

No. 246, S.]

[Published August 2, 1955.]

**CHAPTER 486**

AN ACT to amend 66.902 (1), 66.903 (2) (a) 1 and 4, as amended by chapters 9 and 137, laws of 1955, 66.905 (1) (intro. par.), 66.906 (2) (b) 2 and (3) (f), 66.917 (1) (b) and 66.99 (3); and to create 20.005 (1) (b) (line 369a), 20.728 (4), 66.902 (1b) and (3) (p), 66.903 (1) (a) 7, 66.905 (8), 66.906 (1c), 256.48 and 256.49 of the statutes, relating to the retirement of full-time judges of municipal and inferior courts of record (other than county courts), and making an appropriation.

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

SECTION 1. 20.005 (1) (b) (line 369a) of the statutes is created to read:

20.005 (1) (b)

		1955-56	1956-57
369a. Other judges retirement -----	20.728 (4) S	4,000	8,000

SECTION 2. 20.728 (4) of the statutes is created to read:

20.728 (4) There is appropriated from the general fund on January 1, 1956, and annually thereafter beginning July 1, 1956, such sums as may be necessary to make the municipality contributions to the Wisconsin retirement fund for full-time judges of courts of record, municipal and inferior (other than county courts) as provided by s. 66.905 (8).

SECTION 3. 66.902 (1) of the statutes is amended to read:

66.902 (1) 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 section. 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. Except as provided in \* \* \* subs. (1a) and (1b), 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, provided 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 ss. 61.65 (6) and (7), 62.13 (9) (e), (9a), (10) (f) and (g).

SECTION 4. 66.902 (1b) and (3) (p) of the statutes are created to read:

66.902 (1b) A county or city which has not elected to become a participating municipality but whose full-time judges of courts of record, municipal or inferior, (other than county courts) have become participating employes shall be included within and be subject to ss. 66.90 to 66.918 except that until such county or city does so elect and such election becomes effective only its full-time judges of courts of record, municipal or inferior, (in addition to county judges) shall be included, and except that all municipality contributions for such judges shall be made by the state as provided in s. 66.905 (8). In no event shall such a county or city become a participating municipality or a judge of a court therein, municipal or inferior, (other than a county court) a participating employe prior to January 1, 1956.

(3) (p) Each full-time judge of a court of record, municipal or inferior, (other than a county court) who makes the election authorized by s. 66.903 (1) (a) 7 shall be granted prior service credit as of January 1, 1956, in accordance with s. 66.904 (1) (a) 1 for service rendered as judge of a court of record, municipal or inferior, prior to said date at the rate of 2 times the municipality credit for current service after January 1, 1956, based only upon his salary as judge of said municipal or inferior court (excluding fees and salary as juvenile judge) which prior service credit shall be reduced by the sum of all normal contributions made by him as judge of said municipal or inferior court prior to said date and the interest added thereto. The \$350 per month limitation on earnings provided in ss. 66.901 (9) and 66.903 (2) (a) 1 shall not be applicable. His normal and additional contributions made for any period prior to January 1, 1956, and interest thereon shall become an additional credit of such participating employe and shall be treated in all respects as additional contributions made pursuant to s. 66.904 (1) (a) 4. The prior

service credit granted as herein provided shall supersede and replace all prior service credit theretofore granted to such participating employe for service as a judge of a court of record, municipal or inferior which latter prior service credit shall be canceled forthwith. The credit for any other prior service previous to the period covered by such cancellation shall be recomputed upon the basis of the earnings for the last 3 years of such service (or less if the total be less).

SECTION 5. 66.903 (1) (a) 7 of the statutes is created to read:

66.903 (1) (a) 7. In all counties under 500,000, every full-time judge of a court of record, municipal or inferior, (other than a county court) who shall file his official oath on or after January 1, 1956, shall be included within the fund and be subject to ss. 66.90 to 66.918 notwithstanding s. 66.901 (5) (i), except that in computing his normal contributions, all fees and all salary as juvenile judge shall be disregarded and no prior service credits shall be granted because of such inclusion. Any full-time judge of a court of record, municipal or inferior, in a county under 500,000 (including any such judge who shall have been appointed and who previously had no right of election) who shall have filed his official oath as such judge prior to January 1, 1956, and who after September 1, 1955, and prior to January 1, 1956, notwithstanding any prior election, shall have filed with the board an election to participate pursuant to s. 66.901 (5) (i) shall be included within the fund and be subject to ss. 66.90 to 66.918.

