

2015 DRAFTING REQUEST

Bill

Received: **9/24/2015** Received By: **pkahler**
For: **Leah Vukmir (608) 266-2512** Same as LRB:
May Contact: By/Representing: **Mattias**
Subject: **Insurance - miscellaneous** Drafter: **pkahler**
Legislature - miscellaneous Addl. Drafters: **jkreye**
Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Vukmir@legis.wisconsin.gov**
Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**
Aaron.McKean@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Social and financial impact reports by OCI

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkreye 9/25/2015	kfollett 9/28/2015	_____			
/P1	pkahler 10/19/2015		_____	mbarman 9/28/2015		State
/P2	pkahler	kfollett	_____	srose		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	11/2/2015	10/20/2015	_____	10/20/2015		
		jdyer 11/2/2015	_____	lparisi 11/2/2015	lparisi 11/2/2015	State

FE Sent For:

→ At Intro.

<END>

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/?	jkreye 9/25/2015	kfollett 9/28/2015	_____			
/P1	pkahler 10/19/2015		_____	mbarman 9/28/2015		State
/P2		kfollett	_____	srose		State

"/1" can be jacketed for the Senate

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
		10/20/2015	_____	10/20/2015		

FE Sent For:

<END>

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

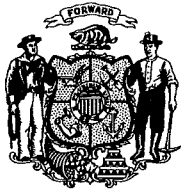
LRB

9-24

Matthias from Sen. Uukemi's office by phone

redraft of 2013 SB 217

(with any necessary updates)



3358/PI
5f

2015
2013 SENATE BILL 217

in Enclay 9-25
due Monday
9-28

June 14, 2013 - Introduced by Senators VUKMIR, LEIBHAM and TIFFANY, cosponsored by Representatives KAPENGA, SANFELIPPO, JACQUE, TITTL, SCHRAA, RIPP and CRAIG. Referred to Committee on Insurance and Housing.

PWF

Regen

- 1 **AN ACT to renumber** 601.423 (1) (a), 601.423 (1) (b), 601.423 (1) (c) and 601.423
- 2 (1) (d); **to amend** 601.423 (1) (intro.), 601.423 (2), 601.423 (3) (a) (intro.) and
- 3 601.423 (3) (b) (intro.); and **to create** 13.0966, 601.423 (1) (bm) and 601.423 (1)
- 4 (cm) of the statutes; **relating to:** social and financial impact reports.

Insert
A

Analysis by the Legislative Reference Bureau

Current law defines a health insurance mandate as a statute that requires an insurance policy to do any of four things: 1) permit a person to obtain treatment or services from a particular type of health care provider; 2) provide coverage for the treatment of a particular disease or condition; 3) provide coverage of a particular type of health care treatment or service, including particular drugs, supplies, or equipment; and 4) provide coverage for a particular type of person based on the person's relationship to the insured. This bill provides that a statute is also a health insurance mandate if it: 1) requires a particular benefit design under an insurance policy for the treatment of a particular disease, condition, or other health care need, for a particular type of health care treatment or service, or for the provision of equipment, supplies, or drugs used in connection with a health care treatment or service; or 2) imposes limits or conditions on a contract between an insurer and a health care provider.

Current law requires that, if any bill contains a health insurance mandate affecting an insurance policy, plan, or contract, the Commissioner of Insurance (commissioner) must submit to the presiding officer of the house in which the bill is introduced a report on the social and financial impact of the mandate. Current law

SENATE BILL 217

provides that the presiding officer may require that the report be printed and distributed as are amendments, but current law does not specify a time by which the report must be submitted.

This bill requires that the commissioner submit a report if any amendment, as well as any bill, contains a health insurance mandate. The commissioner may, however, decide not to prepare a report and submit a written statement that explains the reason for not preparing a report. In that case, the chairperson of a committee to which the bill has been referred, the presiding officer of either house, or any other member of the legislature may request that the commissioner submit a report instead. The report or statement is printed as an appendix to the bill or amendment and distributed to the members of the legislature, and made available to the public, before any public hearing is held on the bill or amendment by a committee or before any vote is taken on the bill or amendment by either house of the legislature.

