

State of Wisconsin



1997 Assembly Bill 534

Date of enactment: **October 9, 1997**
Date of publication*: **October 10, 1997**

1997 WISCONSIN ACT 26

AN ACT to repeal 40.04 (3) (e); **to amend** 20.515 (1) (a) and 40.19 (4) (f); **to repeal and recreate** 40.27 (1) and (1m); and **to create** 40.27 (3) of the statutes; **relating to:** providing supplemental benefits to certain Wisconsin retirement system annuitants and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.515 (1) (a) of the statutes is amended to read:

20.515 (1) (a) *Annuity supplements and payments.* A sum sufficient to pay the benefits authorized under s. 40.27 (1) and (1m), 1985 stats., and s. ss. 40.02 (17) (d) 2. and 40.27 (1), (1m) and (3) in excess of the amounts payable under other provisions of ch. 40 and any distributions made under s. 40.04 (3) (e) after August 1, 1987, notwithstanding s. 40.27 (2) and to reimburse any amounts expended under par. (w) for the costs of administering the benefits provided under s. 40.27 (1) and (1m), 1985 stats., and s. ss. 40.02 (17) (d) 2. and 40.27 (1), (1m) and (3).

SECTION 2. 40.04 (3) (e) of the statutes is repealed.

SECTION 3. 40.19 (4) (f) of the statutes is amended to read:

40.19 (4) (f) Each benefit being paid under s. 61.65, 1975 stats., or s. 62.13 (9), (9a) or (10), 1975 stats., on March 30, 1978, shall be continued in full force and effect, on the terms and conditions under which the benefit was originally granted, regardless of whether the granting was in accordance with the law then in effect, but after January 1, 1982 each benefit shall be paid by the Wisconsin retirement system and if all or a portion of the benefit

was in accord with the law then in effect, that portion of the benefit shall be subject to s. 40.27 (1), 1985 stats. No supplemental benefit shall be paid under s. 40.27 (1), 1985 stats., with respect to any portion of a benefit which was not granted in accordance with the law then in effect.

SECTION 4. 40.27 (1) and (1m) of the statutes, as last printed in the statutes of 1985, are repealed and recreated to read:

40.27 (1) **SUPPLEMENTAL BENEFITS.** Any person who received a supplemental benefit under s. 41.23, 1979 stats., s. 42.49 (10), 1979 stats., or s. 42.82, 1979 stats., is eligible to continue receiving a supplemental benefit in the amounts determined under s. 41.23, 1979 stats., s. 42.49 (10), 1979 stats., or s. 42.82, 1979 stats. Any portion of a benefit payable under s. 40.19 (4) (f) which was not granted in accordance with the law in effect at the time of the granting shall not be subject to this subsection and shall not be eligible for a supplemental benefit.

(a) Any benefit payable by virtue of this subsection in excess of the amounts payable under other provisions of this chapter shall be paid from and shall be subject to the continuation of the appropriation made by s. 20.515 (1) (a).

(b) Determinations of eligibility and the amount of any payment to be made under this subsection or sub. (1m) or (3) shall be made by the department, and shall be certified by the department for payment in the same man-

* Section 991.11, WISCONSIN STATUTES 1995-96: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

ner as for payments from the Wisconsin retirement system.

(c) No payment shall be made under this subsection or sub. (1m) or (3), nor shall any right accrue under this subsection or sub. (1m) or (3), for or after any month following termination of the annuity on which the supplement was based.

(d) Benefits under this subsection and subs. (1m) and (3) shall be payable to the surviving beneficiary, who receives an annuity, of eligible persons.

(1m) ADDITIONAL SUPPLEMENTAL BENEFITS. Any person who received an annuity for September 1974 from the Wisconsin retirement system shall be eligible to receive all of the following:

(a) The monthly annuities for which that person was eligible and which that person received for September 1974.

(b) An amount to be paid from the appropriation account under s. 20.515 (1) (a), subject to the continuation of that appropriation, equal to 4% times 5 years times either \$200 or the initial monthly annuity, excluding amounts provided from additional deposits, whichever is smaller.

(c) Any supplement for which that person is eligible under sub. (1) and s. 41.23, 1979 stats., s. 42.49 (10),

1979 stats., or s. 42.82, 1979 stats.

SECTION 5. 40.27 (3) of the statutes is created to read:

40.27 (3) ADDITIONAL SUPPLEMENTAL BENEFIT ADJUSTMENT. Beginning on November 1, 1997, any person who is eligible to receive supplemental benefits under subs. (1) and (1m) shall be eligible to receive an additional supplemental benefit, to be paid from the appropriation account under s. 20.515 (1) (a), in an amount equal to the amount by which the supplemental benefits paid under subs. (1) and (1m) are exceeded by the supplemental benefit that the person was eligible to receive on October 1, 1997, from the distribution paid under s. 40.04 (3) (e) 1. c., 1995 stats., as affected by adjustments under sub. (2) made after 1987, less any increase to the person's base annuity under this chapter that results from any equitable distribution made by the board under the judgment in Wisconsin Retired Teachers Ass'n v. Employee Trust Funds Bd., 207 Wis. 2d 1 (1997), without regard to adjustments to sub. (2).

SECTION 6. Nonstatutory provisions.

(1) The department of employe trust funds shall make the first supplemental benefit payment provided under section 40.27 (3) of the statutes, as created by this act, no later than the first day of the 2nd month beginning after publication.