

1999 DRAFTING REQUEST

Bill

Received: **11/09/1999**

Received By: **kahlepj**

Wanted: **Today**

Identical to LRB:

For: **Scott Jensen (608) 266-3387**

By/Representing: **Brett Healy**

This file may be shown to any legislator: NO

Drafter: **kahlepj**

May Contact:

Alt. Drafters: **shoveme
jkreye**

Subject: **Tax - miscellaneous
Insurance - miscellaneous**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Budget trailer bill

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>Reauired</u>
/?	kahlepj 11/09/1999			_____			S&L
/P1			haugeca 1 1/09/1999	_____			S&L
/1	kahlepj 1 1/09/1999	chanaman 1 1/09/1999	martykr 1 1/09/1999	_____	lrb-docadmin 1 1/09/1999		S&L
/2	kahlepj 1 1/10/1999	chanaman 1 1/10/1999	kfollet 1 1/10/1999	_____	lrb-docadmin 1 1/10/1999		S&L

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/3	shoveme 01/07/2000 kahlepj 0 1/07/2000	chanaman 01/10/2000	jfrantze 01/10/2000	_____	lrb-docadmin 01/10/2000	lrb_docadmin 01/19/2000	

FE Sent For:

<END>



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Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Reaired

MES 1/7/00

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cmh
1/2
11/10

Kjf
11/10

Kjf/km
11/10

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/?	kahlepj	cmh /	cmh 11/9	cmh 11/9			
FE Sent For:		11/9					

<END>

Steve

From: Healy, Brett
Sent: Friday, November 05, 1999 5:14 PM
To: Miller, Steve
Cc: Heifetz, Michael
Subject: Tech Amendments

Importance: High

Steve,

I am submitting the following items to be drafted as technical trailers on the budget for regular session. Please prepare them for regular session on either Tuesday or Wednesday.

I will be out of the office on Monday and Tuesday. If you have any questions, please contact Michael Heifetz of Representative Foti's Office (6.2401). If you have trouble reading any of these documents please contact Adam Peer of my office at (4.6970 or home at 266.5696)

Thanks,

Brett



Print ANESTH-1.pdf



Print TRUSTL-1 .pdf



Print WSCON-1.pdf

Brett J. Healy

Chief of Staff

'Assembly Speaker Scott Jensen



Brett Healy (E-mail).vcf

MEMORANDUM

CONFIDENTIAL

TO: Steven M. Radke

FROM: Catherine A. Wilbert 4/14-
299-2649 (4)

DATE: October 20, 1999

RE: Technical Corrections to Wisconsin Budget Tax Language

Attached are proposed changes to the budgetary language on taxation of trusts. Because the original provision was deleted and substitute language quite hastily restored to the budget, the final provision as adopted requires a technical correction to fulfill the original intent.

As you know, under pre-budget Wisconsin law, a trust created at death (a testamentary trust) was taxable in Wisconsin based on the residency of the decedent, whereas a trust created during life (an inter vivos trust) was taxable in Wisconsin, regardless of residency of the grantor, if the trust was administered in-state. This tax structure created an obvious incentive (for residents and nonresidents alike) to avoid Wisconsin tax simply by selecting an out-of-state trustee to administer the trust. Accordingly, the Joint Finance Committee unanimously adopted a motion which called for modifications to the law to enable Wisconsin to tax trusts created by Wisconsin residents and to prohibit Wisconsin from taxing the trusts of nonresidents, regardless whether such trusts are administered in Wisconsin or in another state.

However, under the language contained in the budget, Wisconsin would continue to tax certain nonresident trusts administered in this state (whether today ~~or~~ in the future) simply because such trusts happened to become irrevocable before the effective date of the change in the law. This posts a permanent "keep out" sign at the Wisconsin border for a significant number of existing trusts created by nonresidents. Since Wisconsin is not currently receiving any more than miniscule revenue from such trusts (because virtually all have been economically driven out of state), there is nothing to be gained by perpetuating a tax disincentive that makes it impracticable for in-state trust institutions to compete for such business forevermore into the future.

Lastly, as indicated in the August 1999 memo to Senator Burke from the Real Property, Probate and Trust Law Section of the State Bar of Wisconsin, the state's legal practitioners and trust institutions endorsed transition language to avoid the inherent problems in using an effective date that turned on the time when the trust became irrevocable. The memo voices the concern that nonresidents who have trusts that are already irrevocable would see no reason to come to Wisconsin for trust administration. The omission of the recommended language in the final budget means that the legislative purpose was only partially achieved. The Bar Association's memo **also** pointed out that Minnesota, which enacted a similar tax change in 1995, amended the law the very next year to correct this problem by extending the new tax treatment to trusts "first administered" in Minnesota after the effective date, regardless of when they became irrevocable. The enclosed language accomplishes the same purpose as Minnesota's technical correction, and should remove a significant competitive disadvantage for Wisconsin trust institutions. **Please** let me know if you need anything further.

Fotis office

→ expo taxes retention issue

→ any encumbered balance sent back to the district (expo)

see

Fred Ammerman & Al Kunde

6-7845

6-3013

do a separate bill

spoke to Fred

unencumbered

end of fiscal year — transfer balance from the DOR admin. appropriation back to the expo district

~~These minimum~~ coverage requirements apply to coverage provided by health maintenance organizations (HMOs), **exclusively**. Delete references to minimum requirements that apply only to coverage provided by HMOs.

Specify that these provisions would first apply to policies issued or renewed on the general effective date of the bill.

Senate: No change to Joint Finance.

CONFIDENTIAL

3. DENIAL OF PAYMENT BY HEALTH INSURERS FOR CERTAIN MEDICAL PROCEDURES

Assembly: Prohibit an insurer from denying payment under a disability insurance policy or group certificate for a medical or surgical service or procedure on the basis that the service or procedure is an integral component of a second medical or surgical **service** or procedure unless, under Medicare Part **B**, payment for the first service or procedure is included in the payment for the second service or procedure. Prohibit employers from bargaining on **this** provision.

