



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6128/P2
ALL:all

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 108.02 (26m) and 108.04 (3); *to amend* 6.28 (1) (a), 20.866 (2)
2 (xm), 25.50 (3) (b), 40.22 (1), 40.22 (2m) (intro.), 40.22 (2r) (intro.), 40.22 (3)
3 (intro.), 40.26 (1m) (a), 40.26 (1m) (b), 40.26 (5) (intro.), 40.51 (8), 40.51 (8m),
4 66.0137 (4), 108.04 (11) (bm), 115.385 (1) (intro.), 120.13 (2) (g), 185.983 (1)
5 (intro.), 250.04 (2) (a), 323.02 (16) (intro.), (a) and (b) 2., 450.11 (5) (a), 609.83,
6 625.12 (2), 628.34 (3) (a), 704.23 and 704.25 (1); and *to create* 5.41, 6.58, 6.895,
7 16.004 (25), 16.004 (26), 16.24, 16.5165, 20.435 (1) (by), 20.437 (3) (f), 20.465 (3)
8 (em), 20.505 (1) (am), 20.505 (1) (ft), 20.505 (1) (gh), 20.835 (1) (dc), 20.855 (4)
9 (b), 20.940 (7), 40.26 (5m), 40.26 (6), 49.175 (1) (x), 49.175 (2) (b), 49.259, 49.45
10 (2t) (d), 79.036, 79.06, 103.13 (2m), 115.385 (6), 118.233, 118.38 (4), 118.38 (5),
11 323.19 (3), 323.19 (4), 323.21, 323.22, 323.265, 323.291, 440.08 (5), 440.095,
12 440.096, 450.11 (5) (br), 609.205, 609.719, 609.846, 609.885, 631.18, 632.729,
13 632.871, 632.895 (14g), 632.895 (16v), 655.0025, 704.17 (6), 799.24 (1m), 799.40
14 (1c), 799.44 (2m) and 799.45 (1m) of the statutes; **relating to:** addressing the

1 spread and containment of the COVID-19 coronavirus and making an
2 appropriation.

Analysis by the Legislative Reference Bureau

1.

ADMINISTRATION

Grants to health care providers

This bill allows the secretary of administration to assist any eligible health care providers with costs relating to planning or preparing for or responding to an outbreak of COVID-19 by awarding grants to be used as specified in the bill. Grants will be awarded under an application process and criteria determined by the secretary. The bill also allows the secretary to use moneys appropriated in the bill to establish and operate temporary sites to provide testing services to test for COVID-19, provide treatment beds for patients affected by a COVID-19 outbreak, or isolate or quarantine individuals affected by a COVID-19 outbreak, if an eligible provider is not reasonably capable of doing so.

Public health emergency local assistance program

This bill directs the Department of Administration to establish and administer a public health emergency local assistance program. Under the program, local units of government may request reimbursement for extraordinary operational costs related to protecting and improving public health during the public health emergency declared on March 12, 2020, by executive order 72. The bill appropriates \$20,000,000 for the program.

Refunding certain general obligation debt

This bill increases the amount of state public debt that may be contracted to refund any unpaid indebtedness used to finance tax-supported or self-amortizing facilities from \$6,785,000,000 to \$7,510,000,000.

Transfer of employees between executive branch agencies

This bill authorizes the secretary of administration to transfer employees from any executive branch agency to another executive branch agency during any public health emergency. Under the bill, the agency to which an employee is transferred must pay all salary and fringe benefit costs of that employee.

Use of priority federal funds

This bill requires that, to the greatest extent possible, the secretary of administration ensure that federal funds made available to address the COVID-19 public health emergency in Wisconsin are used for the purposes of this bill prior to the use of general purpose revenue appropriated for those purposes under the bill.

Printing services

This bill authorizes DOA to provide printing services to counties, towns, villages, and cities.

2.**EDUCATION*****Employee compensation and prohibiting layoffs during a public health emergency***

If the Department of Health Services orders schools closed to control an outbreak or epidemic during a school year, this bill requires school boards to continue to pay employees at the employees' regular rate while schools are closed during that school year. Under the bill, school boards are also prohibited from laying off employees during the same period.

School and school district accountability report for the 2019-20 school year

Under the bill, the Department of Public Instruction is not required to publish a school and school district accountability report for the 2019-20 school year. Under current law, DPI is required to annually publish a school and school district accountability report that contains information about school performance and school district improvement for the previous school year.

Department of Public Instruction; waiver of laws and rules

Under the bill, if DHS orders schools to be closed, DPI may, during the school year in which schools are closed, waive any requirement on school districts, school boards, independent charter schools, or private schools in a state education statute or rule. In addition, if a school and school district accountability report is not required to be published for a specific school year, the bill allows DPI to waive any requirement in a state education statute or rule related to the publication of that accountability report.

Under current law, upon request from a school board and a public hearing, DPI may waive school district and school board requirements in a state education statute or rule. However, under current law, a school board may not request, and DPI may not grant, a waiver from state education statutes and rules related to certain topics, including the health or safety of pupils, confidentiality of pupil records, and the commencement of a school term. Current law does not provide a similar process for independent charter schools or private schools to obtain similar waivers from DPI.

3.**ELECTIONS*****Voter identification requirements***

This bill provides that a voter is not required to provide proof of identification in order to vote at any election held during the period covered by the governor's declaration of a public health emergency, including any extension granted by the legislature by adoption of a joint resolution.

Electronic voter registration

Under current law, the deadline for completing an electronic voter registration is 11:59 p.m. on the third Wednesday preceding the election. If an individual registers in person, the deadline is 5 p.m. on the third Wednesday preceding the election, although an individual who misses this deadline may register at the polling

place on election day. Finally, if an individual registers by mail, the registration must be received or postmarked no later than the third Wednesday preceding the election.

Under this bill, if the governor declares a public health emergency, the deadline for completing an electronic registration is 5 p.m. on the fifth day preceding the election, which is the same as the deadline for the clerk to receive a request for an absentee ballot by mail. The bill also provides additional funding in the current fiscal year to cover the costs associated with updating the voter registration system as a result of extending electronic registration.

Voting by mail during an emergency

This bill allows an eligible voter to vote by mail using an absentee ballot at any election held during the period covered by an executive order declaring a public health emergency. The absentee ballot must be postmarked no later than the day of the election and no witness signature is required for any such ballot.

4.

EMERGENCY MANAGEMENT

Suspension of deadlines

Under this bill, each deadline any agency, local governmental unit, or other person is required by law to satisfy during a public health emergency, including any tax filing deadline, may be tolled until a certain period has passed after the public health emergency ends.

Public health emergency costs funding for DOA

This bill provides to DOA a sum sufficient, not to exceed \$200,000,000 biennially, to make certain expenditures for costs directly related to a public health emergency declared by the governor. The bill authorizes DOA to spend amounts in excess of \$200,000,000 for such costs in any biennium, subject to approval of the Joint Committee on Finance. The bill expedites the process for obtaining JCF approval of the excess expenditures. DOA must submit reports to JCF if DOA spends money under the bill in a fiscal year.

Funding for local health departments

This bill provides in fiscal year 2019-20 general purpose revenue funding for the Department of Health Services to provide aid to local health departments and allows the expenditure of those moneys in fiscal year 2020-21.

GPR appropriation of the Wisconsin Economic Development Corporation

This bill increases the Wisconsin Economic Development Corporation's GPR operations and programs appropriation by \$25,000,000 in fiscal year 2019-20.

Waiving in-person requirements

This bill allows a state entity to waive any requirement that an individual appear in person during a state of emergency related to public health if the waiver assists in the state's response to the state of emergency or if the requirement may increase the public health risk.

5.

EMPLOYMENT

Employee records during public health emergency

Under the bill, the requirements that an employer provide an employee's personnel record within seven working days after receiving the request, that the inspection be at a location near the employee's place of employment, and that the inspection be during normal working hours are suspended during a public health emergency.

Limited term employees during public health emergency

Under the bill, the director of the Bureau of Merit Recruitment and Selection in the Division of Personnel Management in DOA may adjust the number of hours a state employee in a limited term appointment may work during a public health emergency. Under current law, a limited term appointment may not exceed 1,040 hours per year.

Sabbatical leave during public health emergency

Under the bill, the administrator of the Division of Personnel Management in DOA may provide additional sabbatical leave to state employees who provide critical services during a public health emergency. The leave is in addition to any other leave granted to the employee by law or the compensation plan.

Use of annual leave during public health emergency

Under the bill, a state employee may take annual leave during a public health emergency even if the employee has not completed the first six months of the employee's probationary period. Under current law, an employee may not take annual leave during the first six months of the employee's probationary period.

Suspension of certain time limits and in-person meetings for grievance process during public health emergency

Under the bill, a state employee does not waive his or her right to appeal an adverse employment decision if the employee does not timely file the complaint or appeal during a public health emergency. Under current law, an employee waives such right if the employee does not timely file.

Under the bill, an appointing authority is not required to hold an in-person meeting with a state employee who has filed an employment grievance during a public health emergency.

Unemployment insurance; waiting period

Currently, a claimant must wait one week after becoming eligible to receive unemployment insurance (UI) benefits before the claimant may receive benefits for a week of unemployment. The waiting period does not affect the maximum number of weeks of a claimant's benefit eligibility.

This bill deletes the one-week waiting period, thus permitting a claimant to receive UI benefits beginning with his or her first week of eligibility.

HEALTH AND HUMAN SERVICES

Waivers and state plan amendments

This bill makes inapplicable during a state of emergency related to public health or a public health emergency declared by the federal secretary of health and human services all of the following: 1) a prohibition on the Department of Health Services from requesting a waiver or a renewal, modification, withdrawal, suspension, or termination of a waiver of federal law or rules or an authorization to implement a pilot program or demonstration project without specific legislative direction; 2) a procedure under which DHS must submit such a request if it has been directed by legislation; and 3) a requirement to submit any Medical Assistance state plan amendment or proposal to submit a change to a Medical Assistance provider reimbursement rate or supplemental payment that has an expected fiscal effect of \$7,500,000 or more to the Joint Committee on Finance under its passive review process before submitting it to the federal government unless the rate or payment is explicitly authorized in enacted legislation.

DHS authority during public health emergency

This bill expands the definition of public health emergencies and the authority of DHS to respond to public health emergencies.

Under current law, a public health emergency is defined as the occurrence or imminent threat of an illness or health condition that meets all of the following criteria: 1) is believed to be caused by bioterrorism or a novel or previously controlled or eradicated biological agent; and 2) poses a high probability of either a large number of deaths or serious long-term disabilities among humans or a high probability of widespread exposure to a biological, chemical, or radiological agent that creates a significant risk of substantial future harm to a large number of people. The bill expands the definition to include toxins or other threats to health and further requires that *any*, rather than *all*, of the criteria be met. The bill also eliminates the requirement that the significant risk of substantial future harm to a large number of people be created by a high probability of widespread exposure to a biological, chemical, or radiological agent.

The bill further establishes a public health emergency sum sufficient appropriation and grants DHS authority to expend these moneys during a declared public health emergency for certain purposes, including to facilitate coordination between and among federal, state, local, and tribal agencies, social services, and public and private health care entities that the state health officer determines may be affected by a public health emergency; to make grants, provide for awards, enter into contracts, and conduct supportive investigations pertaining to a public health emergency or potential public health emergency; and to support emergency operations related to the public health emergency, including investigation, education, and eradication. During a public health emergency, DHS may create an FTE position or portion of a position using public health emergency funds. After the public health emergency has ended, DHS may abolish an FTE position or portion of a position funded by the public health emergency moneys. The bill provides that during a public health emergency, DHS possesses all powers necessary to respond to that emergency, including, subject to the approval of the governor, the powers to

confidentially investigate the cause and extent of any declared public health emergency and issue orders necessary to protect public health. If DHS spends money under the public health emergency authority in a fiscal year, DHS must submit a report to the legislature and the governor no later than 12 months after the termination of the public health emergency.

Prescription order extensions

Current law allows a pharmacist to extend a prescription order under certain circumstances in the event that the prescription cannot otherwise be refilled, subject to certain criteria and limitations.

This bill creates an alternative authorization for a pharmacist to extend a prescription during the period covered by a public health emergency declared by the governor. Under the bill, during that period, the prescribing practitioner is exempt from having to contact the prescribing practitioner or his or her office, and certain other requirements also do not apply. However, the pharmacist may not extend a prescription if the prescribing practitioner has indicated that no extensions are permitted. The pharmacist may extend the prescription by up to a 30-day supply, except that if the drug is typically packaged in a form that requires a pharmacist to dispense the drug in a quantity greater than a 30-day supply, the pharmacist may extend the prescription order as necessary to dispense the drug in the smallest quantity in which it is typically packaged. The bill allows only one extension of a prescription by a pharmacist during a public health emergency period.

Public health positions

This bill increases the authorized full-time positions for the DHS by 64 positions and increase the general purpose revenue appropriated to DHS to fund those positions. The bill specifies that the 64 positions will provide services for DHS's Division of Public Health. The bill allows DHS to request a waiver of certain civil service requirements for the recruitment and hiring of those positions during a public health emergency declared by the governor or by the secretary of the federal Department of Health and Human Services.

Enhanced federal medical assistance percentage

This bill allows DHS to suspend compliance with current copayment and premium requirements for childless adults and any other conflicting law under the Medical Assistance program in order to satisfy criteria for an enhanced federal medical assistance percentage, or FMAP, during the period for which the enhanced federal medical assistance percentage applies.

7.

