

1989 Senate Bill 195

Date of enactment: **April 12, 1990**  
Date of publication\*: **April 27, 1990**

## 1989 WISCONSIN ACT 230

AN ACT to amend 40.02 (15) (a) (intro.), 5 and 6 and 40.05 (2) (b); and to create 40.02 (15) (a) 7, 40.02 (57m) and 40.05 (2) (bv) of the statutes, relating to: granting creditable military service for service in the merchant marine.

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

**SECTION 1.** 40.02 (15) (a) (intro.), 5 and 6 of the statutes are amended to read:

40.02 (15) (a) (intro.) "Creditable military service" means active service in the U.S. ~~army, including the WACS; the U.S. navy, including the WAVES; the U.S. air force, including the WAFS; the U.S. marine corps, including the WMS; or the U.S. coast guard, including the SPARS~~ armed forces, based on the total period of service in the U.S. armed forces, provided:

5. The participant was discharged from the U.S. armed forces under conditions other than dishonorable; ~~and~~

6. The participant upon return from service in the U.S. armed forces furnishes evidence required to establish the participant's rights under this chapter; ~~and~~

**SECTION 2.** 40.02 (15) (a) 7. of the statutes is created to read:

40.02 (15) (a) 7. The service in the U.S. maritime service, including the merchant marine, was aboard an oceangoing vessel during the period beginning on December 7, 1941, and ending on August 15, 1945, and the participant submits to the department a copy of a release or discharge certificate or honorable service certificate issued by the U.S. department of defense that verifies the applicant's creditable maritime service.

**SECTION 3.** 40.02 (57m) of the statutes is created to read:

40.02 (57m) "U.S. armed forces" means any of the following:

- (a) The U.S. army, including the WACS.
- (b) The U.S. navy, including the WAVES.
- (c) The U.S. air force, including the WAFS.
- (d) The U.S. marine corps, including the WMS.
- (e) The U.S. coast guard, including the SPARS.
- (f) The U.S. maritime service, including the merchant marine.

**SECTION 4.** 40.05 (2) (b) of the statutes, as affected by 1989 Wisconsin Act 13, is amended to read:

40.05 (2) (b) Contributions shall be made by each participating employer for unfunded prior service liability in a percentage of the earnings of each participating employe. A separate percentage rate shall be determined for the employe occupational categories under s. 40.23 (2m) as of the employer's effective date of participation. The rates shall be sufficient to amortize as a level percent of payroll over a period of 40 years from the later of that date or January 1, 1986, the unfunded prior service liability for the categories of employes of each employer determined under s. 40.05 (2) (b), 1981 stats., increased to reflect any creditable prior service granted on or after January 1, 1986, increased to reflect the effect of 1983 Wisconsin Act 141 ~~and~~, increased at the end of each calendar year after January 1, 1986, by interest at the assumed rate on the unpaid balance at the end of the year ~~and adjusted under par. (bv).~~

**SECTION 5.** 40.05 (2) (bv) of the statutes is created to read:

40.05 (2) (bv) The employer contribution rate determined under par. (b) for participating employes who served in the U.S. maritime service shall be adjusted to reflect the cost of granting creditable service under s.

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40.02 (15) (a) 7. and that rate shall be sufficient to amortize the unfunded prior service liability of the employers over the remainder of the 40-year amortization period under par. (b).

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**SECTION 6. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of section 40.05 (2) (b) and (bv) of the statutes takes effect on January 1, 1992.

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