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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

1995-96

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on Insurance, Securities and
Corporate Policy...**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

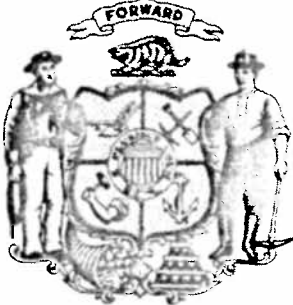
INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

WISCONSIN
STATE
ASSEMBLY

March 16, 1995

MAR 17 1995



Dear Colleague:

The attached bill draft, LRB-3246/1, would prohibit refusal or non-renewal of all insurance policies solely on the basis of a history of domestic abuse.

As the attached press release and news article indicate, life, health and other insurers have discriminated against domestic violence victims. This legislation would guarantee that this does not occur in Wisconsin. I also hope the bill will encourage those who may have already grappled with this kind of discrimination to share their experiences with the public and lawmakers.

Those interested in co-authoring this bill should contact my office no later than Tuesday, March 21, 1995.

Thank you for your consideration.

Sincerely,

Sheldon
Sheldon Wasserman

ATTACHMENTS

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(414) 964-0663

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Talk to Owen

RR

Get insurer on the phone to get a read on this - Are they excluding - Applies to life health + disability

WISCONSIN
STATE
ASSEMBLY

FOR IMMEDIATE RELEASE

MARCH 16, 1995

BILL WILL BAN INSURANCE COMPANY DISCRIMINATION
AGAINST DOMESTIC ABUSE VICTIMS

Insurance company discrimination against domestic abuse victims would come to an end under legislation to be introduced by State Representative Sheldon Wasserman.

The Wasserman bill would prohibit non-renewal or denial of health, life or any other policies of individuals or groups solely on the basis of domestic abuse. It would also prohibit limitations on benefits.

Cases of discrimination have occurred in Pennsylvania, Delaware, Washington, and Iowa. In one instance, a major insurer explained in a letter that it had denied a woman's insurance application, "due to a history of domestic abuse." The insurer had discovered a pattern of abuse in the woman's medical records after she had requested that her private physician document numerous injuries resulting from spousal battery.

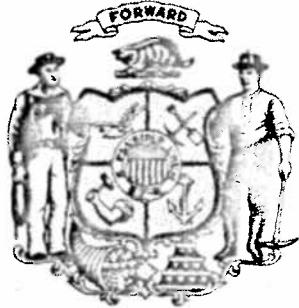
Three instances in Minnesota involved denial of group policies to domestic violence shelters because women involved in the organizations were themselves domestic violence victims.

"This is a clear case of a Catch-22," Wasserman said. "Women who seek help from police or their doctors -- who attempt to break the cycle of abuse -- end up losing vital insurance coverage."

"Wisconsin has experienced a welcome increase in efforts to assist all crime victims. It is time to make sure that insurance companies in Wisconsin do not re-victimize the victims of domestic abuse."

At a recent meeting of the National Association of Insurance Commissioners, the American Council of Life Insurance, a national trade association of 606 member life insurance companies representing 91% of the life insurance in force in the U.S., indicated that it would not oppose model legislation similar to the Wasserman bill.

Wasserman indicated that his bill should receive active support from consumer and crime victims' organizations as well as advocates for survivors of domestic abuse. "This is not only a victims' issue, but a consumer and public health issue as well," Wasserman said.



S H E L D O N
WASSERMAN
STATE REPRESENTATIVE

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The Capital Times ■ Wednesday, March 15, 1995

Panel targets insurance bias against abused

By John Paccani

Associated Press

MIAMI BEACH, Fla. — An abusive husband struck Jody in the face with a soda can and a shoe in separate 1990 attacks.

Four years later, she received another blow: Her insurance company denied her a life insurance policy. It had found out about the past abuse through medical records.

"I was 32 years old and wasn't worth insuring," Jody said.

She and other victims of domestic violence told their stories by telephone Tuesday to a panel of the National Association of Insurance Commissioners, which is drafting model legislation to prohibit insurers from

'If victims have to come forward at the risk of losing their insurance . . . they won't come forward.'

TERRY FROMSEN, Women's Law Project

discriminating against such individuals.

