

No. 590, S.]

[Published August 23, 1947.

CHAPTER 556.

AN ACT to repeal 66.90 (3) (e) 4, 5 and 8 and 66.90 (14) (b) 3; to repeal and recreate 23.15 (1), 66.90 (3) (e) 3, 66.90 (3) (i), 66.90 (6) (a) 3 and (e), 66.90 (20) (e) and 66.90 (21) (b); to renumber 42.71 to be 42.71 (1); to create 23.14 (15), 23.15 (6) and 66.90 (10a); to amend 20.20 (28), 20.90 (1) and (2), 23.14 (2), 23.15 (2), (3) and (4), 25.17 (2a), 42.71 (1) (c), 66.90 (3) (e) 10, 66.90 (3) (n), (p) and (r), 66.90 (4) (a), (c) and (d), 66.90 (5) (a) 3 and 4, 66.90 (6) (a) 1, 66.90 (7) (a) 4, 66.90 (8) (a) 1, 66.90 (9) (introductory paragraph) and (b) and 66.90 (12) (g), relating to the retirement of certain persons under the state employees' retirement system, the computation of the prior service credit of certain participating employees, the time of including conservation wardens within the Wisconsin municipal retirement fund, permitting certain participating municipalities to require normal contributions of 7 per cent from certain participating employees, providing for additional normal and municipality contributions and prior service credits for certain participating employees, providing an absolute compulsory retirement age for certain participating employees, providing an optional form of retirement annuity, clarifying administrative procedure and making diverse other corrections all relative to the Wisconsin retirement fund and making an appropriation.

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

SECTION 1. 20.20 (28) of the statutes, as created by chapter 206, laws of 1947, is amended to read:

20.20 (28) Such sums as may be necessary to pay the pensions which were granted under section 23.14 at any time prior to January 1, * * * 1950, but which will be payable on or after such date and to make the conservation department contributions to the conservation warden pension fund provided for by section 23.14 (2).

SECTION 2. 20.90 (1) of the statutes is amended to read:

20.90 (1) All moneys in the Wisconsin * * * retirement fund are appropriated to the board of trustees which administers said fund, for the execution of its functions including, without excluding because of enumeration, payment of expenses of op-

eration, administration and investment and the payment of all kinds of annuities, death benefits and separation benefits provided for in section 66.90.

SECTION 3. 20.90 (2) of the statutes, as created by chapter 206, laws of 1947, is amended to read:

20.90 (2) Annually, beginning July 1, 1947, from the respective funds from which state employes' * * * and appointed state officers' salaries are paid such sums as may be necessary to make the municipality contributions to be made by the State of Wisconsin pursuant to section 66.90 (8) (a) 1.

SECTION 4. 23.14 (2) of the statutes is amended to read:

23.14 (2) There shall be paid into such fund * * * 7 per cent of the monthly salary of each conservation warden, *except that no amount in excess of \$350 per month, or an equivalent for any other period, shall be considered for the purpose of making contributions or of granting pensions under this section after the effective date of this act. The conservation department shall deduct such 7 per cent contribution from the salary of each warden and pay it into the fund and at the same time shall pay an equivalent amount into said fund from the fund from which the respective salaries of such wardens are then paid. There shall also be paid into said fund fines imposed on conservation wardens for violation of rules of the department, also all witness or other fees received by said wardens and 50 per cent of the proceeds received from the sales of all confiscations of any wild animal as defined in section 29.01, or carcass or part thereof by the conservation commission.*

SECTION 5. 23.14 (15) of the statutes is created to read:

23.14 (15) No person who, prior to January 1, 1948, had not contributed to a conservation wardens' pension fund established pursuant to this section, shall be permitted to contribute to such fund or become a member thereof on or after such date; nor shall he or his widow, child or dependent parent be, or become, entitled to receive any benefit from such fund. Any person who, after December 31, 1947, becomes a conservation warden, or who was a conservation warden on said date, but who, in each such case had not, on or before such date, properly contributed to the conservation wardens' pension fund established pursuant to this section, and who can otherwise qualify, shall be, or become, a participating employe under section 66.90.

If any such participating employe shall be entitled to a prior service credit, he shall be given such credit at the 2 rate.

