

1981 Assembly Bill 542

Date published: May 6, 1982

## CHAPTER 325 , Laws of 1981

AN ACT to amend 20.445 (1) (aa) (title), 102.07 (9) and 102.475 (title) and (1) of the statutes, relating to authorizing a special death benefit under worker's compensation for national or state guard members on state active duty and increasing the amount of the special death benefit.

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

SECTION 1. 20.445 (1) (aa) (title) of the statutes is amended to read:

20.445 (1) (aa) (title) *Benefits for law enforcement and correctional officers, fire fighters, rescue squad members and national or state guard members.*

SECTION 1m. 102.07 (9) of the statutes is amended to read:

102.07 (9) Members of the national and state guards, when ~~in on~~ in state ~~service performing official~~ active duty under direction of appropriate authority, but only in case federal laws, rules or regulations provide no benefits substantially equivalent to those provided in this chapter.

SECTION 2. 102.475 (title) and (1) of the statutes are amended to read:

**102.475 (title) Death benefit; law enforcement and correctional officers, fire fighters, rescue squad members and national or state guard members.** (1) SPECIAL BENEFIT. (a) If the deceased employe is a law enforcement officer, correctional officer, fire fighter ~~or~~, rescue squad member or national or state guard member on state active duty as described in s. 102.07 (9) who sustained an accidental injury so that benefits are payable under s. 102.46 or 102.47 (1), the department shall voucher and pay from the appropriation under

s. 20.445 (1) (aa) a sum equal to 75% of the primary death benefit as of the date of death, but not less than ~~\$25,000~~ \$50,000 to the persons wholly dependent upon the deceased. For purposes of this subsection, dependency shall be determined under ss. 102.49 and 102.51.

(b) The department shall reduce the amount of the special death benefit required to be paid under par. (a) by the amount received upon submittal of a claim under ~~P.L. 94-430~~ 42 USC 3796 to 3796c.

**SECTION 5. Initial applicability.** The treatment of sections 20.445 (1) (aa) (title) and 102.475 (title) and (1) of the statutes by this act first apply to accidental injuries sustained on or after the effective date of this act.

---