This provision would apply to: (a) health care coverage plans offered by the state; (b) health care coverage plans offered by the group insurance board; (c) sickness care plans operated by a cooperative association; (d) voluntary nonprofit sickness care plans; and (e) limited service health organizations, preferred provider plans and managed care plans. Specify that this provision would first apply upon renewal of disability insurance policies or group certificates that contain terms or provisions inconsistent with this provision, or the earlier of the following: (a) the day on which the collective **bargaining** agreement expires for disability insurance policies or group certificates that contain provisions inconsistent with this provision; or (b) the day on which the collective bargaining agreement for such policies or certificates is extended, modified or renewed.

Senate/Conference Committee: No change to Joint Finance.

4. HEALTH MAINTENANCE ORGANIZATION POINT-OF-SERVICE COVERAGE

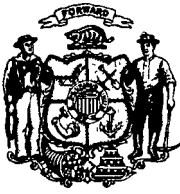
Assembly: No change to Joint Finance.

Senate: Require managed care plans to offer enrollees at least one point-of-service coverage option in each geographic service area of the managed care plan. Define a "point-of-service coverage option" as a health care plan coverage option under which all of the following apply: (a) an insured may obtain health care services from a provider of his or her choice; (b) the selected provider is not necessarily a participating provider of the health care plan or a member of the health care plan's network of providers; and (c) the health care plan reimburses the selected provider for the cost of services provided to the insured if the provider is appropriately licensed and the services provided are covered under the health plan.

Sorted Item List

<u>Store File Name</u>	<u>Text</u>
-3770.1	20.566 (1) (gg) of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:
-3902.1	40.51 (8) of the statutes is amended to read:
-3902.2	40.51 (8m) of the statutes is amended to read:
-3920.1	71.14 (3) (intro.) of the statutes, as affected by 1999 Wisconsin Act 9, is amended to read:
-3920.2	71.14 (3m) (a) (intro.) of the statutes, as created by 1999 Wisconsin Act 9, is amended to read:
-3920.3	71.14 (3m) (b) 2. of the statutes, as created by 1999 Wisconsin Act 9, is amended to read:
-3902.3	111.91 (2) (nm) of the statutes is created to read:
-3902.4	185.981 (4t) of the statutes is amended to read:
-3902.5	185.983 (1) (intro.) of the statutes is amended to read:
-3902.6	609.795 of the statutes is created to read:
-3902.7	632.872 of the statutes is created to read:
-3920.4	Initial applicability.
-3902.9326	Initial applicability; insurance.

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State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3922/PA

PJK:rich

run is run

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Wed
8:30 am

WFO -
please
suppress
burning
date

refer
cat

1 **AN ACT to amend** 20.566 (1) (gg), 40.51 (8), 40.51 (8m), 71.14 (3) (intro.), 71.14
 2 (3m) (a) (intro.), 71.14 (3m) (b) 2., 185.981 (4t) and ~~185.983 (1) (intro.)~~; and **to**
 3 create 111.91 (2) (nm), 609.795 and 632.872 of the statutes; **relating to:** the
 4 administration and collection of local exposition district taxes) prohibiting
 5 denial of payment for certain medical or surgical services or procedures, the
 6 , taxation of certain inter vivos trusts and

period

Analysis by the Legislative Reference Bureau

***** ANALYSIS FROM -3770/3 *****

Under current law, a local exposition center district may impose a sales tax on all retailers that are located in the district at the rate of 0.25% of the gross receipts from the sale of food and beverages, and 3% of the gross receipts from car rentals and motel or hotel room rentals. The department of revenue (DOR) administers and collects the tax. DOR retains 2.55% of the collected tax for administrative purposes and distributes the rest of the collected tax to the district.

Under this bill, the amount of a local exposition center district taxes that DOR retains for administrative purposes that remains unencumbered at the end of the state fiscal year and that exceeds 10% of the amount expended for administrative purposes during the fiscal year is distributed to the local exposition center district.

***** ANALYSIS FROM -3902/P1 *****

This bill prohibits a health insurer from denying payment for a medical or surgical service or procedure on the basis that the service or procedure is an integral

Insert 2-A
Finally

(move to just before FE-SL)

Insert
2-A
cont'd
(move to
before FE)

component of another service or procedure for which payment is made. The bill allows payment for a service or procedure to be included in the payment for another service or procedure, however, if, under medicare Part B, payment for the first service or procedure is included in the payment for the second service or procedure.

***** ANALYSIS FROM -3920/1 *****

Under current law, an inter vivos trust (a trust that is created during the life of the grantor) that is made irrevocable before October 29, 1999, is considered resident at the place where the trust is being administered, and this state taxes a trust that is resident within this state. Therefore, an inter vivos trust that is made irrevocable before October 29, 1999, and that is administered in this state is subject to taxation by this state. Also under current law, in general, an inter vivos trust is taxable by this state if the grantor was a resident of this state.

Under this bill, an inter vivo trust that is made irrevocable before October 29, 1999, is considered resident, and is thus taxable by this state, only if the trust was administered in this state on or before October 29, 1999.

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

Insert
2-A

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

-3770/3.1 SECTION 1. 20.566 (1) (gg) of the statutes, as affected by 1999

Wisconsin Act 9, is amended to read:

20.566 (1) (gg) Administration of local taxes. The amounts in the schedule for administering the taxes under s. 66.75 (1m) (a) and (b) and subchs. VIII and IX of ch. 77. An amount equal to 2.55% of all moneys received from the taxes imposed under s. 66.75 (lm) (a) and (b) and subchs. VIII and IX of ch. 77 shall be credited to this appropriation. Notwithstanding s. 20.001 (3) (a), at the end of each fiscal year the unencumbered balance in this annropriation account that exceeds 10% of the expenditures from this annronriation account during the fiscal year shall revert to the annronriation under s. 20.835 (4) (gg).

