

CHAPTER 33

AN ACT to repeal 66.901 (4) (b), 66.906 (3) (c) and 66.909 (4); to renumber 66.909 (1) (c), (cc), (d), (dd) and (e); to amend 66.901 (4) (a), (8), (9) and (21), 66.904 (1) (b) 2, 66.906 (1a), (1b) and (2) (a) 1, 66.908 (2) (a), 66.909 (1) (intro. par.), 66.91 (2), 66.915 (5) (b) and 66.916 (2) (a); to repeal and recreate 66.901 (14) and 66.908 (2) (f); and to create 66.901 (5) (d) and (e), 66.909 (1a) and 66.918 (7) of the statutes, relating to the deletion of obsolete material, the elimination of inconsistencies, and the clarification and modification of various provisions pertaining to the Wisconsin retirement fund.

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

SECTION 1. 66.901 (4) (a) of the statutes is amended to read:

66.901 (4) (a) Receives earnings ~~out of the general funds of any municipality or out of any special fund or funds controlled by any municipality~~ as payment for personal services rendered to or for the benefit of any participating municipality.

SECTION 2. 66.901 (4) (b) of the statutes is repealed.

SECTION 3. 66.901 (5) (d) and (e) of the statutes are created to read:

66.901 (5) (d) Who are employed under a contract involving the furnishing by such persons of more than their personal services.

(e) Who are customarily engaged in an independently established trade, business or profession and whose services to a participating municipality are not compensated for on a payroll of that municipality.

SECTION 4. 66.901 (8) of the statutes is amended to read:

66.901 (8) The period beginning on the day for which the employe first ~~becomes~~ receives credit as a participating employe and ending on the day of the latest separation from the service of all participating municipalities, excluding all intervening periods during which such employe shall not receive, nor have a right to receive, earnings from a participating municipality.

SECTION 5. 66.901 (9) of the statutes is amended to read:

66.901 (9) An amount equal to the sum of the total amount of money ~~paid on a regular pay roll by~~ earned by an employe of a municipality to an employe for personal services rendered to or for such municipality and the money value, as determined by rules prescribed by the governing body of the employing municipality, of any board, lodging, fuel, laundry and other allowances provided for such employe in lieu of money, but excluding uniforms purchased directly by the municipality and excluding employer contributions for insurance and retirement. For any participating municipality earnings paid to the individual directly by any other unit of government shall be excluded for that municipality.

SECTION 6. 66.901 (14) of the statutes is repealed and recreated to read:

66.901 (14) ANNUITY. A series of monthly payments payable at the end of each calendar month during the life of the annuitant except as provided in ss. 66.906 (3) and (3a) and 66.909 (6) and (8). Each such annuity shall accrue from its beginning date as specified in s. 66.906 (2) (a) 2, 66.907 (2) (a) 3 or 66.909 (2). The first instalment of each annuity shall be due on the last day of the calendar month in which the annuity was approved and shall be the amount of annuity accrued through such due date. The last payment shall be made as of the end of the calendar month prior to the month in which the annuitant dies, except as provided in ss. 66.906 (3) and (3a) and 66.909 (6) and (8).

SECTION 7. 66.901 (21) of the statutes is amended to read:

66.901 (21) A period of 3 months beginning on January 1, April 1, July 1 or October 1 of any year. *Solely for the purpose of determining the number of calendar quarter years of completed service, a person receiving entitled to current or prior service credit in for any part of a calendar quarter year shall be deemed to have completed service for such quarter year.*

SECTION 8. 66.904 (1) (b) 2 of the statutes is amended to read:

66.904 (1) (b) 2. All amounts credited to participants during the year in accordance with par. (a) 3 ~~or because of certifications in accordance with par. (a) 4~~ remaining in such accounts at the end of the year shall be improved with interest at the end of such year for each full month elapsing between the date of credit and the end of the year, at one-twelfth of the effective rate of interest for the year.

SECTION 9. 66.906 (1a), (1b) and (2) (a) 1 of the statutes are amended to read:

66.906 (1a) Each supreme court justice and circuit judge included under this fund who attains age 70 shall be retired at the end of the month in which such age is attained ~~except that any such justice or judge may complete the term in which he was serving on July 1, 1955, or to which he had been elected before said date.~~ This subsection shall supersede the provisions of sub. (1) for supreme court justices and circuit judges.

