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

AN ACT to amend 40.23 (1) (a) (intro.) and 40.71 (intro.); and to create 40.23 (1) (ar), 40.25 (6), 40.63 (1) (e) and 40.71 (4) of the statutes; relating to: prohibiting an elected official, who is convicted of certain felonies, from receiving an annuity, lump sum payment, or death benefit under the Wisconsin Retirement 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.
SENATE BILL 479

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:

SECTION 1. 40.23 (1) (a) (intro.) of the statutes is amended to read:

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

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

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

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

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

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

40.63 (1) (e) If the participant is an elected official, as defined in s. 40.02 (24) (a) or (b), the participant has not been convicted of a felony related to the performance of his or her duties while in elective office.
SECTION 5. 40.71 (intro.) of the statutes is amended to read:

40.71 Death benefit eligibility. (intro.) The Except as provided in sub. (4), the following described persons are entitled to death benefits from the Wisconsin retirement system, in the form and at the times specified:

SECTION 6. 40.71 (4) of the statutes is created to read:

40.71 (4) No person is entitled to a death benefit of a participant who is an elected official, as defined in s. 40.02 (24) (a) or (b), if the participant has been convicted of a felony related to the performance of his or her duties while in elective office.

SECTION 7. Initial applicability.

(1) This act first applies to participants in the Wisconsin Retirement System who are convicted of a felony for an offense committed on the effective date of this subsection.

(END)