. 66.90 (3); 1945 c. 156, 486; 1947 c. 99, 206, 362, 556; Stats. 1947 s. 66.901; 1949 c. 434, 502; 1951 c. 475, 667, 722; 1953 c. 246; 1955 c. 9, 41; 1957 c. 60 ss. 8 to 11; 1957 c. 126, 331, 381, 387, 388, 528, 533, 610, 617; 1957 c. 672 ss. 47 to 50; 1957 c. 695; 1959 c. 228 ss. 62, 69; 1959 c. 251, 271, 446, 619, 631; 1959 c. 659 s. 63; 1961 c. 11, 281, 336, 642; 1963 c. 20; 1965 c. 33, 241, 251, 407, 581; 1967 c. 316, 355; 1969 c. 10; 1969 c. 154 ss. 185, 378; 1969 c. 158 ss. 30, 31, 32, 85, 86, 104, 107; 1969 c. 326 ss. 1, 3; 1969 c. 331 ss. 24 to 27; 1969 c. 392 s. 86; 1969 c. 424 s. 26; Stats. 1969 s. 41.02.

A policeman in a city of the fourth class which becomes a participating municipality under the Wisconsin municipal retirement fund, who otherwise qualifies as an employe, is not excluded from said fund unless such policeman is then included in the policemen's pension fund created by ordinance passed pursuant to 62.13 (9)(e), Stats. 1943. 32 Atty. Gen. 448.

An elected county official who is included within the Wisconsin municipal retirement fund at his own request cannot later withdraw therefrom. 35 Atty. Gen. 21.

For interpretation of chs. 206 and 556, Laws 1947, as they apply to policemen and firemen outside of cities of the first class, see 36 Atty. Gen. 489.

Persons who became employes of the water department of the city of Madison after January 1, 1944 and who were otherwise eligible to become participating employes under the Wisconsin municipal retirement fund (now the Wisconsin retirement fund), should have been included as participating employes thereunder. Employes of such department who were included under the retirement system of such department on January 1, 1944, were excluded as participating employes under the

Wisconsin municipal retirement fund. 37 Atty. Gen. 442.

A county board cannot set up a system whereby employes reaching the age of 65 are retired upon payment of cash bonuses. The only county pension system authorized by law is that contemplated by the Wisconsin retirement fund. 39 Atty. Gen. 314.

A person who, as county judge, elected to participate under the Wisconsin retirement fund pursuant to 66.901 (5)(i), Stats. 1951, and who as circuit judge subsequently again elected to participate therein, may not elect to discontinue such participation while continuing to serve as circuit judge. He must continue to make employe contributions and may not withdraw his contributions as long as he continues to serve as such judge. 41 Atty. Gen. 383.

The fact that one person received an annuity under the state retirement system, but that his successor is classified as a teacher subject to teacher's retirement payments, is not necessarily wrong, since their duties may be different. 45 Atty. Gen. 198.

Employees of the state historical society are "employees" within the meaning of 66.901 (4), Stats. 1955, and properly have been included under the Wisconsin retirement fund. 45 Atty. Gen. 171.

Full-time Wisconsin air and army national guard technicians are ineligible to participate in the Wisconsin retirement fund when they are paid from federal funds and are not on a state payroll. 47 Atty. Gen. 300.

Since January 1, 1960, a judge who was formerly under the Wisconsin retirement fund in some other capacity need not serve another qualifying period as judge. 49 Atty. Gen. 161.

Under 66.901 (5m), Stats. 1967, a former member of the judiciary or legislature, or a state constitutional officer, who accepts general state employment, has the right to have his retirement annuity computed in the same manner as if he were still a member of that class, provided he meets certain conditions prescribed in the statute. 57 Atty. Gen. 95.