(1b) Each county judge included under this fund shall cease to hold office and shall be retired at the end of the month in which he shall attain the age of 70 years, ~~except that any county judge who shall have filed his official oath as county judge on or before January 1, 1954, may at his election serve out the term for which such oath was filed.~~ This provision shall supersede the provisions of sub. (1) for county judges.

(2) (a) 1. Any participant who has attained age 55 and who, regardless of cause, is separated and continues to be separated until such annuity is initially approved pursuant to s. 66.912 (1) (b), from all service for every participating municipality for which he has been a participating employe prior to becoming an annuitant *and for which such participating employe is receiving compensation.* Until the annuity is initially approved employment for any other participating municipality shall be limited to that for which the compensation is not subject to normal contributions.

SECTION 10. 66.906 (3) (c) of the statutes is repealed.

SECTION 11. 66.908 (2) (a) of the statutes is amended to read:

66.908 (2) (a) Upon the death of a participant whose beneficiary to whom the death benefit is payable is a spouse, parent, child (including

legally adopted child), grandchild, brother or sister of such participant the amount equal to the accumulated normal, additional, municipality and prior service credits of such participant on the date of his death, except that the total accumulated municipality and prior service credits used to provide the total death benefit shall not exceed such respective credits which could have been used to provide an annuity for the deceased participant at the time of his death, assuming that an annuity could have been granted to him at such time. No benefit shall be payable under this paragraph unless such participant at the date of his death was: 1. A participating employe; or 2. A participant who is receiving a benefit under s. 66.191, but who is not an annuitant; or 3. A participant, other than an annuitant, who had prior or current service credit, or both, for at least 60 calendar quarter years as a participating employe; or 4. A participant who is currently contributing to the state teachers retirement system or the Milwaukee teachers retirement fund. For the purposes of this paragraph, a participant is deemed a participating employe on the date of his death if he is then an applicant for a retirement annuity whose application had been received within 30 days after termination of employment and who would have been entitled to such annuity had he lived, and a participant is deemed a participating employe on leave of absence, subject to the limitations of s. 66.903 (1) (b), if the participating municipality for which he last performed services as a participating employe has not filed notice of the termination of his employment, notwithstanding the fact that no formal leave of absence is in effect. If the death of a participating employe on leave of absence arises from employment by any employer other than such participating municipality his employment shall be deemed to have terminated and he shall not be considered a participating employe on the date of his death.

SECTION 12. 66.908 (2) (f) of the statutes is repealed and recreated to read:

66.908 (2) (f) Upon the death of a participating employe within 3 years after credits have been re-established in his account pursuant to s. 66.904 (1) (a) 3, in lieu of any death benefit otherwise payable, the excess of the accumulated normal and additional credits used to provide the terminated annuity over the sum of all annuity payments to which the employe had become entitled, to which shall be added the amount of the accumulations on the date of death from the normal and additional contributions made by him after the date of the termination of his annuity.

SECTION 13. 66.909 (1) (intro. par.) of the statutes is amended to read:

66.909 (1) (intro. par.) ~~Except as provided in sub. (4),~~ If the amount of any death benefit is sufficient to provide an immediate annuity of at least ~~\$10~~ \$25 for the beneficiary, the death benefit shall be paid in the form of an annuity of such amount as can be provided from the death benefit on the date such annuity begins, provided:

SECTION 14. 66.909 (4) of the statutes is repealed.

SECTION 15. 66.909 (1a) of the statutes is created to read:

66.909 (1a) Any beneficiary may elect to receive an annuity if the amount of any death benefit is sufficient to provide an immediate annuity of at least \$10 for the beneficiary.

SECTION 16. 66.909 (1) (c), (cc), (d), (dd) and (e) of the statutes are renumbered 66.909 (4), (5), (6), (7) and (8), respectively.

SECTION 17. 66.91 (2) of the statutes is amended to read:

66.91 (2) Such separation benefits shall be paid in the form of a single cash sum as soon as practicable after receipt by the board of both a written application by the participant for such benefits, and a written notice from the last employing municipality certifying that such participant has ~~been separated from the service~~ *ceased to be a participating employe*. The amount of any separation benefit shall be the sum of the accumulated additional credits and normal credits of the participant, but ~~including~~ *shall include* only such interest credited as of the ~~beginning~~ *end* of the last calendar year ~~in which the date of separation occurs~~ *completed by him as a participating employe*.