SECTION 6. 23.15 (1) of the statutes, as created by chapter 206, laws of 1947, is repealed and recreated to read:

23.15 (1) Effective January 1, 1950 section 23.14 of the statutes is repealed, except that the persons who are the trustees of the conservation warden pension fund on December 31, 1949 shall continue to act as such until the duties prescribed by this subsection to be performed thereafter shall have been discharged. Immediately after the effective date (1947) of this subsection, the trustees of the conservation warden pension fund shall prepare an account of the exact amount of money received by such fund as the proceeds from the sale of all confiscations under chapter 29, Wisconsin statutes, other than confiscations of any wild animal as defined in section 29.01, or carcass, or part thereof, and forthwith shall pay or cause to be paid or transferred from the conservation warden pension fund to the school fund created by article X, section 2, Wisconsin constitution, the amount so determined, together with simple interest at 3 per cent per annum on each portion of such amount from the date that such portion was received by the conservation warden pension fund. The trustees of the conservation warden pension fund shall, as of January 1, 1948, prepare an account showing the exact amount of money paid into said fund by each conservation warden who elects to become a participating employe under section 66.90 in accordance with the provisions of subsection (3) (e) 3 of said section, effective January 1, 1948, and forthwith certify to the Wisconsin retirement fund the name of such person and the amount which he has paid into the conservation warden pension fund, and said trustees shall pay or cause to be transferred from said latter fund to the Wisconsin retirement fund a sum equal to the amounts so certified; thereupon the Wisconsin retirement fund shall enter the amounts so paid and certified as an additional contribution to the credit of the respective accounts of such wardens which shall then be established for them in the Wisconsin retirement fund. The trustees of the conservation warden pension fund on December 31, 1949, shall immediately thereafter prepare an account showing the exact amount of money paid into said fund by each person who was a conservation warden on such date, and forthwith certify to the Wisconsin retirement fund the name of such

person and the amount which he has paid into the conservation warden pension fund, and said trustees shall pay or cause to be transferred from said latter fund to the Wisconsin retirement fund a sum equal to the amounts so certified; thereupon the Wisconsin retirement fund shall enter the amounts so paid and certified as an additional contribution to the credit of the respective accounts of such wardens which shall then be established for them in the Wisconsin retirement fund. Any additional contribution credited under this subsection shall not be available to provide a reversionary annuity under section 66.90 (11), or be payable as a death benefit in addition to the \$500 death benefit provided for by section 66.90 (13) (b) (1) and in all other respects shall be treated as normal credits except that no corresponding municipality credit therefor shall be given pursuant to 66.90 (7) (a) 2 (c). The trustees of the conservation warden pension fund shall then convert into cash as soon as practicable any assets of the conservation warden pension fund then remaining and pay all of such cash to the conservation fund.

SECTION 7. 23.15 (2), (3) and (4) of the statutes, as created by chapter 206, laws of 1947, are amended to read:

23.15 (2) All pensions to wardens and all payments to widows and children of former wardens which shall have been granted under section 23.14 and which are in effect on December 31, * * * 1949, thereafter shall be paid from the conservation fund by the conservation commission, but otherwise in accordance with the provisions of section 23.14, statutes of 1945.

(3) Payments to the widow and children of any conservation warden who shall have retired prior to January 1, * * * 1950, but who shall die on or after such date, shall be granted, and shall be made from the conservation fund, but otherwise in accordance with the provisions of section 23.14 (8), statutes of 1945.

(4) The conservation commission shall administer the pensions payable under subsections (2) and (3) hereof, and on January 1, * * * 1950 shall succeed to all of those duties and powers of the trustees of the conservation warden pension fund under section 23.14, statutes of 1945, which shall be necessary for such purpose.

SECTION 8. 23.15 (6) of the statutes is created to read:

23.15 (6) Persons who are active members of the conservation warden pension fund on December 31, 1949, shall be or become

participating employes under section 66.90 in accordance with subsection (5) (a) 3 of said section, and their contributions to, and the corresponding amount of assets in, the conservation warden pension fund shall be transferred to the Wisconsin retirement fund in accordance with subsection (1) hereof.

SECTION 9. 25.17 (2a) of the statutes is amended to read:

25.17 (2a) To have exclusive control of the investment and collection of the principal and interest of all moneys loaned or invested from the Wisconsin * * * retirement fund created by section 66.90.

SECTION 10. 42.71 of the statutes, as created by chapter 206, laws of 1947, is renumbered to be 42.71 (1).

