

## 2005 DRAFTING REQUEST

### Bill

Received: **04/08/2005**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Carol Owens (608) 267-7990**

By/Representing: **Jacque Dicks**

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

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Dom. Rel. - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Owens@legis.state.wi.us**

Carbon copy (CC:) to:

---

### Pre Topic:

No specific pre topic given

---

### Topic:

Requiring a child's parent to provide a medical coverage card to the other parent

---

### 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>
/?	pkahler 04/11/2005	wjackson 04/12/2005		_____			State
/1			pgreensl 04/13/2005	_____	lemery 04/13/2005		S&L
/2	pkahler 04/14/2005	wjackson 04/20/2005	rschluet 04/21/2005	_____	mbarman 04/21/2005		
/3	pkahler	wjackson	rschluet	_____	lnorthro	lnorthro	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	05/11/2005	05/17/2005	05/18/2005	_____	05/18/2005	06/16/2005	

FE Sent For:

**<END>**

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By/Representing:

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Drafter: pkahler

May Contact:

Addl. Drafters: rchampag

Subject: Dom. Rel. - miscellaneous  
Employ Pub - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Owens@legis.state.wi.us

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13 WJ 5/17

Handwritten signature and date 5/18/05

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/2	pkahler 04/14/2005	lrb_editor 1 Nlj 4/20		_____			

FE Sent For:

<END>



2005 DRAFTING REQUEST

Bill

Received: 04/08/2005

Received By: pkahler

Wanted: As time permits

Identical to LRB:

For: Sheryl Albers (608) 266-8531

By/Representing: Ryan Gruber

This file may be shown to any legislator: NO

Drafter: pkahler

May Contact:

Addl. Drafters: RAC

Subject: Dom. Rel. - miscellaneous  
Employ Pub - miscellaneous

Extra Copies:

Submit via email: YES

Requester's email: Rep.Albers@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Requiring a child's parent to provide a medical coverage card to the other parent

Instructions:

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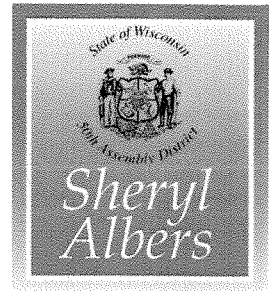
See Attached

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/?	pkahler	1 Wlj 4/12	4/12/05	4/13/05 ps self			

FE Sent For:

<END>



To: LRB – Drafting  
From: Representative Sheryl K. Albers  
Date: April 8, 2005  
Subject: Possession by divorced parents of medical cards necessary to treat children

---

In the event that a parent is divorced or separated from the other parent of their child/ren, the party obligated to provide medical coverage in any legal agreement shall provide the other parent with any medical card that may be necessary to treat the child while in the custody of the other parent.

If a parent obligated to provide medical coverage fails to provide this card to the other parent, the parent shall be found in contempt of the agreement. If that parent is an employee of the State of Wisconsin, that parent shall be suspended without pay, per rules promulgated by the appropriate agency, until the parent takes the action(s) necessary to no longer be in contempt. )

Please contact Ryan Gruber in my office with any questions that you might have. Thank you very much.



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-2705/1

PJK:.....

WLj

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

soon

generat

1 AN ACT ...; relating to: requiring a child's parent to provide a health insurance  
2 identification card to the child's other parent and granting rule-making  
3 authority.

***Analysis by the Legislative Reference Bureau***

Under current law, when a court orders child support in an action affecting the family, such as a divorce, legal separation, or paternity action, the court is supposed to assign responsibility for, and direct the manner of payment of, the child's health care expenses. The court may require a parent to initiate or continue health insurance coverage for the child.

This bill provides that, in an action affecting the family, if a parent is required to provide health insurance coverage for a child, the court must order that parent to provide to the other parent a health insurance identification card for the child. The intentional failure to provide a health insurance identification card as ordered constitutes contempt of court. In addition, if a parent who is found in contempt of court for failure to provide a health insurance identification card is a state employee, he or she will be suspended from his or her employment without pay for as long as the contempt continues.

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:***

1 SECTION 1. 230.338 of the statutes is created to read:

2 230.338 Suspension without pay for certain contempt. An employee  
3 found in contempt of court under s. 767.23 (1n) (b) 3. or 767.25 (4m) (bm) 2. shall be  
4 suspended without pay, in accordance with rules promulgated by the administrator,  
5 for as long as the contempt continues.

