

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 4/18/00

BILL NO. _____

OR

SUBJECT _____

CR 00-011, 00-021, 00-022

David Austin

(NAME)

(Street Address or Route Number)

(City and Zip Code)

Sen. Robson
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 4-18-00

BILL NO. _____

OR

SUBJECT CR # 011, 021, 022

Pam Hennings, Shelly Schueller
& Linda Green

(NAME)

(Street Address or Route Number)

(City and Zip Code)

Madison
Dept. of Employee Trust Funds
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

Vote Record

Senate - Committee on Labor

Date: 4-18-00
Moved by: Sen Breske Seconded by: Sen Zien
Clearinghouse Rule: 00-011, 00-021, 00-022
Appointment: _____
Other: _____

AB: _____ SB: _____
AJR: _____ SJR: _____
AR: _____ SR: _____

A/S Amdt: _____
A/S Amdt: _____ to A/S Amdt: _____
A/S Sub Amdt: _____
A/S Amdt: _____ to A/S Sub Amdt: _____
A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for: see motion
 Passage
 Introduction
 Adoption
 Rejection

Indefinite Postponement
 Tabling
 Concurrence
 Nonconcurrence
 Confirmation

Committee Member

Sen. Jim Baumgart, Chair
Sen. Russell Decker
Sen. Roger Breske
Sen. David Zien
Sen. Margaret Farrow

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Sen. Jim Baumgart, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Russell Decker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Roger Breske	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. David Zien	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Margaret Farrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: 5 0 0 _____

CLEARINGHOUSE RULES 00-011,
00-021 and 00-022

MOTION

Moved by Senator _____, Seconded by Senator _____

THAT the Senate Labor Committee requests the Department of Employee Trust Funds to delay the submission of Clearinghouse Rules 00-011, 00-021 and 00-022 to the Revisor of Statutes for publication until the Wisconsin Supreme Court has ruled on the validity of 1999 Wisconsin Act 11; and

THAT, if the Department, on or before May 9, 2000, does not provide the Committee with a written assurance that it will submit Clearinghouse Rules 00-011, 00-021 and 00-022 to the Revisor for publication after the Court has ruled on the validity of Act 11, the rulemaking orders are objected to in their entirety pursuant to s. 227.19 (4) (d) 1, Stats.

WISCONSIN LEGISLATIVE COUNCIL STAFF

RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 00-022

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

2. Form, Style and Placement in Administrative Code

- a. The rule does not contain a citation to statutes interpreted. [See s. 1.02 (2) (a), Manual.]
- b. "SECTION 1" should precede "ETF 10.01 (1k)" and "hereby" should be deleted. "SECTION 2" should precede "ETF 20.19" and "hereby" should be deleted. [See s. 1.04, Manual.]
- c. In s. ETF 10.01 (1k), the second sentence of the definition of "benefit approval date" should be moved since it contains additional substance. [See s. 1.01 (7) (b), Manual.]
- d. The colons following the titles of the subsections in s. ETF 20.19 should be deleted. [See s. 1.05 (2) (c), Manual.]
- e. In s. ETF 20.19 (2) (a), "(a)" should be deleted preceding "Creditable service."
- f. In s. ETF 20.19 (2) (intro.), the citation to s. 40.25 (2), Stats., is not in proper format. [See s. 1.07 (2), Manual.]
- g. Throughout the rule, there are references to events occurring "before" and "after" January 1, 2000 and "on or after" January 1, 2000. It is suggested that consistent terminology be used throughout the rule (i.e., "before January 1, 2000" and "after December 31, 1999").

Response to Legislative Council Staff Recommendations:

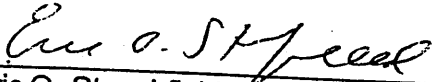
All the recommendations of the Legislative Council Staff were accepted and implemented except one. With respect to comment 2.c., the proposed definition of "benefit approval date" was revised to clarify that the DETF intended only to provide a definition of the approval date for the rule and for identifying the date referred to in Wis. Stat. § 40.04 (4) (b) and (bm), 40.25 (2), and 40.73 (1) (a) and (2) (a).

