



1997 ASSEMBLY BILL 217

March 25, 1997 - Introduced by Representatives BRANDEMUEHL, FREESE, MUSSER, DOBYNS, HAHN, HASENOHRL, KREIBICH and GRONEMUS, cosponsored by Senator BUETTNER. Referred to Joint survey committee on Retirement Systems.

1 **AN ACT** *to amend* 40.02 (48) (am) and 40.02 (48) (c); and *to create* 40.02 (17) (m)
2 and 40.65 (4v) of the statutes; **relating to:** classifying certain employes of the
3 department of natural resources who exercise police powers as protective
4 occupation participants for the purposes of the Wisconsin retirement system.

Analysis by the Legislative Reference Bureau

Under current law, participants under the Wisconsin retirement system (WRS) whose principal duties involve law enforcement or fire suppression or prevention and require frequent exposure to a high degree of danger or peril and a high degree of physical conditioning are classified as protective occupation participants. Current law specifically classifies police officers, fire fighters and various other individuals as protective occupation participants. Under the WRS, the normal retirement age of a protective occupation participant is lower than that of other participants and the percentage multiplier used to calculate retirement annuities is higher for protective occupation participants than for other participants.

This bill specifically classifies certain employes of the department of natural resources who exercise police powers as protective occupation participants for the purposes of the WRS.

This bill will be referred to the joint survey committee on retirement systems for a detailed analysis, which will be printed as an appendix to the bill.

ASSEMBLY BILL 217

For further information see the *state* 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.** 40.02 (17) (m) of the statutes is created to read:

2 40.02 (17) (m) Notwithstanding par. (d), each participant who is an employe
3 of the department of natural resources who is appointed to exercise the authority of
4 the department of natural resources under s. 23.11 (4) on or after the effective date
5 of this paragraph [revisor inserts date], shall be granted creditable service as a
6 protective occupation participant for all covered service as an employe of the
7 department of natural resources who is appointed to exercise the authority of the
8 department of natural resources under s. 23.11 (4) that was earned on or after the
9 effective date of this paragraph [revisor inserts date], but may not be granted
10 creditable service as a protective occupation participant for any covered service as
11 an employe of the department of natural resources who is appointed to exercise the
12 authority of the department of natural resources under s. 23.11 (4) that was earned
13 before the effective date of this paragraph [revisor inserts date], unless that
14 service was earned while the participant was classified under sub. (48) (a) and s.
15 40.06 (1) (d) as a protective occupation participant.

16 **SECTION 2.** 40.02 (48) (am) of the statutes is amended to read:

17 40.02 (48) (am) "Protective occupation participant" includes any participant
18 whose name is certified to the fund as provided in s. 40.06 (1) (d) and (dm) and who
19 is a conservation warden, conservation patrol boat captain, conservation patrol boat
20 engineer, conservation pilot, conservation patrol officer, forest fire control assistant,
21 member of the state patrol, state motor vehicle inspector, police officer, fire fighter,

ASSEMBLY BILL 217

1 sheriff, undersheriff, deputy sheriff, county traffic police officer, state forest ranger,
2 fire watcher employed by the Wisconsin veterans home, state
3 correctional-psychiatric officer, excise tax investigator employed by the department
4 of revenue, employee of the department of natural resources who is appointed to
5 exercise the authority of the department of natural resources under s. 23.11 (4),
6 special criminal investigation agent in the department of justice, assistant or deputy
7 fire marshal, or person employed under s. 61.66 (1).

8 **SECTION 3.** 40.02 (48) (c) of the statutes is amended to read:

9 40.02 (48) (c) In s. 40.65, “protective occupation participant” means a
10 participating employe who is a police officer, fire fighter, an individual determined
11 by a participating employer under par. (a) or (bm) to be a protective occupation
12 participant, county undersheriff, deputy sheriff, county traffic police officer,
13 conservation warden, state forest ranger, field conservation employe of the
14 department of natural resources who is subject to call for forest fire control or warden
15 duty, member of the state traffic patrol, state motor vehicle inspector, university of
16 Wisconsin system full-time police officer, guard or any other employe whose
17 principal duties are supervision and discipline of inmates at a state penal institution,
18 excise tax investigator employed by the department of revenue, employee of the
19 department of natural resources who is appointed to exercise the authority of the
20 department of natural resources under s. 23.11 (4), person employed under s. 61.66
21 (1), or special criminal investigation agent employed by the department of justice.

22 **SECTION 4.** 40.65 (4v) of the statutes is created to read:

23 40.65 (4v) An employe of the department of natural resources who is appointed
24 to exercise the authority of the department of natural resources under s. 23.11 (4)
25 who becomes a protective occupation participant on or after the effective date of this

ASSEMBLY BILL 217

1 subsection [revisor inserts date], is not entitled to a duty disability benefit under
2 this section for an injury or disease occurring before the effective date of this
3 subsection [revisor inserts date].

4 **SECTION 5. Effective date.**

5 (1) This act takes effect on the January 1 after publication.

6 (END)