State of Wisconsin

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2019 Senate Bill 266

2019 WISCONSIN ACT 19

An Act to renumber and amend 66.0137 (1) (ae); to amend 59.23 (2) (s), 66.0137 (3), 66.0137 (4m) (a), 66.0137 (5) (c) 1., 66.0137 (5) (c) 2., 79.035 (5) and 79.05 (2) (c); to repeal and recreate 66.0137 (5) (c) 3. and 79.035 (5); and to create 66.0137 (1) (ac), 66.0137 (1) (af), 66.0137 (1) (ah), 66.0137 (1) (am), 66.0137 (1) (ap), 66.0137 (1) (c), 66.0137 (5) (c) 1m., 66.0137 (5) (c) 4., 66.0137 (5) (d) and 79.035 (8) of the statutes; relating to: requiring political subdivisions, the state, and Marquette University to pay health insurance premiums, including on a limited retroactive basis, for survivors of a law enforcement officer who dies in the line of duty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 59.23 (2) (s) of the statutes is amended to read:

59.23 (2) (s) List of local officials. Annually, on the first Tuesday of June, transmit to the secretary of state a list showing the name, phone number, electronic mail address, and post-office address of local officials, including the chairperson, mayor, president, clerk, treasurer, council and board members, and assessor of each municipality, and of the elective or appointive officials of any other local governmental unit, as defined in s. 66.0137 (1) (ae) (as), shall provide the county clerk the information he or she needs to complete the requirements of this paragraph.

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

66.0137 (1) (ac) “Board of Regents” means the Board of Regents of the University of Wisconsin System.

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

66.0137 (1) (as) “Local governmental unit” means a municipality, county political subdivision, school district (as enumerated in s. 67.01 (5)), sewerage district, drainage district, and, without limitation because of enumeration, any other political subdivision of the state.

SECTION 4. 66.0137 (1) (af) of the statutes is created to read:

66.0137 (1) (af) “Dies in the line of duty” means a death that occurs, or occurred, as a direct and proximate result of a personal injury sustained by, or a single exposure to a hazardous material or condition experienced by, a law enforcement officer, fire fighter, or emergency medical services practitioner while he or she was engaged in a line of duty activity or that arose out of and as a result of such an individual’s performance of a line of duty activity.

SECTION 5. 66.0137 (1) (ah) of the statutes is created to read:

66.0137 (1) (ah) “Emergency medical services practitioner” has the meaning given in s. 256.01 (5), except that in this section it applies only to an individual who is

* Section 991.11, Wisconsin Statutes: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication.”
employed directly by a political subdivision or by a joint
emergency medical services department operated jointly
by 2 or more political subdivisions.

Section 6. 66.0137 (1) (am) of the statutes is created
to read:

66.0137 (1) (am) “Law enforcement officer” means
all of the following:
1. Any person employed by a political subdivision
for the purpose of detecting and preventing crime and
enforcing laws or ordinances and who is authorized to
make arrests for violations of the laws or ordinances that
the person is employed to enforce.
2. Any jailer who, under the direction of a sheriff
under s. 59.27 (1), keeps persons in a county jail.
3. A Marquette University police officer, as defined
in s. 175.42 (1) (b).
4. A state patrol officer, as that term is defined in s.
252.01 (7).
5. A state capitol police officer.
6. A University of Wisconsin System police officer.
7. An officer of the division of criminal investigation.
8. A department of natural resources conservation
warden.
9. A county sheriff, undersheriff, or deputy sheriff.
10. A chief of police.
11. A special agent employed by the department of
revenue who is authorized to act under s. 73.031.
12. A state fair park police officer duly appointed
under s. 42.01 (2).

Section 7. 66.0137 (1) (ap) of the statutes is created
to read:

66.0137 (1) (ap) “Line of duty activity” means any
employment–related action taken by a law enforcement
officer, fire fighter, or emergency medical services prac-
titioner that is required or authorized by law, rule, regula-
tion, or condition of employment and for which compen-
sation is provided by his or her employing agency or
would have been eligible to have been provided by the
employing agency if the law enforcement officer, fire
fighter, or emergency medical services practitioner had
been on duty when he or she took the action in question.

Section 8. 66.0137 (1) (c) of the statutes is created
to read:

66.0137 (1) (c) “Political subdivision” means any
municipality or county.

Section 9. 66.0137 (3) of the statutes is amended to read:

66.0137 (3) Health insurance for unemployed
persons. Any municipality or county political subdivi-
sion may purchase health or dental insurance for unem-
ployed persons residing in the municipality or county
political subdivision who are not eligible for medical
assistance under s. 49.46, 49.468, 49.47, or 49.471 (4)
(a).