-3902/P1.1 SECTION 2. 40.51 (8) of the statutes is amended to read:

40.51 (8) Every health care coverage plan offered by the state under sub. (6) shall comply with ss. 631.89, 631.90, 631.93(2), 632.72 (2), 632.746 (1) to (8) and(10),

1 632.747, 632.748, 632.85, 632.853, 632.855, 632.87 (3) to (5), 632.872, 632.895 (5m)
2 and (8) to (13) and 632.896.

3 *-3902/P1.2* SECTION 3. 40.51 (8m) of the statutes is amended to read:

4 40.51 (8m) Every health care coverage plan offered by the group insurance
5 board under sub. (7) shall comply with ss. 632.746 (1) to (8) and (10), 632.747,
6 632.748, 632.85, 632.853, 632.855, 632.872 and 632.895 (11) to (13).

7 *-3920/1.1* SECTION 4. 71.14 (3) (intro.) of the statutes, as affected by 1999
8 Wisconsin Act 9, is amended to read:

9 71.14 (3) (intro.) Except as provided in sub. (2) and s. 71.04 (1) (b) 2., trusts
10 created by contract, declaration of trust or implication of law that are made
11 irrevocable and were administered ^{in this state} before October 29, 1999, shall be considered
12 resident at the place where the trust is being administered. The following trusts
13 shall be considered to be administered in the state of domicile of the corporate trustee
14 of the trust at any time that the grantor of the trust is not a resident of this state:

15 *-3920/1.2* SECTION 5. 71.14 (3m) (a) (intro.) of the statutes, as created by 1999
16 Wisconsin Act 9, is amended to read:

17 71.14 (3m) (a) (intro.) Subject to par. (b) and except as provided in sub. (2) and
18 s. 71.04 (1) (b) 2., only the following trusts, or portions of trusts, which become
19 irrevocable on or after October 29, 1999, or which became irrevocable before October
20 29, 1999, and are first administered in this state on or after October 29, 1999, are
21 resident of this state:

22 *-3920/1.3* SECTION 6. 71.14 (3m) (b) 2. of the statutes, as created by 1999
23 Wisconsin Act 9, is amended to read:

24 71.14 (3m) (b) 2. Is irrevocable if the power to revest title, as described in ~~par.~~
25 (a) subd. 1., does not exist.

1 ***-3902/P1.3*** SECTION 7. 111.91 (2) (nm) of the statutes is created to read:

2 111.91 (2) (nm) The prohibition under s. 632.872 related to denying payment
3 for certain procedures.

4 ***-3902/P1.4*** SECTION 8. 185.981 (4t) of the statutes is amended to read:

5 185.981 (4t) A sickness care plan operated by a cooperative association is
6 subject to ss. 252.14, 631.89, 632.72(2), 632.745 to 632.749, 632.85, 632.853, 632.855,
7 632.87 (2m), (3), (4) and (5), 632.872, 632.895 (10) to (13) and 632.897 (10) and chs.
8 149 and 155.

9 ***-3902/P1.5*** SECTION 9. 185.983 (1) (intro.) of the statutes is amended to read:

10 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be
11 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,
12 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.89, 631.93, 632.72
13 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853, 632.855, 632.87
14 (2m), (3), (4) and (5), 632.872, 632.895 (5) and (9) to (13), 632.896 and 632.897 (10)
15 and chs. 609, 630, 635, 645 and 646, but the sponsoring association shall:

16 ***-3902/P1.6*** SECTION 10. 609.795 of the statutes is created to read:

17 **609.795 Prohibiting denial of payment for certain procedures.** Limited
18 service health organizations, preferred provider plans and managed care plans are
19 subject to s. 632.872.

20 ***-3902/P1.7*** SECTION 11. 632.872 of the statutes is created to read:

21 **632.872 Prohibiting denial of payment for certain procedures. (1)** In
22 this section:

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

24 (b) "Medicare Part B" means the federal supplementary medical insurance
25 program under 42 USC 1395j to 1395w-2.

1 (2) An insurer may not deny payment under an individual or group disability
2 insurance policy or a certificate of group disability insurance for a medical or surgical
3 service or procedure on the basis that the service or procedure is an integral
4 component of a 2nd medical or surgical service or procedure unless, under medicare
5 Part B, payment for the first service or procedure is included in the payment for the
6 2nd service or procedure.

7 ***-3920/1.4* SECTION 9343 Initial applicability**

8 (1) ~~This section~~ first applies to taxable years beginning on January 1, 1999.

9 ***-3902/P1.9326* SECTION 9326. Initial applicability; insurance.**

10 (1) PROHIBITING DENIAL OF CERTAIN PAYMENTS.

11 (a) Except as provided in paragraph (b), if a disability insurance policy or group
12 certificate contains terms or provisions that are inconsistent with section 632.872 of
13 the statutes, as created by this act, the treatment of sections 40.51 (8) and (8m),
14 111.91 (2)(nm), 185.981 (4t), 185.983 (1) (intro.), 609.795 and 632.872 of the statutes
15 first applies to that disability insurance policy or group certificate upon renewal.

16 (b) The treatment of sections 40.51 (8) and (8m), 111.91 (2)(nm), 185.981 (4t),
17 185.983 (1) (intro.), 609.795 and 632.872 of the statutes first applies to disability
18 insurance policies or group certificates covering employees who are affected by a
19 collective bargaining agreement containing provisions inconsistent with section
20 632.872 of the statutes, as created by this act, that are issued or renewed on the
21 earlier of the following:

- 22 1. The day on which the collective bargaining agreement expires.
- 23 2. The day on which the collective bargaining agreement is extended, modified
24 or renewed.

