

1999 SENATE BILL 143

May 5, 1999 – Introduced by Senators MOEN, FITZGERALD, SCHULTZ, BRESKE, ERPENBACH, DARLING, ROESSLER, GROBSCHMIDT, WIRCH, ROSENZWEIG, PANZER, CLAUSING, BAUMGART, ZIEN, WELCH and DRZEWIECKI, cosponsored by Representatives KREIBICH, NASS, SCHNEIDER, LADWIG, KELSO, HAHN, BRANDEMUEHL, MILLER, MUSSER, RHOADES, GRONEMUS, ALBERS, GUNDERSON, MONTGOMERY, COGGS, SPILLNER, FREESE, GOETSCH, PLOUFF, RYBA, TURNER, HUNDERTMARK, KLUSMAN, BOYLE, LASSA, WALKER, POWERS, SYKORA, BOCK, KREUSER, HUBER, YOUNG, OLSEN, PETTIS and PLALE. Referred to Committee on Health, Utilities, Veterans and Military Affairs.

1 **AN ACT to create** 40.05 (4g) of the statutes; **relating to:** payment of health
 2 insurance premiums for state employes activated for military duty in the U.S.
 3 armed forces.

Analysis by the Legislative Reference Bureau

This bill requires the state to pay the employer contributions for any state employe who is activated to serve on military duty in the U.S. armed forces, other than for training purposes. To qualify for the payment of employer contributions for health insurance under the bill, the employe must be insured under the state health insurance program on the day on which he or she is activated to serve on active duty in the U.S. armed forces and he or she must have been granted a military leave of absence by the state. Under the bill, the state is required to pay such employer contributions and is also required to reimburse any state employe who has paid the employer contributions for health insurance. Finally, the bill provides that the state may not pay more than 12 months of employer contributions for health insurance for the state employes who are activated to serve in the U.S. armed forces.

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

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

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1 **SECTION 1.** 40.05 (4g) of the statutes is created to read:

2 **40.05 (4g)** PAYMENT OF HEALTH INSURANCE PREMIUMS FOR STATE EMPLOYEES
3 ACTIVATED FOR MILITARY DUTY IN THE U.S. ARMED FORCES. (a) In this subsection, “eligible
4 employee” means a state employee to whom all of the following apply:

5 1. On or after April 15, 1999, is activated to serve on military duty in the U.S.
6 armed forces, other than for training purposes.

7 2. On the date on which he or she is activated to serve on active duty in the U.S.
8 armed forces, is insured and is receiving employer contributions for health insurance
9 premiums under sub. (4).

10 3. On the date on which he or she is activated, is either a member of the
11 Wisconsin national guard or a member of a reserve component of the U.S. armed
12 forces or is recalled to active military duty from inactive reserve status.

13 4. Has received a military leave of absence under s. 230.32 (3) (a) or 230.35 (3),
14 under a collective bargaining agreement under subch. V of ch. 111 or under rules
15 promulgated by the secretary of employment relations or is eligible for
16 reemployment with the state under s. 45.50 after completion of his or her service in
17 the U.S. armed forces.

18 (b) 1. Notwithstanding sub. (4) and s. 40.51 (2), an eligible employee who is not
19 insured after the date on which he or she is activated to serve on active duty in the
20 U.S. armed forces may have his or her health insurance reinstated during the period
21 in which he or she is serving on active duty in the U.S. armed forces without
22 furnishing evidence of insurability satisfactory to the insurer and may receive
23 employer contributions under par. (c) if the eligible employee or the eligible employee’s
24 designated representative makes a written election to have his or her health
25 insurance reinstated and to receive employer contributions under par. (c) and pays

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1 any employe contributions that are required to be paid under sub. (4) toward the
2 premium payments.

3 2. Notwithstanding sub. (4), an eligible employe who is insured after the date
4 on which he or she is activated to serve on active duty in the U.S. armed forces may
5 receive employer contributions under par. (c) during the period in which he or she is
6 serving on active duty in the U.S. armed forces if the eligible employe or the eligible
7 employe's designated representative makes a written election to receive employer
8 contributions under par. (c) and pays any employe contributions that are required
9 to be paid under sub. (4) toward the premium payments.

10 3. An eligible employe or his or her designated representative shall make an
11 election under subd. 1. or 2. on a form provided by his or her employer not later than
12 60 days after the date on which the eligible employe begins to serve on active duty
13 for the U.S. armed forces.

14 4. The group insurance board shall include the period under subd. 3. in any
15 applicable enrollment period under the state health insurance plan for eligible
16 employes who are not insured.

17 (c) Notwithstanding sub. (4) and s. 40.51 (2), the employer of an eligible
18 employe who makes or whose designated representative makes an election under
19 par. (b) shall pay employer contributions toward the premium payments of the
20 eligible employe during the period in which the eligible employe is serving on active
21 duty for the U.S. armed forces as follows:

22 1. The amount of the employer contributions paid toward each premium
23 payment shall be equal to the amount of the employer contributions under sub. (4)
24 that would have been paid toward the premium payment if the eligible employe had

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1 continued employment with the employer instead of serving on active duty for the
2 U.S. armed forces.

3 2. If the eligible employe has been insured during the period beginning on the
4 date on which the eligible employe left employment with the employer to serve on
5 active duty for the U.S. armed forces and ending on the date on which the eligible
6 employe or the eligible employe's designated representative makes the election
7 under par. (b) but the eligible employe did not receive employer contributions under
8 sub. (4) toward any of the premium payments during that period, the employer shall
9 pay to the eligible employe in a lump sum an amount equal to the employer
10 contributions that would have been paid toward those premium payments under
11 sub. (4) if the eligible employe had continued employment with the employer during
12 that period instead of serving on active duty for the U.S. armed forces.

13 (d) The number of months for which the eligible employe may receive employer
14 contributions under par. (c), when added to the number of months for which the
15 eligible employe received employer contributions under sub. (4) during the period
16 beginning on the date on which the eligible employe left employment with the
17 employer to serve on active duty for the U.S. armed forces and ending on the date on
18 which the eligible employe ceases to serve on active duty for the U.S. armed forces,
19 may not exceed a total of 12 months.

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(END)