41.03 History: 1969 c. 158 s. 33; Stats. 1969 s. 41.03.

41.04 History: 1969 c. 154 ss. 192, 378; 1969 c. 158 s. 33; Stats. 1969 s. 41.04.

41.05 History: 1943 c. 175; Stats. 1943 s. 66.90 (4); 1945 c. 156, 547; 1947 c. 206, 362, 556; Stats. 1947 s. 66.902; 1949 c. 434, 490, 502, 511, 643; 1951 c. 475; 1953 c. 461, 467, 630; 1953 c. 631 s. 41; 1953 c. 664; 1955 c. 347, 438, 486, 655; 1957 c. 60 ss. 12, 13, 35; 1957 c. 379, 617, 668; 1959 c. 251, 271, 503; 1959 c. 641 s. 22; 1961 c. 281, 459; 1963 c. 20, 227, 362, 459, 567; 1965 c. 251; 1965 c. 433 s. 121; 1965 c. 483, 581; 1967 c. 291 s. 14; 1967 c. 316; 1969 c. 158 ss. 34, 86, 107; 1969 c. 276 s. 590 (1); 1969 c. 331 s. 28; Stats. 1969 s. 41.05.

See note to sec. 26, art. IV, on extra compensation, note to sec. 31, art. IV, on prohibition of special and private laws (taxes), and note to sec. 1, art. VIII, on the rule of taxation (general), citing *Columbia County v. Wisconsin Ret. Fund*, 17 W (2d) 310, 116 NW (2d) 142.

Under 66.902 (3) (n), Stats. 1961, circuit judges received prior service credits for service as inferior court judges even though this means duplication of credits by virtue of par-

ticipation in another retirement system. State ex rel. Neelen v. Lucas, 24 W (2d) 262, 128 NW (2d) 425.

Under 66.902 (3) (n), Stats. 1959, circuit judges under the Wisconsin retirement fund are entitled to prior service credit for service as full-time judges of courts of record, municipal or inferior in Milwaukee county, even though credit was received under another public employe retirement system. 48 Atty. Gen. 175.

Reimbursement by the state to a county pursuant to 66.902 (6) (b), Stats. 1963, should go into the general fund of the county. 53 Atty. Gen. 19.

For discussion of application of retirement fund and insurance funds regulations to the newly created vocational districts see 55 Atty. Gen. 207.

41.07 History: 1943 c. 175; Stats. 1943 s. 66.903 (5), (6); 1947 c. 99, 206, 362, 556; Stats. 1947 s. 66.903; 1949 c. 502, 643; 1951 c. 475, 518, 722; 1953 c. 61, 461; 1955 c. 9, 41, 137, 262, 478, 486, 655; 1957 c. 79, 83, 126, 527, 550, 690; 1959 c. 251, 617; 1961 c. 281, 642; Stats. 1961 ss. 66.89, 66.903; 1963 c. 343; 1965 c. 251, 483, 581; 1967 c. 43; 1967 c. 291 s. 14; 1967 c. 355; 1969 c. 154 ss. 186m, 378; 1969 c. 158 ss. 35, 83, 86, 88, 107; 1969 c. 172; 1969 c. 245 ss. 11, 14 (1); 1969 c. 276 ss. 320, 619 (2); 1969 c. 392 s. 32; Stats. 1969 s. 41.07.

Where a person is a full-time employe of a participating municipality which pays his full salary, the normal employe contribution for such employe should be based upon the gross salary paid him, even though the city is reimbursed for one-half of such salary under a contract between the city and the county. 33 Atty. Gen. 65.

The term "deputy sheriffs" in 66.903 (2) (a), Stats. 1951, includes only persons performing the duties usually associated with the office of deputy sheriff, and that includes court bailiffs regardless of their civil service classification, but does not include other employes of the county, whether employed in the sheriff's office or in other county departments, who have been deputized by the sheriff in order that they may have police powers if necessary in an emergency situation. 41 Atty. Gen. 276.

Inclusion of conservation department employes on a payroll at higher than the normal contribution rate under the Wisconsin retirement fund does not constitute a designation of such employes as subject to special duty under 66.903 (2) (a), Stats. 1959. 49 Atty. Gen. 101.

