



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to renumber and amend* 66.0137 (5); *to amend* 40.02 (2m), 40.02 (8)
2 (a) 2., 40.02 (20), 40.02 (25) (b) 3., 40.08 (8) (a) 4., 40.08 (9), 40.23 (4) (e), 40.23
3 (4) (f) (intro.), 40.24 (7) (a) (intro.), 40.24 (7) (b), 40.25 (3m), 40.52 (2), 40.55 (1),
4 40.65 (5) (b) 1., 40.65 (5) (c), 40.65 (7) (am) (intro.), 40.65 (7) (am) 1., 40.65 (7)
5 (am) 2., 40.65 (7) (ar) 1., 40.80 (2r) (a) 2., 40.98 (1) (b), 50.032 (2), 50.033 (2),
6 50.06 (2) (am) 2. b., 50.06 (3) (a), 50.09 (1) (f) 1., 50.94 (3) (a), 50.95 (1), 51.30 (4)
7 (b) 20. (intro.), 51.30 (4) (cm) (intro.), 51.30 (4) (cm) 1., 101.9208 (4m), 102.475
8 (6), 102.49 (1), 102.49 (2), 102.49 (3), 102.51 (2) (a), 102.51 (6), 102.64 (1), 103.10
9 (1) (b), 103.10 (1) (f), 103.10 (3) (b) 3., 103.10 (6) (b) (intro.), 103.10 (6) (b) 1.,
10 103.10 (7) (a), 103.10 (7) (b) 1., 103.10 (12) (c), 103.165 (3) (a) 1., 103.165 (3) (a)
11 2., 103.165 (3) (a) 3., 103.165 (3) (a) 4., 103.165 (3) (c), 103.165 (3) (d), 109.03 (3)
12 (a), 109.03 (3) (b), 109.03 (3) (c), 146.81 (5), 155.30 (1) (form), 155.40 (2), 157.05,
13 157.06 (9) (a) 2., 243.10 (1) (form), 243.10 (7) (b), 252.16 (1) (ar), 252.17 (3) (d),
14 252.17 (4) (a), 252.17 (4) (d), 301.046 (4) (a) 1., 301.048 (4m) (a) 1., 301.38 (1) (a),
15 301.46 (3) (a) 1., 302.105 (1) (a), 304.06 (1) (a) 1., 304.09 (1) (a), 321.62 (11) (a),

1 342.14 (3m), 342.17 (4) (b) 1. (intro.) and c. and 4., 614.10 (2) (c) 3., 851.17,
 2 852.01 (1) (a) (intro.), 1. and 2. (intro.) and b., (b), (c), (d) and (f) (intro.), 852.09,
 3 853.11 (2m) and (3), 853.12 (title), 853.12 (1), (2) (intro.) and (a), (3) (a) and (b)
 4 and (4) (a), 859.25 (1) (g), 861.21 (title), 861.21 (1) (b), 861.21 (2), (4) and (5),
 5 861.31 (1m), (2) and (4) (intro.) and (b), 861.33 (title), 861.33 (1) (a) (intro.) and
 6 1. and (b), 861.35 (title), 861.35 (1m), (2), (3) (a) and (4), 861.41, 867.01 (1) (b)
 7 and (3) (f), 895.04 (2) and (6), 905.05 (title), 905.05 (1), (2) and (3) (a), (b), (c) and
 8 (d), 949.01 (2), 949.06 (1m) (a), 971.17 (4m) (a) 2., 971.17 (6m) (a) 2. and 980.11
 9 (1) (b), and **to create** 40.02 (21d), 40.02 (21r), 50.032 (2d), 50.033 (2d), 50.034
 10 (3) (e), 50.035 (2d), 50.04 (2d), 50.36 (3j), 50.942, 66.0137 (5) (a), 77.25 (8n),
 11 102.51 (1) (a) 2m., 103.10 (1) (ar), 700.19 (2m), chapter 770, 851.08 and 851.295
 12 of the statutes; **relating to:** a domestic partnership registry, benefits accruing
 13 to domestic partners, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Establishment of domestic partnership registry

This bill establishes a domestic partnership registry in the Office of the Secretary of State (secretary) and provides the requirements for registering and terminating a domestic partnership. Under the bill, a domestic partnership that may be registered with the secretary may be entered into by two individuals who are at least 18 years old and who are not married or in another state-registered domestic partnership. The individuals must share a common residence, they may not be nearer of kin than second cousins, and either both of them must be members of the same sex or at least one of them must be 62 years old or older. To register the domestic partnership, the individuals file with the secretary a declaration that is signed by both individuals and notarized. The secretary then issues a certificate of state-registered domestic partnership to each of the parties, who are then state-registered domestic partners (domestic partners).

To terminate a state-registered domestic partnership, at least one of the domestic partners must file with the secretary a notice of termination of state-registered domestic partnership, which must be signed by one or both of the domestic partners and notarized. If only one of the domestic partners signs the notice, he or she must also file an affidavit stating either of the following: 1) that he

STATE GOVERNMENT
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or she has served the other domestic partner with notice that he or she is going to file a notice of termination of state-registered domestic partnership; or 2) that he or she has been unable to locate the other domestic partner and has published a notice in a newspaper of general circulation in the county in which the latest common residence of the domestic partners is located. Upon receipt of a notice of termination, or a notice and an affidavit, the secretary issues a certificate of termination of state-registered domestic partnership to each domestic partner. The termination of the state-registered domestic partnership is effective 90 days after the notice is filed with the secretary. However, if one or both domestic partners enters into a marriage that is valid in the state, the state-registered domestic partnership is automatically terminated on the date of the marriage.

The secretary must prepare the forms to be used for the declaration of state-registered domestic partnership and notice of termination of state-registered domestic partnership and must distribute the forms to county clerks. The forms must be available at the secretary's office, at county clerks' offices, and on the Internet. The secretary must provide copies of all declarations and notices of termination that are filed with the secretary to the state registrar, who must maintain records of the copies. The secretary must also by rule set the fees that individuals must pay for filing declarations and notices of termination.

Subpart A-3
(see p. 7)

Court and evidentiary matters

Under current law, a court reviewing a settlement or monetary judgment for the plaintiff in a wrongful death action may set aside an amount of up to 50 percent of the net settlement or judgment, after deducting collection costs, for the support of the decedent's surviving spouse or minor children. Current law permits a surviving spouse or other relatives allowed to bring a wrongful death action to satisfy and discharge the claims of the estate in settling the wrongful death claims of the surviving spouse or other relative. This bill allows the decedent's surviving domestic partner to file an action for wrongful death, to petition the court to set aside amounts of up to 50 percent of the net settlement or judgment of the wrongful death claims for the support of the domestic partner, and ~~allows the domestic partner~~ to discharge the claims of the estate in settling the domestic partner's wrongful death claims.

Under current law, a person has the right to evoke the spousal privilege and prevent the person's current or former spouse from testifying about private communications between the spouses or former spouses, subject to certain exclusions. This bill allows a person to prevent the person's current or former domestic partners from testifying about private communications between the domestic partners or former domestic partners, subject to the same exclusions.

Employee benefits

EMPLOYMENT

Worker's compensation. Under current worker's compensation law, when death results from an injury sustained by an employee while performing services growing out of and incidental to employment, the employee's dependents, including a spouse who is living with the employee at the time of death, are entitled to a death benefit. This bill extends death benefits under the worker's compensation law to a domestic partner of a deceased employee who is living with the deceased employee at the time of death.

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Amal title head

~~Family leave~~ Under current law, an employee of an employer employing 50 or more individuals on a permanent basis may take up to six weeks of family leave in a 12-month period to care for a child, spouse, or parent of the employee, or the parent of the spouse of the employee, who has a serious health condition. This bill permits such an employee to take family leave to care for a domestic partner, or the parent of a domestic partner, who has a serious health condition.

~~Wage and cash bond payments~~. Under current law, if an employee to whom wages are due dies, the employer must, upon demand, pay the wages to the spouse, children, or other dependent living with the employee at the time of death. The employer may, before an application is filed for the administration of the deceased employee's estate, make that payment to the spouse, children, parents, or siblings of the deceased employee, giving preference in that order listed. *no #*

← Similarly, if an employee who is required to furnish a cash bond dies, the employer may, before an application is filed for the administration of the deceased employee's estate, withdraw the cash bond and turn it over to the spouse, children, parents, or siblings of the deceased employee, giving preference in that order listed. *no #*

← This bill requires an employer of a deceased employee who was required to furnish a cash bond or to whom wages are due to turn over the cash bond or pay the wages to the domestic partner of the deceased employee.

~~Public employee benefits~~. The bill provides that domestic partners must be treated in the same manner as spouses with respect to all pension benefits provided to public employees who are covered under the Wisconsin Retirement System and all other benefits provided to state employees.

