

**2003 DRAFTING REQUEST**

**Bill**

Received: 12/11/2003

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Tim Carpenter (608) 266-8535

By/Representing: Stuart Ewy

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact:

Addl. Drafters: rchampag

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

Extra Copies: JTK

Submit via email: YES

Requester's email: **Sen.Carpenter@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Eliminate state health care benefits for Governor and Legislature and us funds to lower Senior Care deductibles

---

**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>Required</u>
/?							State
/P1	dkennedy 01/08/2004	kgilfoy 01/12/2004	pgreensl 01/13/2004		lemery 01/13/2004		State
/1	rchampag	kgilfoy	jfrantze		mbarman	lemery	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/20/2004 dkennedy 01/20/2004	01/20/2004	01/20/2004	_____	01/20/2004	02/20/2004	
				_____			
				_____			

FE Sent For:

At  
Intro.

<END>

**2003 DRAFTING REQUEST**

**Bill**

Received: 12/11/2003

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Tim Carpenter (608) 266-8535

By/Representing: Stuart Ewy

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact:

Addl. Drafters: rchampag

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

Extra Copies: JTK

Submit via email: YES

Requester's email: Sen.Carpenter@legis.state.wi.us

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Eliminate state health care benefits for Governor and Legislature and us funds to lower Senior Care deductibles

**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>Required</u>
/?				_____			State
/P1	dkennedy 01/08/2004	kgilfoy 01/12/2004	pgreensl 01/13/2004	_____	lemery 01/13/2004		State
/1	rchampag	kgilfoy	jfrantze	_____	mbarman		

*Send  
per  
STUART*

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/20/2004 dkennedy 01/20/2004	01/20/2004	01/20/2004	_____ _____ _____	01/20/2004		

FE Sent For:

<END>

**2003 DRAFTING REQUEST**

**Bill**

Received: 12/11/2003

Received By: dkennedy

Wanted: As time permits

Identical to LRB:

For: Tim Carpenter (608) 266-8535

By/Representing: Stuart Ewy

This file may be shown to any legislator: NO

Drafter: dkennedy

May Contact:

Addl. Drafters: rchampag

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

Extra Copies: JTK

Submit via email: YES

Requester's email: Sen.Carpenter@legis.state.wi.us

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Eliminate state health care benefits for Governor and Legislature and us funds to lower Senior Care deductibles

**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>Required</u>
/?							State
/P1	dkennedy 01/08/2004	kgilfoy 01/12/2004	pgreensl 01/13/2004		lemery 01/13/2004		

1-1/20 Kmg  
 1-1/20 Jb  
 1-1/20 Jb/Ch

.FE Sent For:

**<END>**

**2003 DRAFTING REQUEST**

**Bill**

Received: **12/11/2003**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Tim Carpenter (608) 266-8535**

By/Representing: **Stuart Ewy**

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

Drafter: **dkennedy**

May Contact:

Addl. Drafters: **rchampag**

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

Extra Copies: **JTK**

Submit via email: **YES**

Requester's email: **Sen.Carpenter@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Eliminate state health care benefits for Governor and Legislature and us funds to lower Senior Care deductibles

---

**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>Required</u>
/?	dkennedy	1/11-1/12 Kmg	1/13 PS	1/13 PS			State

FE Sent For:

<END>

## Kennedy, Debora

---

**From:** Ewy, Stuart  
**Sent:** Wednesday, December 10, 2003 11:23 AM  
**To:** Kennedy, Debora  
**Cc:** Sen.Carpenter  
**Subject:** Bill Draft

Hi Deb--

Tim would like a bill drafted that would eliminate state health care benefits for the Governor and the members of the state legislature effective the start of the next legislative session, sending the savings to fund expansion of Senior Care (lower the deductibles to original levels, etc.) -- unless -- the legislature passes and governor signs into law an accessible and affordable basic health care system for all Wisconsinites. We may need a little direction from you to try to make this enforceable, but I think you can see the direction he wants to take this. Plus, a part of the bill should be a referendum in November 2006 to determine if the legislative plan or action is sufficient.