41.08 History: 1943 c. 175; Stats. 1943 s. 66.90 (7); 1945 c. 55, 555; Stats. 1945 s. 66.90 (7), (7a); 1947 c. 99, 206, 362, 377, 556, 577; Stats. 1947 s. 66.904; 1949 c. 174, 299; 1951 c. 511 s. 47; 1951 c. 552, 719, 722, 734; 1953 c. 246, 412; 1955 c. 41, 262; 1957 c. 60 ss. 14, 15, 16; 1957 c. 126, 550, 660; 1959 c. 19, 251, 271, 514, 631; 1961 c. 281, 415, 642; 1963 c. 238, 268; 1965 c. 33, 251, 473, 508; 1969 c. 158 ss. 36, 86, 107; 1969 c. 276 s. 598 (1); Stats. 1969 s. 41.08.

Conservation wardens who became participating employes in the Wisconsin retirement fund as of January 1, 1948 may be entitled to prior service credit under said fund in accordance with 66.904 (2), Stats. 1947, for

time which they spent in the armed forces. 37 Atty. Gen. 29.

41.09 History: 1965 c. 251, 581; Stats. 1965 s. 66.9045; 1967 c. 312, 316, 355; 1969 c. 158 ss. 86, 107; Stats. 1969 s. 41.09.

41.10 History: 1943 c. 175; Stats. 1943 s. 66.90 (8); 1947 c. 99, 206, 362, 556; Stats. 1947 s. 66.905; 1951 c. 552, 722; 1953 c. 461, 467; 1953 c. 631 ss. 41, 42; 1955 c. 55, 486, 655; 1957 c. 60, 533; 1959 c. 271, 514; 1959 c. 659 s. 79; 1961 c. 281, 642; 1963 c. 20; 1965 c. 251, 581; 1969 c. 154 ss. 187, 187m, 378; 1969 c. 158 ss. 37, 86, 105, 107; 1969 c. 331 s. 29; Stats. 1969 s. 41.10.

41.11 History: 1943 c. 175; Stats. 1943 s. 66.90 (9), (10); 1947 c. 99, 206, 362, 556; Stats. 1947 s. 66.906; 1949 c. 502, 625; 1951 c. 475, 476, 519, 690; 1951 c. 722 ss. 6 to 11; 1951 c. 735 s. 8; 1953 c. 61, 246, 304; 1953 c. 461 ss. 10, 11, 12; 1953 c. 641; 1955 c. 41 ss. 3 to 6; 1955 c. 55, 486, 572; 1955 c. 655 ss. 6 to 9; 1957 c. 60, 83, 179, 381, 550, 668; 1959 c. 19, 251, 271, 538, 619; 1959 c. 631 ss. 11, 12; 1959 c. 632; 1961 c. 281, 302, 580; 1963 c. 20, 236, 303, 343, 360; 1965 c. 33, 172, 251; 1965 c. 433 s. 74; 1965 c. 471, 581; 1967 c. 199, 355; 1969 c. 142; 1969 c. 158 ss. 38, 39, 86, 104, 107; 1969 c. 331 s. 30; Stats. 1969 s. 41.11.

Editor's Note: 66.90 (9), Stats. 1945, was construed by the attorney general in opinions published in 34 Atty. Gen. 278 and 35 Atty. Gen. 21.

Committee Note, 1959: As to (4) (a): The 1957 legislature removed all limitation on the amount which could be earned by an annuitant over 65. Chapter 271 (279, S.) restored a limit of one-half the previous earnings. Experience has shown, however, that whereas a retired person before 65 can earn up to \$1,200, in some low-pay localities the half-pay limitation after 65 means that he can earn less after 65 than he could before. The director of the retirement system states that this was not the intent of the Retirement Study Committee and recommends the alternative limit proposed in this section. [Bill 699-S]

A state employe, on retiring, made application for an alternative retirement annuity which under 66.906 (3) (a) would be with a guaranty of 180 monthly payments and in the event of his death the "remainder" of such monthly payments to be "continued" to his designated beneficiary; the application was received and acknowledged by the board of trustees of the retirement fund, but the board did not act on the application and no annuity payments had been made to the retired employe at the time of his death. His widow, the designated beneficiary, was nevertheless entitled to the benefits of such annuity, as against a contention that the retired employe must have become an annuitant and that one or more payments must have been made to him in order that there be a "remainder" to be expended in "continued" payments to the beneficiary surviving him. Since all that remained to be done was formal approval of the application, mandamus was a proper remedy to compel the board to approve the application and pay benefits thereunder to the employe's widow and designated beneficiary, since the board's only duty was a ministerial one, and the provisions of 66.918 (3) that

actions of the board should be reviewable only by certiorari did not apply where the board had taken no action. State ex rel. Morse v. Christianson, 262 W 262, 55 NW (2d) 20.