Insurance matters

Under a program in current law, ~~the Department of Health and Family Services (DHFS)~~ ^{DHS} provides subsidies to eligible persons to pay premiums for health insurance provided through the person's employer if the person's employment has been terminated or his or her hours have been reduced or he or she is on medical leave because of an illness or condition related to a human immunodeficiency virus (HIV) infection. ~~DHFS~~ may provide the subsidies even if the insurance covers the person's spouse and dependants. The bill provides that ~~DHFS~~ may also provide the subsidies if the insurance covers the person's domestic partner.

Under current law, a local governmental unit (which includes a city, village, town, county, school district, sewerage district, and drainage district) may provide health and life insurance for employees, officers, and their spouses and dependent children. Under this bill, such coverage may also be provided for an employee's and officer's domestic partner and dependent children.

Health and mental health care and after-death decision making

Currently, all patient health care records are confidential and, with numerous exceptions, may be released only to persons with the written, informed consent of the patient or of a person authorized by the patient. A "person authorized by the patient" is, for an adult, the patient's guardian, a person authorized in writing by the patient, or the agent under the patient's power of attorney for health care. For a deceased patient, the patient's personal representative or spouse is the person authorized by the patient. If no spouse survives a decedent, an adult member of the deceased

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Retirement and Group Insurance

and title: head
Public assistance

Local law

HEALTH AND HUMAN SERVICES
OTHER HEALTH AND HUMAN SERVICES

patient's immediate family is the person authorized by the patient. The authorization permits inspection and receipt of copies of the patient's health care records. The bill authorizes a domestic partner of a deceased patient to be the person authorized by the patient for purposes of release of the patient's health care records.

Under current law, an individual's treatment records (records of services for mental illness, developmental disability, alcoholism, or drug dependence) generally are confidential and privileged to the individual, but may be released without informed written consent under numerous circumstances. Under one of the circumstances, a spouse, parent, adult child, or sibling who is directly involved in providing care to or monitoring the treatment of an individual may, upon request, receive certain limited information from the individual's mental illness or developmental disability treatment records. Under another circumstance, the parent, child, sibling, or spouse of an individual who is a patient at a public or private treatment hospital, a law enforcement officer, or a mental health professional may receive certain information about the location of the individual, unless the individual has requested that the information be withheld or there is reasonable cause to believe that the information would result in danger to the individual. The bill authorizes the domestic partner of an individual who is receiving treatment for mental illness or developmental disability to receive information from the treated individual's treatment records and about the individual's location.

Currently, certain persons, in a specified order of priority, may consent to admission directly to a hospice or directly from a hospital to a nursing home or community-based residential facility (C-BRF) of an incapacitated individual who does not have a valid power of attorney for health care and has not been adjudicated incompetent. The priority for these persons in relationship to the incapacitated individual is spouse; adult child; parent; adult sibling; grandparent or adult grandchild (for admission to a nursing home or C-BRF); and adult close friend. Consent for admission may not be made if the individual, or certain persons within the order of priority, objects. The bill classifies an incapacitated individual's domestic partner in the same priority as a spouse for the purpose of admitting the individual to a nursing home, C-BRF, or hospice.

Under current law, if both spouses are residents of the same nursing home or C-BRF, they may be permitted to share a room, unless medically contraindicated. The bill permits the sharing of a room by both domestic partners if both are residents of the same nursing home or C-BRF.

The bill requires a hospital, nursing home, community-based residential facility, certified or licensed adult family home, residential care apartment complex, or hospice that has a policy on visiting patients to extend the same right of visitation to a patient's domestic partner as is accorded the spouse of a patient under the policy.

Currently, a health care power of attorney and a durable power of attorney for finances under which the principal's agent is his or her spouse is terminated if the marriage is annulled or ends in divorce. This bill terminates a health care power of attorney and a durable power of attorney for finances under which the principal's agent is his or her domestic partner if the domestic partnership is terminated.

Currently, certain reasonably available persons may, under a specified order of priority, make a donation of all or part of another's body near or upon the donor's death (anatomical gift) for use in transplantation or other purposes. The priority in authority for these persons in relationship to the donor is agent under a health care power of attorney, spouse, adult child, parent, adult sibling, adult grandchild, grandparent, adult who has exhibited special care and concern for the donor, guardian, and any other person who has authority to dispose of the individual's body. An anatomical gift may not be made by any of these persons if the decedent has made an unrevoked refusal or objections to donate or if a majority of members in the same class in priority objects. The bill classifies the decedent's domestic partner in the same priority as a spouse for the purpose of making an anatomical gift of the decedent's body or part of the decedent's body.

Probate matters

COURTS AND PROCEDURE
OTHER COURTS AND PROCEDURE

This bill defines a "surviving domestic partner" as a person who was the domestic partner of the decedent at the time of the decedent's death, and mirrors the definition of "surviving spouse" by excluding a person who was the domestic partner of the decedent and who sought a termination of the domestic partnership, if the secretary failed to issue a valid certificate of termination for the domestic partnership, unless the person and the decedent subsequently registered as domestic partners or held themselves out as domestic partners. The bill further excludes from the definition of surviving domestic partner persons who were the domestic partner of the decedent but have subsequently married a third person or have registered a domestic partnership with a third person, or a person who was a party to a proceeding that concluded with an order terminating the person's property rights based on the domestic partnership.

This bill establishes that in probate cases, the following rights for the surviving domestic partner of a decedent are equivalent to the rights of a surviving spouse:

1. The surviving domestic partner of a decedent who dies intestate is entitled to inherit all of the decedent's estate unless the decedent had children that were not also the children of the surviving domestic partner, in which case the surviving domestic partner receives half of the intestate estate.

2. A surviving domestic partner may petition the court for the full property interest the decedent had in a home, subject to payment to the estate of the value of that interest the surviving domestic partner is not entitled to under a governing instrument or under intestacy, within one year from the decedent's death.

3. If a decedent executed his or her will before the registration of the domestic partnership, the surviving domestic partner is entitled to a share of the decedent's estate equivalent to what the share would be if the decedent died intestate, subject to certain reductions, unless the will was executed in contemplation of the domestic partnership or was intended to apply notwithstanding the decedent subsequently entering into a domestic partnership.

4. A surviving domestic partner may petition the probate court for an allowance for support, but the court may order that sum be charged against interest or principal from the estate to which the surviving domestic partner is entitled and the court may apply that allowance against amounts owed for assuming the decedent's full interest

in a home. The court may distribute a special allowance for support of the surviving domestic partner even if the distribution of such an allowance would harm the interests of a creditor, after performing a balancing test of the needs of the surviving domestic partner versus the needs of the creditor.

5. A surviving domestic partner may select from the estate certain personal and household items and may be entitled to household items necessary for the maintenance of the home, notwithstanding that those items were bequeathed to another heir.

6. A surviving domestic partner may petition the court to set aside an amount for his or her support of up to \$10,000 in value that will be exempt from the claims of the estate's creditors.

7. If the value of the decedent's estate, less the amounts of debt secured by property of the estate, does not exceed \$50,000, a surviving domestic partner may settle the estate under summary procedures without the need to appoint a personal representative of the estate.

Property matters

Under current law, if persons named as owners in a document of title or as transferees or buyers in an instrument of transfer are described as husband and wife or are in fact husband and wife, the owners, transferees, or buyers are joint tenants. The bill provides that domestic partners are also joint tenants if they are named as owners in a document of title or as transferees or buyers in an instrument of transfer.

Under current law, the transfer of real property between spouses is exempt from the real estate transfer fee. Under the bill, the transfer of real property between an individual and his or her domestic partner is exempt from the real estate transfer fee.

Motor vehicle titles

Under current law, ~~the Department of Transportation (DOT)~~ collects a supplemental vehicle title fee in connection with applications for certificates of title for new vehicles and for vehicles the ownership of which has been transferred. However, this fee is waived for transfer of a decedent's interest in a vehicle to his or her surviving spouse. Also under current law, with an exception, DOT must transfer a decedent's interest in a vehicle to his or her surviving spouse upon receipt of the title executed by the surviving spouse and a statement by the spouse that includes specified information.

Under this bill, a domestic partner is provided the same privileges as a surviving spouse for purposes of these motor vehicle transfer provisions.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

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TAXATION
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TRANSPORTATION
Drivers and motor vehicles (es)

stays in →

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

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

1 **SECTION 1.** 40.02 (2m) of the statutes is amended to read:

2 40.02 (2m) "Alternate payee" means a former spouse or domestic partner of a
3 participant who is named in a qualified domestic relations order as having a right
4 to receive a portion of the benefits of the participant.

5 **SECTION 2.** 40.02 (8) (a) 2. of the statutes as affected by 2007 Wisconsin Act 131,
6 is amended to read:

7 40.02 (8) (a) 2. In the absence of a written designation of beneficiary, or if all
8 designated beneficiaries who survive the decedent die before filing with the
9 department a beneficiary designation applicable to that death benefit or an
10 application for any death benefit payable, the person determined in the following
11 sequence: group 1, surviving spouse or surviving domestic partner; group 2, children
12 of the deceased participant, employee or annuitant, in equal shares, with the share
13 of any deceased child payable to the issue of the child or, if there is no surviving issue
14 of a deceased child, to the other eligible children in this group or, if deceased, their
15 issue; group 3, parent, in equal shares if both survive; group 4, brother and sister in
16 equal shares and the issue of any deceased brother or sister. The shares payable to
17 the issue of a person shall be determined per stirpes. No payment may be made to
18 a person included in any group if there is a living person in any preceding group, and
19 s. 854.04 (6) shall not apply to a determination under this subsection.

