

## 1999 SENATE BILL 211

July 20, 1999 – Introduced by Senators DRZEWIECKI, ROESSLER and DARLING, cosponsored by Representatives MUSSER, UNDERHEIM, RYBA, ALBERS, TURNER, BOYLE, HUNDERTMARK, GOETSCH, GRONEMUS, KAUFERT and AINSWORTH. 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 nurses employed by the state as  
4             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 nurses 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.

**SENATE BILL 211**

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

**SENATE BILL 211**

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,

**SENATE BILL 211****SECTION 2**

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 nurse employed at a state correctional institution, a  
4 secured correctional facility, as defined in s. 938.02 (15m), a mental health institute  
5 specified in s. 51.05 (1), the Wisconsin resource center, established under s. 46.056,  
6 or a secure mental health unit or facility, established under s. 980.065 (2).

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

9           40.02 **(48)** (c) (intro.) In s. 40.65, “protective occupation participant” means a  
10 participating employe who is a any of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

**SENATE BILL 211**

1           14. A guard or any other employe whose principal duties are supervision and  
2 discipline of inmates at a state penal institution,~~7,2~~

3           15. An excise tax investigator employed by the department of revenue,~~7,2~~

4           16. A person employed under s. 61.66 (1),~~7,2~~

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

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

8           40.02 **(48)** (c) 18. A nurse employed at a state correctional institution, a secured  
9 correctional facility, as defined in s. 938.02 (15m), a mental health institute specified  
10 in s. 51.05 (1), the Wisconsin resource center, established under s. 46.056, or a secure  
11 mental health unit or facility, established under s. 980.065 (2).

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

13           40.65 **(4w)** A nurse employed at a state correctional institution, a secured  
14 correctional facility, as defined in s. 938.02 (15m), a mental health institute specified  
15 in s. 51.05 (1), the Wisconsin resource center, established under s. 46.056, or a secure  
16 mental health unit or facility, established under s. 980.065 (2), who becomes a  
17 protective occupation participant on or after the effective date of this subsection ....  
18 [revisor inserts date], is not entitled to a duty disability benefit under this section for  
19 an injury or disease occurring before the effective date of this subsection .... [revisor  
20 inserts date].

21           **SECTION 7. Effective date.**

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

23

(END)