

stance of paper as prescribed by section 59.51, an additional filing fee of one-half the regular fee shall be made by such register.

SECTION 2. This act shall take effect upon passage and publication.

Approved May 28, 1941.

No. 233, S.]

[Published June 2, 1941.

CHAPTER 144.

AN ACT to repeal section 5 (5); to amend section 1 (9), section 3 (6), section 5 (4), section 8 (1) (a), and section 13; to renumber section 4 (2) to be section 4 (2) (a); and to create section 4 (2) (b) and section 5 (1) (b) 4, 5, and 6, all of chapter 201, laws of 1937, relating to employes' retirement systems in counties having a population of 500,000 or more.

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

SECTION 1. Subsections (9) and (10) of section 1 of chapter 201, laws of 1937, are amended to read:

(Chapter 201, Laws of 1937) (Section 1) (9) "Earnable compensation" shall mean the full rate of compensation that would be payable to a member if he worked the full normal working time for his position, *provided, however, that where service is credited during periods of absences as provided in paragraph (b) of subsection (2) of section 4 of this act, the employee shall be considered to have an earnable compensation during such periods of absence equivalent to his earnable compensation as of his last month of employment prior to the beginning of such absences.* In cases where compensation includes maintenance, the board shall fix the value of that part of the compensation not payable in money.

SECTION 2. Subsection (6) of section 3 of chapter 201 of the laws of 1937 is amended to read:

(Chapter 201, Laws of 1937) (Section 3) (6) Should any member in a period of 10 consecutive years after last becoming a member be absent from service more than 5 years, *except as provided in paragraph (b) of subsection (2) of section 4 of this*

act, or should he withdraw more than 50 per cent of his accumulated contributions, or should he become a beneficiary or die, he shall thereupon cease to be a member.

SECTION 3. Subsection (2) of section 4 of chapter 201, laws of 1937, is renumbered to be paragraph (a) of subsection (2) of said section.

SECTION 4. Paragraph (b) of subsection (2) of section 4 of chapter 201, Laws of 1937, is created to read:

(Chapter 201, Laws of 1937) (Section 4) (2) (b) The board shall allow as creditable membership or prior service as the case may be, all time during which any employe was absent in the military or naval service of the United States of America during a period officially proclaimed to be a national emergency or limited national emergency, and absence during federal hospitalization because of injuries or sickness resulting from such war service, provided that such employe was duly excused or granted leave of absence from his services as an employe, and provided further that the period allowed as creditable service shall begin with the date the employe was excused or granted leave of absence and shall extend until a date of not more than 90 days after his discharge from military or naval service or federal hospitalization. No absences allowed for creditable service under the provisions of this paragraph shall be considered as absences under the provisions of subsection (6) of section 3.

SECTION 5. Subdivisions 4, 5, and 6 of paragraph (b) of subsection (1) of section 5 of chapter 201, laws of 1937, are created to read:

(Chapter 201, Laws of 1937) (Section 5) (1) (b) 4. If the retirement allowance of a member entitled to prior service is less than \$60 per month, the pension shall be increased so that the retirement allowance is equal to \$3 per month for each creditable year of service, provided that such increase shall not result in a total retirement allowance in excess of \$60 per month.

5. The provisions of subdivision 4 of this paragraph shall apply to all persons who were formerly active members of the system and who were compulsorily retired on or after January 1, 1941.

6. The total pension of any member payable under the provisions of this section shall not exceed \$125 per month.

SECTION 6. Subsection (4) of section 5 of chapter 201 of the laws of 1937 is amended to read:

(Chapter 201, Laws of 1937) (Section 5) (4) * * * DEATH BENEFITS. Upon the receipt of proper proofs of the death of a member in active service * * * his accumulated contributions shall be paid to such person, if any, as he has nominated by written designation duly executed and filed with the board, otherwise to his executors or administrators, and if such member has completed one or more years of creditable service, there shall be so paid in addition a lump sum benefit of one-half the final average salary of such deceased member, *but not to exceed \$1,000.*

SECTION 7. Subsection (5) of section 5 of chapter 201, laws of 1937, is repealed.

SECTION 8. Paragraph (a) of subsection (1) of section 8 of chapter 201 of the laws of 1937 is amended to read:

(Chapter 201, Laws of 1937) (Section 8) (1) (a) The annuity savings fund shall be a fund in which shall be accumulated contributions from the compensation of members to provide for their annuities. Upon the basis of such tables as the board shall adopt, and regular interest, the actuary of the retirement system shall determine for each member the proportion of earnable compensation which, when deducted from each payment of his prospective earnable annual compensation prior to his attainment of age 60 and accumulated at regular interest until his attainment of such age, shall be computed to provide at that time an annuity equal to the pension to which he will be entitled at that age on account of his service as a member. *The provisions of subdivision 4 of paragraph (b) of subsection (1) of section 5 shall not be considered in making such computation.* Such proportion of compensation shall be computed to remain constant. The proportion so computed for a member age 59 shall be applied to a member who has attained a greater age before he becomes a member of the retirement system.

SECTION 9. Section 13 of chapter 201, laws of 1937 is amended to read:

(Chapter 201, Laws of 1937) (Section 13) LIMITATIONS ON PAYMENT OF BENEFIT. No other provision of law in any other statute which provides wholly or partly at the expense of

the county for pensions or retirement benefits for employes of the county shall apply to members or beneficiaries of the retirement system established by this act. Any amounts which may be paid or payable under the provisions of any state workmen's compensation or similar law to a member or to the dependents of a member on account of any disability or death shall be offset against and payable in lieu of any benefits payable out of funds provided by the county under the provisions of this act on account of the same disability or death. In case the present value of the total commuted benefits under said workmen's compensation or similar law is less than the pension reserve on the benefits otherwise payable from funds provided by the county under this act, then the present value of the commuted payments shall be deducted from the pension reserve and such benefits as may be provided by the pension reserve so reduced shall be payable under the provisions of this act. *Any disability or death benefits payable out of funds provided by the county under this act to a member or beneficiaries of a member, shall be reduced by the amount paid such member or beneficiary under any law of the United States providing a pension or compensation for such disability or death, but the United States government insurance benefits for which the member has paid premiums shall not be considered to be a pension or compensation.*

SECTION 10. CONSTITUTIONALITY. If any section or part of any section of this act is declared to be unconstitutional, the remainder of the act shall not thereby be invalidated. All provisions of the law inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistency.

SECTION 11. This act shall take effect upon passage and publication.

Approved May 28, 1941.