

1999 DRAFTING REQUEST

Bill

Received: **10/06/1999**

Received By: **champra**

Wanted: **Soon**

Identical to LRB:

For: **Mark Pocan (608) 26643570**

By/Representing: **Glenn**

This file may be shown to any legislator: NO

Drafter: **champra**

May Contact:

Alt. Drafters:

Subject: **Employ Pub - employe benefits**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Health insurance coverage for domestic partners under health coverage plans offered by group insurance board

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>
/1	champra 10/07/1999	wjackson 10/1 1/1999	j frantze 10/11/1999	_____	lrb_docadmin 10/11/1999	lrb_docadminS&L 10/18/1999	

FE Sent For:

<END>

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Received: **10/06/1999**

Received By: **champra**

Wanted: **Soon**

Identical to LRB:

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

By/Representing: **Glenn**

This file may be shown to any legislator: NO

Drafter: **champra**

May Contact:

Alt. Drafters:

Subject: **Employ Pub - employe benefits**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

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I?	champra	1 WLj 10/11	J 10/11	J MC 10/11			

FE Sent For:

<END>

LEGISLATIVE REFERENCE BUREAU

BILL REQUEST FORM

Legal Section, 5th Floor, 100 N. Hamilton St.
(608) 266-3561

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.
Use this form only for BILL drafts. Attach more pages if necessary.

Form with fields: Date of request: 10/4/99; Legislator or agency requesting this draft: Rep. Pagan; Name/phone number of person submitting request: 266-8570; Persons to contact for questions about this draft (names and phone numbers please): Tim or Glenn, 266-8570; Describe the problem, including any helpful examples. How do you want to solve the problem? Open the state insurance pool for domestic partnerships - health 2001 - please see attached - if info needed on what other states are doing, please call; If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy.

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

Requests are confidential unless stated otherwise.

May we tell others that we are working on this for you? [] YES [] NO

If yes, anyone who asks? [] YES [] NO

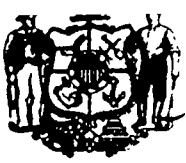
Any legislator? [] YES [] NO [] ONLY the following persons:

Do you consider this urgent? [x] YES [] NO If yes, please indicate why:

Is this request of higher priority than other pending request(s) you have made?

[x] YES [] NO If yes, please sign your name here:

* Rep. Pagan would like a draft by 10/12 in order to coordinate a legislative package w/ other state-wide organizations that are meeting on 10/13



PRELIMINARY **DRAFT - NOT READY FOR** INTRODUCTION

1 **AN ACT** to create chapter 770 of the statutes; **relating** to: domestic partnership.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

2 SECTION 1. Chapter 770 of the statutes is created to read:

3 **CHAPTER 770**

4 **DOMESTIC PARTNERSHIP**

5 **770.01 Definitions.** In this chapter:

6 (1) "Domestic partner" means an individual who has signed and filed a
7 declaration of domestic partnership in the office of the register of deeds of the county
8 in which he or she resides.

9 (2) "Domestic partnership" means the legal relationship that is formed
10 between 2 individuals under this chapter.

1 **770.05 Criteria for forming a domestic partnership.** Two individuals may
2 form a domestic partnership if they fulfill all of the following criteria:

3 (1) Each individual is at least 18 years old and otherwise competent to enter
4 into a contract.

5 (2) The 2 individuals share a residence. → Ne

6 (3) Neither individual is married to, or registered in a domestic partnership
7 with, another individual.

8 (4) The 2 individuals are not related by blood in any way that would prohibit
9 marriage under s. 765.03.

10 (5) The 2 individuals consider themselves to be members of each other's
11 immediate family.

12 (6) The 2 individuals agree to be responsible for each other's basic living
13 expenses.

14 **770.07 Application. (1)** (a) Individuals who wish to form a domestic
15 partnership shall apply for a declaration of domestic partnership to the county clerk
16 of the county in which at least one of the individuals has resided for at least 30 days
17 immediately before applying.

