

**1999 DRAFTING REQUEST**

**Bill**

Received: **04/26/99**

Received By: **champra**

Wanted: **As time permits**

Identical to LRB:

For: **John Lehman (608) 266-0634**

By/Representing: **Himself**

This file may be shown to any legislator: **NO**

Drafter: **champra**

May Contact:

Alt. Drafters: **grantpr**

Subject: **Employ Pub - retirement**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Early retirement age for certain teachers under the Wisconsin retirement system

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	champra 05/3/99	gilfokm 05/3/99	jfrantze 05/4/99	_____	lrb_docadmin 05/4/99		Local Retire
/2	champra 05/24/99	gilfokm 05/24/99	mclark 05/24/99	_____	lrb_docadmin 05/24/99	lrb_docadmin 06/9/99	Local Retire

FE Sent For:

*→ 06-15-99*

<END>

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FE Sent For:

12-5-24-99  
 Hmg  
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 MRC/JF  
 5/24  
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State Representative  
**John Lehman**

April 22, 1999

## MEMORANDUM

To: Richard Champagne -- LRB Drafting Attorney  
From: Representative John Lehman  
Re: Proposed legislation relating to early retirement for teachers

I would appreciate your drafting legislation to adjust the state retirement system to allow early retirement for teachers who are 55 years of age if the following occurs:

- The school district has had a failed revenue cap referendum.
- And at least one of the following conditions within the last two years is met:
  - there is evidence of increase in class sizes; or
  - school closings were due to revenue constraints; or
  - there are reductions in programs due to revenue constraints; or
  - building maintenance has been deferred due to revenue constraints.

I am open to any drafting suggestions you may have and would gladly meet with you at your convenience to discuss my proposal.

Thank you. I look forward to hearing from you.

State Capitol:  
P.O. Box 8952  
Madison, WI 53708  
(608) 266-0634  
Fax: 266-7038  
E-Mail:

Rep.LehmanJ@legis.state.wi.us  
Legislative Hotline:  
1-800-362-9472

Home:  
2421 James Boulevard  
Racine, WI 53403  
(414) 632-3330

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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-2979/1  
RAC&PG:.....

*Amey*

WED AM

1999 BILL

DN

*Gen. Cert.*

1 AN ACT ...; relating to: the normal retirement date under the Wisconsin  
2 retirement system for teachers employed by certain school districts.

*Analysis by the Legislative Reference Bureau*

Under current law, the normal retirement date in the Wisconsin retirement system (WRS) is the date on which a participant in the WRS is eligible to receive full retirement benefits. With certain exceptions, if a participant retires before his or her normal retirement date, the participant's WRS annuity is reduced. Currently, the normal retirement date for a participant who is not a protective occupation participant, elected official or executive participating employe is the date on which he or she attains the age of 65 years. This bill provides that the normal retirement date for a teacher who is employed by a school district is 55 if ~~all of the following occur~~

A →

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 *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:*

3 SECTION 1. 40.02 (42) (am) of the statutes is created to read:

**BILL**

**SECTION 1**

1 40.02 (42) (am) The date on which a participant attains the age of 55 for a  
2 participant who is a teacher employed by a school district, except as provided in par.

IN 1.  
2-3 →

3 (g), if ~~all of the following occur:~~

4 **SECTION 2.** 40.02 (42) (d) of the statutes is amended to read:

5 40.02 (42) (d) The date on which a participant attains the age of 65 years for  
6 any participant not subject to par. (a), (am) or (b), except as provided in par. (g).

History: 1981 c 96, 187, 250, 274, 386; 1983 a. 9, 27; 1983 a 81 s 11, 1983 a 83 s. 20; 1983 a. 106, 140; 1983 a. 141 ss. 1 to 3, 20; 1983 a 191 ss. 1, 6; 1983 a 192 s 304, 1983 a 255 s. 6; 1983 a. 275, 290, 368, 1983 a. 435 s. 7; 1985 a. 29, 225; 1985 a. 332 ss. 52, 251 (1); 1987 a 27, 62, 83, 107, 309, 340, 356, 363, 372, 399; 1987 a. 403 ss. 43 to 45, 256, 1989 a. 13, 14, 31; 1989 a. 56 s 259; 1989 a 166, 182, 189, 218, 230, 240, 323, 327, 336, 355, 357, 359; 1991 a 32, 39, 113, 152, 229, 269, 315; 1993 a 16, 263, 383, 490, 491; 1995 a 27, ss 1946 to 1953, 9130 (4); 1995 a. 81, 88, 89, 216, 240, 302, 381, 417, 1997 a. 3, 27, 39, 69, 110, 162, 237, 238.

7 **SECTION 3. Initial applicability.**

8 (1) This act first applies to the determination of the normal retirement date for  
9 a teacher who is employed by a school district and who is a participating employe in  
10 the Wisconsin retirement system on the effective date of this subsection.

11 (END)

(A) is the <sup>current or</sup> previous year a referendum held for the purpose of exceeding the <sup>school</sup> district's revenue limit failed to pass and the school board determines that at least one of the following has occurred, as a result of financial ~~rest~~ constraints, within the current year or ~~the~~ two <sup>of</sup> previous ~~3~~ years:

1. The school board closed a school.
2. The average size of classes in the school district has increased.
3. The school board reduced the size or extent of school programs.
4. The school board deferred scheduled building maintenance.

