

1999 SENATE BILL 365

February 8, 2000 – Introduced by Senators ERPENBACH, GEORGE, BURKE, RISSER, PLACHE and ROESSLER, cosponsored by Representatives TOWNSEND, BERCEAU, SCHOOFF, COGGS, SKINDRUD, POCAN, HEBL and KREUSER. Referred to Joint survey committee on Retirement Systems.

1 **AN ACT** *to amend* 40.02 (30) of the statutes; **relating to:** executive participating
2 employe status under the Wisconsin retirement system for certain court
3 commissioners.

Analysis by the Legislative Reference Bureau

Under current law, when a participant in the Wisconsin retirement system (WRS) terminates covered employment and becomes eligible for a retirement annuity, one of the ways in which the amount of his or her annuity is determined is by multiplying the participant's final average earnings by the participant's years of creditable service and by a percentage multiplier. For a protective occupation participant who is covered by the federal Social Security Act, an elected official and an executive participating employe, the percentage multiplier is 2%; for a protective occupation participant who is not covered by the federal Social Security Act, the percentage multiplier is 2.5%; and for or all other participants in the WRS, the percentage multiplier is 1.6%.

In addition, under current law, the normal retirement age under the WRS for a protective occupation participant is when he or she attains the age of 54, or 53 if the participant has 25 or more years of creditable service; the normal retirement age for an elected official and an executive participating employe is when he or she attains the age of 62; and the normal retirement age for any other participant in the WRS is when he or she attains the age of 65.

This bill provides that court commissioners, juvenile court commissioners, probate court commissioners and family court commissioners are executive

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participating employes under the WRS. As such, the commissioners will be eligible to receive a WRS retirement annuity calculated with a percentage multiplier of 2% and to have a normal retirement age of 62. Currently, the commissioners are eligible to receive a WRS retirement annuity calculated with a percentage multiplier of 1.6% and have a normal retirement age of 65.

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 (30) of the statutes is amended to read:

2 40.02 (30) “Executive participating employe” means a participating employe
3 in a position designated under s. 19.42 (10) (L) or 20.923 (4), (4g), (4m), (8) or (9), a
4 participating employe who is a court commissioner appointed under s. 48.065 (1),
5 757.68 (1) (a), 757.72 (1), 767.13 (1) (a) or 938.065 (1) or a participating employe in
6 a position authorized under s. 230.08 (2) (e) during the time of employment. All
7 service credited prior to May 17, 1988, as executive service as defined under s. 40.02
8 (31), 1985 stats., shall continue to be treated as executive service as defined under
9 s. 40.02 (31), 1985 stats., but no other service rendered prior to May 17, 1988, may
10 be changed to executive service as defined under s. 40.02 (31), 1985 stats.

11 **SECTION 2. Initial applicability.**

12 (1) This act first applies to the calculation of a retirement annuity under the
13 Wisconsin retirement system for individuals who are participating employes on the
14 effective date of this subsection.

15 **SECTION 3. Effective date.**

16 (1) This act takes effect on the January 1 after publication.

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(END)