

**2001 DRAFTING REQUEST**

**Bill**

Received: **09/11/2000**

Received By: **champra**

Wanted: **As time permits**

Identical to LRB:

For: **Spencer Black (608) 266-7521**

By/Representing: **Himself**

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

Drafter: **champra**

May Contact:

Alt. Drafters:

Subject: **Employ Pub - retirement**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Creditable service under the Wisconsin retirement system for service in the federal public health service

**Instructions:**

Redraft 1999 AB 145

**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> |
|--------------|-----------------------|----------------------|-----------------------|----------------|----------------------------|----------------------------|-----------------|
| /?           | champra<br>09/11/2000 | hhagen<br>09/11/2000 |                       | _____          |                            |                            | S&L<br>Retire   |
| /1           |                       |                      | martykr<br>09/11/2000 | _____          | lrb_docadmin<br>09/11/2000 | lrb_docadmin<br>09/12/2000 |                 |

FE Sent For:

<END>

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|--------------|----------------|---------------------------------------|--------------|-------------------|------------------|-----------------|-----------------|
| 1/?          | champra        | 1/1 hawk<br>9/11/2000<br>1/1 jld 9/11 | 1/1 m/11     | 2/2<br>2/2<br>2/2 |                  |                 |                 |

FE Sent For:

<END>

# Memo

**To:** MJL, ISR, JTK, MES, PJH, RAC, TNF, JK, GMM, PJK, PG

**From:** RCT

**Subject:** Requests from Rep. Black

**Date:** 9/11/2000

---

Spencer Black sent over the attached requests for redrafts from last session. I have tried to match requests with drafters. If I got any wrong, please provide the request to the correct person.

# State Representative Spencer Black



State Capitol  
P.O. Box 8952  
Madison, WI 53708  
(608) 266-7521

TO: Peter Dykman, Chief of Legislative Reference Bureau  
FROM: Representative Spencer Black  
DATE: September 7, 2000  
RE: Redrafts of 1999 Assembly Bills for the upcoming 2001-2002 legislative session.

**Please redraft the following 1999 Assembly Bills/Resolutions (as is) for the upcoming session:**

|                        |                      |                       |
|------------------------|----------------------|-----------------------|
| <del>RC</del> -AB 82   | RACAB 145            | <del>RC</del> AB 162  |
| <del>MT</del> -AB 165  | MESAB 166            | JK AB 261             |
| <del>ISR</del> -AB 397 | <del>RC</del> AB 457 | <del>RC</del> AB 458  |
| <del>RC</del> -AB 459  | JTKAB 460            | JTKAB 461             |
| JTK -AB 462            | TNFAB 463            | GMMAB 510             |
| MES -AB 511            | JTKAB 644            | JKAB645               |
| <del>RC</del> -AB 702  | <del>RC</del> AB 775 | MESAB 831             |
| <del>PJH</del> -AB 862 | JK - AB 935          | <del>PJO</del> AJR 50 |
| <del>PJO</del> AJR 119 |                      |                       |

**Please redraft the following 1999 Assembly Bills with simple modifications as listed below:**

AB 36: Draft Senate Substitute Amendment 1 to 1999 Senate Bill 2 as an assembly bill. On page 2 line 2 delete "2000-2001" and substitute "2001-2002"

AB 264: Redraft bill to include Senate Amendment 1 to 1999 Senate Bill 115 and Senate Amendment 2 to 1999 Senate Bill 115

AB 372: Redraft the bill to include Assembly Amendment LRBa0597/2

AB 936: Redraft the bill with the following changes.

In line 5 delete "ore processing reagent"

Delete line 6

Line 8 delete "ore processing reagents"

1999 ASSEMBLY BILL 1451

LRB-0209/1  
RAC: hmh  
+ jld

2001

March 2, 1999 - Introduced by Representatives BLACK and SCHNEIDER, cosponsored by Senator RISSER. Referred to Joint survey committee on Retirement Systems.

