

2001 ASSEMBLY BILL 261

March 30, 2001 – Introduced by Representatives FREESE, MUSSER, AINSWORTH, ALBERS, BALOW, BERCEAU, BIES, GRONEMUS, GUNDERSON, HUEBSCH, JOHNSRUD, LASSA, LEIBHAM, LOEFFELHOLZ, MCCORMICK, PETTIS, PLOUFF, RYBA, SERATTI, SHILLING and SYKORA, cosponsored by Senators MOEN, BURKE, BAUMGART, BRESKE, S. FITZGERALD, M. MEYER, RISSER, ROSENZWEIG, SCHULTZ and PLACHE. Referred to Joint survey committee on Retirement Systems.

1 **AN ACT** *to amend* 40.02 (48) (am) and 40.02 (48) (c); and *to create* 40.02 (17) (n)
2 and 40.65 (4w) of the statutes; **relating to:** classifying county jailers as
3 protective occupation participants for the purposes of the Wisconsin retirement
4 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 county jailers 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.

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 county jailer
3 on or after the effective date of this paragraph [revisor inserts date], shall be
4 granted creditable service as a protective occupation participant for all covered
5 service as a county jailer that was earned on or after the effective date of this
6 paragraph [revisor inserts date], but may not be granted creditable service as a
7 protective occupation participant for any covered service as a county jailer that was
8 earned before the effective date of this paragraph [revisor inserts date], unless
9 that service was earned while the participant was classified under sub. (48) (a) and
10 s. 40.06 (1) (d) as a protective occupation participant.

11 **SECTION 2.** 40.02 (48) (am) of the statutes is amended to read:

12 40.02 (48) (am) “Protective occupation participant” includes any participant
13 whose name is certified to the fund as provided in s. 40.06 (1) (d) and (dm) and who
14 is a conservation warden, conservation patrol boat captain, conservation patrol boat
15 engineer, conservation pilot, conservation patrol officer, forest fire control assistant,
16 member of the state traffic patrol, state motor vehicle inspector, police officer, fire
17 fighter, sheriff, undersheriff, deputy sheriff, state probation and parole officer,
18 county traffic police officer, county jailer, state forest ranger, fire watcher employed
19 at Wisconsin veterans facilities, state correctional–psychiatric officer, excise tax
20 investigator employed by the department of revenue, special criminal investigation

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1 agent in the department of justice, assistant or deputy fire marshal, or person
2 employed under s. 61.66 (1).

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) or (bm) to be a protective occupation
7 participant, county undersheriff, deputy sheriff, state probation and parole officer,
8 county traffic police officer, county jailer, conservation warden, state forest ranger,
9 field conservation employee of the department of natural resources who is subject to
10 call for forest fire control or warden duty, member of the state traffic patrol, state
11 motor vehicle inspector, University of Wisconsin System full-time police officer,
12 guard or any other employee whose principal duties are supervision and discipline
13 of inmates at a state penal institution, excise tax investigator employed by the
14 department of revenue, person employed under s. 61.66 (1), or special criminal
15 investigation agent employed by the department of justice.

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

17 40.65 **(4w)** A county jailer who becomes a protective occupation participant on
18 or after the effective date of this subsection [revisor inserts date], is not entitled
19 to a duty disability benefit under this section for an injury or disease occurring before
20 the effective date of this subsection [revisor inserts date].

21 **SECTION 5. Effective date.**

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

23 **(END)**