Board Authorizations for Promulgation:

This final draft report on Clearinghouse Rule #00-022 has been duly approved for submission to the Legislature and for promulgation by the Teacher Retirement Board and the Wisconsin Retirement Board at their meetings on March 9, 2000, and by the Employee Trust Funds Board at its meeting on March 10, 2000.

Respectfully Submitted,

DEPARTMENT OF EMPLOYE TRUST FUNDS



Eric O. Stanchfield, Secretary
Wisconsin Department of Employee Trust Funds

Date 3/13/00

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 00-022

AN ORDER to create ETF 10.01 (1k); and to create ETF 20.19, relating to the department's interpretation of what Wisconsin Retirement System creditable service is considered to be performed before January 1, 2000 versus considered to be performed on or after that date under 1999 Wisconsin Act 11.

Submitted by **DEPARTMENT OF EMPLOYE TRUST FUNDS**

01-31-00 RECEIVED BY LEGISLATIVE COUNCIL.
02-28-00 REPORT SENT TO AGENCY.

RNS:GAA;jal;rv



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536

Telephone: (608) 266-1304

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Email: leg.council@legis.state.wi.us

DATE: April 17, 2000

TO: SENATOR JAMES BAUMGART, CHAIRPERSON, SENATE COMMITTEE ON LABOR

FROM: Dan Fernbach, Senior Staff Attorney

SUBJECT: Committee Options on Clearinghouse Rules

You have scheduled a public hearing for Tuesday, April 18, 2000, on three sets of Clearinghouse Rules (CHRs 00-011, 00-021 and 00-022), submitted by the Department of Employee Trust Funds (DETF), relating to the implementation of 1999 Wisconsin Act 11.

As you know, Act 11, among other things, provides a higher Wisconsin Retirement System (WRS) formula factor for creditable service performed prior to January 1, 2000. According to DETF, the above-cited rule-making orders are necessary:

1. To determine how certain types of creditable service are allocated as pre-2000 or post-1999 service (CHR 00-022);
2. To provide equitable treatment for annuitants who retire in 1999 (CHR 00-011); and
3. To implement the Act's provisions that provide for a limited reopening of the Variable Trust Fund (CHR 00-021).

As noted in DETF's analysis of CHR 00-021, implementation of Act 11 *was enjoined* by the courts on December 29, 1999 until the act is reviewed by the Wisconsin Supreme Court to determine its validity. However, the Department intends to promulgate and submit the rules for publication at this time but repeal them at a later date if Act 11 is not upheld by the Supreme Court.

At an executive session following the Labor Committee's scheduled April 18 public hearing on the proposed rules, if the members believe that the rules should not be promulgated until the Supreme Court upholds the provisions of Act 11, the committee could take any of the following actions:

1. Vote to *formally object* to the proposed rules pursuant to s. 227.19 (4) (d), Stats.
2. Same as above, *unless* DETF provides the committee with a *written assurance* prior to the end of its review period that it will not submit the rules to the Revisor of Statutes for publication until the Supreme Court has ruled on the validity of Act 11.
3. Request the department to withdraw the proposed rules but adopt them as *emergency rules* at a later date if and when Act 11 is upheld by the Supreme Court.

Finally, the committee could *take no action*, which would permit the proposed rules to take effect without delay on the first day of the month following publication.