- gen. cat.

- 1 AN ACT to amend 40.02 (15) (a) (intro.), 1. to 4. and 6., (b) and (c) (intro.) and 1.  
2 to 3. , 40.02 (17) (intro.), 40.02 (40), 40.02 (48m) (f), 40.05 (2) (b), 40.25 (7) (a)  
3 (intro.), 40.25 (7) (b), 40.30 (3) and 40.71 (1) (c); and to create 40.05 (2) (bx) of  
4 the statutes; relating to: granting creditable service under the Wisconsin  
5 retirement system for service in the federal public health service.

**Analysis by the Legislative Reference Bureau**

employee

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

1. If the participant left employment covered under 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 WRS on or after March 9, 1984, the participant may receive up to one, two, three or four years of military service credit if the participant has at least five, ten, fifteen, or twenty years, respectively, of creditable service (not counting previously granted military service credit).

This bill provides for similar granting of creditable service under WRS for service in the federal public health service.

**ASSEMBLY BILL 145**

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) (intro.), 1. to 4. and 6., (b) and (c) (intro.) and 1. to 3.  
2 of the statutes are amended to read:

3 40.02 (15) (a) (intro.) "Creditable military or the federal public health service"  
4 means active service in the U.S. armed forces or federal public health service, based  
5 on the total period of service in the U.S. armed forces or the federal public health  
6 service, provided:

7 1. The participant enlisted or was ordered or inducted into active service in the  
8 U.S. armed forces or joined the federal public health service;

9 2. The participant left the employment of a participating employer to enter the  
10 U.S. armed forces or the federal public health service;

11 3. The participant returns to the employment of the employer whose  
12 employment the participant left to enter the U.S. armed forces or the federal public  
13 health service within 180 days of release or discharge from the armed forces or  
14 resignation from the federal public health service, or within 180 days of release from  
15 hospitalization because of injury or sickness resulting from service in the armed  
16 forces or the federal public health service;

17 4. The period of service in the U.S. armed forces or the federal public health  
18 service is not more than 4 years, unless involuntarily extended for a longer period;

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## ASSEMBLY BILL 145

1 6. The participant upon return from service in the U.S. armed forces or the  
2 federal public health service furnishes evidence required to establish the  
3 participant's rights under this chapter; and

4 (b) The creditable military or federal public health service under par. (a) shall  
5 be the same type, as set forth in s. 40.23 (2m) (e), as the participant was receiving  
6 prior to entry into the U.S. armed forces or the federal public health service.

7 (c) (intro.) Notwithstanding sub. (17) (intro.) and any other law, any person who  
8 is credited with 5, 10, 15 or 20 or more years of creditable service, not counting any  
9 previously granted creditable military or federal public health service, may receive  
10 creditable military or federal public health service at the time of retirement for not  
11 more than 1, 2, 3 or 4 years, respectively, of active service which meets the standards  
12 under par. (a) 5., if applicable, provided:

13 1. This paragraph applies only to active military or federal public health service  
14 served prior to January 1, 1974.

15 2. Any creditable military or federal public health service otherwise granted  
16 shall be included in determining the maximum years to be granted under this  
17 paragraph.

18 3. Creditable military or federal public health service under this paragraph  
19 shall be allocated at the time of retirement in proportion to the amount of the  
20 participant's creditable service for each of the types of creditable service set forth in  
21 s. 40.23 (2m) (e) on the date the participant attains 5, 10, 15 or 20 years of creditable  
22 service.

