



1997 ASSEMBLY BILL 224

March 27, 1997 - Introduced by Representatives OURADA, DOBYNS, AINSWORTH, MEYER, GOETSCH, ZIEGELBAUER, MUSSER, VANDER LOOP, FREESE, LORGE, HAHN, BALDWIN, BOYLE, UNDERHEIM, OTT, GUNDERSON, PORTER, HUBER and PLALE, cosponsored by Senators BRESKE, PANZER 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 40.02 (17) (n), 40.65 (4v) and 40.65 (4w) of the statutes; **relating to:** classifying
3 state probation and parole officers and certain state employes who are teachers,
4 librarians and social workers as protective occupation participants for the
5 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 specifically classifies state probation and parole officers as protective occupation participants for the purposes of the WRS. In addition, the bill specifically classifies librarians, social workers and teachers who are employed at a state correctional institution or secured correctional facility or a secure mental health unit or facility for sexually violent persons as protective occupation participants for the purposes of the WRS.

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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 on or after the effective date of this paragraph ... [revisor
4 inserts date], shall be granted creditable service as a protective occupation
5 participant for all covered service as a state probation and parole officer that was
6 earned on or after the effective date of this paragraph ... [revisor inserts date], but
7 may not be granted creditable service as a protective occupation participant for any
8 covered service as a state probation and parole officer that was earned before the
9 effective date of this paragraph ... [revisor inserts date], unless that service was
10 earned while the participant was classified under sub. (48) (a) and s. 40.06 (1) (d) as
11 a protective occupation participant.

12 **SECTION 2.** 40.02 (17) (n) of the statutes is created to read:

13 40.02 (17) (n) Notwithstanding par. (d), each participant who is a librarian or
14 social worker or teacher employed at a state correctional institution or secured
15 correctional facility or a secure mental health unit or facility specified under s.
16 980.065 (1) on or after the effective date of this paragraph ... [revisor inserts date],
17 shall be granted creditable service as a protective occupation participant for all
18 covered service as a librarian or social worker or teacher employed at a state
19 correctional institution or secured correctional facility or a secure mental health unit
20 or facility specified under s. 980.065 (1) that was earned on or after the effective date

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1 of this paragraph [revisor inserts date], but may not be granted creditable service
2 as a protective occupation participant for any covered service as a librarian or social
3 worker or teacher employed at a state correctional institution or secured correctional
4 facility or a secure mental health unit or facility specified under s. 980.065 (1) that
5 was earned before the effective date of this paragraph [revisor inserts date],
6 unless that service was earned while the participant was classified under sub. (48)
7 (a) and s. 40.06 (1) (d) as a protective occupation participant.

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

9 40.02 (48) (am) "Protective occupation participant" includes any participant
10 whose name is certified to the fund as provided in s. 40.06 (1) (d) and (dm) and who
11 is a conservation warden, conservation patrol boat captain, conservation patrol boat
12 engineer, conservation pilot, conservation patrol officer, forest fire control assistant,
13 member of the state patrol, state motor vehicle inspector, police officer, fire fighter,
14 sheriff, undersheriff, deputy sheriff, state probation and parole officer, county traffic
15 police officer, librarian or social worker or teacher employed at a state correctional
16 institution or secured correctional facility or a secure mental health unit or facility
17 specified under s. 980.065 (1), state forest ranger, fire watcher employed by the
18 Wisconsin veterans home, state correctional-psychiatric officer, excise tax
19 investigator employed by the department of revenue, special criminal investigation
20 agent in the department of justice, assistant or deputy fire marshal, or person
21 employed under s. 61.66 (1).

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

23 40.02 (48) (c) In s. 40.65, "protective occupation participant" means a
24 participating employe who is a police officer, fire fighter, an individual determined
25 by a participating employer under par. (a) or (bm) to be a protective occupation

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1 participant, county undersheriff, deputy sheriff, state probation and parole officer,
2 county traffic police officer, librarian or social worker or teacher employed at a state
3 correctional institution or secured correctional facility or a secure mental health unit
4 or facility specified under s. 980.065 (1), conservation warden, state forest ranger,
5 field conservation employe of the department of natural resources who is subject to
6 call for forest fire control or warden duty, member of the state traffic patrol, state
7 motor vehicle inspector, university of Wisconsin system full-time police officer,
8 guard or any other employe whose principal duties are supervision and discipline of
9 inmates at a state penal institution, excise tax investigator employed by the
10 department of revenue, person employed under s. 61.66 (1), or special criminal
11 investigation agent employed by the department of justice.

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

13 40.65 (4v) A state probation and parole officer who becomes a protective
14 occupation participant on or after the effective date of this subsection [revisor
15 inserts date], is not entitled to a duty disability benefit under this section for an
16 injury or disease occurring before the effective date of this subsection [revisor
17 inserts date].

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

19 40.65 (4w) A librarian or social worker or teacher employed at a state
20 correctional institution or secured correctional facility or a secure mental health unit
21 or facility specified under s. 980.065 (1) who becomes a protective occupation
22 participant on or after the effective date of this subsection [revisor inserts date],
23 is not entitled to a duty disability benefit under this section for an injury or disease
24 occurring before the effective date of this subsection [revisor inserts date].

25 **SECTION 7. Effective date.**