SECTION 11. 42.71 (1) (c) of the statutes, as renumbered, is amended to read:

42.71 (1) (c) After December 31, 1947, no person may retire or be retired under said system; *except that notwithstanding any other provisions of this subsection or section 66.90, a member of the state employes' retirement system who can and does elect to retire under said system effective January 1, 1948, or a member thereof who shall have attained age 70 or more prior to January 1, 1948, and whose services shall not have been extended to January 31, 1948, pursuant to section 42.62 (4) statutes of 1945, shall be retired under the provisions of said system effective January 1, 1948, unless such member shall be an appointed state officer. A member of the state employes' retirement system who shall have attained age 70 or more prior to January 1, 1948, and whose services shall have been extended to January 31, 1948, pursuant to section 42.62 (4), statutes of 1945, shall be retired under the provisions of section 66.90 effective January 31, 1948, notwithstanding the provisions of paragraphs (a) and (b) of subsection (9) of said section unless such person can and does elect to retire under the provisions of the state employes' retirement system effective January 1, 1948, or the first day of some month prior thereto, unless such person is an appointed state officer.*

SECTION 12. 66.90 (3) (e) 3 of the statutes, as created by chapter 206, laws of 1947, is repealed and recreated to read:

66.90 (3) (e) 3 Who are contributing to the conservation warden pension fund created by section 23.14, except that prior to January 1, 1948, any such person may, by written notice filed with both the trustees of the conservation warden pension

fund and the conservation commission irrevocably renounce all present, future and contingent benefits under the provisions of section 23.14, in which case, effective January 1, 1948, such person shall be exclusively under the Wisconsin retirement fund as long as he is eligible thereunder.

SECTION 13. 66.90 (3) (e) 4, 5 and 8 of the statutes are repealed.

SECTION 14. 66.90 (3) (i) of the statutes is repealed and recreated to read:

66.90 (3) (i) Earnings. An amount equal to the sum of the total amount of money paid on a regular pay roll by a municipality to an employe for personal services rendered to 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, except that no amount in excess of \$350 per month, or an equivalent for any other period, shall be considered for any purposes of this system.

SECTION 15. 66.90 (3) (n) of the statutes is amended to read:

66.90 (3) (n) Annuity. A series of equal monthly payments, payable at the end of each calendar month during the life of an annuitant; the first payment to be made as of the end of the first complete calendar month following the date upon which such annuity shall begin, and the last payment to be made as of the end of the calendar month prior to the month in which the annuitant shall die, *except as provided in subsection (10a)*. In addition to the regular monthly amount, the first payment shall include an amount equal to the pro rata portion of such monthly amount for any fraction of a month elapsing between the date such annuity begins and the end of such calendar month, *except as provided in subsection (10a)*.

SECTION 16. 66.90 (3) (p) of the statutes, as amended by chapter 206, laws of 1947, is amended to read:

66.90 (3) (p) Governing body. The council or common council in cities, * * * village board in villages, county board in counties, school boards in common school districts or high school districts, joint sewerage commission, or metropolitan sewerage commission, or town board, or any agent duly appointed by any such body and designated in a written notice filed with the board as being authorized to act for any such body in matters pertaining to the fund. For the state of Wisconsin there shall

be a governing body for each department, board or commission thereof which governing body shall be, for each such department, board or commission, the respective head thereof, who shall be certified in writing to the board of trustees * * * by the director of the bureau of personnel for the state of Wisconsin.

SECTION 17. 66.90 (3) (r) of the statutes, as amended by chapter 206, laws of 1947, is amended to read:

66.90 (3) (r) Prior service contribution rate. The rate at which prior service credits for employes are computed. For municipalities designating rates in accordance with the provisions of subsection (4) the rates shall be the rates so designated; for other municipalities, the rate shall be * * * *one times the rate of municipality credits for current service on the effective date of participation of the municipality, except that for the State of Wisconsin the prior service contribution rate shall be 2 times the rate of municipality credits for current service, except as provided in (4) (c) and (d).*

SECTION 18. 66.90 (3) (e) 10 of the statutes, as amended by chapter 206, laws of 1947, is amended to read:

66.90 (3) (e) 10 Employes other than those specified in subdivisions 1 * * * and 2 * * * who are included under the provisions of a retirement system existing in the employing municipality on the effective date of participation of such municipality if notice of election by the governing body of such municipality, to exclude such persons from participation in this system has been received by the board prior to the effective date of participation * * * by such municipality.