INSURANCE

Telehealth coverage parity

The bill prohibits a health insurance policy or a self-insured health plan of the state or a county, city, village, town, or school district from denying coverage for a treatment or service provided through telehealth if that treatment or service is covered under the policy or plan when provided in person by a health care provider. Health insurance policies are known as disability insurance policies in the bill. Telehealth is a practice of health care delivery, diagnosis, consultation, treatment,

or transfer of medically relevant data by means of audio, video, or data communications that are used either during a patient visit or a consultation or are used to transfer medically relevant data about a patient.

Payments for services by out-of-network providers

During a public health emergency declared either by the governor or by the secretary of the federal Department of Health and Human Services, the bill prohibits a defined network plan, including a health maintenance organization, or preferred provider plan from requiring an enrollee of the plan to pay more for a service, treatment, or supply provided by an out-of-network provider than if the service, treatment, or supply is provided by a provider that is participating in the plan's network. This prohibition applies to any service, treatment, or supply that is related to diagnosis or treatment for the condition for which the public health emergency is declared and that is provided by a provider that is not a participating provider because a participating provider is unavailable due to the public health emergency. For a service, treatment, or supply provided under those circumstances, the bill requires the plan to reimburse the out-of-network provider at 250 percent of the federal Medicare program rate. Also under those circumstances, any health care provider or facility that provides a service, treatment, or supply to an enrollee of a plan but is not a participating provider of that plan shall accept as payment in full any payment by a plan that is at least 250 percent of the federal Medicare program rate and may not charge the enrollee an amount that exceeds the amount the provider or facility is reimbursed by the plan.

Coverage without cost sharing

The bill requires every health insurance policy and every self-insured governmental health plan that generally covers testing for and treatment of infectious disease to provide coverage of testing for, treatment of, and administration of any vaccination developed to prevent COVID-19 without imposing any copayment or coinsurance. A health insurance policy is referred to in the bill as a disability insurance policy.

Insurance policy cancellation

This bill prohibits insurers from canceling during a public health emergency declared by the governor insurance policies for nonpayment of premiums until at least 90 days after the unpaid premium was due.

Liability insurance for physicians and nurse anesthetists.

This bill specifies that, during a public health emergency declared by the governor, a physician or nurse anesthetist for whom Wisconsin is not a principal place of practice but who is temporarily authorized to practice in Wisconsin may fulfill financial responsibility requirements by filing with the commissioner of insurance a certificate of insurance for a policy of health care liability insurance issued by an insurer authorized in a certain jurisdiction specified in the bill and may elect to be covered by Wisconsin's health care liability laws.

Prohibiting certain prescription drugs coverage limits

The bill prohibits insurers that offer health insurance, self-insured governmental health plans, and pharmacy benefit managers from requiring during

a public health emergency prior authorization for early refills of a prescription drug or otherwise restricting the period of time in which a prescription drug may be refilled and from imposing a limit on the quantity of prescription drugs that may be obtained if the quantity is no more than a 90-day supply. These prohibitions do not apply if the prescription drug is a controlled substance.

Prohibiting coverage discrimination based on COVID-19 diagnosis.

This bill prohibits insurers that offer an individual or group health benefit plan, pharmacy benefit managers, or self-insured governmental health plans from doing any of the following based on a current or past diagnosis or suspected diagnosis of COVID-19: establishing rules for the eligibility of any individual, employer, or group to enroll or remain enrolled in a plan or for the renewal of coverage under the plan; cancelling coverage during a contract term; setting rates for coverage; or refusing to grant a grace period for payment of a premium that would generally be granted.

8.

MILITARY AFFAIRS

Public health emergency costs funding for DMA

This bill provides to the Department of Military Affairs a sum sufficient, not to exceed \$300,000,000 biennially, to make certain expenditures for costs related to a public health emergency declared by the governor. The bill authorizes DMA to spend amounts in excess of \$300,000,000 for such costs in any biennium, subject to the approval of the Joint Committee on Finance. The bill expedites the process for obtaining JCF approval of the excess expenditures. DMA must submit reports to JCF if DMA spends money under the bill in a fiscal year.

9.

OCCUPATIONAL REGULATION

Temporary credentials for former health care providers

This bill authorizes former health care providers, during a public health emergency, to obtain a temporary credential granted by the Department of Safety and Professional Services and provide health care services for which they have been previously licensed or certified. Under the bill, DSPS may grant a temporary credential to a person who applies and was at any time during the previous five years, but is not currently, any of the following, if the person's credential was never revoked, limited, suspended, or denied renewal: 1) a physician, physician assistant, or perfusionist; 2) a registered nurse, licensed practical nurse, or nurse-midwife; 3) a dentist; 4) a pharmacist; 5) a psychologist; 6) a social worker; 7) a marriage and family therapist; 8) a professional counselor; 9) a clinical substance abuse counselor; or 10) a practitioner holding a credential to practice a profession identified by DHS. A temporary credential granted under the bill expires 90 days after the conclusion of the public health emergency during which the credential is granted.

Current law generally prohibits a person from engaging in certain health-care related practices without holding a required credential.

The bill also authorizes DSPS, during a public health emergency and the 90 days immediately following, to waive fees for applications for an initial credential

and renewal of a credential for physicians, physician assistants, nurses, dentists, pharmacists, psychologists, and certain behavioral health providers.

Temporary credentials for health care providers from other states

This bill authorizes, during a public health emergency, health care providers licensed in another state or territory to obtain a temporary credential granted by DSPS and provide health care services for which they are licensed or certified. Under the bill, DSPS may grant a temporary credential to a person who applies and holds a valid, unexpired credential granted by another state or territory that authorizes the person to act as any of the following: 1) a physician, physician assistant, or perfusionist; 2) a registered nurse, licensed practical nurse, or nurse-midwife; 3) a dentist; 4) a pharmacist; 5) a psychologist; 6) a social worker; 7) a marriage and family therapist; 8) a professional counselor; 9) a clinical substance abuse counselor; or 10) a practitioner holding a credential to practice a profession identified by DHS. A temporary credential granted under the bill expires 90 days after the conclusion of the public health emergency during which the credential is granted.

Current law generally prohibits a person from engaging in certain health-care related practices without holding a required credential.

Health care provider credential renewals

This bill exempts certain health care provider credentials issued by credentialing boards in DSPS from having to be renewed during the period covered by a public health emergency declared by the governor, and continuing until further specified by the applicable credentialing board (exemption period).

For the next applicable renewal period after the exemption period, the credential holder is not subject to any late renewal fee, and the applicable credentialing board may provide an exemption from or reduction of continuing education or other renewal requirements.

10.

RETIREMENT AND GROUP INSURANCE

WRS annuities for certain annuitants returning to work during public health emergency

This bill allows an annuitant who is hired during a declared public health emergency by a public employer as an employee or to provide employee services to elect to not suspend his or her annuity for the duration of the declared public health emergency if the position for which the annuitant is hired is a critical position. Under current law, if a Wisconsin Retirement System annuitant, or a disability annuitant who has attained his or her normal retirement date, is appointed to a position with a WRS-participating employer, or provides employee services to a WRS-participating employer in which he or she is expected to work at least two-thirds of what is considered full-time employment by the Department of Employee Trust Funds, the annuity must be suspended and no annuity payment is payable until after the participant again terminates covered employment.

Employees returning from a leave of absence

Under the bill, for the purposes of group health insurance offered by the group insurance board, an employee who returns from a leave of absence and who has not

resumed active duty for at least 30 consecutive calendar days on the effective date of a state of emergency related to a public health emergency declared by the governor is deemed to have ended or interrupted the leave of absence on that date.

11.

SHARED REVENUE

Supplemental county and municipal aid

This bill provides each county and municipality with a supplemental county and municipal aid payment in 2020 equal to 1 percent of its estimated county and municipal aid payment in 2020.

12.

TENANT PROTECTIONS

This bill provides protections to tenants during any period of public health emergency declared by the governor, including any extensions (a public health emergency), and during the 45 days following the public health emergency.

Under current law, if a tenant is late in paying rent, the landlord may give the tenant a notice that requires the tenant to pay rent or vacate within at least five days after the notice is given (a 5-day notice). If the tenant fails to pay the rent by that date, the tenancy is terminated. For certain tenants, a landlord may give a notice requiring the tenant to vacate within at least 14 days after the notice is given (a 14-day notice), without the option to cure by paying rent. Under current law, a landlord may bring a small claims eviction action against a tenant whose tenancy has been terminated for failure to pay rent. In an eviction action, if the court finds that the landlord is entitled to possession of the premises, the court must enter an eviction judgment and must issue a writ of restitution, which may be delivered to and executed by the sheriff.

Under this bill, a landlord may not give tenants a 5-day or 14-day notice based on a failure to pay rent, or charge a late fee, during a public health emergency or during the 45 days following the public health emergency. If a landlord gave a tenant such a notice before a public health emergency, the days during the public health emergency period and the 45 days following the public health emergency may not be counted towards the 5 or 14 days under such a notice. In addition, if a tenant's tenancy terminated because of a failure to pay rent under a 5-day notice or the expiration of a 14-day notice before a public health emergency, but the tenant has not yet been removed from the premises, the landlord may not commence an eviction action against the tenant during a public health emergency or during the 45 days following the public health emergency. If an eviction action has been commenced, the bill prohibits courts from entering certain orders, including an order for judgment of restitution of a premises or for issuance of a writ of restitution, during a public health emergency or the 45 days following the public health emergency. The bill also prohibits a sheriff from executing a writ of restitution during that time.

13.

WISCONSIN WORKS AND CHILD CARE

TANF funding

This bill allocates \$100,000,000 in federal Temporary Assistance for Needy Families (TANF) funding for the Department of Children and Families to expand the Wisconsin Works (W-2), Wisconsin Shares, job access loan, and emergency assistance loan programs to assist individuals during the period covered by a state of emergency related to public health declared by the governor (public health emergency) who are affected by the public health issue that is the basis of the public health emergency (underlying public health issue) and to create a short-term financial assistance program. The bill appropriates \$25,000,000 in general purpose revenue to create grant programs to provide assistance to child care centers and child care providers during a public health emergency who are affected by the underlying public health issue. The bill also requires DCF to create a critical workforce child care grant program, using either the new TANF or GPR funding.

Wisconsin Works

Under current law, DCF administers the W-2 program, which provides employment assistance to low-income custodial parents. Under current law, an individual must meet certain requirements in order to be eligible for W-2 assistance, including that the individual is part of a W-2 group with a gross income at or below 115 percent of the federal poverty line, with certain asset restrictions.

The bill expands the W-2 program during a public health emergency. Under the bill, an individual is eligible for a cash benefit payment of \$653 during a public health emergency if the individual's W-2 group has an income at or below 200 percent of the federal poverty line and the individual's place of employment closes due to the underlying public health issue or the individual misses work due to a lack of available child care as a result of the underlying health issue. The asset restrictions under current law for participation in W-2 do not apply to the cash benefit payment under the bill. Under the bill, certain nonfinancial eligibility requirements for participation in the W-2 program do not apply to the cash benefit payment.

Under current law, a noncustodial parent is eligible to receive job search assistance and case management services, job placement under W-2, or a short-term stipend if the noncustodial parent meets certain criteria and the custodial parent is receiving certain services or benefits under W-2. Under this bill, during a public health emergency, a noncustodial parent is eligible to receive these W-2 services and benefits, regardless of whether the custodial parent is receiving W-2 services or benefits.

Job access loan program

Under current law, DCF administers a job access loan program as part of W-2. Under current law, an individual is eligible for a job access loan program if the individual meets the general criteria for participation in W-2 and faces an immediate and discrete financial crisis, the loan is needed to obtain or continue employment, the individual is not in default on a previous job access loan, and the individual is not a migrant worker.

This bill expands eligibility for the job access loan program during a public health emergency for an individual who is facing an immediate and discrete financial crisis due to the pandemic. Under the bill, an individual qualifies for a job access loan if the individual's W-2 group has a combined gross income at or below 200 percent of the federal poverty line, the individual is a custodial or a noncustodial parent, and the individual meets the other criteria for job access loans under current law. Under the bill, a job access loan provides up to \$1,600 to the qualifying individual. Under the bill, repayment of job access loans is suspended.

Emergency assistance

Under current law, DCF administers an emergency assistance program for families in need who are facing homelessness. Under the bill, during a public health emergency, individuals who suffer a loss of income as a result of the underlying health issue are eligible for emergency assistance. Under the bill, an adult parent or caretaker of a child, or an individual who is 18 to 24 years old qualifies for the expanded emergency assistance if the individual is part of an emergency assistance group with a combined gross income at or below 200 percent of the federal poverty line. Under the bill, a qualifying individual may receive a payment of up to \$1,200.

Wisconsin Shares

Under current law, DCF administers Wisconsin Shares as a part of the W-2. Under Wisconsin Shares, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19 who needs child care services to participate in various education or work activities, and who satisfies other eligibility criteria, may receive a child care subsidy for child care services under Wisconsin Shares.

The bill requires DCF to submit to the federal government any request for federal approval necessary to expand eligibility for Wisconsin Shares during a public health emergency to individuals who need child care services due to the underlying public health issue, and expands such eligibility to the extent authorized by that federal approval during the public health emergency.

Short-term financial assistance

This bill creates a short-term financial assistance program, administered by DCF, to provide cash payments to eligible individuals to cover the costs associated with housing, transportation, and other essential needs during a public health emergency. Under the bill, an individual who is not already receiving a W-2 benefit and is a parent, a citizen or qualifying alien, or a resident of Wisconsin and has qualified for public assistance within the 12 months prior to the date of application is eligible to qualify for the short-term financial assistance.

