

WISCONSIN STATE  
LEGISLATURE  
COMMITTEE HEARING  
RECORDS

2005-06

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on  
Insurance  
(AC-In)

File Naming Example:

Record of Comm. Proceedings ... RCP

➤ 05hr\_AC-Ed\_RCP\_pt01a

➤ 05hr\_AC-Ed\_RCP\_pt01b

➤ 05hr\_AC-Ed\_RCP\_pt02

COMMITTEE NOTICES ...

➤ Committee Hearings ... CH (Public Hearing Announcements)

➤ \*\*

➤ Committee Reports ... CR

➤ \*\*

➤ Executive Sessions ... ES

➤ \*\*

➤ Record of Comm. Proceedings ... RCP

➤ \*\*

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INFORMATION COLLECTED BY COMMITTEE  
CLERK FOR AND AGAINST PROPOSAL

➤ Appointments ... Appt

➤ \*\*

Name:

➤ Clearinghouse Rules ... CRule

➤ \*\*

➤ Hearing Records ... HR (bills and resolutions)

➤ **05hr\_ab0503\_AC-In\_pt01**

➤ Miscellaneous ... Misc

➤ \*\*

**2005 ASSEMBLY BILL 503**

June 17, 2005 – Introduced by Representative SCHNEIDER. Referred to Committee on Insurance.

AN ACT *to renumber and amend* 40.02 (20) and 765.01; *to amend* 40.55 (1) and 765.001 (2); and *to create* 40.02 (20) (b), 40.02 (21c), 40.02 (21d), 765.01 (2), chapter 770, 990.01 (19p) and 990.01 (39) of the statutes; **relating to:** defining marriage as between one man and one woman and establishing domestic partnership; providing coverage for domestic partners of University of Wisconsin System employees and annuitants under health care coverage plans and long-term care insurance policies offered by the Group Insurance Board.

***Analysis by the Legislative Reference Bureau******Health insurance benefits for domestic partners of University of Wisconsin System employees and annuitants***

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 (as defined below) of University of Wisconsin System 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.

***Defining marriage***

Current law provides that marriage is a civil contract that creates the legal status of husband and wife. Current law prohibits certain marriages, such as a marriage between persons who are nearer of kin than second cousins or a marriage in which at least one of the persons was divorced less than six months before the marriage. If a person who is prohibited from marrying in this state leaves the state for the purpose of contracting a marriage in a state where the marriage is valid, that marriage is void in this state. Such a person will be considered to have left this state for the purpose of marrying in the other state if he or she lived in this state within 12 months before marrying in the other state and resumed residence in this state within 18 months after leaving this state, or if he or she maintained a residence in this state the entire time that he or she was away.

This bill specifies that marriage is a civil contract between one man and one woman. The bill provides that only marriage between one man and one woman will be recognized as valid in this state, regardless of whether a marriage took place in a jurisdiction that defined marriage other than between one man and one woman as valid, and regardless of whether the statute regarding marrying in another state to circumvent the marriage laws

of this state applies to a marriage. The bill provides definitions for "spouse" and "marriage" for purposes of statutory construction. A "spouse" is defined as a party to a marriage, and "marriage" is defined as a civil contract between one man and one woman that creates the legal status for the parties of husband and wife.

### ***Domestic partnership***

Current law specifies the requirements for contracting and for dissolving a marriage and, in addition, sets out various rights and responsibilities that apply to married persons or that result from the legal status of marriage. This bill provides requirements for forming a legal relationship of domestic partnership. Under the bill, a domestic partnership may be formed by two individuals who are at least 18 years old and who are not married or in another domestic partnership. The individuals may not be related to each other by blood in any way that would prohibit them from marrying under the laws of the state and must consider themselves to be members of each other's immediate family.

The procedure for obtaining a declaration of domestic partnership is similar to the procedure for obtaining a marriage license. The individuals apply for a declaration of domestic partnership to the county clerk of the county in which at least one of them has resided for at least 30 days. The application must be subscribed to by the parties, who must submit proof of identification to the county clerk. Just as with an application for a marriage license, the application must contain the social security numbers of the parties, as well as any other information that the Department of Health and Family Services directs. Just as with an application for a marriage license, a portion of the application for a declaration of domestic partnership contains information that is collected for statistical purposes only and is not open to public inspection. If the parties fulfill all of the requirements for forming a domestic partnership, the clerk issues to the parties a declaration of domestic partnership. The parties must complete the declaration, sign it in front of a notary, and submit it to the register of deeds of the county in which either party resides. After recording the declaration, the register of deeds must send the original to the state registrar of vital statistics.

The bill provides that any state statute or rule that applies to a married person or a formerly married person, such as a widow, applies in the same respect to a domestic partner or a person who was formerly a domestic partner; that any state statute or rule that applies to marriage or a marital relationship, including dissolution of a marriage, applies in the same respect to a domestic partnership; and that any state statute or rule that applies to a marriage document applies in the same respect to a declaration of domestic partnership. Thus, under the bill for example, the statutory divorce procedure and property division would apply to the dissolution of a domestic partnership; the marital property provisions of current law would apply to domestic partners; a domestic partner would have the same intestate inheritance rights as a spouse and the same election rights under a will; domestic partners would be entitled to adopt; domestic partners could file joint state income tax returns; a domestic partner could consent to an autopsy on the body of his or her deceased domestic partner; a domestic partner could make a claim for loss of society and companionship in the event of the wrongful death of his or her domestic

partner; domestic partners could obtain a combined fishing license; a domestic partner would have an evidentiary privilege to prevent his or her domestic partner from testifying as to any private communication between the two during their domestic partnership; and a domestic partner could receive death benefits under the worker's compensation law as the result of the employment-related death of his or her domestic partner.

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