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# Wisconsin Legislative Council

## AMENDMENT MEMO

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**2019 Senate Bill 266**

**Senate Substitute  
Amendment 2**

### CURRENT LAW

Under current law, if a city, village, or town pays for health insurance premiums for its firefighters, the city, village, or town must continue to pay the premiums for the surviving spouse and dependent children of a firefighter who dies in the line of duty.

Premium payments on behalf of a surviving spouse terminate when a spouse remarries or reaches age 65. Premium payments on behalf of a dependent child terminate when the child reaches age 18, unless the child is a full-time high school student, or, if the child is a full- or part-time student at an accredited college or university, at the close of the calendar year in which the child reaches age 27.

### 2019 SENATE BILL 266

Senate Bill 266 generally makes two primary revisions to current law: (1) it adds certain law enforcement officers, in addition to firefighters, whose surviving families are covered by the law; and (2) it creates a mechanism for municipalities to be reimbursed by the state for the premium payments. The bill also makes other operational revisions related to confidentiality and eligibility.

First, the bill expands the provision for firefighters to specify that health insurance premiums must also continue to be paid for the surviving spouse and dependent children of a law enforcement officer who dies in the line of duty. A law enforcement officer who is covered by the provision includes an officer in a local police department, a county jailer, and a Marquette University police officer.

Second, the bill specifies that a city, village, town, or county, and Marquette University, will be reimbursed annually from the police and fire protection fund for the health insurance premium payments made under this provision on behalf of a firefighter or law enforcement officer. Under the bill, documentation must be provided to the Public Service Commission, which is responsible for collecting the monthly telephone communications service fee that is deposited in the segregated police and fire protection fund.

In addition, the bill makes the following operational revisions to current law, which apply to all premium payments made on behalf of a firefighter or law enforcement officer who dies in the line of duty:

- Requires a city, village, town, or county, and Marquette University, to maintain confidentiality for personally identifiable information of a surviving spouse or dependent children for whom the premium payments are made.
- Revises the payments for a dependent child to terminate when a child reaches age 26 in all cases, without being tied to school enrollment.

- Creates a definition for what it means to die in the line of duty, which is undefined under current law. A death in the line of duty is one that occurs as a “direct and proximate” result of sustaining an injury, contracting an infectious disease, or experiencing exposure to hazardous materials or conditions, while engaged in an action that is required or authorized, and for which compensation is provided or would have been provided if the officer or firefighter had been on duty.

## **SENATE SUBSTITUTE AMENDMENT 2**

Senate Substitute Amendment 2 revises the specific categories of protective occupations for whom the continued benefits apply, the funding method that is used for the reimbursement, and the date on which the bill’s provisions are applicable. The substitute amendment also revises the meaning of death “in the line of duty,” as applied for purposes of the continued health insurance coverage.

The substitute amendment maintains the other operational provisions of the bill regarding termination of premium payments for a dependent child at age 26, and the confidentiality requirements, that apply in all cases.

### **Protective Occupations**

The substitute amendment adds additional categories of protective occupations that are covered by the bill. Specifically, in addition to adding an officer in a local police department, a county jailer, and a Marquette University police officer, the substitute amendment adds a state patrol officer, a state Capitol police officer, a University of Wisconsin System police officer, an officer in the Division of Criminal Investigation in the Department of Justice, a special agent in the Department of Revenue (DOR), a state conservation warden, a state fair park police officer, a sheriff, undersheriff, or deputy sheriff, a chief of police, and an emergency medical services (EMS) practitioner.

### **Reimbursement**

The substitute amendment provides reimbursement through the county and municipal aid program. Specifically, DOR must take two actions for the payment and funding of the reimbursement: (1) when a political subdivision reports that it has made the health insurance premium payments for a surviving family, DOR must reimburse the political subdivision with the next year’s shared revenue payment; and (2) DOR must reduce the total shared revenue balance by the total reimbursements, and distribute the reduced amount among all political subdivisions proportionately in relation to the share of the total.

The reimbursement is not available to a state or university entity that provides continued health insurance.

Under the substitute amendment, continued health insurance payments are excluded from a municipal budget calculation for the expenditure restraint program.

### **Definition of “Dies in the Line of Duty”**

The substitute amendment revises the definition for a death in the line of duty to remove the less immediate circumstances of infectious disease or general exposure to hazardous materials or conditions. Under the substitute amendment, a covered death in the line of duty is one that occurs as a direct and proximate result of a personal injury or a single exposure to a hazardous material or condition, while engaged in an action that is required or authorized, and for which compensation is provided or would have been provided if the officer, firefighter, or EMS practitioner had been on duty.

## **Retroactive Applicability**

The substitute amendment specifies that the new continued health insurance premium payments are required for a surviving spouse or dependent children of an officer or EMS practitioner who dies in the line of duty on or after January 1, 2019.

## **BILL HISTORY**

Senator Wanggaard offered Senate Substitute Amendment 2 on October 8, 2019. That same day, the Senate adopted Senate Substitute Amendment 2 on a voice vote, and passed the bill, as amended, on a vote of Ayes, 33; Noes, 0.

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