2013 DRAFTING REQUEST

Bill

Received:	**11/8/2012**	Received By:	**rchampag**
Wanted:	**Today**	Same as LRB:	
For:	**Duey Stroebel (608) 267-2369**	By/Representing:	**Himself**
May Contact:		Drafter:	**rchampag**
Subject:	**Employ Pub - retirement**	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**
Requester's email: **rep.stroebel@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Minimum retirement age under WRS

Instructions:

Increase minimum retirement ages by 2 years.

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	rchampag 11/13/2012			_____ _____			
/1	rchampag 3/14/2013	evinz 11/13/2012	jmurphy 11/13/2012	_____ _____	lparisi 11/13/2012		State S&L Retire
/2		evinz 3/14/2013	rschluet 3/14/2013	_____ _____	lparisi 3/14/2013	lparisi 10/7/2013	State S&L Retire

FE Sent For:

@ intro.

<END>

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12 eev 3/14/13 3/14/13

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Increase minimum retirement ages by 2 years.

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Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	rchampag	/1 eev 11/13/12	jm 11/13	Self			

FE Sent For:

<END>

Rep. Strachel
8-West
11/8/2012
7-2369
Lauren

→ Look at ASA 2 changes

→ Increase minimum age from

55 to 57

&

50 to 52

Per Rep. Strachel: increase minimum retirement age from 55 to 57 for non-protectives & 50 to 52 for protectives.

D-Nat

State of Wisconsin
2013 – 2014 LEGISLATURE

LRB–0513/1
RAC:...
Leev

SOON

2013 BILL

SA
xref

PWF
JM 11/13

– regen cat.

AN ACT ...; **relating to:** increasing the minimum retirement age under the Wisconsin Retirement System.

Analysis by the Legislative Reference Bureau

(1c) 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 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:

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

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

History: 1981 c. 96, 386; 1983 a. 141, 267, 391; 1987 a. 309, 372; 1987 a. 403 s. 256; 1989 a. 13; 1989 a. 56 s. 259; 1991 a. 152; 1995 a. 225, 302, 414; 1997 a. 35, 69; 1999 a. 11; 2003 a. 33; 2005 a. 153, 154; 2007 a. 96; 2009 a. 28; 2011 a. 10, 32.

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

40.23 **(1)** (am) 2. Any participant who has attained age ~~55~~ 57 and who is a participant because of employment other than part–time service as an elected official and who is also a participating employee 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 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. 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.

History: 1981 c. 96, 386; 1983 a. 141, 267, 391; 1987 a. 309, 372; 1987 a. 403 s. 256; 1989 a. 13; 1989 a. 56 s. 259; 1991 a. 152; 1995 a. 225, 302, 414; 1997 a. 35, 69; 1999 a. 11; 2003 a. 33; 2005 a. 153, 154; 2007 a. 96; 2009 a. 28; 2011 a. 10, 32.

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

40.23 **(1)** (bm) If an application by a participant age ~~55~~ 57 or over, or by a protective occupation participant age ~~50~~ 52 or over, for long–term disability insurance benefits is disapproved under rules promulgated by the department, the

date which would have been the effective date for the insurance benefits shall be the retirement annuity effective date if requested by the applicant within 60 days of the disapproval or, if the disapproval is appealed, within 60 days of the final disposition of the appeal.

History: 1981 c. 96, 386; 1983 a. 141, 267, 391; 1987 a. 309, 372; 1987 a. 403 s. 256; 1989 a. 13; 1989 a. 56 s. 259; 1991 a. 152; 1995 a. 225, 302, 414; 1997 a. 35, 69; 1999 a. 11; 2003 a. 33; 2005 a. 153, 154; 2007 a. 96; 2009 a. 28; 2011 a. 10, 32.

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

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

History: 1981 c. 96; 1983 a. 141 ss. 17, 20; 1983 a. 290, 368, 538; 1985 a. 151; 1989 a. 13, 166; 1991 a. 152; 1993 a. 426; 1995 a. 302; 1997 a. 110; 2007 a. 131; 2009 a. 28.