SECTION 19. 66.90 (4) (a) of the statutes, as amended by chapter 206, laws of 1947, is amended to read:

66.90 (4) (a) Any municipality, except a city of the first class, *a county having a population of 500,000 or more and the State of Wisconsin, shall be included within, and shall be subject to, the provisions of this fund by so electing, in accordance with this subsection. The effective date of participation of any such municipality shall be January 1 of the year after the year in which proper official notice of election to be included has been received by the board. The State of Wisconsin is hereby included, effective January 1, 1948. A municipality which has not elected to participate but some of whose employes will be included within and be subject to this fund on or after January 1, 1948 shall be included within and be subject to this fund effective January 1, 1948 as though such municipality had elected to participate*

herein, except that, until such municipality does actually so elect and such election becomes effective, its employes included within and subject to this fund shall be only those specified by sections 61.65 (6), 61.65 (7), 62.13 (9) (e), 62.13 (9a), 62.13 (10) (f) and 62.13 (10) (g).

SECTION 20. 66.90 (4) (c) of the statutes, as amended by chapter 206, laws of 1947, is amended to read:

66.90 (4) (c) Municipalities *other than the State of Wisconsin* electing to participate may also elect to provide prior service credits at rates equal to 2, 1½ or 1 times the rates of municipality credits for current service provided such basis is specifically designated in the notice of election to participate in the fund, as being applicable to all employes included as of the effective date. Each employe of the State of Wisconsin who becomes a participating employe effective January 1, 1948 pursuant to subsection (5) (a) 4 shall be given prior service credit for state service prior to January 1, 1948 in accordance with subsection (7) (a) 1 at the rate of 2 times the municipality credit for current service, minus the * * * required contribution and interest credited thereto transferred from the state employes' retirement fund and included as an additional * * * credit of such employe pursuant to subsection (7) (a) 4, provided that in the computation of such prior service credit:

1. No credit shall be given for state service as a teacher for which the state made a state deposit under the provisions of sections 42.20 to 42.54.

2. In the case of an appointed officer who did not elect to become a member of the state employes' retirement system at his earliest opportunity to do so, there shall be deducted from such prior service credit the sum which would have been to the credit of such appointed officer had he elected to become a member of such system at such earliest opportunity and made the required contributions thereunder from such time to December 31, 1947.

3. In the case of a state employe or an appointed state officer who did elect to become a member of the state employes' retirement system, a part of whose prior service antedates July 1, 1943 and who reentered state service on or after July 1, 1943, there shall be deducted from his prior service credit, the additional credit of such person plus such further sum as would have been to his credit under the state employes' retirement system had his entire state service been continuous immediately

preceding January 1, 1948, excepting only sums contributed thereto in excess of the required 3 per cent of salary and interest on such excess.

4. In the case of a state employe who first entered the state service on or after July 1, 1943 and who withdrew sums which he had deposited under the state employes' retirement system there shall be deducted from his prior service credit the additional credit of such person plus such further sums as he withdrew under the state employes' retirement system, excepting only sums contributed thereto in excess of the required 3 per cent of salary and interest on such excess.

5. Credit shall be given for periods during which the employe was not paid by the state but was paid by a county or other political subdivision of the state, or by the federal government or an agency thereof, under a co-operative arrangement whereby such employe, in the interests of the state, and while directly or indirectly under the control of the state department, board or commission by which he had been employed, was assigned by such state department, board or commission to duties with such county, city or other political subdivision of the state or the federal government or an agency thereof, provided that such employe was paid by the state for services performed for the state immediately before and immediately after any such period.

6. A participating employe of the state of Wisconsin on the effective date who entered the service of the United States in civilian war emergency employment on or after January 1, 1942, and who was, at the time of such entry an employe of this state, and who on November 16, 1946, and in accordance with an act or acts of Congress was transferred to the service of this state shall receive credit as prior service for the time so spent in civilian war emergency employment between said dates.

7. An employe who entered the services of the United States in civilian war emergency employment on or after January 1, 1942, and who was not, at the time of such entry, an employe of this state, and who, on November 16, 1946, and in accordance with an act or acts of Congress was transferred to the services of this state and became a member of the state employes' retirement system shall receive credit for such period of service in civilian war emergency employment with the United States if, prior to January 1, 1948, such person shall have made a single sum deposit in the employes' savings fund equal to the sum of

the deposit which he would have been required to make therein for any period between July 1, 1943 and November 15, 1946, both dates inclusive, that said person was in the service of the United States in civilian war emergency employment, as though said person had been a member of the state employes' retirement system for such period.

