

## 2009 DRAFTING REQUEST

### Bill

Received: 11/17/2009

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **David Hansen (608) 266-5670**

By/Representing: **Jay**

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

Drafter: **mshovers**

May Contact:

Addl. Drafters:

Subject: **Local Gov't - munis generally**

Extra Copies: **EVM, PJK**

Submit via email: **YES**

Requester's email: **Sen.Hansen@legis.wisconsin.gov**

Carbon copy (CC:) to:

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### Pre Topic:

No specific pre topic given

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### Topic:

Require municipalities to pay health insurance premiums for surviving spouse, dependents, of fallen firefighters

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### Instructions:

See attached

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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> |
|--------------|------------------------|--------------------|------------------------|----------------|------------------------|------------------------|-----------------|
| /?           | mshovers<br>11/18/2009 | jdye<br>12/08/2009 |                        | _____          |                        |                        | S&L             |
| /1           |                        |                    | jfrantze<br>12/08/2009 | _____          | sbasford<br>12/08/2009 |                        | S&L             |
| /2           | mshovers<br>12/16/2009 | jdye<br>12/17/2009 | phenry<br>12/17/2009   | _____          | sbasford<br>12/17/2009 | sbasford<br>12/17/2009 |                 |

FE Sent For:

at  
intro

<END>

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JACKET  
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2 NES  
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|--------------|----------------|---------------------|--------------|----------------|------------------|-----------------|-----------------|
| 1/1<br>MES   | mshovers       | 1/12<br>3/12<br>JLW | JLW<br>12/8  | [Signature]    | [Signature]      |                 |                 |

FE Sent For:

<END>

## Shovers, Marc

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**From:** Wagnitz, John  
**Sent:** Tuesday, November 17, 2009 11:30 AM  
**To:** Kahler, Pam; Shovers, Marc  
**Subject:** Bill draft request

**Attachments:** 20091117102313851.pdf

Hi Pam and Marc,

I'm not sure who's area this is but Senator Hansen would like to draft legislation providing insurance benefits to spouses and children of fallen firefighters.

We would like to make the legislation similar to that of Illinois.

Please see the enclosed letter. Feel free to contact me with any questions.

Sincerely,

John Wagnitz  
Office of State Senator Dave Hansen  
18 South, State Capitol  
phone: (608) 266-5670



2009111710231385  
1.pdf (124 KB)...

[REDACTED]  
Green Bay, WI 54311

[REDACTED]  
Green Bay, WI 54303

Dear Senator Dave:

I was hoping that you could help me out with a few concerns that I have. First, since Arnie's death three years ago, I have been able to use his sick and vacation time towards coverage of my health and dental insurance through the city of Green Bay. Due to the expense, I got another insurance plan (Humana) for my 20 year old daughter, Kathryn, which is far from the benefits I receive. My son, Ryan, has been doing some research for me, and has found that the states of Minnesota and Illinois have public safety officer death benefits concerning health insurance. The Minnesota health insurance benefit pertains to career firefighters and states that, "for line-of-duty deaths, the employer shall continue to cover the firefighter's dependents, including the spouse. Employer is responsible for the employer's contribution for the coverage of the firefighter's dependents up to age 65 (MN Statutes 299A-465)." The health insurance benefit in Illinois also pertains to career firefighters and states: "Employer pays entire premium for the surviving spouse and each dependent child. Continues until child reaches age of majority or until the end of the calendar year in which the child reaches age 25 if the child continues to be dependent for support or is a full-time or part-time student and dependent for support. Remarriage of spouse terminates spousal coverage. Health insurance benefits from other sources reduce these benefits (Public Safety Employee Benefits Act Pub Act 90-535)." Could you check if there is some type of coverage in Wisconsin that I don't know about and if not, could some legislation be brought forward to allow for employer paid health and dental insurance for spouses and/or dependents of fallen public safety officers?