DF:jal;rv



STATE OF WISCONSIN

Department of Employee Trust Funds

Eric O. Stanchfield
Secretary
801 West Badger Road
P. O. Box 7931
Madison, WI 53707-7931

April 26, 2000

HONORABLE JAMES BAUMGART
STATE SENATE
CHAIR, SENATE COMMITTEE ON LABOR
306 SOUTH, STATE CAPITOL
P.O. BOX 7882
MADISON WI 53707-7882

RE: Clearinghouse Rule #00-011, Clearinghouse Rule #00-021 and Clearinghouse Rule #00-022

Dear Senator Baumgart:

I am writing in response to action taken by the Senate Committee on Labor concerning promulgation of three Department of Employee Trust Funds Clearinghouse Rules: CR #00-011 relating to distribution to annuitants of the total amount distributed from the transaction amortization account to the annuity reserve under the non-statutory provisions of 1999 Wisconsin Act 11; CR #00-021 relating to the participation in the variable trust fund; and CR #00-022 relating to the Department's interpretation of what Wisconsin Retirement System (WRS) creditable service is considered performed before January 1, 2000 versus considered performed on or after that date under 1999 Wisconsin Act 11.

On March 27, 2000, Senator Judy Robson, Co-Chair of the Joint Committee on Review of Administrative Rules, sent a letter to you and Representative Steve Wieckert urging both the Senate Committee on Labor and the Assembly Committee on Government Operations to ensure that all three Clearinghouse Rules were not promulgated. The delay in promulgation was requested because Legislative Clearinghouse comments during the review period on the rules took the position that since implementation of 1999 Wisconsin Act 11 was enjoined by the Wisconsin Supreme Court, there was no statutory authority for the rules.

On April 18, 2000, the Senate Committee on Labor held a public hearing on the above three Clearinghouse Rules. The Committee unanimously passed a motion that required the Department to delay submission of these rules to the Revisor of Statutes for publication until the Wisconsin Supreme Court has ruled on the validity of 1999 Wisconsin Act 11. In addition, the Department, on or before May 9, 2000, was asked to provide written assurance that it will submit the three rules to the Revisor for publication only after the Court has ruled on the validity of Act 11. In the absence of this assurance, the Committee plans to object to the three rules in their entirety.

The Employee Trust Funds Board, the Department and I requested a preliminary injunction barring implementation of 1999 Wisconsin Acts 11 and 12 from the Supreme Court when we filed our petition for original jurisdiction and requested to have the petition stand as a complaint seeking declaratory judgment. The Supreme Court granted the preliminary injunction in its order dated December 29, 1999, but included the following:

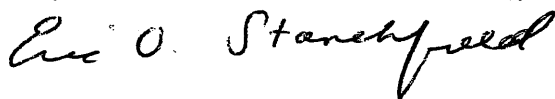
Senator Baumgart
April 26, 2000
Page 2

Notwithstanding the foregoing, the petitioners [*ETF Board, DETF and Secretary*] are not enjoined from taking such contingent and preparatory measures towards implementation of this legislation as they deem appropriate in their discretion and consistent with their fiduciary and other duties and responsibilities for administering the terms of the public employe trust fund. Any question raised by either party regarding the propriety of any particular contingent and preparatory measure toward implementation shall immediately be brought before this court for resolution;

A copy of the preliminary injunction is enclosed for your information. (*Employe Trust Funds Board, et al. v. Lightbourn, et al.*, No. 99-3297-OA, Supreme Court Order dated December 29, 1999, page 2.)

Even though the Department believes the Court's exception in the preliminary injunction provides the statutory authority to promulgate the above three rules, I am providing my written assurance that the Department will not submit Clearinghouse Rules #00-011, #00-021 and #00-022 to the Revisor of Statutes for publication until the Court has ruled on the validity of Act 11.

Sincerely,



Eric O. Stanchfield
Secretary

Enclosure

cc: Committee Members, Senate Committee on Labor
Senator Judith Robson, Co-Chair, Joint Committee on Review of Administrative Rules
Rep. Glenn Grothman, Co-Chair, Joint Committee on Review of Administrative Rules
Rep. Steve Wieckert, Assembly Committee on Government Operations
Gary Poulson, Deputy Revisor, Revisor of Statutes Bureau

**Testimony on
Clearinghouse Rule 00-011 – Annuitant Dividend Distribution
Clearinghouse Rule 00-021 – Participation in the Variable Fund
And
Clearinghouse Rule 00-022 – Interpretation of Creditable Service under 1999 WI Act 11**

By the Department of Employee Trust Funds

Senate Labor Committee – April 18, 2000

Thank you Chairperson Baumgart and Committee Members for the opportunity to provide information on the three Clearinghouse Rules before you. I am Pam Henning, Director of Legislation and Planning at the Department of Employee Trust and sitting next to me are Linda Owen and Shelly Schueller, Policy Analysts for the Division of Retirement Services, at ETF.