Critical workforce child care grant program

The bill requires DCF to make grants available to employers and contracting entities of critical workforce to pay for child care costs incurred due to an underlying public health issue during a public health emergency. The bill also requires DCF to make grants available to certified child care providers and licensed child care centers to pay for providing care and supervision for children of critical workforce members during a public health emergency. Under the bill, "critical workforce" means

employees, contractors, and other staff working in vital areas including health care; child welfare; long-term care; residential care; pharmacies; child care; government operations; critical infrastructure, such as sanitation, transportation, utilities, telecommunications, grocery, and food services; supply chain operations; and other sectors as determined by DCF. Under the bill, eligible child care costs include the cost to establish a temporary child care facility for children of critical workforce and the cost to pay for a slot in an existing child care facility. Under the bill, DCF must prioritize grants that assist health care workers and first responders, but may at its discretion award grants that assist other critical workforce members.

Grant program for child care hazard pay

The bill requires DCF to make monthly grants available to certified child care providers and licensed child care centers to provide hazard pay to employees who work during a public health emergency.

Also under current law, a WRS participant who has applied to receive a retirement annuity must wait at least 75 days between terminating covered employment with a WRS employer and returning to covered employment again as a participating employee. This bill reduces that period to 15 days for individuals who are hired to a critical position during a declared public health emergency.

This proposal may contain a health insurance mandate requiring a social and financial impact report under s. 601.423, stats.

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:

1 **SECTION 1.** 5.41 of the statutes is created to read:

2 **5.41 Voter identification requirements during a public health**
3 **emergency.** Notwithstanding ss. 6.15 (2) (bm) and (3), 6.18, 6.79 (2) (a) and (d), (3)
4 (b), and (8), 6.82 (1) (a), 6.86 (1) (ar) and (3) (a) 1. and (c), 6.869, 6.87 (1) and (2), 6.875
5 (6) (c) 1., 6.97, and 10.02 (3) (a), an elector is not required to provide proof of
6 identification in order to vote at any election held during the period covered by a
7 public health emergency declared under s. 323.10, including any extension under s.
8 323.10.

9 **SECTION 2.** 6.28 (1) (a) of the statutes is amended to read:

1 6.28 (1) (a) Except as authorized in ss. 6.29, 6.55 (2), and 6.86 (3) (a) 2.,
2 registration in person for an election closes at 5 p.m. on the 3rd Wednesday preceding
3 the election. Registrations made by mail under s. 6.30 (4) must be delivered to the
4 office of the municipal clerk or postmarked no later than the 3rd Wednesday
5 preceding the election. ~~Electronic~~ Except as authorized under s. 6.58, electronic
6 registration under s. 6.30 (5) for an election closes at 11:59 p.m. on the 3rd Wednesday
7 preceding the election. The municipal clerk or board of election commissioners may
8 assign election registration officials to register electors who apply for an in-person
9 absentee ballot under s. 6.86 (1) (b) or to register electors at a polling place on election
10 day or at a residential care facility, as defined under s. 6.875 (1) (bm).

11 **SECTION 3.** 6.58 of the statutes is created to read:

12 **6.58 Registration during a public health emergency.** If the governor
13 issues an executive order declaring a public health emergency, as provided under s.
14 323.10, during the period covered by the order, including any extension under s.
15 323.10, electronic registration under s. 6.30 (5) for an election closes at 5 p.m. on the
16 5th day preceding the election and all parts of the registration may be completed
17 electronically.

18 **SECTION 4.** 6.895 of the statutes is created to read:

19 **6.895 Voting by absentee ballot during an emergency.** Notwithstanding
20 any provision to the contrary, if the governor issues an executive order declaring a
21 public health emergency under s. 323.10, voting at any election held during the
22 period covered by the order, including any extension under s. 323.10, shall be
23 conducted by mail using absentee ballots. An absentee ballot mailed under this
24 section shall be postmarked no later than the day of the election. A witness signature
25 is not required for any such ballot.

1 **SECTION 5.** 16.004 (25) of the statutes is created to read:

2 16.004 **(25)** PRINTING SERVICES. The department may provide printing services
3 to counties, towns, villages, and cities.

4 **SECTION 6.** 16.004 (26) of the statutes is created to read:

5 16.004 **(26)** POSITION TRANSFERS DURING A PUBLIC HEALTH EMERGENCY. (a) In this
6 subsection, “state agency” means any office, commission, board, department, or
7 independent agency in the executive branch of state government.

8 (b) During a public health emergency, declared by the governor under s. 323.10,
9 the secretary may transfer any employee from one state agency to another state
10 agency to provide services for the receiving state agency. The receiving state agency
11 shall pay all salary and fringe benefit costs of the employee during the time he or she
12 is providing services for the receiving state agency. Any action by the secretary under
13 this paragraph shall remain in effect until rescinded by the secretary.

14 **SECTION 7.** 16.24 of the statutes is created to read:

15 **16.24 Health care response grants. (1) DEFINITIONS.** In this section:

16 (a) “COVID-19” means an infection caused by the SARS-CoV-2 coronavirus.

17 (b) “Eligible provider” means a health system, health care clinic, health care
18 provider as defined in s. 146.81 (1) (i) to (q), pharmacy licensed under ch. 450, or any
19 other health care facility or long-term care facility or setting where assisted living
20 services or health care services are or may be provided.

21 **(2) GRANTS; PURPOSES.** Subject to sub. (3), from the appropriation under s.
22 20.505 (1) (ft), the secretary may assist any eligible providers with costs relating to
23 planning or preparing for or responding to an outbreak of COVID-19 by awarding
24 grants that may only be used for one or more of the following purposes:

1 (a) Establishment and operation of temporary sites to provide testing services
2 or treatment beds or to isolate or quarantine affected individuals.

3 (b) Temporary conversion of space for another purpose that after a COVID-19
4 outbreak will revert to its original use.

5 (c) Staff overtime and hiring additional staff.

6 (d) Staff training and orientation.

7 (e) Purchasing of consumable protective or treatment supplies and equipment
8 to protect or treat staff, visitors, and patients.

9 (f) Development and implementation of COVID-19 screening and testing
10 procedures.

11 (g) Patient outreach activities related to COVID-19.

12 (h) Emergency transportation of patients that exceeds usual capacity.

13 (i) Information technology and systems costs to support telehealth activities,
14 patient triage, and COVID-19 screening.

15 (j) Purchasing replacement parts or filters that are necessary for the operation
16 of medical equipment.

17 (k) Specialty cleaning supplies for facilities and equipment.

18 (L) Expenses related to the isolation and quarantine of staff, except for the
19 payment of wages for the staff being isolated or quarantined.

20 (m) Expenses that assist with planning or preparing for or responding to an
21 outbreak of COVID-19 but that, in the determination of the secretary, cannot
22 reasonably be expected to generate income for the grant recipient after the outbreak
23 ends.

24 **(3) ELIGIBILITY; PROCESS.** (a) The secretary shall do all of the following relating
25 to grants described under sub. (2):

- 1 1. Determine the number of grants and the amount of each grant.
- 2 2. Develop an application form and process for an eligible provider to apply for
- 3 a grant and demonstrate an urgent or emergency need for a grant.
- 4 3. Establish conditions to which an eligible provider must agree in order to
- 5 obtain a grant under this section.
- 6 (b) If the secretary determines that a recipient of a grant under this section has
- 7 used awarded moneys for a purpose not authorized under this section or has
- 8 otherwise violated the grant agreement, the secretary may do any of the following:
- 9 1. Immediately terminate any portions or all of the grant agreement.
- 10 2. Recover from the grant recipient any moneys paid and used for the
- 11 unauthorized purpose.
- 12 3. Pursue any other remedy available under law.
- 13 (c) Notwithstanding ss. 227.01 (3m) and (13), 227.10, and 227.112, the grant
- 14 application process and eligibility criteria under this section need not be
- 15 promulgated as rules under ch. 227, are not a guidance document, and are not subject
- 16 to the requirements of s. 227.112.
- 17 **(4) TEMPORARY SITES.** Notwithstanding sub. (2), if no eligible provider is
- 18 reasonably capable of establishing and operating temporary sites to provide testing
- 19 services to test for COVID-19, provide treatment beds for patients affected by a
- 20 COVID-19 outbreak, or isolate or quarantine individuals affected by a COVID-19
- 21 outbreak the secretary may expend moneys from the appropriation under s. 20.505
- 22 (1) (ft) to establish and operate temporary sites for these purposes. The secretary
- 23 may direct local units of government and eligible providers to operate a temporary
- 24 site established under this subsection.

1 **(5) REPORT.** By the date that is 12 months after the date that the state of
2 emergency related to public health declared by the governor on March 12, 2020, by
3 executive order 72, is discontinued, the secretary shall submit to the legislature
4 under s. 13.172 (2) and to the governor a report that contains all of the following:

5 (a) The total number of grants issued and the total number of temporary sites
6 established and operated under sub. (4).

7 (b) The total amount of money issued as grants under this section and the total
8 amount of money expended on temporary sites under sub. (4).

9 (c) For each grant recipient, the name of the recipient, the grant amount, the
10 uses of the grant funds, and the amount spent for each use.

11 **SECTION 8.** 16.5165 of the statutes is created to read:

12 **16.5165 Costs related to a public health emergency. (1)** In this section:

13 (a) “Public health emergency” means a public health emergency declared by the
14 governor under s. 323.10.

15 (b) “State agency” means any office, department, agency, institution of higher
16 education, association, society, or other body in state government that is created or
17 authorized to be created by the constitution or any law and is entitled to expend
18 moneys appropriated by law, including any authority, but not including the
19 legislature or the courts.

20 **(2)** The department may expend moneys from the appropriation under s.
21 20.505 (1) (am) for all of the following:

22 (a) Facilitating coordination between and among federal, state, local, and tribal
23 agencies, social services agencies, and public and private health care entities that the
24 secretary determines may be affected by a public health emergency.

1 (b) Awarding grants and entering into contracts pertaining to a public health
2 emergency.

3 (c) Supporting emergency operations related to a public health emergency,
4 including investigation, education, and eradication.

5 (d) Expenditures for information technology directly related to a public health
6 emergency, as determined by the secretary.

7 (e) Facilities expenditures directly related to a public health emergency, as
8 determined by the secretary.

9 (f) Personnel costs, including all salary, fringe, overtime, and additional leave
10 benefits, for any state agency, if those costs are directly related to a public health
11 emergency, as determined by the secretary.

12 (g) Purchasing under ss. 16.70 to 16.78 that is directly related to a public health
13 emergency, as determined by the secretary.

14 (h) Operating as a procurement clearinghouse for state and local governments
15 and select private entities, as determined by the secretary, during a public health
16 emergency.

17 (i) Expenditures associated with continuity of state government, if those
18 expenditures are directly related to a public health emergency, as determined by the
19 secretary.

20 (j) Carrying out other activities as the secretary determines applicable and
21 appropriate.

22 **(3)** (a) The department may submit a request to the joint committee on finance
23 under s. 13.10 to expend moneys under sub. (2) in excess of the amount specified in
24 s. 20.505 (1) (am). The department may expend excess moneys under this paragraph
25 only to the extent approved under par. (b).

1 (b) A request under par. (a) is approved upon the occurrence of any of the
2 following:

3 1. The joint committee on finance approves the request or modifies and
4 approves the request. If the committee modifies and approves the request, the
5 department may expend excess moneys under the request only as modified by the
6 committee.

7 2. No member of the joint committee on finance objects to the request within
8 24 hours after the request is received.

9 3. If a member objects under subd. 2., the joint committee on finance does not
10 approve, reject, or modify the request within 48 hours after the request is received.

11 (c) Notwithstanding s. 13.10 (3), no public hearing is required for a request
12 under par. (a).

13 (d) Notwithstanding s. 13.10 (4), the committee may vote on a request under
14 par. (a) by mail ballot or by polling.

15 (4) In each fiscal year, no later than 75 days after first expending moneys under
16 sub. (2), and no later than the end of each month after that in which the department
17 expends moneys under sub. (2), the department shall submit to the joint committee
18 on finance a report on those expenditures.

19 **SECTION 9.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
20 the following amounts for the purposes indicated:

	2019-20	2020-21
21 20.437 Children and families, department of		

22 (3) GENERAL ADMINISTRATION

23 (f) Child care grant programs	GPR	B	25,000,000	-0-
----------------------------------	-----	---	------------	-----

1 **20.505 Administration, department of**

2 (1) SUPERVISION AND MANAGEMENT

3 (ft) Grants to health care providers GPR B 50,000,000 50,000,000

4 **20.855 Miscellaneous appropriations**

5 (4) TAX, ASSISTANCE AND TRANSFER PAYMENTS

6 (b) Public health emergency local

7 assistance program GPR C 20,000,000 -0-

8 **SECTION 10.** 20.435 (1) (by) of the statutes is created to read:

9 20.435 (1) (by) *Public health emergency general costs.* A sum sufficient for
10 public health emergency costs under s. 323.21.

11 **SECTION 11.** 20.437 (3) (f) of the statutes is created to read:

12 20.437 (3) (f) *Child care grant programs.* Biennially, the amounts in the
13 schedule for the purpose of the grant programs under s. 49.259.

14 **SECTION 12.** 20.465 (3) (em) of the statutes is created to read:

15 20.465 (3) (em) *Public health emergencies.* A sum sufficient to pay public
16 health emergency costs as provided under s. 323.22 for a public health emergency
17 declared under s. 323.10. Except as provided in s. 323.22 (2), no more than
18 \$300,000,000 may be expended from this appropriation in a fiscal biennium.

