



## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

**2011 Senate Bill 18**

**Assembly Substitute  
Amendment 1 and Assembly  
Amendment 1 to Assembly  
Substitute Amendment 1**

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### **CURRENT LAW**

Under current law, a city, village, or town that pays health insurance premiums for its employees who are firefighters must continue to pay the premiums for the surviving unremarried spouse and dependant children of a firefighter who dies in the line of duty. This obligation continues with regard to a surviving unremarried spouse until the spouse remarries or reaches the age of 65. With regard to a dependant child, the obligation continues until age 27 if that child is a full-time student of a secondary school or a part-time or full-time student of an accredited college or university, or until age 18 if the dependant child is not.

### **2011 SENATE BILL 18, AS AMENDED BY THE SENATE AND MESSAGED TO THE ASSEMBLY**

Senate Bill 18, as amended by the Senate and messaged to the Assembly (the bill), requires continuation of health insurance for surviving unremarried spouses and dependant children of law enforcement officers who die, or have died, in the line of duty. The term "law enforcement officers" includes correctional officers and jailers at a county jail. In the case of law enforcement officers employed by the state, premiums for the health insurance continuation are to be paid by the Department of Administration (DOA) after exhaustion of any convertible sick leave credits. These payments may be made directly to the Department of Employee Trust Funds (ETF) or through reimbursement to the surviving spouse or dependent children, whichever DOA considers appropriate.

For law enforcement officers or firefighters employed by a city, village, town, or county (political subdivisions), premiums are paid by the political subdivision, which may apply for reimbursement of these payments from DOA. Reimbursement shall be made by DOA from the county and municipal aid account.

For the survivors of law enforcement officers and firefighters, these benefits continue with regard to a surviving spouse only until the earlier of when that spouse remarries or reaches the age of 65. The benefits continue with regard to dependent children only until that child reaches the age of 18, unless that child is a full-time student in a secondary school or a full-time or part time student in an accredited college or university. In those cases, the benefits continue until the child no longer maintains that educational status or the end of the calendar year in which the child reaches age 27, whichever is earlier.

The bill also creates a loan program that provides short-term income continuation for a surviving unremarried spouse of law enforcement officers and firefighters killed in the line of duty. The loan program provides a payment to a surviving unremarried spouse in the amount equal to the salary that would have been paid to the deceased spouse had that individual not died in the line of duty. Amounts distributed under the loan program are secured by any life insurance policy on the decedent that names the surviving spouse as beneficiary, and the loan is repaid to the general fund out of that policy's proceeds. No loan may be made for any period after the surviving spouse receives any proceeds from a life insurance policy that covers his or her decedent spouse.

### **ASSEMBLY AMENDMENT 1**

Assembly Amendment 1 (AA1) adds the surviving unremarried spouses and dependent children of state employed firefighters (including forest rangers, foresters, and pilots, whose principal duties include firefighting or forest fire control) to the list of those eligible for benefits provided under the bill, described above. Also, because 2011 Wisconsin Act 32 (the Budget Act) renumbered the municipal and county aid statute, AA1 amends the bill to be consistent with the Budget Act.

### **ASSEMBLY SUBSTITUTE AMENDMENT 1 AND AMENDMENT 1 TO ASSEMBLY SUBSTITUTE AMENDMENT 1**

#### **Assembly Substitute Amendment 1**

*Assembly Substitute Amendment 1* (ASA1) makes the following changes to the bill:

- Includes the provisions in AA1.
- For a law enforcement officer or fire fighter employed by the state:
  - Directs the employing state agency, not DOA, to pay the premiums for health insurance continuation to ETF. Under the bill, DOA would pay the premiums either to ETF or through reimbursements to the surviving unremarried spouse or dependent children, whichever DOA considered appropriate.
  - Clarifies that the health care coverage must be provided through the plan tier that was provided to the law enforcement officer or fire fighter at the time of his or her death. If a plan is not available in the decedent's tier, then the unremarried spouse or dependant children must be provided health care coverage in the available tier with the lowest premium cost.

- Deletes language in the bill that would give a political subdivision the ability to apply to DOA for reimbursement for the health care premiums paid to the unremarried spouse or dependent children. As previously mentioned the bill provided that these reimbursements would be paid from the county and municipal aid account.

### **AA1 to ASAI**

Under *AA1 to ASAI*, the health care premiums for a dependant child that is a full-time or part-time student end *after* the individual reaches the age of 27. Under both the bill and ASAI, the premiums would end *upon the close of the calendar year* in which the dependant child reached the age of 27.

### **LEGISLATIVE HISTORY**

On May 17, 2011, the Senate adopted by voice vote, Senate Substitute Amendment 1 and Senate Amendment 1 to the substitute amendment. The bill, as amended, was then passed by a vote of Ayes, 32; Noes, 0.

AA1 was introduced by the Assembly Committee on Urban and Local Affairs on September 13, 2011. On that same date, the committee recommended adoption of AA1 and passage of the bill, as amended, both by votes of Ayes, 9; Noes, 0.

On October 26, 2011, the Joint Committee on Finance (JCF) introduced ASAI and AA1 to ASAI. JCF then recommended adoption of AA1 to ASAI by a vote of Ayes, 11; Noes, 4. JCF also voted to recommend the bill as amended by ASAI, as amended by AA1 to ASAI, by a vote of Ayes, 14; Noes, 0.

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