

**2019 DRAFTING REQUEST**

**Senate Substitute Amendment (SSA-SB266)**

For: **Legislative Fiscal Bureau** Drafter: **jkreye**  
 By: **Bob Lang** Secondary Drafters: **mshovers**  
 Date: **10/8/2019** May Contact:  
 Same as LRB:

Submit via email: **YES**  
 Requester's email: **bob.lang@legis.wisconsin.gov**  
 Carbon copy (CC) to: **joseph.kreye@legis.wisconsin.gov**  
**al.runde@legis.wisconsin.gov**  
**marc.shovers@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Health insurance premiums for survivors of a law enforcement officer

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkreye 10/8/2019	csicilia 10/8/2019			
/1			mbarman 10/8/2019	mbarman 10/8/2019	

FE Sent For: **<END>**

## Kreye, Joseph

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**From:** Runde, Al  
**Sent:** Tuesday, October 08, 2019 8:50 AM  
**To:** Kreye, Joseph  
**Cc:** Kelley, Margit; Horton, Ryan; Lang, Bob  
**Subject:** FW: Draft review: LRB s0114/P3  
**Attachments:** 19s0114/P3.pdf

Joe, Draft the amendment to the Senate Bill. I believe it is SB 266. That is the bill being taken up on floor today.

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**From:** Runde, Al  
**Sent:** Tuesday, October 08, 2019 8:38 AM  
**To:** Kreye, Joseph <Joseph.Kreye@legis.wisconsin.gov>  
**Cc:** Lang, Bob <Bob.Lang@legis.wisconsin.gov>; Kelley, Margit <Margit.Kelley@legis.wisconsin.gov>; Horton, Ryan <Ryan.Horton@legis.wisconsin.gov>  
**Subject:** FW: Draft review: LRB s0114/P3

Joe,

Can we get this drafted as Senate Substitute Amendment 1 to AB 300, and can you add the following language

On Page 6, Line 14 after "annually," insert "in order to receive reimbursement"

On Page 6, Line 15, after "year.", insert "by March 15 each year."

This is a rush, as the bill is on the Senate floor today.

Thanks Joe,

Al

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**From:** LRB.Legal <lrblegal@legis.wisconsin.gov>  
**Sent:** Thursday, October 03, 2019 2:07 PM  
**To:** Runde, Al <Al.Runde@legis.wisconsin.gov>  
**Subject:** Draft review: LRB s0114/P3

**Draft Requester: Legislative Fiscal Bureau**

**Following is the PDF version of draft LRB s0114/P3.**

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**Following is the PDF version of draft LRB s0114/P3.**



State of Wisconsin  
2019 - 2020 LEGISLATURE

LRBs0114/P3  
MES&JK:kjf&wlj

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/gjs

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

**ASSEMBLY SUBSTITUTE AMENDMENT ,**

**TO ASSEMBLY BILL 300**

Senate  
Senate  
NOW  
266

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

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

This bill requires a political subdivision (a city, village, town, or county), the state, the Board of Regents of the University of Wisconsin System (board), and Marquette University to pay health insurance premiums for the surviving spouse

and dependent children of a law enforcement officer or emergency medical services practitioner who dies in the line of duty if the political subdivision, state, board, or university paid such premiums for the law enforcement officer or emergency medical services practitioner while he or she was employed by the political subdivision, state, board, or university. The requirement does not apply to a surviving spouse who remarries or reaches the age of 65, or to a surviving child after he or she reaches the age of 26. Current law provides similar benefits to the surviving spouse and dependent children of a fire fighter who dies, or has died, in the line of duty if the municipality (city, village, or town) paid such premiums for the fire fighter while he or she was employed by the municipality.

Also, under the bill, if a political subdivision pays such health insurance premiums, the political subdivision must report the amount to the Department of Revenue. DOR will increase the political subdivision's county and municipal aid payment by the amount of the health insurance premium reported to DOR. DOR will adjust the amount of county and municipal aid payments to all political subdivisions to reflect the increased payments to those that report the premiums.