Second, again through research from my son, it was found that Arnie's pension should be tax exempt, due to the Fallen Hero Survivor Benefits Act of 2001 (P.L. 105-34). Wisconsin adopted the treatment authorized by the Fallen Hero Survivor Act of 2001. Could you please get the Wisconsin Retirement System to report on the 1099R the benefit as being "not taxable"? Could that also be addressed, since each time that we file our

taxes, our accountant has to write in a long explanation to the state and federal governments why we do not need to pay taxes on the pension?

Finally, I would like to know if there have been any developments on getting retroactive tuition coverage for my older son, Eric. Since the date of Arnie's death, Eric's tuition and fees have totaled \$19,560.32. (Fall 2006 \$2,857.96, Spring 2007 \$2,857.96, Fall 2007 \$2,979.60, Spring 2008 \$2,979.60, Fall 2008 \$3,154.08, Spring 2009 \$3,154.08, Summer 2009 \$1,577.04)

Thank you for all of your past help since Arnie's death three years ago. In fact, today would have been our 30 year wedding anniversary which was also the day of Arnie's funeral. I think of your granddaughter often and hope that you and your family are doing well.

Any questions, please feel free to call me or speak to my son, Ryan, at

[REDACTED]

Sincerely,  
[REDACTED]



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-3873/?

MES.....

Handwritten initials: jld, RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Handwritten mark: ✓

Handwritten initials: jfr

1 AN ACT ...; relating to: requiring municipalities to pay health insurance  
2 premiums for survivors of a fire fighter who dies, or has died, in the line of duty.

*Analysis by the Legislative Reference Bureau*

(municipality)

If a municipality (any) city, village, or town pays the health insurance premiums for its employees who are fire fighters, this bill requires the municipality 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.

\*

\*  
\*

The requirement created in the bill 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. The bill requires premium payments to be made for a dependent child who is a full 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 25.

-time

The bill first applies, retroactively, to a fire fighter who has died in the line of duty before the effective date of the 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:*

3 SECTION 1. 66.0137 (1) of the statutes is renumbered 66.0137 (1) (intro.) and  
4 amended to read:



1 66.0137 (1) DEFINITION. (intro.) In this section, <sup>✓</sup>“local; <sup>MOVE</sup>  
 2 <sup>✓</sup>(ae) “Local governmental unit” means a city, village, town, ~~municipality~~ county,  
 3 school district (as enumerated in s. 67.01 (5)), sewerage district, drainage district,  
 4 and, without limitation because of enumeration, any other political subdivision of  
 5 the state.

History: 1999 a. 9, 115; 1999 a. 150 ss. 34, 303 to 306; Stats. 1999 s. <sup>✓</sup>66.0137; 1999 a. 186 s. 63; 2001 a. 16, 30; 2005 a. 194; 2005 a. 443 s. 265; 2007 a. 20, 36; 2009 a. 14, 28.

6 SECTION 2. 66.0137 (1) (b) of the statutes is created to read:

7 66.0137 (1) (b) <sup>✓</sup>“Municipality” means any city, village, or town.

8 SECTION 3. 66.0137 (3) of the statutes is amended to read:

9 66.0137 (3) HEALTH INSURANCE FOR UNEMPLOYED PERSONS. Any <sup>✓</sup>city, village,  
 10 town, municipality or county may purchase health or dental insurance for  
 11 unemployed persons residing in the <sup>✓</sup>city, village, town, municipality or county who  
 12 are not eligible for medical assistance under s. 49.46, 49.468, 49.47, or 49.471 (4) (a)  
 13 or (b). <sup>delete</sup>

History: 1999 a. 9, 115; 1999 a. 150 ss. 34, 303 to 306; Stats. 1999 s. 66.0137; 1999 a. 186 s. 63; 2001 a. 16, 30; 2005 a. 194; 2005 a. 443 s. 265; 2007 a. 20, 36; 2009 a. 14, 28.

