



2017 SENATE BILL 97

March 9, 2017 - Introduced by Senators WANGGAARD, BEWLEY, DARLING, CARPENTER, ERPENBACH, FEYEN, HANSEN, HARS DORF, JOHNSON, LASEE, MARKLEIN, OLSEN, PETROWSKI, TESTIN, VUKMIR and WIRCH, cosponsored by Representatives SPIROS, BARCA, EDMING, ANDERSON, BALLWEG, BERCEAU, BERNIER, BILLINGS, BOWEN, BRANDTJEN, E. BROOKS, R. BROOKS, BROSTOFF, CROWLEY, DOYLE, HEBL, HESSELBEIN, HORLACHER, JACQUE, KLEEFISCH, KOLSTE, KREMER, KRUG, MACCO, MEYERS, MURPHY, MURSAU, NERISON, NOVAK, OHNSTAD, OTT, PRONSCHINSKE, QUINN, ROHRKASTE, SARGENT, SCHRAA, SKOWRONSKI, SNYDER, SPREITZER, SUBECK, TAUCHEN, C. TAYLOR, TITTL, TRANEL, TUSLER, VRUWINK, WICHGERS, ZIMMERMAN and GOYKE. Referred to Committee on Insurance, Housing and Trade.

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 79.035 (5); and *to create* 16.14, 20.505 (1) (cr), 66.0137 (1) (af), 66.0137 (1)
5 (ag), 66.0137 (1) (am), 66.0137 (1) (ap), 66.0137 (1) (c), 66.0137 (5) (c) 1m.,
6 66.0137 (5) (c) 4., 66.0137 (5) (c) 5. and 79.035 (7) of the statutes; **relating to:**
7 requiring the payment of health insurance premiums, and establishing a loan
8 program, for survivors of a law enforcement officer, emergency medical
9 technician, or fire fighter who dies in the line of duty and making
10 appropriations.

Analysis by the Legislative Reference Bureau

This bill establishes a health insurance benefit and loan program for the surviving spouses and dependent children of law enforcement officers and fire fighters employed by the state who die in the line of duty and for the surviving spouses and dependent children of local government law enforcement officers, fire fighters, and emergency medical technicians who die in the line of duty.

SENATE BILL 97

Under the health insurance benefit part of the program, the Department of Administration pays, or reimburses the surviving spouses of law enforcement officers or fire fighters employed by the state who die in the line of duty for the payment of, health insurance premiums for the spouses and the surviving dependent children. In addition, DOA reimburses local governments for health insurance premiums paid by the local governments for the surviving spouses and dependent children of local government law enforcement officers, fire fighters, and emergency medical technicians who die in the line of duty. These payments are made for the surviving spouse until he or she remarries or reaches the age of 65 and, generally, for surviving dependent children until they reach the age of 26.

Under the loan part of the program, DOA must provide for the payment of a loan to a surviving spouse in an amount equal to the salary that would have been paid to his or her deceased spouse had the spouse 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 a life insurance policy that covered the deceased spouse, and must come due when a surviving spouse receives the proceeds from the life insurance policy.

For the surviving spouses and dependent children of law enforcement officers or fire fighters employed by the state, the health insurance benefit and loan program is funded from the general fund. For the surviving spouses and dependent children of local government law enforcement officers, fire fighters, and emergency medical technicians, the program is funded from reduced shared revenue payments that would otherwise be paid to the local governments.

This program applies retroactively and covers surviving spouses and dependent children of law enforcement officers, fire fighters, and emergency medical technicians who died at any time in the line of duty, but only with respect to future health insurance benefits and loans.

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 surviving spouses and dependents of law enforcement**
4 **officers or fire fighters who die in the 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

SENATE BILL 97

1 officer or fire fighter while he or she was engaged in a line of duty activity, or that
2 arose out of and as a result of such an individual's performance of a line of duty
3 activity:

- 4 1. A personal injury.
- 5 2. The contraction of an infectious disease.
- 6 3. Exposure to hazardous materials or conditions.

7 (ae) "Fire fighter" means any individual employed by the state, including forest
8 rangers, foresters, and pilots, whose principal duties include fire fighting or forest
9 fire control.

10 (b) "Law enforcement officer" means any person employed by the state for the
11 purpose of detecting and preventing crime and enforcing laws and who is authorized
12 to make arrests for violations of the laws that the person is employed to enforce or
13 any person who is a correctional officer, as defined in s. 301.28 (1).