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.** 13.0966 of the statutes is created to read:

2 **13.0966 Review of bills or amendments establishing health insurance**
3 **mandates. (1) DEFINITIONS.** In this section:

4 (a) “Bill,” except as otherwise provided, includes an amendment.

5 (b) “Office” means the office of the commissioner of insurance.

6 **(2) REPORT ON BILLS ESTABLISHING HEALTH INSURANCE MANDATES.** (a) Any bill that
7 requires a report by the office under s. 601.423 shall have that requirement noted on
8 its jacket when the jacket is prepared.

9 (b) When a bill that requires a report under s. 601.423 is introduced, the
10 legislative reference bureau shall submit a copy of the bill to the office. The office
11 shall prepare the report or, if the office decides not to prepare the report, a written
12 statement that explains the reason for not preparing the report. If the office prepares
13 a written statement, the chairperson of a standing committee to which the bill has
14 been referred, the presiding officer of either house of the legislature, either

SENATE BILL 217

1 cochairperson of the joint committee on finance, or any other member of the
2 legislature may request that the office prepare a report instead, in which case the
3 office shall prepare a report.

4 (c) 1. The report or written statement prepared under this section shall be
5 printed as an appendix to the bill and shall be distributed in the same manner as
6 amendments.

7 2. The report or written statement shall be distributed, and made available to
8 the public, before any vote is taken on the bill by either house of the legislature if the
9 bill is not referred to a standing committee, or before any public hearing is held before
10 any standing committee or, if no public hearing is held, before any vote is taken by
11 the committee.

12 **SECTION 2.** 601.423 (1) (intro.) of the statutes is amended to read:

13 601.423 (1) DEFINITION. (intro.) In this section, "health insurance mandate"
14 means a statute of this state ~~which requires~~ that does any of the following:

15 (am) Requires an insurance policy, plan, or contract to do any of the following:

16 **SECTION 3.** 601.423 (1) (a) of the statutes is renumbered 601.423 (1) (am) 1.

17 **SECTION 4.** 601.423 (1) (b) of the statutes is renumbered 601.423 (1) (am) 2.

18 **SECTION 5.** 601.423 (1) (bm) of the statutes is created to read:

19 601.423 (1) (bm) Requires a particular benefit design under an insurance
20 policy, plan, or contract for the treatment of a particular disease, condition, or other
21 health care need, for a particular type of health care treatment or service, or for the
22 provision of equipment, supplies, or drugs used in connection with a health care
23 treatment or service.

24 **SECTION 6.** 601.423 (1) (c) of the statutes is renumbered 601.423 (1) (am) 3.

25 **SECTION 7.** 601.423 (1) (cm) of the statutes is created to read:

SENATE BILL 217

SECTION 7

1 601.423 (1) (cm) Imposes limits or conditions on a contract between an insurer
2 and a health care provider, as defined in s. 146.81 (1).

3 **SECTION 8.** 601.423 (1) (d) of the statutes is renumbered 601.423 (1) (am) 4.

4 **SECTION 9.** 601.423 (2) of the statutes is amended to read:

5 601.423 (2) PREPARATION OF REPORT. The commissioner shall, in the manner
6 provided under s. 13.0966, submit a report on the social and financial impact of any
7 health insurance mandate, contained in any bill or amendment affecting an
8 insurance policy, plan, or contract, or a written statement explaining the reason for
9 not preparing the report, to the presiding officer of that house of the legislature in
10 which the bill or amendment is introduced. ~~At the discretion of the presiding officer,~~
11 ~~any such report may be printed and distributed as are amendments.~~

12 **SECTION 10.** 601.423 (3) (a) (intro.) of the statutes is amended to read:

13 601.423 (3) (a) *Social impact factors.* (intro.) Any report prepared under sub.
14 (2) shall assess to the extent possible all of the following social impact factors which
15 that are relevant to the type of health insurance mandate created, expanded, or
16 continued by the bill or amendment:

17 **SECTION 11.** 601.423 (3) (b) (intro.) of the statutes is amended to read:

18 601.423 (3) (b) *Financial impact factors.* (intro.) Any report prepared under
19 sub. (2) shall assess to the extent possible all of the following financial impact factors
20 which that are relevant to the type of health insurance mandate created, expanded,
21 or continued by the bill or amendment:

22 **SECTION 12. Nonstatutory provisions.**

23 (1) NOTIFICATION. As soon as possible after the effective date of this subsection,
24 the Legislative Reference Bureau shall notify the commissioner of insurance of all
25 bills and amendments that are in a committee of either house of the legislature for

SENATE BILL 217

of affected
2

1 which a report is required under section 601.423 of the statutes, as created in this
2 act.

3 **SECTION 13. Initial applicability.**

4 (1) NOTATION ON JACKET THAT REPORT REQUIRED. The treatment of section 13.0966

5 (2) (a) of the statutes first applies to bills and amendments that are jacketed on the
6 effective date of this subsection.

7 (2) PROCEDURE FOR REPORT PREPARATION. The treatment of sections 13.0966 (2)

8 (b) (with respect to preparation of a social and financial impact report) and (c) and

9 601.423 (1) (intro.), (a), (b), (bm), (c), (cm), and (d), (2), and (3) (a) (intro.) and (b)

10 (intro.) of the statutes first applies to bills and amendments that are in a committee

11 on the effective date of this subsection.

12 (END)

D-note

**2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3358/^{PI}ins
PJK:...

INSERT A

This bill expands the definition of a health insurance mandate and requires the Commissioner of Insurance (commissioner) to submit a report on the social or financial impact of any bill or amendment containing a health insurance mandate, or statement explaining the reason for not submitting such a report, before any public hearing is held or vote is taken on the bill or amendment.

(END OF INSERT A)

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

LRB-3358/7dn
PJK: ^{PI} *sf*

Date

The cleanest initial applicability for this bill would be “first applies to bills and amendments that are introduced (or jacketed) on the effective date.” (In fact, if the initial applicability were to bills and amendments that are jacketed on the effective date, that initial applicability could apply to the entire bill.) There are logical problems with the other alternatives, including the one now in the bill, which is “first applies to bills or amendments that are in a committee on the effective date. Under the bill, the report must be made available before any vote is taken by a committee, but only if no public hearing has been held. What is required if, on the effective date, a bill or amendment is in a committee and a public hearing has been held but no votes have been taken (which happens often when executive sessions are held at a later date)? Construing the language strictly, I don’t know if a report would be required or not because a public hearing has been held.

Let me know if you want to make any changes to the initial applicability provision or anything else in the draft.

Pamela J. Kahler
Senior Legislative Attorney
(608) 266-2682
pam.kahler@legis.wisconsin.gov

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

LRB-3358/P1dn
PJK:kjf

September 28, 2015

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STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

Mattias

10-19

redraft LRB-3358 with
initial applicability of "first
applies to bills and amendments
introduced on effective date"



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3358/PA
PJK&JK:kjf

P2

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Wad

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4 (cm) of the statutes; **relating to:** social and financial impact reports.

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This bill expands the definition of a health insurance mandate and requires the Commissioner of Insurance (commissioner) to submit a report on the social or financial impact of any bill or amendment containing a health insurance mandate, or statement explaining the reason for not submitting such a report, before any public hearing is held or vote is taken on the bill or amendment.

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1 (1) NOTIFICATION. As soon as possible after the effective date of this subsection,
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3 bills and amendments that are in a committee of either house of the legislature for
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5 act.

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13 (intro.) of the statutes first applies to bills and amendments that are in a committee
14 on the effective date of this subsection.

