

1977 Assembly Bill 1284

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CHAPTER 336, Laws of 1977

AN ACT to amend 41.23 (1) (b), 41.60 (4), 42.49 (10) (a) 2 and 42.82 (1) (b) of the statutes, relating to the amount of supplemental benefit payable to a person receiving a survivor annuity and benefits payable under retirement programs for municipal police officers and fire fighters after merger with the Wisconsin retirement fund.

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

SECTION 1. 41.23 (1) (b) of the statutes is amended to read:

41.23 (1) (b) An amount which is equal to 4% times the number of full calendar years since the annuity began to January 1, 1974, times the smaller of \$250 or the initial monthly annuity, excluding amounts provided from additional deposits. Benefits under this paragraph shall be payable to the surviving beneficiary, who receives an annuity, of eligible persons except, if the beneficiary is the survivor of a former employee who died while an annuitant, the amount payable under this paragraph shall be calculated based upon the beginning date of the decedent's annuity rather than the beginning date of the survivor annuity. If the form of annuity elected provided for one monthly amount initially and a different amount at some time in the future, for purposes of this paragraph, the initial monthly amount shall be determined for each month as the amount payable in that month pursuant to the initial computation for the form of annuity elected.

SECTION 2. 41.60 (4) of the statutes, as created by chapter 182, laws of 1977, is amended to read:

41.60 (4) **BENEFITS OF RETIRED MEMBERS AND SURVIVORS CONTINUED.** Each benefit being paid under s. 61.65 or 62.13 (9), (9a), or (10), 1975 stats., ~~on the effective date of this act (1977)~~ March 30, 1978, shall be continued in full force and effect, on the terms and conditions under which the benefit was originally granted, if otherwise legal regardless of whether the granting was in accordance with the law then in effect, but after that date each benefit shall be paid by the Wisconsin retirement fund and if all or a portion of the benefit was in accord with the law then in effect, that portion of the benefit shall be subject to s. 41.23 (6). Any portion of a benefit which was not granted in accordance with the law then in effect shall not be subject to s. 41.23 (6).

SECTION 3. 42.49 (10) (a) 2 of the statutes is amended to read:

42.49 (10) (a) 2. An amount which is equal to 4% times the number of full calendar years since the annuity began to January 1, 1974, except teachers who retired prior to May 11, 1973, shall be deemed to have been retired at least one calendar year, times the smaller of \$250 or the initial monthly annuity excluding amounts provided under s. 42.49 (10) and (16), 1971 stats., and from additional deposits, provided that if the total initial monthly annuities exceed \$250 such percentages shall be applied only to the annuities in effect the longest. Benefits under this subdivision shall be payable to the surviving beneficiary, who receives an annuity, of eligible persons except, if the beneficiary is the survivor of a person who died while receiving an annuity from the state teachers' retirement system, the amount payable under this subdivision shall be calculated based upon the beginning date of the decedent's annuity rather than the beginning date of the survivor annuity. If the form of annuity elected provided for one monthly amount initially and a different amount at some time in the future, for purposes of this subdivision, the initial monthly amount shall be determined for each month as the amount payable in that month pursuant to the initial computation for the form of annuity elected.

SECTION 4. 42.82 (1) (b) of the statutes is amended to read:

42.82 (1) (b) An amount which is equal to 4% times the number of full calendar years since the annuity began to January 1, 1974, except teachers who retired prior to May 11, 1973, shall be deemed to have been retired at least one calendar year, times the smaller of \$250 or the initial monthly annuity, excluding amounts provided under ss. 42.82 and 42.93, 1971 stats. and from additional deposits, provided that if the total initial monthly annuities exceed \$250 such percentages shall be applied only to the annuities in effect the longest. Benefits under this paragraph shall be payable to the surviving beneficiary, who receives an annuity, of eligible persons except, if the beneficiary is the survivor of a person who died while receiving an annuity from a teachers' retirement fund created under this subchapter, the amount payable under this paragraph shall be calculated based upon the beginning date of the decedent's annuity rather than the beginning date of the survivor annuity. If the form of annuity elected provided for one monthly amount initially and a different amount at some time in the future, for purposes

of this paragraph, the initial monthly amount shall be determined for each month as the amount payable in that month pursuant to the initial computation for the form of annuity elected.

SECTION 5. Application. (1) The increased amount, if any, payable to a beneficiary as a result of the treatment of sections 41.23 (1) (b), 42.49 (10) (a) 2 and 42.82 (1) (b) of the statutes shall begin with the annuity amount payable on or after the first day of the 3rd month after the publication of this act.

(2) The treatment of section 41.60 (4) of the statutes by this act shall apply, on and after the effective date of this act, to reinstate and thereafter continue benefits being paid on March 30, 1978, under section 61.65 or 62.13 (9), (9a) or (10), 1975 stats., which, except for that treatment, would not otherwise be continued. Any benefits which would have been payable, prior to the effective date of this act, if that treatment had been in effect on and after March 31, 1978, in excess of the amounts actually paid prior to the effective date of this act, shall be paid after that effective date.

SECTION 6. Effective date and voidability. (1) **EFFECTIVE DATE.** This act takes effect on the day after publication except the treatment of section 41.23 (1) (b), 42.49 (10) (a) 2 and 42.82 (1) (b) of the statutes by this act shall take effect on the first day of the 3rd month after publication of this act.

(2) **TREATMENT VOIDABLE.** If this act does not pass each house of the legislature by a three-fourths vote as provided in Article 4, Section 26 of the Wisconsin constitution, then the treatment of section 41.23 (1) (b), 42.49 (10) (a) 2 and 42.82 (1) (b) of the statutes by this act, shall not be effective and shall be void.