← insert 5-8

no p

CS

TAXATION OF INTERVIVOS TRUSTS. The

treatment of section 71.14(3)(intro.) and
(3m)(a)(intro.) and (b) 2. of the statutes

(end of ins. 5-8)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-3922/1
PJK:cmh:km

2
✓ mis run

1999 BILL

Now

MES + JK

request

1 **AN ACT to amend** 20.566 (1) (gg), 40.51 (8), 40.51 (8m), 71.14 (3) (intro.), 71.14
 2 (3m) (a) (intro.), 71.14 (3m) (b) 2., 185.981 (4t) and 185.983 (1) (intro.); and to
 3 **create** 111.91 (2) (nm), 609.795 and 632.872 of the statutes; **relating to:** the
 4 administration and collection of local exposition district taxes, taxation of
 5 certain inter vivos trusts and prohibiting denial of payment for certain medical
 6 or surgical services or procedures.

Analysis by the Legislative Reference Bureau

Under current law, a local exposition center district may impose a sales tax on all retailers that are located in the district at the rate of 0.25% of the gross receipts from the sale of food and beverages, and 3% of the gross receipts from car rentals and motel or hotel room rentals. The department of revenue (DOR) administers and collects the tax. DOR retains 2.55% of the collected tax for administrative purposes and distributes the rest of the collected tax to the district.

Under this bill, the amount of a local exposition center district taxes that DOR retains for administrative purposes that remains unencumbered at the end of the state fiscal year and that exceeds 10% of the amount expended for administrative purposes during the fiscal year is distributed to the local exposition center district.

Under current law, an inter vivos trust (a trust that is created during the life of the grantor) that is made irrevocable before October 29, 1999, is considered resident at the place where the trust is being administered, and this state taxes a

BILL

trust that is resident within this state. Therefore, an inter vivos trust that is made irrevocable before October 29, 1999, and that is administered in this state is subject to taxation by this state. Also under current law, in general, an inter vivos trust is taxable by this state if the grantor was a resident of this state.

Under this bill, an inter vivos trust that is made irrevocable before October 29, 1999, is considered resident, and is thus taxable by this state, only if the trust was administered in this state on or before October 29, 1999.

Finally, this bill prohibits a health insurer from denying payment for a medical or surgical service or procedure on the basis that the service or procedure is an integral component of another service or procedure for which payment is made. The bill allows payment for a service or procedure to be included in the payment for another service or procedure, however, if, under medicare Part B, payment for the first service or procedure is included in the payment for the second service or procedure.

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

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1 SECTION 1. 20.566 (1) (gg) of the statutes, as affected by 1999 Wisconsin Act 9,
2 is amended to read: -

3 20.566 (1) (gg) ***Administration of local taxes.*** The amounts in the schedule for
4 administering the taxes under s. 66.75 (1m) (a) and (b) and subchs. VIII and IX of ch.
5 77. An amount equal to 2.55% of all moneys received from the taxes imposed under
6 s. 66.75 (1m) (a) and (b) and subchs. VIII and IX of ch. 77 shall be credited to this
7 appropriation. ~~Notwithstanding (a), at the end of each fiscal year the~~
8 ~~unencumbered balance in this appropriation account that exceeds 10% of the~~
9 ~~expenditures from this appropriation account during the fiscal year shall revert to~~
10 ~~the appropriation under s. 20.835 (4) (gg).~~

11 SECTION 2. 40.51 (8) of the statutes is amended to read:

12 40.51 (8) Every health care coverage plan offered by the state under sub. (6)
13 shall comply with ss. 631.89, 631.90, 631.93(2), 632.72 (2), 632.746 (1) to (8) and (10),

BILL

1 632.747, 632.748, 632.85, 632.853, 632.855, 632.87 (3) to (5), 632.872, 632.895 (5m)
2 and (8) to (13) and 632.896.

3 SECTION 3. 40.51 (8m) of the statutes is amended to read:

4 40.51 (8m) Every health care coverage plan offered by the group insurance
5 board under sub. (7) shall comply with ss. 632.746 (1) to (8) and (lo), 632.747,
6 632.748, 632.85, 632.853, 632.855, 632.872 and 632.895 (11) to (13).

7 SECTION 4. 71.14 (3) (intro.) of the statutes, as affected by 1999 Wisconsin Act
8 9, is amended to read:

9 71.14 (3) (intro.) Except as provided in sub. (2) and s. 71.04 (1) (b) **2.**, trusts
10 created by contract, declaration of trust or implication of law that are made
11 irrevocable and were administered in this state before October 29, 1999, shall be
12 considered resident at the place where the trust is being administered. The following
13 trusts shall be considered to be administered in the state of domicile of the corporate
14 trustee of the trust at any time that the grantor of the trust is not a resident of this
15 state:

16 SECTION 5. 71.14 (3m) (a) (intro.) of the statutes, as created by 1999 Wisconsin
17 Act 9, is amended to read:

18 71.14 (**3m**) (a) (intro.) Subject to par. (b) and except as provided in sub. (2) and
19 s. 71.04 (1) (b) **2.**, only the following trusts, or portions of trusts, which become
20 irrevocable on or after October 29, 1999, or which became irrevocable before October
21 29, 1999, and are first administered in this state on or after October 29, 1999, are
22 resident of this state:

23 SECTION 6. 71.14 (3m) (b) 2. of the statutes, as created by 1999 Wisconsin Act
24 9, is amended to read:

1 71.14 **(3m)** (b) 2. Is irrevocable if the power to revest title, as described in ~~par.~~
2 ~~(a) subd. 1.~~, does not exist.

