



State of Wisconsin
2021 - 2022 LEGISLATURE

LRB-0893/P2
MIM:wlj

DOA:.....Sherwin, BB0292 - ETF benefits for domestic partners

FOR 2021-2023 BUDGET -- NOT READY FOR INTRODUCTION

AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

RETIREMENT AND GROUP INSURANCE

Benefits for domestic partners

[2017 Wisconsin Act 59](#), the 2017 biennial budget act, removed from the statutes certain benefits provided to domestic partners of public employees who receive benefits through the Wisconsin Retirement System, the Group Insurance Board, and the Deferred Compensation Program. This bill reestablishes those benefits.

Specifically, Act 59 did all of the following: 1) for purposes of the Wisconsin Retirement System, limited domestic partners to only those individuals who submitted an affidavit of domestic partnership to ETF before January 1, 2018; 2) prohibited GIB from covering an eligible employee's domestic partner or stepchild under a domestic partnership in a group health insurance plan offered by GIB; 3) eliminated the option for a surviving domestic partner to purchase health insurance coverage under a group health insurance plan offered by GIB; and 4) for deaths occurring on or after January 1, 2018, provided that a surviving domestic partner is not a default beneficiary for purposes of a deferred compensation plan and is not eligible to receive duty disability survivorship benefits. This bill reverses, prospectively, those changes to those benefits.

For further information see the state and local 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:

SECTION 1. 40.02 (8) (b) 3. of the statutes is repealed.

SECTION 2. 40.02 (21d) (intro.) of the statutes is amended to read:

40.02 **(21d)** (intro.) “Domestic partnership” means a relationship between 2 individuals, ~~who submitted an affidavit of domestic partnership to the department before September 23, 2017,~~ that satisfies all of the following:

SECTION 3. 40.51 (2m) (a) of the statutes is repealed.

SECTION 4. 40.51 (2m) (b) of the statutes is renumbered 40.51 (2m) and amended to read:

40.51 **(2m)** If an eligible employee is divorced or was a domestic partner in a dissolved domestic partnership, the eligible employee may not enroll a new spouse or domestic partner in a group health insurance plan under this subchapter until 6 months have elapsed since the date of the divorce or dissolved domestic partnership.

SECTION 5. 40.513 (3) (b) of the statutes is amended to read:

40.513 **(3)** (b) The employee’s spouse or domestic partner is receiving health care coverage under s. 40.51 (6).

SECTION 6. 40.52 (2) of the statutes is amended to read:

40.52 **(2)** Health insurance benefits under this subchapter shall be integrated, with exceptions determined appropriate by the group insurance board, with benefits under federal plans for hospital and health care for the aged and disabled. Exclusions and limitations with respect to benefits and different rates may be established for persons eligible under federal plans for hospital and health care for

the aged and disabled in recognition of the utilization by persons within the age limits eligible under the federal program. The plan may include special provisions for spouses, domestic partners, and other dependents covered under a plan established under this subchapter where one spouse or domestic partner is eligible under federal plans for hospital and health care for the aged but the others are not eligible because of age or other reasons. As part of the integration, the department may, out of premiums collected under s. 40.05 (4), pay premiums for the federal health insurance.

SECTION 7. 40.55 (1) of the statutes is amended to read:

40.55 (1) Except as provided in sub. (5), the state shall offer, through the group insurance board, to eligible employees under s. 40.02 (25) (bm) and to state annuitants long-term care insurance policies which have been filed with the office of the commissioner of insurance and which have been approved for offering under contracts established by the group insurance board. The state shall also allow an eligible employee or a state annuitant to purchase those policies for his or her spouse, domestic partner, or parent.

SECTION 8. 40.65 (7) (am) 1. of the statutes is amended to read:

40.65 (7) (am) 1. To the surviving spouse or surviving domestic partner until the surviving spouse remarries, or the surviving domestic partner enters into a new domestic partnership or marries, if the surviving spouse was married to the participant on the date that the participant was disabled under sub. (4), or the surviving domestic partner was in a domestic partnership on the date that the participant was disabled under sub. (4), 50 percent of the participant's monthly salary at the time of death, but reduced by any amount payable under sub. (5) (b) 1. to 6.

SECTION 9. 40.65 (7) (am) 1g. of the statutes is repealed.

SECTION 10. 40.65 (7) (am) 1m. of the statutes is repealed.

SECTION 11. 40.65 (7) (am) 3. of the statutes is amended to read:

40.65 (7) (am) 3. The total monthly amount paid under subs. 1., ~~1g.~~, ~~1m.~~, and 2. may not exceed 70 percent of the participant's monthly salary at the time of death reduced by any amounts under sub. (5) (b) 1. to 6. that relate to the participant's work record.

SECTION 12. 40.65 (7) (ar) 1. a. of the statutes is amended to read:

40.65 (7) (ar) 1. a. To the surviving spouse or the surviving domestic partner until the surviving spouse remarries, or the surviving domestic partner enters into a new domestic partnership or marries, if the surviving spouse was married to the participant on the date that the participant was disabled under sub. (4), or the surviving domestic partner was in a domestic partnership with the participant on the date that the participant was disabled under sub. (4), 70 percent of the participant's monthly salary at the time of death, but reduced by any amount payable under sub. (5) (b) 1. to 6.

SECTION 13. 40.65 (7) (ar) 1. ag. of the statutes is repealed.

SECTION 14. 40.65 (7) (ar) 1. am. of the statutes is repealed.

SECTION 15. 40.80 (2r) (a) 1. of the statutes is amended to read:

40.80 (2r) (a) 1. Relates to a marriage or domestic partnership that terminated after December 1, 2001.

SECTION 16. 40.80 (2r) (a) 2. of the statutes is amended to read:

40.80 (2r) (a) 2. Assigns all or part of a participant's accumulated assets held in a deferred compensation plan under this subchapter to a spouse, former spouse,

domestic partner, former domestic partner, child, or other dependent to satisfy a family support or marital property obligation.

SECTION 9313. Initial applicability; Employee Trust Funds.

(1) DEFERRED COMPENSATION; DOMESTIC PARTNERS. The treatment of s. 40.02 (8) (b) 3. first applies to benefits paid to a surviving domestic partner of a participant who dies on July 1, 2021, or the effective date of this bill, whichever is later.

(2) DUTY DISABILITY DEATH BENEFITS; DOMESTIC PARTNERS. The treatment of s. 40.65 (7) (am) 1. and (ar) 1. a. first applies to a surviving domestic partner of a participant who dies on July 1, 2021, or the effective date of this bill, whichever is later.

(END)