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

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

21 **(2)** (a) Except as provided in pars. (b) to (d), if a law enforcement officer or fire
22 fighter dies in the line of duty, the department shall pay the premiums for hospital,
23 surgical, and other health insurance for the surviving spouse and dependent
24 children of the law enforcement officer or fire fighter. The department shall either
25 reimburse the surviving spouse and dependent children for the payment of the

SENATE BILL 97**SECTION 1**

1 premiums or shall pay the premiums directly to the department of employee trust
2 funds for health care coverage under subch. IV of ch. 40, whichever the department
3 considers appropriate. Premiums shall be paid from the appropriation under s.
4 20.505 (1) (cr).

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

7 (c) The department shall pay the premiums for a surviving dependent child
8 only until he or she reaches the age of 26, but shall not pay any premiums if the
9 surviving dependent child has insurance that is offered through his or her employer.

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

13 **(3)** The department shall reimburse any political subdivision for health
14 insurance premiums paid by the political subdivision under s. 66.0137 (5) (c) 1. and
15 1m., provided the political subdivision submits the form and certification under s.
16 66.0137 (5) (c) 4. The reimbursement shall be paid from the appropriation under s.
17 20.835 (1) (db).

18 **(4)** The department shall establish a loan program for surviving spouses of law
19 enforcement officers and fire fighters and for surviving spouses identified in s.
20 66.0137 (5) (c) 1. or 1m. The loan program shall provide for the payment of a loan
21 to a surviving spouse in an amount equal to the salary that would have been paid his
22 or her deceased spouse had he or she not died in the line of duty. The loan shall be
23 disbursed to coincide with the pay period that applied to the deceased spouse and
24 must be secured by the proceeds of a life insurance policy that covered the deceased
25 spouse. Loans made for surviving spouses of law enforcement officers or fire fighters

SENATE BILL 97

1 shall be paid from the appropriation under s. 20.505 (1) (cr), and loans made for
2 surviving spouses identified in s. 66.0137 (5) (c) 1. or 1m. shall be paid from the
3 appropriation under s. 20.835 (1) (db). The repayment of loans shall be credited to
4 the general fund as general purpose revenue-earned. A loan shall come due when
5 a surviving spouse receives the proceeds from the life insurance policy that covered
6 his or her deceased spouse. No loan shall be made for any period after the proceeds
7 of a life insurance policy have been disbursed to the surviving spouse. To qualify for
8 a loan under this subsection, a surviving spouse shall do all of the following:

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

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

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

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

18 (5) Except as needed to administer this section, the department shall keep
19 confidential any personally identifiable information, as defined in s. 19.62 (5), of a
20 surviving spouse and dependent children for whom the department makes a
21 payment or reimbursement under sub. (2) or (3) and of a surviving spouse who
22 applies for a loan under sub. (4).

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

24 20.505 (1) (cr) *Payment of health insurance premiums and loans for law*
25 *enforcement officers or fire fighters employed by the state who die in the line of duty.*

SENATE BILL 97

1 A sum sufficient to pay the premiums and reimbursements and make loans under
2 s. 16.14 for surviving spouses and dependent children of law enforcement officers or
3 fire fighters employed by the state.

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

5 20.835 (1) (db) *County and municipal aid account.* A sum sufficient to make
6 payments to counties, towns, villages, and cities under s. 79.035, less the amount
7 paid from the appropriation under par. (r), and to pay reimbursements to political
8 subdivisions and make loans under s. 16.14 for surviving spouses identified in s.
9 66.0137 (5) (c) 1. or 1m.

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

11 59.23 (2) (s) *List of local officials.* Annually, on the first Tuesday of June,
12 transmit to the secretary of state a list showing the name, phone number, electronic
13 mail address, and post-office address of local officials, including the chairperson,
14 mayor, president, clerk, treasurer, council and board members, and assessor of each
15 municipality, and of the elective or appointive officials of any other local
16 governmental unit, as defined in s. 66.0135 (1) (c), that is located wholly or partly
17 within the county. Such lists shall be placed on file for the information of the public.
18 The clerk, secretary, or other administrative officer of a local governmental unit, as
19 defined in s. 66.0137 (1) (~~ae~~) (as), shall provide the county clerk the information he
20 or she needs to complete the requirements of this paragraph.

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

23 66.0137 (1) (as) “Local governmental unit” means a ~~municipality, county~~
24 political subdivision, school district (as enumerated in s. 67.01 (5)), sewerage district,

SENATE BILL 97

1 drainage district, and, without limitation because of enumeration, any other political
2 subdivision of the state.

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

4 66.0137 (1) (af) “Dies in the line of duty” means a death that occurs, or occurred,
5 as a direct and proximate result of one or more of the following, sustained by a law
6 enforcement officer, emergency medical technician, or fire fighter while he or she was
7 engaged in a line of duty activity or that arose out of and as a result of such an
8 individual’s performance of a line of duty activity:

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

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

13 66.0137 (1) (ag) “Emergency medical technician” has the meaning given in s.
14 256.01 (5).