SECTION 6. 66.903 (2) (a) 1, as amended by chapters 9 and 137, and 4, as amended by chapter 9, laws of 1955, of the statutes are amended to read:

66.903 (2) (a) 1. Normal contributions of 5 per cent of each payment of earnings, excepting any part of such earnings in excess of \$4,200 in any calendar year beginning January 1, 1955, paid to any such employe by any participating municipality except that the normal contribution rate on said earnings for such employes who are justices of the supreme court, circuit judges, conservation wardens, state forest rangers, members of the state traffic patrol, policemen, including the chief and all other officers, and firemen, including the chief and all other officers, shall be 7 per cent. Effective January 1, 1954, for a county judge who makes the election authorized by \* \* \* sub. (1) (a) 6, and effective upon becoming a participating employe for a county judge who shall file his official oath as county judge on or after January 1, 1954, the normal contribution rate shall be 7 per cent. *Effective January 1, 1956, for a full-time judge of a court of record, municipal or inferior (other than a county court) who makes the election authorized by sub. (1) (a) 7, and effective upon becoming a participating employe for such a judge who shall file his official oath as judge on or after January 1, 1956, the normal contribution rate shall be 7 per cent.* Any county which shall be or become a participating municipality may certify to the Wisconsin retirement fund that any employe who then is or may become an undersheriff, a deputy sheriff or traffic policeman is engaged in a hazardous occupation and may require that after a date specified by it but not earlier than January 1, 1948, the normal contribution rate for such employe shall be 7 per cent and in such case such employes shall be included under and receive the benefits of s. 102.455; but no prior service credit may be granted to any such participating employe upon the basis of a 7 per cent contribution.

4. The \$4,200 per calendar year limitation on earnings provided in \* \* \* s. 66.901 (9) and \* \* \* subd. 1 shall not be applicable to justices of the supreme court or circuit judges. Effective January 1, 1954 for a county judge who makes the election authorized by s. 66.903 (1) (a) 6, and effective upon becoming a participating employe for a county judge

who shall file his official oath as county judge on or after January 1, 1954, the \$4,200 limitation on earnings provided in \* \* \* s. 66.901 (9) and \* \* \* subd. 1 shall not be applicable. *Effective January 1, 1956, for a full-time judge of a court of record, municipal or inferior, (other than a county court) who makes the election authorized by subd. 7, and effective upon becoming a participating employe for such a judge who shall file his official oath as judge on or after January 1, 1956, the \$4,200 limitation on earnings provided in s. 66.901 (9) and subd. 1 shall not be applicable.*

SECTION 7. 66.905 (1) (intro. par.) of the statutes is amended to read:

66.905 (1) (intro. par.) Except as provided in \* \* \* subs. (7) and (8), each participating municipality shall make contributions to the fund as follows:

SECTION 8. 66.905 (8) of the statutes is created to read:

66.905 (8) Notwithstanding any other provision, the cost of all prior service credits and municipality current service credits granted on and after January 1, 1956, to full-time judges of courts of record, municipal or inferior, (other than a county court) whose normal contribution rate is 7 per cent shall be paid by the state. Each county under 500,000 having such a judge and each city in a county of under 500,000 having such a judge shall submit a separate report to the fund each month pursuant to s. 66.903 (2) (e) for such judges whose normal contribution rate is 7 per cent unaccompanied by any municipality contribution. This report shall exclude all fees and all salary as juvenile judge. The fund shall consolidate all of such reports each month and apply to the total participating earnings shown thereon the municipality contribution rate for the state and transmit such consolidated report to the director of budget and accounts together with a voucher for payment to the Wisconsin retirement fund from the general fund of the municipality contribution payable thereto as indicated by the consolidated report so submitted. Thereupon the director of budget and accounts shall promptly approve such voucher for payment and the state treasurer shall forthwith issue his check therefor to the Wisconsin retirement fund.