2-3 ✓

a referendum held under s. 121.91(3) ✓  
in the <sup>current or</sup> previous year failed to pass and  
the school board determines that one or  
more of the following has occurred, as  
a result of financial constraints, within  
the <sup>current or 2</sup> previous <sup>✓</sup> years:

1. The school board closed a school.
2. The average ~~class~~ size of classes in the school district has increased.
3. The school board ~~has~~ reduced the size or extent of school programs.
4. The school board deferred scheduled building maintenance.

DN

~~Please check the timing~~

The bill requires that the failed revenue limit referendum <sup>must have</sup> occurred in <sup>current or</sup> within the ~~previous~~ calendar year ~~since~~

~~it may~~ " ~~the current~~ one that at least one of the <sup>specified</sup> conditions <sup>must have</sup> occurred <sup>in</sup> the <sup>current</sup> <sup>or</sup> the <sup>previous</sup> <sup>two</sup> calendar years.

OK?  
==

PL

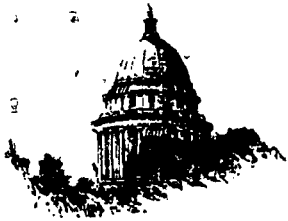
**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2979/1dn  
PG:kmg:jf

May 4, 1999

The bill requires that the failed revenue limit referendum must have occurred in the current or previous calendar year and that at least one of the specified conditions must have occurred in the current calendar year or the previous two calendar years. OK?

Peter R. Grant  
Managing Attorney  
Phone: (608) 267-3362  
E-mail: [Peter.Grant@legis.state.wi.us](mailto:Peter.Grant@legis.state.wi.us)



State Representative  
**John Lehman**

May 21, 1999

**MEMORANDUM**

To: LRB Attorneys Rick Champagne & Peter Grant  
From: Representative John Lehman JL  
Re: LRB-2979/1 relating to the normal retirement date under the Wisconsin Retirement System for teachers employed by certain school districts

Enclosed is a copy of LRB-2979/1 which would allow early retirement for teachers who are 55 years of age if other factors occur in that school district.

I would like to request a redraft of the proposal. On page 2, line 3 please replace "teacher employed by a school district ..." with "all individuals employed by a school district who are under the Wisconsin retirement system..."

Thank you. Please let me know if there is a problem with my request. I look forward to hearing from you.

JL:jms  
enc.

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P.O. Box 8952  
Madison, WI 53708  
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Fax: 266-7038

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State of Wisconsin  
1999 - 2000 LEGISLATURE

LRB-2979/x 2  
RAC&PG:kmg:jf

*Seon*

**1999 BILL**

*R.M. has been  
run*

- 1 **AN ACT to amend** *Sen Cat* 40.02 (42) (d); and **to create** 40.02 (42) (am) of the statutes;
- 2 **relating to:** the normal retirement date under the Wisconsin retirement
- 3 **system for** *individuals* ~~teachers~~ employed by certain school districts.

**Analysis by the Legislative Reference Bureau**

*on individual*

Under current law, the normal retirement date in the Wisconsin retirement system (WRS) is the date on which a participant in the WRS is eligible to receive full retirement benefits. With certain exceptions, if a participant retires before his or her normal retirement date, the participant's WRS annuity is reduced. Currently, the normal retirement date for a participant who is not a protective occupation participant, elected official or executive participating employe is the date on which he or she attains the age of 65 years. This bill provides that the normal retirement date for ~~a teacher~~ *an individual* who is employed by a school district is 55 if a referendum held in the current or previous year for the purpose of exceeding the school district's revenue limit failed to pass and the school board determines that at least one of the following has occurred, as a result of financial constraints, within the current year or two previous years:

1. The school board closed a school.
2. The average size of classes in the school district has increased.
3. The school board reduced the size or extent of school programs.
4. The school board deferred scheduled building maintenance.

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.



**BILL**

For further information see the *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 (42) (am) of the statutes is created to read:

2           40.02 (42) (am) The date on which a participant attains the age of 55 for a  
3 participant who is ~~a teacher~~ employed by a school district, except as provided in par.  
4 (g), if a referendum held under s. 121.91 (3) in the current or previous year failed to  
5 pass and the school board determines that one or more of the following has occurred,  
6 as a result of financial constraints, within the current or 2 previous years:

- 7           1. The school board closed a school.
- 8           2. The average size of classes in the school district has increased.
- 9           3. The school board reduced the size or extent of school programs.
- 10          4. The school board deferred scheduled building maintenance.

11           **SECTION 2.** 40.02 (42) (d) of the statutes is amended to read:

12           40.02 (42) (d) The date on which a participant attains the age of 65 years for  
13 any participant not subject to par. (a), (am) or (b), except as provided in par. (g).

14           **SECTION 3. Initial applicability.**

15           (1) This act first applies to the determination of the normal retirement date for  
16 ~~a teacher~~ who is employed by a school district and who is a participating employe in  
17 the Wisconsin retirement system on the effective date of this subsection.

18

(END)

*an individual*

**SUBMITTAL  
FORM**

**LEGISLATIVE REFERENCE BUREAU  
Legal Section Telephone: 266-3561  
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

**Date:** 5/24/99

**To:** Representative J. Lehman

**Relating to LRB drafting number:** LRB-2979

**Topic**

Early retirement age for certain teachers under the Wisconsin retirement system

**Subject(s)**

Employ Pub - retirement

1. **JACKET** the draft for introduction John Lehman  
in the **Senate** \_\_\_\_\_ or the **Assembly**  (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT**. See the changes indicated or attached \_\_\_\_\_.  
A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction \_\_\_\_\_.  
If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Richard A. Champagne, Legislative Attorney  
Telephone: (608) 266-9930

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