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## State of Misconsin 2019 - 2020 LEGISLATURE

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## SENATE SUBSTITUTE AMENDMENT 1, TO SENATE BILL 266

September 11, 2019 - Offered by Senator WANGGAARD.

AN ACT to renumber and amend 66.0137 (1) (ae); to amend 20.835 (1) (db), 59.23 (2) (s), 66.0137 (3), 66.0137 (4m) (a), 66.0137 (5) (c) 1., 66.0137 (5) (c) 2., 79.01 (2d) and 79.035 (5); 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 and making an appropriation.

## 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

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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 file a request for reimbursement for its costs with the Department of Revenue, which is required to provide reimbursement. The reimbursement payments are funded from county and municipal aid shared revenue by a reduction in each county's and municipality's shared revenue in proportion to each entity's share of the total distribution of shared revenue payments.

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

**SECTION 1.** 20.835 (1) (db) of the statutes is amended to read:

20.835 (1) (db) *County and municipal aid account*. A sum sufficient to make payments to counties, towns, villages, and cities under –s. ss. 66.0137 (5) (d) and 79.035, less the amount paid from the appropriation under par. (r).

**Section 2.** 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. 66.0135 (1) (c), that is located wholly or partly within the county. Such lists shall be placed on file for the information of the public. The clerk, secretary, or other administrative officer of a local governmental unit, as

1	defined in s. 66.0137 (1) (ae) (as), shall provide the county clerk the information he
2	or she needs to complete the requirements of this paragraph.
3	<b>SECTION 3.</b> 66.0137 (1) (ac) of the statutes is created to read:
4	66.0137 (1) (ac) "Board of Regents" means the Board of Regents of the
5	University of Wisconsin System.
6	<b>Section 4.</b> $66.0137$ (1) (ae) of the statutes is renumbered $66.0137$ (1) (as) and
7	amended to read:
8	66.0137 (1) (as) "Local governmental unit" means a municipality, county
9	political subdivision, school district (as enumerated in s. 67.01 (5)), sewerage district,
10	drainage district, and, without limitation because of enumeration, any other political
11	subdivision of the state.
12	<b>Section 5.</b> 66.0137 (1) (af) of the statutes is created to read:
13	66.0137 (1) (af) "Dies in the line of duty" means a death that occurs, or occurred,
14	as a direct and proximate result of a personal injury sustained by, or a single
15	exposure to a hazardous material or condition experienced by, a law enforcement
16	officer, fire fighter, or emergency medical services practitioner while he or she was
17	engaged in a line of duty activity or that arose out of and as a result of such an
18	individual's performance of a line of duty activity.
19	<b>Section 6.</b> 66.0137 (1) (ah) of the statutes is created to read:
20	66.0137 (1) (ah) "Emergency medical services practitioner" has the meaning
21	given in s. 256.01 (5), except that in this section it applies only to an individual who
22	is employed directly by a political subdivision or by a joint emergency medical
23	services department operated jointly by 2 or more political subdivisions.
24	<b>Section 7.</b> 66.0137 (1) (am) of the statutes is created to read:
25	66.0137 (1) (am) "Law enforcement officer" means all of the following:

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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.
- **Section 8.** 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 practitioner that is required or authorized by law, rule, regulation, or condition of employment and for which compensation 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 9.** 66.0137 (1) (c) of the statutes is created to read:
- 24 66.0137 (1) (c) "Political subdivision" means any municipality or county.
- **Section 10.** 66.0137 (3) of the statutes is amended to read:

66.0137 (3) Health insurance for unemployed persons. Any municipality or
county political subdivision may purchase health or dental insurance for
unemployed 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 11. 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.
<b>Section 12.</b> 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 premiums 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- the fire fighter who dies in the line
of duty.
Section 13. 66.0137 (5) (c) 1m. of the statutes is created 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 payment 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.
<b>Section 14.</b> 66.0137 (5) (c) 2. of the statutes is amended to read:
66.0137 (5) (c) 2. A municipality political subdivision, the state, the Board of

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

SECTION 15. 66.0137 (5) (c) 3. of the statutes is repealed and recreated to read: 66.0137 (5) (c) 3. An individual is not a dependent child for the purposes of subd. 1. or 1m. after the individual reaches the age of 26.

SECTION 16. 66.0137 (5) (c) 4. of the statutes is created 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

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 paragraph.

**Section 17.** 66.0137 (5) (d) of the statutes is created to read:

66.0137 (5) (d) If a political subdivision pays the premiums described in par. (c) 1. or 1m., annually, the political subdivision shall file with the department of revenue a request for reimbursement, along with any documentation requested by the department, for such amounts paid in the previous year. The department shall reimburse the political subdivision from the appropriation under s. 20.835 (1) (db).

**Section 18.** 79.01 (2d) of the statutes is amended to read:

79.01 (2d) There is established an account in the general fund entitled the "County and Municipal Aid Account." The total amount to be distributed in 2011 to counties and municipalities from the county and municipal aid account is \$824,825,715 and, the total amount to be distributed to counties and municipalities beginning in 2012, and in each year thereafter, and ending in 2019 from the county and municipal aid account is \$748,075,715, and the total amount to be distributed

1	to counties and municipalities in 2020, and in each year thereafter, is \$748,075,715,
2	less the amounts paid under s. 66.0137 (5) (d).
3	<b>Section 19.</b> 79.035 (5) of the statutes is amended to read:
4	79.035 (5) Except as provided in sub. subs. (6) and (8), for the distribution in
5	2013 and subsequent years, each county and municipality shall receive a payment
6	under this section that is equal to the amount of the payment determined for the
7	county or municipality under this section for 2012.
8	SECTION 20. 79.035 (5) of the statutes, as affected by 2015 Wisconsin Act 60 and
9	2019 Wisconsin Act (this act), is repealed and recreated to read:
10	79.035 (5) Except as provided in sub. (8), for the distribution in 2013 and
11	subsequent years, each county and municipality shall receive a payment under this
12	section that is equal to the amount of the payment determined for the county or
13	municipality under this section in 2012.
14	<b>Section 21.</b> 79.035 (8) of the statutes is created to read:
15	79.035 (8) Beginning with the distributions in 2020, the amount that each
16	county and municipality receives from the county and municipal aid account is
17	calculated as follows:
18	(a) Determine a percentage by dividing the amount that each county or
19	municipality received under this section in the previous year by the total amount of
20	the distribution for that year, as determined under s. 79.01 (2d).
21	(b) Multiply the total amount of the distribution for the current year, as
22	determined under s. 79.01 (2d), by the percentage determined under par. (a).
23	Section 22. Initial applicability.

1	(1) This act first applies, retroactively, to a law enforcement officer or
2	emergency medical services practitioner who dies in the line of duty on January 1
3	2019.
4	Section 23. Effective dates. This act takes effect on the day after publication
5	except as follows:
6	(1) The repeal and recreation of s. 79.035 (5) takes effect on June 30, 2036.
7	(END)