



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 01/05/2009 (Per: PJK)



Appendix A ... Pt. 01 of 06



The 2007 drafting file for LRB-3960

has been transferred to the drafting file for

2009 LRB-1308

☛ This cover sheet, the final request sheet, and the final version of the 2007 draft were copied on yellow paper, and returned to the original 2005 drafting file.

☛ The attached 2007 draft was incorporated into the new 2009 draft listed above. For research purposes, this cover sheet and the complete drafting file were transferred, as a separate appendix, to the 2009 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2007 DRAFTING REQUEST

Bill

Received: **01/29/2008**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Pocan (608) 266-8570**

By/Representing: **Glenn Wavrunek**

This file may be shown to any legislator: **NO**

Drafter: **pkahler**

May Contact:

Addl. Drafters: **dkennedy
gmalaise
jkreye
rchampag
rnelson2
agary
phurley
mshovers
rkite**

Subject: **Dom. Rel. - miscellaneous
Courts - miscellaneous
Fin. Inst. - miscellaneous
Health - miscellaneous
Insurance - miscellaneous
Local Gov't - misc
Probate - miscellaneous
Real Estate - miscellaneous
Tax, Other - real est trnsfr fee
Transportation - miscellaneous
State Govt - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Pocan@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Domestic partnership registry and benefits for domestic partners

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 01/29/2008	bkraft 06/23/2008		_____			State Tax
	jkreye 01/31/2008			_____			
	phurley 02/22/2008			_____			
	bbalinsk 04/22/2008			_____			
	rnelson2 04/22/2008			_____			
	mshovers 05/19/2008			_____			
	pgrant 05/19/2008			_____			
	agary 05/20/2008			_____			
	dkennedy 06/03/2008			_____			
	rnelson2 06/03/2008			_____			
	rchampag 06/04/2008			_____			
	pkahler 06/23/2008			_____			
/P1			nmatzke 07/09/2008	_____		lparisi 07/09/2008	

FE Sent For:

<END>

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/?	pkahler	/PI bjk	2/8 nwn 7/8	nwn/sb 7/8			

FE Sent For:

<END>

Kahler, Pam

From: Wavrunek, Glenn
Sent: Monday, January 28, 2008 1:11 PM
To: Kahler, Pam
Subject: Drafting instructions to Pocan DP Registry and Benefits Proposal

Attachments: Drafting Instructions to Pocan Domestic Partnership Registry and Benefits Legislation.doc

Pam -

Attached you will find drafting instructions to Rep. Pocan's proposal that will create a domestic partnership registry along with benefits that would occur under that registry. Any questions, please email or call me at 266-8570. Thanks,

Glenn Wavrunek
Office of Rep. Mark Pocan



Drafting
Instructions to Pocan.

Drafting Instructions to Rep. Pocan Domestic Partnership Registry and Benefits Legislation

DJK ✓
A – Create a state registered domestic partnership. Criteria for a state registered domestic partnership include:

- Establish a Domestic Partnership Registry in the Office of the Secretary of State and provide the requirements for registering and terminating a domestic partnership.

- Two individuals may enter into a state-registered domestic partnership if they satisfy all of the following criteria:

1 – Each is at least 18 years old and capable of consenting to the domestic partnership.

2 – Neither individual is married to, or in a state-registered DP with, another individual.

3 – The two individuals share a common residence. Two individuals may share a common residence if any of the following applies:

A – Only one of the individuals has legal ownership of the residence.

B – One or both of the individuals have one or more additional residences not shared with the other individual.

C – One of the individuals leaves the common residence with the intent to return.

4 – The two individuals are not nearer of kin to each other than 2nd cousins, whether of the whole or half blood by adoption.

5 – Either of the following is true:

A – Both individuals are members of the same sex.

B – At least one of the individuals is 62 years of age or older.

- To register the domestic partnership, the domestic partners file with the secretary a declaration that is signed by both domestic partners and notarized. The secretary then issues a certificate of state-registered domestic partnership to each of the parties.

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

1 – That he or she has served the other partner with notice that he or she is going to file a notice of termination, or

2 – That he or she has been unable to locate the other partner and has published a notice in a newspaper of general circulation in the county in which the latest common residence of the domestic partnership is located.

- Upon receipt of a notice of termination, the secretary issues a certificate of termination to each domestic partner. Termination is effective 90 days after the notice is filed.

- If one or both partners enter into a marriage that is valid in the state, the domestic partnership is automatically terminated on the date of the marriage.

- The secretary must prepare the forms to be used and must distribute the forms to county clerks. Forms must be available at the secretary's office, county clerks' offices, and on the internet.

- Secretary must provide copies of all forms to the state registrar, who must maintain records of the copies.

- Secretary must also by rule set the fees that individuals must pay for filing forms.

B – Add the following 42 benefits that a domestic partnership would be entitled to once registered:

SPOUSAL AND DEPENDENT SUPPORT BENEFITS

- ✓ GMM 1. In the case of the death of an employee to whom wages are due, the decedent's registered domestic partner has first priority to receive the wages due. Sec. 109.03(3).
- ✓ RAC 2. A registered domestic partner is among the class of persons eligible to receive survivor retirement benefits on the death of a state employee.