Each of the Clearinghouse Rules clarifies the Department's administrative policy and procedures relating to the implementation of provisions within 1999 Wisconsin Act 11, if upheld by the courts.

Clearinghouse Rule 00-011 – Annuitant Dividend Distribution

Under current law, the fixed dividend granted to an annuitant in the first year after retirement is prorated and based upon the number of full months that the participant was retired during that year.

Under Act 11, \$4 billion from the transaction amortization account (TAA) is transferred to the reserves of the fixed retirement investment fund, including the employee, employer and annuity reserve. The portion of the funds credited from the TAA transfer to the annuity reserve would provide a higher fixed annuitant dividend (approximately 10%).

The rule creates an exception for the portion of the dividend granted in 2000 that is based upon the funds transferred from the TAA. While the normal fixed dividend in 2000 will still be prorated for participants who retired during 1999, the full amount of the special dividend based on the \$4 billion transferred from the TAA will NOT be prorated. This is effective for participants who retired with annuity effective dates after December 31, 1998 and before January 1, 2000.

Clearinghouse Rule 00-021 – Participation in the Variable Fund

Since April 29, 1980, the variable trust fund has been closed to participants under the Wisconsin Retirement System. All participants who elected to join the variable fund prior to that date remain in the program unless they elect to terminate their participation. Once a participant terminates from variable fund participation, there is no ability to re-elect variable participation.

Act 11 does the following:

- Permits all participating active employees under the WRS on or after January 1, 2001 to elect to have 50% of their future contributions deposited in the variable trust fund;
- Applies only to future contributions; participants cannot transfer existing account balances into the variable fund.

The rule does the following:

- Permits former variable fund participants who cancelled variable participation an opportunity to re-enroll;
- Clarifies that an election into the variable fund is effective on the January 1st of the year after the election is received by the Department for existing active employees; and
- Clarifies that for new WRS participants, variable participation is immediate if ETF receives their election form within 30 calendar days after WRS coverage begins.

Clearinghouse Rule 00-022 – Interpretation of Creditable Service under 1999 WI Act 11

Act 11 provides a higher formula factor for service performed before January 1, 2000. Act 11 provides some clarification of what creditable service should be considered to be performed before January 1, 2000, but further clarification is required for our Department to administer these provisions.

The rule clarifies the treatment of all creditable service for purchased service, military service, prior service purchased by a WRS employer, assumed service for WRS disability benefits and for service divided per a qualified domestic relations order (QDRO).

Thank you for your time. We'd be happy to answer any questions you may have on the rules.



STATE OF WISCONSIN

Department of Employee Trust Funds

Eric O. Stanchfield
Secretary
801 West Badger Road
P.O. Box 7931
Madison, WI 53707-7931

March 16, 2000

THE HONORABLE FRED A RISSER
PRESIDENT OF THE SENATE
C/O DONNA DOYLE
SENATE JOURNAL AND RECORDS
ONE EAST MAIN STREET, SUITE 402
MADISON WI 53702

Re: Clearinghouse Rule #CR 00-022 creating s. ETF 10.01 (1K) and ETF 20.19, Wisconsin Administrative Code, relating to the Department's interpretation of what Wisconsin Retirement System creditable service is considered to be performed before January 1, 2000 under 1999 Wisconsin Act 11.

Dear Senator Risser:

In accordance with Wis. Stats. § 227.19 (2), I am enclosing a copy of this proposed rule in final draft form. The report required under Wis. Stats. § 227.19 (3) is also enclosed.

Please contact Pam Henning, Director of Legislation and Planning, at 267-2929 if you have any questions.

