



2007 ASSEMBLY BILL 354

May 24, 2007 - Introduced by Representatives MUSSER, BOYLE, ALBERS, BERCEAU, KAUFERT, HINTZ, GUNDERSON, JORGENSEN, GARTHWAITE, MASON, PARISI, HINES and BIES, cosponsored by Senators ERPENBACH, LASSA, ROESSLER, HANSEN and SCHULTZ. Referred to Committee on Corrections and Courts.

1 **AN ACT to amend** 40.02 (48) (c); and **to create** 40.02 (17) (n), 40.02 (17) (p), 40.02
2 (48) (bc), 40.02 (48) (bd), 40.65 (4vm) and 40.65 (4w) of the statutes; **relating**
3 **to:** classifying members of the Parole Commission and state employees who are
4 employed at a state correctional institution, juvenile correctional facility, the
5 mental health institutes at Mendota and Winnebago, the Wisconsin Resource
6 Center, and any secure mental health unit or facility for sexually violent
7 persons as protective occupation participants under the Wisconsin Retirement
8 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.

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This bill classifies members of the Parole Commission and state employees who are employed at state correctional institutions, juvenile correctional facilities, the mental health institutes at Mendota and Winnebago, the Wisconsin Resource Center, or any secure mental health unit or facility for sexually violent persons as protective occupation participants for the purposes of the WRS.

Because this bill relates to public employee retirement or pensions, it may be referred to the Joint Survey Committee on Retirement Systems for a report to be printed as an appendix to the bill.

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 employed at
3 a state correctional institution, a juvenile correctional facility, as defined in s. 938.02
4 (10p), a mental health institute specified in s. 51.05 (1), the Wisconsin Resource
5 Center, established under s. 46.056, or a secure mental health unit or facility,
6 established under s. 980.065 (2), on or after the effective date of this paragraph
7 [revisor inserts date], shall be granted creditable service as a protective occupation
8 participant for all covered service while employed at a state correctional institution,
9 a juvenile correctional facility, as defined in s. 938.02 (10p), a mental health institute
10 specified in s. 51.05 (1), the Wisconsin Resource Center, established under s. 46.056,
11 or a secure mental health unit or facility, established under s. 980.065 (2), that was
12 earned on or after the effective date of this paragraph [revisor inserts date], but
13 may not be granted creditable service as a protective occupation participant for any
14 covered service while employed at a state correctional institution, a juvenile
15 correctional facility, as defined in s. 938.02 (10p), a mental health institute specified
16 in s. 51.05 (1), the Wisconsin Resource Center, established under s. 46.056, or a
17 secure mental health unit or facility, established under s. 980.065 (2), that was

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1 earned before the effective date of this paragraph [revisor inserts date], unless
2 that service was earned while the participant was classified under sub. (48) (a) and
3 s. 40.06 (1) (d) as a protective occupation participant.

4 **SECTION 2.** 40.02 (17) (p) of the statutes is created to read:

5 40.02 (17) (p) Notwithstanding par. (d), each participant who is a member of
6 the parole commission on or after the effective date of this paragraph [revisor
7 inserts date], shall be granted creditable service as a protective occupation
8 participant for all covered service while a member of the parole commission that was
9 earned on or after the effective date of this paragraph [revisor inserts date], but
10 may not be granted creditable service as a protective occupation participant for any
11 covered service while a member of the parole commission that was earned before the
12 effective date of this paragraph [revisor inserts date], unless that service was
13 earned while the participant was classified under sub. (48) (a) and s. 40.06 (1) (d) as
14 a protective occupation participant.

15 **SECTION 3.** 40.02 (48) (bc) of the statutes is created to read:

16 40.02 (48) (bc) "Protective occupation participant" includes any participant
17 who is a member of the parole commission if the participant's employer classifies the
18 participant as a protective occupation participant and the department receives
19 notification of the participant's name as provided in s. 40.06 (1) (d) and (dm).
20 Notwithstanding par. (a), an employer shall classify a participant who is a member
21 of the parole commission as a protective occupation participant without making a
22 determination that the principal duties of the participant involve active law
23 enforcement or active fire suppression or prevention.

24 **SECTION 4.** 40.02 (48) (bd) of the statutes is created to read:

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1 40.02 (48) (bd) “Protective occupation participant” includes any participant
2 who is employed at a state correctional institution, a juvenile correctional facility, as
3 defined in s. 938.02 (10p), a mental health institute specified in s. 51.05 (1), the
4 Wisconsin Resource Center, established under s. 46.056, or a secure mental health
5 unit or facility, established under s. 980.065 (2), if the participant’s employer
6 classifies the participant as a protective occupation participant and the department
7 receives notification of the participant’s name as provided in s. 40.06 (1) (d) and (dm).
8 Notwithstanding par. (a), an employer shall classify a participant who is employed
9 at a state correctional institution, a juvenile correctional facility, as defined in s.
10 938.02 (10p), a mental health institute specified in s. 51.05 (1), the Wisconsin
11 Resource Center, established under s. 46.056, or a secure mental health unit or
12 facility, established under s. 980.065 (2), as a protective occupation participant
13 without making a determination that the principal duties of the participant involve
14 active law enforcement or active fire suppression or prevention.

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

16 40.02 (48) (c) In s. 40.65, “protective occupation participant” means a
17 participating employee who is a police officer, fire fighter, an individual determined
18 by a participating employer under par. (a), ~~(bc), (bd)~~, or (bm) to be a protective
19 occupation participant, county undersheriff, deputy sheriff, state probation and
20 parole officer, county traffic police officer, conservation warden, state forest ranger,
21 field conservation employee of the department of natural resources who is subject to
22 call for forest fire control or warden duty, member of the state traffic patrol, state
23 motor vehicle inspector, University of Wisconsin System full-time police officer,
24 guard or any other employee whose principal duties are supervision and discipline
25 of inmates at a state penal institution, excise tax investigator employed by the

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1 department of revenue, person employed under s. 61.66 (1), or special criminal
2 investigation agent employed by the department of justice.

3 **SECTION 6.** 40.65 (4vm) of the statutes is created to read:

4 40.65 (4vm) A participant who is a member of the parole commission, who
5 becomes a protective occupation participant on or after the effective date of this
6 subsection [revisor inserts date], is not entitled to a duty disability benefit under
7 this section for an injury or disease occurring before the effective date of this
8 subsection [revisor inserts date].

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

10 40.65 (4w) A participant employed at a state correctional institution, a juvenile
11 correctional facility, as defined in s. 938.02 (10p), a mental health institute specified
12 in s. 51.05 (1), the Wisconsin Resource Center, established under s. 46.056, or a
13 secure mental health unit or facility, established under s. 980.065 (2), who becomes
14 a protective occupation participant on or after the effective date of this subsection
15 [revisor inserts date], is not entitled to a duty disability benefit under this section for
16 an injury or disease occurring before the effective date of this subsection [revisor
17 inserts date].

18 **SECTION 8. Effective date.**

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

20 (END)