HEALTH INSURANCE

- ✓ RAC 3. Add health-care coverage to the registered domestic partner of an eligible state employee.
- ✓ RAC 4. The surviving registered domestic partner of deceased or retired state employees have the same right to health insurance coverage as did the deceased or retired state employee. Sec. 40.02(25)(b).
- ✓ RAC 5. Eligible state employees can purchase long-term care insurance for registered domestic partners. Sec. 40.55(1).
- ✓ RAC/MES 6. State and local governmental units are authorized to provide for the payment of premiums for hospital, surgical, and other health insurance for employees and their registered domestic partners. Sec. 66.0137(5).
- ✓ GMM 7. An employee can use family and medical leave (up to six-weeks in a twelve-month period) to care for a registered domestic partner with a serious health condition. Sec. 103.10(3)(b).
- ✓ PJK 8. Health insurance premium subsidies, and medical leave premium subsidies, are available for state residents who suffer from HIV, and the subsidies can be applied to premiums for coverage that includes dependents and registered domestic partners. Secs. 252.16(4) and 252.17(4).

- ✓ PJK 9. Fraternal benefit societies are authorized to provide insurance to the registered domestic partners of their employees. Sec. 614.10(2).

OTHER INSURANCE BENEFITS

- ✓ RAC 10. In the absence of a written designation of a beneficiary, a registered domestic partner is the first-priority beneficiary under the public employee trust fund. Sec. 40.02(8)(a)(2).
✓ RAC 11. Registered domestic partners of employees in protective occupations who die as a result of on-the-job injuries are entitled to monthly benefit payments. Sec. 40.65(7)(am).

WORKERS' COMPENSATION BENEFITS

- ✓ GMM 12. For purposes of death benefits in the worker's compensation program, no person is considered a dependent unless the person is a spouse, registered domestic partner, unremarried former spouse, lineal descendant, brother, sister, or other family member by blood or adoption. Sec. 102.51(2).

WRONGFUL DEATH BENEFITS

- ✓ RPN/BAB 13. Any amount recovered in a wrongful death action is paid to the decedent's surviving spouse and minor children, or to the decedent's surviving registered domestic partner and minor children, and if none, to the decedent's lineal heirs or brothers and sisters. Sec. 895.04.
✓ RPH 14. The WI Dept. of Justice may award benefits to dependents (registered domestic partners) of victims of certain crimes. Sec. 949.05(1)(c). 949.05(2)

TRANSFER OF HOME BENEFITS

- ✓ JK 15. Conveyances of real estate between a person and his or her registered domestic partner are exempt from the state's real estate transfer fee. Sec. 77.25(8m).
✓ RNK 16. A transfer of a manufactured home from a decedent to a surviving registered domestic partner is not subject to the otherwise applicable title fee. Sec. 101.9208(1)(dm).

JOINT TENANCY BENEFITS

- ✓ PJK 17. A joint tenancy is presumed where the individuals named in a title or the buyers or sellers of property are registered domestic partners. Sec. 700.19(2).

MEDICAL TREATMENT DECISION-MAKING

- ✓ 18. A spouse or registered domestic partner has first priority in making the decision to admit an incapacitated individual to a nursing facility or hospice. Secs. 50.06(3) and 50.94(3). (a)
- ✓ 19. Registered domestic partners can receive medical records relating to the treatment of their registered domestic partner. Secs. 51.30(4)(b)(12), (20) and 51.30(4)(cm). D-NOTE
- ✓ 20. Registered domestic partners have the same rights and privileges as a spouse to visit or accompany a patient in any health care facility. 50.032(2), (2d), 50.033(2), (2d), 50.034(3)(e), 50.035(2d) D-NOTE

BENEFITS IN THE LEGAL PROCESS

- 21. Registered domestic partners of crime victims are entitled to notification when the perpetrators are transferred to community residential confinement or to the intensive sanctions program, or when the perpetrator escapes from prison, or when an inmate is scheduled to be released after serving a prison sentence, or if an inmate is paroled. Secs. 301.046, 301.048, 301.38, 301.46, 302.105, 304.06. (4)(a), (3)(a), (1)(a), (1)(a)
- 22. Registered domestic partners of crime victims are entitled to notification when perpetrators apply for pardons. Sec. 304.09(1)(a)
- 23. A registered domestic partner is among the members of a deceased crime victim's family whom the district attorney is required to make best efforts to notify when the defendant, after being committed to an institution following a verdict of not guilty for reasons of mental disease or defect, is conditionally released, or if the commitment is terminated or discharged. Secs. 971.17(4m) and 971.17(6m)(a) 2.
- 24. A registered domestic partner is among the members of a deceased crime victim's family whom the district attorney is required to make best efforts to notify when a defendant in the crime is placed on supervised release. Sec. 980.11(2). (1)(3)
- 25. A registered domestic partner receives the same immunity from testifying against his or her partner in civil cases as does a spouse.