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

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

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

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

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

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

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

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

10           66.0137 (1) (af) “Dies in the line of duty” means a death that occurs, or occurred,  
11 as a direct and proximate result of a personal injury sustained by, or a single  
12 exposure to a hazardous material or condition experienced by, a law enforcement  
13 officer, fire fighter, or emergency medical services practitioner while he or she was  
14 engaged in a line of duty activity or that arose out of and as a result of such an  
15 individual’s performance of a line of duty activity.

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

17           66.0137 (1) (ah) “Emergency medical services practitioner” has the meaning  
18 given in s. 256.01 (5), except that in this section it applies only to an individual who  
19 is employed directly by a political subdivision or by a joint emergency medical  
20 services department operated jointly by 2 or more political subdivisions.

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

22           66.0137 (1) (am) “Law enforcement officer” means all of the following:

23           1. Any person employed by a political subdivision for the purpose of detecting  
24 and preventing crime and enforcing laws or ordinances and who is authorized to

1 make arrests for violations of the laws or ordinances that the person is employed to  
2 enforce.

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

5 3. A Marquette University police officer, as defined in s. 175.42 (1) (b).

6 4. A state patrol officer, as that term is defined in s. 252.01 (7).

7 5. A state capitol police officer.

8 6. A University of Wisconsin System police officer.

9 7. An officer of the division of criminal investigation.

10 8. A department of natural resources conservation warden.

11 9. A county sheriff, undersheriff, or deputy sheriff.

12 10. A chief of police.

13 11. A special agent employed by the department of revenue who is authorized  
14 to act under s. 73.031.

15 12. A state fair park police officer duly appointed under s. 42.01 (2).

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

17 66.0137 (1) (ap) “Line of duty activity” means any employment-related action  
18 taken by a law enforcement officer, fire fighter, or emergency medical services  
19 practitioner that is required or authorized by law, rule, regulation, or condition of  
20 employment and for which compensation is provided by his or her employing agency  
21 or would have been eligible to have been provided by the employing agency if the law  
22 enforcement officer, fire fighter, or emergency medical services practitioner had been  
23 on duty when he or she took the action in question.

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

25 66.0137 (1) (c) “Political subdivision” means any municipality or county.

1           **SECTION 9.** 66.0137 (3) of the statutes is amended to read:

2           66.0137 (3) HEALTH INSURANCE FOR UNEMPLOYED PERSONS. Any ~~municipality or~~  
3           ~~county~~ political subdivision may purchase health or dental insurance for  
4           unemployed persons residing in the ~~municipality or county~~ political subdivision who  
5           are not eligible for medical assistance under s. 49.46, 49.468, 49.47, or 49.471 (4) (a).

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

7           66.0137 (4m) (a) Notwithstanding sub. (1) ~~(ae)~~ (as), in this subsection, “local  
8           governmental unit” means a city, village, town, county, or school district.

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

10           66.0137 (5) (c) 1. Except as provided in subds. 2. and 3., if a municipality  
11           provides for the payment of premiums for hospital, surgical, and other health  
12           insurance for its fire fighters, it shall continue to pay such premiums for the  
13           surviving spouse and dependent children of ~~a~~ the fire fighter who dies in the line  
14           of duty.

15           **SECTION 12.** 66.0137 (5) (c) 1m. of the statutes is created to read:

16           66.0137 (5) (c) 1m. Except as provided in subds. 2. and 3., if a political  
17           subdivision, the state, the Board of Regents, or Marquette University provides for  
18           the payment of premiums for hospital, surgical, and other health insurance for its  
19           law enforcement officers or emergency medical services practitioners, it shall  
20           continue to pay such premiums for the surviving spouse and dependent children of  
21           the law enforcement officer or emergency medical services practitioner who dies  
22           while in the line of duty.

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

24           66.0137 (5) (c) 2. A ~~municipality~~ political subdivision, the state, the Board of  
25           Regents, or Marquette University may not be required to pay the premiums



1 described in subd. 1. or 1m. for a surviving spouse upon the remarriage of the  
2 surviving spouse or upon the surviving spouse reaching the age of 65.

