



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-1972/1
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2021 SENATE BILL 146

February 24, 2021 - Introduced by Senators BEWLEY, AGARD, CARPENTER, ERPENBACH, JOHNSON, LARSON, PFAFF, RINGHAND, ROYS, SMITH and WIRCH, cosponsored by Representatives HINTZ, ANDERSON, ANDRACA, BALDEH, BILLINGS, BOWEN, BROSTOFF, CABRERA, CONLEY, CONSIDINE, DOYLE, DRAKE, EMERSON, GOYKE, HAYWOOD, HEBL, HESSELBEIN, HONG, MCGUIRE, B. MEYERS, MILROY, MOORE OMOKUNDE, L. MYERS, NEUBAUER, OHNSTAD, ORTIZ-VELEZ, POPE, RIEMER, S. RODRIGUEZ, SHANKLAND, SHELTON, SINICKI, SNODGRASS, SPREITZER, STUBBS, SUBECK, VINING and VRUWINK. Referred to Committee on Government Operations, Legal Review and Consumer Protection.

AUTHORS SUBJECT TO CHANGE

- 1 **AN ACT to amend** 40.26 (5m), 40.26 (6) (intro.) and 323.19 (3) of the statutes;
2 **relating to:** rehired annuitants in critical positions.

Analysis by the Legislative Reference Bureau

RETIREMENT AND GROUP INSURANCE

WRS annuities for critical workers

Under current law, certain people who receive a retirement or disability annuity from the Wisconsin Retirement System and who are hired by an employer that participates in the WRS must suspend that annuity and may not receive a WRS annuity payment until the person is no longer in a WRS-covered position. This suspension applies to a person who 1) has reached his or her normal retirement date; 2) is appointed to a position with a WRS-participating employer, or provides employee services as a contractor to a WRS-participating employer; and 3) is expected to work at least two-thirds of what is considered full-time employment by the Department of Employee Trust Funds.

This bill creates an exception to this suspension if 1) the person is either hired or provides employee services as a contractor in a critical position before the end of the national emergency declared by the U.S. president in response to the 2019 novel coronavirus or June 30, 2021, whichever is earlier; 2) at the time the person initially retires from covered employment with a participating employer, the person does not have an agreement with any participating employer to return to employment; and 3) the person elects to not become a participating employee at the time the person is rehired or enters into a contract after retirement. In other words, the bill allows

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a WRS annuitant who is either hired or provides employee services as a contractor in a critical position before the earlier of the end of the national emergency declared by the U.S. president in response to the 2019 novel coronavirus or June 30, 2021, to return to work with an employer that participates in the WRS and continue to receive his or her annuity.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 40.26 (5m) of the statutes is amended to read:

2 40.26 **(5m)** ~~During the public health~~ Until the conclusion of a national
3 emergency declared on ~~March 12, 2020, by executive order 72~~ the U.S. president
4 under 50 USC 1621 in response to the 2019 novel coronavirus or June 30, 2021,
5 whichever is earlier, sub. (5) does not apply if at least 15 days have elapsed between
6 the termination of employment with a participating employer and becoming a
7 participating employee if the position for which the participant is hired is a critical
8 position, as determined by ~~the secretary of health services~~ under s. 323.19 (3).

9 **SECTION 2.** 40.26 (6) (intro.) of the statutes is amended to read:

10 40.26 **(6)** (intro.) ~~A~~ Until the conclusion of a national emergency declared by
11 the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus or
12 June 30, 2021, whichever is earlier, a participant who is hired ~~during the public~~
13 ~~health emergency declared on March 12, 2020, by executive order 72~~, may elect to
14 not suspend his or her retirement annuity or disability annuity under sub. (1m) for
15 the duration of the state of emergency if all of the following conditions are met:

16 **SECTION 3.** 323.19 (3) of the statutes is amended to read:

17 323.19 **(3)** ~~Based~~ Until the conclusion of a national emergency declared by the
18 U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus or June

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1 ~~30, 2021, whichever is earlier, based~~ on guidance provided by the secretary of health
2 services, the head of each state agency and each local health department shall
3 determine which public employee positions within the respective state agency or
4 local government are critical ~~during the public health emergency declared on March~~
5 ~~12, 2020, by executive order 72,~~ for the purposes of s. 40.26 (5m) and (6) (b).

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(END)