One advocate, testifying in person, told the panel that the insurance refusals will discourage victims from reporting and documenting abuse.

"If victims have to come forward at the risk of losing their insurance . . . they won't come forward and we will be set back 25 years," said Terry Fromson of the Women's Law Project in Philadelphia.

cuses, such as alcoholism, were being used. "It was very subtle," said Senn, who chairs the NAIC panel. "This is further victimizing victims, punishing victims for being beaten."

In another case, a Seattle woman said her homeowner's insurance policy was canceled after the irate ex-wife of her boyfriend's brother damaged a door. The insurance company said she had "too much trouble with people."

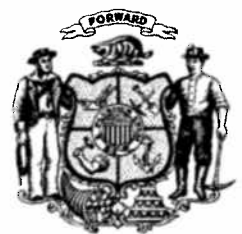
The discrimination in other states was more blatant, Senn said — one company even denied insurance to battered women under the rationale that it would encourage spouses to kill in order to collect.

Fromson represents a 25-year-old Carlisle, Pa., woman who was instrumental in bringing the problem to light last year. The woman was denied medical, life and mortgage disability insurance.

Her story prompted Washington Insurance Commissioner Deborah Senn to look at companies in her state. At first, it appeared no such discrimination existed. But then her office discovered that other ex-



WISCONSIN STATE LEGISLATURE



MICHAEL L. YOUNGMAN

Vice President

**Northwestern
Mutual Life**

June 8, 1995

Representative Sheldon A. Wasserman
100 North Hamilton St.
Room 316
Madison, WI 53703

Dear Representative Wasserman:

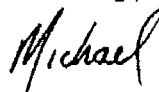
Enclosed you will find a final draft of the domestic abuse bill, as we have discussed. This draft reflects suggested changes to your original version of AB 292.

Northwestern Mutual and the Wisconsin Association of Life and Health Insurers (WALHI) believe this draft legislation, if enacted, would meet your goal of preventing discrimination based on incidents of domestic violence, while at the same time allowing the insurers' underwriting process to accurately reflect the risk represented by an applicant.

I greatly appreciate the time and attention you have paid to NML in listening to our concerns regarding this legislation. If you have any questions or further comments on these suggested changes, please let me know.

Thank you again for your attention to our concerns.

Sincerely,



Michael L. Youngman
Vice President
Government Relations

Enclosure

P.S. Congratulations on the birth of your son!!

**1995 ASSEMBLY BILL 292
WALHI REDRAFT**

April 4, 1995 - Introduced by Representatives WASSERMAN, NOTESTEIN, MUSSER, FRUG, BALDWIN, BLACK, BOCK, BOYLE, GRONEMUS, GROBSCHMIDT, HANSON, CREUSER, LA FAVE, LINTON, MURAT, PLACHE, PLOMBON, R. POTTER, RILEY, ROBSON, RYBA, SPRINGER, TRAVIS, R. YOUNG, BALDUS, DUEHOLM and OURADA, cosponsored by Senators BURKE, C. POTTER, CLAUSING, MOEN, WINEKE AND BUETTNER. Referred to Committee on Insurance, Securities and Corporate Policy.

1 **AN ACT to amend 40.51 (8), 185.981 (4t) and 185.983 (1) (intro.); and to create**
2 **631.95 of the statutes; relating to: prohibiting certain insurance practices on**
3 **the basis of domestic abuse.**

4
5 ***The people of the state of Wisconsin, represented in senate and assembly, do enact***
6 ***as follows:***

7
8 **SECTION 1.** 40.51 (8) of the statutes is amended to read:
9 40.51 (8) Every health care coverage plan offered by the state under sub. (6)
10 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.87 (3) to (5),
11 632.895 (5m) and (8) to (10) and 632.896.

12 **SECTION 2.** 185.981 (4t) of the statutes is amended to read:
13 185.981 (4t) A sickness care plan operated by a cooperative association is
14 subject to ss. 252.14, 631.89, 631.95, 632.72 (2), 632.87 (2m), (3), (4) and (5), 632.895
15 (10) and 632.897 (10) and ch. 155.