18 (b) 1. Except as provided in subd. 2., the county clerk may not issue a
19 declaration of domestic partnership until at least 5 days after receiving the
20 application for the declaration of domestic partnership.

21 2. The county clerk may, at his or her discretion, issue a declaration of domestic
22 partnership less than 5 days after application if the applicant pays an additional fee
23 of not more than \$10 to cover any increased processing cost incurred by the county.
24 The county clerk shall pay this fee into the county treasury.

1 (c) No declaration of domestic partnership may be issued unless the application
2 for it is subscribed to by the parties intending to form the domestic partnership; it
3 contains the social security number of each party who has a social security number;
4 and it is filed with the clerk who issues the declaration of domestic partnership.

5 (d) Each party shall present satisfactory, documentary proof of identification
6 and residence and shall swear, or **affirm**, to the application before the clerk who is
7 to issue the declaration of domestic partnership. In addition to the social security
8 number of each party who has a social security number, the application shall contain
9 such informational items as the department of health and family services directs.
10 The portion of the application form that is collected for statistical purposes only shall
11 indicate that the address of an applicant may be provided by a county clerk to a law
12 enforcement officer under the conditions specified under s. 770.18 (2). Each
13 applicant who is under 30 years of age shall exhibit to the clerk a certified copy of a
14 birth certificate, and any applicant shall submit a copy of any judgments or a death
15 certificate affecting the domestic partnership status. If such certificate or judgment
16 is unobtainable, other satisfactory documentary proof may be presented instead.
17 Whenever the clerk is not satisfied with the documentary proof presented, he or she
18 shall submit the proof, for an opinion as to its sufficiency, to a judge of a court of record
19 in the county of application.

20 (2) If sub. (1) and s. 770.05 are complied with, the county clerk shall issue a
21 declaration of domestic partnership. With each declaration of domestic partnership
22 the county clerk shall provide a pamphlet describing the causes and effects of fetal
23 alcohol syndrome. After the application for the declaration of domestic partnership
24 the clerk shall, upon the sworn statement of either of the applicants, correct any
25 erroneous, false or insufficient statement in the application which shall come to the'

1 clerk's attention and shall show the corrected statement, as soon as reasonably
2 possible, to the other applicant.

3 **770.10 Completion and filing of declaration.** In order to form the legal
4 status of domestic partners, the individuals shall complete the declaration of
5 domestic partnership, sign the declaration, having their signatures acknowledged
6 before a notary, and file the declaration in the office of the register of deeds of the
7 county in which they reside. After filing the declaration, the register of deeds shall
8 forward the original to the state registrar of vital statistics.

9 **770.15 Forms for declaration. (1)** The application and declaration of
10 domestic partnership under s. 770.07 shall contain such information as the
11 department of health and family services determines is necessary. The form for the
12 declaration of domestic partnership shall require both individuals forming a
13 domestic partnership to sign the form and attest to fulfilling all of the criteria under
14 s. 770.05(1) to (6).

15 **(2)** The department of health and family services shall distribute forms under
16 sub. (1) in sufficient quantities to each county clerk.

17 **770.17 Fee to county clerk.** Each county clerk shall receive as a fee for each
18 declaration of domestic partnership issued the sum of \$49.50, of which \$24.50 shall
19 become a part of the funds of the county and \$25 shall be paid by the clerk into the
20 state treasury. A county board may increase the license fee of \$49.50 by any amount,
21 which amount shall become a part of the funds of the county. For each declaration
22 of domestic partnership issued, the clerk shall also receive a standard notary fee of
23 50 cents, which may be retained by the clerk if the clerk is operating on a fee or
24 part-fee basis but which otherwise shall become part of the funds of the county.

