State

S&L

# 2013 DRAFTING REQUEST

Bill								
Receiv	ved:	7/15/2013				Received By:	rchampag	
Wante	d:	Soon				Same as LRB:	-3118	
For:		Richard C	Gudex (608)	266-5300		By/Representing:	Lance Burri	
May C	Contact:					Drafter:	rchampag	
Subjec	et:	Employ P	ub - retirer	nent		Addl. Drafters:		
						Extra Copies:		
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Pre To	opic:							
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Topic	•						. ,	· · · · · · · · · · · · · · · · · · ·
Treatn	nent of I	Military Se	rvice for Pu	rpose of Purch	asing WR	S Creditable Servi	ce	
Instru	ictions:							
See at	tached							
Drafti	ing Hist	ory:		AWA WAR				<del></del>
<u>Vers.</u>	Drafted	<u>d</u> R	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required
/?	rchamp 7/22/20							
/1	rchamp 8/12/20		vjackson //25/2013	rschluet 7/25/2013		lparisi 7/25/2013		State S&L Retire

rchampag 8/22/2013

/2

wjackson 8/14/2013 rschluet

8/14/2013

lparisi 8/14/2013

**LRB-2687** 9/30/2013 9:06:02 AM Page 2

Vers. Drafted	Reviewed	<u>Typed</u>	<u>Proofed</u>	Submitted	<u>Jacketed</u>	Required Retire
/3	wjackson 8/22/2013	jfrantze 8/23/2013		sbasford 8/23/2013	srose 9/30/2013	State S&L Retire

FE Sent For:

Autor

10/4/13

<END>

State

S&L

# 2013 DRAFTING REQUEST

Bill								
Receiv	ved:	7/15/2013			1	Received By:	rchampag	
Wante	ed:	Soon			(	Same as LRB:		
For:		Richard G	udex (608)	266-5300	j	By/Representing:	Lance Burri	
May C	Contact:				]	Drafter:	rchampag	
Subjec	et:	Employ Pu	ıb - retirei	ment	A	Addl. Drafters:		
					1	Extra Copies:		
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Topic	:							
Treatn	nent of N	Military Serv	vice for Pu	rpose of Purcl	hasing WRS	S Creditable Servi	ce	
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Drafti	ing Hist	ory:						
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rchampag 8/22/2013 wjackson 8/14/2013 rschluet

8/14/2013

lparisi 8/14/2013

LRB-2687 8/23/2013 8:33:28 AM Page 2

<u>Vers.</u>	<u>Drafted</u>	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	Required Retire
/3		wjackson 8/22/2013	jfrantze 8/23/2013		sbasford 8/23/2013		State S&L Retire

FE Sent For:

<END>

# 2013 DRAFTING REQUEST

Bill							
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Wante	ed: Soo	n		S	ame as LRB:		
For:	Ric	hard Gudex (608	8) 266-5300	В	sy/Representing:	Lance Burri	
May C	Contact:			D	Prafter:	rchampag	
Subjec	et: <b>Em</b>	ploy Pub - retire	ement	A	ddl. Drafters:		
				E	Extra Copies:		
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Topic	:						<del></del>
Treatr	nent of Milit	ary Service for P	urpose of Purc	hasing WRS	Creditable Servi	ce	
Instru	ections:			<u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>			
See at	tached						
Draft	ing History:	M-M-M-M					
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	<u>Jacketed</u>	<u>Required</u>
/?	rchampag 7/22/2013						
/1	rchampag 8/12/2013	wjackson 7/25/2013	rschluet 7/25/2013		lparisi 7/25/2013		State S&L Retire
/2		wjackson 8/14/2013	rschluet 8/14/2013		lparisi 8/14/2013		State S&L

**LRB-2687** 8/14/2013 3:31:20 PM Page 2

<u>Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required</u>
Retire

FE Sent For:

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# 2013 DRAFTING REQUEST

Bill

Received:	7/15/20	013			Received By:	rchampag	
Wanted:	nted: Soon			Same as LRB:			
For:	Richa	Richard Gudex (608) 266-5300			By/Representing:	Lance Burri	
May Contac	ct:				Drafter:	rchampag	
Subject:	Emplo	y Pub - retirei	nent		Addl. Drafters:		
					Extra Copies:		
Submit via Requester's Carbon cop	email:		udex@legis.w hmidt@legis.				
Pre Topic:							
No specific	pre topic	given					
Topic:	W-W-						
Treatment of	of Military	Service for Pu	rpose of Purch	hasing WR	S Creditable Servi	ce	
Instruction	ns:						
See attache	ed						
Drafting H	History:						***************************************
Vers. Dra	ıfted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/? reha	ampag 2/2013						
/1		wjackson 7/25/2013	rschluet 7/25/2013		lparisi 7/25/2013		State S&L
FE Sent Fo	or:	12 WLJ 8/14	() (A) (END)	>			Retire

