



## 1997 SENATE BILL 114

March 13, 1997 - Introduced by Senators DRZEWIECKI, PANZER, SCHULTZ and BUETTNER, cosponsored by Representatives GARD, TURNER, LORGE, MUSSER and OTT. Referred to Committee on Labor, Transportation and Financial Institutions.

1     **AN ACT to amend** 102.475 (title), 102.475 (1) (title) and 102.475 (2) (c); and **to**  
2             **create** 102.07 (7m), 102.475 (1m) and 102.475 (8) (f) of the statutes; **relating**  
3             **to:** death benefits to dependents of certain volunteer clergy and making an  
4             appropriation.

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### *Analysis by the Legislative Reference Bureau*

Under current law relating to worker's compensation, there is, in addition to the compensation provided by the employer, a special death benefit for the dependents of any of certain persons who die as a result of an injury sustained while performing services growing out of and incidental to their employment or volunteer activities. The persons covered by this special death benefit are: law enforcement officers; correctional officers; fire fighters; rescue squad members; national guard members; state defense force members; and employes or volunteers performing emergency management activities during a state of emergency or civil disorder. The amount of the death benefit provided to the dependents of these persons is 75% of the primary death benefit paid by the employer, which is calculated based on the person's earnings, or \$50,000, whichever is greater.

This bill provides for a special death benefit of \$50,000 to the dependents of a member of the clergy who volunteers to serve as the chaplain of a fire department, volunteer fire department or law enforcement agency and who is killed while performing services growing out of and incidental to his or her function as a volunteer chaplain.

**SENATE BILL 114**

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 102.07 (7m) of the statutes is created to read:

2           102.07 **(7m)** (a) A volunteer chaplain of a fire department, volunteer fire  
3 department or law enforcement agency shall be considered an employe of the fire  
4 department, volunteer fire department or law enforcement agency only for purposes  
5 of s. 102.475 (1m). If the fire department, volunteer fire department or law  
6 enforcement agency has not insured its liability for compensation to its employes, the  
7 municipality or county which the fire department, volunteer fire department or law  
8 enforcement agency serves shall be liable for such compensation.

9           (b) The department may issue an order under s. 102.31 (1) (b) permitting the  
10 county which the fire department, volunteer fire department or law enforcement  
11 agency serves to assume full liability for the compensation provided under s. 102.475  
12 for volunteer chaplains.

13           **SECTION 2.** 102.475 (title) of the statutes is amended to read:

14           **102.475 (title) Death benefit; law enforcement and correctional**  
15 **officers, fire fighters, rescue squad members, national or state guard**  
16 **members, volunteer chaplains and emergency management personnel.**

17           **SECTION 3.** 102.475 (1) (title) of the statutes is amended to read:

18           102.475 **(1) SPECIAL BENEFIT; LAW ENFORCEMENT AND CORRECTIONAL OFFICERS, FIRE**  
19 **FIGHTERS, RESCUE SQUAD MEMBERS, NATIONAL OR STATE GUARD MEMBERS AND EMERGENCY**  
20 **MANAGEMENT PERSONNEL.**

21           **SECTION 4.** 102.475 (1m) of the statutes is created to read:

**SENATE BILL 114**

1           102.475 **(1m)** SPECIAL BENEFIT; VOLUNTEER CHAPLAINS. If the deceased person is  
2 a volunteer chaplain who was killed while performing services growing out of and  
3 incidental to his or her function as a volunteer chaplain, the department shall  
4 voucher and pay from the appropriation under s. 20.445 (1) (aa) the sum of \$50,000,  
5 subject to increase under sub. (2) (a), to the persons wholly dependent upon the  
6 deceased. For purposes of this subsection, dependency shall be determined under ss.  
7 102.49 and 102.51.

8           **SECTION 5.** 102.475 (2) (c) of the statutes is amended to read:

9           102.475 **(2)** (c) Notwithstanding sub. ~~subs.~~ (1) and (1m), if there are partial  
10 dependents of the deceased employe who are entitled to benefits under s. 102.48, they  
11 shall be entitled to such portion of the benefit determined under sub. (1) or (1m) that  
12 their partial dependency benefit bears to the primary benefit payable to one wholly  
13 dependent upon the deceased. No payment to a partial dependent shall be less than  
14 \$1,000.

15           **SECTION 6.** 102.475 (8) (f) of the statutes is created to read:

16           102.475 **(8)** (f) "Volunteer chaplain" means a member of the clergy who  
17 volunteers to serve as the chaplain of a fire department, a volunteer fire department  
18 or a law enforcement agency and who has been designated as a volunteer chaplain  
19 either by the fire department, volunteer fire department or law enforcement agency  
20 for which he or she volunteers or by a labor organization that represents the fire  
21 fighters or law enforcement officers employed by the fire department, volunteer fire  
22 department or law enforcement agency for which he or she volunteers.

23           **SECTION 7. Initial applicability.**

**SENATE BILL 114**

1 (1) This act first applies to volunteer chaplains, as defined in section 102.475  
2 (8) (f) of the statutes, as created by this act, who are killed on the effective date of this  
3 subsection.

4 (END)