3 **SECTION 7. 111.91 (2)** (nm) of the statutes is created to read:

4 111.91 (2) (nm) The prohibition under s. 632.872 related to denying payment
5 for certain procedures.

6 **SECTION 8. 185.981 (4t)** of the statutes is amended to read:

7 185.981 **(4t)** A sickness care plan operated by a cooperative association is
8 subject to ss. 252.14, 631.89, 632.72(2), 632.745 to 632.749, 632.85, 632.853, 632.855,
9 632.87 **(2m)**, **(3)**, **(4)** and **(5)**, 632.872, 632.895 (10) to (13) and 632.897 (10) and chs.
10 149 and 155.

11 **SECTION 9. 185.983 (1)** (intro.) of the statutes is amended to read:

12 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be
13 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,
14 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 **(10)**, 631.89, 631.93, 632.72
15 **(2)**, 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853, 632.855, 632.87
16 **(2m)**, **(3)**, **(4)** and **(5)**, 632.872, 632.895 (5) and (9) to **(13)**, 632.896 and 632.897 (10)
17 and chs. 609, 630, 635, 645 and 646, but the sponsoring association shall:

18 **SECTION 10. 609.795** of the statutes is created to read:

19 **609.795 Prohibiting denial of payment for certain procedures.** Limited
20 service health organizations, preferred provider plans and managed care plans are
21 subject to s. 632.872.

22 **SECTION 11. 632.872** of the statutes is created to read:

23 **632.872 Prohibiting denial of payment for certain procedures. (1)** In
24 this section:

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

BILL

1 (b) "Medicare Part B" means the federal supplementary medical insurance
2 program under 42 USC 1395j to ~~1395w-2~~.

3 (2) An insurer may not deny payment under an individual or group disability
4 insurance policy or a certificate of group disability insurance for a medical or surgical
5 service or procedure on the basis that the service or procedure is an integral
6 component of a 2nd medical or surgical service or procedure unless, under medicare
7 Part B, payment for the first service or procedure is included in the payment for the
8 2nd service or procedure.

9 **SECTION 9326. Initial applicability; insurance.**

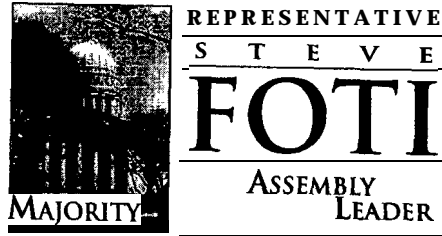
10 **(1) PROHIBITING DENIAL OF CERTAIN PAYMENTS.**

11 (a) Except as provided in paragraph (b), if a disability insurance policy or group
12 certificate contains terms or provisions that are inconsistent with section 632.872 of
13 the statutes, as created by this act, the treatment of sections 40.51 (8) and (8m),
14 **111.91 (2) (nm), 185.981 (4t), 185.983 (1) (intro.), 609.795** and 632.872 of the statutes
15 first applies to that disability insurance policy or group certificate upon renewal.

16 (b) The treatment of sections **40.51 (8) and (8m), 111.91 (2) (nm), 185.981 (4t),**
17 **185.983 (1) (intro.), 609.795** and 632.872 of the statutes first applies to disability
18 insurance policies or group certificates covering employes who are affected by a
19 collective bargaining agreement containing provisions inconsistent with section
20 632.872 of the statutes, as created by this act, that are issued or renewed on the
21 earlier of the following:

- 22 1. The day on which the collective bargaining agreement expires.
23 2. The day on which the collective bargaining agreement is extended, modified
24 or renewed.

25 **SECTION 9343. Initial applicability; revenue.**



Steve -

Here are the hard
copies of the materials

I mention in my

email. Please call

with questions.

Thanks -

Michael

- PERYOUR REQUEST
- FORYOUR INFORMATION

ROOM 215 WEST . STATE CAPITOL . (608) 261-2401
TOLL-FREE: (888) 534-0038

Miller, Steve

From: Heifetz, Michael
Sent: Thursday, January 06, 2000 2:49 PM
To: Miller, Steve
cc: Pirlot, R.J.
Subject: Technical bill additions

Steve:

Hope your holidays were good!

After the budget finally passed, we requested a bill fixing a few technical items in the budget. The draft was eventually LRB 3922. I have a couple more items to add to this bill, presumably resulting in LRB 3922.

Here they are:

1. *Date change to Shebovuan TIF #6 language.* County that was created in 1653 should be county created in 1838. Marc Shovers has already received this as a drafting request for a separate bill from Rep. Leibham's office. Please ask Marc to roll that draft into the updated technical trailer, while also drafting it separately per Rep. Leibham's request.
2. *Community Marriage Policy Project.* The term "Community Marriage Policy Project" is actually a trademarked term. Therefore, we would like to change the title to Community-wide Marriage Policy Project. Also in this language, please delete the phrases ", and assisting local members of the clergy to develop," and "by members of the clergy".

I am sending you a hard copy of Rep. Leibham's request to Marc Shovers (item 1 above) and the language for deletion in item 2 above.

Please call with questions. Thanks again.

Michael Heifetz
Rep. Foti's Office
6-2401

*Please
call
Sfm*

From 2

Leibham, Joseph

From: Leibham, Joseph
Sent: Thursday, January 06, 2000 9:19 AM
To: Shovers, Marc
cc: VanderSanden, Patrick
Subject: TIF Legislation

Marc,

To follow-up on my phone message, hear is what I am looking for:

1. The State Budget included a provision that extended the period in which eligible expenditures can be made in City of Sheboygan TIF #6. The budget language, which was drafted by Senator Baumgart's office, includes a date error. It reads that the county was created in 1853. Sheboygan County was created in 1836. I am not sure why we even have this date in the language, but we do.