# 2013 DRAFTING REQUEST

Bill							
Received:	7/15/20	13		Red	ceived By:	rchampag	
Wanted:	Soon			Sar	me as LRB:		
For:	Richar	d Gudex (608) 26	6-5300	By	Representing:	Lance Burri	
May Contac	et:			Dra	after:	rchampag	
Subject:	Employ	y Pub - retiremen	ıt	Ad	dl. Drafters:		
				Ext	tra Copies:	1	灰
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Topic:							
Treatment of	of Military	Service for Purpo	se of Purchasii	ng WRSf	Creditable Serv	ice	
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<END>

FE Sent For:

#### Champagne, Rick

From:

Burri, Lance

Sent:

Wednesday, July 10, 2013 10:16 AM

To:

Champagne, Rick

Cc:

Schmidt, Dan; Hurley, Steve - ETF; Marchant, Robert - ETF; Hunter, Tarna

(Tarna.Hunter@etf.wi.gov)

Subject:

Military WRS bill

Rick, we had the meeting regarding this bill yesterday. The bottom line is, we want to eliminate differences between military and other former federal employees as much as possible. Whatever the statutes say regarding former federal (or other governmental) employees buying WRS creditable years, they should say about military, too.

There may be a spot or two where we can't do that due to USERRA or some such.

I've cc'd Dan Schmidt, and also Tarna Hunter, Steve Hurley, and Rob Marchant from ETF on this. Feel free to discuss it with them as much as you need to. I'm gone next week and back on the 23<sup>rd</sup>. Thanks.

Lance Burri Office of Sen. Rick Gudex 608-266-5300



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State of Misconsin 2013 - 2014 LEGISLATURE



By 7/29

## 2013 BILL

and requiring rule-making overcise of rule-making exercise or anymoring

AN ACT ...; relating to purchase of military service under the Wisconsin

retirement system.

## Analysis by the Legislative Reference Bureau

This bill establishes a program under which participating employees in the Wisconsin Retirement System (WRS) may purchase years of creditable service under the WRS for all years of active service in the U.S. armed forces. A number of conditions must be satisfied to receive creditable service under the program, the most important of which include the following:

√ 1. The employee pays to the Department of Employee Trust Funds (DETF) an
amount equal to the present value of the creditable service to be purchased, in
accordance with rates actuarially determined to be sufficient to fund the cost of the
increased benefits that will result from granting the creditable service.

 $\sqrt{2}$ . The employee must have been discharged from the U.S. armed forces under conditions other than dishonorable.

3. The employee may not receive creditable service under the program for any active service in the U.S. armed forces that is also used to qualify for the current law creditable military service program, nor may the creditable service that is to be purchased by military service that is used for the federal nonregular military retirement program.

√ 4. The employee must have at least(3) continuous years of creditable service at

the time of application to purchase the creditable service.

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.

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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:

**Section 1.** 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), (ef), 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. 40.285 (2) (b) and (g) 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 s. 40.285 (2) (e) and (f), 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; 2001 a. 16, 38, 103, 104, 109; 2003 a. 33; 2005 a. 153, 335; 2007 a. 20, 131, 226; 2009 a. 15, 28; 2011 a. 7, 10, 32, 116, 229; s. 35,17 correction in (22) (a), (48g).

**Section 2.** 40.285 (2) (g) of the statutes is created to read:

(15)

40.285 (2) (g) Military service. Beginning on the effective date of this paragraph
[LRB inserts date], a participating employee may receive creditable service for all
years of active service in the U.S. armed forces, subject to all of the following:

- $\int$  1. If the participating employee is eligible to receive creditable military service under s. 40.02 (15), he or she may not receive creditable service under this paragraph for any service in the U.S. armed forces that is used to receive creditable military service under s. 40.02 (15). The department shall refund to the participating employee any amount paid to receive any creditable service under this paragraph if the participating employee subsequently receives creditable military service under s. 40.02 (15) based on those years of creditable service.
- 2. The active service in the U.S. armed forces is not used for the purpose of establishing entitlement to, or the amount of, any benefit, other than a disability benefit to be paid by any federal retirement program, except OASDHI and the retired pay for nonregular military service program under 10 USC 12731 to 12740, or if the participant makes an election under s. 40.30 (2) by any retirement system specified in s. 40.30 (2) other than the Wisconsin Retirement System.
  - $\sqrt{3}$ . The participating employee has at least 3 continuous years of creditable service at the time of application to purchase the creditable service.
  - 4. The number of years that may be purchased is not greater than the accumulated current creditable service of the participating employee at the date of application.
  - 5. A participating employee may apply to receive part or all of the creditable service that he or she is eligible to receive under this paragraph.
  - 6. At the time of application, the participating employee furnishes evidence of active service in the U.S. armed forces that is acceptable to the department.

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SECTION 2

1	7.	The	participating	g employee	was	discharged	from	the	U.S.	armed	forces
unde	r co	onditi	ons other tha	an dishonor	able						

- √ 8. The participating employee pays to the department an amount equal to the present value of the creditable service applied for under this paragraph, in accordance with rates actuarially determined to be sufficient to fund the cost of the increased benefits that will result from granting the creditable service under this paragraph. The department shall by rule establish different rates for different categories of participants, based on factors recommended by the actuary. The amount payable shall be paid in a lump sum payment, except as provided in sub. (4) (b), and no employer may pay any amount payable on behalf of a participating employee.
- 9. Upon receipt by the fund of the total payment required under this paragraph, the creditable service meeting the conditions and requirements of this paragraph shall be credited to the account of the participating employee making the payment.
  - 10. The creditable service granted under this paragraph 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.
  - 11. Unless otherwise provided by the department by rule, a participating employee may not purchase creditable service under this paragraph more than 2 times in any calendar year.

# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-2687/1dn RAC:../:...



Please review this program for the purchase of military service under the Wisconsin Retirement System. I modeled it after the program for purchase of other governmental service under s. 40.285 (2) (b). I also provided that any military service that is purchased under this new law cannot be used to establish creditable military service under s. 40.02 (15). Please make certain that this is your intent. You may wish to have DETF review the draft to make certain it in be implemented in the manner you intend.

Rick A. Champagne Senior Legislative Attorney Phone: (608) 266–9930

E-mail: rick.champagne@legis.wisconsin.gov

# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRB-2687/1dn RAC:wlj:rs

July 25, 2013

Please review this program for the purchase of military service under the Wisconsin Retirement System. I modeled it after the program for purchase of other governmental service under s. 40.285 (2) (b). I also provided that any military service that is purchased under this new law cannot be used to establish creditable military service under s. 40.02 (15). Please make certain that this is your intent. You may wish to have DETF review the draft to make certain it can be implemented in the manner you intend.

Rick A. Champagne Senior Legislative Attorney Phone: (608) 266–9930

E-mail: rick.champagne@legis.wisconsin.gov

#### Champagne, Rick

From:

Burri, Lance

Sent:

Tuesday, August 06, 2013 11:04 AM

To: Cc: Schmidt, Dan Champagne, Rick

Subject:

RE: Draft of military WRS bill

Okay, would you go ahead and draft that then, Rick?

Lance Burri

Office of Sen. Rick Gudex

608-266-5300

From: Schmidt, Dan

Sent: Tuesday, August 06, 2013 11:04 AM

**To:** Burri, Lance **Cc:** Champagne, Rick

Subject: RE: Draft of military WRS bill

I believe that was at least similar to, if not the same, as Rick's original idea anyway. It sounds fine to me.

Dan

From: Burri, Lance

Sent: Tuesday, August 06, 2013 10:31 AM

**To:** Champagne, Rick **Cc:** Schmidt, Dan

Subject: RE: Draft of military WRS bill

What do you guys think?

Lance Burri Office of Sen. Rick Gudex 608-266-5300

From: Hurley, Steve [mailto:Steve.Hurley@etf.wi.gov]

Sent: Monday, August 05, 2013 2:37 PM

To: Burri, Lance; Schmidt, Dan; Hunter, Tarna; Marchant, Robert - ETF

Cc: Champagne, Rick

Subject: RE: Draft of military WRS bill

Lance,

I recommend that we not create a separate paragraph (g) under 40.285 that contains virtually the same language as the existing OGS purchase provision (40.285(2)(b)). The legislation could be made much more compact if we work within the current OGS purchase statute and simply remove the military service exclusion.

