



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4039/1
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2019 BILL

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).

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.

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:

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1 40.24 (7) (a) (intro.) Any participant who has been married to the same spouse,
2 or in a domestic partnership with the same domestic partner, for at least one year
3 immediately preceding the participant's annuity effective date shall elect the
4 annuity option under sub. (1) (d), the annuity option under sub. (1) (e), if the reduced
5 annuity under sub. (1) (e) is payable in an optional life form provided under sub. (1)
6 (d), or an annuity option in a form provided by rule, if the annuity is payable for life
7 with monthly payments of at least 75 percent of the amount of the annuity to be
8 continued to the beneficiary named survivor, for life, upon the death of the
9 participant, and the participant shall designate the spouse or domestic partner as
10 the beneficiary named survivor, unless the participant's application for a retirement
11 annuity in a different optional annuity form is signed by both the participant and the
12 participant's spouse or domestic partner or unless the participant establishes to the
13 satisfaction of the department that, by reason of absence or other inability, the
14 spouse's or domestic partner's signature may not be obtained. This subsection does
15 not apply to any of the following:

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

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

17 40.24 (7) (b) In administering this subsection, the secretary may require the
18 participant to provide the department with a certification of the participant's marital
19 or domestic partnership status and of the validity of the spouse's or domestic
20 partner's signature. If a participant is exempted from the requirements under par.
21 (a) on the basis of a certification which the department or a court subsequently
22 determines to be invalid, the liability of the fund and the department shall be limited
23 to a conversion of annuity options at the time the certification is determined to be

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1 invalid. The conversion shall be from the present value of the annuity in the optional
2 form originally elected by the participant to an annuity with the same present value
3 but in the optional form under sub. (1) (d) and with monthly payments of 100 percent
4 of the amount of the annuity paid to the annuitant to be continued to the ~~spouse or~~
5 ~~domestic partner beneficiary~~ named survivor.

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(END)