SECTION 18. 66.915 (5) (b) of the statutes is amended to read:

66.915 (5) (b) Interest shall be charged on accounts receivable from any municipality, except the state, for both employe and municipality contributions ~~if the remittance and payroll report are not received by the fund on its last working day of the calendar month following the due date at the rate of one-half of one per cent for each month or fraction thereof, from the due date to the date received by the fund with a minimum charge of \$3, and such interest or minimum charge shall be paid forthwith to the fund, and if it is not paid within 60 days after it is payable, it shall be collected as provided in s. 66.917 (1a).~~

SECTION 19. 66.916 (2) (a) of the statutes is amended to read:

66.916 (2) (a) ~~A reserve~~ *Separate reserves* for annuities granted equal to the present value as of the date of commencement of all retirement, disability and beneficiary annuities previously granted; plus interest on the mean amount of such reserve during each calendar year, computed at the prescribed rate or the effective rate, whichever is greater; reduced by the aggregate amount of annuity payments and death benefits paid with respect to such annuities; and reduced by the present value at the date of termination of all annuities terminated in accordance with s. 66.906 (4) (a) or 66.907 (2) (e); and reduced by the amount by which the present value as of the date of commencement of all disability annuities which were terminated in accordance with s. 66.907 (4) exceeds the amount reimbursed. *As of any January 1 on which the surplus with respect to disability annuities granted exceeds 5 per cent of the reserve for such annuities, such excess shall be added to the disability benefit surplus and deducted from the reserve for disability annuities granted.*

SECTION 20. 66.918 (7) of the statutes is created to read:

66.918 (7) (a) Any person who has total accumulated credits in the Wisconsin retirement fund aggregating less than \$200 as of the end of the calendar year in which he ceased to be a participating employe thereunder and has not dealt therewith for a period of 7 years thereafter by requesting in writing that the account be continued, or by furnishing his latest address to the fund, or otherwise has asserted any claim to such moneys shall be presumed, unless it be shown to the contrary, to have died intestate, without heirs, or to have abandoned such moneys.

(b) That portion of said moneys which consists of the contributions of the individual and interest thereon to the beginning of the year in which he ceased to be a participating employe shall escheat and be credited to the common school fund and become a part thereof subject to subs. (3) and (4).

(c) The accumulated prior service credits and municipality credits including interest to the beginning of the year in which the individual

ceased to be a participating employe shall be credited to the obligation accounts of the municipality or municipalities which provided such credits.

(d) Annually the executive director of the Wisconsin retirement fund shall certify to the state treasurer the names of persons having accounts in the Wisconsin retirement fund described in par. (a), the amount thereof and the portion of such account which represents the contributions of the individual and interest thereon. Upon the receipt of such certification the state treasurer shall forthwith publish a notice in the official state paper stating the names of such persons, name of last employing municipality, the respective amounts of their credit representing the contributions of the individual and interest thereon to the beginning of the year in which the person ceased to be a participating employe, the fact that said amounts have escheated to the common school fund and the fact that said amounts will be paid to the respective owners thereof or their respective heirs or legatees, without additional interest, on proof of such ownership, if applied for within 5 years from the date of publication, except that if any such person is a minor or a person adjudged insane or mentally incompetent the period of limitation shall be extended to one year after attaining majority or removal of the disability, whichever the case may be.

(e) Whenever, within said period of 5 years (except as set forth in par. (d)), any person files a claim therefor and furnishes proof of ownership of any of the aforesaid amounts which have escheated to the common school fund sufficient to satisfy the state treasurer, secretary of state and attorney general of the right of said claimant to the aforesaid amounts, such claim shall be paid upon the written approval of said 3 state officers.

SECTION 21. (1) The reference to section "66.909 (1) (c)" of the statutes in section 23.14 (8a) (c) is changed to read "66.909 (4)".

(2) The reference to paragraph "(d)" in section 66.909 (1) (dd) of the statutes is changed to read "sub. (5)".

SECTION 22. SECTIONS 1, 2, 3 and 5 of this act shall take effect at the beginning of the calendar quarter year next following passage and publication and the remainder thereof shall take effect upon passage and publication.

Approved April 23, 1965.