

## 1999 SENATE BILL 367

February 8, 2000 – Introduced by Senators ERPENBACH, RUDE, GROBSCHMIDT and RISSER, cosponsored by Representatives MUSSER, BLACK, RYBA, POCAN, TURNER, BOYLE and BERCEAU. 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 employes of the department of military affairs  
4             who perform security functions at weapons facilities owned by the state as  
5             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 employes 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.

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

15           **SECTION 2.** 40.02 (48) (am) of the statutes is renumbered 40.02 (48) (am) (intro.)  
16 and amended to read:

17           40.02 **(48)** (am) (intro.) “Protective occupation participant” includes any  
18 participant whose name is certified to the fund as provided in s. 40.06 (1) (d) and (dm)  
19 and who is a any of the following:

20           1. A conservation warden,

21           2. A conservation patrol boat captain,

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- 1           3. A conservation patrol boat engineer,
- 2           4. A conservation pilot,
- 3           5. A conservation patrol officer,
- 4           6. A forest fire control assistant,
- 5           7. A member of the state patrol,
- 6           8. A state motor vehicle inspector,
- 7           9. A police officer,
- 8           10. A fire fighter,
- 9           11. A sheriff,
- 10          12. An undersheriff,
- 11          13. A deputy sheriff,
- 12          14. A state probation and parole officer,
- 13          15. A county traffic police officer,
- 14          16. A state forest ranger,
- 15          17. A fire watcher employed by the Wisconsin veterans home,
- 16          18. A state correctional–psychiatric officer,
- 17          19. An excise tax investigator employed by the department of revenue,
- 18          20. A special criminal investigation agent in the department of justice,
- 19          21. An assistant or deputy fire marshal, or person employed under s. 61.66 (1).

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

21           40.02 **(48)** (am) 22. An employe of the department of military affairs who  
22 performs security functions at weapons facilities owned by the state.

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

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1           40.02 (48) (c) (intro.) In s. 40.65, “protective occupation participant” means a  
2 participating employe who is a any of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22          17. A special criminal investigation agent employed by the department of  
23 justice.

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