20 **SECTION 3.** 40.02 (20) of the statutes is amended to read:

1 40.02 (20) "Dependent" means the spouse, domestic partner, minor child,
2 including stepchildren of the current marriage or domestic partnership dependent
3 on the employee for support and maintenance, or child of any age, including
4 stepchildren of the current marriage or domestic partnership, if handicapped to an
5 extent requiring continued dependence. For group insurance purposes only, the
6 department may promulgate rules with a different definition of "dependent" than the
7 one otherwise provided in this subsection for each group insurance plan.

8 **SECTION 4.** 40.02 (21d) of the statutes is created to read:

9 40.02 (21d) "Domestic partner" means a state-registered domestic partner
10 under s. 770.05.

11 **SECTION 5.** 40.02 (21r) of the statutes is created to read:

12 40.02 (21r) "Domestic partnership" means a state-registered domestic
13 partnership under s. 770.07.

14 **SECTION 6.** 40.02 (25) (b) 3. of the statutes is amended to read:

15 40.02 (25) (b) 3. The surviving spouse or domestic partner of an employee, or
16 of a retired employee, who is currently covered by health insurance at the time of
17 death of the employee or retired employee. The spouse or domestic partner shall
18 have the same right to health insurance coverage as the deceased employee or retired
19 employee, but without state contribution, under rules promulgated by the secretary.

20 **SECTION 7.** 40.08 (8) (a) 4. of the statutes is amended to read:

21 40.08 (8) (a) 4. The former spouse or domestic partner of a participant who is
22 an alternate payee and whom the department cannot locate by reasonable efforts,
23 with such efforts beginning by the end of the month in which the participant attains,
24 or would have attained, the age of 65, shall be considered to have abandoned all
25 benefits under the Wisconsin retirement system on the date on which the participant

1 attains, or would have attained, the age of 70. The department shall close the
2 alternate payee's account and shall transfer the moneys in the account to the
3 employer accumulation reserve. The department shall restore the alternate payee's
4 account and shall debit the employer accumulation reserve accordingly if the
5 alternate payee subsequently applies for retirement benefits under this chapter
6 before the participant attains or would have attained the age of 80.

7 **SECTION 8.** 40.08 (9) of the statutes is amended to read:

8 **40.08 (9) PAYMENTS OF BENEFITS TO MINORS AND INDIVIDUALS FOUND INCOMPETENT.**

9 In any case in which a benefit amount becomes payable to a minor or to an individual
10 adjudicated incompetent, the department may waive guardianship proceedings, and
11 pay the benefit to the person providing for or caring for the minor, or to the spouse
12 or domestic partner, parent, or other relative by blood or adoption providing for or
13 caring for the individual adjudicated incompetent.

14 **SECTION 9.** 40.23 (4) (e) of the statutes is amended to read:

15 **40.23 (4) (e) 1.** Subject to subds. 2. to 4., if a participant dies before the
16 distribution of benefits has commenced and the participant's beneficiary is the
17 spouse or domestic partner, the department shall begin the distribution within 5
18 years after the date of the participant's death.

19 2. If the spouse or domestic partner files a subsequent beneficiary designation
20 with the department, the payment of the distribution may be deferred until the
21 January 1 of the year in which the participant would have attained the age of 70.5
22 years.

23 3. If the spouse or domestic partner does not apply for a distribution, the
24 distribution shall begin as an automatic distribution as provided under subd. 1. or
25 under par. (c), whichever distribution date is earlier.

1 4. If the spouse or domestic partner dies, but has designated a new beneficiary,
2 the birth date of the spouse or domestic partner shall be used for the purposes of
3 determining the required beginning date.

4 5. The department shall specify by rule all procedures relating to an automatic
5 distribution to the spouse or domestic partner. These rules shall comply with the
6 internal revenue code.

7 **SECTION 10.** 40.23 (4) (f) (intro.) of the statutes is amended to read:

8 40.23 (4) (f) (intro.) If a participant dies before the distribution of benefits has
9 commenced and the participant's beneficiary is not the spouse or domestic partner,
10 the beneficiary shall do one of the following:

11 **SECTION 11.** 40.24 (7) (a) (intro.) of the statutes is amended to read:

12 40.24 (7) (a) (intro.) Any participant who has been married to the same spouse,
13 or in a domestic partnership with the same domestic partner, for at least one year
14 immediately preceding the participant's annuity effective date shall elect the
15 annuity option under sub. (1) (d), the annuity option under sub. (1) (e), if the reduced
16 annuity under sub. (1) (e) is payable in an optional life form provided under sub. (1)
17 (d), or an annuity option in a form provided by rule, if the annuity is payable for life
18 with monthly payments of at least 75% of the amount of the annuity to be continued
19 to the beneficiary, for life, upon the death of the participant, and the participant shall
20 designate the spouse or domestic partner as the beneficiary, unless the participant's
21 application for a retirement annuity in a different optional annuity form is signed
22 by both the participant and the participant's spouse or domestic partner or unless the
23 participant establishes to the satisfaction of the department that, by reason of
24 absence or other inability, the spouse's or domestic partner's signature may not be
25 obtained. This subsection does not apply to any of the following:

1 **SECTION 12.** 40.24 (7) (b) of the statutes is amended to read:

2 40.24 (7) (b) In administering this subsection, the secretary may require the
3 participant to provide the department with a certification of the participant's marital
4 or domestic partnership status and of the validity of the spouse's or domestic
5 partner's signature. If a participant is exempted from the requirements under par.
6 (a) on the basis of a certification which the department or a court subsequently
7 determines to be invalid, the liability of the fund and the department shall be limited
8 to a conversion of annuity options at the time the certification is determined to be
9 invalid. The conversion shall be from the present value of the annuity in the optional
10 form originally elected by the participant to an annuity with the same present value
11 but in the optional form under sub. (1) (d) and with monthly payments of 100% of the
12 amount of the annuity paid to the annuitant to be continued to the spouse or domestic
13 partner beneficiary.

14 **SECTION 13.** 40.25 (3m) of the statutes is amended to read:

15 40.25 (3m) A participant's application for a lump sum payment under sub. (1)
16 (b) or (2), filed after May 7, 1994, shall be signed by both the participant and the
17 participant's spouse or domestic partner, if the participant has been married to that
18 spouse, or in a domestic partnership with that domestic partner, for at least one year
19 immediately preceding the date the application is filed. The department may
20 promulgate rules that allow for the waiver of the requirements of this subsection for
21 a situation in which, by reason of absence or incompetency, the spouse's or domestic
22 partner's signature may not be obtained. This subsection does not apply to any
23 benefits paid from accumulated additional contributions.

24 **SECTION 14.** 40.52 (2) of the statutes is amended to read:

1 40.52 (2) Health insurance benefits under this subchapter shall be integrated,
2 with exceptions determined appropriate by the group insurance board, with benefits
3 under federal plans for hospital and health care for the aged and disabled.
4 Exclusions and limitations with respect to benefits and different rates may be
5 established for persons eligible under federal plans for hospital and health care for
6 the aged and disabled in recognition of the utilization by persons within the age
7 limits eligible under the federal program. The plan may include special provisions
8 for spouses, domestic partners, and other dependents covered under a plan
9 established under this subchapter where one spouse or domestic partner is eligible
10 under federal plans for hospital and health care for the aged but the others are not
11 eligible because of age or other reasons. As part of the integration, the department
12 may, out of premiums collected under s. 40.05 (4), pay premiums for the federal
13 health insurance.

14 **SECTION 15.** 40.55 (1) of the statutes, ~~as affected by 2007 Wisconsin Act 168,~~
15 is amended to read:

16 40.55 (1) Except as provided in sub. (5), the state shall offer, through the group
17 insurance board, to eligible employees under s. 40.02 (25) (bm) and to state
18 annuitants long-term care insurance policies which have been filed with the office
19 of the commissioner of insurance and which have been approved for offering under
20 contracts established by the group insurance board if the insurer requests that the
21 policy be offered and the state shall also allow an eligible employee or a state
22 annuitant to purchase those policies for his or her spouse, domestic partner, or
23 parent.

24 **SECTION 16.** 40.65 (5) (b) 1. of the statutes is amended to read:

1 40.65 (5) (b) 1. Any OASDHI benefit payable to the participant or the
2 participant's spouse, domestic partner, or a dependent because of the participant's
3 work record.

4 **SECTION 17.** 40.65 (5) (c) of the statutes is amended to read:

5 40.65 (5) (c) The Wisconsin retirement board may not reduce a participant's
6 benefit because of income or benefits that are attributable to the earnings or work
7 record of the participant's spouse, domestic partner, or other member of the
8 participant's family, or because of income or benefits attributable to an insurance
9 contract, including income continuation programs.