PROBATE BENEFITS

- 26. The registered domestic partner of an intestate defendant, who has no surviving children, receives the decedent's entire estate. Sec. 852.01(a)(1).
- 27. The surviving spouse or registered domestic partner of an intestate decedent who has surviving children from outside the marriage to a surviving spouse, receives one-half of the decedent's individual property. Sec. 852.01(a)(2).
- 28. A registered domestic partner is entitled to a decedent's entire marital property interest in a home that the registered domestic partner occupies or intends to occupy if the decedent did not specifically assign that interest to a third party or if the decedent was intestate. Secs. 862.21(2) and 862.21(3). → repealed 2005 Wis. Act 216
- 29. Subject to exceptions, the registered domestic partner of a testator, who executed a will prior to the marriage or the registration of the domestic partnership, is entitled to receive a share of the testator's estate. Sec. 853.11(2). → renumbered 853.12

- RPN/BAB
30. A registered domestic partner is eligible to receive an allowance for support while the decedent's estate is being administered. Secs. 861.31 and 861.35(1m).
 31. A registered domestic partner may file with the courts a written selection of up to \$3,000 in specific personal property of the decedent not otherwise bequeathed. Sec. 861.33(1).
 32. A registered domestic partner may petition the court to set aside from the claims of creditors an amount of property up to \$10,000 in value, if it appears the assets of the deceased's estate are insufficient to pay all claims and still leave property to the surviving spouse or registered domestic partner. s. 861.41
 33. Summary probate procedures are available for small estates (net assets less than \$50,000) if the decedent is survived by a registered domestic partner; property in the estate not otherwise assigned is assigned to the surviving spouse or minor child or registered domestic partner. Secs. 867.01(1) and 867.01(3)(f).
 34. If a decedent leaves probate assets of less than \$50,000, those assets may be transferred to an heir, trustee or guardian by affidavit. Sec. 867.03.

MISCELLANEOUS BENEFITS

- ✓ RPN
- ✓ DAK
- ✓ DAK
- ✓ DAK
- ✓ DAK
- BAB/RPN
- ARG/BAB
35. Registered domestic partners of persons called into active state service (e.g., in the National Guard) have protections from eviction during the period of the spouse's or registered domestic partner's service. Sec. 21.75(11).
 36. Registered domestic partners who are both residents of the same nursing facility are entitled to share a room. Sec. 50.09(1)(f).
 37. If a power of attorney for health care is executed in favor of a registered domestic partner, the power of attorney automatically becomes invalid if the registered domestic partnership is revoked. Sec. 155.40(2).
 38. A registered domestic partner has priority over a "friend" in consenting for an autopsy to be performed on the body of the decedent. Sec. 157.05. *DN - not priority & now*
 39. Spouses, registered domestic partners, children, parents and grandparents of a decedent have priority over the decedent's designated health care agent (such as an unregistered domestic partner) in deciding whether to make anatomical gifts. Sec. 157.06(3)(a).
 40. If a Wisconsin basic power of attorney for property and finances is executed in favor of a registered domestic partner, the power of attorney automatically becomes invalid if the domestic partnership is revoked. Sec. 243.10(7).
 41. Supplemental title fees for the transfer of vehicles' titles are waived when a transfer is from a decedent to a registered domestic partner. Sec. 342.14(3m).
 42. Registered domestic partners may automatically receive title to vehicles owned by the decedent's registered domestic partner. Sec. 342.17(4)(b).



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3960/9

ALL

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SOON
D-votes
(in 6-23)
(wants this summer
for next session)

Compiled before
editing 6-23-08
by pg.

gener cat

- 1 AN ACT *gener cat*; relating to: a domestic partnership registry, benefits accruing to
- 2 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 domestic partners file with the secretary a declaration that is signed by both domestic partners and notarized. The secretary then issues a certificate of state-registered domestic partnership to each of the parties.

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 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.

✓
INSERT A-BAB1 →

Employee benefits

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 state-registered domestic partner (domestic partner) of a deceased employee who is living with the deceased employee at the time of death.

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.

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.

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.

✓
Insert RACARDS →

Insurance matters

Under a program in current law, the Department of Health and Family Services (DHFS) 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 state-registered domestic partner.

INSERT ANL-MES

INSERT DAK ANALYSIS

INSERT A-BABZ

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 state-registered 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.

INSERT A-JK

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

INSERT ANAL-AG

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

inserts
3-1
JJK
RK
RPNW
RAC

SECTION 1. 102.475 (6) of the statutes is amended to read:

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

History: 1975 c. 274, 421; 1977 c. 29 ss. 1029m to 1029s, 1650; 1977 c. 48, 203, 418; 1979 c. 110 s. 60 (11); 1979 c. 221; 1981 c. 325; 1983 a. 98, 189; 1985 a. 29; 1987 a. 63; 1991 a. 85; 1993 a. 81; 1995 a. 247; 1999 a. 14.