23 **SECTION 2.** 40.02 (17) (intro.) of the statutes is amended to read:

24 40.02 (17) (intro.) "Creditable service" means the creditable current and prior  
25 service, expressed in years and fractions of a year to the nearest one-hundredth, for

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## ASSEMBLY BILL 145

## SECTION 2

1 which a participating employe receives or is considered to receive earnings under  
2 sub. (22) (e) or (em) and for which contributions have been made as required by s.  
3 40.05 (1) and (2) and creditable military or federal public health service, service  
4 credited under s. 40.25 (7) and service credited under s. 40.29, expressed in years and  
5 fractions of years to the nearest one-hundredth. How much service in any annual  
6 earnings period is the full-time equivalent of one year of creditable service shall be  
7 determined by rule by the department and the rules may provide for differing  
8 equivalents for different types of employment. Except as provided under pars. (i) and  
9 (k), the amount of creditable service for periods prior to January 1, 1982, shall be the  
10 amount for which the participant was eligible under the applicable laws and rules  
11 in effect prior to January 1, 1982. No more than one year of creditable service shall  
12 be granted for any annual earnings period. Creditable service is determined in the  
13 following manner for the following persons:

14 **SECTION 3.** 40.02 (40) of the statutes is amended to read:

15 40.02 (40) "Leave of absence" means any period during which an employe has  
16 ceased to render services for a participating employer and receive earnings and there  
17 has been no formal termination of the employer-employe relationship. For purposes  
18 of the fund every leave of absence, except a military or federal public health service  
19 leave or union service leave, shall terminate 3 years after it begins or, if earlier, upon  
20 the date specified by the employer in a notification to the department that the  
21 employer-employe relationship has terminated. A leave of absence is not deemed  
22 ended or interrupted by reason of resumption of active duty until the employe has  
23 resumed active performance of duty for 30 consecutive calendar days for at least 50%  
24 of what is considered that employe's normal work time with that employer. For the  
25 purpose of group health insurance coverage, every leave of absence due to employe

ASSEMBLY BILL 145

1 layoff which has not been terminated before 3 years have elapsed shall continue for  
2 affected insured employees until an additional 2 years elapse or until sick leave  
3 credits used to pay health insurance premiums are exhausted, whichever occurs  
4 first.

5 SECTION 4. 40.02 (48m) (f) of the statutes is amended to read:

6 40.02 (48m) (f) The judgment, decree or order requires the participant to  
7 certify, in a form prescribed by the department, all of the participant's active military  
8 or federal public health service, as described in sub. (15) (a).

9 SECTION 5. 40.05 (2) (b) of the statutes is amended to read:

10 40.05 (2) (b) Contributions shall be made by each participating employer for  
11 unfunded prior service liability in a percentage of the earnings of each participating  
12 employe. A separate percentage rate shall be determined for the employe  
13 occupational categories under s. 40.23 (2m) as of the employer's effective date of  
14 participation. The rates shall be sufficient to amortize as a level percent of payroll  
15 over a period of 40 years from the later of that date or January 1, 1986, the unfunded  
16 prior service liability for the categories of employes of each employer determined  
17 under s. 40.05 (2) (b), 1981 stats., increased to reflect any creditable prior service  
18 granted on or after January 1, 1986, increased to reflect the effect of 1983 Wisconsin  
19 Act 141, increased at the end of each calendar year after January 1, 1986, by interest  
20 at the assumed rate on the unpaid balance at the end of the year and adjusted under  
21 pars. (bu), (bv) and (bw) and (bx).

22 SECTION 6. 40.05 (2) (bx) of the statutes is created to read:

23 40.05 (2) (bx) The employer contribution rate determined under par. (b) for  
24 participating employees who served in the federal public health service shall be  
25 adjusted to reflect the cost of granting creditable service for those participating

5-5  
PROF W/ FOLIO

5-22

ASSEMBLY BILL 145

1 employes under s. 40.02 (15) and that rate shall be sufficient to amortize the  
2 unfunded prior service liability of the employers over the remainder of the 40-year  
3 amortization period under par. (b).