SECTION 9. 66.906 (1c) of the statutes is created to read:

66.906 (1c) OTHER JUDGES. Each full-time judge of a court of record, municipal or inferior, (other than a county court) 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 such judge who shall have filed his official oath as judge on or before July 1, 1956, may at his election serve out the term for which such oath was filed. This provision shall supersede the provisions of sub. (1) for such judges.

SECTION 10. 66.906 (2) (b) 2 and (3) (f) of the statutes are amended to read:

66.906 (2) (b) 2. The annuity which can be provided on the date such annuity begins, from the total accumulated municipality and prior service credits of the participant at such time; subject \* \* \* to the limitation that in no event shall any annuity arising out of the total of the accumulated municipality and prior service credits exceed either of the following: a. The amount which, when added to the annuity provided, on the date such annuity begins, from the accumulated normal credits of the participant at such time, will equal 50 per cent of the final rate of earnings of the participant, or b. in the case of employes other than *full-time judges of courts of record, municipal or inferior, (other than county courts) contributing on a 7 per cent basis*, county judges contributing on a 7 per cent basis, supreme court justices and circuit judges, the amount

of the annuity which could have been provided at age 65 from the accumulations at age 65, or on the effective date of participation for participants who are over 65 on such date, assuming the participant as then exactly age 65, from the total municipality and prior service credits of the participant, assuming that the prior service credits of such participant had been accumulated on the basis of a contribution rate equal to the sum of the rates of normal and municipality credits as they were on the effective date of participation of such participant (except that this limitation shall be modified to include municipality credits equal to normal credits after attaining age 65 and prior to attaining age 70 for service rendered after December 31, 1951) or c. in the case of *full-time judges of courts of record, municipal or inferior (other than county courts) contributing on a 7 per cent basis*, county judges contributing on a 7 per cent basis, supreme court justices and circuit judges, the amount of the annuity which can be provided, on the date of retirement, from the total municipality and prior service credits of the employe at such date.

(3) (f) A justice of the supreme court, a circuit judge \* \* \*, a county judge or a *full-time judge of any other court of record* who is eligible to receive an ordinary retirement annuity under s. 66.906 (2) 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 120 monthly payments, in which event all of the provisions of pars. (a) to (e) shall be applicable except that wherever the figure "180" appears in said paragraphs the figure "120" shall be substituted.

SECTION 11. 66.917 (1) (b) of the statutes is amended to read:

66.917 (1) (b) Authorized and directed to pay to the board concurrently with each remittance of employe contributions, the corresponding municipality contribution out of the general fund or any special fund from which the earnings, from which the corresponding employe contributions were deducted were paid, except as provided in s. 66.905 (7) and (8).

SECTION 12. 66.99 (3) of the statutes 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 county and city shall pursuant to s. 66.902 (1b) be included under the agreement as to full-time judges of courts of record, municipal or inferior, (other than county courts)* 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) shall pursuant thereto be included under the agreement as to the employes affected by such paragraph. \* \* \* This subsection shall not be applicable to services performed in any fireman's position.

SECTION 13. 256.48 and 256.49 of the statutes are created to read:

256.48 AGE AND OTHER REQUIREMENTS FOR CERTAIN JUDGES. Commencing July 1, 1956, no person shall take office as full-time judge of a court of record, municipal or inferior, (other than a county court) unless he is an attorney of a court of record and is less than 70 years of age.

256.49 CERTAIN MUNICIPAL AND INFERIOR COURT JUDGES UNDER STATE RETIREMENT SYSTEM; JUDGES NOT TO PRACTICE LAW. Commencing January 1, 1956, judges of the following courts shall not practice private law while serving a term as judge and shall devote their entire working time to duties of their judicial office: the superior courts of Dane and Douglas counties, the small claims courts of Dane and Kenosha counties, the municipal court for Brown county, the municipal court of Fond du Lac county, the municipal court of Kenosha county, the municipal court of Manitowoc county, the municipal court of Outagamie county, the municipal court of Racine county, the municipal court for Rock county, and the municipal court of the city of Oshkosh and county of Winnebago. These judges are the only municipal and inferior court judges (other than county judges) under the state retirement system.

Approved July 22, 1955.

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