

2001 SENATE BILL 188

May 23, 2001 – Introduced by Senators ERPENBACH, MOEN, GROBSCHMIDT and DARLING, cosponsored by Representatives TRAVIS, MILLER, TURNER, MUSSER and SYKORA. 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 employees of the department of military
4 affairs who perform security functions at weapons facilities owned by the state
5 as 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 employees 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.

SENATE BILL 188

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

SENATE BILL 188

- 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 traffic 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 at Wisconsin veterans facilities,
- 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 employee 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:

SENATE BILL 188

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

3 1. A police officer,

4 2. A fire fighter,~~an~~

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

7 4. A county undersheriff,

8 5. A deputy sheriff,

9 6. A state probation and parole officer,

10 7. A county traffic police officer,

11 8. A conservation warden,

12 9. A state forest ranger,

13 10. A field conservation employee of the department of natural resources who
14 is subject to call for forest fire control or warden duty,

15 11. A member of the state traffic patrol,

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

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

18 14. A guard or any other employee whose principal duties are supervision and
19 discipline of inmates at a state penal institution,

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

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

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:

SENATE BILL 188

1 40.02 **(48)** (c) 18. An employee of the department of military affairs who
2 performs security functions at weapons facilities owned by the state.

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

4 40.65 **(4w)** An employee of the department of military affairs who performs
5 security functions at weapons facilities owned by the state who becomes a protective
6 occupation participant on or after the effective date of this subsection [revisor
7 inserts date], is not entitled to a duty disability benefit under this section for an
8 injury or disease occurring before the effective date of this subsection [revisor
9 inserts date].

10 **SECTION 7. Effective date.**

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

12

(END)