

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3211/2dn
RAC:cjs:rs

November 7, 2007

Bob Conlin:

A couple of minor comments:

1. I am not sure what is the legal effect intended by the renumbering and amendment of s. 40.80 (2r) (b) to s. 40.80 (1r). I can see no legal differences between the two provisions.
2. In s. 40.02 (8) (a) 2., I simply said “per stirpes” and not “per stirpes as provided in s. 854.04 (1).” Section 854.04 (1) (a) captures all references to “per stirpes”. I went ahead and provided that s. 854.04 (6) does not apply to determinations under s. 40.02 (8) (a). I’m not really sure of the policy reason for this exception, but I’ve drafted it per your request. After all, a beneficiary designation under s. 40.02 (8) (a) is included as part of a “governing instrument” under s. 854.01 (2).
3. I did not change the Initial Applicability provision to include “on or after”. LRB drafting conventions provide that we treat the applicability provision as an *initial* applicability provision to indicate the earliest date when a change in law could *first* apply. In this instance, the earliest date that the treatment of s. 40.05 (2) (b) could first apply to unfunded prior service liabilities under the Wisconsin Retirement System is to liabilities that are incurred on the effective date of this subsection. The amended s. 40.05 (2) (b) will apply to all unfunded prior service liability incurred in the future.

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.wisconsin.gov