If you have any questions, please give me a call.

Thanks!!

Regards,  
G. Stuart Ewy  
Chief of Staff

Office Of Senator Tim Carpenter  
State Capitol Building  
Room 126S  
PO BOX 7882  
Madison, WI 53707-7882

(608) 266-8535



Debora:

Please find attached a "/P1" version of most of the Carpenter draft. You may need to work on the wording of the question put to voters at a referendum on whether affordable health insurance is available to Wisconsin residents. Also, feel free to change whatever you wish.

The instructions left several holes that I tried to fill, the most important of which is who decides if the legislature has enacted an affordable health care law. In order to set up a process that is close to being workable, I had the DOA secretary first make a determination as to whether he or she thinks such a law has been enacted. Then, the question is put to voters at a referendum to determine if a majority of voters agrees that affordable health care has been provided to Wisconsin residents. If a majority approves the question, DOA certifies to DETF that the gov and legislators are to be covered under the state health insurance plan. Until DETF receives such a certification, neither the gov or legislators are covered.

Let me know what you think. Thanks.

Rick

*From Jeff Kuesel: Need 45 days lead time between  
referendum scheduling + when it's held  
Gen elec. is 1<sup>st</sup> Mon after 1<sup>st</sup> Tues in Nov.  
Word question like jury question*



D-NOTE

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

NOA (a) If before September 29, 2006

Sen. Act.

1  
2  
3

AN ACT relating to: health insurance coverage for the governor and members of the legislature, authorizing a statewide referendum, and providing additional funding for prescription drug assistance for the elderly.

*Analysis by the Legislative Reference Bureau*

This is a preliminary version of the draft. An analysis will be provided in a subsequent version of the draft.  
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:*

4  
5  
6  
7  
8

SECTION 1. 16.07 of the statutes is created to read:

16.07 Health insurance coverage for <sup>the</sup> governor and members of the legislature; additional funding for prescription drug assistance for the elderly. (1) STATEWIDE REFERENDUM. ~~In any fiscal year~~ the secretary ~~of~~ ~~administration~~ determines that a law has been enacted that ~~provides for affordable~~

relates to

INSERT  
2-2

*the secretary shall certify the act number of the law to the elections board and*

1 health care coverage for all residents of this state, a statewide referendum shall be  
 2 conducted on the question of whether ... [Debora — we need language here  
 3 generally on what the question is and JTK's advice on how to state the  
 4 question; I've drafted the following subsections on the assumption that the  
 5 question will be worded in such a manner that an affirmative vote will  
 6 result in the gov. and members of legis. receiving health care coverage  
 7 again.]

INSERT 2-7

8 (2) ADDITIONAL FUNDING FOR PRESCRIPTION DRUG ASSISTANCE FOR THE ELDERLY. In  
 9 any fiscal year, if no referendum under sub. (1) has been held, or if a majority of those  
 10 voting in a referendum under sub. (1) held in that fiscal year have not approved the  
 11 question, the amount appropriated to the department of health and human services  
 12 under s. 20.435 (4) (bv) in the succeeding fiscal year is increased by an amount equal  
 13 to the cost that would have been incurred by the state in providing health care  
 14 coverage to the governor and members of the legislature in that fiscal year, as  
 15 determined by the secretary. When amending the schedule under s. 20.004 (2), the  
 16 secretary shall adjust the amounts in the schedule under s. 20.005 (3) of the most  
 17 recent biennial budget act or acts to reflect the increase in the appropriation amount  
 18 under s. 20.435 (4) (bv).

*Family*

*of administration*

19 (3) CERTIFICATION. If a referendum under sub. (1) is held and if a majority of  
 20 those voting in the referendum have approved the question, the secretary shall  
 21 certify to the secretary of employee trust funds that the governor and members of the  
 22 legislature may receive health care coverage under subch. IV of ch. 40.

