

2001 ASSEMBLY BILL 720

January 14, 2002 – Introduced by Representatives POCAN, BOYLE, CARPENTER, BERCEAU, BLACK, BOCK, COLON, J. LEHMAN, MILLER, RICHARDS, SINICKI, TRAVIS and YOUNG, cosponsored by Senators RISSER, BURKE and GEORGE. Referred to Committee on Insurance.

1 **AN ACT** *to amend* 40.02 (20) and 40.55 (1); and *to create* 40.02 (21c) and 40.02
2 (21d) of the statutes; **relating to:** providing coverage for domestic partners
3 under health care coverage plans and long-term care insurance policies offered
4 by the group 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 and their spouse's 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.

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2. Neither individual is married to, or in a domestic partnership with, another individual.

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

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

13 40.02 **(21c)** "Domestic partner" means an individual in a domestic partnership.

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

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

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

3 (b) Neither individual is married to, or in a domestic partnership with, another
4 individual.

5 (c) The 2 individuals are not related by blood in any way that would prohibit
6 marriage under s. 765.03.

7 (d) The 2 individuals consider themselves to be members of each other's
8 immediate family.

9 (e) The 2 individuals agree to be responsible for each other's basic living
10 expenses.

11 **SECTION 4.** 40.55 (1) of the statutes is amended to read:

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

20 **SECTION 5. Initial applicability.**

21 (1) This act first applies to coverage under group insurance plans offered by the
22 group insurance board on January 1, 2003.

23 (END)