

1999 Assembly Bill 329

Date of enactment: **December 16, 1999**
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1999 WISCONSIN ACT 13

AN ACT to create 40.05 (4g) of the statutes; **relating to:** payment of health insurance premiums for state employes activated for military duty in the U.S. armed forces.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 40.05 (4g) of the statutes is created to read:

40.05 (4g) PAYMENT OF HEALTH INSURANCE PREMIUMS FOR STATE EMPLOYES ACTIVATED FOR MILITARY DUTY IN THE U.S. ARMED FORCES. (a) In this subsection, “eligible employe” means a state employe to whom all of the following apply:

1. On or after April 15, 1999, is activated to serve on military duty in the U.S. armed forces, other than for training purposes.
2. On the date on which he or she is activated to serve on active duty in the U.S. armed forces, is insured and is receiving employer contributions for health insurance premiums under sub. (4).
3. On the date on which he or she is activated, is either a member of the Wisconsin national guard or a member of a reserve component of the U.S. armed forces or is recalled to active military duty from inactive reserve status.
4. Has received a military leave of absence under s. 230.32 (3) (a) or 230.35 (3), under a collective bargaining agreement under subch. V of ch. 111 or under rules promulgated by the secretary of employment relations or is eligible for reemployment with the state under s. 45.50

after completion of his or her service in the U.S. armed forces.

(b) 1. Notwithstanding sub. (4) and s. 40.51 (2), an eligible employe who is not insured after the date on which he or she is activated to serve on active duty in the U.S. armed forces may have his or her health insurance reinstated during the period in which he or she is serving on active duty in the U.S. armed forces without furnishing evidence of insurability satisfactory to the insurer and may receive employer contributions under par. (c) if the eligible employe or the eligible employe’s designated representative makes a written election to have his or her health insurance reinstated and to receive employer contributions under par. (c) and pays any employe contributions that are required to be paid under sub. (4) toward the premium payments.

2. Notwithstanding sub. (4), an eligible employe who is insured after the date on which he or she is activated to serve on active duty in the U.S. armed forces may receive employer contributions under par. (c) during the period in which he or she is serving on active duty in the U.S. armed forces if the eligible employe or the eligible employe’s designated representative makes a written election to receive employer contributions under par. (c) and pays any employe contributions that are required to be paid under sub. (4) toward the premium payments.

* Section 991.11, WISCONSIN STATUTES 1997–98: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated” by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

3. An eligible employe or his or her designated representative shall make an election under subd. 1. or 2. on a form provided by his or her employer not later than 60 days after the date on which the eligible employe begins to serve on active duty for the U.S. armed forces.

4. The group insurance board shall include the period under subd. 3. in any applicable enrollment period under the state health insurance plan for eligible employes who are not insured.

(c) Notwithstanding sub. (4) and s. 40.51 (2), the employer of an eligible employe who makes or whose designated representative makes an election under par. (b) shall pay employer contributions toward the premium payments of the eligible employe during the period in which the eligible employe is serving on active duty for the U.S. armed forces as follows:

1. The amount of the employer contributions paid toward each premium payment shall be equal to the amount of the employer contributions under sub. (4) that

would have been paid toward the premium payment if the eligible employe had continued employment with the employer instead of serving on active duty for the U.S. armed forces.

2. If the eligible employe has been insured during the period beginning on the date on which the eligible employe left employment with the employer to serve on active duty for the U.S. armed forces and ending on the date on which the eligible employe or the eligible employe's designated representative makes the election under par. (b) but the eligible employe did not receive employer contributions under sub. (4) toward any of the premium payments during that period, the employer shall pay to the eligible employe in a lump sum an amount equal to the employer contributions that would have been paid toward those premium payments under sub. (4) if the eligible employe had continued employment with the employer during that period instead of serving on active duty for the U.S. armed forces.