I have talked with the city and they believe we should attempt to have this corrected. I need to draft a bill that would simply change the date from 1853 to 1836.

Your assistance is appreciated.

2. Your assistance in drafting the following is also appreciated:

Amend current TIF language to eliminate the 7 year time frame in which a community must invest their dollars. Instead, permit municipalities to make expenditures throughout the time frame of the Tif as long as at least 50% of the estimated project costs are invested within the first 10 years after the TIF is created. All expenditures must be made at /east three years before the mandated date of termination of the TIF.

Please contact me with any questions. Thanks!

Sincerely,

Joseph K. Leibham
State Representative
26th Assembly District

Jan 2

See language not relevant

district and a cooperative educational service agency and shall reimburse the department of public instruction for the Wisconsin Center for the Blind and Visually Impaired and the Wisconsin School for the Deaf, for 90% of the federal share received for school-based services under the medical assistance program in excess of \$16,100,000. The reimbursement shall be based on the proportion of total school-based services for the school year that was provided by each school district, cooperative educational service agency, the Wisconsin Center for the Blind and Visually Impaired and the Wisconsin School for the Deaf.

Vetoed
In Part

(b) The department of health and family services shall submit, as part of its 2001-03 biennial budget request, a proposal to the department of administration for fiscal years after state fiscal year 2000-01, to increase the percentage of the federal share received for r&xx&-based services under the medical assistance program by which reimbursement is made under section 49.45 (39) (b) of the statutes to reflect the total percentage of the federal share for which school districts, cooperative educational service agencies and the department of public instruction on behalf of the Wisconsin Center for the Blind and Visually Impaired and the Wisconsin School for the Deaf were reimbursed in state fiscal year 1999-2000.

(13e) ADMINISTRATION OF THE STATE SUPPLEMENT TO SUPPLEMENTAL SECURITY INCOME. Not later than March 1, 2000, the department of health and family services shall submit a request to the joint committee on finance under section 13.10 of the statutes to transfer \$232,400 not later than June 30, 2000, and \$232,400 not later than June 30, 2001, from any appropriation for the department, other than a sum sufficient appropriation, to the appropriation account under section 20.435 (6) (ee) of the statutes for the purpose for which the appropriation is made.

(14e) PRIMARY HEALTH CARE. In state fiscal year 1999-2000, in addition to the moneys appropriated for expenditure for that fiscal year, the department of health and family services shall expend for the purchase of primary health care services under section 146.93 of the statutes, as affected by this act, \$300,000 of the unencumbered balance as of June 30, 1999, in the appropriation under section 20.435 (4) (gp) of the statutes, as affected by this act.

4123

(14g) COMMUNITY MARRIAGE POLICY PROJECT The authorized FTE positions for the department of health and family services are increased by 1.0 PR project position, to be funded from the appropriation under section 20.435 (3) (kx) of the statutes for the period beginning on the first day of the 2nd month beginning after the effective date of this subsection, and ending on September 30, 2003. The positions are increased under this subsection for the purpose of coordinating the development of, and assisting local members of the clergy to develop,

community-wide standards for marriages solemnized in this state by members of the clergy)

SECTION 9124. Nonstatutory provisions; historical society.

(1x) GRANT TO PORTAGE COUNTY HISTORICAL SOCIETY. In the 1999-2001 fiscal biennium, the historical society shall award a grant to the Portage County historical society for continuation of the Plover Heritage Park restoration project. The amount of the grant shall be equal to the amount of local contributions toward the project, not to exceed \$50,000. The historical society shall award the grant from the appropriation under section 20.245 (3) (b) of the statutes, as created by this act.

SECTION 9125. Nonstatutory provisions: Housing and Economic Development Authority.

(1) TRANSFER TO WISCONSIN DEVELOPMENT FUND RESERVE FUND. In fiscal year 1999-2000, the Wisconsin Housing and Economic Development Authority shall transfer from the housing rehabilitation loan program administration fund to the Wisconsin development reserve fund the lesser of \$5,845,215 or the amount needed to cover the guaranteed default amount of the loan to the Taliesin Preservation Commission.

SECTION 9126. Nonstatutory provisions; insurance.

(4g) RULES ON POINT-OF-SERVICE OPTION PLANS. The commissioner of insurance shall submit in proposed form the rules required under section 609.10 (6) of the statutes, as created by this act, to the legislative council staff under section 227.15 (1) of the statutes no later than the first day of the 12th month beginning after the effective date of this subsection.

SECTION 9127. Nonstatutory provisions; investment board.

(1g) BONUS COMPENSATION PAID TO CERTAIN EMPLOYEES OF THE INVESTMENT BOARD. Any employee of the investment board who was awarded a bonus before the effective date of this subsection under section 25.156 (6), 1997 stats., pursuant to a plan of bonus compensation adopted by the investment board, shall be entitled to receive any unpaid part of the bonus as provided under the terms of the plan of bonus compensation, provided that the employee satisfies all conditions specified in section 25.156 (6) and (7), 1997 stats.

(2g) OPERATING EXPENDITURES FOR INVESTMENT BOARD DURING THE 1999-2000 FISCAL YEAR

(a) In this subsection, "operating expenditures" include all costs and expenses incurred by the investment board for the purpose of operating the board and managing the assets of each fund for which the board has management responsibility, but does not include costs or expenses incurred under section 25.18 (1) (a), (c), (f) or (m) or (2) (d) or (e) or 40.04 (3) (intro.) of the statutes.