1 **770.18 Records.** (1) The county clerk shall keep among the records in the
2 office a suitable book called the declaration of domestic partnership docket and shall
3 enter therein a complete record of the applications for and the issuing of all
4 declarations of domestic partnership, and of all other matters which the clerk is
5 required by this chapter to ascertain related to the rights of any person to obtain a
6 declaration of domestic partnership. An application may be recorded by entering
7 into the docket the completed application form, with any portion collected only for
8 statistical purposes removed. The declaration of domestic partnership docket shall
9 be open for public inspection or examination at all times during office hours.

10 (2) A county clerk may provide the name of a declaration of domestic
11 partnership applicant and, from the portion of the application form that is collected
12 for statistical purposes, as specified under sub. (1), may provide the address of the
13 declaration of domestic partnership applicant to a law enforcement officer, as defined
14 in s. 51.01 (11). A county clerk shall provide the name and, if it is available, the
15 address, to a law enforcement officer who requests, in writing, the name and address
16 for the performance of an investigation or the service of a warrant' If a county clerk
17 has not destroyed the portion of the declaration of domestic partnership application
18 form that is collected for statistical purposes, he or she shall keep the information
19 on the portion confidential, except as authorized under this subsection. If a written
20 request is made by a law enforcement officer under this subsection, the county clerk
21 shall keep the request with the declaration of domestic partnership application form.
22 If the county clerk destroys the declaration of domestic partnership application form,
23 he or she shall also destroy the written request.

24 **770.20 Effect of forming domestic partnership.** Except in ch. 765, any
25 statute that applies to a married person; including but not limited to a spouse;

1 husband, if appropriate; wife, if appropriate; widow, if appropriate; widower, if
2 appropriate; or family member that includes a spouse; applies in the same respect
3 to a domestic partner. Except in ch. 765, any statute that applies to marriage or a
4 marital relationship applies in the same respect to a domestic partnership. Except
5 in ch. 765, any statute that applies to a marriage license, certificate or document
6 applies in the same respect to a declaration of domestic partnership.

7 (END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3704/1

RAC: J...
WJ

Tuesday 9AM
10/12

1999 BILL

Gen Cat

1 AN ACT ~~...~~; relating to: providing coverage for domestic partners under health
2 care coverage plans and long-term care insurance policies offered by the group
3 insurance board.

Analysis by the Legislative Reference Bureau

Under current law, the group insurance board offers health care coverage plans for state employees, local government employees, school district employees and annuitants under the Wisconsin retirement system. In addition, the group insurance board currently offers long-term care insurance policies to state employees and state annuitants. Under the health care coverage plans, the employees and annuitants are able to receive coverage for dependents; under the long-term care insurance policies, the employees and annuitants are able to purchase the policies for their spouses and parents.

This bill provides that domestic partners of employees and annuitants are eligible to receive coverage under the health care coverage plans offered by the group insurance board and that state employees and state annuitants are able to purchase the policies for their domestic partners. Under the bill, a domestic partner is defined as any individual who is in a relationship with any other individual that satisfies all of the following:

1. Each individual is at least 18 years old and otherwise competent to enter into a contract.
2. Neither individual is married to, or in a domestic partnership with, another individual.

BILL

3. The two individuals are not related by blood in any way that would prohibit marriage under current law.

4. The two individuals consider themselves to be members of each other's immediate family.

5. The two individuals agree to be responsible for each other's basic living expenses.

For further information see the **state** and local 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 (20)^J of the statutes is amended to read:

2 40.02 (20) "Dependent" means the spouse, domestic partner, minor child,
3 including stepchildren of the current marriage dependent on the employe for support
4 and maintenance, or child of any age, including stepchildren of the current marriage,
5 if handicapped to an extent requiring continued dependence. For group insurance
6 purposes only, the department may promulgate rules with a different definition of
7 "dependent" than the one otherwise provided in this subsection for each group
8 insurance plan, except that the denartment may not promulgate a rule excluding
9 domestic partners from a group insurance plan that provides coverage for any
10 dependent.