SECTION 21. 66.90 (4) (d) of the statutes as created by chapter 206, laws of 1947, is amended to read:

66.90 (4) (d) Each conservation warden who becomes a participating employe under the Wisconsin retirement fund effective January 1, 1948 *by election pursuant to subsection (3) (e) 3 or effective January 1, 1950 pursuant to subsection (5) (a) 3* shall be given prior service credit for state service prior to * * * *such respective effective date* at the rate of 2 times the municipality credit for current service for such wardens as provided in subsection (6) (a) 1, minus the sum of the *additional* * * * contribution credited to such warden pursuant to section 23.15 (1).

SECTION 22. 66.90 (5) (a) 3 of the statutes, as created by chapter 206, laws of 1947, is amended to read:

66.90 (5) (a) 3 All members of the conservation warden pension fund who * * * *shall be* on a leave of absence, or who * * * *shall be* contributing to said fund, on December 31, * * * 1949, except those who will be retired thereunder effective * * * *at the end of December, 1949*, shall become participating employes hereunder effective January 1, * * * 1950 and shall be governed by the provisions of this section. * * *

SECTION 23. 66.90 (5) (a) 4 of the statutes, as created by chapter 206, laws of 1947, is amended to read:

66.90 (5) (a) 4 All members of the state employes' retirement system who * * * *shall be* on a leave of absence from the state service on January 1, 1948 or who * * * *shall be* contributing to said system on December 31, 1947, except those who will be retired * * * *under said system* effective January 1, 1948, pursuant to section 42.71 (1) (c) shall become participating employes hereunder effective January 1, 1948 and shall be governed by the provisions of this section. * * *

SECTION 24. 66.90 (6) (a) 1 of the statutes, as amended by chapter 206, laws of 1947 is amended to read:

66.90 (6) (a) 1 Normal contributions of 5 per cent of each payment of earnings, excepting any part of such earnings in

excess of \$350 per month or an equivalent for any other period; paid to any such employe by any participating municipality, provided, however, that the normal contribution rate on said earnings for such employes who are conservation wardens, policemen, including the chief and all other officers, and firemen, including the chief and all other officers, shall be 7 per cent. *Any county which shall be or become a participating municipality may require that after a date specified by it but not earlier than January 1, 1948 the normal contribution rate for such of its participating employes as then are or may become deputy sheriffs, under-sheriffs or traffic policemen shall be 7 per cent; but no prior service credit may be granted to any such participating employe upon the basis of a 7 per cent contribution.*

SECTION 25. 66.90 (6) (a) 3 of the statutes is repealed and recreated to read:

66.90 (6) (a) 3 In every municipality which shall have become a participating municipality prior to January 1, 1948, employe and municipality contributions shall be required only upon that part of the earnings of any participating employe not to exceed \$250 per month, or an equivalent for any other period, which are included in any report of earnings submitted to the fund for any month prior to January 1948. In every such municipality, any prior service credit to any person who is a participating employe on the effective date of this act shall be recomputed pursuant to subsection (7) (a) 1 when necessary to give such person the benefit of a prior service credit based upon earnings in excess of \$250 but not over \$350 per month, and the prior service credit of each such person shall be increased accordingly, effective as of the same date as the original prior service credit granted to such person.

SECTION 26. 66.90 (6) (e) of the statutes, as amended by chapters 99 and 206, laws of 1947, is repealed and recreated to read:

66.90 (6) (e) All normal contributions and all additional contributions shall be deducted from each corresponding payment of earnings paid to each participating employe and shall be due and be deposited in the office of the board by the employing municipality not later than the end of the month in which the earnings are paid. The deductions from earnings of participating employes of the state of Wisconsin and the dupli-

cate monthly report of earnings required by the fund shall be due and be deposited in the office of the board by the respective departments, boards or commissions in which such employes are employed not later than the end of the month in which the earnings are paid.

