

1999 DRAFTING REQUEST

Bill

Received: **04/21/99**

Received By: **champra**

Wanted: **As time permits**

Identical to LRB:

For: **Rodney Moen (608) 266-8546**

By/Representing: **Terry**

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:

Payment of health insurance premiums for state employees activated for military duty in the U.S. armed forces

Instructions:

Same as 99-1109/1

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>
/?	champra 04/21/99	jgeller 04/21/99		_____			State
/1			martykr 04/22/99	_____	lrb_docadmin 04/22/99	lrb_docadminState 04/22/99	
/2	champra 04/29/99	jgeller 04/29/99	martykr 04/30/99	_____	lrb_docadmin 04/30/99	lrb_docadmin 04/30/99	

FE Sent For:

G 05-05-99

<END>

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/1		<i>1/2 4/29 jlg</i> martykr 04/22/99		_____	lrb_docadmin 04/22/99	lrb_docadmin 04/22/99	

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/?	champra	1 4/21 JG	4/21 m/21	4/21			

FE Sent For:

<END>

B I L L
REQUEST FORM

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

Use of this form is optional. It is often better to talk directly with the LRB attorney who will draft the bill.

Use this form only for **BILL** drafts. Attach more pages if necessary.

Legislator, agency or other body requesting this draft: Senator Rod Moen

Date: 4/21/99 Person submitting request (name, phone number): Terry Tuschen
266-8546

Persons to contact for questions about this draft (names, phone numbers): Same

Describe the problem, including any helpful examples.

How do you want to solve the problem?

Please draft Senate Companion to this bill.

Please attach a copy of any correspondence or other material that may help us.
If you know of any statute sections that might be affected, list them or provide a marked-up (not re-typed) copy.

You may attach a marked-up (not retyped) copy of any LRB draft, or provide its number (e.g., 1999 LRB-2345/1 or 1997 AB-67): LRB-1109

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 request urgent? Yes No If yes, please indicate why: would like to take quick action on this legislation due to potential guard/reserve call

Should we give this request priority over any other pending request of this legislator, agency or body? Yes No If yes, sign your name here: _____



COPY

1999 BILL

Kreibich
wants Rod to be
the lead Senate -

29m

Guard + reserve
members to
Kosovo

- 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 employee 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:

BILL

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 employe to whom all of the following apply:

5 1. On or after the effective date of this subdivision [revisor inserts date], is
6 **activated to serve on military duty in the U.S. armed forces, other than for training**
7 **purposes.**

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

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

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

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

BILL

1 insurance reinstated and to receive employer contributions under par. (c) and pays
2 any employe contributions that are required to be paid under sub. (4) toward the
3 premium payments.

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

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

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

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

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

BILL

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.

20

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-1109/1

RAC:jlj:ijs

JEON

1999 BILL

LRB-2957/1

RAC:jlj

Regen

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.

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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.

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4 employee” means a state employe to whom all of the following apply:

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6 activated to serve on military duty in the U.S. armed forces, other than for training
7 purposes.

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

11 3. On the date on which he or she is activated, is either a member of the
12 Wisconsin national guard or a member of a reserve component of the U.S. armed
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21 U.S. armed forces may have his or her health insurance reinstated during the period
22 in which he or she is serving on active duty in the U.S. armed forces without
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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.

20 (END)

**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: 4/22/99

To: Senator Moen

Relating to LRB drafting number: LRB-2957

Topic

Payment of health insurance premiums for state employees activated for military duty in the U.S. armed forces

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.

Richard A. Champagne, Legislative Attorney
Telephone: (608) 266-9930



State of Wisconsin
1999 - 2000 LEGISLATURE

LRB-2957/r 2

RAC:jlg:km

SOON

RM has been
run

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April 15, 1999

BILL

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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.

20

(END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
P. O. BOX 2037
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-8522

REFERENCE SECTION: (608) 266-0341
REFERENCE FAX: (608) 266-5648

May 3, 1999

MEMORANDUM

To: Senator Moen

From: Rick Champagne, Legislative Attorney, (608) 266-9930

Subject: LRB 99-2957/2

Please note that there may be a constitutional issue in requiring that the state pay health insurance premiums for those state employees who are activated for military service *before the effective date of the bill*. Section 26 (1), Article IV of the Wisconsin Constitution prohibits the legislature from granting "any extra compensation to a public officer, agent, servant or contractor after the services have been rendered or the contract has been entered into." Because state employees who are activated *before the effective date of the bill* have ceased to render services on the date that the bill takes effect, the bill may be providing extra compensation for state employees after they have rendered their services. This issue only affects LRB 99-2957/2. LRB 99-2957/1 is not affected by this constitutional provision, because the bill only applies to those state employees who are activated to serve on military duty *on or after the effective date of the bill*.

If you have any questions about this issue or any other matter affecting the bill, please do not hesitate to contact me.