41.12 History: 1957 c. 381 s. 5; Stats. 1957 s. 66.9065; 1959 c. 271; 1959 c. 659 s. 79; 1961 c. 281, 336; 1963 c. 20; 1965 c. 251; 1967 c. 43; 1969 c. 154 ss. 188, 190, 378; 1969 c. 158 ss. 40, 86, 105, 107; 1969 c. 276 s. 598 (1); Stats. 1969 s. 41.12.

41.13 History: 1943 c. 175; Stats. 1943 s. 66.90 (11), (12); 1945 c. 304; 1947 c. 99, 206, 362, 556; Stats. 1947 s. 66.907; 1949 c. 502, 564, 625; 1951 c. 722 ss. 12 to 14; 1953 c. 246, 396, 634, 640; 1955 c. 41, 262, 283, 655; 1957 c. 60, 83; 1957 c. 610 s. 28; 1959 c. 257, 271, 514, 641; 1961 c. 281; 1963 c. 20, 268, 274, 343; 1965 c. 251, 407, 581; 1967 c. 291 s. 14; 1967 c. 355; 1969 c. 158 ss. 41, 42, 86, 104, 107; 1969 c. 276 s. 584 (1) (b); Stats. 1969 s. 41.13.

41.14 History: 1943 c. 175; Stats. 1943 s. 66.90 (13); 1945 c. 304; 1947 c. 99, 362; Stats. 1947 s. 66.908; 1951 c. 552, 722; 1953 c. 246, 350; 1955 c. 41 ss. 9, 10, 11; 1955 c. 54, 55, 283, 655; 1957 c. 60, 83; 1959 c. 257, 271, 631; 1963 c. 20, 268; 1965 c. 33, 251, 407; 1967 c. 200, 355; 1969 c. 158 ss. 86, 107; Stats. 1969 s. 41.14.

41.15 History: 1943 c. 175; Stats. 1943 s. 66.90 (14); 1947 c. 206, 362, 556; Stats. 1947 s. 66.909; 1951 c. 552, 722, 734; 1953 c. 246; 1955 c. 39; 1957 c. 60, 83; 1959 c. 271; 1961 c. 281, 287; 1963 c. 20; 1965 c. 33 ss. 13 to 16, 21; 1965 c. 218; 1967 c. 200, 226; 1969 c. 158 ss. 86, 89, 107; 1969 c. 331 s. 31; Stats. 1969 s. 41.15.

41.16 History: 1943 c. 175; Stats. 1943 s. 66.90 (15); 1947 c. 99, 206, 362; Stats. 1947 s. 66.91; 1951 c. 722; 1953 c. 246; 1957 c. 60; 1961 c. 281; 1965 c. 33; 1969 c. 154 ss. 191, 378; 1969 c. 158 s. 86; Stats. 1969 s. 41.16.

41.17 History: 1943 c. 175; 1943 c. 553 s. 11b; Stats. 1943 s. 66.90 (18); 1945 c. 304; 1947 c. 206, 362; Stats. 1947 s. 66.913; 1955 c. 204 s. 1; 1957 c. 697 s. 12; 1969 c. 158 s. 91; Stats. 1969 s. 41.17.

41.18 History: 1943 c. 175; 1943 c. 553 s. 11c; Stats. 1943 s. 66.90 (19); 1947 c. 9, 99, 362; Stats. 1947 s. 66.914; 1953 c. 61; 1959 c. 659 s. 79; 1965 c. 433 s. 121; 1967 c. 291 s. 14; 1969 c. 154 s. 377; 1969 c. 158 ss. 43, 91, 105, 107; 1969 c. 276 s. 598 (1); Stats. 1969 s. 41.18.