10 **SECTION 18.** 40.65 (7) (am) (intro.) of the statutes is amended to read:

11 40.65 (7) (am) (intro.) This paragraph applies to benefits based on applications
12 filed on or after May 3, 1988. If a protective occupation participant dies as a result
13 of an injury or a disease for which a benefit is paid or would be payable under sub.
14 (4), and the participant is survived by a spouse, domestic partner, or an unmarried
15 child under the age of 18, a monthly benefit shall be paid as follows:

16 **SECTION 19.** 40.65 (7) (am) 1. of the statutes is amended to read:

17 40.65 (7) (am) 1. To the surviving spouse or domestic partner until the
18 surviving spouse remarries or the surviving domestic partner enters into a new
19 domestic partnership or marries, if the spouse was married to the participant on the
20 date that the participant was disabled under sub. (4) or the domestic partner was in
21 a domestic partnership with the participant on the date that the participant was
22 disabled under sub. (4), 50% of the participant's monthly salary at the time of death,
23 but reduced by any amount payable under sub. (5) (b) 1. to 6.

24 **SECTION 20.** 40.65 (7) (am) 2. of the statutes is amended to read:

1 40.65 (7) (am) 2. To a guardian for each of that guardian's wards who is an
2 unmarried surviving child under the age of 18, 10% of the participant's monthly
3 salary at the time of death, payable until the child marries, dies or reaches the age
4 of 18, whichever occurs first. The marital or domestic partnership status of the
5 surviving spouse or domestic partner shall have no effect on the payments under this
6 subdivision.

7 **SECTION 21.** 40.65 (7) (ar) 1. of the statutes is amended to read:

8 40.65 (7) (ar) 1. This paragraph applies to benefits based on applications filed
9 on or after May 12, 1998. If a protective occupation participant, who is covered by
10 the presumption under s. 891.455, dies as a result of an injury or a disease for which
11 a benefit is paid or would be payable under sub. (4), and the participant is survived
12 by a spouse, domestic partner, or an unmarried child under the age of 18, a monthly
13 benefit shall be paid as follows:

14 a. To the surviving spouse or domestic partner until the surviving spouse or
15 domestic partner remarries or enters into a new domestic partnership, if the
16 surviving spouse was married to the participant on the date that the participant was
17 disabled under sub. (4) or the domestic partner was in a domestic partnership with
18 the participant on the date that the participant was disabled under sub. (4), 70% of
19 the participant's monthly salary at the time of death, but reduced by any amount
20 payable under sub. (5) (b) 1. to 6.

21 b. If there is no surviving spouse or domestic partner or the surviving spouse
22 or domestic partner subsequently dies, to a guardian for each of that guardian's
23 wards who is an unmarried surviving child under the age of 18, 10% of the
24 participant's monthly salary at the time of death, payable until the child marries,
25 dies or reaches the age of 18, whichever occurs first.

1 **SECTION 22.** 40.80 (2r) (a) 2. of the statutes is amended to read:

2 40.80 (2r) (a) 2. Assigns all or part of a participant's accumulated assets held
3 in a deferred compensation plan under this subchapter to a spouse, former spouse,
4 domestic partner, former domestic partner, child, or other dependent to satisfy a
5 family support or marital property obligation.

6 **SECTION 23.** 40.98 (1) (b) of the statutes is amended to read:

7 40.98 (1) (b) "Dependent" means a spouse or domestic partner, an unmarried
8 child under the age of 19 years, an unmarried child who is a full-time student under
9 the age of 21 years and who is financially dependent upon the parent, or an
10 unmarried child of any age who is medically certified as disabled and who is
11 dependent upon the parent.

12 **SECTION 24.** 50.032 (2) of the statutes is amended to read:

13 50.032 (2) REGULATION. Standards Except as provided in sub. (2d), standards
14 for operation of certified adult family homes and procedures for application for
15 certification, monitoring, inspection, decertification and appeal of decertification
16 under this section shall be under rules promulgated by the department under s.
17 50.02 (2) (am) 1. An adult family home certification is valid until decertified under
18 this section. Certification is not transferable.

19 **SECTION 25.** 50.032 (2d) of the statutes is created to read:

20 50.032 (2d) ACCOMPANIMENT OR VISITATION. If an adult family home has a policy
21 on who may accompany or visit a patient, the adult family home shall extend the
22 same right of accompaniment or visitation to a patient's state-registered domestic
23 partner under s. 770.05 as is accorded the spouse of a patient under the policy.

24 **SECTION 26.** 50.033 (2) of the statutes is amended to read:

1 50.033 (2) REGULATION. Standards Except as provided in sub. (2d), standards
2 for operation of licensed adult family homes and procedures for application for
3 licensure, monitoring, inspection, revocation and appeal of revocation under this
4 section shall be under rules promulgated by the department under s. 50.02 (2) (am)
5 2. An adult family home licensure is valid until revoked under this section.
6 Licensure is not transferable. The biennial licensure fee for a licensed adult family
7 home is \$135. The fee is payable to the county department under s. 46.215, 46.22,
8 46.23, 51.42 or 51.437, if the county department licenses the adult family home under
9 sub. (1m) (b), and is payable to the department, on a schedule determined by the
10 department if the department licenses the adult family home under sub. (1m) (b).

11 **SECTION 27.** 50.033 (2d) of the statutes is created to read:

12 50.033 (2d) ACCOMPANIMENT OR VISITATION. If an adult family home has a policy
13 on who may accompany or visit a patient, the adult family home shall extend the
14 same right of accompaniment or visitation to a patient's state-registered domestic
15 partner under s. 770.05 as is accorded the spouse of a patient under the policy.

16 **SECTION 28.** 50.034 (3) (e) of the statutes is created to read:

17 50.034 (3) (e) If a residential care apartment complex has a policy on who may
18 accompany or visit a patient, the residential care apartment complex shall extend
19 the same right of accompaniment or visitation to a patient's state-registered
20 domestic partner under s. 770.05 as is accorded the spouse of a patient under the
21 policy.

22 **SECTION 29.** 50.035 (2d) of the statutes is created to read:

23 50.035 (2d) ACCOMPANIMENT OR VISITATION. If a community-based residential
24 facility has a policy on who may accompany or visit a patient, the community-based
25 residential facility shall extend the same right of accompaniment or visitation to a

1 patient's state-registered domestic partner under s. 770.05 as is accorded the spouse
2 of a patient under the policy.

3 **SECTION 30.** 50.04 (2d) of the statutes is created to read:

4 50.04 (2d) ACCOMPANIMENT OR VISITATION. If a nursing home has a policy on who
5 may accompany or visit a patient, the nursing home shall extend the same right of
6 accompaniment or visitation to a patient's state-registered domestic partner under
7 s. 770.05 as is accorded the spouse of a patient under the policy.

8 **SECTION 31.** 50.06 (2) (am) 2. b. of the statutes is amended to read:

9 50.06 (2) (am) 2. b. The individual who is consenting to the proposed admission
10 is the spouse or state-registered domestic partner under s. 770.05 of the
11 incapacitated person.

12 **SECTION 32.** 50.06 (3) (a) of the statutes is amended to read:

13 50.06 (3) (a) The spouse or state-registered domestic partner under s. 770.05
14 of the incapacitated individual.

15 **SECTION 33.** 50.09 (1) (f) 1. of the statutes, as affected by 2007 Wisconsin Act

16 97, is amended to read:

17 50.09 (1) (f) 1. Privacy for visits by spouse or state-registered domestic partner.
18 If both spouses or both state-registered domestic partners under s. 770.05 are
19 residents of the same facility, they the spouses or domestic partners shall be
20 permitted to share a room unless medically contraindicated as documented by the
21 resident's physician or advanced practice nurse prescriber in the resident's medical
22 record.

23 **SECTION 34.** 50.36 (3j) of the statutes is created to read:

24 50.36 (3j) If a hospital has a policy on who may accompany or visit a patient,
25 the hospital shall extend the same right of accompaniment or visitation to a patient's

1 state-registered domestic partner under s. 770.05 as is accorded the spouse of a
2 patient under the policy.

3 **SECTION 35.** 50.94 (3) (a) of the statutes is amended to read:

4 50.94 (3) (a) The spouse or state-registered domestic partner under s. 770.05
5 of the person who is incapacitated.

6 **SECTION 36.** 50.942 of the statutes is created to read:

7 **50.942 Accompaniment or visitation.** If a hospice has a policy on who may
8 accompany or visit a patient, the hospice shall extend the same right of
9 accompaniment or visitation to a patient's state-registered domestic partner under
10 s. 770.05 as is accorded the spouse of a patient under the policy.

11 **SECTION 37.** 50.95 (1) of the statutes is amended to read:

12 50.95 (1) Standards Except as provided in s. 50.942, standards for the care,
13 treatment, health, safety, rights, welfare and comfort of individuals with terminal
14 illness, their families and other individuals who receive palliative care or supportive
15 care from a hospice and the maintenance, general hygiene and operation of a hospice,
16 which will permit the use of advancing knowledge to promote safe and adequate care
17 and treatment for these individuals. These standards shall permit provision of
18 services directly, as required under 42 CFR 418.56, or by contract under which
19 overall coordination of hospice services is maintained by hospice staff members and
20 the hospice retains the responsibility for planning and coordination of hospice
21 services and care on behalf of a hospice client and his or her family, if any.

