



## Fiscal Estimate Narratives

DWD 11/27/2019

LRB Number	<b>19-3505/1</b>	Introduction Number	<b>SB-566</b>	Estimate Type	<b>Original</b>
<b>Description</b> marriage between persons of the same sex and extending parentage rights to married couples of the same sex					

### Assumptions Used in Arriving at Fiscal Estimate

This bill recognizes same-sex marriage to create agreement between Wisconsin statutes and the holding of the U.S. Supreme Court (2015) recognizing same-sex couples' fundamental constitutional right to marriage. The bill also recognizes legal parentage for same-sex couples under certain circumstances and adopts gender neutral parentage terminology.

This bill provides that marriage may be contracted between persons of the same sex and confers the same rights and responsibilities on married persons of the same sex that married persons of different sexes have under current law. The bill defines "spouse" as a person who is legally married to another person of the same sex or a different sex and replaces every reference to "husband" or "wife" in current law with "spouse." The bill makes applicable to married persons of the same sex all provisions under current law that apply to married persons of different sexes. These provisions relate to diverse areas of the law including income tax, marital property, inheritance rights, divorce, child and spousal support, insurance coverage, family and spousal recreational licenses, consent to conduct an autopsy, domestic abuse, and eligibility for various types of benefits, such as retirement or death benefits and medical assistance.

In addition to making statutory references to a "spouse" gender neutral, the bill specifies ways in which married couples of the same sex may be the legal parents of a child and, with some exceptions, makes current references in the statutes to "mother" and "father," and related terms, gender neutral. The bill changes "mother", "father", and related terms in areas of law that include adoption, artificial insemination, paternity presumption, and birth certificates. The bill defines "natural parent" as a parent of a child who is not an adoptive parent, whether the parent is biologically related to the child or not. Thus, a natural parent of a child is a person who is a biological parent, a parent by consenting to the artificial insemination of his or her spouse, or a parent under the parentage presumption.

Pertinent to the Department of Workforce Development (DWD), the proposed legislation amends statutes relating to Worker's Compensation, Employment Regulations (specifically, Family or Medical Leave), and Employment Relations. References to "husband", "wife", "father(in-law)", and "mother(in-law)" are replaced by gender neutral terms. "Spouse" is defined as "the person to whom an employee is legally married". The marital status "widowed" is replaced by "a surviving spouse." Under Worker's Compensation death benefits, dependent definitions are changed to "A married person upon his or her spouse with whom he or she is living at the time of the spouse's death". The department anticipates no fiscal effect as a result of these proposed statutory changes. Documentation update costs, if any, would be absorbable.

Local government employers and local government counterparts to the DWD Equal Rights Division may need to update documentation and publications to include gender neutral terms. The fiscal effect of these changes is indeterminate at this time.

### Long-Range Fiscal Implications