Of course, there may be a sentence or two that Rick will have to integrate into the current OGS purchase statute, to ensure it is clear that one cannot purchase military service that is already being credited toward a benefit. However, this is still the better approach, in my opinion.

I spoke with Rick and he has indicated that it is do-able. Could you respond to let him know if you are okay with him proceeding with drafting this alternative? Thanks.

Steve

Steve Hurley, Director
Office of Policy, Privacy & Compliance
Wisconsin Department of Employee Trust Funds
(28) (608) 267-2847

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From: Burri, Lance [mailto:Lance.Burri@legis.wisconsin.gov]

Sent: Thursday, July 25, 2013 12:20 PM

To: Schmidt, Dan; Hunter, Tarna; Marchant, Robert; Hurley, Steve

Subject: Draft of military WRS bill

Attached. I'm just starting looking through it now.

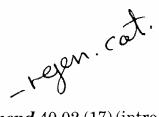
Lance Burri Office of Sen. Rick Gudex 608-266-5300



# State of Misconsin 2013 - 2014 LEGISLATURE







AN ACT to amend 40.02 (17) (intro.); and to create 40.285 (2) (g) of the statutes;

relating to: purchase of military service under the Wisconsin Retirement

System and requiring the exercise of rule making authority

## Analysis by the Legislative Reference Bureau

This bill establishes a program under which participating employees in the Wisconsin Retirement System (WRS) may purchase years of creditable service under the WRS for all years of active service in the U.S. armed forces. A number of conditions must be satisfied to receive creditable service under the program, the most important of which include the following:

✓ 1. The employee pays to the Department of Employee Trust Funds (DETF) an amount equal to the present value of the creditable service to be purchased, in accordance with rates actuarially determined to be sufficient to fund the cost of the increased benefits that will result from granting the creditable service.

√ 2. The employee must have been discharged from the U.S. armed forces under conditions other than dishonorable.

3. The employee may not receive creditable service under the program for any active service in the U.S. armed forces that is also used to qualify for the current law creditable military service program, nor may the creditable service that is to be purchased by military service be used for the federal nonregular military retirement program.

4. The employee must have at least three continuous years of creditable service at the time of application to purchase the creditable service.

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Droups -

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:

**Section 1.** 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), (ef), 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. 40.285 (2) (b) and (g) 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 s. 40.285 (2) (e) and (f), 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:

**SECTION 2.** 40.285 (2) (g) of the statutes is created to read:

40.285 (2) (g) Military service. Beginning on the effective date of this paragraph .... [LRB inserts date], a participating employee may receive creditable service for all years of active service in the U.S. armed forces, subject to all of the following:

- 1. If the participating employee is eligible to receive creditable military service under s. 40.02 (15), he or she may not receive creditable service under this paragraph for any service in the U.S. armed forces that is used to receive creditable military service under s. 40.02 (15). The department shall refund to the participating employee any amount paid to receive any creditable service under this paragraph if the participating employee subsequently receives creditable military service under s. 40.02 (15) based on those years of creditable service.
- 2. The active service in the U.S. armed forces is not used for the purpose of establishing entitlement to, or the amount of, any benefit, other than a disability benefit to be paid by any federal retirement program, except OASDHI and the retired pay for nonregular military service program under 10 USC 12731 to 12740, or if the participant makes an election under s. 40.30 (2), by any retirement system specified in s. 40.30 (2) other than the Wisconsin Retirement System.
- 3. The participating employee has at least 3 continuous years of creditable service at the time of application to purchase the creditable service.
- 4. The number of years that may be purchased is not greater than the accumulated current creditable service of the participating employee at the date of application.
- 5. A participating employee may apply to receive part or all of the creditable service that he or she is eligible to receive under this paragraph.
- 6. At the time of application, the participating employee furnishes evidence of active service in the U.S. armed forces that is acceptable to the department.
- 7. The participating employee was discharged from the U.S. armed forces under conditions other than dishonorable.

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8. The participating employee pays to the department an amount equal to the
present value of the creditable service applied for under this paragraph, in
accordance with rates actuarially determined to be sufficient to fund the cost of the
increased benefits that will result from granting the creditable service under this
paragraph. The department shall by rule establish different rates for different
categories of participants, based on factors recommended by the actuary. The
amount payable shall be paid in a lump sum payment, except as provided in sub. (4)
(b), and no employer may pay any amount payable on behalf of a participating
employee.

