



2015 SENATE BILL 192

June 2, 2015 - Introduced by Senators WANGGAARD, BEWLEY, CARPENTER, LASEE, LASSA, GUDEx, HANSEN, MARKLEIN, RINGHAND, VINEHOUT, WIRCH and OLSEN, cosponsored by Representatives DANOU, KULP, KOLSTE, BERNIER, VORPAGEL, HESSELBEIN, MEYERS, BERCEAU, SUBECK, OHNSTAD, E. BROOKS and BOWEN. Referred to Committee on Elections and Local Government.

1 **AN ACT** *to repeal* 66.0137 (4m) (a); *to renumber and amend* 66.0137 (1) (ae);
2 *to amend* 20.835 (1) (db), 59.23 (2) (s), 66.0137 (3), 66.0137 (5) (c) 1., 66.0137
3 (5) (c) 2., 79.01 (2d) and 79.035 (5); *to repeal and recreate* 66.0137 (5) (c) 3.;
4 and *to create* 16.14, 20.505 (1) (cr), 66.0137 (1) (af), 66.0137 (1) (ag), 66.0137
5 (1) (am), 66.0137 (1) (ap), 66.0137 (1) (c), 66.0137 (5) (c) 1m., 66.0137 (5) (c) 4.
6 and 79.035 (6) of the statutes; **relating to:** requiring the payment of health
7 insurance premiums, and establishing a loan program, for survivors of a law
8 enforcement officer, emergency medical technician, or fire fighter who dies, or
9 has died, in the line of duty and making appropriations.

Analysis by the Legislative Reference Bureau

The bill requires a municipality or county (political subdivision) that pays health insurance premiums for its employees who are law enforcement officers or emergency medical technicians (EMTs) to pay such premiums for the surviving spouse and certain children of a law enforcement officer or EMT who dies, or has died, in the line of duty.

Subject to a number of limitations, current law requires a city, village, or town (municipality) that pays health insurance premiums for its employees who are fire

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fighters to pay such premiums for the surviving spouse and dependent children of a fire fighter who dies, or has died, in the line of duty. This general current law requirement does not apply to a surviving spouse who remarries or reaches the age of 65, or to a dependent child who reaches the age of 18 and is not a full-time high school student. Current law does require premium payments to be made for a dependent child who is a full-time or part-time student in an accredited college or university until the close of the calendar year in which the individual reaches the age of 26. This bill does not require such premium payments to be made after such an individual reaches the age of 26.

In addition to the new requirements to pay such premiums for law enforcement officers and EMT personnel, and surviving spouses and certain children who have not reached the age of 26, the bill requires the state to reimburse political subdivisions for premiums paid to cover the surviving spouses and children, until they reach the age of 26 or have insurance through their employer, of fallen fire fighters, law enforcement officers, and EMTs that were paid by the political subdivisions and that were not otherwise required to be paid under an employment-related benefit provided to the fire fighter, law enforcement officer, or EMT. The bill establishes a process whereby political subdivisions may seek reimbursement of the payment of premiums from the Department of Administration (DOA). The state is to pay these health insurance premiums only after any sick leave credits that may be used for the purchase of health insurance have been exhausted.

The bill further requires DOA to establish a loan program for surviving spouses of law enforcement officers and fire fighters who have died in the line of duty. The loan program must provide for the payment of a loan to a surviving spouse in an amount equal to the salary that would have been paid his or her deceased spouse had he or she not died in the line of duty. The loan must be disbursed to coincide with the pay period that applied to the deceased spouse, must be secured by the proceeds of any life insurance policy that covered the deceased spouse, and must come due when a surviving spouse receives the proceeds from the life insurance policy that covered his or her deceased spouse. No loan may be made for any period after the proceeds of a life insurance policy have been disbursed to the surviving spouse. To qualify for a loan, a surviving spouse must apply for the loan on a form prepared by DOA; provide all documentation required by DOA to verify that his or her spouse died in the line of duty; provide all documentation required by DOA to verify the salary of the deceased spouse; and enter into an agreement with DOA that any loan must be secured by the proceeds of a life insurance policy that covered his or her deceased spouse.

Under the bill, the amounts that DOA disburses for premiums, reimbursements, and loans for surviving spouses of law enforcement officers, EMTs, and fire fighters employed by a political subdivision are paid from the county and municipal aid account (shared revenue), and the total amount of shared revenue payments is decreased by the amounts disbursed by DOA.

