



State of Wisconsin
2019 - 2020 LEGISLATURE

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**SENATE SUBSTITUTE AMENDMENT 1,
TO SENATE BILL 266**

September 11, 2019 - Offered by Senator WANGGAARD.

1 **AN ACT** *to renumber and amend* 66.0137 (1) (ae); *to amend* 20.835 (1) (db),
2 59.23 (2) (s), 66.0137 (3), 66.0137 (4m) (a), 66.0137 (5) (c) 1., 66.0137 (5) (c) 2.,
3 79.01 (2d) and 79.035 (5); *to repeal and recreate* 66.0137 (5) (c) 3. and 79.035
4 (5); and *to create* 66.0137 (1) (ac), 66.0137 (1) (af), 66.0137 (1) (ah), 66.0137 (1)
5 (am), 66.0137 (1) (ap), 66.0137 (1) (c), 66.0137 (5) (c) 1m., 66.0137 (5) (c) 4.,
6 66.0137 (5) (d) and 79.035 (8) of the statutes; **relating to:** requiring political
7 subdivisions, the state, and Marquette University to pay health insurance
8 premiums, including on a limited retroactive basis, for survivors of a law
9 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

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:

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

2 20.835 (1) (db) *County and municipal aid account.* A sum sufficient to make
3 payments to ~~counties, towns, villages, and cities~~ under ~~s. ss. 66.0137 (5) (d) and~~
4 79.035, less the amount paid from the appropriation under par. (r).

5 **SECTION 2.** 59.23 (2) (s) of the statutes is amended to read:

6 59.23 (2) (s) *List of local officials.* Annually, on the first Tuesday of June,
7 transmit to the secretary of state a list showing the name, phone number, electronic
8 mail address, and post-office address of local officials, including the chairperson,
9 mayor, president, clerk, treasurer, council and board members, and assessor of each
10 municipality, and of the elective or appointive officials of any other local
11 governmental unit, as defined in s. 66.0135 (1) (c), that is located wholly or partly
12 within the county. Such lists shall be placed on file for the information of the public.
13 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 **SECTION 3.** 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 **SECTION 4.** 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 **SECTION 5.** 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 **SECTION 6.** 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 **SECTION 7.** 66.0137 (1) (am) of the statutes is created to read:

25 66.0137 (1) (am) “Law enforcement officer” means all of the following:

1 1. Any person employed by a political subdivision for the purpose of detecting
2 and preventing crime and enforcing laws or ordinances and who is authorized to
3 make arrests for violations of the laws or ordinances that the person is employed to
4 enforce.

5 2. Any jailer who, under the direction of a sheriff under s. 59.27 (1), keeps
6 persons in a county jail.

7 3. A Marquette University police officer, as defined in s. 175.42 (1) (b).

8 4. A state patrol officer, as that term is defined in s. 252.01 (7).

9 5. A state capitol police officer.

10 6. A University of Wisconsin System police officer.

11 7. An officer of the division of criminal investigation.

12 8. A department of natural resources conservation warden.

13 9. A county sheriff, undersheriff, or deputy sheriff.

14 10. A chief of police.

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

16 66.0137 (1) (ap) “Line of duty activity” means any employment-related action
17 taken by a law enforcement officer, fire fighter, or emergency medical services
18 practitioner that is required or authorized by law, rule, regulation, or condition of
19 employment and for which compensation is provided by his or her employing agency
20 or would have been eligible to have been provided by the employing agency if the law
21 enforcement officer, fire fighter, or emergency medical services practitioner had been
22 on duty when he or she took the action in question.

23 **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.

25 **SECTION 10.** 66.0137 (3) of the statutes is amended to read:

1 66.0137 (3) HEALTH INSURANCE FOR UNEMPLOYED PERSONS. Any ~~municipality or~~
2 county political subdivision may purchase health or dental insurance for
3 unemployed persons residing in the ~~municipality or county~~ political subdivision who
4 are not eligible for medical assistance under s. 49.46, 49.468, 49.47, or 49.471 (4) (a).

5 **SECTION 11.** 66.0137 (4m) (a) of the statutes is amended to read:

6 66.0137 (4m) (a) Notwithstanding sub. (1) (~~ae~~) (as), in this subsection, “local
7 governmental unit” means a city, village, town, county, or school district.

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

9 66.0137 (5) (c) 1. Except as provided in subds. 2. and 3., if a municipality
10 provides for the payment of premiums for hospital, surgical, and other health
11 insurance for its fire fighters, it shall continue to pay such premiums for the
12 surviving spouse and dependent children of ~~a~~ the fire fighter who dies in the line
13 of duty.

14 **SECTION 13.** 66.0137 (5) (c) 1m. of the statutes is created to read:

15 66.0137 (5) (c) 1m. Except as provided in subds. 2. and 3., if a political
16 subdivision, the state, the Board of Regents, or Marquette University provides for
17 the payment of premiums for hospital, surgical, and other health insurance for its
18 law enforcement officers or emergency medical services practitioners, it shall
19 continue to pay such premiums for the surviving spouse and dependent children of
20 the law enforcement officer or emergency medical services practitioner who dies
21 while in the line of duty.

22 **SECTION 14.** 66.0137 (5) (c) 2. of the statutes is amended to read:

23 66.0137 (5) (c) 2. A ~~municipality~~ political subdivision, the state, the Board of
24 Regents, or Marquette University may not be required to pay the premiums

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

3 **SECTION 15.** 66.0137 (5) (c) 3. of the statutes is repealed and recreated to read:

4 66.0137 (5) (c) 3. An individual is not a dependent child for the purposes of
5 subd. 1. or 1m. after the individual reaches the age of 26.

6 **SECTION 16.** 66.0137 (5) (c) 4. of the statutes is created to read:

7 66.0137 (5) (c) 4. Except as needed to administer this paragraph, a political
8 subdivision, the state, the Board of Regents, and Marquette University shall keep
9 confidential any personally identifiable information, as defined in s. 19.62 (5), of a
10 surviving spouse and dependent children for whom the political subdivision, the
11 state, the Board of Regents, or university makes a payment under this paragraph.

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

13 66.0137 (5) (d) If a political subdivision pays the premiums described in par.
14 (c) 1. or 1m., annually, the political subdivision shall file with the department of
15 revenue a request for reimbursement, along with any documentation requested by
16 the department, for such amounts paid in the previous year. The department shall
17 reimburse the political subdivision from the appropriation under s. 20.835 (1) (db).

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

19 79.01 (2d) There is established an account in the general fund entitled the
20 "County and Municipal Aid Account." The total amount to be distributed in 2011 to
21 counties and municipalities from the county and municipal aid account is
22 \$824,825,715 ~~and~~, the total amount to be distributed to counties and municipalities
23 beginning in 2012, and in each year thereafter, and ending in 2019 from the county
24 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 **SECTION 19.** 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 **SECTION 21.** 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.**

