



1997 SENATE BILL 59

February 5, 1997 - Introduced by Senators C. POTTER, SCHULTZ, RISSER, WELCH, DARLING, ROSENZWEIG, BUETTNER, DRZEWIECKI and PLACHE, cosponsored by Representatives OTTE, ZIEGELBAUER, JOHNSRUD, GOETSCH, FREESE, OURADA, LINTON, KREIBICH, BOYLE, MURAT, HANDRICK, AINSWORTH, WARD, BALDWIN, DOBYNS, MUSSER, KAUFERT, ALBERS, VANDER LOOP, HUBER, SPRINGER, OWENS, MEYER and GRONEMUS. 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 state probation and
3 parole officers as protective occupation participants for the purposes of the
4 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 state probation and parole officers 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.

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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 a state
3 probation and parole officer on or after the effective date of this paragraph [revisor
4 inserts date], shall be granted creditable service as a protective occupation
5 participant for all covered service as a state probation and parole officer that was
6 earned on or after the effective date of this paragraph [revisor inserts date], but
7 may not be granted creditable service as a protective occupation participant for any
8 covered service as a state probation and parole officer that was earned before the
9 effective date of this paragraph [revisor inserts date], unless that service was
10 earned while the participant was classified under sub. (48) (a) and s. 40.06 (1) (d) as
11 a protective occupation participant.

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

13 40.02 (48) (am) "Protective occupation participant" includes any participant
14 whose name is certified to the fund as provided in s. 40.06 (1) (d) and (dm) and who
15 is a conservation warden, conservation patrol boat captain, conservation patrol boat
16 engineer, conservation pilot, conservation patrol officer, forest fire control assistant,
17 member of the state patrol, state motor vehicle inspector, police officer, fire fighter,
18 sheriff, undersheriff, deputy sheriff, state probation and parole officer, county traffic
19 police officer, state forest ranger, fire watcher employed by the Wisconsin veterans
20 home, state correctional-psychiatric officer, excise tax investigator employed by the

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1 department of revenue, special criminal investigation agent in the department of
2 justice, assistant or deputy fire marshal, or person employed under s. 61.66 (1).

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

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

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

17 40.65 (4v) A state probation and parole officer who becomes a protective
18 occupation participant on or after the effective date of this subsection ... [revisor
19 inserts date], is not entitled to a duty disability benefit under this section for an
20 injury or disease occurring before the effective date of this subsection ... [revisor
21 inserts date].

22 **SECTION 5. Effective date.**

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

24 (END)