3 **SECTION 14.** 66.0137 (5) (c) 3. of the statutes is repealed and recreated to read:

4 66.0137 (5) (c) 3. An individual is not a dependent child for the purposes of  
5 subd. 1. or 1m. after the individual reaches the age of 26.

6 **SECTION 15.** 66.0137 (5) (c) 4. of the statutes is created to read:

7 66.0137 (5) (c) 4. Except as needed to administer this paragraph, a political  
8 subdivision, the state, the Board of Regents, and Marquette University shall keep  
9 confidential any personally identifiable information, as defined in s. 19.62 (5), of a  
10 surviving spouse and dependent children for whom the political subdivision, the  
11 state, the Board of Regents, or university makes a payment under this paragraph.

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

13 66.0137 (5) (d) If a political subdivision pays the premiums described in par.

14 (c) 1. or 1m., annually, the political subdivision shall report to the department of  
15 revenue the amounts paid in the previous calendar year.

*in order to receive reimbursement,*

16 **SECTION 17.** 79.035 (5) of the statutes is amended to read:

17 79.035 (5) Except as provided in ~~sub.~~ subs. (6), (7), and (8), for the distribution  
18 in 2013 and subsequent years, each county and municipality shall receive a payment  
19 under this section that is equal to the amount of the payment determined for the  
20 county or municipality under this section for 2012.

21 **SECTION 18.** 79.035 (5) of the statutes, as affected by 2015 Wisconsin Act 60 and  
22 2019 Wisconsin Act .... (this act), is repealed and recreated to read:

23 79.035 (5) Except as provided in subs. (7) and (8), for the distribution in 2013  
24 and subsequent years, each county and municipality shall receive a payment under

*by March 15 of each year*

1 this section that is equal to the amount of the payment determined for the county or  
2 municipality under this section in 2012.

3 **SECTION 19.** 79.035 (8) of the statutes is created to read:

4 79.035 (8) Beginning with the distributions in 2021, the department of revenue  
5 shall increase the payment to each county and municipality under this section by the  
6 amount the county or municipality reported under s. 66.0137 (5) (d) for the year prior  
7 to the previous calendar year. The department shall decrease the total amount to be  
8 distributed to all counties and municipalities by the total of all amounts reported  
9 under s. 66.0137 (5) (d) for the year prior to the previous calendar year and reduce  
10 each payment to a county or municipality under this section in proportion to the  
11 entity's share of the total distribution.

12 **SECTION 20.** 79.05 (2) (c) of the statutes is amended to read:

13 79.05 (2) (c) Its municipal budget; exclusive of principal and interest on  
14 long-term debt and exclusive of revenue sharing payments under s. 66.0305,  
15 payments of premiums under s. 66.0137 (5) (c) 1. and 1m., recycling fee payments  
16 under s. 289.645, expenditures of grant payments under s. 16.297 (1m),  
17 unreimbursed expenses related to an emergency declared under s. 323.10,  
18 expenditures from moneys received pursuant to P.L. 111-5, and expenditures made  
19 pursuant to a purchasing agreement with a school district whereby the municipality  
20 makes purchases on behalf of the school district; for the year of the statement under  
21 s. 79.015 increased over its municipal budget as adjusted under sub. (6); exclusive  
22 of principal and interest on long-term debt and exclusive of revenue sharing  
23 payments under s. 66.0305, payments of premiums under s. 66.0137 (5) (c) 1. and  
24 1m., recycling fee payments under s. 289.645, expenditures of grant payments under  
25 s. 16.297 (1m), unreimbursed expenses related to an emergency declared under s.

1 323.10, expenditures from moneys received pursuant to P.L. 111-5, and expenditures  
2 made pursuant to a purchasing agreement with a school district whereby the  
3 municipality makes purchases on behalf of the school district; for the year before that  
4 year by less than the sum of the inflation factor and the valuation factor, rounded to  
5 the nearest 0.10 percent.

6 **SECTION 21. Initial applicability.**

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

9 **SECTION 22. Effective dates.** This act takes effect on the day after publication,  
10 except as follows:

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

12 (END)