- 9. Upon receipt by the fund of the total payment required under this paragraph, the creditable service meeting the conditions and requirements of this paragraph shall be credited to the account of the participating employee making the payment.
- 10. The creditable service granted under this paragraph 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.
- 11. Unless otherwise provided by the department by rule, a participating employee may not purchase creditable service under this paragraph more than 2 times in any calendar year.

(END)

#### 2013-2014 Drafting Insert FROM THE LEGISLATIVE REFERENCE BUREAU

#### **Insert Analysis:**

& governmental 3. The employee may not receive creditable service under the program for any for)service that is used for the purpose of establishing entitlement to, or the amount of, any other benefit to be paid by any federal, state, or local government entity, except a disability or social security benefit or a benefit paid for service in the national guard.

**Insert 4-19:** 

SECTION 40.285 (2) (b) 1. (intro.) of the statutes is amended to read:

40.285 (2) (b) 1. (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 occur:

SECTION 40.285 (2) (b) 1. e. of the statutes is created to read:

40.285 (2) (b) 1. e. If the participating employee is applying to receive creditable service for service in the U.S. armed forces, the participating employee must have been discharged from the U.S. armed forces under conditions other than dishonorable.

## SECTION Initial applicability.

(1) This act first applies to participating employees in the Wisconsin retirement system who terminate covered employment on the effective date to this subsection.



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# State of Misconsin 2013 - 2014 LEGISLATURE



LRB-2687/**2**/ RAC:wlj:rs

RMR



John.

AN ACT to amend 40.285 (2) (b) 1. (intro.); and to create 40.285 (2) (b) 1. e. of the

statutes; relating to: purchase of military service under the Wisconsin

Retirement System.

#### Analysis by the Legislative Reference Bureau

This bill establishes a program under which participating employees in the Wisconsin Retirement System (WRS) may purchase years of creditable service under the WRS for all years of active service in the U.S. armed forces. A number of conditions must be satisfied to receive creditable service under the program, the most important of which include the following:

- 1. The employee pays to the Department of Employee Trust Funds (DETF) an amount equal to the present value of the creditable service to be purchased, in accordance with rates actuarially determined to be sufficient to fund the cost of the increased benefits that will result from granting the creditable service.
- 2. The employee must have been discharged from the U.S. armed forces under conditions other than dishonorable.
- 3. The employee may not receive creditable service under the program for any service that is used for the purpose of establishing entitlement to, or the amount of, any other benefit to be paid by any federal, state, or local government entity, except a disability or social security benefit or a benefit paid for service in the patients grand.
- 4. The employee must have at least three continuous years of creditable service at the time of application to purchase the creditable service.

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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:

**SECTION 1.** 40.285 (2) (b) 1. (intro.) of the statutes is amended to read:

40.285 (2) (b) 1. (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 occur:

**SECTION 2.** 40.285 (2) (b) 1. e. of the statutes is created to read:

40.285 (2) (b) 1. e. If the participating employee is applying to receive creditable service for service in the U.S. armed forces, the participating employee must have been discharged from the U.S. armed forces under conditions other than dishonorable.

#### SECTION 3. Initial applicability.

(1) This act first applies to participating employees in the Wisconsin retirement system who terminate covered employment on the effective date of this subsection.

19 (END)

SEC #. 40.285 (2) (b) 4. of the statutes is reparted and recreated to recd:

1. If the participating employee is eligible to receive creditable military service
under s. 40.02 (15), he or she may not receive creditable service under this paragraph
for any service in the U.S armed forces that is used to receive creditable military
service under s. 40.02 (15). The department shall refund to the participating
employee any amount paid to receive any creditable service under this paragraph if
the participating employee subsequently receives creditable military service under
s. 40.02 (15) based on those years of creditable service.
2 The active service in the U.S. armed forces is not used for the purpose of
establishing entitlement to, or the amount of, any benefit, other than a disability
benefit to be paid by any federal retirement program, except OASDHI and the retired

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3. The participating employee has at least 3 continuous years of creditable service at the time of application to purchase the creditable service.

pay for nonregular military service program under 10 USC 12731 to 12740, or if the

participant makes an election under s. 40.30 (2), by any retirement system specified

in s. 40.30 (2) other than the Wisconsin Retirement System.

4. The number of years that may be purchased is not greater than the accumulated current creditable service of the participating employee at the date of application.

- 5. A participating employee may apply to receive part or all of the creditable service that he or she is eligible to receive under this paragraph.
- 6. At the time of application, the participating employee furnishes evidence of active service in the U.S. armed forces that is acceptable to the department.
- The participating employee was discharged from the U.S. armed forces under conditions other than dishonorable.