22 **SECTION 38.** 51.30 (4) (b) 20. (intro.) of the statutes is amended to read:

23 51.30 (4) (b) 20. (intro.) Except with respect to the treatment records of a
24 subject individual who is receiving or has received services for alcoholism or drug
25 dependence, to the spouse, state-registered domestic partner under s. 770.05,

1 parent, adult child or sibling of a subject individual, if the spouse, domestic partner,
2 parent, adult child or sibling is directly involved in providing care to or monitoring
3 the treatment of the subject individual and if the involvement is verified by the
4 subject individual's physician, psychologist or by a person other than the spouse,
5 domestic partner, parent, adult child or sibling who is responsible for providing
6 treatment to the subject individual, in order to assist in the provision of care or
7 monitoring of treatment. Except in an emergency as determined by the person
8 verifying the involvement of the spouse, domestic partner, parent, adult child or
9 sibling, the request for treatment records under this subdivision shall be in writing,
10 by the requester. Unless the subject individual has been adjudicated incompetent
11 in this state, the person verifying the involvement of the spouse, domestic partner,
12 parent, adult child or sibling shall notify the subject individual about the release of
13 his or her treatment records under this subdivision. Treatment records released
14 under this subdivision are limited to the following:

15 **SECTION 39.** 51.30 (4) (cm) (intro.) of the statutes is amended to read:

16 51.30 (4) (cm) *Required access to certain information.* (intro.) Notwithstanding
17 par. (a), treatment records of an individual shall, upon request, be released without
18 informed written consent, except as restricted under par. (c), to the parent, child,
19 sibling, or spouse, or state-registered domestic partner under s. 770.05 of an
20 individual who is or was a patient at an inpatient facility; to a law enforcement officer
21 who is seeking to determine whether an individual is on unauthorized absence from
22 the facility; and to mental health professionals who are providing treatment to the
23 individual at the time that the information is released to others. Information
24 released under this paragraph is limited to notice as to whether or not an individual
25 is a patient at the inpatient facility and, if the individual is no longer a patient at the

1 inpatient facility, the facility or other place, if known, at which the individual is
2 located. This paragraph does not apply under any of the following circumstances:

3 **SECTION 40.** 51.30 (4) (cm) 1. of the statutes is amended to read:

4 51.30 (4) (cm) 1. To the individual's parent, child, sibling, ~~or~~ spouse, or
5 state-registered domestic partner under s. 770.05 who is requesting information, if
6 the individual has specifically requested that the information be withheld from the
7 parent, child, sibling, ~~or~~ spouse, or domestic partner.

8 **SECTION 41.** 66.0137 (5) of the statutes is renumbered 66.0137 (5) (b) and
9 amended to read:

10 66.0137 (5) (b) The state or a local governmental unit may provide for the
11 payment of premiums for hospital, surgical and other health and accident insurance
12 and life insurance for employees and officers ~~and~~, their spouses and dependent
13 children, and their state-registered domestic partner under s. 770.05 and dependent
14 children. A local governmental unit may also provide for the payment of premiums
15 for hospital and surgical care for its retired employees. In addition, a local
16 governmental unit may, by ordinance or resolution, elect to offer to all of its
17 employees a health care coverage plan through a program offered by the group
18 insurance board under ch. 40. A local governmental unit that elects to participate
19 under s. 40.51 (7) is subject to the applicable sections of ch. 40 instead of this
20 subsection.

21 **SECTION 42.** 66.0137 (5) (a) of the statutes is created to read:

22 66.0137 (5) (a) In this subsection, "local governmental unit" includes the school
23 district operating under ch. 119.

24 **SECTION 43.** 77.25 (8n) of the statutes is created to read:

1 77.25 (8n) Between an individual and his or her state-registered domestic
2 partner under s. 770.05.

3 SECTION 44. 101.9208 (4m) of the statutes is amended to read:

4 101.9208 (4m) Upon filing an application under sub. (1) or (4), a supplemental
5 title fee to be paid by the owner of the manufactured home, except that this fee shall
6 be waived with respect to an application under sub. (4) for transfer of a decedent's
7 interest in a manufactured home to his or her surviving spouse or state-registered
8 domestic partner under s. 770.05. The fee required under this subsection shall be
9 paid in addition to any other fee specified in this section.

10 SECTION 45. 102.475 (6) of the statutes is amended to read:

11 102.475 (6) PROOF. In administering this section the department may require
12 reasonable proof of birth, marriage, state-registered domestic partnership under s.
13 770.07, relationship, or dependency.

14 SECTION 46. 102.49 (1) of the statutes is amended to read:

15 102.49 (1) ~~Where~~ When the beneficiary under s. 102.46 or 102.47 (1) is the wife
16 ~~or husband~~ spouse or state-registered domestic partner under s. 770.05 of the
17 deceased employee and is wholly dependent for support, an additional death benefit
18 shall be paid from the funds provided by sub. (5) for each child by their marriage or
19 state-registered domestic partnership under s. 770.07 who is living at the time of the
20 death of the employee, and who is likewise wholly dependent upon the employee for
21 support. ~~Such~~ That payment shall commence at the time that primary death benefit
22 payments are completed, or, if advancement of compensation has been paid, at the
23 time when payments would normally have been completed. Payments shall continue
24 at the rate of ~~10%~~ plain 10 percent of the surviving parent's weekly indemnity until the
25 child's 18th birthday. If the child is physically or mentally incapacitated, ~~such~~

1 payments may be continued beyond the child's 18th birthday but the payments may
2 not continue for more than a total of 15 years.

3 **SECTION 47.** 102.49 (2) of the statutes is amended to read:

4 102.49 (2) A child lawfully adopted by the deceased employee ^(plain) and ~~or~~ the
5 surviving spouse or state-registered domestic partner under s. 770.05, prior to the
6 time of the injury, and a child not the deceased employee's own by birth or adoption
7 but living with the deceased employee as a member of the deceased employee's family
8 at the time of the injury shall for the purpose of this section be taken as a child by
9 their marriage or state-registered domestic partnership under s. 770.07.

10 **SECTION 48.** 102.49 (3) of the statutes is amended to read:

11 102.49 (3) If the employee leaves a spouse or state-registered domestic partner
12 under s. 770.05 wholly dependent and also a child by a former marriage,
13 state-registered domestic partnership under s. 770.07, or adoption, likewise wholly
14 dependent, aggregate benefits shall be the same in amount as if the child were the
15 child of the surviving spouse or partner, and the entire benefit shall be apportioned
16 to the dependents in the amounts that the department ~~shall determine~~ determines
17 to be just, considering the ages of the dependents and other factors bearing on
18 dependency. The benefit awarded to the surviving spouse or partner shall not exceed
19 4 times the average annual earnings of the deceased employee.

20 **SECTION 49.** 102.51 (1) (a) 2m. of the statutes is created to read:

21 102.51 (1) (a) 2m. A state-registered domestic partner under s. 770.05 upon
22 his or her partner with whom he or she is living at the time of the partner's death.

23 **SECTION 50.** 102.51 (2) (a) of the statutes is amended to read:

24 102.51 (2) (a) No person shall be considered a dependent unless that person is
25 a spouse, a state-registered domestic partner under s. 770.05, a divorced spouse who

1 has not remarried, or a lineal descendant, lineal ancestor, brother, sister, or other
2 member of the family, whether by blood or by adoption, of the deceased employee.

3 **SECTION 51.** 102.51 (6) of the statutes is amended to read:

4 102.51 (6) DIVISION AMONG DEPENDENTS. Benefits accruing to a minor dependent
5 child may be awarded to either parent in the discretion of the department.
6 Notwithstanding sub. (1), the department may reassign the death benefit, in
7 accordance with their respective needs ~~therefor~~ for the death benefit as between a
8 surviving spouse or a state-registered domestic partner under s. 770.05 and children
9 designated in sub. (1) and s. 102.49.

10 **SECTION 52.** 102.64 (1) of the statutes is amended to read:

11 102.64 (1) Upon request of the department of administration, a representative
12 of the department of justice shall represent the state in cases involving payment into
13 or out of the state treasury under s. 20.865 (1) (fm), (kr), or (ur) or 102.29. The
14 department of justice, after giving notice to the department of administration, may
15 compromise the amount of such those payments but such compromises shall be
16 subject to review by the department of workforce development. If the spouse or
17 state-registered domestic partner under s. 770.05 of the deceased employee
18 compromises his or her claim for a primary death benefit, the claim of the children
19 of such the employee under s. 102.49 shall be compromised on the same proportional
20 basis, subject to approval by the department. If the persons entitled to compensation
21 on the basis of total dependency under s. 102.51 (1) compromise their claim,
22 payments under s. 102.49 (5) (a) shall be compromised on the same proportional
23 basis.