6 SECTION 2. 767.23 (1n) (b) 3. of the statutes is created to read:

7 767.23 (1n) (b) 3. If the court or circuit court commissioner requires one party  
8 to cover the child under a health insurance policy or plan under sub. (1) (k), the court  
9 or circuit court commissioner shall order the party to provide to the other party a  
10 health insurance identification card for the child. Section 767.25 (4m) (b) 2. applies  
11 to an intentional failure to comply with a temporary order under this subdivision.

12 SECTION 3. 767.25 (4m) (bm) of the statutes is created to read:

13 767.25 (4m) (bm) 1. The court shall order a parent who is required to provide  
14 health insurance coverage for a child under this subsection to provide to the other  
15 parent a health insurance identification card evidencing the child's health insurance  
16 coverage.

17 2. The intentional failure to comply with an order under subd. 1. to provide a  
18 health insurance identification card for the child constitutes contempt of court,  
19 punishable under ch. 785.

20 (END)

## Kahler, Pam

---

**From:** Gruber, Ryan  
**Sent:** Thursday, April 14, 2005 2:31 PM  
**To:** Kahler, Pam  
**Subject:** RE: RE: LRB 2705/1

Yes, that would be fine. Thanks!

---

**From:** Kahler, Pam  
**Sent:** Thursday, April 14, 2005 2:30 PM  
**To:** Gruber, Ryan  
**Subject:** RE: RE: LRB 2705/1

Would you like me to switch the legislator on the request so that the drafts go to her office?

-----Original Message-----

**From:** Gruber, Ryan  
**Sent:** Thursday, April 14, 2005 2:20 PM  
**To:** Kahler, Pam  
**Cc:** Dicks, Jacque  
**Subject:** RE: LRB 2705/1

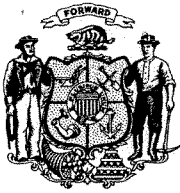
Hi Pam,

Thanks for your work on LRB 2705. I wanted to email you to let you know that we're going to give Rep. Owens permission to take custody of this draft and introduce it under her name. Feel free to give her office access to any information that may be useful.

**Ryan Gruber**  
Research Assistant  
Clerk, Assembly Committee on  
Property Rights and Land Management  
Office of Rep. Sheryl Albers

---

15 North, State Capitol  
Madison WI 53708  
Ph. 608-266-8531  
FAX 608-282-3650



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-2705/A

PJK/wlj:pgz

2  
r misner  
+RAC

2005 BILL

Juste ✓

Other

Regen

1 AN ACT to create 230.338, 767.23 (1n) (b) 3. and 767.25 (4m) (bm) of the statutes;  
2 relating to: requiring a child's parent to provide a health insurance  
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→ FE-SL

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16 coverage.

17 2. The intentional failure to comply with an order to provide a health insurance  
18 identification card for the child constitutes contempt of court, punishable under ch.

19 785. *Insert 2-19*

20 (END)

*D. White*



2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2705/2ins  
PJK:wlj:pg

INSERT 2-19

1 wst If the court finds a parent who is employed by the state in contempt under this  
2 subdivision, the court shall send to the director of the office of state employment  
3 relations all of the following:

4 4 a. Notice that the parent has been found in contempt of court, the reason for  
5 the finding, and the date on which the finding was made.

6 4 b. Notice of the date on which the contempt of court terminated, if applicable.

(END OF INSERT 2-19)

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

LRB-2705/2dn  
PJK&RAC::

WLY

This redraft adds the requirement that the court notify the Director of the Office of State Employment Relations if a parent who is a state employee is found in contempt of court.

Also, please advise as to whether you want the provision under s. 230.338<sup>✓</sup> made a prohibited subject of collective bargaining under the State Employment Labor Relations Act. As a condition of employment, suspension without pay under s. 230.338<sup>✓</sup> could be considered a mandatory subject of collective bargaining.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: pam.kahler@legis.state.wi.us

Rick A. Champagne  
Senior Legislative Attorney  
Phone: (608) 266-9930  
E-mail: rick.champagne@legis.state.wi.us

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

LRB-2705/2dn  
PJK&RAC:wlj:rs

April 21, 2005

This redraft adds the requirement that the court notify the Director of the Office of State Employment Relations if a parent who is a state employee is found in contempt of court.

