



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-4906/P2  
FFK:jld

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT** *to amend* 40.23 (1) (am) 2. of the statutes; **relating to:** allowing a  
2             protective occupation participant who is at least age 50 and who is a part-time  
3             elected official to waive future Wisconsin Retirement System participation  
4             (suggested as remedial legislation by the Department of Employee Trust  
5             Funds).

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

This bill allows a protective occupation participant in the Wisconsin Retirement System who is at least 50 years of age, which is the minimum retirement age for a protective occupation participant, and who is also a part-time elected official to waive further participation in the WRS for his or her current and future service as a part-time elected official, after he or she terminates all of his or her other covered employment. The waiver allows the protective occupation participant to receive a retirement benefit while he or she is serving as a part-time elected official. Under current law, a WRS participant who is at least 55 years of age, which is the minimum retirement age for a participant who is not a protective occupation participant, and who is also a part-time elected official is allowed to waive participation in the WRS for his or her current and future service as a part-time elected official after he or she terminates all of his or her other covered employment.

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.

1           **SECTION 1.** 40.23 (1) (am) 2. of the statutes is amended to read:

2           40.23 (1) (am) 2. Any participant who has attained age 55 and who is a  
3 participant because of employment other than part-time service as an elected official  
4 and who is also a participating employee because of part-time service as an elected  
5 official and any protective occupation participant who has attained age 50 and who  
6 is also a participating employee because of part-time service as an elected official  
7 may, after termination of all covered employment other than service as a part-time  
8 elected official, waive further participation under the fund for his or her current, and  
9 any future, part-time service as an elected official. Any election under this  
10 paragraph is irrevocable and is effective beginning the day after the date of election.  
11 Notwithstanding par. (a), any participant who elects under this paragraph may  
12 receive a retirement annuity for all service under the fund credited to the participant  
13 to the date he or she elects. The date a participant elects under this paragraph is  
14 deemed to be the date of separation from the last participating employer by which  
15 that participant was employed.

NOTE: Under current law, the minimum retirement age for a Wisconsin Retirement System participant is 55 years of age, except that the minimum retirement age for a protective occupation participant is 50 years of age. Current law allows a WRS participant who is at least 55 years old to receive a retirement benefit while serving as a part-time elected official. This Section allows a protective occupation participant who

is at least 50 years old to receive a retirement benefit while serving as a part-time elected official.

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**(END)**