



1995 ASSEMBLY BILL 287

April 4, 1995 - Introduced by Representatives OURADA, GOETSCH, ZIEGELBAUER, DOBYNS, BALDWIN, SERATTI, MUSSER, MEYER, GROBSCHMIDT and BOYLE, cosponsored by Senators BRESKE and BUETTNER. 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) (m)
2 and 40.65 (4v) of the statutes; **relating to:** classifying state probation and
3 parole officers and teachers and librarians at state adult or juvenile
4 correctional institutions as protective occupation participants for the purposes
5 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 specifically classifies state probation and parole officers and teachers and librarians at state adult or juvenile correctional institutions 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.

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) (m) of the statutes is created to read:

2 40.02 **(17)** (m) Notwithstanding par. (d), each participant who is a state
3 probation and parole officer or a teacher or librarian at a state correctional
4 institution or secured facility on or after the effective date of this paragraph
5 [revisor inserts date], shall be granted creditable service as a protective occupation
6 participant for all covered service as a state probation and parole officer or a teacher
7 or librarian at a state correctional institution or secured correctional facility that was
8 earned on or after the effective date of this paragraph [revisor inserts date], but
9 may not be granted creditable service as a protective occupation participant for any
10 covered service as a state probation and parole officer or a teacher or librarian at a
11 state correctional institution or secured correctional facility that was earned before
12 the effective date of this paragraph [revisor inserts date], unless that service was
13 earned while the participant was classified under sub. (48) (a) and s. 40.06 (1) (d) as
14 a protective occupation participant.

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

16 40.02 **(48)** (am) “Protective occupation participant” includes any participant
17 whose name is certified to the fund as provided in s. 40.06 (1) (d) and (dm) and who
18 is a conservation warden, conservation patrol boat captain, conservation patrol boat
19 engineer, conservation pilot, conservation patrol officer, forest fire control assistant,
20 member of the state patrol, state motor vehicle inspector, police officer, fire fighter,
21 sheriff, undersheriff, deputy sheriff, state probation and parole officer, teacher or
22 librarian at a state correctional institution or secured correctional facility, county
23 traffic police officer, state forest ranger, fire watcher employed by the Wisconsin
24 veterans home, state correctional-psychiatric officer, excise tax investigator
25 employed by the department of revenue, special criminal investigation agent in the

1 department of justice, assistant or deputy fire marshal, or person employed under
2 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 employe 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 teacher or librarian at a state correctional institution or secured correctional facility,
9 county traffic police officer, conservation warden, state forest ranger, field
10 conservation employe 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 employe 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 (4v) of the statutes is created to read:

18 40.65 (4v) A state probation and parole officer or teacher or librarian at a state
19 correctional institution or secured correctional facility who becomes a protective
20 occupation participant on or after the effective date of this subsection ... [revisor
21 inserts date], is not entitled to a duty disability benefit under this section for an
22 injury or disease occurring before the effective date of this subsection ... [revisor
23 inserts date].

24 **SECTION 5. Effective date.**