24 **SECTION 53.** 103.10 (1) (ar) of the statutes is created to read:

25 103.10 (1) (ar) "Domestic partner" has the meaning given in s. 770.01 (1).

1 **SECTION 54.** 103.10 (1) (b) of the statutes is amended to read:

2 103.10 (1) (b) "Employee" means an individual employed in this state by an
3 employer, except the employer's parent, spouse, domestic partner, or child.

4 **SECTION 55.** 103.10 (1) (f) of the statutes is amended to read:

5 103.10 (1) (f) "Parent" means a natural parent, foster parent, treatment foster
6 parent, adoptive parent, stepparent, or legal guardian of an employee or of an
7 employee's spouse or domestic partner.

8 **SECTION 56.** 103.10 (3) (b) 3. of the statutes is amended to read:

9 103.10 (3) (b) 3. To care for the employee's child, spouse, domestic partner, or
10 parent, if the child, spouse, domestic partner, or parent has a serious health
11 condition.

12 **SECTION 57.** 103.10 (6) (b) (intro.) of the statutes is amended to read:

13 103.10 (6) (b) (intro.) If an employee intends to take family leave because of the
14 planned medical treatment or supervision of a child, spouse, domestic partner, or
15 parent or intends to take medical leave because of the planned medical treatment or
16 supervision of the employee, the employee shall do all of the following:

17 **SECTION 58.** 103.10 (6) (b) 1. of the statutes is amended to read:

18 103.10 (6) (b) 1. Make a reasonable effort to schedule the medical treatment
19 or supervision so that it does not unduly disrupt the employer's operations, subject
20 to the approval of the health care provider of the child, spouse, domestic partner,
21 parent, or employee.

22 **SECTION 59.** 103.10 (7) (a) of the statutes is amended to read:

23 103.10 (7) (a) If an employee requests family leave for a reason described in sub.
24 (3) (b) 3. or requests medical leave, the employer may require the employee to provide
25 certification, as described in par. (b), issued by the health care provider or Christian

1 Science practitioner of the child, spouse, domestic partner, parent, or employee,
2 whichever is appropriate.

3 **SECTION 60.** 103.10 (7) (b) 1. of the statutes is amended to read:

4 103.10 (7) (b) 1. That the child, spouse, domestic partner, parent, or employee
5 has a serious health condition.

6 **SECTION 61.** 103.10 (12) (c) of the statutes is amended to read:

7 103.10 (12) (c) If 2 or more health care providers disagree about any of the
8 information required to be certified under sub. (7) (b), the department may appoint
9 another health care provider to examine the child, spouse, domestic partner, parent,
10 or employee and render an opinion as soon as possible. The department shall
11 promptly notify the employee and the employer of the appointment. The employer
12 and the employee shall each pay 50% of the cost of the examination and opinion.

13 **SECTION 62.** 103.165 (3) (a) 1. of the statutes is amended to read:

14 103.165 (3) (a) 1. The decedent's surviving spouse or state-registered domestic
15 partner under s. 770.05.

16 **SECTION 63.** 103.165 (3) (a) 2. of the statutes is amended to read:

17 103.165 (3) (a) 2. The decedent's children if the decedent ~~shall leave~~ leaves no
18 surviving spouse or state-registered domestic partner under s. 770.05.

19 **SECTION 64.** 103.165 (3) (a) 3. of the statutes is amended to read:

20 103.165 (3) (a) 3. The decedent's father or mother if the decedent ~~shall leave~~
21 leaves no surviving spouse, state-registered domestic partner under s. 770.05, or
22 children.

23 **SECTION 65.** 103.165 (3) (a) 4. of the statutes is amended to read:

1 103.165 (3) (a) 4. The decedent's brother or sister if the decedent shall leave
2 leaves no surviving spouse, state-registered domestic partner under s. 770.05,
3 children, or parent.

4 **SECTION 66.** 103.165 (3) (c) of the statutes is amended to read:

5 103.165 (3) (c) The amount of the cash bond, together with principal and
6 interest, to which the deceased employee would have been entitled had the deceased
7 employee lived, shall, as soon as paid out by the depository, be turned over to the
8 ~~relative of the deceased employee~~ person designated under par. (a) effecting the
9 accounting and withdrawal with the employer. The turning over shall be a discharge
10 and release of the employer to the amount of the payment.

11 **SECTION 67.** 103.165 (3) (d) of the statutes is amended to read:

12 103.165 (3) (d) If no relatives persons designated under par. (a) survive, the
13 employer may apply the cash bond, or so much of the cash bond as may be necessary,
14 to paying creditors of the decedent in the order of preference prescribed in s. 859.25
15 for satisfaction of debts by personal representatives. The making of payment under
16 this paragraph shall be a discharge and release of the employer to the amount of the
17 payment.

18 **SECTION 68.** 109.03 (3) (a) of the statutes is amended to read:

19 109.03 (3) (a) In case of the death of an employee to whom wages are due, the
20 full amount of the wages due shall upon demand be paid by the employer to the
21 spouse, state-registered domestic partner under s. 770.05, ~~children,~~ or other
22 dependent living with the employee at the time of death.

23 **SECTION 69.** 109.03 (3) (b) of the statutes is amended to read:

24 109.03 (3) (b) An employer may, not less than 5 days after the death of an
25 employee and before the filing of a petition or application for administration of the

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1 decedent's estate, make payments of the wage due the deceased employee to the
2 spouse, state-registered domestic partner under s. 770.05, children, parents, or
3 siblings of the decedent, giving preference in the order listed.

4 SECTION 70. 109.03 (3) (c) of the statutes is amended to read:

5 109.03 (3) (c) If none of the relatives persons listed in par. (b) survives, the
6 employer may apply the payment of the wage or so much of the wage as may be
7 necessary to paying creditors of the decedent in the order of preference prescribed
8 in s. 859.25 for satisfaction of debts by personal representatives.

9 SECTION 71. 146.81 (5) of the statutes is amended to read:

10 146.81 (5) "Person authorized by the patient" means the parent, guardian, or
11 legal custodian of a minor patient, as defined in s. 48.02 (8) and (11), the person
12 vested with supervision of the child under s. 938.183 or 938.34 (4d), (4h), (4m), or
13 (4n), the guardian of a patient adjudicated incompetent in this state, the personal
14 representative ~~or~~, spouse, or state-registered domestic partner under s. 770.05 of a
15 deceased patient, any person authorized in writing by the patient or a health care
16 agent designated by the patient as a principal under ch. 155 if the patient has been
17 found to be incapacitated under s. 155.05 (2), except as limited by the power of
18 attorney for health care instrument. If no spouse or state-registered domestic
19 partner survives a deceased patient, "person authorized by the patient" also means
20 an adult member of the deceased patient's immediate family, as defined in s. 632.895
21 (1) (d). A court may appoint a temporary guardian for a patient believed incompetent
22 to consent to the release of records under this section as the person authorized by the
23 patient to decide upon the release of records, if no guardian has been appointed for
24 the patient.

1 WITH RESPECT TO A PARTICULAR HEALTH CARE DECISION, HE OR SHE IS
2 REQUIRED TO DETERMINE WHAT WOULD BE IN YOUR BEST INTERESTS IN
3 MAKING THE DECISION.

4 THIS IS AN IMPORTANT LEGAL DOCUMENT. IT GIVES YOUR AGENT
5 BROAD POWERS TO MAKE HEALTH CARE DECISIONS FOR YOU. IT
6 REVOKES ANY PRIOR POWER OF ATTORNEY FOR HEALTH CARE THAT YOU
7 MAY HAVE MADE. IF YOU WISH TO CHANGE YOUR POWER OF ATTORNEY
8 FOR HEALTH CARE, YOU MAY REVOKE THIS DOCUMENT AT ANY TIME BY
9 DESTROYING IT, BY DIRECTING ANOTHER PERSON TO DESTROY IT IN
10 YOUR PRESENCE, BY SIGNING A WRITTEN AND DATED STATEMENT OR BY
11 STATING THAT IT IS REVOKED IN THE PRESENCE OF TWO WITNESSES. IF
12 YOU REVOKE, YOU SHOULD NOTIFY YOUR AGENT, YOUR HEALTH CARE
13 PROVIDERS AND ANY OTHER PERSON TO WHOM YOU HAVE GIVEN A COPY.
14 IF YOUR AGENT IS YOUR SPOUSE OR STATE-REGISTERED DOMESTIC
15 PARTNER AND YOUR MARRIAGE IS ANNULLED OR YOU ARE DIVORCED OR
16 THE STATE-REGISTERED DOMESTIC PARTNERSHIP IS TERMINATED
17 AFTER SIGNING THIS DOCUMENT, THE DOCUMENT IS INVALID.