15 (END)

introduced

Kahler, Pam

From: Gugel, Mattias
Sent: Monday, November 02, 2015 9:45 AM
To: Kahler, Pam
Subject: RE: LRB-3358

That's good with me.

Thank you very much.

Mattias Gugel
Legislative Aide
State Sen. Leah Vukmir
5th Senate District
(608) 266-2512

From: Kahler, Pam
Sent: Monday, November 02, 2015 9:44 AM
To: Gugel, Mattias <Mattias.Gugel@legis.wisconsin.gov>
Subject: LRB-3358

Mattias,

I will request that your "/1" be jacketed for the Senate so that you can introduce it. Let me know if you do not want that.

Pam

Pamela J. Kahler
Legislative Attorney
Legislative Reference Bureau
608-266-2682

11-2
Mattias → "P2" is fine - make
it a "/1" so that it can
be introduced.



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3358/PK
PJK&JK:kjf

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

today -
no changes
✓

Regen

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10 the public, before any vote is taken on the bill by either house of the legislature if the
11 bill is not referred to a standing committee, or before any public hearing is held before
12 any standing committee or, if no public hearing is held, before any vote is taken by
13 the committee.

14 **SECTION 2.** 601.423 (1) (intro.) of the statutes is amended to read:

15 601.423 (1) DEFINITION. (intro.) In this section, "health insurance mandate"
16 means a statute of this state ~~which requires~~ that does any of the following:

17 (am) Requires an insurance policy, plan, or contract to do any of the following:

18 **SECTION 3.** 601.423 (1) (a) of the statutes is renumbered 601.423 (1) (am) 1.

19 **SECTION 4.** 601.423 (1) (b) of the statutes is renumbered 601.423 (1) (am) 2.

20 **SECTION 5.** 601.423 (1) (bm) of the statutes is created to read:

21 601.423 (1) (bm) Requires a particular benefit design under an insurance
22 policy, plan, or contract for the treatment of a particular disease, condition, or other
23 health care need, for a particular type of health care treatment or service, or for the
24 provision of equipment, supplies, or drugs used in connection with a health care
25 treatment or service.

1 **SECTION 6.** 601.423 (1) (c) of the statutes is renumbered 601.423 (1) (am) 3.

2 **SECTION 7.** 601.423 (1) (cm) of the statutes is created to read:

3 601.423 (1) (cm) Imposes limits or conditions on a contract between an insurer
4 and a health care provider, as defined in s. 146.81 (1).

5 **SECTION 8.** 601.423 (1) (d) of the statutes is renumbered 601.423 (1) (am) 4.

6 **SECTION 9.** 601.423 (2) of the statutes is amended to read:

7 601.423 (2) PREPARATION OF REPORT. The commissioner shall, in the manner
8 provided under s. 13.0966, submit a report on the social and financial impact of any
9 health insurance mandate, contained in any bill or amendment affecting an
10 insurance policy, plan, or contract, or a written statement explaining the reason for
11 not preparing the report, to the presiding officer of that house of the legislature in
12 which the bill or amendment is introduced. ~~At the discretion of the presiding officer,~~
13 ~~any such report may be printed and distributed as are amendments.~~

14 **SECTION 10.** 601.423 (3) (a) (intro.) of the statutes is amended to read:

15 601.423 (3) (a) *Social impact factors.* (intro.) Any report prepared under sub.
16 (2) shall assess to the extent possible all of the following social impact factors ~~which~~
17 that are relevant to the type of health insurance mandate created, expanded, or
18 continued by the bill or amendment:

19 **SECTION 11.** 601.423 (3) (b) (intro.) of the statutes is amended to read:

20 601.423 (3) (b) *Financial impact factors.* (intro.) Any report prepared under
21 sub. (2) shall assess to the extent possible all of the following financial impact factors
22 ~~which~~ that are relevant to the type of health insurance mandate created, expanded,
23 or continued by the bill or amendment:

24 **SECTION 12. Initial applicability.**