1 **SECTION 3.** 185.983 (1) (intro.) of the statutes is amended to read:

2 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be
3 exempt from chs. 600 to 646, with the exception of Sections 601.04, 601.13, 601.31,
4 601.41, 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.89, 631.93,
5 631.95, 632.72 (2), 632.775, 632.79, 632.795, 632.87 (2m), (3), (4) and (5), 632.895 (5), (9)
6 and (10), 632.896 and 632.897 (10), subch. II of ch. 619 and chs. 609, 630, 635, 645 and
7 646, but the sponsoring association shall:

8 **SECTION 4.** 631.95 of the statutes is created to read:

9 **631.95 Restrictions on insurance practices; domestic abuse.** (1) In this
10 section:

11 (a) "Abuse" has the meaning given in s. 813.122 (1) (a).

12 (b) "Disability insurance policy" has the meaning given in s. 632.895 (1) (a).

13 (c) "Domestic abuse" has the meaning given in s. 813.12 (1) (a).

14 (2) An insurer may not do any of the following:

15 (a) Refuse to provide or renew coverage to a person under an individual
16 insurance policy or group certificate solely on the basis that the person has been or
17 may be a victim of abuse or domestic abuse or that a member of the person's family
18 has been or may be a victim of abuse or domestic abuse.

19 (b) Refuse to provide or renew coverage to an employer or other group under
20 a group insurance policy solely on the basis that an employe or other group member
21 has been or may be a victim of abuse or domestic abuse or that a member of an
22 employe's or other group member's family has been or may be a victim of abuse or
23 domestic abuse.

24 (c) ~~Use as a factor in the determination of rates or any other aspect of~~
25 ~~insurance coverage~~ Determine rates or benefits under an individual or group
26 insurance policy or a group certificate solely on the knowledge or suspicion that a
27 person or an employe or other group member has been or may be a victim of abuse

1 or domestic abuse or that a member of the person's or an employe's or other group
2 member's family has been or may be a victim of abuse or domestic abuse.

3 (d) Under an individual or group disability insurance policy or group
4 certificate, exclude or limit coverage of health care services or items related to the
5 treatment of injury or disease resulting from abuse or domestic abuse solely on the
6 basis that a person or an employe or other group member has been or may be a
7 victim of abuse or domestic abuse, or that the person's or an employe's or other
8 group member's family member has been or may be a victim of abuse or domestic
9 abuse, unless the exclusion or limitations apply generally to other illnesses or
10 medical conditions covered by the policy.

11 ~~(e) Under an individual life insurance policy or group certificate, deny or~~
12 ~~limit benefits in the event that the death of the person whose life is insured results~~
13 ~~from abuse or domestic abuse solely on the basis that the person whose life is~~
14 ~~insured has been or may be a victim of abuse or domestic abuse or that a~~
15 ~~member of the family of the person whose life is insured has been or may be a victim~~
16 ~~of abuse or domestic abuse, except that the insurer may deny or limit benefits under~~
17 ~~such a policy to a beneficiary who is the perpetrator of abuse or domestic abuse that~~
18 ~~results in the death of the person whose life is insured.~~

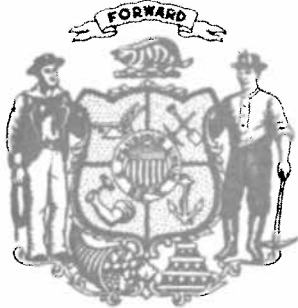
19 ~~(3) An insurer that denies coverage under an individual or group insurance~~
20 ~~policy or a group certificate shall advise the applicant in writing of the reasons for~~
21 ~~the denial.~~

22 (3) An insurer is not prohibited from refusing to provide or renew coverage
23 or from making other underwriting determinations for an individual or group
24 insurance policy or a group certificate on the basis of any physical or mental
25 manifestation of abuse or domestic abuse. Where the insurer denies coverage on the
26 basis of such manifestation, the insurer shall advise the applicant or proposed
27 insured in writing of the reasons for the denial.

1 (4) A life insurer may deny coverage with respect to a proposed insured who
2 is or has been the subject of abuse or domestic abuse if the perpetrator of the abuse is
3 the applicant or would be the owner of the coverage. A life insurer shall not be
4 liable for wrongful death, negligence, or otherwise with respect to injury or death of
5 an insured who has been or may be the victim of domestic abuse.



