

1999 DRAFTING REQUEST

Bill

Received: **01/12/99**

Received By: **champra**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Wirch (608) 267-8979**

By/Representing: **Beth**

This file may be shown to any legislator: **NO**

Drafter: **champra**

May Contact:

Alt. Drafters:

Subject: **Employ Pub - retirement**

Extra Copies: **JEO**

Pre Topic:

No specific pre topic given

Topic:

Protective occupation participant status under the WRS

Instructions:

Redraft 1995 AB 287: take out PPOs and add those at mental health facilities at Mendota and Winnebago, Wis. Res. Center, sexual pred. facility.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	champra 02/8/99	ptellez 02/10/99	hhagen 02/11/99	_____	lrb_docadmin 02/11/99	lrb_docadminState 02/12/99	Retire

FE Sent For:

03-31-99

<END>

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1/?	champra	/1 pgt 2/9/99	at 2/11	all/DF 2/11			

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<END>



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1711/1
RAC:pgt

1999 BILL

1 *gen. cat.* AN ACT ...; relating to: classifying certain teachers employed by the state as
2 protective occupation 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 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.

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 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 warden₂,
- 7 2. A conservation patrol boat captain₂,
- 8 3. A conservation patrol boat engineer₂,
- 9 4. A conservation pilot₂,
- 10 5. A conservation patrol officer₂,
- 11 6. A forest fire control assistant₂,
- 12 7. A member of the state patrol₂,
- 13 8. A state motor vehicle inspector₂,
- 14 9. A police officer₂,
- 15 10. A fire fighter₂,
- 16 11. A sheriff₂,
- 17 12. An undersheriff₂,
- 18 13. A deputy sheriff₂,
- 19 14. A state probation and parole officer₂,
- 20 15. A county traffic police officer₂,
- 21 16. A state forest ranger₂,
- 22 17. A fire watcher employed by the Wisconsin veterans home₂,
- 23 18. A state correctional–psychiatric officer₂,
- 24 19. An excise tax investigator employed by the department of revenue₂,
- 25 20. A special criminal investigation agent in the department of justice₂,

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

History: 1981 c. 96, 187, 250, 274, 386; 1983 a. 9, 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 106, 140; 1983 a. 141 ss. 1 to 3, 20; 1983 a. 191 ss. 1, 6; 1983 a. 192 s. 304; 1983 a. 255 s. 6; 1983 a. 275, 290, 368; 1983 a. 435 s. 7; 1985 a. 29, 225; 1985 a. 332 ss. 52, 251 (1); 1987 a. 27, 62, 83, 107, 309, 340, 356, 363, 372, 399; 1987 a. 403 ss. 43 to 45, 256; 1989 a. 13, 14, 31; 1989 a. 56 s. 259; 1989 a. 166, 182, 189, 218, 230, 240, 323, 327, 336, 355, 357, 359; 1991 a. 32, 39, 113, 152, 229, 269, 315; 1993 a. 16, 263, 383, 490, 491; 1995 a. 27, ss. 1946 to 1953, 9130 (4); 1995 a. 81, 88, 89, 216, 240, 302-381, 417; 1997 a. 3, 27, 39, 69, 110, 162, 237, 238.

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_;

13 2. A fire fighter_;~~an.~~

14 3. An individual determined by a participating employer under par. (a) or (bm)
15 to be a protective occupation participant_;

16 4. A county undersheriff_;

17 5. A deputy sheriff_;

18 6. A state probation and parole officer_;

19 7. A county traffic police officer_;

20 8. A conservation warden_;

21 9. A state forest ranger_;

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_;

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- 1 11. A member of the state traffic patrol₇.
- 2 12. A state motor vehicle inspector, university.
- 3 13. A University of Wisconsin ~~system~~ System full-time police officer₇.
- 4 14. A guard or any other employe whose principal duties are supervision and
- 5 discipline of inmates at a state penal institution₇.
- 6 15. An excise tax investigator employed by the department of revenue₇.
- 7 16. A person employed under s. 61.66 (1), ~~or~~.
- 8 17. A special criminal investigation agent employed by the department of
- 9 justice.

History: 1981 c. 96, 187, 250, 274, 386; 1983 a. 9, 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 106, 140; 1983 a. 141 ss. 1 to 3, 20; 1983 a. 191 ss. 1, 6; 1983 a. 192 s. 304; 1983 a. 255 s. 6; 1983 a. 275, 290, 368; 1983 a. 435 s. 7; 1985 a. 29, 225; 1985 a. 332 ss. 52, 251 (1); 1987 a. 27, 62, 83, 107, 309, 340, 356, 363, 372, 399; 1987 a. 403 ss. 43 to 45, 256; 1989 a. 13, 14, 31; 1989 a. 56 s. 259; 1989 a. 166, 182, 189, 218, 230, 240, 323, 327, 336, 355, 357, 359; 1991 a. 32, 39, 113, 152, 229, 269, 315; 1993 a. 16, 263, 383, 490, 491; 1995 a. 27, ss. 1946 to 1953, 9130 (4); 1995 a. 81, 88, 89, 216, 246, 302, 381, 417; 1997 a. 3, 27, 39, 69, 110, 162, 237, 238.

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

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

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

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

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1 this section for an injury or disease occurring before the effective date of this
2 subsection [revisor inserts date].

3 **SECTION 7. Effective date.**

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

5 (END)

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

Date: 2/11/99

To: Senator Wirch

Relating to LRB drafting number: LRB-1711

Topic

Protective occupation participant status under the WRS

Subject(s)

Employ Pub - retirement

1. **JACKET** the draft for introduction

Sen. Bob Wirch

in the **Senate** or the **Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction .

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Richard A. Champagne, Legislative Attorney
Telephone: (608) 266-9930