

---

# Wisconsin Legislative Council

## ACT MEMO

---



**Prepared by:** Amber Otis, Staff Attorney, and Margit Kelley, Senior Staff Attorney

October 25, 2019

### 2019 Wisconsin Act 19 [2019 Senate Bill 266]

### Payment of Health Insurance Premiums for Survivors of Law Enforcement Officers and Others

2019 Wisconsin Act 19 expands a provision under current law that requires a city, village, or town that pays the health insurance premiums for its employees who are firefighters to continue to pay the premiums for the surviving spouse and dependent children of a firefighter who dies in the line of duty to also include law enforcement and emergency medical services (EMS) practitioners. In addition, the act creates a reimbursement mechanism for premium payments made by a city, village, town, or county. The act also makes other operational revisions related to confidentiality and eligibility.

## PROTECTIVE OCCUPATIONS

The act expands the provisions for a firefighter's surviving family to also require that a city, village, town, county, the state, the Board of Regents, or Marquette University continue to pay the health insurance premiums for the surviving spouse and dependent children of a law enforcement officer or EMS practitioner who dies in the line of duty. Under the act, a "law enforcement officer" includes the following:

- Any person employed by a city, village, town, or county 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.
- A county jailer.
- A Marquette University police officer.
- A state patrol officer.
- A State Capitol police officer.
- A University of Wisconsin System police officer.
- An officer of the Division of Criminal Investigation at the Department of Justice.
- A Department of Natural Resources conservation warden.
- A county sheriff, undersheriff, or deputy sheriff.
- A police chief.
- A special agent employed by the Department of Revenue (DOR).
- A state fair park police officer.

## REIMBURSEMENT

The act creates a reimbursement mechanism through the county and municipal aid program for any city, village, town, or county (political subdivision) that pays premiums on behalf of the surviving

spouse or dependent children of a firefighter, law enforcement officer, or emergency medical services practitioner who dies in the line of duty.

Specifically, the political subdivision must report to DOR, by March 15 of each year, the amounts paid in the previous calendar year for such premiums. Based on that report, DOR must reimburse the political subdivision with the next year's shared revenue payment. DOR must also reduce the next year's total shared revenue balance by the amounts to be paid for the premium reimbursements, and then distribute the reduced shared revenue balance among all political subdivisions proportionately in relation to each political subdivision's share of the total distribution of shared revenue.

The reimbursement mechanism created by the act is not available to a state or university entity that continues to pay health insurance premiums under the act.

## **OPERATIONAL REVISIONS**

The act makes various changes that apply to all premium payments made on behalf of a firefighter, law enforcement officer, or emergency medical services practitioner who dies in the line of duty.

### **Definition of "Dies in the Line of Duty"**

Prior law did not define "dies in the line of duty." Under the act, "dies in the line of duty" means a death that occurred as a direct and proximate result of a personal injury or a single exposure to a hazardous material or condition, that occurs while engaged in or as a result of an employment-related action that was required or authorized and for which compensation is provided, or would have been provided if the individual had been on duty when the action was taken.

### **Dependent Children**

Under prior law, the requirement to continue premium payments for a dependent child ended at the time the dependent child reached age 18, unless the child was a full-time high school student or, if the child was a full- or part-time student at an accredited college or university, at the close of the calendar year in which the child reached age 27.

The act changes the eligibility requirements for a dependent child to require termination of the payments when a dependent child reaches age 26, regardless of school enrollment.

### **Confidentiality**

Under the act, the political subdivision, the state, the Board of Regents, and Marquette University must keep confidential any personally identifiable information of a surviving spouse and dependent children for whom a payment is made, except as needed to administer the payments.

## **APPLICABILITY**

The act applies retroactively to a law enforcement officer or emergency medical services practitioner who died in the line of duty on or after January 1, 2019.

**Effective date:** October 18, 2019

AO:MSK:mcm;ty