

**2001 DRAFTING REQUEST**

**Bill**

Received: 01/18/2001

Received By: **shoveme**

Wanted: **As time permits**

Identical to LRB:

For: **Julie Lassa (608) 267-9649**

By/Representing: **Dan**

This file may be shown to any legislator: **NO**

Drafter: **shoveme**

May Contact:

Addl. Drafters:

Subject: **Munis - miscellaneous  
Counties - miscellaneous  
Education - school boards  
Insurance - health**

Extra Copies: **PJK, PG, MJL**

Submit via email: **NO**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Allow local governments to provide health insurance for retired officers

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**Instructions:**

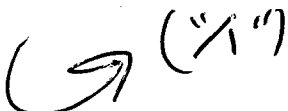
Allow local governmental units (pol. subdivisions, school dists, sewerage dist, etc) to provide health insurance for regired officers

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**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>
/1	shoveme 01/18/2001	gilfokm 01/20/2001	kfollet 01/31/2001	_____	lrb_docadmin 01/31/2001	lrb_docadminLocal 09/12/2001	

FE Sent For: 01/31/2001.



<END>

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FE Sent For:

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1?	shoveme	1-1/2 times 12-01	1/31	15/1 self 1/1/31			
11 MES 1/18/01							

FE Sent For:

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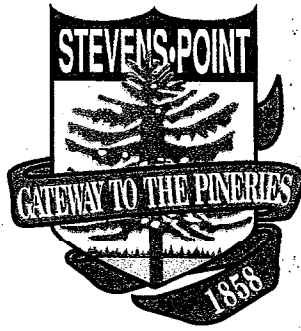


**JULIE LASSA**  
STATE REPRESENTATIVE

Have  
been in the  
info any question  
please call. Dan  
767-9699  
Thank

(see 1999  
SB400)

City Of Stevens Point  
1515 Strongs Avenue  
Stevens Point, WI 54481-3594  
FAX 715-346-1683



John J. Schlice  
Comptroller/Treasurer  
CMFA-CMTW  
715-346-1573

November 9, 2000

State Senator Kevin Shibilski  
Room 10 South, State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882

*Schlice would  
concur*

Representative Julie Lassa  
Room 122 North, State Capitol  
P.O. Box 8952  
Madison, WI 53708

re: Health Insurance Benefits for retired Municipal Officials

Dear Kevin and Julie,

I would like to congratulate both of you on your reelection. There never was any doubt in the outcome. I feel you both are doing a fine job.

There is an inequity in the State Statutes with providing health insurance benefits for retired Municipal Officials. There is currently a program for State Elected Officials and County Elected Officials. There is no express provision to allow this same benefit for Municipal Elected Officials.

I have been working on this with Curt Witynski from the Wisconsin League of Municipalities and requested information from the Attorney Generals Office, which referred me back to Curt. The conclusion is that the only way to rectify this inequity is to have the State Statutes amended to include local elected officials. Kevin, I know you are aware of the plan that Portage County has.

I am enclosing a copy of the State Statutes 66.185 and a 1974 letter that Curt Witynski wrote.

As you can see this has been questioned for sometime.

I formally request that both of you introduce and guide it through the legislature a bill to amend State Statute 66.185 to include this benefit for Municipal Elected Officials.

Sincerely

A handwritten signature in black ink, appearing to read "John Schlice", is written over a horizontal line.

John Schlice  
Comptroller-Treasurer  
CMFA-CMTW

April 18, 1994

To: Dan Thompson, Executive Director  
Kathy Bull, Assistant Director

From: Curt Witynski, Legal Counsel CW

Re: Health Insurance For Retired Municipal Officers; Sec. 66.185, Stats.

Last week, Don Green, the city attorney for Kaukauna, stopped by my office. He informed me that he will be retiring from city government on May 1. He has been the city attorney for Kaukauna for 30 years.

During our visit, Don pointed out a statute that he thought the League should attempt to change. The statute is sec. 66.185. This statute authorizes municipalities to pay health insurance premiums for active municipal employes and officers. The statute also authorizes municipalities to pay the health insurance premiums of retired municipal employes. However, there is no language in sec. 66.185 authorizing municipalities to pay the health insurance premiums of retired municipal officers. As a result, the attorney general has interpreted sec. 66.185 to mean that a municipality (other than a city of the first class) cannot authorize the use of municipal funds for payment of health insurance premiums on policies for the benefit of governing body members and other elected officials, irrespective of their years of service, who have left office. 70 OAG 77 (1981).

