



## 2001 SENATE BILL 189

May 23, 2001 - Introduced by Senator ERPENBACH, cosponsored by Representatives TRAVIS, TURNER, SYKORA 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 (57c) and 40.65  
3     (4w) of the statutes; **relating to:** classifying state employees 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.

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### *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 employee 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

**SENATE BILL 189**

receiving 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.

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***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 employee on or after the effective date  
4 of this paragraph .... [revisor inserts date], shall be granted creditable service as a  
5 University of Wisconsin Hospitals and Clinics security employee 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 employee that  
9 was earned before the effective date of this paragraph .... [revisor inserts date],  
10 unless that service was earned while the participant was classified under sub. (48)  
11 (a) and 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,<sub>2</sub>

18           2. A conservation patrol boat captain,<sub>2</sub>

**SENATE BILL 189**

- 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 traffic 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 at Wisconsin veterans facilities,
- 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           employee.

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

**SENATE BILL 189****SECTION 4**

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

3           1. A police officer,

4           2. A fire fighter, ~~an~~

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

7           4. A county undersheriff,

8           5. A deputy sheriff,

9           6. A state probation and parole officer,

10          7. A county traffic police officer,

11          8. A conservation warden,

12          9. A state forest ranger,

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

15          11. A member of the state traffic patrol,

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

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

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

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

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

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:

**SENATE BILL 189**

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

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

4           40.02 (57c) "University of Wisconsin Hospitals and Clinics security employee"  
5 means any state employee 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 employee  
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.

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(END)