19 **SECTION 13.** 20.505 (1) (am) of the statutes is created to read:

20 20.505 (1) (am) *Costs related to a public health emergency.* A sum sufficient for
21 costs related to a public health emergency under s. 16.5165. Except as provided in
22 s. 16.5165, no more than \$200,000,000 may be expended from this appropriation in
23 any fiscal biennium.

24 **SECTION 14.** 20.505 (1) (ft) of the statutes is created to read:

1 20.505 (1) (ft) *Grants to health care providers and temporary sites.* Biennially,
2 the amounts in the schedule for grants to eligible providers and for establishment
3 of temporary sites under s. 16.24.

4 **SECTION 15.** 20.505 (1) (gh) of the statutes is created to read:

5 20.505 (1) (gh) *Printing services.* All moneys received from printing services
6 rendered to counties, towns, villages, and cities under s. 16.004 (25) for the cost of
7 providing those services.

8 **SECTION 16.** 20.835 (1) (dc) of the statutes is created to read:

9 20.835 (1) (dc) *County and municipal aid; public health emergency supplement.*
10 A sum sufficient to make payments to counties, towns, villages, and cities under s.
11 79.036.

12 **SECTION 17.** 20.855 (4) (b) of the statutes is created to read:

13 20.855 (4) (b) *Public health emergency local assistance program.* As a
14 continuing appropriation, the amounts in the schedule for the department of
15 administration to make payments to local units of government under s. 79.06.

16 **SECTION 18.** 20.866 (2) (xm) of the statutes is amended to read:

17 20.866 (2) (xm) *Building commission; refunding tax-supported and*
18 *self-amortizing general obligation debt.* From the capital improvement fund, a sum
19 sufficient to refund the whole or any part of any unpaid indebtedness used to finance
20 tax-supported or self-amortizing facilities. In addition to the amount that may be
21 contracted under par. (xe), the state may contract public debt in an amount not to
22 exceed ~~\$6,785,000,000~~ \$7,510,000,000 for this purpose. Such indebtedness shall be
23 construed to include any premium and interest payable with respect thereto. Debt
24 incurred by this paragraph shall be repaid under the appropriations providing for
25 the retirement of public debt incurred for tax-supported and self-amortizing

1 facilities in proportional amounts to the purposes for which the debt was refinanced.
2 No moneys may be expended under this paragraph unless the true interest costs to
3 the state can be reduced by the expenditure.

4 **SECTION 19.** 20.940 (7) of the statutes is created to read:

5 20.940 (7) APPLICABILITY DURING PUBLIC HEALTH EMERGENCY. This section does
6 not apply during a state of emergency declared by the governor under s. 323.10 for
7 a public health emergency or a public health emergency declared under 42 USC 247d
8 by the secretary of the federal department of health and human services.

9 **SECTION 20.** 25.50 (3) (b) of the statutes is amended to read:

10 25.50 (3) (b) On the dates specified and to the extent to which they are
11 available, subject to s. 16.53 (10), funds payable to local governments under ss.
12 79.035, 79.036, 79.04, 79.05, 79.06, 79.08, and 79.10 shall be considered local funds
13 and, pursuant to the instructions of local officials, may be paid into the separate
14 accounts of all local governments established in the local government
15 pooled-investment fund and, pursuant to the instructions of local officials, to the
16 extent to which they are available, be disbursed or invested.

17 **SECTION 21.** 40.22 (1) of the statutes is amended to read:

18 40.22 (1) Except as otherwise provided in sub. (2) and s. 40.26 (6), each
19 employee currently in the service of, and receiving earnings from, a state agency or
20 other participating employer shall be included within the provisions of the Wisconsin
21 retirement system as a participating employee of that state agency or participating
22 employer.

23 **SECTION 22.** 40.22 (2m) (intro.) of the statutes is amended to read:

24 40.22 (2m) (intro.) An Except as otherwise provided in s. 40.26 (6), an employee
25 who was a participating employee before July 1, 2011, who is not expected to work

1 at least one-third of what is considered full-time employment by the department,
2 as determined by rule, and who is not otherwise excluded under sub. (2) from
3 becoming a participating employee shall become a participating employee if he or she
4 is subsequently employed by the state agency or other participating employer for
5 either of the following periods:

6 **SECTION 23.** 40.22 (2r) (intro.) of the statutes is amended to read:

7 40.22 (2r) (intro.) An Except as otherwise provided in s. 40.26 (6), an employee
8 who was not a participating employee before July 1, 2011, who is not expected to work
9 at least two-thirds of what is considered full-time employment by the department,
10 as determined by rule, and who is not otherwise excluded under sub. (2) from
11 becoming a participating employee shall become a participating employee if he or she
12 is subsequently employed by the state agency or other participating employer for
13 either of the following periods:

14 **SECTION 24.** 40.22 (3) (intro.) of the statutes is amended to read:

15 40.22 (3) (intro.) ~~A~~ Except as otherwise provided in s. 40.26 (6), a person who
16 qualifies as a participating employee shall be included within, and shall be subject
17 to, the Wisconsin retirement system effective on one of the following dates:

18 **SECTION 25.** 40.26 (1m) (a) of the statutes is amended to read:

19 40.26 (1m) (a) If Except as otherwise provided in sub. (6), a participant
20 receiving a retirement annuity, or a disability annuitant who has attained his or her
21 normal retirement date, is employed in a position in covered employment in which
22 he or she is expected to work at least two-thirds of what is considered full-time
23 employment by the department, as determined under s. 40.22 (2r), the participant's
24 annuity shall be suspended and no annuity payment shall be payable until after the
25 participant terminates covered employment.

1 **SECTION 26.** 40.26 (1m) (b) of the statutes is amended to read:

2 40.26 **(1m)** (b) If Except as otherwise provided in sub. (6), a participant
3 receiving a retirement annuity, or a disability annuitant who has attained his or her
4 normal retirement date, enters into a contract to provide employee services with a
5 participating employer and he or she is expected to work at least two-thirds of what
6 is considered full-time employment by the department, as determined under s. 40.22
7 (2r), the participant's annuity shall be suspended and no annuity payment shall be
8 payable until after the participant no longer provides employee services under the
9 contract.

10 **SECTION 27.** 40.26 (5) (intro.) of the statutes is amended to read:

11 40.26 **(5)** (intro.) If Except as otherwise provided in sub. (5m), if a participant
12 applies for an annuity or lump sum payment during the period in which less than 75
13 days have elapsed between the termination of employment with a participating
14 employer and becoming a participating employee with any participating employer,
15 all of the following shall apply:

16 **SECTION 28.** 40.26 (5m) of the statutes is created to read:

17 40.26 **(5m)** When the governor declares a state of emergency related to a public
18 health emergency under s. 323.10, sub. (5) does not apply during the state of
19 emergency if at least 15 days have elapsed between the termination of employment
20 with a participating employer and becoming a participating employee if the position
21 for which the participant is hired is a critical position, as determined by the secretary
22 of health services under s. 323.19 (3).

23 **SECTION 29.** 40.26 (6) of the statutes is created to read:

24 40.26 **(6)** When the governor declares a state of emergency under s. 323.10, a
25 participant who is hired during the emergency may elect to not suspend his or her

1 retirement annuity or disability annuity under sub. (1m) for the duration of the state
2 of emergency related to a public health emergency if all of the following conditions
3 are met:

4 (a) At the time the participant terminates his or her employment with a
5 participating employer, the participant does not have an agreement with any
6 participating employer to return to employment or enter into a contract to provide
7 employee services for the employer.

8 (b) The position for which the participant has been hired is a critical position,
9 as determined under s. 323.19 (3).

10 **SECTION 30.** 40.51 (8) of the statutes is amended to read:

11 40.51 (8) Every health care coverage plan offered by the state under sub. (6)
12 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.729, 632.746
13 (1) to (8) and (10), 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853,
14 632.855, 632.867, 632.87 (3) to (6), 632.871, 632.885, 632.89, 632.895 (5m) and (8) to
15 (17), and 632.896.

16 **SECTION 31.** 40.51 (8m) of the statutes is amended to read:

17 40.51 (8m) Every health care coverage plan offered by the group insurance
18 board under sub. (7) shall comply with ss. 631.95, 632.729, 632.746 (1) to (8) and (10),
19 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855, 632.867,
20 632.871, 632.885, 632.89, and 632.895 (11) to (17).

21 **SECTION 32.** 49.175 (1) (x) of the statutes is created to read:

22 49.175 (1) (x) *Public health emergency programs.* For the public health
23 emergency programs under s. 49.259 (2) (a) and (3), \$100,000,000 in the 2019-21
24 fiscal biennium.

25 **SECTION 33.** 49.175 (2) (b) of the statutes is created to read:

1 49.175 (2) (b) Notwithstanding par. (a), during a state of emergency related to
2 public health declared by the governor under s. 323.10, the department may
3 reallocate funds that are allocated under a paragraph under sub. (1) for the purpose
4 specified in sub. (1) (x), but not vice versa.

5 **SECTION 34.** 49.259 of the statutes is created to read:

6 **49.259 Public health emergency programs. (1) DEFINITIONS.** In this
7 section, “public health emergency” means a state of emergency related to public
8 health declared by the governor under s. 323.10.

9 **(2) GRANT PROGRAMS. (a) Critical workforce child care grant program. 1.** In
10 this paragraph:

11 a. “Critical workforce member” means an employee, contractor, or other staff
12 person working in a vital sector, including health care; child welfare; long-term care;
13 residential care; pharmacy; child care; government operations; critical
14 infrastructure, such as sanitation, transportation, utilities, telecommunications,
15 grocery, and food services; supply chain operations; and other sectors as determined
16 by the department.

17 b. “First responder” means an employee of or volunteer for an agency that
18 provides fire fighting, law enforcement, medical, or other emergency services.

19 2. The department shall make grants available to entities that employ, contract
20 with, or have as volunteers critical workforce members to help pay for or reimburse
21 eligible child care costs. Eligible child care costs are those child care costs that are
22 due to the public health issue that is the basis of a public health emergency and that
23 are incurred during that public health emergency. Eligible child care costs include
24 the cost to establish a temporary facility to provide care and supervision for children
25 of critical workforce members or the cost to pay for a slot in an existing facility that

1 provides care and supervision of children. The department shall prioritize grants
2 that assist health care workers and first responders and may award grants that
3 assist other critical workforce members at its discretion.

4 3. The department shall make grants available to child care providers certified
5 under s. 48.651 and child care centers licensed under s. 48.65, provisionally licensed
6 under s. 48.69, or established or contracted for under s. 120.13 (14) to pay for
7 providing care and supervision for children of critical workforce members during a
8 public health emergency. The department shall prioritize grants that assist health
9 care workers and first responders and may award grants that assist other critical
10 workforce members at its discretion.

11 (b) *Grant program for child care hazard pay.* The department shall make
12 monthly grants available to child care providers certified under s. 48.651 and child
13 care centers licensed under s. 48.65, provisionally licensed under s. 48.69, or
14 established or contracted for under s. 120.13 (14) to pay for providing hazard pay to
15 employees who work during a public health emergency. Whether or not a child care
16 center or child care provider provides child care services to individuals who are
17 eligible for subsidies under s. 49.155 does not impact eligibility for grants under this
18 paragraph.

19 **(3) WISCONSIN WORKS ELIGIBILITY.** (a) *Definitions.* In this subsection:

- 20 1. "Wisconsin Works" has the meaning given in s. 49.141 (1) (p).
- 21 2. "Wisconsin Works group" has the meaning given in s. 49.141 (1) (s).

22 (b) *Expanded Wisconsin Works program.* 1. During a public health emergency,
23 an individual who is facing an immediate and discrete financial crisis due to the
24 pandemic is eligible for a cash benefit payment of \$653 per month under the

1 Wisconsin Works program. An individual is eligible for a cash benefit payment under
2 this paragraph if all of the following apply:

3 a. The individual's place of employment closes, the individual is furloughed or
4 temporarily laid off, or the individual misses work due to a lack of available child care
5 as a result of the public health issue that is the basis of the public health emergency.

6 b. The individual meets the eligibility criteria under s. 49.145 (2), except that
7 the requirements under s. 49.145 (2) (h), (hm), (n), and (q) do not apply to a cash
8 benefit payment under this paragraph.

9 c. The individual is a member of a Wisconsin Works group whose gross income
10 is at or below 200 percent of the poverty line. In calculating gross income under this
11 subdivision, the Wisconsin Works agency shall include the income specified in s.
12 49.145 (3) (b) 1. and 3.

13 2. Notwithstanding s. 49.159 (1) (a) 1. to 4., during a public health emergency,
14 a noncustodial parent is eligible to receive services and benefits under s. 49.159 (1)
15 (b) regardless of whether or not the custodial parent participates in a Wisconsin
16 Works employment position or receives services or benefits under s. 49.147 (2) (am),
17 49.148 (1m), or 49.155.

18 (c) *Expanded job access loans.* 1. During a public health emergency, an
19 individual who is facing an immediate and discrete financial crisis due to the
20 pandemic is eligible for a job access loan under s. 49.147 (6) if all of the following
21 apply:

22 a. The individual meets the eligibility criteria under s. 49.145 (2), except that,
23 notwithstanding s. 49.145 (2) (a), an individual who is a custodial or noncustodial
24 parent is eligible for a loan under this paragraph.

1 b. The individual is a member of a Wisconsin Works group whose gross income
2 is at or below 200 percent of the poverty line. In calculating gross income under this
3 subd. 1. b., the Wisconsin Works agency shall include the income specified in s.
4 49.145 (3) (b) 1. and 3.