SECTION 27. 66.90 (7) (a) 4 of the statutes, as created by chapter 206, laws of 1947, is amended to read:

66.90 (7) (a) 4 When any person who was a member of the state employes' retirement system on December 31, 1947 becomes a participating employe under the Wisconsin retirement fund, the board of trustees of said latter fund shall certify such fact to the state annuity and investment board which shall forthwith certify to the said board of trustees the total sum to the credit of such person in said former system, *including an equitable amount of interest from July 1, 1947, which shall be determined by the state annuity and investment board and by it credited to the respective accounts*, indicating the amount attributable to regular contributions and interest, and the amount attributable to additional contributions and interest which *board of trustees* shall thereupon credit the amount attributable to regular contributions and interest * * * and the amount attributable to additional contributions and interest; as an additional credit to an account which shall be established forthwith for such participating employe in the Wisconsin retirement fund. *The portion of such additional credit which is attributable to regular contributions and interest under the state employes' retirement system shall not be available to provide a reversionary annuity under subsection (11) or be payable as a death benefit in addition to the \$500 death benefit provided for by subsection (13) (b) 1 and in all other respects shall be treated as normal credits except that no corresponding municipality credit therefor shall be given pursuant to 66.90 (7) (a) 2 (c).* Whenever the state annuity and investment board shall make such a certification, it shall forthwith transfer, by cash payment or sale or assignment of securities from the state employes' retirement fund to the Wisconsin retirement fund, assets equal in value to the total of the amounts so certified. The state annuity and investment board may make a correctional or supplementary certification and corresponding transfer of assets at any time.

SECTION 28. 66.90 (8) (a) 1 of the statutes, as amended by chapter 206, laws of 1947, is amended to read:

66.90 (8) (a) 1 Municipality contributions of the percentages, as specified in this subsection, of each payment of earnings made to each participating employe. Such contributions shall be made by the state of Wisconsin from the respective funds from which the salaries are paid to the employes for whom such contributions are being made; the heads * * * of the respective state departments, *boards and commissions* which make the salary deductions in accordance with subsection (6) (e) shall, at the time that said salary deductions are sent to the board, by applying the municipality contribution rate of the state of Wisconsin to the appropriate portion of the earnings of the respective employes of that department, *board or commission*, determine the amount of the corresponding municipality contribution to be made by *the proper fund* of the state of Wisconsin * * * and shall indicate the amount of such contribution on the monthly pay roll report submitted in duplicate to the fund. For the purpose of determining rates the conservation department shall be considered a separate municipality. The fund shall transmit one copy of such monthly pay roll report to the director of budget and accounts together with a voucher or vouchers for payment to the Wisconsin retirement fund, from the appropriate state funds, of the amounts payable thereto as indicated by the copy of the pay roll reports so submitted. Thereupon the director of budget and accounts shall promptly approve such voucher or vouchers for payment and the state treasurer shall forthwith issue his check or checks therefor to the Wisconsin retirement fund.

SECTION 29. 66.90 (9) (introductory paragraph) of the statutes is amended to read:

66.90 (9) (introductory paragraph) *Any participating employe, except an appointed state officer, who shall have attained age 65 or more on the effective date shall be retired at the end of his first month as a participating employe and any participating employe who attains the age of 65 shall be retired * * * at the end of the month in which such age is attained, unless in either case:*

SECTION 30. 66.90 (9) (b) of the statutes, as amended by chapter 206, laws of 1947, is amended to read:

66.90 (9) (b) Written notice is received by the board certifying that the governing body of the municipality by which such employe is employed has, because of some special qualifica-

tion of the employe, specifically authorized such employe to continue in employment for a period not to exceed one year beyond such date, or not to exceed one year beyond the date of expiration of any previous certification date, or until the end of the current term if chosen for a definite term, in which event such employe shall be retired at the expiration of the period designated in the last certification for such continuance on file with the board. The employment of a participating employe who is an * * * appointed state officer *less than 65 years of age on January 1, 1948* or a state employe who is the head of a state department, board or commission may be continued only upon receipt by the board of such a written notice from * * * his appointing officer, board or commission who or which shall act as the governing body under this paragraph * * * for the sole purpose of granting such continuances * * *.

SECTION 31. 66.90 (10a) of the statutes is created to read:

66.90 (10a) (a) Notwithstanding any other provision of this section, any participating employe who is eligible to receive an ordinary retirement annuity under subsection (10) may elect, in lieu of such annuity, to take the actuarial equivalent thereof as a retirement annuity payable monthly for the life of the participating employe as the annuitant, with a guaranty of 180 monthly payments, and in the event of his death before 180 monthly payments have been made, the remainder of the 180 monthly payments shall be continued to one beneficiary or divided as specified by the participating employe, and equally if not specified, between two or more beneficiaries designated by such employe, until payments shall have been made for 180 consecutive months after such annuity began.