Section 10. 66.0137 (4m) (a) of the statutes is amended to read:

66.0137 (4m) (a) Notwithstanding sub. (1) (ae) (as),
in this subsection, “local governmental unit” means a
city, village, town, county, or school district.

Section 11. 66.0137 (5) (c) 1. of the statutes is amended to read:

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

Section 12. 66.0137 (5) (c) 1m. of the statutes is cre-
ated to read:

66.0137 (5) (c) 1m. Except as provided in subds. 2. and
3., if a political subdivision, the state, the Board of
Regents, or Marquette University provides for the pay-
ment of premiums for hospital, surgical, and other health
insurance for its law enforcement officers or emergency
medical services practitioners, it shall continue to pay
such premiums for the surviving spouse and dependent
children of the law enforcement officer or emergency
medical services practitioner who dies while in the line
of duty.

Section 13. 66.0137 (5) (c) 2. of the statutes is amended to read:

66.0137 (5) (c) 2. A municipality, political subdivi-
sion, the state, the Board of Regents, or Marquette Uni-
versity may not be required to pay the premiums
described in subd. 1. or 1m. for a surviving spouse upon
the remarriage of the surviving spouse or upon the sur-
viving spouse reaching the age of 65.

Section 14. 66.0137 (5) (c) 3. of the statutes is repealed and recreat-
ed to read:

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

Section 15. 66.0137 (5) (c) 4. of the statutes is cre-
ated to read:

66.0137 (5) (c) 4. Except as needed to administer this
paragraph, a political subdivision, the state, the Board of
Regents, and Marquette University shall keep confidential
any personally identifiable information, as defined in
s. 19.62 (5), of a surviving spouse and dependent children
for whom the political subdivision, the state, the Board of
Regents, or university makes a payment under this para-
ger.

Section 16. 66.0137 (5) (d) of the statutes is created
to read:

66.0137 (5) (d) If a political subdivision pays the premi-
ums described in par. (c) 1. or 1m., annually, in order
to receive reimbursement, the political subdivision shall
report to the department of revenue by March 15 of each
year the amounts paid in the previous calendar year.

Section 17. 79.035 (5) of the statutes is amended to read:
Section 18. 79.035 (5) of the statutes, as affected by 2015 Wisconsin Act 60 and 2019 Wisconsin Act .... (this act), is repealed and recreated to read:

79.035 (5) Except as provided in subs. (6), (7), and (8), for the distribution in 2013 and subsequent years, each county and municipality shall receive a payment under this section that is equal to the amount of the payment determined for the county or municipality under this section for 2012.

Section 19. 79.035 (8) of the statutes is created to read:

79.035 (8) Beginning with the distributions in 2021, the department of revenue shall increase the payment to each county and municipality under this section by the amount the county or municipality reported under s. 66.0137 (5) (d) for the year prior to the previous calendar year. The department shall decrease the total amount to be distributed to all counties and municipalities by the total of all amounts reported under s. 66.0137 (5) (d) for the year prior to the previous calendar year and reduce each payment to a county or municipality under this section in proportion to the entity’s share of the total distribution.

Section 20. 79.05 (2) (c) of the statutes is amended to read:

79.05 (2) (c) Its municipal budget; exclusive of principal and interest on long–term debt and exclusive of revenue sharing payments under s. 66.0305, payments of premiums under s. 66.0137 (5) (c) 1. and 1m., recycling fee payments under s. 289.645, expenditures of grant payments under s. 16.297 (1m), unreimbursed expenses related to an emergency declared under s. 323.10, expenditures from moneys received pursuant to P.L. 111–5, and expenditures made pursuant to a purchasing agreement with a school district whereby the municipality makes purchases on behalf of the school district; for the year of the statement under s. 79.015 increased over its municipal budget as adjusted under sub. (6); exclusive of principal and interest on long–term debt and exclusive of revenue sharing payments under s. 66.0305, payments of premiums under s. 66.0137 (5) (c) 1. and 1m., recycling fee payments under s. 289.645, expenditures of grant payments under s. 16.297 (1m), unreimbursed expenses related to an emergency declared under s. 323.10, expenditures from moneys received pursuant to P.L. 111–5, and expenditures made pursuant to a purchasing agreement with a school district whereby the municipality makes purchases on behalf of the school district; for the year before that year by less than the sum of the inflation factor and the valuation factor, rounded to the nearest 0.10 percent.

Section 21. Initial applicability.

(1) This act first applies retroactively to a law enforcement officer or emergency medical services practitioner who dies in the line of duty on January 1, 2019.

Section 22. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The repeal and recreation of s. 79.035 (5) takes effect on June 30, 2036.