Also, please advise as to whether you want the provision under s. 230.338 made a prohibited subject of collective bargaining under the State Employment Labor Relations Act. As a condition of employment, suspension without pay under s. 230.338 could be considered a mandatory subject of collective bargaining.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: pam.kahler@legis.state.wi.us

Rick A. Champagne  
Senior Legislative Attorney  
Phone: (608) 266-9930  
E-mail: rick.champagne@legis.state.wi.us

## Kahler, Pam

---

**From:** Gruber, Ryan  
**Sent:** Wednesday, May 11, 2005 11:05 AM  
**To:** Kahler, Pam  
**Subject:** RE: Changes to LRB 2705/1

Pam,

I agree with your analysis. We were trying to sort out the state's role as a lawmaking body from the state's role as an employer, and I think the result is somewhat confusing (and in your view, possibly unconstitutional).

What if we said this instead?

- Require that the responsible parent provide the non-responsible parent with a card.
- Allow the non-responsible parent to go directly to the provider to obtain the card if the responsible parent is noncooperative and the court acknowledges that the responsible parent has not fulfilled the obligation to provide a card.

I'd entertain other thoughts as well if you think of another way to get to the end result. Let me know if you have any questions.

- Ryan

---

**From:** Kahler, Pam  
**Sent:** Wednesday, April 20, 2005 12:08 PM  
**To:** Gruber, Ryan  
**Cc:** Dicks, Jacque  
**Subject:** RE: Changes to LRB 2705/1

Ryan:

I know you won't be in until tomorrow, but I have a few clarifying questions for you when you get back.

1. You address only state employees in these changes; does that mean that other parents will just be found in contempt without any intervention by their employers?
2. What do you mean by the non-responsible parent presenting language to DOA or ETF? What language are you referring to, the court order specifying who must cover the child? If so, it seems as though we have two separate tracks going on. In one, if a parent is *not* employed by the state, they may be found in contempt if they do not give the other parent a health insurance card. In the other, which is for state employees, the non-responsible parent goes to DOA or ETF to get the card himself or herself. Would it be more appropriate to require any non-responsible parent, regardless of who the employer of the responsible parent is, to obtain a card? You may have some constitutional equal protection problems with the draft the other way.

Let me know if I have misunderstood the instructions. Thanks!

Pam

-----Original Message-----

**From:** Gruber, Ryan  
**Sent:** Monday, April 18, 2005 9:26 AM  
**To:** Kahler, Pam  
**Cc:** Dicks, Jacque  
**Subject:** Changes to LRB 2705/1

Hi Pam,

After speaking to Rep. Albers this weekend, we need to have the following changes made to LRB 2705/1. If you need to clear these with the Owens office since we're turning the draft over to them, that's fine with me.

- Many state employees work under collective bargaining agreements with the state. We do not want this language to usurp or interfere with those agreements. Can language be added that this change will apply for all agreements ratified after the effective date of the bill?

- Please strike the state employee suspension language so that we might try something more affirmative in nature.

What we'd like is for contempt to be avoided if possible by allowing the state to intervene and issue a card to the non-responsible parent (the one not providing health care) if the non-responsible parent presents the language to DOA/ETF (we're fine with whatever one makes more sense). Have the appropriate agency promulgate rules to facilitate this. In other words, we'd like language that would alleviate the problem before it reaches the point where a contempt action would be necessary.

Please let me know if you have any questions. I will be out of the office after 12 p.m. today and will not be back in until Thursday afternoon. Thanks!

**Ryan Gruber**  
Research Assistant  
Clerk, Assembly Committee on  
Property Rights and Land Management  
Office of Rep. Sheryl Albers

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15 North, State Capitol  
Madison WI 53708  
Ph. 608-266-8531  
FAX 608-282-3650



State of Wisconsin  
2005 - 2006 LEGISLATURE

LRB-2705/2  
PJK&RAC:wlj:rs

3  
↑  
vms run

2005 BILL

D-note

regenerate ↓

1 AN ACT *to create* 230.338, 767.23 (1n) (b) 3. and 767.25 (4m) (bm) of the statutes;  
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3 identification card to the child's other parent and granting rule-making  
4 authority.

