



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRBa1389/1  
MIM:emw

**ASSEMBLY AMENDMENT 2,  
TO ASSEMBLY BILL 975**

February 22, 2022 - Offered by Representatives POPE, EMERSON, B. MEYERS, ANDERSON, BALDEH, BILLINGS, BROSTOFF, CONLEY, CONSIDINE, GOYKE, HAYWOOD, HEBL, HINTZ, HONG, MCGUIRE, NEUBAUER, OHNSTAD, S. RODRIGUEZ, SHANKLAND, SHELTON, SINICKI, SNODGRASS, SPREITZER, SUBECK, VINING and VRUWINK.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 2: delete the material beginning with “substitute” and ending  
3 with “Instruction” on line 3 and substitute “rehired annuitant teachers”.

4 **2.** Page 2, line 1: delete the material beginning with “**SECTION 1.**” and ending  
5 with “permit.” on page 3, line 3, and substitute:

6 “**SECTION 1.** 40.22 (1) of the statutes is amended to read:

7 40.22 (1) Except as otherwise provided in sub. (2) and s. 40.26 (6) and (7), each  
8 employee currently in the service of, and receiving earnings from, a state agency or  
9 other participating employer shall be included within the provisions of the Wisconsin  
10 retirement system as a participating employee of that state agency or participating  
11 employer.

12 **SECTION 2.** 40.22 (2m) (intro.) of the statutes is amended to read:

1           40.22 **(2m)** (intro.) Except as otherwise provided in s. 40.26 (6) and (7), an  
2 employee who was a participating employee before July 1, 2011, who is not expected  
3 to work at least one-third of what is considered full-time employment by the  
4 department, as determined by rule, and who is not otherwise excluded under sub. (2)  
5 from becoming a participating employee shall become a participating employee if he  
6 or she is subsequently employed by the state agency or other participating employer  
7 for either of the following periods:

8           **SECTION 3.** 40.22 (2r) (intro.) of the statutes is amended to read:

9           40.22 **(2r)** (intro.) Except as otherwise provided in s. 40.26 (6) and (7), an  
10 employee who was not a participating employee before July 1, 2011, who is not  
11 expected to work at least two-thirds of what is considered full-time employment by  
12 the department, as determined by rule, and who is not otherwise excluded under sub.  
13 (2) from becoming a participating employee shall become a participating employee  
14 if he or she is subsequently employed by the state agency or other participating  
15 employer for either of the following periods:

16           **SECTION 4.** 40.22 (3) (intro.) of the statutes is amended to read:

17           40.22 **(3)** (intro.) Except as otherwise provided in s. 40.26 (6) and (7), a person  
18 who qualifies as a participating employee shall be included within, and shall be  
19 subject to, the Wisconsin retirement system effective on one of the following dates:

20           **SECTION 5.** 40.26 (7) of the statutes is created to read:

21           40.26 **(7)** Subsections (1) to (5) do not apply to a participant who applies for an  
22 annuity or lump sum payment during the period in which at least 30 days have  
23 elapsed between the participant's termination of employment as a teacher with a  
24 school district that is a participating employer and becoming a teacher as an

1 employee or contractor providing employee services with any school district that is  
2 a participating employer if all of the following conditions are met:

3 (a) At the time the participant terminates his or her employment as a teacher  
4 with a school district, the participant does not have an agreement with any school  
5 district that is a participating employer to return to employment as a teacher or enter  
6 into a contract to provide employee services as a teacher for the school district.

7 (b) The participant elects on a form provided by the department to not become  
8 a participating employee.

9 **SECTION 6. Initial applicability.**

10 (1) REHIRED TEACHER ANNUITANTS. The treatment of s. 40.26 (7) first applies to  
11 participating employees under the Wisconsin Retirement System who terminate  
12 covered employment under the Wisconsin Retirement System on the effective date  
13 of this subsection.”.

14 (END)