

2001 SENATE BILL 46

February 7, 2001 – Introduced by Senators ERPENBACH, RISSER, ROBSON, BRESKE, BURKE, ROESSLER and SCHULTZ, cosponsored by Representatives TOWNSEND, POCAN, BERCEAU, MILLER, HOVEN and SKINDRUD. Referred to Joint survey committee on Retirement Systems.

1 **AN ACT to amend** 40.02 (30); and **to create** 40.02 (17) (n) of the statutes; **relating**
2 **to:** executive participating employee status under the Wisconsin retirement
3 system for certain court 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 employee, 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 all other participants in the WRS, the percentage multiplier is 1.6%. (For service prior to January 1, 2000, these multipliers are increased by 0.165%.)

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 employee 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 employees under the WRS. As such, the commissioners will be eligible to receive a WRS retirement annuity calculated with a percentage multiplier of 2% for service as a commissioner on or after January 1, 2000, and 2.165% for service as a commissioner before January 1, 2000, 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% for service as a commissioner on or after January 1, 2000, and 1.765% for service as a commissioner before January 1, 2000, 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 (17) (n) of the statutes is created to read:

2 40.02 **(17)** (n) Each participant who is a court commissioner under s. 48.065 (1),
3 757.68 (1) (a), 757.72 (1), 767.13 (1) (a), or 938.065 (1) on or after the effective date
4 of this paragraph [revisor inserts date], shall be granted creditable service as an
5 executive participating employee for all covered service as a court commissioner on
6 or after the effective date of this paragraph [revisor inserts date], but may not be
7 granted creditable service as a court commissioner for any covered service as a court
8 commissioner that was earned before the effective date of this paragraph [revisor
9 inserts date].

10 **SECTION 2.** 40.02 (30) of the statutes is amended to read

11 40.02 **(30)** “Executive participating employee” means a participating employee
12 in a position designated under s. 19.42 (10) (L) or 20.923 (4), (4g), (8), or (9), a
13 participating employee who is a court commissioner appointed under s. 48.065 (1),
14 757.68 (1) (a), 757.72 (1), 767.13 (1) (a), or 938.065 (1) or a participating employee in
15 a position authorized under s. 230.08 (2) (e) during the time of employment. All

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1 service credited prior to May 17, 1988, as executive service as defined under s. 40.02
2 (31), 1985 stats., shall continue to be treated as executive service as defined under
3 s. 40.02 (31), 1985 stats., but no other service rendered prior to May 17, 1988, may
4 be changed to executive service as defined under s. 40.02 (31), 1985 stats.

5 **SECTION 3. Effective date.**

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

7 (END)