SECTION 2. 102.49 (1) of the statutes is amended to read:

102.49 (1) ~~Where~~ When the beneficiary under s. 102.46 or 102.47 (1) is the ~~wife or husband~~ spouse or state-registered domestic partner under s. 770.05 of the deceased employee and is wholly dependent for support, an additional death benefit shall be paid from the funds provided by sub. (5) for each child by their marriage or state-registered domestic partnership under s. 770.07 who is living at the time of the death of the employee, and who is likewise wholly dependent upon the employee for support. ~~Such~~ That payment shall commence at the time that primary death benefit

1 payments are completed, or, if advancement of compensation has been paid, at the
 2 time when payments would normally have been completed. Payments shall continue
 3 at the rate of ~~10%~~ 10 percent of the surviving parent's weekly indemnity until the
 4 child's 18th birthday. If the child is physically or mentally incapacitated, such
 5 payments may be continued beyond the child's 18th birthday but the payments may
 6 not continue for more than a total of 15 years.

History: 1971 c. 260 s. 92 (4); 1975 c. 147, 199; 1977 c. 195; 1979 c. 110 s. 60 (13); 1979 c. 278, 355; 1985 a. 83; 1991 a. 85; 1993 a. 492; 1997 a. 253; 2003 a. 144; 2005 a. 172.

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

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

History: 1971 c. 260 s. 92 (4); 1975 c. 147, 199; 1977 c. 195; 1979 c. 110 s. 60 (13); 1979 c. 278, 355; 1985 a. 83; 1991 a. 85; 1993 a. 492; 1997 a. 253; 2003 a. 144; 2005 a. 172.

14 **SECTION 4.** 102.49 (3) of the statutes is amended to read:

15 102.49 (3) If the employee leaves a spouse or state-registered domestic partner
 16 under s. 770.05 wholly dependent and also a child by a former marriage,
 17 state-registered domestic partnership under s. 770.07, or adoption, likewise wholly
 18 dependent, aggregate benefits shall be the same in amount as if the child were the
 19 child of the surviving spouse or partner, and the entire benefit shall be apportioned
 20 to the dependents in the amounts that the department ~~shall determine~~ determines
 21 to be just, considering the ages of the dependents and other factors bearing on

1 dependency. The benefit awarded to the surviving spouse or partner shall not exceed
2 4 times the average annual earnings of the deceased employee.

History: 1971 c. 260 s. 92 (4); 1975 c. 147, 199; 1977 c. 195; 1979 c. 110 s. 60 (13); 1979 c. 278, 355; 1985 a. 83; 1991 a. 85; 1993 a. 492; 1997 a. 253; 2003 a. 144; 2005 a. 172.

3 **SECTION 5.** 102.51 (1) (a) 2m. of the statutes is created to read:

4 102.51 (1) (a) 2m. A state-registered domestic partner under s. 770.05 upon
5 his or her partner with whom he or she is living at the time of the partner's death.

6 **SECTION 6.** 102.51 (2) (a) of the statutes is amended to read:

7 102.51 (2) (a) No person shall be considered a dependent unless that person is
8 a spouse, a state-registered domestic partner under s. 770.05, a divorced spouse who
9 has not remarried, or a lineal descendant, lineal ancestor, brother, sister, or other
10 member of the family, whether by blood or by adoption, of the deceased employee.

History: 1975 c. 94, 147; 1977 c. 195; 1981 c. 92; 1983 a. 98, 368; 1993 a. 112, 492; 1995 a. 225; 1997 a. 253; 1999 a. 162.

11 **SECTION 7.** 102.51 (6) of the statutes is amended to read:

12 102.51 (6) DIVISION AMONG DEPENDENTS. Benefits accruing to a minor dependent
13 child may be awarded to either parent in the discretion of the department.
14 Notwithstanding sub. (1), the department may reassign the death benefit, in
15 accordance with their respective needs ~~therefor~~ for the death benefit as between a
16 surviving spouse or a state-registered domestic partner under s. 770.05 and children
17 designated in sub. (1) and s. 102.49.

History: 1975 c. 94, 147; 1977 c. 195; 1981 c. 92; 1983 a. 98, 368; 1993 a. 112, 492; 1995 a. 225; 1997 a. 253; 1999 a. 162.

18 **SECTION 8.** 102.64 (1) of the statutes is amended to read:

19 102.64 (1) Upon request of the department of administration, a representative
20 of the department of justice shall represent the state in cases involving payment into
21 or out of the state treasury under s. 20.865 (1) (fm), (kr), or (ur) or 102.29. The
22 department of justice, after giving notice to the department of administration, may
23 compromise the amount of such those payments but such compromises shall be

1 subject to review by the department of workforce development. If the spouse or
2 state-registered domestic partner under s. 770.05 of the deceased employee
3 compromises his or her claim for a primary death benefit, the claim of the children
4 of such the employee under s. 102.49 shall be compromised on the same proportional
5 basis, subject to approval by the department. If the persons entitled to compensation
6 on the basis of total dependency under s. 102.51 (1) compromise their claim,
7 payments under s. 102.49 (5) (a) shall be compromised on the same proportional
8 basis.

