

2007 SENATE BILL 479

February 12, 2008 – Introduced by Senator COWLES, cosponsored by Representative KAUFERT. Referred to Joint Survey Committee on Retirement Systems.

1 **AN ACT** *to amend* 40.23 (1) (a) (intro.) and 40.71 (intro.); and *to create* 40.23 (1)
2 (ar), 40.25 (6), 40.63 (1) (e) and 40.71 (4) of the statutes; **relating to:** prohibiting
3 an elected official, who is convicted of certain felonies, from receiving an
4 annuity, lump sum payment, or death benefit under the Wisconsin Retirement
5 System.

Analysis by the Legislative Reference Bureau

This bill prohibits a supreme court justice, court of appeals judge, circuit judge or a state, county, or municipal official elected by vote of the people, or a person appointed to fill a vacancy in such a position, from receiving an annuity, lump sum payment, or death benefit under the Wisconsin Retirement System if the person has been convicted of a felony related to the performance of his or her duties while in elective office. The prohibition first applies to convictions for offenses committed on the bill's effective date.

Because this bill relates to public employee retirement or pensions, it may be referred to the Joint Survey Committee on Retirement Systems for a report to be printed as an appendix to the bill.

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For further information see the *state* 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.** 40.23 (1) (a) (intro.) of the statutes is amended to read:

2 40.23 **(1)** (a) (intro.) Except as provided in ~~par.~~ pars. (am) and (ar), any
3 participant who has attained age 55, and any protective occupation participant who
4 has attained age 50, on or before the annuity effective date shall be entitled to a
5 retirement annuity in accordance with the actuarial tables in effect on the effective
6 date of the annuity if the participant submits an application for a retirement annuity
7 on a form furnished by the department and all of the following apply:

8 **SECTION 2.** 40.23 (1) (ar) of the statutes is created to read:

9 40.23 **(1)** (ar) Notwithstanding s. 40.19, a participant who is an elected official,
10 as defined in s. 40.02 (24) (a) or (b), may not receive a retirement annuity if he or she
11 has been convicted of a felony related to the performance of his or her duties while
12 in elective office.

13 **SECTION 3.** 40.25 (6) of the statutes is created to read:

14 40.25 **(6)** A participant who is an elected official, as defined in s. 40.02 (24) (a)
15 or (b), may not be paid a lump sum payment under this section if he or she has been
16 convicted of a felony related to the performance of his or her duties while in elective
17 office.

18 **SECTION 4.** 40.63 (1) (e) of the statutes is created to read:

19 40.63 **(1)** (e) If the participant is an elected official, as defined in s. 40.02 (24)
20 (a) or (b), the participant has not been convicted of a felony related to the performance
21 of his or her duties while in elective office.