41.19 History: 1943 c. 175; Stats. 1943 s. 66.90 (20); 1947 c. 99, 206, 362, 556; Stats. 1947 s. 66.915; 1949 c. 502; 1951 c. 722 ss. 20, 21; 1953 c. 246; 1955 c. 41; 1955 c. 55 ss. 7, 8, 9; 1955 c. 655; 1959 c. 271, 514, 631; 1959 c. 659 s. 79; 1961 c. 281; 1965 c. 33, 251, 581; 1969 c. 154 ss. 193, 378; 1969 c. 158 ss. 44, 91, 107; Stats. 1969 s. 41.19.

41.20 History: 1943 c. 175; Stats. 1943 s. 66.90 (21); 1947 c. 99, 206, 362, 556; Stats. 1947 s. 66.916; 1949 c. 502; 1955 c. 55; 1957 c. 60; 1959 c. 271; 1961 c. 281; 1963 c. 268; 1965 c. 33, 251; 1967 c. 110; 1969 c. 154 ss. 194 to 196, 378; 1969 c. 158 ss. 91, 107; Stats. 1969 s. 41.20.

41.21 History: 1943 c. 175; Stats. 1943 s. 66.90 (22); 1947 c. 99, 206, 362; Stats. 1947 s. 66.917; 1953 c. 61, 221, 461; 1955 c. 486; 1959 c. 659 s. 79; 1961 c. 281; 1965 c. 433 s. 121; 1967 c.

291 s. 14; 1969 c. 154 s. 377; 1969 c. 158 ss. 45, 91, 105, 107; 1969 c. 331 s. 32; Stats. 1969 s. 41.21.

41.22 History: 1943 c. 175; Stats. 1943 s. 66.90 (23); 1947 c. 206, 362; Stats. 1947 s. 66.918; 1951 c. 722; 1953 c. 246; 1957 c. 60; 1959 c. 211, 271; 1965 c. 33, 433, 470; 1965 c. 625 s. 32; 1967 c. 291 s. 14; 1969 c. 154 ss. 197, 377, 378; 1969 c. 158 ss. 91, 107; 1969 c. 331 s. 33; Stats. 1969 s. 41.22.

See note to 41.11, citing State ex rel. Morse v. Christianson, 262 W 262, 55 NW (2d) 20.

Payments made under the fund may not be assigned prior to accrual, but once recognized they are subject to legal process in relation to transactions occurring after recognition. Ponath v. Hedrick, 22 W (2d) 382, 126 NW (2d) 28.

It was not error to refuse to quash a writ of certiorari which named the retirement fund as respondent rather than the trustees of the fund on the ground that this was a misnomer rather than a misdirection. State ex rel. Casper v. Board of Trustees, 30 W (2d) 170, 140 NW (2d) 301.

Where statutory remedies are provided, the procedure prescribed by the statute must be strictly construed. State ex rel. Conn v. Board of Trustees, 44 W (2d) 479, 171 NW (2d) 418.

41.30 History: 1969 c. 158 s. 46; Stats. 1969 s. 41.30.

Editor's Note: See s. 23.14 in the 1967 statutes and in Wis. Annotations 1960 for the prior statute now numbered ss. 41.30 to 41.41.

41.31 History: 1969 c. 154 ss. 125m, 378; 1969 c. 158 s. 46; 1969 c. 245 ss. 9, 14 (1); Stats. 1969 s. 41.31.

41.32 History: 1969 c. 158 s. 46; Stats. 1969 s. 41.32.

41.33 History: 1969 c. 158 s. 46; Stats. 1969 s. 41.33.

41.34 History: 1969 c. 158 s. 46; Stats. 1969 s. 41.34.

41.35 History: 1969 c. 158 s. 46; Stats. 1969 s. 41.35.

41.36 History: 1969 c. 158 s. 46; Stats. 1969 s. 41.36.

41.37 History: 1969 c. 158 s. 46; 1969 c. 256; 1969 c. 392 ss. 13, 23; Stats. 1969 s. 41.37.

Under 23.14 (9), Stats. 1943, a conservation warden's pension is fixed at a certain per cent of his monthly salary at the date of retirement, and for purposes of computing such salary there should be included the monthly so-called "cost of living" bonus. The amount of the pension is dependent upon total salary received at date of retirement and changes in salary range of a particular classification subsequent to retirement date do not affect the amount of the pension. 33 Atty. Gen. 20.

