



Legislation Text

File #: 950599, Version: 1

950599
SUBSTITUTE 1

ALD. KALWITZ

A substitute charter ordinance relating to voluntary waivers from certain retirement benefits.

- Analysis -

Under this charter ordinance the city of Milwaukee elects not to be bound by the anti-alienation and assignment provisions of s. 66.81, Wis. Stats. This charter ordinance would also engraft an exception upon the anti-alienation and assignment provisions of s. 36-10 of the charter. This exception would permit members who are eligible for benefits under s. 36-05-1-i-1-a and b to waive all the benefits provided by the legislation.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. The city of Milwaukee declares that part of s. 66.81, Wis. Stats., relating to assignment of employees' retirement system benefits is a matter of local affairs and government and elects that the following part of s. 66.81, Wis. Stats., as appropriately indicated shall not apply to the employees' retirement system of the city of Milwaukee.

66.81. Exemption of funds and benefits from taxation, execution and assignment. All moneys and assets of any retirement system of any city of the first class and all benefits and allowances and every portion thereof, both before and after payment to any beneficiary, granted under any such retirement system shall be exempt from any state, county or municipal tax or from attachment or garnishment process, and shall not be seized, taken, detained or levied upon by virtue of any executions, or any process or proceeding whatsoever issued out of or by any court of this state, for the payment and ratification in whole or in part of any debt, claim, damage, demand or judgment against any member of or beneficiary under any such retirement system, ~~[[and no member of or beneficiary under any such retirement system shall have any right to assign any benefit or allowance, or any part thereof, either by way of mortgage or otherwise;]]~~ however, this prohibition shall not apply to assignments made for the payment of insurance premiums. The exemption from taxation contained herein shall not apply with respect to any tax on income.

Note: The provision in part 1. which is in brackets and stricken through, "and no member of or beneficiary under any such retirement system shall have any right to assign any benefit or allowance, or any part thereof, either by way of mortgage or otherwise;" is the part of s. 66.81, Wis. Stats., that shall not apply to the city of Milwaukee

employees' retirement system.

Part 2. 36-10-4 of the charter is created to read:

36-10. Exemption from Taxation, Execution and Assignment.

4. Notwithstanding sub. 1, a member who is eligible for benefits under s. 36-05-1-i-1-a and b may irrevocably elect to waive all of the benefits provided by s. 36-05-1-i-1-a and b. Such election shall be made pursuant to a written waiver provided by the board and may be filed with the board at any time after October 1, 1995.

Part 3. This is a charter ordinance and shall take effect 60 days after its passage and publication, unless within such 60 days a referendum petition is filed under s. 66.01(5), Wis. Stats., in which event this ordinance shall not take effect until submitted to a referendum and approved by a majority of the electors voting.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB95305.2

MCW:bsw

3/27/96