18 YOU MAY ALSO USE THIS DOCUMENT TO MAKE OR REFUSE TO MAKE
19 AN ANATOMICAL GIFT UPON YOUR DEATH. IF YOU USE THIS DOCUMENT
20 TO MAKE OR REFUSE TO MAKE AN ANATOMICAL GIFT, THIS DOCUMENT
21 REVOKES ANY PRIOR RECORD OF GIFT THAT YOU MAY HAVE MADE. YOU
22 MAY REVOKE OR CHANGE ANY ANATOMICAL GIFT THAT YOU MAKE BY
23 THIS DOCUMENT BY CROSSING OUT THE ANATOMICAL GIFTS PROVISION
24 IN THIS DOCUMENT.

1 DO NOT SIGN THIS DOCUMENT UNLESS YOU CLEARLY UNDERSTAND
2 IT.

3 IT IS SUGGESTED THAT YOU KEEP THE ORIGINAL OF THIS
4 DOCUMENT ON FILE WITH YOUR PHYSICIAN.”

under s. 770.05

5 SECTION 73. 155.40 (2) of the statutes is amended to read:

6 155.40 (2) If the health care agent is the principal's spouse or state-registered
7 domestic partner and, subsequent to the execution of a power of attorney for health
8 care instrument, the marriage is annulled or divorce from the spouse is obtained or
9 the state-registered domestic partnership under s. 770.07 is terminated, the power
10 of attorney for health care is revoked and the power of attorney for health care
11 instrument is invalid.

12 SECTION 74. 157.05 of the statutes is amended to read:

13 157.05 Autopsy. Consent for a licensed physician to conduct an autopsy on
14 the body of a deceased person shall be deemed sufficient when given by whichever
15 one of the following assumes custody of the body for purposes of burial: Father,
16 mother, husband, wife, child, guardian, next of kin, state-registered domestic
17 partner under s. 770.05, or in the absence of any of the foregoing, a friend, or a person
18 charged by law with the responsibility for burial. If 2 or more such persons assume
19 custody of the body, the consent of one of them shall be deemed sufficient.

20 SECTION 75. 157.06 (9) (a) 2. of the statutes, as affected by 2007 Wisconsin Act
21 106, is amended to read:

22 157.06 (9) (a) 2. The spouse or state-registered domestic partner under s.
23 770.05 of the individual.

24 SECTION 76. 243.10 (1) (form) of the statutes is amended to read:

25 243.10 (1) (form)

**WISCONSIN BASIC POWER OF ATTORNEY
FOR FINANCES AND PROPERTY**

NOTICE: THIS IS AN IMPORTANT DOCUMENT. BEFORE SIGNING THIS DOCUMENT, YOU SHOULD KNOW THESE IMPORTANT FACTS. BY SIGNING THIS DOCUMENT, YOU ARE NOT GIVING UP ANY POWERS OR RIGHTS TO CONTROL YOUR FINANCES AND PROPERTY YOURSELF. IN ADDITION TO YOUR OWN POWERS AND RIGHTS, YOU ARE GIVING ANOTHER PERSON, YOUR AGENT, BROAD POWERS TO HANDLE YOUR FINANCES AND PROPERTY. THIS BASIC POWER OF ATTORNEY FOR FINANCES AND PROPERTY MAY GIVE THE PERSON WHOM YOU DESIGNATE (YOUR "AGENT") BROAD POWERS TO HANDLE YOUR FINANCES AND PROPERTY, WHICH MAY INCLUDE POWERS TO ENCUMBER, SELL OR OTHERWISE DISPOSE OF ANY REAL OR PERSONAL PROPERTY WITHOUT ADVANCE NOTICE TO YOU OR APPROVAL BY YOU. THE POWERS WILL EXIST AFTER YOU BECOME DISABLED, OR INCAPACITATED, IF YOU CHOOSE THAT PROVISION. THIS DOCUMENT DOES NOT AUTHORIZE ANYONE TO MAKE MEDICAL OR OTHER HEALTH CARE DECISIONS FOR YOU. IF YOU OWN COMPLEX OR SPECIAL ASSETS SUCH AS A BUSINESS, OR IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK A LAWYER TO EXPLAIN THIS FORM TO YOU BEFORE YOU SIGN IT.

IF YOU WISH TO CHANGE YOUR BASIC POWER OF ATTORNEY FOR FINANCES AND PROPERTY, YOU MUST COMPLETE A NEW DOCUMENT AND REVOKE THIS ONE. YOU MAY REVOKE THIS DOCUMENT AT ANY TIME BY DESTROYING IT, BY DIRECTING ANOTHER PERSON TO DESTROY IT IN

1 YOUR PRESENCE OR BY SIGNING A WRITTEN AND DATED STATEMENT
2 EXPRESSING YOUR INTENT TO REVOKE THIS DOCUMENT. IF YOU
3 REVOKE THIS DOCUMENT, YOU SHOULD NOTIFY YOUR AGENT AND ANY
4 OTHER PERSON TO WHOM YOU HAVE GIVEN A COPY OF THE FORM. YOU
5 ALSO SHOULD NOTIFY ALL PARTIES HAVING CUSTODY OF YOUR ASSETS.
6 THESE PARTIES HAVE NO RESPONSIBILITY TO YOU UNLESS YOU
7 ACTUALLY NOTIFY THEM OF THE REVOCATION. IF YOUR AGENT IS YOUR
8 SPOUSE OR STATE-REGISTERED DOMESTIC PARTNER AND YOUR
9 MARRIAGE IS ANNULLED, OR YOU ARE DIVORCED, OR THE
10 STATE-REGISTERED DOMESTIC PARTNERSHIP IS TERMINATED AFTER
11 SIGNING THIS DOCUMENT, THIS DOCUMENT IS INVALID.

12 SINCE SOME 3RD PARTIES OR SOME TRANSACTIONS MAY NOT
13 PERMIT USE OF THIS DOCUMENT, IT IS ADVISABLE TO CHECK IN
14 ADVANCE, IF POSSIBLE, FOR ANY SPECIAL REQUIREMENTS THAT MAY BE
15 IMPOSED.

16 YOU SHOULD SIGN THIS FORM ONLY IF THE AGENT YOU NAME IS
17 RELIABLE, TRUSTWORTHY AND COMPETENT TO MANAGE YOUR AFFAIRS.

18 I ... (insert your name and address) appoint ... (insert the name and address
19 of the person appointed) as my agent to act for me in any lawful way with respect to
20 the powers initialed below. If the person appointed is unable or unwilling to act as
21 my agent, I appoint ... (insert name and address of alternate person appointed) to
22 act for me in any lawful way with respect to the powers initialed below.

23 TO GRANT ONE OR MORE OF THE FOLLOWING POWERS, INITIAL THE
24 LINE IN FRONT OF EACH POWER YOU ARE GRANTING.

1 TO WITHHOLD A POWER, DO NOT INITIAL THE LINE IN FRONT OF IT.
2 YOU MAY, BUT NEED NOT, CROSS OUT EACH POWER WITHHELD.

3 HANDLING MY MONEY AND PROPERTY

4 *Initials*

5 _____ 1. *PAYMENTS OF BILLS*: My agent may make payments that are
6 necessary or appropriate in connection with the administration of my affairs.

7 _____ 2. *BANKING*: My agent may conduct business with financial
8 institutions, including endorsing all checks and drafts made payable to my order and
9 collecting the proceeds; signing in my name checks or orders on all accounts in my
10 name or for my benefit; withdrawing funds from accounts in my name; opening
11 accounts in my name; and entering into and removing articles from my safe deposit
12 box.

13 _____ 3. *INSURANCE*: My agent may obtain insurance of all types, as
14 considered necessary or appropriate, settle and adjust insurance claims and borrow
15 from insurers and 3rd parties using insurance policies as collateral.

16 _____ 4. *ACCOUNTS*: My agent may ask for, collect and receive money,
17 dividends, interest, legacies and property due or that may become due and owing to
18 me and give receipt for those payments.

19 _____ 5. *REAL ESTATE*: My agent may manage real property; sell, convey and
20 mortgage realty for prices and on terms as considered advisable; foreclose mortgages
21 and take title to property in my name; and execute deeds, mortgages, releases,
22 satisfactions and other instruments relating to realty.

23 _____ 6. *BORROWING*: My agent may borrow money and encumber my assets
24 for loans as considered necessary.

1 ___ 7. *SECURITIES*: My agent may buy, sell, pledge and exchange securities
2 of all kinds in my name; sign and deliver in my name transfers and assignments of
3 securities; and consent in my name to reorganizations, mergers or exchange of
4 securities for new securities.

5 ___ 8. *INCOME TAXES*: My agent may make and sign tax returns; represent
6 me in all income tax matters before any federal, state, or local tax collecting agency;
7 and receive confidential information and perform any acts that I may perform,
8 including receiving refund checks and the signing of returns.

9 ___ 9. *TRUSTS*: My agent may transfer at any time any of my property to
10 a living trust that has been established by me before the execution of this document.

11 **PROFESSIONAL AND TECHNICAL ASSISTANCE**

12 *Initials*

13 ___ 10. *LEGAL ACTIONS*: My agent may retain attorneys on my behalf;
14 appear for me in all actions and proceedings to which I may be a party; commence
15 actions and proceedings in my name; and sign in my name all documents or pleadings
16 of every description.