14 ~~SECTION 4. 66.0137 (5) of the statutes is renumbered 66.0137 (5) (a).~~

15 SECTION 5. 66.0137 (5) (b) of the statutes is created to read:

16 66.0137 (5) (b) <sup>✓</sup>1. Except as provided in subds. 2. <sup>✓</sup>and 3., <sup>✓</sup>if a municipality  
 17 provides for the payment of premiums for hospital, surgical, and other health  
 18 insurance for its fire fighters, <sup>✓</sup>it shall continue to pay such premiums for the  
 19 surviving spouse and dependent children of a fire fighter who dies in the line of duty. <sup>✓</sup>

20 2. A municipality may not be required to pay the premiums described in subd.  
 21 <sup>✓</sup>1. for a surviving spouse upon the remarriage of the surviving spouse or upon the  
 22 surviving spouse reaching the age of 65. <sup>✓</sup>



## Shovers, Marc

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**From:** Duerst, Christina  
**Sent:** Thursday, December 10, 2009 2:56 PM  
**To:** Shovers, Marc  
**Subject:** 09-3873 changes

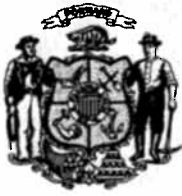
**Importance:** High

Marc,

John at Sen. Hansen's office just called because he sent a jacketing request for this and then realized he needed some changes. I did not jacket it yet but when you send it thru could you make a note on the request sheet for us to jacket it please?

He would like the age of "25" changed to "27" in the analysis and on page 3, line 9 he said.

Thanks,  
Christina



LRB

2009 BILL

Jacket  
for  
(5)

SOON

repen

4

1 AN ACT *to renumber and amend* 66.0137 (1); *to amend* 66.0137 (3); and *to*  
2 *create* 66.0137 (1) (b) and 66.0137 (5) (c) of the statutes; **relating to:** requiring  
3 municipalities to pay health insurance premiums for survivors of a fire fighter  
4 who dies, or has died, in the line of duty. ✓

***Analysis by the Legislative Reference Bureau***

If a city, village, or town (municipality) pays the health insurance premiums for its employees who are fire fighters, this bill requires the municipality 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.

The requirement created in the bill 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. The bill requires 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 27 ✓

The bill first applies, retroactively, to a fire fighter who has died in the line of duty before the effective date of the bill.

**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.** 66.0137 (1) of the statutes is renumbered 66.0137 (1) (intro.) and  
2 amended to read:

3           66.0137 (1) **DEFINITION.** (intro.) In this section, ~~“local;~~

4           ~~(ae)~~ “Local governmental unit” means a ~~city, village, town~~ municipality, county,  
5 school district (as enumerated in s. 67.01 (5)), sewerage district, drainage district,  
6 and, without limitation because of enumeration, any other political subdivision of  
7 the state.

8           **SECTION 2.** 66.0137 (1) (b) of the statutes is created to read:

9           66.0137 (1) (b) “Municipality” means any city, village, or town.

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

11          66.0137 (3) **HEALTH INSURANCE FOR UNEMPLOYED PERSONS.** Any ~~city, village,~~  
12 ~~town,~~ municipality or county may purchase health or dental insurance for  
13 unemployed persons residing in the ~~city, village, town,~~ municipality or county who  
14 are not eligible for medical assistance under s. 49.46, 49.468, 49.47, or 49.471 (4) (a)  
15 or (b).

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

17          66.0137 (5) (c) 1. Except as provided in subds. 2. and 3., if a municipality  
18 provides for the payment of premiums for hospital, surgical, and other health  
19 insurance for its fire fighters, it shall continue to pay such premiums for the  
20 surviving spouse and dependent children of a fire fighter who dies in the line of duty.

**BILL**

1           2. A municipality may not be required to pay the premiums described in subd.  
2 1. for a surviving spouse upon the remarriage of the surviving spouse or upon the  
3 surviving spouse reaching the age of 65.

4           3. An individual is not a dependent child for the purposes of subd. 1. after the  
5 individual reaches the age of 18 unless one of the following applies:

6           a. The individual is a full-time student in a secondary school.

7           b. The individual is a full-time or part-time student in an accredited college  
8 or university, except that this subd. 3. b. does not apply to such an individual after  
9 the close of the calendar year in which the individual reaches the age of 27 ✓

10           **SECTION 5. Initial applicability.**

11           (1) This act first applies, retroactively, to a fire fighter who has died in the line  
12 of duty before the effective date of this subsection. ✓

13

(END)