Research (608-266-0341)

Library (608 - 266 - 7040)

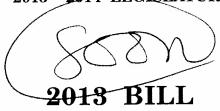
Legal (608-266-3561)

LRB

Per Steve Hurby at ETF, Meye new notived unto existing 5. 40.285 (2)(6) and put se "/i" layuge unto 5. 40.285(2)(6) 4., with .4 Student & monton of National



## State of Misconsin 2013 - 2014 LEGISLATURE







AN ACT to amend 40.285 (2) (b) 1. (intro.); and to create 40.285 (2) (b) 1. e. of the statutes; relating to: purchase of military service under the Wisconsin Retirement System.

## Analysis by the Legislative Reference Bureau

This bill establishes a program under which participating employees in the Wisconsin Retirement System (WRS) may purchase years of creditable service under the WRS for all years of active service in the U.S. armed forces. A number of conditions must be satisfied to receive creditable service under the program, the most important of which include the following:

1. The employee pays to the Department of Employee Trust Funds (DETF) an amount equal to the present value of the creditable service to be purchased, in accordance with rates actuarially determined to be sufficient to fund the cost of the increased benefits that will result from granting the creditable service.

2. The employee must have been discharged from the U.S. armed forces under conditions other than dishonorable.

3. The employee may not receive creditable service under the program for any service that is used for the purpose of establishing entitlement to, or the amount of, any other benefit to be paid by any federal, state, or local government entity, except a disability or social security benefit or a benefit paid for service in the national

The employee must have at least three continuous years of creditable service at the time of application to purchase the creditable service.

Insert!

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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:

**SECTION 1.** 40.285 (2) (b) 1. (intro.) of the statutes is amended to read:

40.285 (2) (b) 1. (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 occur:

**Section 2.** 40.285 (2) (b) 1. e. of the statutes is created to read:

40.285 (2) (b) 1. e. If the participating employee is applying to receive creditable service for service in the U.S. armed forces, the participating employee must have been discharged from the U.S. armed forces under conditions other than dishonorable.

#### SECTION 3. Initial applicability.

(1) This act first applies to participating employees in the Wisconsin retirement system who terminate covered employment on the effective date of this subsection.

Inspit 2-13

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#### 2013-2014 Drafting Insert FROM THE LEGISLATIVE REFERENCE BUREAU

Budysis:

3. The employee may not receive creditable service under the program for any service that is used for the purpose of establishing entitlement to, or the amount of, any other benefit to be paid by any federal, state, or local government entity, except a disability or social security benefit, a benefit under the federal retired pay for nonregular military service program, and a benefit paid for service in the national guard.

Please

AY Comp 2-15:
SECTION \$\frac{1}{40.285}\$ (2) (b) 4. of the statutes is repealed and recreated to read: and amended

(infro.)
40.285 (2) (b) 4. A participant may not receive creditable service under this paragraph for service that is used for the purpose of establishing entitlement to, or the amount of, any other benefit to be paid by any federal, state, or local government entity, except for the following:

Strike extra spaces

a. A disability or OASDHI benefit.

b. A benefit under the retired pay for nonregular military service program

under 10 USC 12731 to 12740.

c. A benefit paid for service in the national guard. ✓

SECTION # CR; 40,285 (2)(b) 4.b.
40,285 (2)(b) 4.

#### Barman, Mike

From:

Burri, Lance

Sent:

Tuesday, September 10, 2013 11:02 AM

To: Cc: LRB.Legal

Subject:

Malszycki, Marcie FW: Irb 2678/3

Forwarding. Thanks.

Lance Burri

Office of Sen. Rick Gudex

608-266-5300

From: Burri, Lance

Sent: Tuesday, September 10, 2013 11:00 AM

**To:** Champagne, Rick **Cc:** Malszycki, Marcie **Subject:** Irb 2678/3

Rick, the Petryk office will be doing an Assembly version of this bill, so please feel free to work with them. Marcie is the contact over there.

Thanks.

Lance Burri Office of Sen. Rick Gudex 608-266-5300

#### Rose, Stefanie

From: Burri, Lance

Sent: Monday, September 30, 2013 9:02 AM

To: LRB.Legal

Subject: Draft Review: LRB -2687/3 Topic: Treatment of Military Service for Purpose of

Purchasing WRS Creditable Service

Please Jacket LRB -2687/3 for the SENATE.