9 **History:** 1975 c. 147; 1977 c. 187 s. 134; 1977 c. 195; 1979 c. 110 s. 60 (11); 1981 c. 20; 1983 a. 98; 1995 a. 27 ss. 3745g, 9130 (4); 1997 a. 3.

9 **SECTION 9.** 103.10 (1) (ar) of the statutes is created to read:

10 103.10 (1) (ar) "Domestic partner" has the meaning given in s. 770.01 (1).

11 **SECTION 10.** 103.10 (1) (b) of the statutes is amended to read:

12 103.10 (1) (b) "Employee" means an individual employed in this state by an
13 employer, except the employer's parent, spouse, domestic partner, or child.

14 **History:** 1987 a. 287; 1989 a. 228; 1991 a. 39; 1993 a. 446; 1995 a. 27 s. 9130 (4); 1997 a. 3, 156; 2001 a. 74; 2003 a. 33.

14 **SECTION 11.** 103.10 (1) (f) of the statutes is amended to read:

15 103.10 (1) (f) "Parent" means a natural parent, foster parent, treatment foster
16 parent, adoptive parent, stepparent, or legal guardian of an employee or of an
17 employee's spouse or domestic partner.

18 **History:** 1987 a. 287; 1989 a. 228; 1991 a. 39; 1993 a. 446; 1995 a. 27 s. 9130 (4); 1997 a. 3, 156; 2001 a. 74; 2003 a. 33.

18 **SECTION 12.** 103.10 (3) (b) 3. of the statutes is amended to read:

19 103.10 (3) (b) 3. To care for the employee's child, spouse, domestic partner, or
20 parent, if the child, spouse, domestic partner, or parent has a serious health
21 condition.

22 **History:** 1987 a. 287; 1989 a. 228; 1991 a. 39; 1993 a. 446; 1995 a. 27 s. 9130 (4); 1997 a. 3, 156; 2001 a. 74; 2003 a. 33.

22 **SECTION 13.** 103.10 (6) (b) (intro.) of the statutes is amended to read:

1 103.10 (6) (b) (intro.) If an employee intends to take family leave because of the
2 planned medical treatment or supervision of a child, spouse, domestic partner, or
3 parent or intends to take medical leave because of the planned medical treatment or
4 supervision of the employee, the employee shall do all of the following:

5 **History:** 1987 a. 287; 1989 a. 228; 1991 a. 39; 1993 a. 446; 1995 a. 27 s. 9130 (4); 1997 a. 3, 156; 2001 a. 74; 2003 a. 33.

6 **SECTION 14.** 103.10 (6) (b) 1. of the statutes is amended to read:

7 103.10 (6) (b) 1. Make a reasonable effort to schedule the medical treatment
8 or supervision so that it does not unduly disrupt the employer's operations, subject
9 to the approval of the health care provider of the child, spouse, domestic partner,
10 parent, or employee.

11 **History:** 1987 a. 287; 1989 a. 228; 1991 a. 39; 1993 a. 446; 1995 a. 27 s. 9130 (4); 1997 a. 3, 156; 2001 a. 74; 2003 a. 33.

12 **SECTION 15.** 103.10 (7) (a) of the statutes is amended to read:

13 103.10 (7) (a) If an employee requests family leave for a reason described in sub.
14 (3) (b) 3. or requests medical leave, the employer may require the employee to provide
15 certification, as described in par. (b), issued by the health care provider or Christian
16 Science practitioner of the child, spouse, domestic partner, parent, or employee,
17 whichever is appropriate.

18 **History:** 1987 a. 287; 1989 a. 228; 1991 a. 39; 1993 a. 446; 1995 a. 27 s. 9130 (4); 1997 a. 3, 156; 2001 a. 74; 2003 a. 33.

19 **SECTION 16.** 103.10 (7) (b) 1. of the statutes is amended to read:

20 103.10 (7) (b) 1. That the child, spouse, domestic partner, parent, or employee
21 has a serious health condition.

22 **History:** 1987 a. 287; 1989 a. 228; 1991 a. 39; 1993 a. 446; 1995 a. 27 s. 9130 (4); 1997 a. 3, 156; 2001 a. 74; 2003 a. 33.

23 **SECTION 17.** 103.10 (12) (c) of the statutes is amended to read:

24 103.10 (12) (c) If 2 or more health care providers disagree about any of the
25 information required to be certified under sub. (7) (b), the department may appoint
26 another health care provider to examine the child, spouse, domestic partner, parent,
27 or employee and render an opinion as soon as possible. The department shall

1 promptly notify the employee and the employer of the appointment. The employer
2 and the employee shall each pay 50% of the cost of the examination and opinion.

3 **History:** 1987 a. 287; 1989 a. 228; 1991 a. 39; 1993 a. 446; 1995 a. 27 s. 9130 (4); 1997 a. 3, 156; 2001 a. 74; 2003 a. 33.