5 c. The individual meets the eligibility criteria under s. 49.147 (6) (a) 1. to 4.

6 2. Notwithstanding s. 49.147 (6) (b) 1., the maximum loan amount for a job
7 access loan under subd. 1. is \$1,600.

8 3. During a public health emergency, all payments on job access loans under
9 this paragraph and s. 49.147 (6) are suspended.

10 (d) *Expanded emergency assistance.* During a public health emergency, an
11 individual who suffers a loss of income due to the public health issue that is the basis
12 of the public health emergency is eligible for emergency assistance under s. 49.138.
13 All of the following apply to emergency assistance under this paragraph:

14 1. An individual who meets the criteria established in the rules promulgated
15 by the department under s. 49.138 (1d) (b) qualifies for emergency assistance under
16 this paragraph, except that, notwithstanding those rules, an individual who is 18 to
17 24 years of age and is not a parent or caretaker may apply for emergency assistance
18 under this paragraph and an individual who is a member of an emergency assistance
19 group with a gross income that is at or below 200 percent of the poverty line is eligible
20 for emergency assistance under this paragraph. In calculating gross income under
21 this subdivision, the Wisconsin Works agency shall include the income specified in
22 s. 49.145 (3) (b) 1. and 3.

23 2. Notwithstanding s. 49.138 (1m), the maximum payment for emergency
24 assistance under this paragraph is \$1,200.

1 3. The department shall establish a streamlined eligibility verification process
2 for the purposes of administering this paragraph. Notwithstanding ss. 227.01 (3m)
3 and (13), 227.10, and 227.112, the streamlined eligibility verification process under
4 this subdivision need not be promulgated as rules under ch. 227, is not a guidance
5 document, and is not subject to the requirements of s. 227.112.

6 4. An individual may receive emergency assistance under this paragraph only
7 once in a 12-month period.

8 5. An individual may qualify for both emergency assistance under s. 49.138 and
9 expanded emergency assistance under this paragraph in the same 12-month period.

10 (e) *Expanded Wisconsin Shares program.* 1. Notwithstanding programmatic
11 and eligibility requirements under s. 49.155 and rules promulgated under that
12 section, to the extent authorized under a plan amendment, waiver, or other federal
13 approval under subd. 2., an individual who needs child care services due to the public
14 health issue that is the basis of a public health emergency may receive a subsidy
15 under s. 49.155 for child care services received during that public health emergency.

16 2. No later than 60 days after the governor declares a public health emergency,
17 the department shall submit to the federal department of health and human services
18 any request for a state plan amendment, waiver, or other federal approval necessary
19 to expand eligibility, as determined by the department, for the child care subsidy
20 program under s. 49.155 to individuals who need child care services due to the public
21 health issue that is the basis of the public health emergency. If the federal
22 department approves the request or if no federal approval is necessary, the
23 department shall expand eligibility for the child care subsidy program under s.
24 49.155 as provided under subd. 1. If the federal department disapproves the request,

1 the department may not expand eligibility for the child care subsidy program under
2 s. 49.155 as provided under subd. 1.

3 (f) *Short-term financial assistance.* The department shall administer a
4 short-term financial assistance program to provide cash payments to eligible
5 families for up to 4 months to pay for costs associated with housing, transportation,
6 and other essential needs during a public health emergency. An individual is eligible
7 for financial assistance under this paragraph if the individual is financially affected
8 by the public health issue that is the basis of the public health emergency and meets
9 all of the following criteria:

- 10 1. The individual is a custodial or noncustodial parent.
- 11 2. The individual has attained the age of 18.
- 12 3. The individual is a U.S. citizen or a qualifying alien, as defined by the
13 department by rule.
- 14 4. The individual has residence in this state.
- 15 5. The individual has received any public benefits within the 12 months prior
16 to the date of application.
- 17 6. The individual is not receiving a Wisconsin Works benefit on the date that
18 the individual applies for short-term financial assistance.

19 (4) PROGRAM CRITERIA AND GUIDELINES. The department may establish
20 eligibility criteria and guidelines for administering the programs under subs. (2) and
21 (3) (f), which, notwithstanding ss. 227.01 (3m) and (13), 227.10, and 227.112, need
22 not be promulgated as rules under ch. 227, are not guidance documents, and are not
23 subject to the requirements of s. 227.112.

24 **SECTION 35.** 49.45 (2t) (d) of the statutes is created to read:

1 49.45 (2t) (d) This subsection does not apply during a state of emergency
2 declared by the governor under s. 323.10 for a public health emergency or a public
3 health emergency declared under 42 USC 247d by the secretary of the federal
4 department of health and human services.

5 **SECTION 36.** 66.0137 (4) of the statutes is amended to read:

6 66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
7 a village provides health care benefits under its home rule power, or if a town
8 provides health care benefits, to its officers and employees on a self-insured basis,
9 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
10 632.729, 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855,
11 632.867, 632.87 (4) to (6), 632.871, 632.885, 632.89, 632.895 (9) to (17), 632.896, and
12 767.513 (4).

13 **SECTION 37.** 79.036 of the statutes is created to read:

14 **79.036 County and municipal aid; public health emergency**
15 **supplement.** For the distributions in 2020, in addition to the amount it receives
16 under s. 79.035, each county and municipality shall receive a payment from the
17 appropriation account under s. 20.835 (1) (dc) equal to 1 percent of the amount of its
18 estimated payment under s. 79.035 for 2020. The department of administration,
19 upon certification by the secretary of revenue, shall make the payments under this
20 section on the first Monday in May, 2020, or at a later date in 2020, as determined
21 by the secretary of revenue.

22 **SECTION 38.** 79.06 of the statutes is created to read:

23 **79.06 Public health emergency local assistance program. (1)**
24 **DEFINITION.** In this section, “local unit of government” means a county, city, village,
25 town, or federally recognized American Indian tribe or band in this state.

1 **(2) ESTABLISHMENT OF PROGRAM.** The department of administration shall
2 establish and administer a public health emergency local assistance program to
3 reimburse local units of government for extraordinary operational costs related to
4 protecting and improving public health during the public health emergency declared
5 on March 12, 2020, by executive order 72, including any extension under s. 323.10.

6 **(3) APPLICATION.** A local unit of government requesting reimbursement under
7 the public health emergency local assistance program shall submit a claim for
8 reimbursement using an application form prescribed by the department of
9 administration.

10 **(4) PROCESS.** (a) *Initial application period.* The department of administration
11 shall establish an application period during which the department shall accept the
12 applications for reimbursement claims under sub. (3) from local units of government.
13 At the end of the application period, the secretary of administration shall evaluate
14 each reimbursement claim received during the application period and determine
15 whether to approve, deny, or disallow the claim. The secretary of administration may
16 approve, deny, or disallow any claim in whole or in part. The department of
17 administration shall, for each approved claim, pay the reimbursement amount to the
18 local unit of government from the appropriation account under s. 20.855 (4) (b),
19 except that the department shall pay a prorated reimbursement amount for each
20 approved claim if the total amount of approved claims exceeds the moneys in the
21 appropriation account. The department of administration shall establish
22 procedures for processing applications and evaluating reimbursement claims.

23 (b) *Subsequent application periods.* If moneys remain in the appropriation
24 account under s. 20.855 (4) (b) after the payment of reimbursement amounts under
25 par. (a), the department of administration and secretary of administration shall

1 repeat the process in par. (a), establishing as many subsequent application periods
2 as necessary until no moneys remain.

3 **(5) INELIGIBLE COSTS.** (a) Capital acquisition costs are not eligible for
4 reimbursement under this section unless the costs are incurred directly in response
5 to expanding medical treatment capacity for the public health emergency declared
6 on March 12, 2020, by executive order 72, including any extension under s. 323.10.

7 (b) Any cost reimbursed by another source is not eligible for reimbursement
8 under this section.

9 **SECTION 39.** 103.13 (2m) of the statutes is created to read:

10 103.13 **(2m)** EMPLOYEE RECORDS DURING AN EMERGENCY. Notwithstanding s.
11 103.13 (2), during the period covered by a state of emergency related to a public
12 health emergency declared by the governor under s. 323.10, an employer is not
13 required to provide an employee's personnel records within 7 working days after an
14 employee makes a request to inspect his or her personnel records, and an employer
15 is not required to provide the inspection at a location reasonably near the employee's
16 place of employment during normal working hours.

17 **SECTION 40.** 108.02 (26m) of the statutes is repealed.

18 **SECTION 41.** 108.04 (3) of the statutes is repealed.

19 **SECTION 42.** 108.04 (11) (bm) of the statutes is amended to read:

20 108.04 **(11)** (bm) The department shall apply any ineligibility under par. (be)
21 against benefits and weeks of eligibility for which the claimant would otherwise be
22 eligible after the week of concealment and within 6 years after the date of an initial
23 determination issued under s. 108.09 finding that a concealment occurred. The
24 claimant shall not receive waiting period credit under s. 108.04 (3) for the period of
25 ~~ineligibility applied under par. (be).~~ If no benefit rate applies to the week for which

1 the claim is made, the department shall use the claimant's benefit rate for the
2 claimant's next benefit year beginning after the week of concealment to determine
3 the amount of the benefit reduction.

4 **SECTION 43.** 115.385 (1) (intro.) of the statutes is amended to read:

5 115.385 (1) (intro.) Annually Except as provided in sub. (6), annually by
6 November 30, the department shall publish a school and school district
7 accountability report that includes all of the following components:

8 **SECTION 44.** 115.385 (6) of the statutes is created to read:

9 115.385 (6) The department is not required to publish a school and school
10 district accountability report under sub. (1) for the 2019-20 school year.

11 **SECTION 45.** 118.233 of the statutes is created to read:

12 **118.233 School board employees; school closed by the department of**
13 **health services. (1) DEFINITIONS.** In this section:

14 (a) "Current employee" means an individual who is employed by a school board
15 on the date on which the department of health services issues a school closure order.

16 (b) "Public health emergency" means a period when schools are closed by the
17 department of health services under s. 252.02 (3).

18 (c) "School closure order" means an order to close schools under s. 252.02 (3).

19 **(2) LAYOFFS PROHIBITED.** During a school year in which the department of health
20 services issues a school closure order, a school board may not lay off a current
21 employee during a public health emergency.

22 **(3) COMPENSATION.** During a school year in which the department of health
23 services issues a school closure order, a school board shall continue to pay current
24 employees for regularly scheduled hours at the current employee's regular rate
25 during a public health emergency, regardless of whether the current employee is

1 required to report to work while schools are closed. A school board may pay a current
2 employee more than what is required under this subsection.

3 **SECTION 46.** 118.38 (4) of the statutes is created to read:

4 118.38 (4) If the department of health services closes schools under s. 252.02
5 (3), all of the following apply during the school year in which schools are closed:

6 (a) Notwithstanding subs. (1) to (3), the department may waive any school
7 board or school district requirement in chs. 115 to 121 or in the administrative rules
8 promulgated by the department under the authority of those chapters.

9 (b) The department may waive any private school requirement in chs. 115 to
10 121 or the administrative rules promulgated by the department under the authority
11 of those chapters, including any requirement related to participating in a program
12 under s. 115.7915, 118.60 or 119.23.

13 (c) The department may waive any requirement on a charter school authorized
14 under s. 118.40 (2r) or (2x) in chs. 115 to 121 or in the administrative rules
15 promulgated by the department under the authority of those chapters, including any
16 requirement on the authorizer, operator, or governing board of the charter school.

17 **SECTION 47.** 118.38 (5) of the statutes is created to read:

18 118.38 (5) If the department is not required to publish a school and school
19 district accountability report under s. 115.385 for a school year, the department may
20 waive any requirement related to the publication of that accountability report in chs.
21 115 to 121 or in the administrative rules promulgated by the department under the
22 authority of those chapters.

23 **SECTION 48.** 120.13 (2) (g) of the statutes is amended to read:

24 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.
25 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.729, 632.746 (10) (a) 2. and (b) 2.,

1 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.867, 632.87 (4) to (6), 632.871,
2 632.885, 632.89, 632.895 (9) to (17), 632.896, and 767.513 (4).

3 **SECTION 49.** 185.983 (1) (intro.) of the statutes is amended to read:

4 185.983 (1) (intro.) Every voluntary nonprofit health care plan operated by a
5 cooperative association organized under s. 185.981 shall be exempt from chs. 600 to
6 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44,
7 601.45, 611.26, 611.67, 619.04, 623.11, 623.12, 628.34 (10), 631.17, 631.89, 631.93,
8 631.95, 632.72 (2), 632.729, 632.745 to 632.749, 632.775, 632.79, 632.795, 632.798,
9 632.85, 632.853, 632.855, 632.867, 632.87 (2) to (6), 632.871, 632.885, 632.89,
10 632.895 (5) and (8) to (17), 632.896, and 632.897 (10) and chs. 609, 620, 630, 635, 645,
11 and 646, but the sponsoring association shall:

12 **SECTION 50.** 250.04 (2) (a) of the statutes is amended to read:

13 250.04 (2) (a) The department possesses all powers necessary to fulfill the
14 duties prescribed in the statutes and to bring action in the courts for the enforcement
15 of public health statutes and rules. Notwithstanding s. 227.112, during a public
16 health emergency declared under s. 323.10, the department possesses all powers
17 necessary to respond to that emergency, including, as described under s. 323.21, the
18 powers to expend public health emergency funds and, subject to approval of the
19 governor, to confidentially investigate the cause and extent of any declared public
20 health emergency and issue orders necessary to protect public health.