23 (4) APPLICABILITY. This section does not apply after the secretary makes the  
 24 certification under sub. (3).

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

1           40.51 (2) Except as provided in subs. <sup>✓</sup>(9m), (10), (10m), (11) and (16), any  
2 eligible employee may become covered by group health insurance by electing  
3 coverage within 30 days of being hired, to be effective as of the first day of the month  
4 which begins on or after the date the application is received by the employer, or by  
5 electing coverage prior to becoming eligible for employer contribution towards the  
6 premium cost as provided in s. 40.05 (4) (a) to be effective upon becoming eligible for  
7 employer contributions. An eligible employee who is not insured, but who is eligible  
8 for an employer contribution under s. 40.05 (4) (ag) 1., may elect coverage prior to  
9 becoming eligible for an employer contribution under s. 40.05 (4) (ag) 2., with the  
10 coverage to be effective upon becoming eligible for the increase in the employer  
11 contribution. Any employee who does not so elect at one of these times, or who  
12 subsequently cancels the insurance, shall not thereafter become insured unless the  
13 employee furnishes evidence of insurability satisfactory to the insurer, at the  
14 employee's own expense or obtains coverage subject to contractual waiting periods.

15           The method to be used shall be specified in the health insurance contract.

*, as affected by 2003 Wisconsin Act 33,*  
History: 1981 c. 76; 1983 a. 27; 1985 a. 29; 1987 a. 27, 407, 356; 1987 a. 403 s. 256; 1988 a. 31, 93, 121, 129, 182, 201, 336, 359; 1991 a. 39, 70, 113, 122, 269, 315, 1993  
a. 450, 481; 1995 a. 289; 1997 a. 27, 155, 202, 237, 252; 1999 a. 32, 95, 115, 155; 2001 a. 16, 38, 104; 2003 a. 33.

16           **SECTION 3.** 40.51 (6) of the statutes is amended to read:

17           40.51 (6) ~~This~~ <sup>✓</sup>Except as provided in sub. (9m), the state shall offer to all of its  
18 employees at least 2 insured or uninsured health care coverage plans providing  
19 substantially equivalent hospital and medical benefits, including a health  
20 maintenance organization or a preferred provider plan, if those health care plans are  
21 determined by the group insurance board to be available in the area of the place of  
22 employment and are approved by the group insurance board. The group insurance  
23 board shall place each of the plans into one of 3 tiers established in accordance with

1 standards adopted by the group insurance board. The tiers shall be separated  
2 according to the employee's share of premium costs.

History: 1981 c. 96; 1983 a. 27; 1985 a. 29; 1987 a. 27, 107, 356; 1987 a. 403 s. 256; 1989 a. 31, 93, 121, 129, 182, 201, 336, 359; 1991 a. 39, 70, 113, 152, 269, 315, 1993 a. 450, 481; 1995 a. 289; 1997 a. 27, 155, 202, 237, 252; 1999 a. 33, 95, 115, 155; 2001 a. 16, 38, 104; 2003 a. 33.

3 **SECTION 4.** 40.51 (9m) of the statutes is created to read:

4 40.51 (9m) The governor and members of the legislature may receive health  
5 care coverage under this subchapter only if the secretary of administration makes  
6 the certification under s. 16.07 (3) to the secretary of employee trust funds.

7 **SECTION 5. Initial applicability.**

8 (1) This act first applies to a governor and members of the legislature on the  
9 first day of ~~any term of office that begins after publication~~

10 (END)

the 2005-07  
biennial session

D-NOTE

at the general election that next occurs.

The ballot used for the referendum question

shall be arranged under s. 5.60(7) and

shall ask: "The Legislature in Wisconsin

has enacted 2005 Wisconsin Act ..., relating

to ~~affordable~~ health care coverage for

state residents. Do you find that this

act provides affordable health care

coverage for all state residents?"

NOA

The elections board shall insert into

the question the act number certified

by the secretary under this paragraph.