17 ___ 11. *PROFESSIONAL ASSISTANCE*: My agent may hire accountants,
18 attorneys, clerks, workers and others for the management, preservation and
19 protection of my property and estate.

20 **GENERAL AUTHORITY**

21 *Initials*

22 ___ 12. *GENERAL*: My agent may do any act or thing that I could do in my
23 own proper person if personally present, including managing or selling tangible
24 assets, disclaiming a probate or nonprobate inheritance and providing support for
25 a minor child or dependent adult. The specifically enumerated powers of the basic

1 power of attorney for finances and property are not a limitation of this intended
2 broad general power except that my agent may not take any action prohibited by law
3 and my agent under this document may not:

4 a. Make medical or health care decisions for me.

5 b. Make, modify or revoke a will for me.

6 c. Other than a burial trust agreement under section 445.125, Wisconsin
7 Statutes, enter into a trust agreement on my behalf or amend or revoke a trust
8 agreement, entered into by me.

9 d. Change any beneficiary designation of any life insurance policy, qualified
10 retirement plan, individual retirement account or payable on death account or the
11 like whether directly or by canceling and replacing the policy or rollover to another
12 plan or account.

13 e. Forgive debts owed to me or disclaim or waive benefits payable to me, except
14 a probate or nonprobate inheritance.

15 f. Appoint a substitute or successor agent for me.

16 g. Make gifts.

17 **COMPENSATION TO AGENT FROM**

18 **PRINCIPAL'S FUNDS**

19 *Initials*

20 _____ 13. *COMPENSATION*. My agent may receive compensation only in an
21 amount not greater than that usual for the services to be performed if expressly
22 authorized in the special instructions portion of this document.

23 **ACCOUNTING**

24 *Initials*

1 INITIAL ONLY ONE OF THE FOLLOWING 3 OPTIONS. IF YOU DO NOT
2 INITIAL ONE, OR IF YOU INITIAL MORE THAN ONE, THIS BASIC POWER OF
3 ATTORNEY FOR FINANCES AND PROPERTY WILL NOT TAKE EFFECT.

4 *Initials*

5 _____ This basic power of attorney for finances and property becomes effective
6 when I sign it and will continue in effect as a durable power of attorney under section
7 243.07, Wisconsin Statutes, if I become disabled or incapacitated.

8 _____ This basic power of attorney for finances and property becomes effective
9 only when both of the following apply:

- 10 a. I have signed it; and
- 11 b. I become disabled or incapacitated.

12 _____ This basic power of attorney for finances and property becomes effective
13 when I sign it BUT WILL CEASE TO BE EFFECTIVE IF I BECOME DISABLED
14 OR INCAPACITATED.

15 I agree that any 3rd party who receives a copy of this document may act under
16 it. Revocation of this basic power of attorney is not effective as to a 3rd party until
17 the 3rd party learns of the revocation. I agree to reimburse the 3rd party for any loss
18 resulting from claims that arise against the 3rd party because of reliance on this
19 basic power of attorney.

20 Signed this day of, (year)

21

22 (Your Signature)

23

24

25 (Your Social Security Number)

1 By signing as a witness, I am acknowledging the signature of the principal who
 2 signed in my presence and the presence of the other witness, and the fact that he or
 3 she has stated that this power of attorney reflects his or her wishes and is being
 4 executed voluntarily. I believe him or her to be of sound mind and capable of creating
 5 this power of attorney. I am not related to him or her by blood, marriage or adoption,
 6 and, to the best of my knowledge, I am not entitled to any portion of his or her estate
 7 under his or her will.

Witness

Witness

Dated:

Dated:

Signature:

Signature:

Print Name:

Print Name:

Address:

Address:

State of

County of

15 This document was acknowledged before me on (date) by (name of
 16 principal).

....

(Signature of Notarial Officer)

(Seal, if any)

(Title)

[My commission is permanent or expires:]

23 BY ACCEPTING OR ACTING UNDER THE APPOINTMENT, THE AGENT
 24 ASSUMES THE FIDUCIARY AND OTHER LEGAL RESPONSIBILITIES AND
 25 LIABILITIES OF AN AGENT.

1 (Name of Agent)

2 (Name of Agent)

3

4 (Signature of Agent)

5 (Signature of Agent)

6 This document was drafted by (signature of person preparing the
7 document).

8 **SECTION 77.** 243.10 (7) (b) of the statutes is amended to read:

9 243.10 (7) (b) A principal may revoke a Wisconsin basic power of attorney for
10 finances and property and invalidate it at any time by destroying it, by directing
11 another person to destroy it in the principal's presence or by signing a written and
12 dated statement expressing the principal's intent to revoke. If the agent under the
13 Wisconsin basic power of attorney for finances and property is the principal's spouse
14 and the marriage is annulled, or the agent and principal are divorced, or the agent
15 is the principal's state-registered domestic partner under s. 770.05 and the domestic
16 partnership is terminated under s. 770.10, after signing the document, the
17 Wisconsin basic power of attorney for finances and property is invalid.

18 **SECTION 78.** 252.16 (1) (ar) of the statutes is amended to read:

19 252.16 (1) (ar) "Dependent" means a spouse or state-registered domestic
20 partner under s. 770.05, an unmarried child under the age of 19 years, an unmarried
21 child who is a full-time student under the age of 21 years and who is financially
22 dependent upon the parent, or an unmarried child of any age who is medically
23 certified as disabled and who is dependent upon the parent.

24 **SECTION 79.** 252.17 (3) (d) of the statutes is amended to read:

1 252.17 (3) (d) Is covered under a group health plan through his or her
2 employment and pays part or all of the premium for that coverage, including any
3 premium for coverage of the individual's spouse or state-registered domestic partner
4 under s. 770.05 and dependents.

5 **SECTION 80.** 252.17 (4) (a) of the statutes is amended to read:

6 252.17 (4) (a) Except as provided in pars. (b), (c), and (d), if an individual
7 satisfies sub. (3), the department shall pay the amount of each premium payment for
8 coverage under the group health plan under sub. (3) (d) that is due from the
9 individual on or after the date on which the individual becomes eligible for a subsidy
10 under sub. (3). The department may not refuse to pay the full amount of the
11 individual's contribution to each premium payment because the coverage that is
12 provided to the individual who satisfies sub. (3) includes coverage of the individual's
13 spouse or state-registered domestic partner under s. 770.05 and dependents. Except
14 as provided in par. (b), the department shall terminate the payments under this
15 section when the individual's unpaid medical leave ends, when the individual no
16 longer satisfies sub. (3) or upon the expiration of 29 months after the unpaid medical
17 leave began, whichever occurs first.

18 **SECTION 81.** 252.17 (4) (d) of the statutes is amended to read:

19 252.17 (4) (d) For an individual who satisfies sub. (3) and who has a family
20 income, as defined by rule under sub. (6) (a), that exceeds 200% but does not exceed
21 300% of the federal poverty line, as defined under 42 USC 9902 (2), for a family the
22 size of the individual's family, the department shall pay a portion of the amount of
23 each premium payment for the individual's coverage under the group health plan
24 under sub. (3) (d). The portion that the department pays shall be determined
25 according to a schedule established by the department by rule under sub. (6) (c). The

1 department shall pay the portion of the premium determined according to the
2 schedule regardless of whether the individual's coverage under the group health
3 plan under sub. (3) (d) includes coverage of the individual's spouse or
4 state-registered domestic partner under s. 770.05 and dependents.

5 **SECTION 82.** 301.046 (4) (a) 1. of the statutes is amended to read:

6 301.046 (4) (a) 1. "Member of the family" means spouse, state-registered
7 domestic partner under s. 770.05, child, sibling, parent or legal guardian.

8 **SECTION 83.** 301.048 (4m) (a) 1. of the statutes is amended to read:

9 301.048 (4m) (a) 1. "Member of the family" means spouse, state-registered
10 domestic partner under s. 770.05, child, sibling, parent or legal guardian.

11 **SECTION 84.** 301.38 (1) (a) of the statutes is amended to read:

12 301.38 (1) (a) "Member of the family" means spouse, state-registered domestic
13 partner under s. 770.05, child, sibling, parent or legal guardian.

14 **SECTION 85.** 301.46 (3) (a) 1. of the statutes is amended to read:

15 301.46 (3) (a) 1. "Member of the family" means spouse, state-registered
16 domestic partner under s. 770.05, child, parent, sibling or legal guardian.

17 **SECTION 86.** 302.105 (1) (a) of the statutes is amended to read:

18 302.105 (1) (a) "Member of the family" means spouse, state-registered
19 domestic partner under s. 770.05, child, sibling, parent or legal guardian.

20 **SECTION 87.** 304.06 (1) (a) 1. of the statutes is amended to read:

21 304.06 (1) (a) 1. "Member of the family" means spouse, state-registered
22 domestic partner under s. 770.05, child, sibling, parent or legal guardian.

23 **SECTION 88.** 304.09 (1) (a) of the statutes is amended to read:

24 304.09 (1) (a) "Member of the family" means spouse, state-registered domestic
25 partner under s. 770.05, child, sibling, parent or legal guardian.