The bill first applies, retroactively, to a law enforcement officer, EMT, or fire fighter who has died in the line of duty before the effective date of the bill, but only

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with respect to the payment of health insurance premiums that come due on or after the effective date of this 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:

1 **SECTION 1.** 16.14 of the statutes is created to read:

2 **16.14 Paying health insurance premiums, and establishing a loan**
3 **program, for dependents of law enforcement officers or fire fighters who**
4 **die in line of duty. (1)** In this section:

5 (a) “Dies in the line of duty” means a death that occurs, or occurred, as a direct
6 and proximate result of one or more of the following, sustained by a law enforcement
7 officer or fire fighter while he or she was engaged in a line of duty activity, or that
8 arose out of and as a result of such an individual’s performance of a line of duty
9 activity:

- 10 1. A personal injury.
11 2. The contraction of an infectious disease.
12 3. Exposure to hazardous materials or conditions.

13 (ae) “Fire fighter” means any individual employed by the state, including forest
14 rangers, foresters, and pilots, whose principal duties include fire fighting or forest
15 fire control.

16 (b) “Law enforcement officer” means any person employed by the state for the
17 purpose of detecting and preventing crime and enforcing laws and who is authorized
18 to make arrests for violations of the laws that the person is employed to enforce or
19 any person who is a correctional officer, as defined in s. 301.28 (1).

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1 (c) "Line of duty activity" means any employment-related action taken by a law
2 enforcement officer or fire fighter that is required or authorized by law, rule,
3 regulation, or condition of employment and for which compensation is provided by
4 his or her employer or would have been eligible to have been provided by the
5 employer if the law enforcement officer or fire fighter had been on duty when he or
6 she took the action in question.

7 (d) "Political subdivision" has the meaning given in s. 66.0137 (1) (c).

8 **(2)** (a) Except as provided in pars. (b) to (d), if a law enforcement officer or fire
9 fighter dies in the line of duty the department shall pay the premiums for hospital,
10 surgical, and other health insurance for the surviving spouse and dependent
11 children of the law enforcement officer or fire fighter. The department shall either
12 reimburse the surviving spouse and dependent children for the payment of the
13 premiums or shall pay the premiums directly to the department of employee trust
14 funds for health care coverage under subch. IV of ch. 40, whichever the department
15 considers appropriate. Premiums shall be paid from the appropriation under s.
16 20.505 (1) (cr).

17 (b) The department shall pay the premiums for the surviving spouse only until
18 the spouse remarries or reaches the age of 65, whichever occurs first.

19 (c) The department shall pay the premiums for a surviving child only until he
20 or she reaches the age of 26, unless the surviving child has insurance that is offered
21 through his or her employer.

22 (d) The department shall pay the premiums for the surviving spouse and
23 children of the law enforcement officer or fire fighter only after the exhaustion of any
24 credits under ss. 40.05 (4) (b) and 40.95 (1).

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1 **(3)** The department shall reimburse any political subdivision for health
2 insurance premiums paid by the political subdivision under s. 66.0137 (5) (c) 1. and
3 1m., provided the political subdivision submits the form and certification under s.
4 66.0137 (5) (c) 4. The reimbursement shall be paid from the appropriation under s.
5 20.835 (1) (db).

6 **(4)** The department shall establish a loan program for surviving spouses of law
7 enforcement officers or fire fighters who have died in the line of duty and for
8 surviving spouses identified in s. 66.0137 (5) (c) 1. or 1m. The loan program shall
9 provide for the payment of a loan to a surviving spouse in an amount equal to the
10 salary that would have been paid his or her deceased spouse had he or she not died
11 in the line of duty. The loan shall be disbursed to coincide with the pay period that
12 applied to the deceased spouse and shall be secured by the proceeds of any life
13 insurance policy that covered the deceased spouse. Loans made for surviving
14 spouses of law enforcement officers or fire fighters shall be paid from the
15 appropriation under s. 20.505 (1) (cr), and loans made for surviving spouses
16 identified in s. 66.0137 (5) (c) 1. or 1m. shall be paid from the appropriation under
17 s. 20.835 (1) (db). The repayment of loans shall be credited to the general fund as
18 general purpose revenue-earned. A loan shall come due when a surviving spouse
19 receives the proceeds from the life insurance policy that covered his or her deceased
20 spouse. No loan shall be made for any period after the proceeds of a life insurance
21 policy have been disbursed to the surviving spouse. To qualify for a loan under this
22 subsection, a surviving spouse shall do all of the following:

23 (a) Apply for the loan on a form prepared by the department.