(INSERT 2-7)

(b) If after 2006 the secretary determines that a law has been enacted that relates to health care coverage for all residents of this state, the secretary shall certify the act number of the law to the elections board and a statewide referendum shall be conducted

before 45 days before the date scheduled for the next occurring general election

at that general election. The ballot used for shall be arranged under s. 5.60(7) and the referendum question shall ask a question that is identical to that specified in subd. 1, except that the elections board shall insert into the question the act number certified by the secretary under this paragraph.

3870/P1

D-NOTE

To Stewart Ewy:

Please review s. 16.07 (1) (b),<sup>✓</sup> which I created to deal with any circumstance that might occur after the November 2006 general election; otherwise, the governor and members of the legislature would have no avenue to have their health insurance coverage restored.

DAK



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3870/P1dn  
DAK:kmg:pg

January 13, 2004

To Stewart Ewy:

Please review s. 16.07 (1) (b), which I created to deal with any circumstance that might occur after the November 2006 general election; otherwise, the governor and members of the legislature would have no avenue to have their health insurance coverage restored.

Debra A. Kennedy  
Managing Attorney  
Phone: (608) 266-0137  
E-mail: [debra.kennedy@legis.state.wi.us](mailto:debra.kennedy@legis.state.wi.us)



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-3870-11  
DAK&RAC:kmg:ES

Soon - in edit 1/20

RMR

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

Insert analysis

Gen. Cat.

1 AN ACT to amend 40.51 (2) and 40.51 (6); and to create 16.07 and 40.51 (9m) of  
2 the statutes; relating to: health insurance coverage for the governor and  
3 members of the legislature, authorizing a statewide referendum, and providing  
4 additional funding for prescription drug assistance for the elderly.

**Analysis by the Legislative Reference Bureau**

This is a preliminary version of the draft. An analysis will be provided in a subsequent version of the draft.

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:*

5 SECTION 1. 16.07 of the statutes is created to read:  
6 16.07 Health insurance coverage for the governor and members of the  
7 legislature; additional funding for prescription drug assistance for the  
8 elderly. (1) STATEWIDE REFERENDUM. (a) (If before September 29, 2006, if the

→ B

## SECTION 1

1 secretary determines that a law has been enacted that relates to health care coverage  
2 for all residents of this state, the secretary shall certify the act number of the law to  
3 the elections board and a statewide referendum shall be conducted at the general  
4 election that next occurs. The ballot used for the referendum question shall be  
5 arranged under s. 5.60 (7) and shall ask: "The Legislature in Wisconsin has enacted  
6 2005 Wisconsin Act ....., relating to health care coverage for state residents. Do you  
7 find that this act provides affordable health care coverage for all state residents?"  
8 The elections board shall insert into the question the act number certified by the  
9 secretary under this paragraph.

10 (b) If after 2006 the secretary determines that a law has been enacted that  
11 relates to health care coverage for all residents of this state, the secretary shall  
12 certify the act number of the law to the elections board before 45 days before the date  
13 scheduled for the next-occurring general election and a statewide referendum shall  
14 be conducted at that general election. The ballot used for the referendum question  
15 shall be arranged under s. 5.60 (7) and shall ask a question that is identical to that  
16 specified in subd. 1., except that the elections board shall insert into the question the  
17 act number certified by the secretary under this paragraph.

18 (2) ADDITIONAL FUNDING FOR PRESCRIPTION DRUG ASSISTANCE FOR THE ELDERLY. In  
19 any fiscal year, if no referendum under sub. (1) has been held, or if a majority of those  
20 voting in a referendum under sub. (1) held in that fiscal year have not approved the  
21 question, the amount appropriated to the department of health and family services  
22 under s. 20.435 (4) (bv) in the succeeding fiscal year is increased by an amount equal  
23 to the cost that would have been incurred by the state in providing health care  
24 coverage to the governor and members of the legislature in that fiscal year, as  
25 determined by the secretary. When amending the schedule under s. 20.004 (2), the

1 secretary shall adjust the amounts in the schedule under s. 20.005 (3) of the most  
2 recent biennial budget act or acts to reflect the increase in the appropriation amount  
3 under s. 20.435 (4) (bv).