(b) Upon the death of the annuitant who was the participating employe before payment has been made for 180 months, the then present value of the remainder of such payments shall be paid as a death benefit under subsection (13) to the estate of such annuitant where such estate was designated as the beneficiary or where no beneficiary was designated or where no designated beneficiary survives.

(c) In the event of the death of any designated beneficiary prior to the death of the annuitant who was the participating employe, then upon the death of the latter, the then present value of the benefit, if any, which would have been payable to such deceased beneficiary had he survived, shall be payable

as a death benefit under subsection (13), unless an alternate beneficiary survives.

(b) Upon the death of any designated beneficiary after he has become entitled to receive monthly payments hereunder, the then present value of the remainder of his benefit shall be paid as a death benefit under subsection (13).

(e) Whenever a participating employe elects to take an annuity provided for under this subsection, then upon the death of such employe, no death benefit shall be payable under the provisions of subsection (13) (b) 3.

SECTION 32. 66.90 (12) (g) of the statutes as amended by chapter 206, laws of 1947, is amended to read:

66.90 (12) (g) Notwithstanding any provisions to the contrary, if any disabled employe receives, or is entitled to receive, any award under or by virtue of the workmen's compensation act as the result of the disability because of which the disability annuity was granted, the disability payments due hereunder shall be *permanently withheld* by the fund * * * *to an amount equal to the total of any such awards.*

SECTION 33. 66.90 (14) (b) 3 of the statutes is repealed.

SECTION 34. 66.90 (20) (e) as amended by chapters 99 and 206, laws of 1947 of the statutes is repealed and recreated to read:

66.90 (20) (e) Interest for the year, at the prescribed rate, shall be charged or credited as the case may be, at the end of each year; on the average balances at the beginning of each month in the prior service obligation account and on the balances at the beginning of the year in the current service account. Interest, at the rate of one-twelfth of the effective rate then in effect, for each month or fraction thereof, shall be charged to the current service account, at the end of the year, or on accounts receivable from any municipality, except the State of Wisconsin, for both employe and municipality contributions which are not received by the fund within the calendar month following the due date. Any such interest chargeable on employe and municipality contributions from a department, board or commission of the State of Wisconsin, shall be payable if the monthly pay roll report provided for by subsection (6) (e) shall not be received by the fund on or before the 20th day of the calendar month following the due date; when any such interest is payable the board of trustees shall certify the amount thereof with

an explanation of such charge, together with a voucher in payment therefor to the director of budget and accounts who shall forthwith approve such voucher and charge the same to the appropriation of the department, board or commission which failed to submit its pay roll report to the board of trustees on time. The state treasurer shall forthwith issue his check or checks therefor to the Wisconsin retirement fund.

SECTION 35. 66.90 (21) (b) of the statutes as amended by chapters 99 and 206, laws of 1947, is repealed and recreated to read:

66.90 (21) (b) For purposes of determining the interest income for any year, all investments shall be carried at a book value such that yield to maturity, computed as an interest rate compounded annually or semi-annually, as the case may be, will remain uniform. No adjustments shall be made in investment valuations for ordinary current market price fluctuations; but reserves may be provided for possible losses as determined by the board. All investment expenses shall be charged to income resulting from interest and profits on investments.

Approved August 18, 1947.

No. 594, S.]

[Published August 25, 1947.

CHAPTER 557.

AN ACT to repeal, amend and renumber and amend various provisions of chapter 71 of the statutes, as revised by chapter 318, laws of 1947 (bill No. 125, S.), removing obsolete material, repealing or deleting unconstitutional provisions, renumbering for better location, and amending for clarification.

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

SECTION 1. 71.01 (2) (a) and (b) of the statutes are amended to read:

71.01 (2) **TEACHERS' RETIREMENT FUND SURTAX.**
 (a) In addition to any other taxes imposed by chapter 71, * * * there shall be levied, collected, and paid upon the incomes of all * * * *persons other than corporations*, except as otherwise provided by law, a surtax on taxable income assessable under the provisions of chapter 71 or any amendment that may here-