Time spent in the armed forces by a conservation warden may not be counted in computing his years of service for retirement purposes under 23.14. 37 Atty. Gen. 29.

41.38 History: 1969 c. 158 s. 46; Stats. 1969 s. 41.38.

41.39 History: 1969 c. 158 s. 46; Stats. 1969 s. 41.39.

41.40 History: 1969 c. 158 s. 46; Stats. 1969 s. 41.40.

41.41 History: 1969 c. 154 ss. 126, 378; 1969 c. 158 s. 46; Stats. 1969 s. 41.41.

41.42 History: 1969 c. 154 ss. 127, 378; Stats. 1969 s. 41.42.

41.50 History: 1959 c. 511; Stats. 1959 s. 42.65; 1965 c. 433 s. 121; 1967 c. 291 s. 14; 1969 c. 158 s. 76; 1969 c. 276 s. 598 (1); Stats. 1969 s. 41.50.

41.51 History: 1959 c. 511; Stats. 1959 s. 42.66; 1969 c. 158 s. 77; 1969 c. 276 s. 598 (1); Stats. 1969 s. 41.51.

41.52 History: 1959 c. 511; Stats. 1959 s. 42.67; 1967 c. 29 s. 5; 1969 c. 158 s. 78; Stats. 1969 s. 41.52.

41.53 History: 1959 c. 511; Stats. 1959 s. 42.68; 1969 c. 158 ss. 79, 107; Stats. 1969 s. 41.53.

CHAPTER 42.

Teachers Retirement.

42.20 History: 1921 c. 459 s. 3; 1921 c. 590 s. 111; Stats. 1921 s. 42.20; 1945 c. 20; 1947 c. 463, 614 s. 12; 1953 c. 61 s. 1, 2; 1953 c. 441; 1955 c. 231; 1957 c. 12 s. 6, 7; 1957 c. 423, 672; 1965 c. 250; 1967 c. 26; 1967 c. 29 s. 3; 1967 c. 92 s. 22; 1969 c. 158 ss. 50 to 55, 102, 103, 107; 1969 c. 276 s. 602 (1), (2).

On impairment of contracts see notes to sec. 12, art. I; on legislative power generally see notes to sec. 1, art. IV; and on extra compensation see notes to sec. 26, art. IV.

The secretary of the board of normal school regents, being charged with duties of educational as well as business supervision, is a "teacher" within the state retirement law. 11 Atty. Gen. 678.

A teacher from another state who is employed in the Wisconsin public schools only temporarily is subject to the state teachers' retirement act. 11 Atty. Gen. 789.

The secretary of the regents of the university is not eligible to membership in the state retirement system, for the reason that his duties pertain to business rather than to educational administration and hence are not included in teaching. 11 Atty. Gen. 811.

See note to 41.02, citing 45 Atty. Gen. 198.

42.21 History: 1921 c. 459 s. 3; Stats. 1921 s. 42.21; 1929 c. 491 s. 3; 1935 c. 158; 1939 c. 352; 1951 c. 511 s. 23; 1953 c. 204; 1969 c. 154 ss. 151, 378; 1969 c. 158 s. 56.

42.22 History: 1921 c. 459 s. 3; Stats. 1921 s. 42.31; 1929 c. 491 s. 3; 1951 c. 511 s. 24, 30; Stats. 1951 s. 42.22, 42.31; 1953 c. 204, 458, 540; 1955 c. 56; 1957 c. 97 s. 18; Stats. 1957 s. 42.22; 1965 c. 487; 1967 c. 26 s. 35; 1967 c. 29 s. 4; 1969 c. 154 ss. 152, 378; 1969 c. 158 ss. 57 to 61.

42.23 History: 1945 c. 274 s. 6; Stats. 1945 s. 42.23; 1947 c. 9 s. 31; 1951 c. 511 s. 25; 1953 c. 204; 1959 c. 659 s. 79; 1965 c. 433 s. 121; 1967 c. 26 s. 35; 1967 c. 291 s. 14; 1969 c. 158 s. 62.