

## 1999 SENATE BILL 105

March 31, 1999 – Introduced by Senators WIRCH, MOEN, BURKE, ROESSLER, DRZEWIECKI, BRESKE, ERPENBACH and PANZER, cosponsored by Representatives MUSSER, KAUFERT, GRONEMUS, KELSO, PLOUFF, BOCK, RYBA, ZIEGELBAUER, BOYLE, ALBERS, POCAN, MEYERHOFER and HUNDERTMARK. 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. and 40.65 (4w) of the  
3             statutes; **relating to:** classifying certain teachers employed by the state as  
4             protective occupation 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 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.

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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 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) (am) of the statutes is renumbered 40.02 (48) (am) (intro.)

2           and amended to read:

3           40.02 **(48)** (am) (intro.) “Protective occupation participant” includes any  
4           participant whose name is certified to the fund as provided in s. 40.06 (1) (d) and (dm)  
5           and who is a any of the following:

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

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1           21. An assistant or deputy fire marshal, or person employed under s. 61.66 (1).

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

3           40.02 **(48)** (am) 22. A teacher or librarian employed at a state correctional  
4 institution, a secured correctional facility, as defined in s. 938.02 (15m), a mental  
5 health institute specified in s. 51.05 (1), the Wisconsin resource center, established  
6 under s. 46.056, or a secure mental health unit or facility, established under s.  
7 980.065 (2).

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

10           40.02 **(48)** (c) (intro.) In s. 40.65, “protective occupation participant” means a  
11 participating employe who is a any of the following:

12           1. A police officer,<sub>2</sub>

13           2. A fire fighter,~~an~~<sub>2</sub>

14           3. An individual determined by a participating employer under par. (a) or (bm)  
15 to be a protective occupation participant,<sub>2</sub>

16           4. A county undersheriff,<sub>2</sub>

17           5. A deputy sheriff,<sub>2</sub>

18           6. A state probation and parole officer,<sub>2</sub>

19           7. A county traffic police officer,<sub>2</sub>

20           8. A conservation warden,<sub>2</sub>

21           9. A state forest ranger,<sub>2</sub>

22           10. A field conservation employe of the department of natural resources who  
23 is subject to call for forest fire control or warden duty,<sub>2</sub>

24           11. A member of the state traffic patrol,<sub>2</sub>

25           12. A state motor vehicle inspector,~~university~~<sub>2</sub>

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1           13. A University of Wisconsin system System full-time police officer,<sup>2</sup>

2           14. A guard or any other employe whose principal duties are supervision and  
3 discipline of inmates at a state penal institution.<sup>2</sup>

4           15. An excise tax investigator employed by the department of revenue,<sup>2</sup>

5           16. A person employed under s. 61.66 (1),~~or~~<sup>2</sup>

6           17. A special criminal investigation agent employed by the department of  
7 justice.

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

9           40.02 **(48)** (c) 18. A teacher or librarian employed at a state correctional  
10 institution, a secured correctional facility, as defined in s. 938.02 (15m), a mental  
11 health institute specified in s. 51.05 (1), the Wisconsin resource center, established  
12 under s. 46.056, or a secure mental health unit or facility, established under s.  
13 980.065 (2).

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

15           40.65 **(4w)** A teacher or librarian employed at a state correctional institution,  
16 a secured correctional facility, as defined in s. 938.02 (15m), a mental health institute  
17 specified in s. 51.05 (1), the Wisconsin resource center, established under s. 46.056,  
18 or a secure mental health unit or facility, established under s. 980.065 (2), who  
19 becomes a protective occupation participant on or after the effective date of this  
20 subsection .... [revisor inserts date], is not entitled to a duty disability benefit under  
21 this section for an injury or disease occurring before the effective date of this  
22 subsection .... [revisor inserts date].

23           **SECTION 7. Effective date.**

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

25

(END)