

2009 DRAFTING REQUEST

Bill

Received: 12/16/2009

Received By: rchampag

Wanted: As time permits

Identical to LRB:

For: Garey Bies (608) 266-5350

By/Representing: Andrew

This file may be shown to any legislator: NO

Drafter: rchampag

May Contact:

Addl. Drafters:

Subject: Employ Pub - retirement

Extra Copies:

Submit via email: YES

Requester's email: Rep.Bies@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

County Jailers as Protective Occupation Participants under WRS

Instructions:

Redraft 2005 AB 225

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>
/?				_____			S&L Retire
/1	rchampag 12/21/2009	jdyer 01/04/2010	phenry 01/04/2010	_____	cduerst 01/04/2010	sbasford 01/15/2010	

FE Sent For: "/1" @ Intro, 2/24/10

<END>

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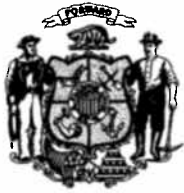
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/?	rchampag	1/4 jld	1/4 ph	1/4 ph mp			

FE Sent For:

<END>



2005 ASSEMBLY BILL 225

March 16, 2005 - Introduced by Representatives FREESE, GRONEMUS, ALBERS, BLACK, BIES, J. FITZGERALD, GUNDERSON, HINES, KAUFERT, KERKMAN, MUSSER, PETTIS, SHERMAN, SHILLING, SUDER and VAN AKKEREN, cosponsored by Senators ZIEN, SCHULTZ, BRESKE, JAUCH, LASSA, LEIBHAM and RISSER. Referred to Committee on Corrections and the Courts. 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.

12

(END)



JLD

2009 BILL

x
- gen. cat.

1 AN ACT ...; relating to: classifying county jailers as protective occupation
2 participants for the purposes of 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 classifies county jailers as protective occupation participants for the purposes of the WRS.

Because this bill relates to public employee retirement or pensions, it may be referred to the Joint Survey Committee on Retirement Systems for a report to be printed as an appendix to the bill.

For further information see the state and local 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:

BILL**SECTION 1**

1 **SECTION 1.** 40.02^x (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 shall be granted creditable service as a protective occupation participant[✓] for all
4 covered service while a county jailer that was earned on or after the effective date
5 of this paragraph[✓].... [LRB inserts date], but may not be granted creditable service
6 as a protective occupation participant for any covered service as a[✓] county jailer that
7 was earned before the effective date of this[✓] paragraph [LRB inserts date],[✓] unless
8 that service was earned while the participant was classified under sub. (48) (a) and
9 s. 40.06 (1) (d) as a protective occupation participant.[✓]

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

11 40.02 (48) (bd) "Protective occupation participant"[✓] includes any participant
12 who is a county jailer, if the department receives notification of the participant's
13 name as provided in s. 40.06 (1) (d) ~~and (d)(i)~~ Notwithstanding par. (a),[✓] an employer
14 shall classify such a participant as a protective occupation participant without
15 making a determination that the principal duties of the participant involve active
16 law enforcement or active fire suppression or prevention.

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

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

BILL

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

History: 1981 c. 96, 187, 250, 274, 386; 1983 a. 9, 27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 106, 140; 1983 a. 141 ss. 1 to 3, 20; 1983 a. 191 ss. 1, 6; 1983 a. 192 s. 304; 1983 a. 255 s. 6; 1983 a. 275, 290, 368; 1983 a. 435 s. 7; 1985 a. 29, 225; 1985 a. 332 ss. 52, 251 (1); 1987 a. 27, 62, 83, 107, 309, 340, 356, 363, 372, 399; 1987 a. 403 ss. 43 to 45, 256; 1989 a. 13, 14, 31; 1989 a. 56 s. 259; 1989 a. 166, 182, 189, 218, 230, 240, 323, 327, 336, 355, 357, 359; 1991 a. 32, 39, 113, 152, 229, 269, 315; 1993 a. 16, 263, 383, 490, 491; 1995 a. 27, ss. 1946 to 1953, 9130 (4); 1995 a. 81, 88, 89, 216, 240, 302, 381, 417; 1997 a. 3, 27, 39, 69, 110, 162, 237, 238; 1999 a. 9, 11, 42, 63, 65, 83; 2001 a. 16, 38, 103, 104, 109; 2003 a. 33; 2005 a. 153, 335; 2005 a. 20, 131, 226; 2009 a. 15, 28.

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[✓].... [LRB inserts date][✓], is not entitled to
 8 a duty disability benefit under this section[✓] for an injury or disease occurring before
 9 the effective date of this subsection[✓].... [LRB inserts date].

10 **SECTION 5. Effective date.**

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

12 (END)

Basford, Sarah

From: Fiocchi2, Tim

Sent: Thursday, January 14, 2010 3:00 PM

To: LRB.Legal

Subject: Draft Review: LRB 09-4003/1 Topic: County Jailers as Protective Occupation Participants under WRS

Please Jacket LRB 09-4003/1 for the ASSEMBLY.

01/14/2010