



2005 ASSEMBLY BILL 232

March 16, 2005 - Introduced by Representatives MUSSER, FREESE, BOYLE, BIES, HINES and ALBERS, cosponsored by Senator COGGS. Referred to Committee on Military Affairs. Referred to Joint Survey 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 employees of the
3 Department of Military Affairs who perform security functions at weapons
4 facilities owned by the state as protective occupation participants under the
5 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 employees of the Department of Military Affairs who perform security functions at weapons facilities owned by the state 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.

ASSEMBLY BILL 232

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 an employee
3 of the department of military affairs who performs security functions at weapons
4 facilities owned by the state on or after the effective date of this paragraph [revisor
5 inserts date], shall be granted creditable service as a protective occupation
6 participant for all covered service as an employee of the department of military
7 affairs who performs security functions at weapons facilities owned by the state that
8 was earned on or after the effective date of this paragraph [revisor inserts date],
9 but may not be granted creditable service as a protective occupation participant for
10 any covered service as an employee of the department of military affairs who
11 performs security functions at weapons facilities owned by the state that was earned
12 before the effective date of this paragraph [revisor inserts date], unless that
13 service was earned while the participant was classified under sub. (48) (a) and s.
14 40.06 (1) (d) as a protective occupation participant.

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

16 40.02 (48) (bd) “Protective occupation participant” includes any participant
17 who is an employee of the department of military affairs who performs security
18 functions at weapons facilities owned by the state. Notwithstanding par. (a), an
19 employer shall classify a participant who is an employee of the department of
20 military affairs who performs security functions at weapons facilities owned by the
21 state as a protective occupation participant without making a determination that the

ASSEMBLY BILL 232

1 principal duties of the participant involve active law enforcement or active fire
2 suppression or prevention.

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

4 40.02 (48) (c) In s. 40.65, “protective occupation participant” means a
5 participating employee who is a police officer, fire fighter, an individual determined
6 by a participating employer under par. (a), (bd), or (bm) to be a protective occupation
7 participant, county undersheriff, deputy sheriff, state probation and parole officer,
8 county traffic police officer, conservation warden, state forest ranger, field
9 conservation employee of the department of natural resources who is subject to call
10 for forest fire control or warden duty, member of the state traffic patrol, state motor
11 vehicle inspector, University of Wisconsin System full-time police officer, guard or
12 any other employee whose principal duties are supervision and discipline of inmates
13 at a state penal institution, excise tax investigator employed by the department of
14 revenue, person employed under s. 61.66 (1), or special criminal investigation agent
15 employed by the department of justice.

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

17 40.65 (4w) An employee of the department of military affairs who performs
18 security functions at weapons facilities owned by the state who becomes a protective
19 occupation participant on or after the effective date of this subsection ... [revisor
20 inserts date], is not entitled to a duty disability benefit under this section for an
21 injury or disease occurring before the effective date of this subsection ... [revisor
22 inserts date].

23 **SECTION 5. Effective date.**

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

25

(END)