

2001 DRAFTING REQUEST

Bill

Received: 09/21/2000

Received By: champra

Wanted: As time permits

Identical to LRB:

For: Terry Musser (608) 266-7461

By/Representing: Kathie

This file may be shown to any legislator: NO

Drafter: champra

May Contact:

Alt. Drafters:

Subject: Employ Pub - retirement

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Protective occupation participant status under the Wisconsin retirement system for certain teachers and librarians

Instructions:

Redraft 1999 -2342/1

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>
/?	champra 09/25/2000	hhagen 10/02/2000		_____			State Retire
/1			rschluet 10/04/2000	_____	lrb_docadmin 10/04/2000	lrb_docadmin 01/19/2001	

FE Sent For:

<END>

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1?	champra	11 hmk 9/26/00	 10/4/00	 Km. 10/11/00			
		1 9/29 jld					

FE Sent For:

<END>

LD-Note

1999 - 2000 LEGISLATURE

LRB-2842/1

RAC:pgt:lp

1999/2001 BILL

LRB-0485/1
RAC:hmk
jed

gmc

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.

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.

BILL

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}

7 2. A conservation patrol boat captain_{7,2}

8 3. A conservation patrol boat engineer_{7,2}

9 4. A conservation pilot_{7,2}

10 5. A conservation patrol officer_{7,2}

11 6. A forest fire control assistant_{7,2}

12 7. A member of the state patrol_{7,2}

13 8. A state motor vehicle inspector_{7,2}

14 9. A police officer_{7,2}

15 10. A fire fighter_{7,2}

16 11. A sheriff_{7,2}

17 12. An undersheriff_{7,2}

18 13. A deputy sheriff_{7,2}

19 14. A state probation and parole officer_{7,2}

20 15. A county traffic police officer_{7,2}

21 16. A state forest ranger_{7,2}

22 17. A fire watcher employed by the Wisconsin veterans home_{7,2}

23 18. A state correctional-psychiatric officer_{7,2}

24 19. An excise tax investigator employed by the department of revenue_{7,2}

25 20. A special criminal investigation agent in the department of justice_{7,2}

BILL

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_{5,2}

13 2. A fire fighter_{5,2}, ~~an~~

14 3. An individual determined by a participating employer under par. (a) or (bm)
15 to be a protective occupation participant_{5,2}

16 4. A county undersheriff_{5,2}

17 5. A deputy sheriff_{5,2}

18 6. A state probation and parole officer_{5,2}

19 7. A county traffic police officer_{5,2}

20 8. A conservation warden_{5,2}

21 9. A state forest ranger_{5,2}

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_{5,2}

24 11. A member of the state traffic patrol_{5,2}

25 12. A state motor vehicle inspector, ~~university~~

BILL

~~13. A University of Wisconsin system System full-time police officer.~~

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

~~15. An excise tax investigator employed by the department of revenue.~~

~~16. A person employed under s. 61.66 (1), or.~~

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

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

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

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

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

SECTION 7. Effective date.

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

(END)

Insert
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BILL

5-14

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:

SECTION 1. 40.02 (17) (n) of the statutes is created to read:

40.02 (17) (n) Notwithstanding par. (d), each participant who is an investigator employed by the office of the state public defender on or after the effective date of this paragraph [revisor inserts date], shall be granted creditable service as a protective occupation participant for all covered service as an investigator employed by the office of the state public defender that was earned on or after the date on which the department receives notification of the participant's name as provided in s. 40.06 (1) (d) and (dm), but may not be granted creditable service as a protective occupation participant for any covered service as an investigator employed by the office of the state public defender that was earned before that date, unless that service was earned while the participant was classified under sub. (48) (a) and s. 40.06 (1) (d) as a protective occupation participant.

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

40.02 (48) (bd) "Protective occupation participant" includes any participant who is an investigator employed by the office of the state public defender if the participant's employer classifies the participant as a protective occupation participant and the department receives notification of the participant's name as provided in s. 40.06 (1) (d) and (dm). Notwithstanding par. (a), an employer may classify a participant who is an investigator employed by the office of the state public defender as a protective occupation participant without making a determination

Insert continued
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Insert A

Insert A

BILL

1 that the principal duties of the participant involve active law enforcement or active
2 fire 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) A protective occupation participant who is an investigator
18 employed by the office of the state public defender is not entitled to a duty disability
19 benefit under this section for an injury or disease occurring before the date on which
20 the department receives notification of the participant's name as provided in s. 40.06
21 (1) (d) and (dm).~~

22 (END)

end of 5-14

Insert A

BILL

1 21. An assistant or deputy fire marshal, or person employed under s. 61.66 (1).
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 6 under s. 46.056, or a secure mental health unit or facility, established under s.
 7 980.065 (2)

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- 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,
- 24 11. A member of the state traffic patrol,
- 25 12. A state motor vehicle inspector, university.

A

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0485/dn

RAC:.....

Dakline

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Jid

Representative Musser:

I redrafted 1999 LRB-2342/1 to provide that the employers of the teachers and librarians are not required to make a determination that the teachers and librarians are involved in active law enforcement in order to qualify for protective occupation participant status.

Rick A. Champagne
Senior Legislative Attorney
Phone: (608) 266-9930
E-mail: rick.champagne@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0485/1dn
RAC:hmh&jld:rs

October 4, 2000

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STEPHEN R. MILLER
CHIEF

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

October 4, 2000

MEMORANDUM

To: Representative Musser

From: Rick A. Champagne, Senior Attorney

Re: LRB-0485 Protective occupation participant status under the Wisconsin retirement system for certain teachers and librarians

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-9930 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.