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1 (b) Provide all documentation required by the department to verify that his or
2 her spouse was a law enforcement officer or fire fighter who died in the line of duty
3 or was an individual identified in s. 66.0137 (5) (c) 1. or 1m.

4 (c) Provide all documentation required by the department to verify the salary
5 of the deceased spouse.

6 (d) Enter into an agreement with the department that any loan made under
7 this subsection shall be secured by the proceeds of a life insurance policy that covered
8 his or her deceased spouse.

9 **SECTION 2.** 20.505 (1) (cr) of the statutes is created to read:

10 20.505 (1) (cr) *Payment of health insurance premiums and loans for law*
11 *enforcement officers or fire fighters who die in line of duty.* A sum sufficient to pay
12 the premiums and reimbursements and make loans for surviving spouses of law
13 enforcement officers or fire fighters under s. 16.14.

14 **SECTION 3.** 20.835 (1) (db) of the statutes is amended to read:

15 20.835 (1) (db) *County and municipal aid account.* A sum sufficient to make
16 payments to counties, towns, villages, and cities under s. 79.035, less the amount
17 paid from the appropriation under par. (r), and to pay the premiums and
18 reimbursements and make loans under s. 16.14 for surviving spouses identified in
19 s. 66.0137 (5) (c) 1. or 1m.

20 **SECTION 4.** 59.23 (2) (s) of the statutes is amended to read:

21 59.23 (2) (s) *List of local officials.* Annually, on the first Tuesday of June,
22 transmit to the secretary of state a list showing the name, phone number, electronic
23 mail address, and post-office address of local officials, including the chairperson,
24 mayor, president, clerk, treasurer, council and board members, and assessor of each
25 municipality, and of the elective or appointive officials of any other local

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1 governmental unit, as defined in s. 66.0135 (1) (c), that is located wholly or partly
2 within the county. Such lists shall be placed on file for the information of the public.
3 The clerk, secretary, or other administrative officer of a local governmental unit, as
4 defined in s. 66.0137 (1) (~~ae~~) (as), shall provide the county clerk the information he
5 or she needs to complete the requirements of this paragraph.

6 **SECTION 5.** 66.0137 (1) (ae) of the statutes is renumbered 66.0137 (1) (as) and
7 amended to read:

8 66.0137 (1) (as) “Local governmental unit” means a ~~municipality, county~~
9 political subdivision, school district (as enumerated in s. 67.01 (5)), sewerage district,
10 drainage district, and, without limitation because of enumeration, any other political
11 subdivision of the state.

12 **SECTION 6.** 66.0137 (1) (af) of the statutes is created to read:

13 66.0137 (1) (af) “Dies in the line of duty” means a death that occurs, or occurred,
14 as a direct and proximate result of one or more of the following, sustained by a law
15 enforcement officer, emergency medical technician, or fire fighter while he or she was
16 engaged in a line of duty activity or that arose out of and as a result of such an
17 individual’s performance of a line of duty activity:

- 18 1. A personal injury.
- 19 2. The contraction of an infectious disease.
- 20 3. Exposure to hazardous materials or conditions.

21 **SECTION 7.** 66.0137 (1) (ag) of the statutes is created to read:

22 66.0137 (1) (ag) “Emergency medical technician” has the meaning given in s.
23 256.01 (5).

24 **SECTION 8.** 66.0137 (1) (am) of the statutes is created to read:

25 66.0137 (1) (am) “Law enforcement officer” means all of the following:

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1 1. Any person employed by a political subdivision for the purpose of detecting
2 and preventing crime and enforcing laws or ordinances and who is authorized to
3 make arrests for violations of the laws or ordinances that the person is employed to
4 enforce.

5 2. Any jailer who, under the direction of a sheriff under s. 59.27 (1), keeps
6 persons in a county jail.

7 **SECTION 9.** 66.0137 (1) (ap) of the statutes is created to read:

8 66.0137 (1) (ap) "Line of duty activity" means any employment-related action
9 taken by a law enforcement officer, emergency medical technician, or fire fighter that
10 is required or authorized by law, rule, regulation, or condition of employment and for
11 which compensation is provided by his or her employing agency or would have been
12 eligible to have been provided by the employing agency if the law enforcement officer,
13 emergency medical technician, or fire fighter had been on duty when he or she took
14 the action in question.

15 **SECTION 10.** 66.0137 (1) (c) of the statutes is created to read:

16 66.0137 (1) (c) "Political subdivision" means any municipality or county.