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

40.25 **(2)** Subject to sub. (2t), if all requirements for payment of a retirement annuity are met except attainment of age ~~55~~ 57 or age ~~50~~ 52 for protective occupation participants, a separation benefit may be paid, if the participant's written application for a separation benefit is received by the department prior to the

participant's ~~55th~~ 57th birthday or ~~50th~~ 52nd birthday for protective occupation participants, in an amount equal to the additional and employee required contribution accumulations of the participant on the date the application for a separation benefit is approved.

History: 1981 c. 96, 201; 1981 c. 386 ss. 14 to 16, 19; 1983 a. 290; 1989 a. 13, 166; 1991 a. 152, 269; 1993 a. 229, 360, 426; 1995 a. 302; 1997 a. 69, 173, 237; 1999 a. 32; 2003 a. 33; 2007 a. 131; 2009 a. 28.

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

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

History: 1981 c. 96, 386; 1983 a. 141 s. 20; 1983 a. 191 s. 6; 1983 a. 290; 1985 a. 11; 1985 a. 182 s. 57; 1987 a. 303, 372; 1989 a. 13, 166; 1991 a. 39, 152; 1995 a. 27 s. 9130 (4); 1997 a. 3, 69; 1999 a. 9.

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

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

History: 1981 c. 96, 386; 1983 a. 141 s. 20; 1983 a. 191 s. 6; 1983 a. 290; 1985 a. 11; 1985 a. 182 s. 57; 1987 a. 303, 372; 1989 a. 13, 166; 1991 a. 39, 152; 1995 a. 27 s. 9130 (4); 1997 a. 3, 69; 1999 a. 9.

SECTION 8. 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.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB–0513/1dn
RAC:...
Teev

date

Representative Stroebel:

This bill increases the minimum retirement age for current participants in the Wisconsin Retirement System (WRS). Please note that s. 40.19 (1) provides that "Rights exercised and benefits accrued to an employee under this chapter for service rendered shall be due as a contractual right and shall not be abrogated by any subsequent legislative act." It is unclear if increasing the minimum retirement age under this bill would constitute an abrogation of any s. 40.19 contract right.

I would point out, though, that past enactments of the legislature affecting the WRS have applied changes in the retirement age to current participants, and not just future hires. For example, 1989 Wisconsin Act 13 lowered the normal retirement date for protective occupation participants and applied that new lower normal retirement age to current employees.

Please call or email if you have questions.

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266–9930
E–mail: rick.champagne@legis.wisconsin.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB–0513/1dn
RAC:eev:jm

Nov 13, 2012

Representative Stroebel:

This bill increases the minimum retirement age for current participants in the Wisconsin Retirement System (WRS). Please note that s. 40.19 (1) provides that "Rights exercised and benefits accrued to an employee under this chapter for service rendered shall be due as a contractual right and shall not be abrogated by any subsequent legislative act." It is unclear if increasing the minimum retirement age under this bill would constitute an abrogation of any s. 40.19 contract right.

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Please call or email if you have questions.

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Senior Legislative Attorney
Phone: (608) 266–9930
E–mail: rick.champagne@legis.wisconsin.gov

Per John, have bill first apply to individuals who are under 40 on bill's effective date

State of Wisconsin
2013 – 2014 LEGISLATURE

LRB–0513/~~1~~ 2
~~RAC~~:eev:jm

Scan

stays RMR

~~2013~~ BILL

who are under the age of 40 on the bill's effective date and

regen cat

AN ACT ***to amend*** 40.23 (1) (a) (intro.), 40.23 (1) (am) 2., 40.23 (1) (bm), 40.24 (1) (f), 40.25 (2), 40.63 (4) and 40.63 (7) of the statutes; **relating to:** increasing the 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 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.

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SECTION 8. Initial applicability.

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

(END)

Parisi, Lori

From: Soper, John
Sent: Monday, October 07, 2013 1:58 PM
To: LRB.Legal
Subject: Draft Review: LRB -0513/2 Topic: Minimum retirement age under WRS

Please Jacket LRB -0513/2 for the ASSEMBLY.