



2001 SENATE BILL 351

December 19, 2001 - Introduced by Senators PLACHE, BURKE and ROESSLER, cosponsored by Representatives UNDERHEIM, POCAN, MUSSER, LASSA, SYKORA, BERCEAU, RYBA, MILLER, TURNER and PLOUFF. Referred to Joint Committee on Retirement Systems.

1 **AN ACT** *to amend* 40.02 (48) (c); and *to create* 40.02 (17) (n), 40.02 (48) (bd) and
2 40.65 (4w) of the statutes; **relating to:** classifying certain nurses and physician
3 assistants employed by the state as protective occupation participants under
4 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 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 and physician assistants employed at state correctional institutions or secured correctional facilities 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 nurse or
3 physician assistant employed at a state correctional institution or a secured
4 correctional facility, as defined in s. 938.02 (15m), on or after the effective date of this
5 paragraph [revisor inserts date], shall be granted creditable service as a
6 protective occupation participant for all covered service as a nurse or physician
7 assistant employed at a state correctional institution or a secured correctional
8 facility, as defined in s. 938.02 (15m), that was earned on or after the effective date
9 of this paragraph [revisor inserts date], but may not be granted creditable service
10 as a protective occupation participant for any covered service as a nurse or physician
11 assistant employed at a state correctional institution or a secured correctional
12 facility, as defined in s. 938.02 (15m), that was earned before the effective date of this
13 paragraph [revisor inserts date], unless that service was earned while the
14 participant was classified under sub. (48) (a) and s. 40.06 (1) (d) as a protective
15 occupation participant.

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

17 40.02 (48) (bd) "Protective occupation participant" includes any participant
18 who is a nurse or physician assistant employed at a state correctional institution or
19 a secured correctional facility, as defined in s. 938.02 (15m). Notwithstanding par.
20 (a), an employer shall classify a participant who is a nurse or physician assistant
21 employed at a state correctional institution or a secured correctional facility, as

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1 defined in s. 938.02 (15m), as a protective occupation participant without making a
2 determination that the principal duties of the participant involve active law
3 enforcement or active fire suppression or prevention.

4 **SECTION 3.** 40.02 (48) (c) of the statutes is amended to read:

5 40.02 (48) (c) In s. 40.65, “protective occupation participant” means a
6 participating employee who is a police officer, fire fighter, an individual determined
7 by a participating employer under par. (a), (bd), or (bm) to be a protective occupation
8 participant, county undersheriff, deputy sheriff, state probation and parole officer,
9 county traffic police officer, conservation warden, state forest ranger, field
10 conservation employee of the department of natural resources who is subject to call
11 for forest fire control or warden duty, member of the state traffic patrol, state motor
12 vehicle inspector, University of Wisconsin System full-time police officer, guard or
13 any other employee whose principal duties are supervision and discipline of inmates
14 at a state penal institution, excise tax investigator employed by the department of
15 revenue, person employed under s. 61.66 (1), or special criminal investigation agent
16 employed by the department of justice.

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

18 40.65 (4w) A nurse or physician assistant employed at a state correctional
19 institution or a secured correctional facility, as defined in s. 938.02 (15m), who
20 becomes a protective occupation participant on or after the effective date of this
21 subsection [revisor inserts date], is not entitled to a duty disability benefit under
22 this section for an injury or disease occurring before the effective date of this
23 subsection [revisor inserts date].

24 **SECTION 5. Effective date.**

