

2005 SENATE BILL 114

March 15, 2005 – Introduced by Senators ZIEN, SCHULTZ, BRESKE, JAUCH, LASSA, LEIBHAM and RISSER, cosponsored by Representatives FREESE, GRONEMUS, ALBERS, BLACK, BIES, J. FITZGERALD, GUNDERSON, HINES, KAUFERT, KERKMAN, MUSSER, PETTIS, SHERIDAN, SHILLING, SUDER and VAN AKKEREN. Referred to Joint Survey Committee on Retirement Systems.

1 **AN ACT** *to amend* 40.02 (48) (c); and *to create* 40.02 (17) (n), 40.02 (48) (am) 23.
2 and 40.65 (4w) of the statutes; **relating to:** classifying county jailers as
3 protective occupation participants for the purposes of the Wisconsin
4 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 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) 23. of the statutes is created to read:

12 40.02 **(48)** (am) 23. A county jailer.

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

14 40.02 **(48)** (c) In s. 40.65, “protective occupation participant” means a
15 participating employee who is a police officer, fire fighter, an individual determined
16 by a participating employer under par. (a) or (bm) to be a protective occupation
17 participant, county undersheriff, deputy sheriff, state probation and parole officer,
18 county traffic police officer, county jailer, conservation warden, state forest ranger,
19 field conservation employee of the department of natural resources who is subject to
20 call for forest fire control or warden duty, member of the state traffic patrol, state
21 motor vehicle inspector, University of Wisconsin System full-time police officer,

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1 guard or any other employee whose principal duties are supervision and discipline
2 of inmates at a state penal institution, excise tax investigator employed by the
3 department of revenue, person employed under s. 61.66 (1), or special criminal
4 investigation agent employed by the department of justice.

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

6 40.65 (4w) A county jailer who becomes a protective occupation participant on
7 or after the effective date of this subsection [revisor inserts date], is not entitled
8 to a duty disability benefit under this section for an injury or disease occurring before
9 the effective date of this subsection [revisor inserts date].

10 **SECTION 5. Effective date.**

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

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(END)