

No. 277, S.]

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## CHAPTER 147

AN ACT to repeal 38.26 (1) to (5); to renumber 38.26 (6); to amend 38.24 (4) (a), (c), (da), (g) and (h), (6) (j) and (L) (intro. par.) and (13); and to create 38.24 (6) (L) 7 of the statutes, relating to public school teacher's annuity and retirement funds in cities of the first class.

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

SECTION 1. 38.24 (4) (a), (c), (da), (g), (h) and (6) (j) and (L) (intro. par.) of the statutes are amended to read:

38.24 (4) (a) When a member of the combined group has ceased to be employed as a teacher *in the public schools of a city of the first class*, and is not on leave of absence from \* \* \* *such* teaching position, the accumulation from the member's and state deposits made under sub. (11) (f) based on earnings after August 31, 1958, 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, 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, *except that if the total of such annuity added to the annuity payable under par. (b) and sub. (6) (L) would be less than \$10 per month, such accumulation may, at the option of the member, be paid to such member in a single sum.*

(c) Annuities paid under pars. (a) \* \* \* , (b) *and* (h) may at the option of the member be in any of the forms provided in sub. (12) (o).

(da) Any member of the combined group who attains the age of 70 years shall be retired by the board of school directors at the end of the school year in which he reaches age 70; *but said board may permit the employment of a retired teacher of any age to teach as a substitute for a period of not more than 95 days in any one school year, without forfeiture of any retirement allowance.* Under this paragraph the school year \* \* \* is deemed to begin on July 1 and end on June 30.

(g) Any member who has ceased to be employed as a teacher *in the public schools of a city of the first class*, and is not on leave of absence from a teaching position *in such city*, may be paid the accumulation from the member's deposits made while a member of the combined group, on

filing with the board before the fifty-fifth 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 while he was a member of the combined group. Such state deposit accumulations shall thereupon be transferred to the state general fund in accordance with s. 25.28 (3). Withdrawal of member's deposits made before said member became a member of the combined group shall be governed by sub. (16).

(h) Each member \* \* \* may, by written notice to the board, in such form as it shall approve, designate a sole beneficiary, or 2 or more beneficiaries to whom any death benefits payable at the death of the member, shall be paid. The member may, from time to time, by a like written notice, change any of the aforesaid designations. Such death benefits shall be the full amount of the accumulation in the retirement deposit fund to the credit of the member from all member's deposits and all state deposits made under sub. (11) (f), plus an amount which is equal to twice the accumulation which would have resulted from the deposits made by such member under sub. (11) (a) to (e) if interest had been compounded thereon at the rate of 3 per cent per annum. Such death benefits shall be payable as an annuity or annuities payable monthly during the life of one or more beneficiaries, except that if any such annuity would be less than \$10 per month, the benefit shall be paid to the beneficiary in a \* \* \* single sum. *If more than one beneficiary is designated and any of such designated beneficiaries shall predecease such member, the death benefit shall, unless the member has designated otherwise, be paid to the surviving beneficiary or beneficiaries in equal shares. The board may require proof of the death of a deceased beneficiary or beneficiaries from the surviving beneficiaries. If no beneficiary has been designated by the member, or if no designated beneficiary survives the member, such death benefit shall be paid in a single sum to the estate of the member.* This paragraph \* \* \* is applicable in the case of any member who \* \* \* died \* \* \* subsequent to September 1, 1958.

(6) (j) Any member who has ceased to be employed as a teacher *in the public schools of a city of the first class*, and is not on leave of absence from \* \* \* such teaching position, 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 fifty-fifth 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 divisions as the result of state deposits made in 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 sub. (4) (g).

(6) (L) (intro. par.) When a member has ceased to be employed as a teacher *in the public schools of a city of the first class*, and is not on leave of absence from \* \* \* such teaching position, the accumulation from the member's deposits and 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, the first payment to be made in such month and year after the application for the variable annuity is received by the board as the member directs, which variable annuity may be:

SECTION 2. 38.24 (6) (L) 7 of the statutes is created to read:

38.24 (6) (L) 7. If the total of any such annuity, when added to the annuity payable under sub. (4) (a) and (b), would be less than \$10 per

month, the accumulation from member's deposits and state deposits may, at the option of the member, be paid to such member in a single sum.

SECTION 3. 38.24 (13) of the statutes is amended to read:

38.24 (13) All annuities granted by the board of trustees under this section shall be uniform in amount except as otherwise provided herein. Annuities under sub. (12) (a) to (q) shall be computed from the first day of the month next following the date of retirement of the annuitant from teaching service in such city, except that the temporary incapacity annuity provided for in sub. (12) shall be computed from a date 6 months after such annuitant temporarily has ceased active teaching service. No annuity, except the temporary incapacity annuity provided for in sub. (12) and the disability annuity under sub. (4) (f) or (fg), shall be paid to any person until such person has retired from teaching service in the public schools to which this section applies. No teacher \* \* \* is deemed to have retired from teaching service until such teacher has resigned from his position, or the \* \* \* board of school directors of such city has legally caused such teacher's name to be stricken from the official list of teachers; except that a teacher \* \* \* is deemed to have retired from teaching service if he has received a disability annuity under sub. (4) (f) or (fg) for 36 consecutive months; *but the board of school directors of such city may permit the employment of a retired teacher of any age to teach as a substitute for a period of not more than 95 days in any one school year, without forfeiture of any retirement allowance.*

SECTION 4. 38.26 (1) to (5) of the statutes are repealed.

SECTION 5. 38.26 (6) of the statutes is renumbered 38.26.

SECTION 6. The repeal of ss. 38.26 (1) to (5) of the statutes by SECTION 4 of this act shall not affect any rights created or action taken or required pursuant to ss. 38.26 (1) to (5) of the statutes before the effective date of such repeal.

Approved June 23, 1959.

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