

State of Wisconsin



1997 Senate Bill 32

Date of enactment: April 9, 1998
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1997 WISCONSIN ACT 69

AN ACT to repeal 40.02 (17) (j), 40.23 (1) (a) 3. and 40.25 (2m); and to amend 40.02 (45), 40.04 (4) (a) 2m., 40.22 (3m), 40.23 (1) (am) 2., 40.25 (3), 40.25 (6) (b) 1. and 40.63 (1) (intro.) of the statutes; relating to: the 5-year vesting requirement to receive an annuity under the Wisconsin retirement system.

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

SECTION 1. 40.02 (17) (j) of the statutes is repealed.

SECTION 2. 40.02 (45) of the statutes is amended to read:

40.02 (45) "Participant" means any person included within the provisions of the Wisconsin retirement system by virtue of being or having been a participating employe whose account has not been closed under s. 40.25 (1); ~~or (2) or (2m).~~

SECTION 3. 40.04 (4) (a) 2m. of the statutes is amended to read:

40.04 (4) (a) 2m. Debited, if a participant terminates covered employment on or after January 1, 1990, and applies for a benefit under s. 40.25 (2) ~~or (2m)~~, with an amount equal to the amount by which the fixed annuity division interest credited on or after January 1, 1990, to employe required contributions, exceeds the interest crediting at an annual rate of 3% on each prior year's closing balance.

SECTION 4. 40.22 (3m) of the statutes is amended to read:

40.22 (3m) Any employe who becomes a participating employe shall continue to be a participating employe notwithstanding sub. (2) (a) or (b) for periods of subsequent employment with that state agency or other partici-

pating employer unless the employment with the state agency or other participating employer is terminated for 12 or more consecutive calendar months or unless the employe receives a benefit under s. 40.23, 40.25 (1); ~~or (2) or (2m)~~ or 40.63.

SECTION 5. 40.23 (1) (a) 3. of the statutes is repealed.

SECTION 6. 40.23 (1) (am) 2. of the statutes is amended to read:

40.23 (1) (am) 2. Any participant who has attained age 55 and who is a participant because of employment other than part-time service as an elected official and who is also a participating employe because of part-time service as an elected official may, after termination of all covered employment other than service as a part-time elected official, waive further participation under the fund for his or her current, and any future, part-time service as an elected official. Any election under this paragraph is irrevocable and is effective beginning the day after the date of election. Notwithstanding par. (a), any participant ~~initially employed before January 1, 1990,~~ who elects under this paragraph may receive a retirement annuity for all service under the fund credited to the participant to the date he or she elects. ~~Notwithstanding par. (a), any participant initially employed on or after January 1, 1990, who elects under this paragraph may receive a retirement annuity for all service under the fund credited to the participant to the date he or she elects only if~~

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

~~the participant has creditable service in at least 5 calendar years.~~ The date a participant elects under this paragraph is deemed to be the date of separation from the last participating employer by which that participant was employed.

SECTION 7. 40.25 (2m) of the statutes is repealed.

SECTION 8. 40.25 (3) of the statutes is amended to read:

40.25 (3) Upon administrative approval of payment of an amount under either sub. (1), ~~or (2) or (2m)~~, the participant's account shall be closed and there shall be no further right, interest or claim on the part of the former participant to any benefit from the Wisconsin retirement system except as provided by subs. (5) and (6). Any former participant who is subsequently employed by any participating employer shall be treated as a new participating employe for all purposes of this chapter. New accumulations of contributions and credits and the computation of any future benefits shall bear no relationship

to any accumulations and credits paid as single sums under sub. (1), ~~or (2) or (2m)~~.

SECTION 9. 40.25 (6) (b) 1. of the statutes is amended to read:

40.25 (6) (b) 1. Forfeited because of payment of an amount under sub. (2) ~~or (2m)~~; or

SECTION 10. 40.63 (1) (intro.) of the statutes is amended to read:

40.63 (1) (intro.) ~~Notwithstanding the requirement for creditable service in at least 5 calendar years for retirement annuities under s. 40.23 (1) (a) and (am), any~~ Any participating employe is entitled to a disability annuity from the Wisconsin retirement system, beginning on the date determined under sub. (8) if, prior to attaining his or her normal retirement date, all of the following apply:

SECTION 11. Initial applicability.

(1) This act first applies to participants in the Wisconsin retirement system who terminate covered employment on the effective date of this subsection.