

CHAPTER 274, Laws of 1975

AN ACT to repeal 101.81 (title), (1) (f) and (2) to (5); to renumber 101.81 (1) (intro.) and (a) to (e); to amend 20.445 (5) (a); and to create 102.475 of the statutes, relating to payment of death benefits to dependents of law enforcement officers, firemen and correctional officers under the workmen's compensation system and making an appropriation.

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

SECTION 1. 20.445 (5) (a) of the statutes is amended to read:

20.445 (5) (a) *Law enforcement, correctional officers and firemen benefits.* A sum sufficient for the payment of death benefits under s. ~~101.81~~ 102.475.

SECTION 2. 101.81 (title) of the statutes is repealed.

SECTION 3. 101.81 (1) (intro.) and (a) to (e) of the statutes are renumbered 102.475 (8) (intro.) and (a) to (e), respectively.

SECTION 4. 101.81 (1) (f) and (2) to (5) of the statutes are repealed.

SECTION 5. 102.475 of the statutes is created to read:

102.475 Death benefit; firemen, law enforcement and correctional officers. (1) **SPECIAL BENEFIT.** Where the deceased employe is a law enforcement officer, correctional officer or fireman who sustained an accidental injury so that benefits are payable under s. 102.46 or 102.47 (1) the department shall cause to be vouchered and paid from the appropriation under s. 20.445 (5) a sum equal to 75% of the primary death benefit as of the date of death, but not less than \$25,000 to the persons wholly dependent upon the deceased. For purposes of this subsection, dependency shall be determined in accordance with ss. 102.49 and 102.51.

(2) **PAYMENTS TO DEPENDENTS.** (a) If there are more than 4 persons who are wholly dependent upon the deceased employe an additional benefit of \$2,000 shall be paid for each dependent in excess of 4.

(b) If there is more than one person who is wholly dependent upon the deceased employe, the benefits under this section shall be apportioned between such dependents on the same pro rata basis as the primary death benefit.

(c) Notwithstanding sub. (1), if there are partial dependents of the deceased employe who are entitled to benefits under s. 102.48, they shall be entitled to such portion of the benefit determined under sub. (1) that their partial dependency benefit bears to the primary benefit payable to one wholly dependent upon the deceased. No payment to a partial dependent shall be less than \$1,000.

(3) **DISPUTES.** In case of dispute, dependents may file applications as provided in s. 102.17, and ss. 102.17 to 102.27 shall apply. In such case, if the claim for a primary death benefit is compromised, any claim under this section shall be compromised on the same pro rata basis. The attorney general shall represent the interests of the state in case of such dispute.

(5) **MINORS.** Benefits due to minors under this section may be paid as provided in s. 102.45.

(6) **PROOF.** In administering this section the department may require reasonable proof of birth, marriage, relationship or dependency.

(7) **NOT TO AFFECT OTHER RIGHTS, BENEFITS OR COMPENSATION.** The compensation provided for in this section is in addition to, and not exclusive of, any pension rights, death benefits or other compensation otherwise payable by law.

SECTION 6. Program citation. Under the listing of program responsibilities specified for the department of justice in section 15.251 (intro.) of the statutes, the reference to section "102.475 (3)" is inserted.

SECTION 7. Application. Notwithstanding the effective date of this act, benefits under section 102.475 of the statutes, as created by this act, shall be payable for all fatal injuries to law enforcement officers, correctional officers and firemen occurring on and after January 1, 1973. No person may receive any payment under section 102.475 of the statutes, as created by this act, who has also received payment under section 101.81 (1971 stats.) prior to the effective date of this act.
