



1999 SENATE BILL 368

February 8, 2000 - Introduced by Senators DRZEWIECKI, GEORGE, ROESSLER and ROSENZWEIG, cosponsored by Representatives PLOUFF, KAUFERT, RYBA, SPILLNER, ALBERS, GRONEMUS, BOYLE, SYKORA, KELSO, PETTIS and MUSSER. Referred to Joint survey committee on Retirement Systems.

1 **AN ACT to renumber and amend** 40.02 (48) (am) and 40.02 (48) (c); and **to**
2 **create** 40.02 (17) (n), 40.02 (48) (am) 22., 40.02 (48) (c) 18., 40.02 (54p) and 40.65
3 (4w) of the statutes; **relating to:** classifying state correctional institution
4 employes as protective occupation participants under the Wisconsin retirement
5 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 employes of the department of corrections who are employed at a state prison or a secured correctional facility 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) (n) of the statutes is created to read:

2 40.02 **(17)** (n) Notwithstanding par. (d), each participant who is a state
3 correctional institution employe on or after the effective date of this paragraph
4 [revisor inserts date], shall be granted creditable service as a state correctional
5 institution employe that was earned on or after the effective date of this paragraph
6 [revisor inserts date], but may not be granted creditable service as a protective
7 occupation participant for any covered service as a state correctional institution
8 employe that was earned before the effective date of this paragraph [revisor
9 inserts date], unless that service was earned while the participant was classified
10 under sub. (48) (a) and s. 40.06 (1) (d) as a protective occupation participant.

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

13 40.02 **(48)** (am) (intro.) “Protective occupation participant” includes any
14 participant whose name is certified to the fund as provided in s. 40.06 (1) (d) and (dm)
15 and who is a any of the following:

16 1. A conservation warden_{7,2}

17 2. A conservation patrol boat captain_{7,2}

18 3. A conservation patrol boat engineer_{7,2}

19 4. A conservation pilot_{7,2}

20 5. A conservation patrol officer_{7,2}

21 6. A forest fire control assistant_{7,2}

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- 1 7. A member of the state patrol,₂
- 2 8. A state motor vehicle inspector,₂
- 3 9. A police officer,₂
- 4 10. A fire fighter,₂
- 5 11. A sheriff,₂
- 6 12. An undersheriff,₂
- 7 13. A deputy sheriff,₂
- 8 14. A state probation and parole officer,₂
- 9 15. A county traffic police officer,₂
- 10 16. A state forest ranger,₂
- 11 17. A fire watcher employed by the Wisconsin veterans home,₂
- 12 18. A state correctional-psychiatric officer,₂
- 13 19. An excise tax investigator employed by the department of revenue,₂
- 14 20. A special criminal investigation agent in the department of justice,₂
- 15 21. An assistant or deputy fire marshal, or person employed under s. 61.66 (1).
- 16 **SECTION 3.** 40.02 (48) (am) 22. of the statutes is created to read:
- 17 40.02 (48) (am) 22. A state correctional institution employe.
- 18 **SECTION 4.** 40.02 (48) (c) of the statutes is renumbered 40.02 (48) (c) (intro.) and
- 19 amended to read:
- 20 40.02 (48) (c) (intro.) In s. 40.65, “protective occupation participant” means a
- 21 participating employe who is a any of the following:
- 22 1. A police officer,₂
- 23 2. A fire fighter,₂ ~~an~~₂
- 24 3. An individual determined by a participating employer under par. (a) or (bm)
- 25 to be a protective occupation participant,₂

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1 4. A county undersheriff,

2 5. A deputy sheriff,

3 6. A state probation and parole officer,

4 7. A county traffic police officer,

5 8. A conservation warden,

6 9. A state forest ranger,

7 10. A field conservation employe of the department of natural resources who
8 is subject to call for forest fire control or warden duty,

9 11. A member of the state traffic patrol,

10 12. A state motor vehicle inspector,~~university.~~

11 13. A University of Wisconsin system System full-time police officer,

12 14. A guard or any other employe whose principal duties are supervision and
13 discipline of inmates at a state penal institution,

14 15. An excise tax investigator employed by the department of revenue,

15 16. A person employed under s. 61.66 (1),~~or.~~

16 17. A special criminal investigation agent employed by the department of
17 justice.

18 **SECTION 5.** 40.02 (48) (c) 18. of the statutes is created to read:

19 40.02 **(48)** (c) 18. A state correctional institution employe.

20 **SECTION 6.** 40.02 (54p) of the statutes is created to read:

21 40.02 **(54p)** “State correctional institution employe” means an employe of the
22 department of corrections who is employed at a state correctional institution, as
23 defined in s. 301.01 (4).

24 **SECTION 7.** 40.65 (4w) of the statutes is created to read:

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1 40.65 (4w) A state correctional institution employe who becomes a protective
2 occupation participant on or after the effective date of this subsection ... [revisor
3 inserts date], is not entitled to a duty disability benefit under this section for an
4 injury or disease occurring before the effective date of this subsection ... [revisor
5 inserts date].

6 **SECTION 8. Effective date.**

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

8 (END)