



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-4570/P1  
MIM:amn

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1 **AN ACT to amend** 40.24 (7) (a) (intro.) and 40.24 (7) (b) of the statutes; **relating**  
2 **to:** named survivors under the Wisconsin Retirement System (suggested as  
3 remedial legislation by the Department of Employee Trust Funds).

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***Analysis by the Legislative Reference Bureau***

Under this bill, references to beneficiaries and named survivors in statutes regarding annuity options under the Wisconsin Retirement System are amended to distinguish between a named survivor who will receive a benefit and a beneficiary.

For further information, see the NOTES provided by the Law Revision Committee of the Joint Legislative Council.

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

LAW REVISION COMMITTEE PREFATORY NOTE: This bill is a remedial legislation proposal, requested by the Department of Employee Trust Funds and introduced by the Law Revision Committee under s. 13.83 (1) (c) 4. and 5., stats. After careful consideration of the various provisions of the bill, the Law Revision Committee has determined that this bill makes minor substantive changes in the statutes, and that these changes are desirable as a matter of public policy.

4 **SECTION 1.** 40.24 (7) (a) (intro.) of the statutes is amended to read:  
5 40.24 (7) (a) (intro.) Any participant who has been married to the same spouse,  
6 or in a domestic partnership with the same domestic partner, for at least one year

1 immediately preceding the participant's annuity effective date shall elect the  
2 annuity option under sub. (1) (d), the annuity option under sub. (1) (e), if the reduced  
3 annuity under sub. (1) (e) is payable in an optional life form provided under sub. (1)  
4 (d), or an annuity option in a form provided by rule, if the annuity is payable for life  
5 with monthly payments of at least 75 percent of the amount of the annuity to be  
6 continued to the beneficiary named survivor, for life, upon the death of the  
7 participant, and the participant shall designate the spouse or domestic partner as  
8 the beneficiary named survivor, unless the participant's application for a retirement  
9 annuity in a different optional annuity form is signed by both the participant and the  
10 participant's spouse or domestic partner or unless the participant establishes to the  
11 satisfaction of the department that, by reason of absence or other inability, the  
12 spouse's or domestic partner's signature may not be obtained. This subsection does  
13 not apply to any of the following:

14 **SECTION 2.** 40.24 (7) (b) of the statutes is amended to read:

15 40.24 (7) (b) In administering this subsection, the secretary may require the  
16 participant to provide the department with a certification of the participant's marital  
17 or domestic partnership status and of the validity of the spouse's or domestic  
18 partner's signature. If a participant is exempted from the requirements under par.  
19 (a) on the basis of a certification which the department or a court subsequently  
20 determines to be invalid, the liability of the fund and the department shall be limited  
21 to a conversion of annuity options at the time the certification is determined to be  
22 invalid. The conversion shall be from the present value of the annuity in the optional  
23 form originally elected by the participant to an annuity with the same present value  
24 but in the optional form under sub. (1) (d) and with monthly payments of 100 percent

1 of the amount of the annuity paid to the annuitant to be continued to the spouse or  
2 domestic partner ~~beneficiary~~ named survivor.

NOTE: SECTIONS 1 and 2 replace the term “beneficiary” with “named survivor” in  
statutes relating to annuity options for the Wisconsin Retirement System.

3 (END)