3 **SECTION 18.** 103.165 (3) (a) 1. of the statutes is amended to read:

4 103.165 (3) (a) 1. The decedent's surviving spouse or state-registered domestic
5 partner under s. 770.05.

6 **History:** 1991 a. 221; 1993 a. 486; 1995 a. 225; 2001 a. 102; 2005 a. 155 s. 40; Stats. 2005 s. 103.165.

6 **SECTION 19.** 103.165 (3) (a) 2. of the statutes is amended to read:

7 103.165 (3) (a) 2. The decedent's children if the decedent shall ~~leave~~ leaves no
8 surviving spouse or state-registered domestic partner under s. 770.05.

9 **History:** 1991 a. 221; 1993 a. 486; 1995 a. 225; 2001 a. 102; 2005 a. 155 s. 40; Stats. 2005 s. 103.165.

9 **SECTION 20.** 103.165 (3) (a) 3. of the statutes is amended to read:

10 103.165 (3) (a) 3. The decedent's father or mother if the decedent ~~shall leave~~
11 leaves no surviving spouse, state-registered domestic partner under s. 770.05, or
12 children.

13 **History:** 1991 a. 221; 1993 a. 486; 1995 a. 225; 2001 a. 102; 2005 a. 155 s. 40; Stats. 2005 s. 103.165.

13 **SECTION 21.** 103.165 (3) (a) 4. of the statutes is amended to read:

14 103.165 (3) (a) 4. The decedent's brother or sister if the decedent ~~shall leave~~
15 leaves no surviving spouse, state-registered domestic partner under s. 770.05,
16 children, or parent.

17 **History:** 1991 a. 221; 1993 a. 486; 1995 a. 225; 2001 a. 102; 2005 a. 155 s. 40; Stats. 2005 s. 103.165.

17 **SECTION 22.** 103.165 (3) (c) of the statutes is amended to read:

18 103.165 (3) (c) The amount of the cash bond, together with principal and
19 interest, to which the deceased employee would have been entitled had the deceased
20 employee lived, shall, as soon as paid out by the depository, be turned over to the
21 relative of the deceased employee person designated under par. (a) effecting the

1 accounting and withdrawal with the employer. The turning over shall be a discharge
2 and release of the employer to the amount of the payment.

3 **History:** 1991 a. 221; 1993 a. 486; 1995 a. 225; 2001 a. 102; 2005 a. 155 s. 40; Stats. 2005 s. 103.165.

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

4 103.165 (3) (d) If no relatives persons designated under par. (a) survive, the
5 employer may apply the cash bond, or so much of the cash bond as may be necessary,
6 to paying creditors of the decedent in the order of preference prescribed in s. 859.25
7 for satisfaction of debts by personal representatives. The making of payment under
8 this paragraph shall be a discharge and release of the employer to the amount of the
9 payment.

10 **History:** 1991 a. 221; 1993 a. 486; 1995 a. 225; 2001 a. 102; 2005 a. 155 s. 40; Stats. 2005 s. 103.165.

10 **SECTION 24.** 109.03 (3) (a) of the statutes is amended to read:

11 109.03 (3) (a) In case of the death of an employee to whom wages are due, the
12 full amount of the wages due shall upon demand be paid by the employer to the
13 spouse, state-registered domestic partner under s. 770.05, children, or other
14 dependent living with the employee at the time of death.

15 **History:** 1975 c. 380, 421; 1977 c. 26, 235, 447; 1981 c. 20, 388; 1987 a. 403; 1989 a. 226, 228; 1993 a. 86, 144; 2001 a. 102, 103; 2007 a. 7.

15 **SECTION 25.** 109.03 (3) (b) of the statutes is amended to read:

16 109.03 (3) (b) An employer may, not less than 5 days after the death of an
17 employee and before the filing of a petition or application for administration of the
18 decedent's estate, make payments of the wage due the deceased employee to the
19 spouse, state-registered domestic partner under s. 770.05, children, parents, or
20 siblings of the decedent, giving preference in the order listed.

21 **History:** 1975 c. 380, 421; 1977 c. 26, 235, 447; 1981 c. 20, 388; 1987 a. 403; 1989 a. 226, 228; 1993 a. 86, 144; 2001 a. 102, 103; 2007 a. 7.

21 **SECTION 26.** 109.03 (3) (c) of the statutes is amended to read:

22 109.03 (3) (c) If none of the relatives persons listed in par. (b) survives, the
23 employer may apply the payment of the wage or so much of the wage as may be

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1 necessary to paying creditors of the decedent in the order of preference prescribed
2 in s. 859.25 for satisfaction of debts by personal representatives.

History: 1975 c. 380, 421; 1977 c. 26, 235, 447; 1981 c. 20, 388; 1987 a. 403; 1989 a. 226, 228; 1993 a. 86, 144; 2001 a. 102, 103; 2007 a. 7.