WISCONSIN
STATE
ASSEMBLY



**S H E L D O N
W A S S E R M A N**
STATE REPRESENTATIVE

July 11, 1995

Representative Sheryl Albers, Chair
Committee on Insurance, Securities and Corporate Policy
Room 136 South, State Capitol
Interdepartmental mail

Sheryl
Dear Representative Albers:

I am writing to request that Assembly Bill 292, which was referred to your committee a number of months ago, be scheduled for a public hearing. I am the principal author of this legislation.

The bill aims to prohibit discrimination against victims of domestic abuse with regard to certain insurance practices. Since introducing AB 292, I have received several calls from interested persons and organizations who would appreciate an opportunity to present their opinions on it.

My legislative assistant has been in touch with your committee clerk a number of times since then, and was informed, understandably, that you planned to resume committee meetings following state budget deliberations. Now that the budget has passed, I hope that you will agree to hold a hearing on AB 292 soon.

I appreciate your consideration of my request, and look forward to receiving your response.

Sincerely,

Sheldon
Sheldon A. Wasserman
State Representative
22nd Assembly District

SW/so

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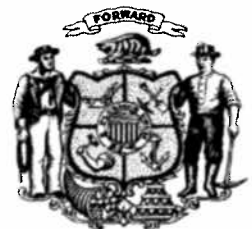
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WISCONSIN STATE LEGISLATURE





SEP 05 1995

sent 9-6-95

August 31, 1995

Representative Sheryl Albers
PO Box 8952
Madison, WI, 53708

Dear Representative Albers,

I am writing to request that a hearing be scheduled for Assembly Bill 292 which prohibits an insurer from refusing to provide or renew coverage of any type of insurance policy solely on the basis that the person or a family member of the person is or may be a victim of child or domestic violence.

Women and children all over our state are being denied health coverage because of circumstances beyond their ultimate control. A woman surviving domestic abuse does not have control over where, when or how she will be battered. Medical care is one way for our communities to take responsibility for the violence that occurs in families every day. Being tied down to medical debt because a policy does not provide coverage will not help women leave abusive situations.

I have enclosed an article from the *Beloit Daily News* that tells the tragic story of a young woman murdered by her boyfriend. She had two small children and her life insurance policy contains a provision excluding coverage for her beneficiaries because she was murdered by a member of her own household. These children have lost their mother and no insurance benefits can take that loss away. However, economic support is vital to their future well-being.

Please consider the needs of these two young children when deciding the fate of Assembly Bill 292.

Respectfully,

Jill M. Jacklitz
Executive Assistant

enclosure

I have not ~~been~~ scheduled at this time for hearing of AB 292. I feel the ideas contained in the bill ~~are~~ ^{are} discussed - currently I have a ~~major~~ ^{major} ~~deficit~~ ^{deficit} address -

irrevocably made missing insurance granted that I was ~~not~~ ^{not} ~~subscribed~~ ^{subscribed} before ~~and~~ ^{and} ~~cannot~~ ^{cannot} ~~cancel~~ ^{cancel} that.

Alternatives to Domestic Violence Shelter

BASIC (Before and After School In-school Clubs)

Discovery Day Camp

CARE House 1126 Conde Street 608/755-4750 Fax: 608/755-4752

Feeling Good Again Breast Cancer Education and Support

Transitional Living Program

Jeffris Tot Care 755-4755

24-Hour Crisis Line 752-2583



'Don't let it be a secret'

Family of murder victim speaks out against domestic violence

By Kelley Flury

Daily News staff writer

Melinda Brancamp found herself getting annoyed at newspaper articles calling for people to do something about domestic violence. The articles evoked the names of victims of domestic violence, including Jodi Martin, who was killed by her estranged boyfriend seven months ago.

Jodi Martin was Brancamp's sister.

"Lisa Furseth had written a couple articles crying out for the public to do something, do something," Brancamp recalls. "I called her and said, 'What do you want us to do? What can we do?'"

Furseth, who is director of advocacy services at the Janesville YWCA, told Brancamp there's a lot she and her other sisters can do — from talking to children in day cares about how fighting is wrong, to lobbying for a bill that would prohibit people from possessing firearms if they have a domestic abuse restraining order against them.