Sincerely,

Eric O. Stanchfield
Secretary

Enclosure

**STATE OF WISCONSIN
DEPARTMENT OF EMPLOYE TRUST FUNDS**

FINAL DRAFT REPORT ON CLEARINGHOUSE RULE 00-022

AN ADMINISTRATIVE RULE creating ETF 10.01 (1k) and creating ETF 20.19, Wisconsin Administrative Code, relating to the Department's interpretation of what Wisconsin Retirement System creditable service is considered to be performed before January 1, 2000 vs. considered to be performed on or after that date under 1999 Wis. Act 11. A public hearing on this proposed rule has been scheduled for February 29, 2000.

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Agency Person to Be Contracted for Substantive Questions:

For information about this rule, please contact: Linda Owen, Benefits Plan Policy Analyst, Department of Employee Trust Funds, P.O. Box 7931, Madison, Wisconsin, 53707-7931. Telephone: (608) 261-8164. FAX: (608) 267-4549.

Statement Explaining Need for Rule:

1999 Wisconsin Act 11 (Act 11) provides a higher formula factor for service performed before January 1, 2000. Act 11 contains specifies how military service and certain purchased service will be allocated to pre-2000 vs. post-1999 service, but needs further clarification or is silent for certain types of service. This rule is necessary for determining exactly how military, purchased and other service will be allocated to pre-2000 and post-1999 service for the wide variety of issues that can arise. The DETF is required by Wis. Stat. § 227.10 (1) to promulgate as a rule each interpretation of statute which it specifically adopts to govern its enforcement or administration of that statute. In addition, the DETF is required by Wis. Stat. § 40.03 (2) (i) to promulgate, with the approval of the Employee Trust Funds Board, rules necessary for the efficient administration of the fund or any of the benefit plans established by ch. 40, Stats.

Analysis Prepared by Department of Employee Trust Funds

Authority for Rule:

Wis. Stat. s. 40.03 (2) (i)

Statutes Interpreted:

Wis. Stats. § 40.23 (2m) (e) 1., 2., 3. and 4. as amended by 1999 Wis. Act 11, and Wis. Stat. 40.23 (2m) (em) 1. a., b. and c. as created by 1999 Wis. Act 11.

Analysis:

Section 19 of 1999 Wis. Act 11 provides higher percentage rates to be used to calculate the Wisconsin Retirement System benefits paid from the accounts of participants who are participating employees on the effective date of this provision, but only for creditable service that is considered to be performed before January 1, 2000. 1999 Wis. Act 11 provides some clarification of what creditable service shall be considered to be performed before January 1, 2000, but further clarification is required to administer this legislation.

1999 Wis. Act 11 provides that service forfeited through a separation benefit prior to January 1, 2000 shall be considered to be performed before that date; the rule would further clarify that service forfeited after December 31, 1999 and later purchased is considered to be performed after December 31, 1999. The rule also clarifies that all other purchased service that was actually performed before January 1, 2000 shall be considered to be performed before that date.

1999 Wis. Act 11 provides that the years of creditable military service for which a participant is eligible based on the creditable service performed before January 1, 2000 shall be considered to be performed before that date. The proposed rule would further clarify that the years of military service that are considered to be performed before January 1, 2000 are the years for

NOTE: See "benefit approval date" in s. ETF 20.19 (2) (a), "date the application for a separation benefit is approved" in s. 40.25 (2), Stats., and reference to the month in which the payment of a benefit is approved in ss. 40.04 (4) (b) and (bm) and 40.73 (1) (a) and (2) (a), Stats.

Section 2:

ETF 20.19 is created to read:

ETF 20.19 Treatment of purchased and other creditable service for percentage rates used to calculate retirement, disability and certain death benefits. (1) **PURPOSE.** 1999 Wisconsin Act 11 provides a higher percentage rate under s. 40.23 (2m) (e), Stats., for creditable service performed before January 1, 2000. The purpose of this section is to further clarify what percentage rate will apply to creditable service added to a participant's account through service purchases, creditable military service, creditable prior service, and any other service added to the participant's account as a result of a court decision, legislation, or any other means, and assumed creditable service used to calculate a disability benefit as provided in s. 40.63 (8), Stats.