3 SECTION 27. 252.16 (1) (ar) of the statutes is amended to read:

4 252.16 (1) (ar) "Dependent" means a spouse or state-registered domestic
5 partner under s. 770.05, an unmarried child under the age of 19 years, an unmarried
6 child who is a full-time student under the age of 21 years and who is financially
7 dependent upon the parent, or an unmarried child of any age who is medically
8 certified as disabled and who is dependent upon the parent.

History: 1989 a. 336; 1991 a. 269; 1993 a. 16 ss. 2587, 2588; 1993 a. 27 ss. 386 to 389; Stats. 1993 s. 252.16; 1993 a. 491; 1995 a. 27; 1997 a. 27; 2001 a. 38; 2005 a. 187; 2007 a. 20.

9 SECTION 28. 252.17 (3) (d) of the statutes is amended to read:

10 252.17 (3) (d) Is covered under a group health plan through his or her
11 employment and pays part or all of the premium for that coverage, including any
12 premium for coverage of the individual's spouse or state-registered domestic partner
13 under s. 770.05 and dependents.

History: 1991 a. 269; 1993 a. 16 ss. 2589, 2590; 1993 a. 27 ss. 390 to 394; Stats. 1993 s. 252.17; 1993 a. 491; 1997 a. 27; 1999 a. 103; 2005 a. 187.

14 SECTION 29. 252.17 (4) (a) of the statutes is amended to read:

15 252.17 (4) (a) Except as provided in pars. (b), (c) and (d), if an individual
16 satisfies sub. (3), the department shall pay the amount of each premium payment for
17 coverage under the group health plan under sub. (3) (d) that is due from the
18 individual on or after the date on which the individual becomes eligible for a subsidy
19 under sub. (3). The department may not refuse to pay the full amount of the
20 individual's contribution to each premium payment because the coverage that is
21 provided to the individual who satisfies sub. (3) includes coverage of the individual's
22 spouse or state-registered domestic partner under s. 770.05 and dependents. Except
23 as provided in par. (b), the department shall terminate the payments under this

1 section when the individual's unpaid medical leave ends, when the individual no
2 longer satisfies sub. (3) or upon the expiration of 29 months after the unpaid medical
3 leave began, whichever occurs first.

4 **History:** 1991 a. 269; 1993 a. 16 ss. 2589, 2590; 1993 a. 27 ss. 390 to 394; Stats. 1993 s. 252.17; 1993 a. 491; 1997 a. 27; 1999 a. 103; 2005 a. 187.

SECTION 30. 252.17 (4) (d) of the statutes is amended to read:

5 252.17 (4) (d) For an individual who satisfies sub. (3) and who has a family
6 income, as defined by rule under sub. (6) (a), that exceeds 200% but does not exceed
7 300% of the federal poverty line, as defined under 42 USC 9902 (2), for a family the
8 size of the individual's family, the department shall pay a portion of the amount of
9 each premium payment for the individual's coverage under the group health plan
10 under sub. (3) (d). The portion that the department pays shall be determined
11 according to a schedule established by the department by rule under sub. (6) (c). The
12 department shall pay the portion of the premium determined according to the
13 schedule regardless of whether the individual's coverage under the group health
14 plan under sub. (3) (d) includes coverage of the individual's spouse or
15 state-registered domestic partner under s. 770.05 and dependents.

16 **History:** 1991 a. 269; 1993 a. 16 ss. 2589, 2590; 1993 a. 27 ss. 390 to 394; Stats. 1993 s. 252.17; 1993 a. 491; 1997 a. 27; 1999 a. 103; 2005 a. 187.

SECTION 31. 614.10 (2) (c) 3. of the statutes is amended to read:

17 614.10 (2) (c) 3. Notwithstanding s. 614.01 (1) (a) 2., on the application of an
18 employee specified in subd. 2., provide insurance benefits to the employee's spouse
19 or state-registered domestic partner under s. 770.05 or a child of the employee who
20 receives financial services or support from the employee.

21 **History:** 1975 c. 373; 1989 a. 336; 1997 a. 177.

SECTION 32. 700.19 (2m) of the statutes is created to read:

22 700.19 (2m) DOMESTIC PARTNERS. If persons named as owners in a document
23 of title, transferees in an instrument of transfer, or buyers in a bill of sale are
24 described in the document, instrument, or bill of sale as state-registered domestic

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1 partners under s. 770.05, or are in fact state-registered domestic partners under s.
2 770.05, they are joint tenants, unless the intent to create a tenancy in common is
3 expressed in the document, instrument, or bill of sale.

4 **SECTION 33.** Chapter 770 of the statutes is created to read:

5 **CHAPTER 770**

6 **DOMESTIC PARTNERSHIP REGISTRY**

7 **770.01 Definitions.** In this chapter:

8 (1) "Domestic partner" means a state-registered domestic partner.

9 (2) "Secretary" means the secretary of state.

10 **770.05 Criteria for entering into a state-registered domestic**
11 **partnership.** Two individuals may enter into a state-registered domestic
12 partnership if they satisfy all of the following criteria:

13 (1) Each individual is at least 18 years old and capable of consenting to the
14 domestic partnership.

