



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3390/1
FFK:jld

2015 ASSEMBLY BILL 397

October 13, 2015 – Introduced by Representatives SANFELIPPO, BRANDTJEN, R. BROOKS, CRAIG, GANNON, HORLACHER, HUTTON, KNODL, KREMER, KUGLITSCH and ROHRKASTE, cosponsored by Senators STROEBEL, LEMAHIEU and KAPENGA. Referred to Committee on State Affairs and Government Operations. Referred to Joint Survey Committee on Retirement Systems.

1 **AN ACT to amend** 40.23 (1) (a) (intro.), 40.23 (1) (am) 2., 40.23 (1) (bm), 40.24 (1)
2 (f), 40.25 (2), 40.63 (4) and 40.63 (7) of the statutes; **relating to:** increasing the
3 minimum retirement age under the Wisconsin Retirement System.

Analysis by the Legislative Reference Bureau

Currently, under the Wisconsin Retirement System (WRS), a participant may retire as early as age 55 and a protective occupation participant may retire as early as age 50. This bill increases the minimum retirement age by two years, with the result that a WRS participant must be at least age 57 and a WRS protective occupation participant must be at least age 52 in order to qualify for an immediate retirement annuity under the WRS. This change in the minimum retirement age first applies to individuals who are under the age of 40 on the bill's effective date and who terminate WRS-covered employment on the bill's effective date.

Because this bill relates to public employee retirement or pensions, it may be referred to the Joint Survey Committee on Retirement Systems for a report to be printed as an appendix to the bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

ASSEMBLY BILL 397**SECTION 1**

1 **SECTION 1.** 40.23 (1) (a) (intro.) of the statutes is amended to read:

2 40.23 (1) (a) (intro.) Except as provided in par. (am), any participant who has
3 attained age ~~55~~ 57, and any protective occupation participant who has attained age
4 ~~50~~ 52, on or before the annuity effective date shall be entitled to a retirement annuity
5 in accordance with the actuarial tables in effect on the effective date of the annuity
6 if the participant submits an application for a retirement annuity on a form
7 furnished by the department and all of the following apply:

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

9 40.23 (1) (am) 2. Any participant who has attained age ~~55~~ 57 and who is a
10 participant because of employment other than part-time service as an elected official
11 and who is also a participating employee because of part-time service as an elected
12 official may, after termination of all covered employment other than service as a
13 part-time elected official, waive further participation under the fund for his or her
14 current, and any future, part-time service as an elected official. Any election under
15 this paragraph is irrevocable and is effective beginning the day after the date of
16 election. Notwithstanding par. (a), any participant who elects under this paragraph
17 may receive a retirement annuity for all service under the fund credited to the
18 participant to the date he or she elects. The date a participant elects under this
19 paragraph is deemed to be the date of separation from the last participating
20 employer by which that participant was employed.

21 **SECTION 3.** 40.23 (1) (bm) of the statutes is amended to read:

22 40.23 (1) (bm) If an application by a participant age ~~55~~ 57 or over, or by a
23 protective occupation participant age ~~50~~ 52 or over, for long-term disability
24 insurance benefits is disapproved under rules promulgated by the department, the
25 date which would have been the effective date for the insurance benefits shall be the

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1 retirement annuity effective date if requested by the applicant within 60 days of the
2 disapproval or, if the disapproval is appealed, within 60 days of the final disposition
3 of the appeal.

4 **SECTION 4.** 40.24 (1) (f) of the statutes is amended to read:

5 40.24 (1) (f) From accumulated additional contributions made under s. 40.05
6 (1) (a) 5. only, an annuity certain payable for and terminating after the number of
7 months specified by the applicant, regardless of whether the applicant dies before or
8 after the number of months specified, provided that the monthly amount of the
9 annuity certain is at least equal to the minimum amount established under s. 40.25
10 (1) (a). Subject to the period of distribution required under s. 40.23 (4) (b) 2., the
11 number of months specified shall not exceed 180 and shall not be less than 24. If the
12 death of the annuitant occurs prior to the expiration of the certain period, the
13 remaining payments shall be made in accordance with s. 40.73 (2) without regard to
14 any other annuity payments payable to the beneficiary. An annuity under this
15 paragraph may be initiated prior to any other annuity amount provided under this
16 subchapter and prior to age ~~55~~ 57 if all other qualifications for receiving an annuity
17 payment are met.

18 **SECTION 5.** 40.25 (2) of the statutes is amended to read:

19 40.25 (2) Subject to sub. (2t), if all requirements for payment of a retirement
20 annuity are met except attainment of age ~~55~~ 57 or age ~~50~~ 52 for protective occupation
21 participants, a separation benefit may be paid, if the participant's written
22 application for a separation benefit is received by the department prior to the
23 participant's ~~55th~~ 57th birthday or ~~50th~~ 52nd birthday for protective occupation
24 participants, in an amount equal to the additional and employee required

ASSEMBLY BILL 397**SECTION 5**

1 contribution accumulations of the participant on the date the application for a
2 separation benefit is approved.

3 **SECTION 6.** 40.63 (4) of the statutes is amended to read:

4 40.63 (4) Notwithstanding sub. (1) (b), a protective occupation participant is
5 not disqualified from receiving a disability annuity if the participant has
6 accumulated 15 or more years of creditable service and would attain age ~~55~~ 57 in 60
7 months or less after the occurrence of disability and the medical evidence, as
8 provided in sub. (1), establishes a disability to the extent that the participant can no
9 longer efficiently and safely perform the duties required by the participant's position,
10 and that the condition is likely to be permanent.

11 **SECTION 7.** 40.63 (7) of the statutes is amended to read:

12 40.63 (7) If an application, by a participant age ~~55~~ 57 or over, or by a protective
13 occupation participant age ~~50~~ 52 or over, for any disability annuity is disapproved,
14 the date which would have been the disability annuity effective date shall be the
15 retirement annuity effective date if so requested by the applicant within 60 days of
16 the disapproval or, if the disapproval is appealed, within 60 days of final disposition
17 of the appeal.

18 **SECTION 8. Initial applicability.**

19 (1) This act first applies to individuals who are under the age of 40 on the
20 effective date of this subsection and who terminate covered employment under the
21 Wisconsin Retirement System on the effective date of this subsection.

22 (END)