21 **SECTION 51.** 323.02 (16) (intro.), (a) and (b) 2. of the statutes are amended to
22 read:

23 323.02 (16) (intro.) “Public health emergency” means the occurrence or
24 imminent threat of an illness or health condition that meets all any of the following
25 criteria:

1 (a) Is ~~believed~~ caused or suspected to be caused by ~~bioterrorism or a novel or~~
2 ~~previously controlled or eradicated~~ a biological agent, toxin, bioterrorism, or other
3 threat to health.

4 (b) 2. A ~~high probability of widespread exposure to a biological, chemical, or~~
5 ~~radiological agent that creates a~~ significant risk of substantial future harm to a large
6 number of people.

7 **SECTION 52.** 323.19 (3) of the statutes is created to read:

8 323.19 (3) Based on guidance provided by the secretary of health services, the
9 head of each state agency and each local health department shall determine which
10 public employee positions within the respective state agency or local government are
11 critical when the governor declares a state of emergency related to a public health
12 emergency under s. 323.10, for the purposes of s. 40.26 (5m) and (6) (b).

13 **SECTION 53.** 323.19 (4) of the statutes is created to read:

14 323.19 (4) (a) In this subsection, “state entity” means any state agency,
15 institution of higher education, association, society, or other body in state
16 government created or authorized to be created by the constitution or any law that
17 is entitled to expend moneys appropriated by law, including the legislature, the
18 courts, and any authority.

19 (b) The head or governing body of a state entity may waive a requirement
20 imposed, administered, or enforced by the state entity that an individual appear in
21 person during a state of emergency relating to public health declared under s. 323.10,
22 if the head or governing body finds that the waiver assists in the state’s response to
23 the public health emergency or that enforcing the requirement may increase the
24 public health risk.

25 **SECTION 54.** 323.21 of the statutes is created to read:

1 **323.21 Powers of the department of health services during a public**
2 **health emergency. (1)** In this section:

3 (a) “Department” means the department of health services.

4 (b) “State health officer” has the meaning given in s. 250.01 (9).

5 **(2)** Subject to the approval of the governor, the department of health services
6 may confidentially investigate the cause and extent of any declared public health
7 emergency, and notwithstanding s. 227.112, may issue such orders and public health
8 advisories as it determines are necessary to protect public health. Notwithstanding
9 any exceptions contained in s. 146.82 (2), any patient specific information collected
10 by the department shall remain confidential.

11 **(3)** From the appropriation under s. 20.435 (1) (by), the department may,
12 during a declared public health emergency, use public health emergency moneys for
13 any of the following purposes:

14 (a) To facilitate coordination between and among federal, state, local, and tribal
15 agencies, social services, and public and private health care entities that the state
16 health officer determines may be affected by a public health emergency.

17 (b) To make grants, provide for awards, enter into contracts, and conduct
18 supportive investigations pertaining to a public health emergency or potential public
19 health emergency.

20 (c) To facilitate advanced research, purchase products, and develop security
21 measures or pandemic or epidemic products that are applicable to the public health
22 emergency or potential emergency.

23 (d) To strengthen biosurveillance capabilities and laboratory capacity to
24 identify, collect, and analyze information regarding the public health emergency or
25 potential emergency.

1 (e) To support emergency operations related to the public health emergency,
2 including investigation, education, and eradication.

3 (f) To carry out other activities as the state health officer determines applicable
4 and appropriate.

5 (g) Create a full-time equivalent position or portion of a position under sub. (4).

6 (4) During a declared public health emergency, the department of health
7 services may create a full-time equivalent position or portion of a position funded
8 from the appropriation under s. 20.435 (1) (by). After the declared public health
9 emergency has ended, the department of health services may abolish a full-time
10 equivalent position or portion of a position funded from the appropriation under s.
11 20.435 (1) (by).

12 (5) Notwithstanding s. 250.03 (3), no later than 12 months after the
13 termination of a public health emergency, the department of health services shall
14 submit to the legislature under s. 13.172 (2) and to the governor a report on any
15 moneys expended from the appropriation under s. 20.435 (1) (by).

16 **SECTION 55.** 323.22 of the statutes is created to read:

17 **323.22 Public health emergencies.** (1) From the appropriation under s.
18 20.465 (3) (em), the department of military affairs may, during a public health
19 emergency declared under s. 323.10, expend public health emergency moneys for any
20 of the following purposes:

21 (a) To facilitate coordination between and among federal, state, local, and tribal
22 agencies, social services, and public and private health care entities that the
23 administrator or the state health officer determines may be affected by the public
24 health emergency.

1 (b) To make grants, provide for awards, enter into contracts, and conduct
2 supportive investigations pertaining to the public health emergency or potential
3 public health emergency.

4 (c) To support emergency operations related to the public health emergency,
5 including investigation, education, and eradication.

6 (d) To carry out other activities related to the public health emergency as the
7 administrator or the state health officer determines applicable and appropriate.

8 **(2)** (a) The department may submit a request to the joint committee on finance
9 under s. 13.10 to expend moneys under sub. (1) in excess of the amount specified in
10 s. 20.465 (3) (em). The department may expend excess moneys under this paragraph
11 only to the extent approved under par. (b).

12 (b) A request under par. (a) is approved upon the occurrence of any of the
13 following:

14 1. The joint committee on finance approves the request or modifies and
15 approves the request. If the committee modifies and approves the request, the
16 department may expend excess moneys under the request only as modified by the
17 committee.

18 2. No member of the joint committee on finance objects to the request within
19 24 hours after the request is received.

20 3. If a member objects under subd. 2., the joint committee on finance does not
21 approve, reject, or modify the request within 48 hours after the request is received.

22 (c) Notwithstanding s. 13.10 (3), no public hearing is required for a request
23 under par. (a).

24 (d) Notwithstanding s. 13.10 (4), the joint committee on finance may vote on
25 a request under par. (a) by mail ballot or by polling.

1 **(3)** In each fiscal year, no later than 75 days after first expending moneys under
2 sub. (1), and no later than the end of each month after that in which the department
3 of military affairs expends moneys under sub. (1), the department shall submit to the
4 joint committee on finance a report on those expenditures.

5 **SECTION 56.** 323.265 of the statutes is created to read:

6 **323.265 Deadlines falling during a public health emergency. (1)** In this
7 section:

8 (a) “Agency” means any office, department, agency, institution of higher
9 education, association, society, or other body in state government created or
10 authorized to be created by the constitution or any law, including any authority
11 created in subch. II of ch. 114 or in ch. 231, 232, 233, 234, 237, 238, or 279, but not
12 including the legislature or the courts.

13 (b) “Deadline” means any date certain by which, or any other limitation as to
14 time within which, an action or event is required to occur under state law.

15 (c) “Determining authority” means the secretary of administration or an
16 agency head to whom a delegation is made under sub. (3).

17 (d) “Emergency period” means the period covered by a public health emergency
18 declared by the governor under s. 323.10, including any extension, plus 60 days.

19 (e) “Lead period” means the period that begins on the first day after the
20 emergency period and is equal to the period beginning on the first day of the
21 emergency period, and ending on the date on which a deadline tolled under sub. (2)
22 would otherwise have fallen.

23 (f) “Local governmental unit” means a political subdivision of this state, a
24 special purpose district in this state, an agency or corporation of a political

1 subdivision or special purpose district, or a combination or subunit of any of the
2 foregoing.

3 (2) Notwithstanding any requirement to the contrary, each deadline any
4 agency, local governmental unit, or other person is required to satisfy during the
5 emergency period, including any tax filing deadline, may, at the discretion of the
6 determining authority, be tolled up to the end of that deadline's lead period. This
7 subsection does not apply to any requirement as to time in a court proceeding or to
8 any requirement as to time imposed by a court, nor does it apply to any statute of
9 limitations for commencing an action in any court.

10 (3) The secretary of administration shall be the determining authority, except
11 that the secretary may delegate that duty with respect to any deadline to the head
12 of an agency.

13 **SECTION 57.** 323.291 of the statutes is created to read:

14 **323.291 Public employees.** (1) PUBLIC EMPLOYEE HEALTH INSURANCE
15 COVERAGE. Notwithstanding s. 40.02 (40), for the purpose of group health insurance
16 coverage offered by the group insurance board under subch. IV of ch. 40, if an
17 employee who was on a leave of absence returns from leave, even if the employee has
18 not resumed active performance of duty for 30 consecutive calendar days on the date
19 the governor declares a state of emergency related to a public health emergency
20 under s. 323.10, the leave of absence is deemed ended or interrupted on that date.

21 (2) LIMITED TERM APPOINTMENT HOURS. Notwithstanding s. 230.26 (1), the
22 director of the bureau of merit recruitment and selection in the division of personnel
23 management in the department of administration may increase or suspend the
24 number of hours for a limited term appointment for the duration of a state of
25 emergency related to a public health emergency declared under s. 323.10.

1 **(3) USE OF ANNUAL LEAVE DURING PROBATIONARY PERIOD.** Notwithstanding s.
2 230.35 (1) (b), an employee may take annual leave within the first 6 months of the
3 employee's probationary period upon initial appointment during a state of
4 emergency related to a public health emergency declared under s. 323.10.

5 **(4) ADDITIONAL SABBATICAL LEAVE.** The administrator of the division of personnel
6 management in the department of administration may provide additional sabbatical
7 leave to employees who provide critical services during a state of emergency related
8 to a public health emergency declared under s. 323.10. Sabbatical leave provided
9 under this subsection is in addition to any leave provided under s. 230.35 (1) (a) and
10 (1m) (bt), and the compensation plan under s. 230.12, and is not subject to s. 230.35
11 (1p).

12 **(5) STATE CIVIL SERVICE GRIEVANCE PROCEDURES.** (a) Notwithstanding s. 230.445
13 (2) and (3), an employee does not waive his or her right to appeal an adverse
14 employment decision if the employee does not timely file the complaint or appeal
15 during a state of emergency related to a public health emergency declared under s.
16 323.10. The tolling period under s. 230.445 (3) (a) 1. begins 14 days after the
17 termination of such declared public health emergency or extension.

18 (b) Notwithstanding s. 230.445 (3) (a) 2., an appointing authority or his or her
19 designee is not required to meet with a complainant in person during a state of
20 emergency related to a public health emergency declared under s. 323.10 when
21 conducting an investigation under s. 230.445 (3) (a) (2).

22 **SECTION 58.** 440.08 (5) of the statutes is created to read:

23 **440.08 (5) RENEWAL SUSPENSION FOR PUBLIC HEALTH EMERGENCY.** (a) In this
24 subsection, "health care provider credential" means any credential issued under ch.
25 441, 447, 448, 450, 455, 460, or 462.

1 (b) Notwithstanding subs. (1) to (3) and the applicable provisions in chs. 440
2 to 480, but subject to any professional discipline imposed on the credential, a health
3 care provider credential is not subject to renewal, or any other conditions for renewal
4 including continuing education, and remains valid during the period covered by a
5 public health emergency declared by the governor under s. 323.10, including any
6 extension, and continuing until further specified by the applicable credentialing
7 board.

8 (c) A renewal that occurs subsequent to the period described in par. (b) is not
9 subject to the late renewal fee under sub. (3) (a) if the application to renew the
10 credential is received before the next applicable renewal date. Notwithstanding the
11 applicable provisions in chs. 440 to 480, the applicable credentialing board may, for
12 that next applicable renewal date, provide an exemption from or reduction of
13 continuing education or other conditions for renewal.

14 **SECTION 59.** 440.095 of the statutes is created to read:

15 **440.095 Former health care provider credentials; emergency. (1)**

16 **DEFINITIONS.** In this section:

17 (a) “Emergency period” means a period covered by a public health emergency
18 declared under s. 323.10, including any extension, plus 90 days.

19 (b) “Health care provider” means an individual who was at any time within the
20 previous 5 years, but is not currently, any of the following, if the individual’s
21 credential was never revoked, limited, suspended, or denied renewal:

22 1. Licensed as a registered nurse, licensed practical nurse, or nurse-midwife
23 under ch. 441.

24 2. Licensed as a dentist under ch. 447.

1 3. Licensed as a physician, physician assistant, or perfusionist under ch. 448
2 or certified as a respiratory care practitioner under ch. 448.

3 4. Licensed as a pharmacist under ch. 450.

4 5. Licensed as a psychologist under ch. 455.

5 6. A clinical social worker, marriage and family therapist, or professional
6 counselor licensed under ch. 457 or an independent social worker or social worker
7 certified under ch. 457.

8 7. A clinical substance abuse counselor certified under s. 440.88.

9 8. Any practitioner holding a credential to practice a profession that is
10 identified by the department of health services during an emergency period.

11 **(2) TEMPORARY CREDENTIALS FOR FORMER HEALTH CARE PROVIDERS DURING**
12 **EMERGENCY.** (a) During an emergency period, the department may grant a temporary
13 credential to a health care provider if all of the following apply:

14 1. The health care provider submits an application to the department.

15 2. The department determines that the health care provider satisfies the
16 eligibility requirements for the credential and is fit to practice after conducting an
17 investigation of the health care provider's arrest or conviction record and record of
18 professional discipline.

19 (b) If the department denies a health care provider's application for a
20 temporary credential under this subsection, the department shall notify the health
21 care provider of the reason for denial.

22 (c) Notwithstanding ss. 441.06 (4), 441.15 (2), 447.03 (1) and (2), 448.03 (1) (a),
23 (b), and (c) and (1m), and 450.03 (1), during an emergency period, a health care
24 provider granted a temporary credential under this subsection may provide services
25 for which the health care provider has been licensed or certified.

