



2003 ASSEMBLY BILL 76

February 18, 2003 – Introduced by Representatives MUSSER, GUNDERSON, J. WOOD, BOYLE, FREESE, BLACK, PETTIS, LASSA, GRONEMUS, PLOUFF, BALOW, COGGS and MILLER, cosponsored by Senators ERPENBACH, ROESSLER, HANSEN, RISSER and BRESKE. Referred to Joint Committee on Retirement Systems.

1 **AN ACT to amend** 40.02 (48) (c); and **to create** 40.02 (17) (n), 40.02 (48) (bd) and
2 40.65 (4w) of the statutes; **relating to:** classifying certain teachers employed
3 by the state as protective occupation participants under the Wisconsin
4 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 teachers and librarians employed at state correctional institutions, secured 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.

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 teacher or
3 librarian employed at a state correctional institution, a secured correctional facility,
4 as defined in s. 938.02 (15m), a mental health institute specified in s. 51.05 (1), the
5 Wisconsin Resource Center, established under s. 46.056, or a secure mental health
6 unit or facility, established under s. 980.065 (2), on or after the effective date of this
7 paragraph [revisor inserts date], shall be granted creditable service as a
8 protective occupation participant for all covered service as a teacher or librarian
9 employed at a state correctional institution, a secured correctional facility, as defined
10 in s. 938.02 (15m), 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), that was earned on or after the effective date
13 of this paragraph [revisor inserts date], but may not be granted creditable service
14 as a protective occupation participant for any covered service as a teacher or
15 librarian employed at a state correctional institution, a secured correctional facility,
16 as defined in s. 938.02 (15m), a mental health institute specified in s. 51.05 (1), the
17 Wisconsin Resource Center, established under s. 46.056, or a secure mental health
18 unit or facility, established under s. 980.065 (2), that was earned before the effective
19 date of this paragraph [revisor inserts date], unless that service was earned while
20 the participant was classified under sub. (48) (a) and s. 40.06 (1) (d) as a protective
21 occupation participant.

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1 **SECTION 2.** 40.02 (48) (bd) of the statutes is created to read:

2 40.02 (48) (bd) “Protective occupation participant” includes any participant
3 who is a teacher or librarian employed at a state correctional institution, a secured
4 correctional facility, as defined in s. 938.02 (15m), a mental health institute specified
5 in s. 51.05 (1), the Wisconsin Resource Center, established under s. 46.056, or a
6 secure mental health unit or facility, established under s. 980.065 (2), if the
7 participant’s employer classifies the participant as a protective occupation
8 participant and the department receives notification of the participant’s name as
9 provided in s. 40.06 (1) (d) and (dm). Notwithstanding par. (a), an employer may
10 classify a participant who is a teacher or librarian employed at a state correctional
11 institution, a secured correctional facility, as defined in s. 938.02 (15m), a mental
12 health institute specified in s. 51.05 (1), the Wisconsin Resource Center, established
13 under s. 46.056, or a secure mental health unit or facility, established under s.
14 980.065 (2), as a protective occupation participant without making a determination
15 that the principal duties of the participant involve active law enforcement or active
16 fire suppression or prevention.

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

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

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1 any other employee whose principal duties are supervision and discipline of inmates
2 at a state penal institution, excise tax investigator employed by the department of
3 revenue, person employed under s. 61.66 (1), or special criminal investigation agent
4 employed by the department of justice.

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

6 40.65 (4w) A teacher or librarian employed at a state correctional institution,
7 a secured correctional facility, as defined in s. 938.02 (15m), a mental health institute
8 specified in s. 51.05 (1), the Wisconsin Resource Center, established under s. 46.056,
9 or a secure mental health unit or facility, established under s. 980.065 (2), who
10 becomes a protective occupation participant on or after the effective date of this
11 subsection [revisor inserts date], is not entitled to a duty disability benefit under
12 this section for an injury or disease occurring before the effective date of this
13 subsection [revisor inserts date].

14 **SECTION 5. Effective date.**

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

16 (END)