

No. 708, S.]

[Published November 28, 1953.

CHAPTER 664

AN ACT to amend 66.99 (3), as amended by chapter 346, laws of 1953, and by chapter 630, (Bill No. 693, S.) laws of 1953 and chapter 645, (Bill No. 707, S.) laws of 1953; and to create 66.902 (5) of the statutes, relating to participating employes under the Wisconsin retirement fund.

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

SECTION 1. 66.902 (5) of the statutes is created to read:

66.902 (5) (a) Whenever any participating municipality is consolidated with, or is completely annexed to, any political subdivision which is not a municipality or to any municipality not eligible to become a participating municipality, the employes of such participating municipality who are participating employes or participants in the Wisconsin retirement fund shall have the right to elect to exclude themselves therefrom.

(b) Notwithstanding any other provisions of the statutes, in the event that any participating employes or participants shall not elect to exclude themselves from the fund the political subdivision or municipality with which the participating municipality shall consolidate or to which it shall be completely annexed shall be liable for municipality contributions for such participating employes and participants as well as for all annuitants and beneficiaries in the same manner as the participating municipality would have been if such consolidation or annexation had not taken place, and for such persons the political subdivision or municipality shall be included within and be subject to this fund as though it had elected to participate therein. Such participating employes shall continue to be liable in the same manner for their own individual contributions to the fund.

(c) In the event that any person shall elect to exclude himself from the Wisconsin retirement fund his rights to any of the benefits of that fund shall be waived automatically by the filing of such election. Upon the filing of such an election the Wisconsin retirement fund shall transfer to the current retirement or pension fund of the municipality or political subdivision with which the participating municipality is consolidated or to which it is annexed in which such employe becomes a member amounts equal to the credits in the account of each such person which have been paid to the fund in full, and thereupon all credits for such employes shall be canceled.

(d) Each election under this subsection shall be made in writing and shall be filed with the Wisconsin retirement fund not less than 30 days prior to the referendum required under s. 66.02 in the event of consolidation and not less than 30 days prior to the effective date of any annexation under s. 62.07.

(e) Each election under this subsection shall become effective irrevocably in the event and at the time that the consolidation or annexation becomes effective. Whatever transfers must be made by the Wisconsin retirement fund as provided in par. (c) shall be made as of the first of the month following the effective date of the consolidation or annexation and such transfer shall be completed within 90 days from such effective date.

SECTION 2. 66.99 (3) of the statutes, as amended by chapter 346, laws of 1953 and by chapter 630, laws of 1953 (Bill No. 693, S.) and by chapter 645, laws of 1953 (Bill No. 707, S.) is amended to read:

66.99 (3) Every state employe and state officer while employed in any position which is not included under any retirement system established by statute shall be included under the agreement authorized by sub. (4) if eligible for inclusion, and all participating municipalities which have acted pursuant to s. 66.902 to be included under the Wisconsin retirement fund shall be included when the participating employes thereof are eligible, and each county shall pursuant to s. 66.902 (1a) be included under the agreement as to the county judge, and each city and village shall pursuant to ss. 62.13 (9) (e) and (9a) and 61.65 (6) be included under the agreement as to policemen, and each public agency affected by s. 66.902 (5) (b) (as created by this act, chapter 664, laws of 1953 (Reference Library No. 4272)) shall pursuant thereto be included under the agreement as to the employes affected by such paragraph. However, the provisions of this subsection shall not be applicable to services performed in any * * * fireman's position.

Approved November 20, 1953.