4 (3) CERTIFICATION. If a referendum under sub. (1) is held and if a majority of  
5 those voting in the referendum have approved the question, the secretary of  
6 administration shall certify to the secretary of employee trust funds that the  
7 governor and members of the legislature may receive health care coverage under  
8 subch. IV of ch. 40.

9 (4) APPLICABILITY. This section does not apply after the secretary makes the  
10 certification under sub. (3).

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

12 40.51 (2) Except as provided in subs. (9m), (10), (10m), (11) and (16), any  
13 eligible employee may become covered by group health insurance by electing  
14 coverage within 30 days of being hired, to be effective as of the first day of the month  
15 which begins on or after the date the application is received by the employer, or by  
16 electing coverage prior to becoming eligible for employer contribution towards the  
17 premium cost as provided in s. 40.05 (4) (a) to be effective upon becoming eligible for  
18 employer contributions. An eligible employee who is not insured, but who is eligible  
19 for an employer contribution under s. 40.05 (4) (ag) 1., may elect coverage prior to  
20 becoming eligible for an employer contribution under s. 40.05 (4) (ag) 2., with the  
21 coverage to be effective upon becoming eligible for the increase in the employer  
22 contribution. Any employee who does not so elect at one of these times, or who  
23 subsequently cancels the insurance, shall not thereafter become insured unless the  
24 employee furnishes evidence of insurability satisfactory to the insurer, at the

1 employee's own expense or obtains coverage subject to contractual waiting periods.  
2 The method to be used shall be specified in the health insurance contract.

3 **SECTION 3.** 40.51 (6) of the statutes, as affected by 2003 Wisconsin Act 33, is  
4 amended to read:

5 40.51 (6) This Except as provided in sub. (9m), the state shall offer to all of its  
6 employees at least 2 insured or uninsured health care coverage plans providing  
7 substantially equivalent hospital and medical benefits, including a health  
8 maintenance organization or a preferred provider plan, if those health care plans are  
9 determined by the group insurance board to be available in the area of the place of  
10 employment and are approved by the group insurance board. The group insurance  
11 board shall place each of the plans into one of 3 tiers established in accordance with  
12 standards adopted by the group insurance board. The tiers shall be separated  
13 according to the employee's share of premium costs.

14 **SECTION 4.** 40.51 (9m) of the statutes is created to read:

15 40.51 (9m) The governor and members of the legislature may receive health  
16 care coverage under this subchapter only if the secretary of administration makes  
17 the certification under s. 16.07 (3) to the secretary of employee trust funds.

18 **SECTION 5. Initial applicability.**

19 (1) This act first applies to a governor and members of the legislature on the  
20 first day of the 2005-07 biennial session.

21 (END)

2003-2004 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3870/1insRC  
RAC:.....

**Insert Analysis:**

The governor and members of the legislature are currently provided health care coverage under a plan offered by the Group Insurance Board. This bill, beginning in the 2005-06 legislative session, eliminates health care coverage for the governor and members of the legislature until the secretary of Administration certifies to the secretary of Employee Trust Funds that a majority of those voting in a statewide referendum have approved a question that asks if the legislature has enacted a law that provides affordable health care coverage for all residents of this state. Under the bill, during those fiscal years in which the governor and members of the legislature are not receiving health care coverage, ~~those~~ moneys that would otherwise have been used to pay for their health care coverage ~~is~~ to be used to increase funding for prescription assistance for the elderly.

the

are

✓

## Emery, Lynn

---

**From:** Emery, Lynn  
**Sent:** Thursday, February 19, 2004 3:06 PM  
**To:** Ewy, Stuart  
**Subject:** LRB-3870/1 (attached as requested)



03-3870/1

Lynn Emery  
Program Assistant  
Legislative Reference Bureau  
608-266-3561  
lynn.emery@legis.state.wi.us