(b) Notwithstanding section 25.187 of the statutes, as created by this act, no later than the first day of the 2nd month that occurs after the effective date of this para-



RMR

1999 BILL

, correcting a reference to the year in which Sheboygan
County was created _{mn}

community-wide standards
for marriage,

regenerate ↓

1 **AN ACT to amend** 20.566 (1) (gg), 40.51 (8), 40.51 (8m), 71.14 (3) (intro.), 71.14
 2 (3m) (a) (intro.), 71.14 (3m) (b) 2., 185.981 (4t) and 185.983 (1) (intro.); and **to**
 3 **create** 111.91 (2) (nm), 609.795 and 632.872 of the statutes; **relating to:** the
 4 administration and collection of local exposition district taxes, taxation of
 5 certain inter vivos trusts and prohibiting denial of payment for certain medical
 6 or surgical services or procedures.

Analysis by the Legislative Reference Bureau

Under current law, a local exposition center district may impose a sales tax on all retailers that are located in the district at the rate of 0.25% of the gross receipts from the sale of food and beverages, and 3% of the gross receipts from car rentals and motel or hotel room rentals. The department of revenue (DOR) administers and collects the tax. DOR retains 2.55% of the collected tax for administrative purposes and distributes the rest of the collected tax to the district.

Under this bill, the amount of a local exposition center district taxes that DOR retains for administrative purposes that remains unencumbered at the end of the state fiscal year and that exceeds 10% of the amount expended for administrative purposes during the fiscal year is distributed to the local exposition center district.

Under current law, an inter vivos trust (a trust that is created during the life of the grantor) that is made irrevocable before October 29, 1999, is considered resident at the place where the trust is being administered, and this state taxes a

BILL

trust that is resident within this state. Therefore, an inter vivos trust that is made irrevocable before October 29, 1999, and that is administered in this state is subject to taxation by this state. Also under current law, in general, an inter vivos trust is taxable by this state if the grantor was a resident of this state.

Under this bill, an inter vivos trust that is made irrevocable before October 29, 1999, is considered resident, and is thus taxable by this state, only if the trust was administered in this state on or before October 29, 1999.

~~Finally,~~ this bill prohibits a health insurer from denying payment for a medical or surgical service or procedure on the basis that the service or procedure is an integral component of another service or procedure for which payment is made. The bill allows payment for a service or procedure to be included in the payment for another service or procedure, however, if, under medicare Part B, payment for the first service or procedure is included in the payment for the second service or procedure.

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. 20.566 (1) (gg) of the statutes, as affected by 1999 Wisconsin Act 9, ✓
2 is amended to read:

3 20.566 (1) (gg) *Administration of local taxes.* The amounts in the schedule for
4 administering the taxes under s. 66.75 (1m) (a) and (b) and subchs. VIII and IX of ch.
5 77. An amount equal to 2.55% of all moneys received from the taxes imposed under
6 s. 66.75 (1m) (a) and (b) and subchs. VIII and IX of ch. 77 shall be credited to this
7 appropriation. Notwithstanding s. 20.001 (3) (a), at the end of each fiscal year the
8 unencumbered balance in this appropriation account that exceeds 10% of the
9 expenditures from this appropriation account during the fiscal year shall revert to
10 the appropriation under s. 20.835 (4) (gg).

11 SECTION 2. 40.51 (8) of the statutes is amended to read:

12 40.51 (8) Every health care coverage plan offered by the state under sub. (6)
13 shall comply with ss. 631.89, 631.90, 631.93 (2), 632.72 (2), 632.746 (1) to (8) and (10),

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1 632.747, 632.748, 632.85, 632.853, 632.855, 632.87 (3) to (5), 632.872, 632.895 (5m)
2 and (8) to (13) and 632.896.

3 SECTION 3. 40.51 (8m) of the statutes is amended to read:

4 40.51 (8m) Every health care coverage plan offered by the group insurance
5 board under sub. (7) shall comply with ss. 632.746 (1) to (8) and (10), 632.747,
6 632.748, 632.85, 632.853, 632.855, 632.872 and 632.895 (11) to (13).

7 SECTION 4. 71.14 (3) (intro.) of the statutes, as affected by 1999 Wisconsin Act
8 9, is amended to read:

9 71.14 (3) (intro.) Except as provided in sub. (2) and s. 71.04 (1) (b) 2., trusts
10 created by contract, declaration of trust or **implication** of law that are made
11 irrevocable and were administered in this state before October 29, 1999, shall be
12 considered resident at the place where the trust is being administered. The following
13 trusts shall be considered to be administered in the state of domicile of the corporate
14 trustee of the trust at any time that the grantor of the trust is not a resident of this
15 state:

16 SECTION 5. 71.14 (3m) (a) (intro.) of the statutes, as created by 1999 Wisconsin
17 Act 9, is amended to read:

18 71.14 (3m) (a) (intro.) Subject to par. (b) and except as provided in sub. (2) and
19 s. 71.04 (1) (b) 2., only the following trusts, or portions of trusts, which become
20 irrevocable on or after October 29, 1999, or which became irrevocable before October
21 29, 1999, and are first administered in this state on or after October 29, 1999, are
22 resident of this state:

23 SECTION 6. 71.14 (3m) (b) 2. of the statutes, as created by 1999 Wisconsin Act
24 9, is amended to read:

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1 71.14 **(3m)** (b) **2.** Is irrevocable if the power to revest title, as described in ~~par.~~
2 ~~(a)~~ subd. L. does not exist.

3 **SECTION 7. 111.91 (2)** (nm) of the statutes is created to read:

4 111.91 (2) (nm) The prohibition under s. 632.872 related to denying payment
5 for certain procedures.

6 **SECTION 8. 185.981 (4t)** of the statutes is amended to read:

7 185.981 **(4t)** A sickness care plan operated by a cooperative association is
8 subject to ss. ~~252.14, 631.89, 632.72(2), 632.745 to 632.749, 632.85, 632.853, 632.855,~~
9 ~~632.87 (2m), (3), (4) and (5), 632.872, 632.895 (10) to (13) and 632.897 (10) and chs.~~
10 149 and 155.

