

No. 274, S.]

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**CHAPTER 395**

AN ACT to repeal and recreate 13.40 (4) and (7) to (9); and to create 13.40 (1) (title), (2) (title), (3) (title), (5) (title) and (6) (title) of the statutes, relating to the reorganization of the joint survey committee on retirement systems and the creation of a permanent retirement research council and making an appropriation.

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

SECTION 1. 13.40 (1) (title), (2) (title) and (3) (title) of the statutes are created to read:

- 13.40 (1) CREATION.
- (2) TERMS OF COMMITTEE.
- (3) REIMBURSEMENT.

SECTION 2. 13.40 (4) of the statutes is repealed and recreated to read:

13.40 (4) OFFICERS AND EMPLOYEES. The committee shall select a chairman, a vice chairman and a secretary from its members, and shall adopt such rules as are necessary. It shall employ a research director and such staff as is required for the performance of its duties under the classified service, it being the determination of the legislature that such research director being more readily obtainable under s. 16.20 (3). It may employ or contract for actuarial and technical assistance outside the classified service.

SECTION 3. 13.40 (5) (title) and (6) (title) of the statutes are created to read:

13.40 (5) QUARTERS.  
(6) RECORDS; QUORUM.

SECTION 4. 13.40 (7) to (9) of the statutes are repealed and recreated to read:

13.40 (7) POWERS AND DUTIES OF THE COMMITTEE. The committee shall have the following powers and duties:

(a) No bill or amendment thereto creating or modifying any system for, or making any provision for, the retirement of or payment of pensions to public officers or employes, shall be acted upon by the legislature until it has been referred to the joint survey committee on retirement systems and such committee has submitted a written report on the proposed bill. Such report shall pertain to the probable costs involved, the effect on the actuarial soundness of the retirement system, and the desirability of such proposal as a matter of public policy.

(b) No bill or amendment thereto creating or modifying any system for the retirement of public employes shall be considered by either house until the written report required by par. (a) has been submitted to the chief clerk. Each such bill shall then be referred to a standing committee of the house in which introduced. The report of the joint survey committee shall be printed as an appendix to the bill and attached thereto as are amendments. Such printing shall be in lieu of inclusion in the daily journal of the house in which the bill was introduced.

(c) 1. Whenever a public employe qualifies for membership in the Wisconsin retirement fund or the state teachers retirement system, but a question or dispute arises as to which of the 2 retirement systems he should be a member of, a petition may be filed with the committee requesting that the committee determine in which of said systems such person is eligible for membership. The petition may be made by the public employe, his employer, the board of trustees of the Wisconsin retirement fund, the state teachers retirement board, or the director of budget and accounts.

2. Upon the filing of any such petition the committee shall investigate the facts of the case and make its decision on the basis of such facts and the applicable statutes. The committee may conduct a hearing on any such petition if it deems such hearing necessary. The committee shall render its decision in writing, briefly stating the reasons therefor or referring to previous decisions.

3. The committee shall furnish a copy of such decision to the petitioner, the Wisconsin retirement fund and the state teachers retirement system. To the extent possible such decisions may be followed as precedents applicable to similar cases. The decisions of the committee under

this paragraph may be reviewed under ch. 227. In the absence of such review the decision of the committee shall be followed by the Wisconsin retirement fund and the state teachers retirement system.

4. If the duties of the position of any such public employe include both teaching and the performance of other services, the committee shall make its determination according to the type of activity which occupies the majority of the working time of the employe.

5. A public employe who is a member of the Wisconsin retirement fund or the state teachers retirement system on the effective date of this paragraph (1957) shall remain a member of such fund or system, if he continues to occupy the same position, and the procedure set forth in this paragraph shall not apply to such member.

(8) RETIREMENT RESEARCH COUNCIL. (a) *Created.* In order to provide a broadly representative group for the purpose of providing a continuous review and study of the retirement benefits afforded by the state, to allocate adequate study to the complexities of modern public retirement programs and to make available its findings and recommendations to the governor and legislature, the retirement research council is created.

(b) *Composition.* The retirement research council shall consist of:

1. The members of the joint survey committee on retirement systems.
2. The executive director of the Wisconsin retirement fund.
3. The executive secretary of the state teachers retirement board.
4. One representative of state, county or municipal employes appointed by the governor.
5. A teacher who is a member of the state teachers retirement system, appointed by the governor.
6. A member of the board of trustees of the teachers annuity and retirement fund created by this section, who is a member of the teachers annuity and retirement funds in cities of the first class, appointed by the governor.
7. Three members of the public, appointed by the governor.
8. One representative of county or municipal employers appointed by the governor.
9. One senator and one assemblyman, each of the minority party in their respective branches of the legislature, appointed as are standing committees.

(c) *Term.* The members selected under par. (b) 1., 2. and 3. shall hold office as long as they hold the position which qualified them for membership. The members selected under par. (b) 4. to 8. shall hold office for 4 years beginning July 1, 1959, and until their successors are appointed and qualified. Any member appointed under par. (b) 4., 5., 6. or 8. who ceases to be a member or representative of the group represented, shall forthwith cease to be a member of the council. Vacancies on the council shall be filled for the unexpired terms as were the original appointments.

(d) *Reimbursement.* Members of the council shall receive no compensation for their services, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties from the appropriation made by s. 20.530 (20).

(e) *Officers.* The officers of the joint survey committee shall be the officers of the retirement research council. Eight shall constitute a quorum.

(f) *Staff.* The research director and staff of the joint survey committee on retirement systems shall be the staff of the council.

(9) DUTIES OF THE RETIREMENT RESEARCH COUNCIL. (a) Investigate and report to the legislature on any retirement system for public employes.

The officers and employes of any such system shall co-operate fully with the commission in any such investigation.

(b) Hold hearings and any member may administer oaths and examine witnesses. By subpoena, issued over the signature of its chairman and served in the manner in which circuit court subpoenas are served, it may summon and compel the attendance of witnesses and the production of all books, papers, documents or records necessary or convenient to be examined and used by them in carrying out their functions under this section. If any witness so subpoenaed to appear before the council refuses to appear or to answer inquiries propounded or fails or refuses to produce books, papers, documents or records within his control when the same are demanded, the council shall make report thereof to the circuit court of Dane county whose duty it is to compel obedience to any such subpoena by attachment proceedings for contempt as in case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(c) Require of officers or employes having charge of, control over or administering any public employe pension or retirement plan financial reports thereof showing the financial condition of such plan and the number, nature and amounts of its investments.

(d) Each retirement fund or system to which the state contributes shall furnish the council with a copy of each financial, actuarial and valuation report made by such fund or system, its actuary or treasurer, for the fiscal year beginning in 1957 and thereafter.

(e) Each retirement fund or system to which the state contributes shall maintain records in such form that the council or any other authorized agency can obtain such necessary information as it requires. Such information shall include censuses of active, deferred annuitant, and retired annuitant classes by age, sex and membership service.

(f) Establish and keep current a library of all public employe pension and retirement plans throughout the United States and may study such plans of foreign countries.

SECTION 5. The appropriation in 20.530 (20) of the statutes, as affected by Bill No. 106, A. (1959) is increased by the following amount:

		1959-60	1960-61
Joint Survey Committee on Retirement Systems.	20.530 (20)	15,000	15,000

Approved August 31, 1959.