History: 1981 c. 96, 187, 250, 274, 386; 1983 a. 9.27; 1983 a. 81 s. 11; 1983 a. 83 s. 20; 1983 a. 106,140; 1983 a. 141 ss. 1 to 3, 20; 1983 a. 191 ss. 1, 6; 1983 a. 192 s. 304; 1983 a. 255 s. 6; 1983 a. 275, 290, 368; 1983 a. 435 s. 7; 1985 a. 29,225; 1985 a. 332 ss. 52,251 (1); 1987 a. 27, 62, 83, 107, 309, 340, 356, 363, 372, 399; 1987 a. 403 ss. 43 to 45,256; 1989 a. 13, 14, 31; 1989 a. 56 s. 259; 1989 a. 166, 182, 189, 218, 230, 240, 323, 327, 336, 355, 357, 359; 1991 a. 32, 39, 113, 152, 229, 269, 315; 1993 a. 16,263, 3X3,490,491, 1995 a. 27, ss. 1946 to 1953,9130 (4); 1995 a. 81, 88, 89, 16, 240, 302, 381, 417; 1997 a. 3, 27, 39, 69, 110, 162, 237, 238.

11 **SECTION 2.** 40.02 (21c) ~~(1c)~~ of the statutes is created to read:

12 40.02 (21c) "Domestic partner" means an individual in a domestic **partnership**.

13 **SECTION 3.** 40.02 (21d) ~~(1d)~~ of the statutes is created to read:

14 40.02 (21d) ~~(1d)~~ "Domestic partnership" means a relationship between 2
15 individuals that satisfies all of the following:

16 (a) ~~(1)~~ Each individual is at least 18 years old and otherwise competent to enter into
17 a contract.

[Editor: N.B. -> the definition of "domestic partnership" is based on that in LRB-0189]

BILL

1 (b) ~~VA~~ Neither individual is married to, or in a domestic partnership with, another
2 individual.

3 (c) ~~VA~~ The 2 individuals are not related by blood in any way that would prohibit
4 marriage under s. 765.03. ✓

5 (d) ~~VA~~ The 2 individuals consider themselves to be members of each other's
6 immediate family.

7 (e) ~~VA~~ The 2 individuals agree to be responsible for each other's basic living
8 expenses.

9 SECTION 4. 40.55 (1) ✓ of the statutes is amended to read:

10 **40.55 Long-term care coverage. (1)** Except as provided in sub. (5), the state
11 shall offer, through the group insurance board, to eligible employes under s. 40.02
12 (25) (bm) and to state annuitants long-term care insurance policies which have been
13 approved for sale in this state by the office of the commissioner of insurance and
14 which have been approved for offering under contracts established by the group
15 insurance board if the insurer requests that the policy be offered and the state shall
16 also allow an eligible employe or a state annuitant to purchase those policies for his
17 or her spouse, domestic partner or parent.

18 History: 1987 a. 356; 1989 a. 31; 1991 a. 152.

18 **SECTION 5. Initial applicability.**

19 (1) This act first applies to coverage under group insurance plans offered by the
20 group insurance board on January 1, 2001.

21 (END)

Barman, Mike

From: Barman, Mike
Sent: Thursday, October 14, 1999 9:07 AM
To: OBrienx, Tim
cc: Champagne, Rick
Subject: 99-3704/1 (by request of RAC)



99-3704/1

Tim . . .

Rich Champagne will be out of the office until Monday morning, October 18th.

Mike Barman

Mike Barman - Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

Williams,Landon

To: Wavrunek, Glenn
cc: Champagne, Rick
Subject: LRB 99-3704 per your request



99-3704/1

Landon T. Williams

Legislative Program Assistant
Legislative Reference Bureau
100 N. Hamilton
(608) 266-3561
landon.williams@legis.state.wi.us

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 10/11/1999

To: Representative Pocan

Relating to LRB drafting number: LRB-3704

Topic

Health insurance coverage for domestic partners under health coverage plans offered by group insurance board

Subject(s)

Employ Pub - employe benefits

1. **JACKET** the draft for introduction _____

in the Senate ____ **or the Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Rick A. Champagne, Senior Attorney
Telephone: (608) 266-9930