Most of all, Furseth advised, talk about domestic violence.

Don't let it be a secret issue.

"People don't talk about it or know how to recognize it," Furseth said. "And until we get to a place where individuals know how to recognize it when it's there and have some tools to try to respond, it's very difficult to see it or stop it."

With October being Domestic Violence Awareness Month, Brancamp and her sister Kris Hoscheit expect to do a lot of talking.

They will be talking not just about domestic violence, but also about gun control.

Patrick M. Patrick, 27, used a Glock model 22 40-caliber semiautomatic pistol to murder Jodi, 29.

He shot her seven times as she sat at her kitchen table, with one leg resting on a chair. He then turned the gun on himself, killing himself with a single gunshot.

Searching for clues

Jodi's family was stunned and devastated by the murder.

"We never thought in a million years this would happen," said Hoscheit.

"We would have never dreamed this would happen to us," Brancamp said. "We had this perfect little family. Here we are, raising our children, taking care of our nieces and nephews and cousins. In a second, it was all torn apart."

Jodi was the second oldest of four daughters of Norman and Donna Ahrens of Orfordville. Brancamp, of Beloit, is the oldest. Trisha Neal, of Orfordville, is second youngest, while Hoscheit, also of Orfordville, is the youngest.

Before the murder, the sisters had no reason to be overly concerned about Jodi's boyfriend. They knew he had guns in the house, but he was going to be a policeman after all. They knew he had trouble getting a job as a police officer, but Jodi assured them he was trying hard and insisted he really was ambitious.

Please see **SISTERS** P. 2



Staff photo by Chris Kellen

Photographs of Jodi Martin lie on the dining room table as her sisters Kris Hoscheit left, and Melinda Brancamp speak of Martin's murder. Martin, an Orfordville day care provider, was fatally shot last January by her boyfriend, Patrick M. Patrick, who then killed himself. The sisters have embarked on an educational campaign to inform others of the warning signs of domestic violence.

In the days and weeks and months following their sister's murder, family members searched for clues that would have told them Jodi was in danger.

Brancamp recalled the time Jodi mentioned to her that Patrick said if she made him leave, he would hurt her. She remembered Jodi once said Patrick's father had abused his mother. And Jodi said Patrick yelled and swore at her when they got into arguments.

The sisters recalled how Patrick didn't visit much with Jodi's family. On the day of the murder, he declined an invitation to go to a baptism the rest of the family attended.

"He wanted Jodi and only Jodi," Brancamp said. "He pursued her from the day he met her."

The sisters say Patrick wanted Jodi to move to Milwaukee, where he was still in the running for a job

And potentially, if (domestic violence) wasn't such a secret issue, Jodi might have been able to recognize it and talk with her family about how there was danger in her life. People in her partner's life might have been able to recognize signs from him. Because it's such a secret issue, those things don't happen.
—Lisa Furseth, director of advocacy services

with the Milwaukee Police Department. But Jodi had her family in Rook County and the daycare business she built in Orfordville. She wasn't about to leave.

The sisters say Jodi and Patrick broke up more than once, but each time, they reconciled. "She must have asked him to leave three, four times in their two-year relationship," Brancamp said.

"She always took him back," Hoscheit said. "He was a good talker. He knew what buttons to push."

In January, she asked him to leave for the last time. She gave him until Feb. 1 to be out of the house she rented in Orfordville. Apparently, he wasn't about to leave without her. He killed her and himself on Jan. 29.

Jodi's sisters can only conclude Jodi was the victim of Patrick's own frustrations — his frustration with his infant son's death, his failure to find a police job, and his broken relationship.

"He put all his blame, all his disappointments, all his rejections on her," Hoscheit said.

When he killed Jodi Martin, Patrick M. Patrick took away the mother to Laura Jo Martin, 6, and Britney Martin, 5.

The girls lived with their father, Daniel Martin, in Beloit this summer. They plan to return to school in Orfordville next week and live with their grandparents until their father finds a home in Orfordville.

