

2001 DRAFTING REQUEST

Bill

Received: **08/30/2001**

Received By: **champra**

Wanted: **As time permits**

Identical to LRB:

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

By/Representing: **Tim O'Brien**

This file may be shown to any legislator: **NO**

Drafter: **champra**

May Contact:

Addl. Drafters:

Subject: **Employ Pub - employee benefits**
Employ Pub - miscellaneous

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Domestic partner insurance coverage under state employee plan

Instructions:

See Attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofcd</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	champra 08/30/2001	jdyer 09/04/2001		_____			S&L
/1	champra 10/08/2001	jdyer 10/08/2001	jfrantze 09/04/2001	_____	lrb_docadmin 09/04/2001	lrb_docadminS&L 09/13/2001	
/2			jfrantze 10/08/2001	_____	lrb_docadmin 10/08/2001	lrb_docadmin 10/08/2001	

FE Sent For:

↳ At Intro.

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1?	champra	1 9/4 jld	9/4	Self 9/4			

FE Sent For:

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Champagne, Rick

From: OBrien, Tim
Sent: Wednesday, August 29, 2001 10:36 AM
To: Champagne, Rick
Subject: Domestic Partnership Healthcare Coverage Draft

August 29, 2001

Rick,

Mark would like to reintroduce AB 609 from the 1999 session. Could you please send over a draft for review - we do not anticipate any changes at this time.

Thanks

Tim O'Brien
Office of State Representative Mark Pocan



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-3619/1

RAC:wlj:rs

LRB-3688/1
RAC: Jld +
Jwj

2001 BILL

Regen

- 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.

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.

BILL

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

11 [✓]
 SECTION 2. 40.02 (21c) 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) of the statutes is created to read:

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

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

BILL

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

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

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

7 (e) 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 employees 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 employee or a state annuitant to purchase those policies for his
17 or her spouse, domestic partner, or parent.

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, 2003.

21 (END)



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

September 4, 2001

MEMORANDUM

To: Representative Pocan

From: Rick A. Champagne, Senior Attorney

Re: LRB-3688/1 Domestic partner insurance coverage under state employee plan

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-9930 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-3619/2

RAC:wlj:kjf

JOHN

LRB-3688/2

RAC:wlj+
jhd

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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:

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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.

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

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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)