

1983 Assembly Bill 544

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1983 Wisconsin Act 267

AN ACT to amend 40.23 (1) (a) and 40.26 (1); and to create 40.23 (1) (am) of the statutes, relating to eligibility of part-time elected officials to receive a retirement annuity under the Wisconsin retirement system.

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

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

40.23 (1) (a) Any Except as provided in par. (am), any participant who has attained age 55 and any protective occupation participant who has attained age 50 on or before the annuity effective date and who, regardless of cause, is separated and continues to be separated either until the annuity effective date, or until 30 days after the application is received by the department, if later, from all employment meeting the qualifications specified in s. 40.22 (1) and (2) for any participating employer, or which would meet those qualifications except for the exclusions specified in ss. 40.02 (54) (a), 40.21 (3) and (4) and 40.22 (4), and who is not on authorized leave of absence from any participating employer, shall be entitled to a retirement annuity in accordance with the actuarial tables in effect on the effective date of the annuity after making application for a retirement annuity on a form furnished by the department.

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

40.23 (1) (am) 1. In this paragraph "part-time service" is service in a position normally requiring actual performance of duty during fewer than 1,044 hours per calendar year.

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 be-

ginning 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.

3. No participant who elects under subd. 2 may have his or her annuity terminated under s. 40.26 (1) because of earnings received for any part-time services as an elected official.

SECTION 3. 40.26 (1) of the statutes is amended to read:

40.26 (1) ~~If~~ Except as provided in s. 40.23 (1) (am), if a participant receiving a retirement annuity, or a disability annuitant who has attained his or her normal retirement date, receives earnings after January 1, 1982, subject to s. 40.05 (1), or which would be subject to s. 40.05 (1) except for the exclusions specified in ss. 40.02 (54) (a), 40.21 (3) and (4) and 40.22 (4), the annuity shall be terminated and no payment shall be payable after the month in which the total earnings subject to s. 40.05 (1) received in any annual earnings period exceeds an amount equal to 6 times the participant's final average earnings, increased each January 1 after the annuity effective date by the prior year's salary index, ignoring fractions of a dollar.