15 (2) Neither individual is married to, or in a state-registered domestic
16 partnership with, another individual.

17 (3) The 2 individuals share a common residence. Two individuals may share
18 a common residence even if any of the following applies:

19 (a) Only one of the individuals has legal ownership of the residence.

20 (b) One or both of the individuals have one or more additional residences not
21 shared with the other individual.

22 (c) One of the individuals leaves the common residence with the intent to
23 return.

24 (4) The 2 individuals are not nearer of kin to each other than 2nd cousins,
25 whether of the whole or half blood or by adoption.

1 (5) Either of the following is true:

2 (a) Both individuals are members of the same sex.

3 (b) At least one of the individuals is 62 years of age or older.

4 **770.07 Procedure for entering into a state-registered domestic**
5 **partnership. (1) FILE DECLARATION.** Two individuals who meet the criteria under
6 s. 770.05 may enter into a state-registered domestic partnership by filing a
7 completed declaration of state-registered domestic partnership form with the
8 secretary and paying the filing fee established under s. 770.18 (3) (a). The
9 declaration must be signed by both individuals and notarized.

10 (2) SECRETARY ISSUE CERTIFICATE. Upon receiving a completed, signed, and
11 notarized declaration of state-registered domestic partnership and the filing fee
12 established under s. 770.18 (3) (a), the secretary shall register the declaration, as
13 provided under s. 770.18 (1), and issue to each individual named on the declaration
14 a certificate of state-registered domestic partnership.

15 **770.10 Terminating a state-registered domestic partnership. (1) FILE**
16 **NOTICE OF TERMINATION; AFFIDAVIT.** (a) A party to a state-registered domestic
17 partnership may terminate the state-registered domestic partnership by filing a
18 completed notice of termination of state-registered domestic partnership form with
19 the secretary and paying the filing fee established under s. 770.18 (3) (a). The notice
20 must be signed by one or both domestic partners and notarized.

21 (b) If the notice under par. (a) is signed by only one of the domestic partners,
22 that individual must also file with the secretary an affidavit stating either of the
23 following:

1 1. That the other domestic partner has been served in writing, in the manner
2 provided under s. 801.11, that a notice of termination of state-registered domestic
3 partnership is being filed with the secretary.

4 2. That the domestic partner seeking termination has been unable to locate the
5 other domestic partner after making reasonable efforts and that notice to the other
6 domestic partner has been made by publication as provided in sub. (2).

7 **(2) PUBLISH NOTICE.** If a domestic partner who is seeking to terminate the
8 state-registered domestic partnership is unable to find the other domestic partner
9 after making reasonable efforts, the domestic partner seeking termination may
10 provide notice by publication in a newspaper of general circulation in the county in
11 which the residence most recently shared by the domestic partners is located. The
12 notice need not be published more than one time.

13 **(3) SECRETARY ISSUES CERTIFICATE.** Upon receiving a completed, signed, and
14 notarized notice of termination of state-registered domestic partnership, the
15 affidavit under sub. (1) (b) if required, and the filing fee established under s. 770.18
16 (3) (a), the secretary shall register the notice of termination of state-registered
17 domestic partnership, as provided under s. 770.18 (1), and issue to each domestic
18 partner a certificate of termination of state-registered domestic partnership.

19 **(4) WHEN TERMINATION EFFECTIVE.** (a) Except as provided in par. (b), the
20 termination of a state-registered domestic partnership is effective 90 days after the
21 notice of termination of state-registered domestic partnership or notice of
22 termination of state-registered domestic partnership and affidavit are filed under
23 sub. (1).

1 (b) If a party to a state-registered domestic partnership enters into a marriage
2 that is recognized as valid in this state, the state-registered domestic partnership
3 is automatically terminated on the date of the marriage.

4 **770.15 Forms for declaration and notice of termination. (1)**

5 PREPARATION. The secretary shall prepare forms entitled "declaration of
6 state-registered domestic partnership" and "notice of termination of
7 state-registered domestic partnership" and any other forms that are necessary to
8 meet the requirements of this chapter.

9 (2) DISTRIBUTION. The secretary shall distribute the forms under this section
10 to each county clerk. The forms shall be available to the public at the office of the
11 secretary, at any county clerk's office, and on the Internet at a site maintained by the
12 secretary.

13 **770.18 State domestic partnership registry; fees. (1)** REGISTRATION OF
14 DECLARATIONS AND NOTICES OF TERMINATION. The state domestic partnership registry
15 is created in the office of the secretary. The secretary shall register and permanently
16 maintain in the state domestic partnership registry all of the following documents
17 or records of all of the following documents:

18 (a) Declarations of state-registered domestic partnership filed with the
19 secretary under s. 770.07 (1).

20 (b) Certificates of state-registered domestic partnership issued by the
21 secretary under s. 770.07 (2).

22 (c) Notices of termination of state-registered domestic partnership and
23 affidavits filed with the secretary under s. 770.10 (1).

24 (d) Certificates of termination of state-registered domestic partnership issued
25 by the secretary under s. 770.10 (3).

