



1999 SENATE BILL 366

February 8, 2000 - Introduced by Senators ERPENBACH, RUDE and RISSER, cosponsored by Representatives MUSSER, BLACK, RYBA, POCAN, TURNER, BOYLE, PLOUFF and BERCEAU. 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 (57c) and 40.65
3 (4w) of the statutes; **relating to:** classifying state employes assigned as
4 security officers at facilities owned, leased or operated by the University of
5 Wisconsin Hospitals and Clinics Authority as protective occupation
6 participants under 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 as a protective occupation participant any state employe assigned as a security officer at any facility owned, leased or operated by the University of Wisconsin Hospitals and Clinics Authority and whose duties include direct contact with any person who is a patient, including a person who is receiving

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services for mental illness, developmental disability, alcoholism or drug dependency, or who is a prisoner while the person is on the premises of a facility owned, leased or operated by the University of Wisconsin Hospitals and Clinics Authority.

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.

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

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

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

17 1. A conservation warden,₂

18 2. A conservation patrol boat captain,₂

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- 1 3. A conservation patrol boat engineer,
- 2 4. A conservation pilot,
- 3 5. A conservation patrol officer,
- 4 6. A forest fire control assistant,
- 5 7. A member of the state patrol,
- 6 8. A state motor vehicle inspector,
- 7 9. A police officer,
- 8 10. A fire fighter,
- 9 11. A sheriff,
- 10 12. An undersheriff,
- 11 13. A deputy sheriff,
- 12 14. A state probation and parole officer,
- 13 15. A county traffic police officer,
- 14 16. A state forest ranger,
- 15 17. A fire watcher employed by the Wisconsin veterans home,
- 16 18. A state correctional-psychiatric officer,
- 17 19. An excise tax investigator employed by the department of revenue,
- 18 20. A special criminal investigation agent in the department of justice,
- 19 21. An assistant or deputy fire marshal, or person employed under s. 61.66 (1).

20 **SECTION 3.** 40.02 (48) (am) 22. of the statutes is created to read:

21 40.02 (48) (am) 22. A University of Wisconsin Hospitals and Clinics security
22 employe.

23 **SECTION 4.** 40.02 (48) (c) of the statutes is renumbered 40.02 (48) (c) (intro.) and
24 amended to read:

SENATE BILL 366**SECTION 4**

1 40.02 (48) (c) (intro.) In s. 40.65, “protective occupation participant” means a
2 participating employe who is a any of the following:

3 1. A police officer,₂

4 2. A fire fighter,~~an~~₂

5 3. An individual determined by a participating employer under par. (a) or (bm)
6 to be a protective occupation participant,₂

7 4. A county undersheriff,₂

8 5. A deputy sheriff,₂

9 6. A state probation and parole officer,₂

10 7. A county traffic police officer,₂

11 8. A conservation warden,₂

12 9. A state forest ranger,₂

13 10. A field conservation employe of the department of natural resources who
14 is subject to call for forest fire control or warden duty,₂

15 11. A member of the state traffic patrol,₂

16 12. A state motor vehicle inspector,~~university~~₂

17 13. A ~~University of Wisconsin system~~ System full-time police officer,₂

18 14. A guard or any other employe whose principal duties are supervision and
19 discipline of inmates at a state penal institution,₂

20 15. An excise tax investigator employed by the department of revenue,₂

21 16. A person employed under s. 61.66 (1),~~or~~₂

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

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

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1 40.02 (48) (c) 18. A University of Wisconsin Hospitals and Clinics security
2 employe.

3 **SECTION 6.** 40.02 (57c) of the statutes is created to read:

4 40.02 (57c) "University of Wisconsin Hospitals and Clinics security employe"
5 means any state employe assigned as a security officer at any facility owned, leased
6 or operated by the University of Wisconsin Hospitals and Clinics Authority and
7 whose duties include direct contact with any person who is a patient, including a
8 person who is receiving services for mental illness, developmental disability,
9 alcoholism or drug dependency, or who is a prisoner while the person is on the
10 premises of a facility owned, leased or operated by the University of Wisconsin
11 Hospitals and Clinics Authority.

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

13 40.65 (4w) A University of Wisconsin Hospitals and Clinics security employe
14 who becomes a protective occupation participant on or after the effective date of this
15 subsection [revisor inserts date], is not entitled to a duty disability benefit under
16 this section for an injury or disease occurring before the effective date of this
17 subsection [revisor inserts date].

18 **SECTION 8. Effective date.**

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