

# State of Wisconsin



2019 Senate Bill 266

Date of enactment: **October 16, 2019**

Date of publication\*: **October 17, 2019**

## 2019 WISCONSIN ACT 19

**AN ACT** to *renumber and amend* 66.0137 (1) (ae); to *amend* 59.23 (2) (s), 66.0137 (3), 66.0137 (4m) (a), 66.0137 (5) (c) 1., 66.0137 (5) (c) 2., 79.035 (5) and 79.05 (2) (c); 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.

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

**SECTION 1.** 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 defined in s. 66.0137 (1) (ae) (as), shall provide the county clerk the information he or she needs to complete the requirements of this paragraph.

**SECTION 2.** 66.0137 (1) (ac) of the statutes is created to read:

66.0137 (1) (ac) "Board of Regents" means the Board of Regents of the University of Wisconsin System.

**SECTION 3.** 66.0137 (1) (ae) of the statutes is renumbered 66.0137 (1) (as) and amended to read:

66.0137 (1) (as) "Local governmental unit" means a ~~municipality, county~~ political subdivision, school district (as enumerated in s. 67.01 (5)), sewerage district, drainage district, and, without limitation because of enumeration, any other political subdivision of the state.

**SECTION 4.** 66.0137 (1) (af) of the statutes is created to read:

66.0137 (1) (af) "Dies in the line of duty" means a death that occurs, or occurred, as a direct and proximate result of a personal injury sustained by, or a single exposure to a hazardous material or condition experienced by, a law enforcement officer, fire fighter, or emergency medical services practitioner while he or she was engaged in a line of duty activity or that arose out of and as a result of such an individual's performance of a line of duty activity.

**SECTION 5.** 66.0137 (1) (ah) of the statutes is created to read:

66.0137 (1) (ah) "Emergency medical services practitioner" has the meaning given in s. 256.01 (5), except that in this section it applies only to an individual who is

\* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

employed directly by a political subdivision or by a joint emergency medical services department operated jointly by 2 or more political subdivisions.

**SECTION 6.** 66.0137 (1) (am) of the statutes is created to read:

66.0137 (1) (am) “Law enforcement officer” means all of the following:

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.

11. A special agent employed by the department of revenue who is authorized to act under s. 73.031.

12. A state fair park police officer duly appointed under s. 42.01 (2).

**SECTION 7.** 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 8.** 66.0137 (1) (c) of the statutes is created to read:

66.0137 (1) (c) “Political subdivision” means any municipality or county.

**SECTION 9.** 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 10.** 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.

**SECTION 11.** 66.0137 (5) (c) 1. of the statutes is amended to read:

66.0137 (5) (c) 1. Except as provided in subs. 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 ~~a~~ the fire fighter who dies in the line of duty.

**SECTION 12.** 66.0137 (5) (c) 1m. of the statutes is created to read:

66.0137 (5) (c) 1m. Except as provided in subs. 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.

**SECTION 13.** 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 Regents, or Marquette University~~ may not be required to pay the premiums 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 14.** 66.0137 (5) (c) 3. of the statutes is amended 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 15.** 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 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 16.** 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, in order to receive reimbursement, the political subdivision shall report to the department of revenue by March 15 of each year the amounts paid in the previous calendar year.

**SECTION 17.** 79.035 (5) of the statutes is amended to read:

79.035 (5) Except as provided in ~~sub. subs. (6), (7), and (8)~~, for the distribution in 2013 and subsequent years, each county and municipality shall receive a payment under this section that is equal to the amount of the payment determined for the county or municipality under this section for 2012.

**SECTION 18.** 79.035 (5) of the statutes, as affected by 2015 Wisconsin Act 60 and 2019 Wisconsin Act .... (this act), is repealed and recreated to read:

79.035 (5) Except as provided in subs. (7) and (8), for the distribution in 2013 and subsequent years, each county and municipality shall receive a payment under this section that is equal to the amount of the payment determined for the county or municipality under this section in 2012.

**SECTION 19.** 79.035 (8) of the statutes is created to read:

79.035 (8) Beginning with the distributions in 2021, the department of revenue shall increase the payment to each county and municipality under this section by the amount the county or municipality reported under s. 66.0137 (5) (d) for the year prior to the previous calendar year. The department shall decrease the total amount to be distributed to all counties and municipalities by the total of all amounts reported under s. 66.0137 (5) (d) for the year prior to the previous calendar year and reduce each payment to a county or municipality under this section in proportion to the entity's share of the total distribution.

**SECTION 20.** 79.05 (2) (c) of the statutes is amended to read:

79.05 (2) (c) Its municipal budget; exclusive of principal and interest on long-term debt and exclusive of rev-

enue sharing payments under s. 66.0305, payments of premiums under s. 66.0137 (5) (c) 1. and 1m., recycling fee payments under s. 289.645, expenditures of grant payments under s. 16.297 (1m), unreimbursed expenses related to an emergency declared under s. 323.10, expenditures from moneys received pursuant to P.L. 111-5, and expenditures made pursuant to a purchasing agreement with a school district whereby the municipality makes purchases on behalf of the school district; for the year of the statement under s. 79.015 increased over its municipal budget as adjusted under sub. (6); exclusive of principal and interest on long-term debt and exclusive of revenue sharing payments under s. 66.0305, payments of premiums under s. 66.0137 (5) (c) 1. and 1m., recycling fee payments under s. 289.645, expenditures of grant payments under s. 16.297 (1m), unreimbursed expenses related to an emergency declared under s. 323.10, expenditures from moneys received pursuant to P.L. 111-5, and expenditures made pursuant to a purchasing agreement with a school district whereby the municipality makes purchases on behalf of the school district; for the year before that year by less than the sum of the inflation factor and the valuation factor, rounded to the nearest 0.10 percent.

**SECTION 21. Initial applicability.**

(1) This act first applies retroactively to a law enforcement officer or emergency medical services practitioner who dies in the line of duty on January 1, 2019.

**SECTION 22. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The repeal and recreation of s. 79.035 (5) takes effect on June 30, 2036.