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

16 66.0137 (1) (am) “Law enforcement officer” means all of the following:

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

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

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

24 66.0137 (1) (ap) “Line of duty activity” means any employment-related action
25 taken by a law enforcement officer, emergency medical technician, or fire fighter that

SENATE BILL 97

1 is required or authorized by law, rule, regulation, or condition of employment and for
2 which compensation is provided by his or her employing agency or would have been
3 eligible to have been provided by the employing agency if the law enforcement officer,
4 emergency medical technician, or fire fighter had been on duty when he or she took
5 the action in question.

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

7 66.0137 (1) (c) "Political subdivision" means any municipality or county.

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

9 66.0137 (3) HEALTH INSURANCE FOR UNEMPLOYED PERSONS. Any ~~municipality or~~
10 ~~county~~ political subdivision may purchase health or dental insurance for
11 unemployed persons residing in the ~~municipality or county~~ political subdivision who
12 are not eligible for medical assistance under s. 49.46, 49.468, 49.47, or 49.471 (4) (a).

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

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

15 66.0137 (5) (c) 1. Except as provided in subds. 2. ~~and~~, 3., and 4., if a municipality
16 provides for the payment of premiums for hospital, surgical, and other health
17 insurance for its fire fighters, it shall continue to pay such premiums for the
18 surviving spouse and dependent children of ~~a~~ the fire fighter who dies in the line
19 of duty.

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

21 66.0137 (5) (c) 1m. Except as provided in subds. 2., 3., and 4., if a political
22 subdivision provides for the payment of premiums for hospital, surgical, and other
23 health insurance for its law enforcement officers or emergency medical technicians,
24 it shall continue to pay such premiums for the surviving spouse and dependent

SENATE BILL 97

1 children of the law enforcement officer or emergency medical technician who dies
2 while in the line of duty.

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

4 66.0137 (5) (c) 2. A municipality political subdivision may not be required to
5 pay the premiums described in subd. 1. or 1m. for a surviving spouse upon the
6 remarriage of the surviving spouse or upon the surviving spouse reaching the age of
7 65.

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

9 66.0137 (5) (c) 3. An individual is not a dependent child for the purposes of
10 subd. 1. or 1m. after the individual reaches the age of 26.

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

12 66.0137 (5) (c) 4. A political subdivision may seek reimbursement from the
13 department of administration under s. 16.14 (3) for the payment of any premiums
14 described in subd. 1. or 1m. that were paid by the political subdivision without regard
15 to whether such payments were required to be paid under an employment-related
16 benefit provided to the fire fighter, law enforcement officer, or emergency medical
17 technician if the political subdivision provides the department of administration
18 with written certification that the individual on whose behalf the premiums are
19 being paid died in the line of duty. The political subdivision shall seek
20 reimbursement from the department of administration, using a form provided by the
21 department of administration that specifies the premium amounts paid by the
22 political subdivision and the names, ages, and marital statuses of the individuals for
23 whom the premiums were paid. The political subdivision shall also certify that the
24 premiums could not be paid under a different employment-related benefit that was

SENATE BILL 97

1 provided to the fire fighter, law enforcement officer, or emergency medical
2 technician.

3 **SECTION 18.** 66.0137 (5) (c) 5. of the statutes is created to read:

4 66.0137 (5) (c) 5. Except as needed to administer this paragraph, a political
5 subdivision shall keep confidential any personally identifiable information, as
6 defined in s. 19.62 (5), of a surviving spouse and dependent children for whom the
7 political subdivision makes a payment or reimbursement under this paragraph.

8 **SECTION 19.** 79.01 (2d) of the statutes is amended to read:

9 79.01 (2d) There is established an account in the general fund entitled the
10 "County and Municipal Aid Account." The total amount to be distributed in 2011 to
11 counties and municipalities from the county and municipal aid account is
12 \$824,825,715 and the total amount to be distributed to counties and municipalities
13 in 2012, and in each year thereafter, from the county and municipal aid account is
14 \$748,075,715, less the amounts paid under s. 16.14.

15 **SECTION 20.** 79.035 (5) of the statutes is amended to read:

16 79.035 (5) Except as provided in ~~sub.~~ subs. (6) and (7), for the distribution in
17 2013 and subsequent years, each county and municipality shall receive a payment
18 under this section that is equal to the amount of the payment determined for the
19 county or municipality under this section for 2012.

20 **SECTION 21.** 79.035 (5) of the statutes, as affected by 2015 Wisconsin Act 60,
21 section 48d, and 2017 Wisconsin Act (this act), is repealed and recreated to read:

22 79.035 (5) Except as provided in sub. (7), for the distribution in 2013 and
23 subsequent years, each county and municipality shall receive a payment under this
24 section that is equal to the amount of the payment determined for the county or
25 municipality under this section for 2012.