**Analysis by the Legislative Reference Bureau**

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This bill provides that, in an action affecting the family, if a parent is required to provide health insurance coverage for a child, the court must order that parent to provide to the other parent a health insurance identification card for the child. ~~The~~ intentional failure to provide a health insurance identification card as ordered constitutes contempt of court. In addition, if a parent who is found in contempt of court for failure to provide a health insurance identification card is a state employee, he or she will be suspended from his or her employment without pay for as long as the contempt continues.

by the parent ordered

insert and ↓

to provide a card

**BILL**

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

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1           **SECTION 1.** 230.338 of the statutes is created to read:

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4 suspended without pay, in accordance with rules promulgated by the administrator,  
5 for as long as the contempt continues.

6           **SECTION 2.** 767.23 (1n) (b) 3. of the statutes is created to read:

7           **767.23 (1n) (b) 3.** If the court or circuit court commissioner requires one party  
8 to cover the child under a health insurance policy or plan under sub. (1) (k), the court  
9 or circuit court commissioner shall order the party to provide to the other party a  
10 health insurance identification card for the child. Section 767.25 (4m) (b) 2. <sup>m</sup> <sup>and 3 apply</sup> <sup>applies</sup>  
11 to ~~an intentional~~ <sup>a</sup> failure to comply with a temporary order under this subdivision. <sup>STET</sup>

12           **SECTION 3.** 767.25 (4m) (bm) of the statutes is created to read:

13           **767.25 (4m) (bm) 1.** The court shall order a parent who is required to provide  
14 health insurance coverage for a child under this subsection to provide to the other  
15 parent a health insurance identification card evidencing the child's health insurance  
16 coverage.

Insert 2-16

17           **2.** ~~The intentional failure to comply with an order to provide a health insurance~~  
18 ~~identification card for the child constitutes contempt of court, punishable under ch.~~  
19 ~~785. If the court finds a parent who is employed by the state in contempt under this~~  
20 ~~subdivision, the court shall send to the director of the office of state employment~~  
21 ~~relations all of the following:~~

**BILL**

- 1           a. Notice that the parent has been found in contempt of court, the reason for
- 2           the finding, and the date on which the finding was made.
- 3           b. Notice of the date on which the contempt of court terminated, if applicable.

4

(END)

*D - voted*



2005-2006 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-2705/3ins  
PJK&RAC:wlj:rs  
2

INSERT ANAL

1094  
If the parent who is ordered to provide a card fails to do so, the other parent may attempt to obtain a card for the child by presenting the order to the health insurance provider. If that parent is unable to obtain a card in that manner, however, the  
(END OF INSERT ANAL)

INSERT 2-16

- 1 (u) 2. If the parent ordered to provide a health insurance identification card for the  
2 child fails to do so, the other parent may attempt to obtain a card for the child by  
3 presenting a copy of the order under subd. 1. to the health insurance provider.  
4 (u) 3. If the other parent is unable to obtain a health insurance identification card  
5 in the manner provided in subd. 2., the intentional failure to comply with the order  
6 under subd. 1. by the parent ordered to provide the card constitutes a contempt of  
7 court, punishable under ch. 785.

(END OF INSERT 2-16)

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

LRB-2705/3dn  
PJK&RAC:wj:re

2 ↑  
stays

This version of the draft gets rid of the "suspension without pay" concept entirely, allows the other parent to attempt to obtain a card before contempt applies, and treats parents who work for the state in the same way as parents who do not work for the state.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: pam.kahler@legis.state.wi.us

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

LRB-2705/3dn  
PJK:wlj:rs

May 18, 2005

This version of the draft gets rid of the "suspension without pay" concept entirely, allows the other parent to attempt to obtain a card before contempt applies, and treats parents who work for the state in the same way as parents who do not work for the state.

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**Northrop, Lori**

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**From:** Tesch, Becky  
**Sent:** Thursday, June 16, 2005 10:43 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-2705/2 Topic: Requiring a child's parent to provide a medical coverage card to the other parent

It has been requested by <Tesch, Becky> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-2705/2 Topic: Requiring a child's parent to provide a medical coverage card to the other parent