11 **SECTION 9. 185.983 (1)** (intro.) of the statutes is amended to read:

12 185.983 **(1)** (intro.) Every such voluntary nonprofit sickness care plan shall be
13 exempt from chs. 600 to 646, with the exception of ss. ~~601.04, 601.13, 601.31, 601.41,~~
14 ~~601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.89, 631.93, 632.72~~
15 ~~(2), 632.745 to 632,749, 632.775, 632.79, 632.795, 632.85, 632.853, 632.855, 632.87~~
16 ~~(2m), (3); (4) and (5), 632.872, 632.895 (5) and (9) to (13), 632.896 and 632.897 (10)~~
17 and chs. ~~609, 630, 635, 645~~ and 646, but the sponsoring association shall:

18 **SECTION 10. 609.795** of the statutes is created to read:

19 **609.795 Prohibiting denial of payment for certain procedures.** Limited
20 service health organizations, preferred provider plans and managed care plans are
21 subject to s. 632.872.

22 **SECTION 11. 632.872** of the statutes is created to read:

23 **632.872 Prohibiting denial of payment for certain procedures. (1)** In
24 this section:

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

BILL

1 (b) "Medicare Part B" means the federal supplementary medical insurance
2 program under 42 USC 1395j to 1395w-2.

3 (2) An insurer may not deny payment under an individual or group disability
4 insurance policy or a certificate of group disability insurance for a medical or surgical
5 service or procedure on the basis that the service or procedure is an integral
6 component of a 2nd medical or surgical service or procedure unless, under medicare
7 Part B, payment for the first service or procedure is included in the payment for the
8 2nd service or procedure.

9 **SECTION 9326. Initial applicability; insurance.**

10 **(1) PROHIBITING DENIAL OF CERTAIN PAYMENTS.**

11 (a) Except as provided in paragraph (b), if a disability insurance policy or group
12 certificate contains terms or provisions that are inconsistent with section 632.872 of
13 the statutes, as created by this act, the treatment of sections 40.51 (8) and (8m),
14 111.91 (2) (nm), 185.981 (4t), 185.983 (1) (intro.), 609.795 and 632.872 of the statutes
15 first applies to that disability insurance policy or group certificate upon renewal.

16 (b) The treatment of sections 40.51 (8) and (8m), 111.91 (2) (nm), 185.981 (4t),
17 185.983 (1) (intro.), 609.795 and 632.872 of the statutes first applies to disability
18 insurance policies or group certificates covering employees who are affected by a
19 collective bargaining agreement containing provisions inconsistent with section
20 632.872 of the statutes, as created by this act, that are issued or renewed on the
21 earlier of the following:

- 22 1. The day on which the collective bargaining agreement expires.
- 23 2. The day on which the collective bargaining agreement is extended, modified
24 or renewed.

25 **SECTION 9343. Initial applicability; revenue.**

Insert 5-8



1999 BILL

1 AN ACT...; relating to: expenditures for project costs for Tax Incremental District
2 Number Six in the City of Sheboygan.

Analysis by the Legislative Reference Bureau

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9 Under current law, the expenditure period for project costs for Tax Incremental District (TID) Number Six in the City of Sheboygan is 13 years after the TID is created, and expenditures may be made through December 31, 2004. Current law describes the county in which this TID is located as a county that was created in 1853.. This bill changes that reference to 1836, the actual year in which Sheboygan County was created.

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

SECTION 1. 66.46 (6) (am) 2. c. of the statutes, as created by 1999 Wisconsin Act

9, is amended to read:

~~THE DESIRED CIT 66.46(6)(AM)2.C. COULD NOT BE FOUND~~

66.46 (6) (am) 2. c. Expenditures for project costs for Tax Incremental District Number Six in a city with a population of at least 45,000 that is located in a county

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1 that was created in ~~1853~~ 1836 and that is adjacent to one of the Great Lakes. Such
2 expenditures may be made no later than 13 years after the tax incremental district
3 is created, and may be made through December 31, 2004.

4

WENDY



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35 b, p. 2 of 2

**1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3922/3ins
PJK::

INSERT 2-A

9

Current law provides funding for an individual to coordinate the development of, and to assist local members of the clergy to develop, community-wide standards for marriages solemnized in this state by members of the clergy. This bill changes the individual's responsibilities to coordinating the development of community-wide standards for marriages solemnized in this state.

(END OF INSERT 2-A)

Insert 5-8

SECTION.# 1999 Wisconsin Act 9 section

9123 (14g), is amended to read:

CS

Community-wide



[1999 Wisconsin Act 9] Section 9123

(14g) ~~COMMUNITY MARRIAGE POLICY PROJECT~~ The authorized FTE positions for the department of health and family services are increased by 1.0 PR project position, to be funded from the appropriation under section 20.435 (3) (kx) of the statutes for the period beginning on the first day of the 2nd month beginning after the effective date of this subsection, and ending on September 30, 2003. The positions are increased under this subsection for the purpose of coordinating the development of, and assisting local members of the clergy to develop,

~~697~~
and
in for

1999 Wisconsin Act 9

community-wide standards for marriages solemnized in this state ~~by members of the clergy~~

(end of ins. 5-8)



REPRESENTATIVE

S T E V E

FOTI

ASSEMBLY
MAJORITY LEADER

CRB -

Please jacket for
introduction and return
to me ASAP.

Thanks-

Michael

6-2401

CI PER YOUR REQUEST
 FORYOUR INFORMATION

ROOM 215 WEST • STATE CAPITOL • (608) 266-2401
TOLL-FREE: (888) 534-0038

**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: 01/10/2000

To: Representative Jensen

Relating to LRB drafting number: LRB-3922

Topic

Budget trailer bill

Subject(s)

Tax - miscellaneous, Insurance - miscellaneous

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.

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