Curiously, sec. 66.186 authorizes cities of the first class to provide such a retirement benefit to both employes and officers. Maybe there are good reasons for treating the retired officers of villages and cities of the second, third and fourth class differently than retired municipal employes and retired Milwaukee officers. However, I cannot think of any. In my opinion, despite the presumption of constitutionality that generally applies to statutes, sec. 66.185 is probably vulnerable to an equal protection challenge.

I recommend that the League's legislative committees take a look at this issue and consider amending sec. 66.185 to allow municipalities to pay for the health insurance premiums of retired municipal officers.

cw:dtkb94

cc: Don Green, Kaukauna City Attorney

which are accepted by the judge of any court of record in this state, or which is approved by the comptroller of the said city, shall be sufficient security on any such bond, and that the premium on such bond, within the limits fixed by law, shall be paid out of the city treasury. The appointing officer shall immediately after the execution of such bond file the same with the city clerk, and it shall be the duty of the city clerk to require compliance with the terms of this section requiring the filing of bonds with the city clerk by officers and employes, and all such bonds of city officers and employes, duly witnessed and acknowledged, after being approved by the common council, shall be delivered to the city comptroller, who shall have them recorded in the office of the register of deeds and, after such recording by the city comptroller in the office of the register of deeds, the said bonds shall be returned to the city clerk, who shall keep them on file in the city clerk's office; except that after the recording of the bond of the city clerk by the city comptroller, said bond shall remain on file in the office of the city comptroller. Each bond filed by any surety company shall be accompanied by a duplicate of said bond, which duplicate shall be filed by the clerk with the city comptroller.

History: 1991 a. 316.

**66.146 Mayoral appointments in 1st class cities. (1) In this section:**

(a) "Public office" means the following positions, or their equivalent: city engineer; city purchasing agent; commissioner of building inspection, of city development, of health or of public works; director of administration, of budget and management, of community development agency, of employe relations, of office of telecommunications, or of safety; emergency management coordinator; employe benefits administrator; executive director of the commission on community relations; municipal port director; commissioner of assessments; director of liaison; city personnel director; executive director of the retirement board; executive director of the city board of election commissioners; city librarian; city labor negotiator; executive secretary of the board of fire and police commissioners; and supervisor of the central electronics board.

(b) "Public official" means a person appointed to a public office under this section.

(2) In any 1st class city, the mayor shall appoint, subject to confirmation of the common council, a person to serve in the unclassified service in each public office. A public official serves at the pleasure of the mayor until the end of the mayoral term of office during which the public official is appointed unless reappointed and reconfirmed or until a successor is appointed and confirmed, whichever is later. The mayor shall make appointments under this subsection within 90 days after taking office or within 90 days after a vacancy in the public office occurs, whichever is later. The common council shall vote on confirmation of any appointment under this subsection within 45 days after that appointment.

(3) If a 1st class city authorizes the position of deputy for a public office, the public official in that office shall appoint a person to serve in the unclassified service as deputy. That deputy shall serve at the pleasure of the public official, but not longer than the public official's term of office unless reappointed.

(4) This section does not affect the authority of a 1st class city to abolish, consolidate or create a public office or other position.

History: 1987 a. 289, 382; 1989 a. 31; 1991 a. 156; 1995 a. 247.

**66.18 Liability and worker's compensation insurance.** The state, or any municipality as defined in s. 345.05 (1) (c), is empowered to procure risk management services and liability insurance covering the state or municipality and its officers, agents and employes and worker's compensation insurance covering officers and employes of the state or municipality. A municipality may participate in and pay the cost of risk management ser-

vices and liability and worker's compensation insurance through a municipal insurance mutual organized under s. 611.23.

History: 1977 c. 346; 1983 a. 189 s. 329 (31); 1995 a. 197.

NOTE: Chapter 346, laws of 1977, which amended this section, has an extensive note explaining the amendment.

This section authorizes the purchase of liability insurance for state officers, agents and employes for errors or omissions in carrying out the responsibility of their governmental positions. 58 Atty. Gen. 150.

**66.182 Health insurance for unemployed persons.** Any city, village, town or county may purchase health or dental insurance for unemployed persons residing in the city, village, town or county who are not eligible for medical assistance under s. 49.46, 49.468 or 49.47.

History: 1995 a. 27 s. 2749; Stats. 1995 s. 66.182.

**66.184 Self-insured health plans.** If a city, including a 1st class city, or a village provides health care benefits under its home rule power, or if a town provides health care benefits, to its officers and employes on a self-insured basis, the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89; 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) to (13), 632.896, 767.25 (4m) (d), 767.51 (3m) (d) and 767.62 (4) (b) 4.

