



## 1997 SENATE BILL 16

January 15, 1997 - Introduced by Senators DECKER, CLAUSING, A. LASEE, BURKE, BRESKE, PLACHE and FITZGERALD, cosponsored by Representatives TURNER, MUSSER, GRONEMUS, OTTE, PLALE, RILEY, SPRINGER, ZUKOWSKI, HAHN, BLACK, BOYLE, OWENS, KREUSER, MURAT, DOBYNS and SERATTI. Referred to Joint survey committee on Retirement Systems.

1     **AN ACT to repeal** 40.02 (15) (c) 1. and 40.02 (15) (c) 5.; **to amend** 40.02 (15) (a)  
2             3.; and **to create** 40.02 (15) (c) 1g. and 40.02 (15) (c) 1r. of the statutes; **relating**  
3             **to:** creditable military service under the Wisconsin retirement system.

---

### *Analysis by the Legislative Reference Bureau*

Under current law, a participating employe under the Wisconsin retirement system (WRS) may receive one year of creditable service under the WRS for each year of military service, up to a maximum of 4 years of military service credit, at the time of retirement in either of the following ways:

1. If the participant left employment covered under the WRS to enter military service and returned to the same employer within 180 days after being discharged, the participant may receive one year of military service credit for each year of military service (regardless of the amount of the participant's creditable service).

2. If the participant's military service was performed before 1974 and the participant terminates employment covered under the WRS on or after March 9, 1984, the participant may receive up to 1, 2, 3 or 4 years of military service credit if the participant has at least 5, 10, 15 or 20 years, respectively, of creditable service (not counting previously granted military service credit).

A participant under the WRS who terminated employment covered under the WRS during the period beginning on January 1, 1982, the effective date of the merger of the Wisconsin retirement fund (WRF), the state teachers retirement system (STRS) and the Milwaukee teachers retirement fund (MTRF), and ending on March 8, 1984, and a participant under WRF who terminated employment before January

**SENATE BILL 16**

1, 1982, was eligible to receive creditable military service as provided under item 1., above, but the proration of military service credit based on the period of creditable service under item 2., above, did not exist; instead, the participant was eligible to receive up to 4 years of creditable service for military service performed before 1974 only if he or she had at least 20 years of creditable service under the WRS at the time of retirement. A participant under STRS or MTRF who terminated employment before January 1, 1982, was eligible to receive creditable military service at the time of retirement only as provided under item 1., above.

This bill provides that a participating employe in the WRS who terminates covered service on or after the effective date of the bill may receive creditable military service for active military service served on or after January 1, 1974, if that person was in active military service before January 1, 1974, and the person was requested by his or her military employer to extend his or her military service beyond December 31, 1973.

In addition, the bill provides that in order to receive military service credit under item 1., above, the person need only return to employment with any participating employer in the WRS.

This bill will be referred to the joint survey committee on retirement systems for a detailed analysis, which will be printed as an appendix to this 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:***

1           **SECTION 1.** 40.02 (15) (a) 3. of the statutes is amended to read:

2           40.02 **(15)** (a) 3. The participant returns to the employment of the any  
3 participating employer whose employment the participant left to enter the U.S.  
4 armed forces within 180 days of release or discharge from the armed forces, or within  
5 180 days of release from hospitalization because of injury or sickness resulting from  
6 service in the armed forces;

7           **SECTION 2.** 40.02 (15) (c) 1. of the statutes is repealed.

8           **SECTION 3.** 40.02 (15) (c) 1g. of the statutes is created to read:

9           40.02 **(15)** (c) 1g. For a participant who terminates creditable service on or after  
10 January 1, 1982, but before the effective date of this subdivision .... [revisor inserts  
11 date], this paragraph applies only to active military service prior to January 1, 1974.