(2) **PURCHASED AND OTHER CREDITABLE SERVICE.** For purposes of s. 40.23 (2m) (e), Stats., all of the following shall apply: (a) For purposes of s. 40.23 (2m) (em) 1. a., creditable service is forfeited on the date the participant's benefit approval date for a benefit paid under s. 40.25 (2), Stats.

NOTE: See s. ETF 10.01 (1k).

(b) Purchased creditable service forfeited after January 1, 2000 shall be considered to be performed on or after January 1, 2000.

(c) Purchased creditable service that was originally forfeited before January 1, 2000, which is purchased under s. 40.25 (6), Stats. and is subsequently reforfeited after January 1, 2000, through a separation benefit paid under s. 40.25 (2), Stats., then later repurchased under s. 40.25 (6), Stats., shall be considered to be performed on or after January 1, 2000.

(d) A participant who applies to purchase forfeited service under s. 40.25 (6), Stats., and is eligible to purchase both service that was forfeited before January 1, 2000 and service that was forfeited after January 1, 2000, but is not eligible to purchase all of the forfeited service due to the restrictions in s. 40.25 (6) (a) 2., Stats., shall first receive credit for the maximum possible amount of purchased service that would be considered to be performed before January 1, 2000.

(e) A qualifying period of service purchased under s. 40.02 (17) (b), Stats., shall be considered to be performed before January 1, 2000.

(f) Executive service purchased under s. 40.02 (17) (e), Stats., shall be considered to be performed before January 1, 2000.

(g) Creditable service granted under s. 40.02 (17) (gm) for services performed as an assistant district attorney shall be considered to be performed before January 1, 2000.

(h) Teacher improvement leave purchased under s. 40.02 (17) (i), Stats., shall be considered to be performed before January 1, 2000.

(i) Junior teacher service purchased under s. 40.02 (17) (k), Stats., shall be considered to be performed before January 1, 2000.

(j) Service performed as a member or employe of the legislature or employe of a legislative service agency that is purchased under 1999 Wis. Act 11, section 27 (2), shall be considered to be performed before January 1, 2000.

(k) Creditable prior service credited under s. 40.02 (16), Stats., that was actually performed before January 1, 2000 shall be considered to be performed before January 1, 2000. Creditable prior service that was actually performed after December 31, 1999 shall be considered to be performed after that date.

2000 under this section and under s. 40.23 (2m) (em), Stats., shall be considered to be performed before January 1, 2000, for any subsequent benefit calculations.

(8) CREDITABLE SERVICE DIVIDED PER A QUALIFIED DOMESTIC RELATIONS ORDER. (a) The percentage of a participant's account that is awarded to an alternate payee in qualified domestic relations order under s. 40.08 (1m), Stats., shall be applied equally to the creditable service considered to be performed both before January 1, 2000 and the service considered to be performed after December 31, 1999, which is credited or creditable to the participant's account as of the decree date.

(b) The percentage of a participant's account that is awarded to an alternate payee in a qualified domestic relations order under s. 40.08 (1m), Stats., shall be applied equally to the creditable military service considered to be performed both before January 1, 2000 and the creditable military service considered to be performed after December 31, 1999, date for which the participant would be eligible based on the years of service that are credited or creditable to the participant's account as of the decree date. Creditable service performed after the decree date does not increase the amount of creditable military service that is awarded to the alternate payee.

(END OF RULE TEXT)

Effective Date:

This rule shall take effect on the first day of the month following publication in the register, as provided in s. 227.22 (2), Stats.

Explanation of Modifications as Result of Testimony at Public Hearing:

No testimony was offered at the public hearing.

List of persons appearing or registering for or against the rule: —

No persons appeared or registered either for or against the rule at the public hearing on February 29, 2000. The record was held open for written comments until Wednesday, March 1, 2000, but no comments were received.