History: 1989 a. 201, 359; 1991 a. 39, 269; 1993 a. 246, 450, 481, 491; 1995 a. 289; 1997 a. 27, 155, 191, 237.

**66.185 Hospital, accident and life insurance.** Nothing in the statutes shall be construed to limit the authority of the state or municipalities, as defined in s. 345.05, to provide for the payment of premiums for hospital, surgical and other health and accident insurance and life insurance for employes and officers, and their spouses and dependent children, and such authority is hereby granted. A municipality may also provide for the payment of premiums for hospital and surgical care for its retired employes. In addition, a municipality may, by ordinance or resolution, elect to offer to all of its employes a health care coverage plan through a program offered by the group insurance board under ch. 40. Municipalities which elect to participate under s. 40.51 (7) shall be subject to the applicable sections of ch. 40 instead of this section.

History: 1985 a. 29.

**66.186 Health insurance; first class cities.** The common council of any 1st class city may, by ordinance or resolution, provide for general hospital, surgical and group insurance for both active and retired city officers and city employes and their respective dependents and for payment of premiums therefor in private companies, or may, by ordinance or resolution, elect to offer to all of its employes a health care coverage plan through a program offered by the group insurance board under ch. 40. Municipalities which elect to participate under s. 40.51 (7) shall be subject to the applicable sections of ch. 40 instead of this section. Contracts for such insurance may be entered into for active officers and employes separately from such contracts for retired officers and employes. Appropriations may be made for the purpose of financing such insurance. Moneys accruing to such fund, by investment or otherwise, shall not be diverted for any other purpose than those for which such fund was set up or to defray management expenses of such fund or to partially pay premiums so as to reduce costs to the city or to persons covered by such insurance, or both.

History: 1985 a. 29.

**66.187 Police authority to alderpersons in 1st class cities repealed.** No common council in a 1st class city by ordinance may give alderpersons the powers of city police officers.

History: 1983 a. 210; 1993 a. 184.

**66.189 Uninsured motorist coverage; 1st class cities.** A 1st class city shall provide uninsured motorist motor vehicle liability insurance coverage for motor vehicles owned by the city and operated by city employes in the course of employment. The





MES...  
*King*  
*RMK*

2001 BILL

*g*

1 AN ACT ...; relating to: allowing a local governmental unit to provide health  
2 insurance to its retired officers.

*Analysis by the Legislative Reference Bureau*

Under current law, the state or a local governmental unit (includes a city, village, town, county, school district, sewerage district, and drainage district) may pay the premiums for hospital, surgical, and other health and accident insurance and life insurance for employees and officers and their spouses and dependent children. A local governmental unit may also pay the premiums for hospital and surgical care for its retired employees. Also under current law, 1st class cities (presently only Milwaukee) may <sup>pay the premiums</sup> provide for general hospital, surgical, and group insurance for both active and retired city officers and city employees and their respective dependents.

This bill authorizes a local governmental unit to pay the premiums for hospital and surgical care for its retired officers.

For further information see the *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:*

3 SECTION 1. 66.0137 (5) of the statutes is amended to read:  
4 66.0137 (5) HOSPITAL, ACCIDENT AND LIFE INSURANCE. The state or a local  
5 governmental unit may provide for the payment of premiums for hospital, surgical

**BILL**

1 and other health and accident insurance and life insurance for employees and  
2 officers and their spouses and dependent children. A local governmental unit may  
3 also provide for the payment of premiums for hospital and surgical care for its retired  
4 employees and officers. In addition, a local governmental unit may, by ordinance or  
5 resolution, elect to offer to all of its employees a health care coverage plan through  
6 a program offered by the group insurance board under ch. 40. A local governmental  
7 unit that elects to participate under s. 40.51 (7) is subject to the applicable sections  
8 of ch. 40 instead of this subsection.

9 **History:** 1999 a. 9, 115; 1999 a. 150 ss. 34, 303 to 306; Stats. 1999 s. 66.0137; 1999 a. 186 s. 63.

**(END)**

**Barman, Mike**

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**From:** Shovers, Marc  
**Sent:** Wednesday, September 12, 2001 12:35 PM  
**To:** Barman, Mike  
**Cc:** Kursevski, Dan  
**Subject:** LRB 01-2141

Hi Mike:

Please jacket this bill for Rep. Lassa. Thanks.

Marc E. Shovers

Senior Legislative Attorney  
Legislative Reference Bureau  
Phone: (608) 266-0129  
Fax: (608) 264-8522  
e-mail: [marc.shovers@legis.state.wi.us](mailto:marc.shovers@legis.state.wi.us)