1 (d) A health care provider who provides services authorized by a temporary
2 credential granted under this subsection shall maintain malpractice insurance that
3 satisfies the requirements of the profession for which the health care provider has
4 been licensed or certified.

5 (e) A temporary credential granted under this subsection expires at the
6 conclusion of the emergency period during which the credential was granted.

7 **SECTION 60.** 440.096 of the statutes is created to read:

8 **440.096 Health care providers from other states; credentials during**
9 **emergency; fee waivers. (1) TEMPORARY CREDENTIALS FOR HEALTH CARE PROVIDERS**
10 **FROM OTHER STATES DURING EMERGENCY.** (a) In this subsection:

11 1. "Emergency period" means a period covered by a public health emergency
12 declared under s. 323.10, including any extension, plus 90 days.

13 2. "Health care provider" means an individual who holds a valid, unexpired
14 license, certificate, or registration granted by another state or territory that
15 authorizes or qualifies the individual to perform acts that are substantially the same
16 as the acts that any of the following are licensed or certified to perform:

17 a. A registered nurse, licensed practical nurse, or nurse-midwife licensed
18 under ch. 441.

19 b. A dentist licensed under ch. 447.

20 c. A physician, physician assistant, or perfusionist licensed under ch. 448 or a
21 respiratory care practitioner certified under ch. 448.

22 d. A pharmacist licensed under ch. 450.

23 e. A psychologist licensed under ch. 455.

1 f. A clinical social worker, marriage and family therapist, or professional
2 counselor licensed under ch. 457 or an independent social worker or social worker
3 certified under ch. 457.

4 g. A clinical substance abuse counselor certified under s. 440.88.

5 h. Any practitioner holding a credential to practice a profession that is
6 identified by the department of health services during an emergency period.

7 (b) 1. During an emergency period, the department may grant a temporary
8 credential to a health care provider if all of the following apply:

9 a. The health care provider submits an application to the department.

10 b. The department determines that the health care provider satisfies the
11 eligibility requirements for the credential and is fit to practice after conducting an
12 investigation of the health care provider's arrest or conviction record and record of
13 professional discipline.

14 2. The department may determine the appropriate scope of the review under
15 subd. 1. b. of the background of a health care provider who applies for a temporary
16 credential under this paragraph.

17 3. If the department denies a health care provider's application for a temporary
18 credential under this paragraph, the department shall notify the health care
19 provider of the reason for the denial.

20 4. Notwithstanding ss. 441.06 (4), 441.15 (2), 447.03 (1) and (2), 448.03 (1) (a),
21 (b), and (c) and (1m), and 450.03 (1), during an emergency period a health care
22 provider granted a temporary credential under this paragraph may provide services
23 for which the health care provider is licensed or certified.

24 5. A health care provider who provides services authorized by a temporary
25 credential granted under this paragraph shall maintain malpractice insurance that

1 satisfies the requirements of the profession for which the health care provider is
2 licensed or certified.

3 6. A temporary credential granted under this paragraph expires at the
4 conclusion of the emergency period during which the credential was granted.

5 **(2) AUTHORITY TO WAIVE FEES.** Notwithstanding s. 440.05 and the applicable fee
6 provisions in chs. 440 to 480, during an emergency period the department may waive
7 fees for applications for an initial credential and renewal of a credential for
8 registered nurses, licensed practical nurses, nurse-midwives, dentists, physicians,
9 physician assistants, perfusionists, respiratory care practitioners, pharmacists,
10 psychologists, clinical social workers, independent social workers, social workers,
11 marriage and family therapists, professional counselors, and clinical substance
12 abuse counselors.

13 **SECTION 61.** 450.11 (5) (a) of the statutes is amended to read:

14 450.11 **(5)** (a) Except as provided in ~~par. pars.~~ par. (bm) and (br), no prescription may
15 be refilled unless the requirements of sub. (1) and, if applicable, sub. (1m) have been
16 met and written, oral, or electronic authorization has been given by the prescribing
17 practitioner. Unless the prescribing practitioner has specified in the prescription
18 order that dispensing a prescribed drug in an initial amount followed by periodic
19 refills as specified in the prescription order is medically necessary, a pharmacist may
20 exercise his or her professional judgment to dispense varying quantities of the
21 prescribed drug per fill up to the total number of dosage units authorized by the
22 prescribing practitioner in the prescription order including any refills, subject to par.
23 (b).

24 **SECTION 62.** 450.11 (5) (br) of the statutes is created to read:

1 450.11 (5) (br) 1. In the event a pharmacist receives a request for a prescription
2 to be refilled and the prescription cannot be refilled as provided in par. (a), the
3 pharmacist may, subject to subd. 2. a. to e., extend the existing prescription order and
4 dispense the drug to the patient, if the pharmacist has not received and is not aware
5 of written or oral instructions from the prescribing practitioner prohibiting further
6 dispensing pursuant to or extension of the prescription order.

7 2. a. A prescribing practitioner may indicate, by writing on the face of the
8 prescription order or, with respect to a prescription order transmitted electronically,
9 by designating in electronic format the phrase “No extensions,” or words of similar
10 meaning, that no extension of the prescription order may be made under subd. 1. If
11 such indication is made, the pharmacist may not extend the prescription order under
12 subd. 1.

13 b. A pharmacist acting under subd. 1. may not extend a prescription order to
14 dispense more than a 30-day supply of the prescribed drug, except that if the drug
15 is typically packaged in a form that requires a pharmacist to dispense the drug in a
16 quantity greater than a 30-day supply, the pharmacist may extend the prescription
17 order as necessary to dispense the drug in the smallest quantity in which it is
18 typically packaged.

19 c. A pharmacist may not extend a prescription order under subd. 1. for a drug
20 that is a controlled substance.

21 d. A pharmacist may not extend a prescription order under subd. 1. for a
22 particular patient if a prescription order was previously extended under subd. 1. for
23 that patient during the period described in subd. 3.

24 e. A pharmacist shall, at the earliest reasonable time after acting under subd.
25 1., notify the prescribing practitioner or his or her office, but is not required to

1 attempt to procure a new prescription order or refill authorization for the drug by
2 contacting the prescribing practitioner or his or her office prior to acting under subd.
3 1. After acting under subd. 1., the pharmacist may notify the patient or other
4 individual that any further refills will require the authorization of a prescribing
5 practitioner.

6 3. This paragraph applies only during the period covered by a public health
7 emergency declared by the governor under s. 323.10, including any extension.
8 During that time, this paragraph supersedes par. (bm) to the extent of any conflict.

9 **SECTION 63.** 609.205 of the statutes is created to read:

10 **609.205 Public health emergency. (1)** All of the following apply to a defined
11 network plan or preferred provider plan during a state of emergency related to public
12 health declared under s. 323.10 or during a public health emergency declared under
13 42 USC 247d by the secretary of the federal department of health and human
14 services:

15 (a) The plan may not require an enrollee to pay, including cost sharing, for a
16 service, treatment, or supply provided by a provider that is not a participating
17 provider in the plan's network of providers more than the enrollee would pay if the
18 service, treatment, or supply is provided by a provider that is a participating
19 provider. This subsection applies to any service, treatment, or supply that is related
20 to diagnosis or treatment for the condition for which the public health emergency is
21 declared and to any service, treatment, or supply that is provided by a provider that
22 is not a participating provider because a participating provider is unavailable due
23 to the public health emergency.

24 (b) The plan shall reimburse a provider that is not a participating provider for
25 a service, treatment, or supply provided under the circumstances described under

1 par. (a) at 250 percent of the rate the federal Medicare program reimburses the
2 provider for the same or a similar service, treatment, or supply in the same
3 geographic area.

4 (2) During a state of emergency related to public health declared under s.
5 323.10 or during a public health emergency declared under 42 USC 247d by the
6 secretary of the federal department of health and human services, all of the following
7 apply to any health care provider or health care facility that provides a service,
8 treatment, or supply to an enrollee of a defined network plan or preferred provider
9 plan but is not a participating provider of that plan:

10 (a) The health care provider or facility shall accept as payment in full any
11 payment by a defined network plan or preferred provider plan that is at least 250
12 percent of the rate the federal Medicare program reimburses the provider for the
13 same or a similar service, treatment, or supply in the same geographic area.

14 (b) The health care provider or facility may not charge the enrollee for the
15 service, treatment, or supply an amount that exceeds the amount the provider or
16 facility is reimbursed by the defined network plan or preferred provider plan.

17 (3) The commissioner may promulgate any rules necessary to implement this
18 section.

19 **SECTION 64.** 609.719 of the statutes is created to read:

20 **609.719 Telehealth services.** Limited service health organizations,
21 preferred provider plans, and defined network plans are subject to s. 632.871.

22 **SECTION 65.** 609.83 of the statutes is amended to read:

23 **609.83 Coverage of drugs and devices.** Limited service health
24 organizations, preferred provider plans, and defined network plans are subject to ss.
25 632.853 and 632.895 (16t) and (16v).

1 **SECTION 66.** 609.846 of the statutes is created to read:

2 **609.846 Discrimination based on COVID-19 prohibited.** Limited service
3 health organizations, preferred provider plans, and defined network plans are
4 subject to s. 632.729.

5 **SECTION 67.** 609.885 of the statutes is created to read:

6 **609.885 Coverage of COVID-19.** Defined network plans, preferred provider
7 plans, and limited service health organizations are subject to s. 632.895 (14g).

8 **SECTION 68.** 625.12 (2) of the statutes is amended to read:

9 625.12 (2) CLASSIFICATION. ~~Risks~~ Except as provided in s. 632.729, risks may
10 be classified in any reasonable way for the establishment of rates and minimum
11 premiums, except that no classifications may be based on race, color, creed or
12 national origin, and classifications in automobile insurance may not be based on
13 physical condition or developmental disability as defined in s. 51.01 (5). Subject to
14 ~~s. ss. 632.365 and 632.729~~, rates thus produced may be modified for individual risks
15 in accordance with rating plans or schedules that establish reasonable standards for
16 measuring probable variations in hazards, expenses, or both. Rates may also be
17 modified for individual risks under s. 625.13 (2).

18 **SECTION 69.** 628.34 (3) (a) of the statutes is amended to read:

19 628.34 (3) (a) No insurer may unfairly discriminate among policyholders by
20 charging different premiums or by offering different terms of coverage except on the
21 basis of classifications related to the nature and the degree of the risk covered or the
22 expenses involved, subject to ss. 632.365, 632.729, 632.746 and 632.748. Rates are
23 not unfairly discriminatory if they are averaged broadly among persons insured
24 under a group, blanket or franchise policy, and terms are not unfairly discriminatory
25 merely because they are more favorable than in a similar individual policy.

1 **SECTION 70.** 631.18 of the statutes is created to read:

2 **631.18 Cancellation during public health emergency.** During a state of
3 emergency related to public health declared by the governor under s. 323.10,
4 notwithstanding any contrary provision of chs. 600 to 655, no insurer may cancel any
5 policy of insurance for nonpayment of premiums until at least 90 days after the
6 unpaid premium was due.

7 **SECTION 71.** 632.729 of the statutes is created to read:

8 **632.729 Prohibiting discrimination based on COVID-19. (1)**

9 DEFINITIONS. In this section:

10 (a) “COVID-19” means an infection caused by the SARS-CoV-2 coronavirus.

11 (b) “Health benefit plan” has the meaning given in s. 632.745 (11).

12 (c) “Pharmacy benefit manager” has the meaning given in s. 632.865 (1) (c).

13 (d) “Self-insured health plan” has the meaning given in s. 632.85 (1) (c).

14 **(2) ISSUANCE OR RENEWAL.** (a) An insurer that offers an individual or group
15 health benefit plan, a pharmacy benefit manager, or a self-insured health plan may
16 not establish rules for the eligibility of any individual to enroll, for the continued
17 eligibility of any individual to remain enrolled, or for the renewal of coverage under
18 the plan based on a current or past diagnosis or suspected diagnosis of COVID-19.

19 (b) An insurer that offers a group health benefit plan, a pharmacy benefit
20 manager, or a self-insured health plan may not establish rules for the eligibility of
21 any employer or other group to enroll, for the continued eligibility of any employer
22 or group to remain enrolled, or for the renewal of an employer’s or group’s coverage
23 under the plan based on a current or past diagnosis or suspected diagnosis of
24 COVID-19 of any employee or other member of the group.

1 **(3) CANCELLATION.** An insurer that offers an individual or group health benefit
2 plan, a pharmacy benefit manager, or a self-insured health plan may not use as a
3 basis for cancellation of coverage during a contract term a current or past diagnosis
4 of COVID-19 or suspected diagnosis of COVID-19.

5 **(4) RATES.** An insurer that offers an individual or group health benefit plan,
6 a pharmacy benefit manager, or a self-insured health plan may not use as a basis
7 for setting rates for coverage a current or past diagnosis of COVID-19 or suspected
8 diagnosis of COVID-19.

9 **(5) PREMIUM GRACE PERIOD.** An insurer that offers an individual or group health
10 benefit plan, a pharmacy benefit manager, or a self-insured health plan may not
11 refuse to grant to an individual, employer, or other group a grace period for the
12 payment of a premium based on an individual's, employee's, or group member's
13 current or past diagnosis of COVID-19 or suspected diagnosis of COVID-19 if a
14 grace period for payment of premium would generally be granted under the plan.

15 **SECTION 72.** 632.871 of the statutes is created to read:

16 **632.871 Telehealth services. (1) DEFINITIONS.** In this section:

17 (a) "Disability insurance policy" has the meaning given in s. 632.895 (1) (a).