SECTION 7. 40.25 (7) (a) (intro.) of the statutes is amended to read:

40.25 (7) (a) (intro.) Each participating employe whose creditable service  
terminates on or after May 1, 1992, and who has performed service, other than  
military service or federal public health service, as an employe of the federal  
government or a state or local governmental entity in the United States, other than  
a participating employer, that is located within or outside of this state, or each  
participating employe whose creditable service terminates on or after May 4, 1994,  
and who has performed service as an employe for an employer who was not at the  
time a participating employer but who subsequently became a participating  
employer, may receive creditable service for such service if all of the following  
conditions are met:

SECTION 8. 40.25 (7) (b) of the statutes is amended to read:

40.25 (7) (b) Creditable service granted under par. (a) shall be calculated in an  
amount equal to the year and fractions of a year to the nearest one-hundredth of a  
year for service, other than military service or federal public health service,  
performed for the governmental entity, as determined by evidence of such service  
furnished under par. (a) 4. Creditable service granted under par. (a) shall be the  
same type of creditable service as the type that is granted to participants who are not  
executive participating employes, elected officials or protective occupation  
participants. A participating employe may apply to receive part or all of the  
creditable service that he or she is eligible to receive under par. (a).

SECTION 9. 40.30 (3) of the statutes is amended to read:

25  
Insert  
6-25

ASSEMBLY BILL 145

PROOF W/FOUO

1 40.30 (3) The sum of all service credited to the individual under each  
2 retirement system specified in sub. (2) shall be used in determining whether the  
3 individual has met any vesting period required for retirement benefit eligibility  
4 during any subsequent employment covered by any retirement system specified in  
5 sub. (2), but shall not be used in determining the amount of the benefit nor in  
6 determining credit for military service or federal public health service.

7 **SECTION 10.** 40.71 (1) (c) of the statutes is amended to read:

8 ~~40.71 (1) (c) If the death of a participating employe on leave of absence, other  
9 than a leave for purposes of military service or federal public health service, arises  
10 from employment by any employer other than a participating employer, employment  
11 is deemed to have terminated and the participant shall not be considered a  
12 participating employe on the date of his or her death.~~

next  
1-13

13 **SECTION 11. Effective dates.** This act takes effect on the day after publication,  
14 except as follows:

15 (1) The treatment of section 40.05 (2) (b) and (bx) of the statutes takes effect  
16 on the January 1 after publication.

17 (END)

5-5

or <sup>✓</sup> federal public health

Section #. 40.02 (17) (intro.) of the statutes is amended to read:

40.02 (17) (intro.) "Creditable service" means the creditable current and prior service, expressed in years and fractions of a year to the nearest one-hundredth, for which a participating employee receives or is considered to receive earnings under sub. (22) (e) or (em) and for which contributions have been made as required by s. 40.05 (1) and (2) and creditable military service, service credited under s. 40.25 (7) and service credited under s. 40.29, expressed in years and fractions of years to the nearest one-hundredth. How much service in any annual earnings period is the full-time equivalent of one year of creditable service shall be determined by rule by the department and the rules may provide for differing equivalents for different types of employment. Except as provided under pars. (i) and (k), the amount of creditable service for periods prior to January 1, 1982, shall be the amount for which the participant was eligible under the applicable laws and rules in effect prior to January 1, 1982. No more than one year of creditable service shall be granted for any annual earnings period. Creditable service is determined in the following manner for the following persons:

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; 1999 a. 9, 11, 42, 63, 65, 83.



Section #. 40.02 (40) of the statutes is amended to read:

or ✓ federal public health service

40.02 (40) "Leave of absence" means any period during which an employee has ceased to render services for a participating employer and receive earnings and there has been no formal termination of the employer-employee relationship. For purposes of the fund every leave of absence, except a military leave or union service leave, shall terminate 3 years after it begins or, if earlier, upon the date specified by the employer in a notification to the department that the employer-employee relationship has terminated. A leave of absence is not deemed ended or interrupted by reason of resumption of active duty until the employee has resumed active performance of duty for 30 consecutive calendar days for at least 50% of what is considered that employee's normal work time with that employer. For the purpose of group health insurance coverage, every leave of absence due to employee layoff which has not been terminated before 3 years have elapsed shall continue for affected insured employees until an additional 2 years elapse or until sick leave credits used to pay health insurance premiums are exhausted, whichever occurs first.