17 **SECTION 11.** 66.0137 (3) of the statutes is amended to read:

18 66.0137 (3) HEALTH INSURANCE FOR UNEMPLOYED PERSONS. Any ~~municipality or~~
19 ~~county~~ political subdivision may purchase health or dental insurance for
20 unemployed persons residing in the ~~municipality or county~~ political subdivision who
21 are not eligible for medical assistance under s. 49.46, 49.468, 49.47, or 49.471 (4) (a).

22 **SECTION 12.** 66.0137 (4m) (a) of the statutes is repealed.

23 **SECTION 13.** 66.0137 (5) (c) 1. of the statutes is amended to read:

24 66.0137 (5) (c) 1. Except as provided in subds. 2. ~~and~~, 3., and 4., if a municipality
25 provides for the payment of premiums for hospital, surgical, and other health

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1 insurance for its fire fighters, it shall continue to pay such premiums for the
2 surviving spouse and dependent children of ~~a~~ the fire fighter who dies in the line
3 of duty.

4 **SECTION 14.** 66.0137 (5) (c) 1m. of the statutes is created to read:

5 66.0137 (5) (c) 1m. Except as provided in subds. 2., 3., and 4., if a political
6 subdivision provides for the payment of premiums for hospital, surgical, and other
7 health insurance for its law enforcement officers or emergency medical technicians,
8 it shall continue to pay such premiums for the surviving spouse and dependent
9 children of the law enforcement officer or emergency medical technician who dies
10 while in the line of duty.

11 **SECTION 15.** 66.0137 (5) (c) 2. of the statutes is amended to read:

12 66.0137 (5) (c) 2. A ~~municipality~~ political subdivision may not be required to
13 pay the premiums described in subd. 1. or 1m. for a surviving spouse upon the
14 remarriage of the surviving spouse or upon the surviving spouse reaching the age of
15 65.

16 **SECTION 16.** 66.0137 (5) (c) 3. of the statutes is repealed and recreated to read:

17 66.0137 (5) (c) 3. An individual is not a dependent child for the purposes of
18 subd. 1. or 1m. after the individual reaches the age of 26.

19 **SECTION 17.** 66.0137 (5) (c) 4. of the statutes is created to read:

20 66.0137 (5) (c) 4. A political subdivision may seek reimbursement from the
21 department of administration under s. 16.14 (3) for the payment of any premiums
22 described in subd. 1. or 1m. that were paid by the political subdivision without regard
23 to whether such payments were required to be paid under an employment-related
24 benefit provided to the fire fighter, law enforcement officer, or emergency medical
25 technician if the political subdivision provides the department of administration

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1 with written certification that the individual on whose behalf the premiums are
2 being paid died in the line of duty. The political subdivision shall seek
3 reimbursement from the department of administration, using a form provided by the
4 department of administration that specifies the premium amounts paid by the
5 political subdivision and the names, ages, and marital status of the individuals for
6 whom the premiums were paid. The political subdivision shall also certify that the
7 premiums could not be paid under a different employment-related benefit that was
8 provided to the fire fighter, law enforcement officer, or emergency medical
9 technician.

10 **SECTION 18.** 79.01 (2d) of the statutes is amended to read:

11 79.01 (2d) There is established an account in the general fund entitled the
12 "County and Municipal Aid Account." The total amount to be distributed in 2011 to
13 counties and municipalities from the county and municipal aid account is
14 \$824,825,715 and the total amount to be distributed to counties and municipalities
15 in 2012, and in each year thereafter, from the county and municipal aid account is
16 \$748,075,715, less the amounts paid under s. 16.14.

17 **SECTION 19.** 79.035 (5) of the statutes is amended to read:

18 79.035 (5) For Except as provided in sub. (6), for the distribution in 2013 and
19 subsequent years, each county and municipality shall receive a payment under this
20 section that is equal to the amount of the payment determined for the county or
21 municipality under this section for 2012.

22 **SECTION 20.** 79.035 (6) of the statutes is created to read:

23 79.035 (6) For the distribution in 2015 and subsequent years, each county and
24 municipality's payment under this section shall be reduced, in proportion to the
25 county's or municipality's share of total payments under this section, to reflect the

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1 reduction in the county and municipal aid account as a result of payments made
2 under s. 16.14 for surviving spouses identified in s. 66.0137 (5) (c) 1. or 1m.

3 **SECTION 21. Initial applicability.**

4 (1) This act first applies, retroactively, to a law enforcement officer, emergency
5 medical technician, or fire fighter who has died in the line of duty before the effective
6 date of this subsection, but only with respect to the payment of health insurance
7 premiums that come due on or after the effective date of this subsection.

8 (END)