The girls appear to be doing well, Brancamp said. But some things the girls do make their aunts wonder. Like when Britney hugs them a long time and won't let go. "And they won't let you out of their sight," Hoscheit said. Sometimes Britney pushes the

hair back off Brancamp's face and says, "You look like Mommy." Once Laura said, "If I was home, Pat wouldn't have killed my Mommy." So the aunts and grandmas and grandpas reassure the girls they did nothing wrong. And they couldn't have prevented what happened.

But still the aunts wonder if they could have known their sister was in danger? Should they have tried harder to help her get out of the relationship?

"I don't want in anyway to say Mindy and her family could have done something to necessarily prevent this," Furseth said. Usually, a more marked pattern of abuse is evident, she said.

"But as a community, if we all change our response, there are ways we could potentially have seen things and recognized things differently," Furseth said. "And potentially, if this wasn't such a secret issue, Jodi might have been able to recognize it and talk with her family about how there was danger in her life. People in her partner's life might have been able to recognize signs from him. Because it's such a secret issue, those things don't happen."

Family can't collect insurance

The family of Jody Martin has been unable to collect a nickel of life insurance that could help provide for Martin's two children, Laura Jo, 6, and Britney, 5.

Patrick M. Patrick had two life insurance policies naming Jody as the primary beneficiary. But the policies contained a clause that said if Jody died before Patrick, the money — roughly \$2,000 — would go to the second beneficiary, Patrick's mother.

The family has asked Patrick's mother to put the money in a trust fund for the girls, but she has declined.

"So now a woman who raised a murderer is going to inherit a ton of money," Brancamp said.

Jody had a small life insurance policy, but the policy contains a provision that says if she was murdered by a member of her own household, her beneficiaries

cannot collect the money.

Jody's family believes the insurance company should have to pay up because Patrick was in the process of moving out of the house Jody rented. The family is looking for an attorney to pursue a court case against that insurance company.

Meanwhile, an attorney who was appointed to look out for the girls' interest is pursuing a wrongful death lawsuit against Patrick's estate. An inventory of Patrick's assets should be filed within six months, said Robert G. Blakely, the guardian ad litem.

After Martin's death, a fund for her daughters was set up at Farmers & Merchants Bank in Orfordville. The money is being held in a savings account for the girls for any needs that arise.

Sometimes a family racked by domestic abuse look normal on the outside, Furseth points to the case of Susan Anderson of Janesville, who was beaten and stomped to death in May. Her husband Gregory Anderson is charged with first degree intentional homicide.

"When Susan Anderson was murdered, we heard from a lot of people this was a model family and there were no signs and no prior history," Furseth said. "But once we started speaking out about the issue, we got a lot of phone calls from people in her life — friends, co-workers or people who said, 'We knew there was trouble and we tried to talk her into leaving. We tried to figure out a way to help her leave, but we couldn't.'"

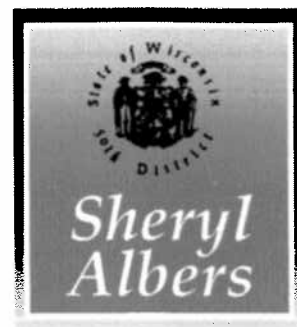
Since Brancamp made that call to

Purseth, the two have been talking about putting together a simple list of tips to help anyone address domestic violence.

"Can I make a point of saying something to someone that I think is being abusive that could help hold that person accountable for their behavior? Could I help direct an abusive friend to resources that could help him or her change their behaviors?"

Jody Martin's sisters say "yes" to all of the above. And they hope to start spreading the word.

COPY



September 6, 1995

Jill M. Jacklitz
Executive Assistant-YWCA
220 St. Lawrence Ave.
Janesville, WI 53545

Dear Ms. Jacklitz:

I am in receipt of your letter requesting a hearing on AB 292 which prohibits certain insurance practices on the basis of domestic abuse.

I do not have any hearings scheduled at this time. I do feel that the ideas contained in the bill warrant discussion, however, and remain optimistic that a hearing may be scheduled before the end of the year.


Sincerely,

(S)

Sheryl K. Albers
State Representative
50th Assembly District

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Message Hotline: (800) 362-9472

Home: S6896 Seeley Creek Rd. • Loganville, WI 53943 • (608) 727-5084

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