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; 1999 a. 9, 11, 42, 63, 65, 83.

end of  
5-5

5-22

Section #. 40.05 (2) (b) of the statutes is amended to read:

40.05 (2) (b) Contributions shall be made by each participating employer for unfunded prior service liability in a percentage of the earnings of each participating employee. A separate percentage rate shall be determined for the employee occupational categories under s. 40.23 (2m) as of the employer's effective date of participation. The rates shall be sufficient to amortize as a level percent of payroll over a period of 40 years from the later of that date or January 1, 1986, the unfunded prior service liability for the categories of employees of each employer determined under s. 40.05 (2) (b), 1981 stats., increased to reflect any creditable prior service granted on or after January 1, 1986, increased to reflect the effect of 1983 Wisconsin Act 141, increased at the end of each calendar year after January 1, 1986, by interest at the assumed rate on the unpaid balance at the end of the year and adjusted under pars. (bu), (bv) ~~and (bw)~~, and (bx) letter

History: 1981 c. 96, 274, 278, 386; 1983 a. 9 s. 6; 1983 a. 27, 30; 1983 a. 46 ss. 2 to 4, 7; 1983 a. 140; 1983 a. 141 ss. 7 to 12, 20; 1983 a. 290, 504, 538; 1985 a. 29, 119, 135, 225; 1987 a. 27, 83, 107, 309, 356, 363; 1987 a. 403 s. 256; 1989 a. 13, 14, 31, 119, 122, 166, 182, 189, 230, 336, 355, 359; 1991 a. 32, 39, 107, 113, 141, 152, 189, 269; 1995 a. 27, 81, 88, 89, 240, 302; 1997 a. 35, 58, 149; 1999 a. 9, 11, 13, 104.

end of  
5-22

Section #. 40.25 (7) (a) (intro.) of the statutes is amended to read:

or federal public health service

40.25 (7) (a) (intro.) Each participating employee whose creditable service terminates on or after May 1, 1992, and who has performed service, other than military service, as an employee of the federal government or a state or local governmental entity in the United States, other than a participating employer, that is located within or outside of this state, or each participating employee whose creditable service terminates on or after May 4, 1994, and who has performed service as an employee for an employer who was not at the time a participating employer but who subsequently became a participating employer, may receive creditable service for such service if all of the following conditions are met:

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.





Section #. 40.25 <sup>✓</sup>(7) <sup>✗</sup>(b) of the statutes is amended to read:

*or federal public health service,*

40.25 <sup>✓</sup>(7) (b) Creditable service granted under par. (a) shall be calculated in an amount equal to the year and fractions of a year to the nearest one-hundredth of a year for service, other than military service performed for the governmental entity, as determined by evidence of such service furnished under par. (a) 4. Creditable service granted under par. (a) shall be the same type of creditable service as the type that is granted to participants who are not executive participating employees, elected officials or protective occupation participants. A participating employee may apply to receive part or all of the creditable service that he or she is eligible to receive under par. (a).

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.

end of  
6-25

7-13

Section #. 40.71 (1) (c) of the statutes is amended to read:

or federal public health ~~service~~

40.71 (1) (c) If the death of a participating employee on leave of absence, other than a leave for purposes of military service, arises from employment by any employer other than a participating employer, employment is deemed to have terminated and the participant shall not be considered a participating employee on the date of his or her death.

History: 1981 c. 96; 1987 a. 309.

end of  
7-13



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

September 11, 2000

### MEMORANDUM

To: Representative Black

From: Rick A. Champagne, Senior Attorney

Re: LRB-0209 Creditable service under the Wisconsin retirement system for service in the federal public health service

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-9930 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.