18 (b) "Self-insured health plan" has the meaning given in s. 632.85 (1) (c).

19 (c) "Telehealth" means a practice of health care delivery, diagnosis,
20 consultation, treatment, or transfer of medically relevant data by means of audio,
21 video, or data communications that are used either during a patient visit or
22 consultation or are used to transfer medically relevant data about a patient.

23 **(2) COVERAGE DENIAL PROHIBITED.** No disability insurance policy or self-insured
24 health plan may deny coverage for a treatment or service provided through

1 telehealth if that treatment or service is covered by the policy or plan when provided
2 in person by a health care provider.

3 **(3) RULE MAKING.** The commissioner may promulgate any rules necessary to
4 implement this section.

5 **SECTION 73.** 632.895 (14g) of the statutes is created to read:

6 632.895 **(14g)** COVERAGE OF COVID-19. (a) In this subsection, "COVID-19"
7 means an infection caused by the SARS-CoV-2 coronavirus.

8 (b) Every disability insurance policy, and every self-insured health plan of the
9 state or of a county, city, town, village, or school district, that generally covers testing
10 and treatment for infectious diseases shall provide coverage of testing and treatment
11 for COVID-19, including any prescription drugs, and administration of any
12 vaccination developed to prevent COVID-19 without imposing any copayment or
13 coinsurance on the individual covered under the policy or plan.

14 **SECTION 74.** 632.895 (16v) of the statutes is created to read:

15 632.895 **(16v)** PROHIBITING COVERAGE LIMITATIONS ON PRESCRIPTION DRUGS. (a)
16 During a state of emergency related to public health declared by the governor under
17 s. 323.10, an insurer offering a disability insurance policy that covers prescription
18 drugs, a self-insured health plan of the state or of a county, city, town, village, or
19 school district that covers prescription drugs, or a pharmacy benefit manager acting
20 on behalf of a policy or plan may not do any of the following in order to maintain
21 coverage of a prescription drug:

22 1. Require prior authorization for early refills of a prescription drug or
23 otherwise restrict the period of time in which a prescription drug may be refilled.

24 2. Impose a limit on the quantity of prescription drugs that may be obtained
25 if the quantity is no more than a 90-day supply.

1 (b) This subsection does not apply to a prescription drug that is a controlled
2 substance, as defined in s. 961.01 (4).

3 **SECTION 75.** 655.0025 of the statutes is created to read:

4 **655.0025 Participation during public health emergency.** During a state
5 of emergency declared under s. 323.10 related to public health all of the following
6 apply to a physician or nurse anesthetist for whom this state is not a principal place
7 of practice but who is authorized to practice in this state on a temporary basis:

8 (1) The physician or nurse anesthetist may fulfill the requirements of s. 655.23
9 (3) (a) by filing with the commissioner a certificate of insurance for a policy of health
10 care liability insurance issued by an insurer that is authorized in a jurisdiction
11 accredited by the National Association of Insurance Commissioners.

12 (2) The physician or nurse anesthetist may elect, in the manner designated by
13 the commissioner by rule under s. 655.004, to be subject to this chapter.

14 **SECTION 76.** 704.17 (6) of the statutes is created to read:

15 704.17 (6) PUBLIC HEALTH EMERGENCY. (a) Notwithstanding subs. (1p) (a) and
16 (2) (a), during any period covered by a public health emergency declared by the
17 governor, including any extension under s. 323.10, and during the 45 days following
18 that period, a landlord may not give a tenant who is in default of a rent payment a
19 notice to pay rent or vacate within at least 5 days or a notice to vacate within at least
20 14 days that is based on a failure to pay rent and may not charge a late fee for a late
21 payment of rent.

22 (b) If a landlord gave a tenant who is in default of a rent payment a notice to
23 pay rent or vacate under sub. (1p) (a) or (2) (a) or a notice to vacate under sub. (1p)
24 (a) before a period covered by a public health emergency declared by the governor,
25 including any extension under s. 323.10, the days during that period and the 45 days

1 following that period may not be counted in the 5 days to pay rent or 14 days to vacate
2 under the notice.

3 **SECTION 77.** 704.23 of the statutes is amended to read:

4 **704.23 Removal of tenant on termination of tenancy.** If a tenant remains
5 in possession without consent of the tenant's landlord after termination of the
6 tenant's tenancy, the landlord may in every case proceed in any manner permitted
7 by law to remove the tenant and recover damages for such holding over. This section
8 does not apply if a tenant's tenancy has terminated because of a failure to pay rent
9 prior to a period covered by a public health emergency declared by the governor, but
10 the tenant has not yet been removed from the premises and a civil action of eviction
11 has not yet been commenced.

12 **SECTION 78.** 704.25 (1) of the statutes is amended to read:

13 704.25 (1) REMOVAL AND RECOVERY OF DAMAGES. If a tenant holds over after
14 expiration of a lease, the landlord may in every case proceed in any manner
15 permitted by law to remove the tenant and recover damages for such holding over.
16 This subsection does not apply if a tenant's tenancy has terminated, but would not
17 otherwise have expired, because of a failure to pay rent prior to a period covered by
18 a public health emergency declared by the governor, the tenant has not yet been
19 removed from the premises, and a civil action of eviction has not yet been
20 commenced.

21 **SECTION 79.** 799.24 (1m) of the statutes is created to read:

22 799.24 (1m) PUBLIC HEALTH EMERGENCY. Notwithstanding the provisions of sub.
23 (1), during a period covered by a public health emergency declared by the governor,
24 including any extension under s. 323.10, and during the 45 days following that
25 period, no court may enter a judgment or order of eviction under sub. (1).

1 **SECTION 80.** 799.40 (1c) of the statutes is created to read:

2 799.40 **(1c)** PUBLIC HEALTH EMERGENCY. Notwithstanding sub. (1) or any other
3 provision of this chapter, if a tenant's tenancy has terminated because of a failure to
4 pay rent prior to a period covered by a public health emergency declared by the
5 governor, but the tenant has not yet been removed from the premises and a civil
6 action of eviction has not yet been commenced, the landlord may not commence a civil
7 action of eviction based on the tenant's failure to pay rent during the period covered
8 by the public health emergency, including any extension under s. 323.10, or during
9 the 45 days following that period.

10 **SECTION 81.** 799.44 (2m) of the statutes is created to read:

11 799.44 **(2m)** PUBLIC HEALTH EMERGENCY. Notwithstanding the provisions of
12 subs. (1) and (2), during a period covered by a public health emergency declared by
13 the governor, including any extension under s. 323.10, and during the 45 days
14 following that period, no court may enter an order for judgment under sub. (1) or
15 order that a writ of restitution be issued under sub. (2).

16 **SECTION 82.** 799.45 (1m) of the statutes is created to read:

17 799.45 **(1m)** PUBLIC HEALTH EMERGENCY. Notwithstanding the provisions of this
18 section, no sheriff may execute a writ of restitution during a period covered by a
19 public health emergency declared by the governor, including any extension under s.
20 323.10, or during the 45 days following that period.

21 **SECTION 83. Nonstatutory provisions.**

22 (1) PUBLIC HEALTH POSITIONS; EXEMPTION FROM CIVIL SERVICE. During a state of
23 emergency related to public health declared under s. 323.10 or during a public health
24 emergency declared under 42 USC 247d by the secretary of the federal department
25 of health and human services, the secretary of health services may request that the

1 administrator of the division of personnel management in the department of
2 administration waive any provisions of subch. II of ch. 230 as necessary to expedite
3 the recruitment and hiring by the department of health services of individuals for
4 the positions described under SECTION 84 (1) of this act.

5 (2) GPR APPROPRIATION OF THE WISCONSIN ECONOMIC DEVELOPMENT
6 CORPORATION. Notwithstanding s. 20.192 (1) (a), each dollar amount shown in that
7 appropriation is increased by \$25,000,000 in fiscal year 2019-20.

8 (3) ENHANCED FEDERAL MEDICAL ASSISTANCE PERCENTAGE. Notwithstanding s.
9 49.45 (23b) (b), (c), (d), and (e) or any other conflicting provision of subch. IV of ch.
10 49, if the federal government provides an enhanced federal medical assistance
11 percentage during an emergency period declared in response to the novel
12 coronavirus pandemic, the department of health services may suspend compliance
13 with s. 49.45 (23b) (b), (c), (d), and (e) and any other conflicting provision of subch.
14 IV of ch. 49 to satisfy criteria to qualify for the enhanced federal medical assistance
15 percentage during the period for which the enhanced federal medical assistance
16 percentage applies. The department of health services may submit to the federal
17 government any request for a waiver of federal law or amendment to or suspension
18 of a waiver, any state plan amendment, or other request for federal approval
19 necessary to obtain the enhanced federal medical assistance percentage described
20 under this subsection without complying with the procedures under ss. 20.940 and
21 49.45 (2t).

22 (4) USE OF PRIORITY OF FEDERAL FUNDS. To the greatest extent possible, the
23 secretary of administration shall ensure that funds made available by the United
24 States government and accepted by the governor under s. 16.54 for the purpose of
25 addressing the COVID-19 public health emergency in this state are used for the

1 purposes of this act prior to the use of general purpose revenue appropriated for those
2 purposes under this act.

3 (5) LEGISLATIVE INTENT STATEMENT. It is the intent of the legislature that school
4 boards continue to employ and pay all employees when schools are closed by the
5 department of health services under s. 252.02 (3).

6 (6) RECONCILIATION PROVISIONS FOR CHILD CARE GRANT PROGRAMS. If 2019
7 LRB-6005 is enacted into law and if 2019 LRB-6005 contains the grant programs
8 under s. 49.259 (2), then the treatment of ss. 20.437 (3) (f) and 49.259 (2) by this act
9 are void.

10 (7) WISCONSIN SHARES FEDERAL APPROVAL. Notwithstanding the deadline under
11 s. 49.359 (3) (e) 2. for submitting to the federal department of health and human
12 services a request for a state plan amendment, waiver, or other federal approval
13 necessary to expand eligibility for the child subsidy program under s. 49.155 to
14 individuals who need child care services due to the public health issue that is the
15 basis of a public health emergency, with respect to the public health emergency
16 declared on March 12, 2020, by executive order 72, under s. 323.10, the department
17 of children and families shall submit the request no later than 60 days after the
18 effective date of this subsection.

19 **SECTION 84. Fiscal changes.**

20 (1) PUBLIC HEALTH POSITIONS. In the schedule under s. 20.005 (3) for the
21 appropriation to the department of health services under s. 20.435 (1) (a), the dollar
22 amount for fiscal year 2019-20 is increased by \$2,070,000 to increase the authorized
23 FTE positions for the department by 64 GPR positions on the effective date of this
24 subsection, to provide services for the division of the department that addresses
25 public health issues. In the schedule under s. 20.005 (3) for the appropriation to the

1 department of health services under s. 20.435 (1) (a), the dollar amount for fiscal year
2 2020-21 is increased by \$8,280,000 to provide funding for the positions authorized
3 under this subsection.

4 (2) AID TO LOCAL HEALTH DEPARTMENTS. In the schedule under s. 20.005 (3) for
5 the appropriation to the department of health services under s. 20.435 (1) (b), the
6 dollar amount for fiscal year 2019-20 is increased by \$17,441,000 to provide aid to
7 local health departments. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the
8 department may transfer moneys under this subsection to and expend those moneys
9 in fiscal year 2020-21.

10 (3) EXTENDING ELECTRONIC REGISTRATION. In the schedule under s. 20.005 (3) for
11 the appropriation to the elections commission under s. 20.510 (1) (a), the dollar
12 amount for fiscal year 2019-20 is increased by \$1,000,000 to cover the costs
13 associated with updating the voter registration system as a result of extending
14 electronic registration.

15 (4) CHILD CARE AND WISCONSIN WORKS.

16 (a) *Federal block grant operations.* In the schedule under s. 20.005 (3) for the
17 appropriation to the department of children and families under s. 20.437 (2) (mc), the
18 dollar amount for fiscal year 2019-20 is increased by \$20,000,000 for the purposes
19 of operating and administering the programs under s. 49.259 (2) (a) and (3). In the
20 schedule under s. 20.005 (3) for the appropriation to the department of children and
21 families under s. 20.437 (2) (mc), the dollar amount for fiscal year 2020-21 is
22 increased by the amount of the increase in fiscal year 2019-20 that was not spent in
23 that fiscal year, as determined by the secretary of administration, for the purposes
24 of operating and administering the programs under s. 49.259 (2) (a) and (3).

1 (b) *Federal block grant aids.* In the schedule under s. 20.005 (3) for the
2 appropriation to the department of children and families under s. 20.437 (2) (md),
3 the dollar amount for fiscal year 2019-20 is increased by \$80,000,000 for programs
4 to provide aid to individuals or organizations authorized under s. 49.259 (2) (a) and
5 (3). In the schedule under s. 20.005 (3) for the appropriation to the department of
6 children and families under s. 20.437 (2) (md), the dollar amount for fiscal year
7 2020-21 is increased by the amount of the increase in fiscal year 2019-20 that was
8 not spent in that fiscal year, as determined by the secretary of administration, for
9 programs to provide aid to individuals or organizations authorized under s. 49.259
10 (2) (a) and (3).

11 **SECTION 85. Initial applicability.**

12 (1) **DEADLINES FALLING DURING A PUBLIC HEALTH EMERGENCY.** The treatment of s.
13 323.265 first applies retroactively to a deadline, as defined in s. 323.265 (1) (b),
14 falling during the public health emergency declared on March 12, 2020, by executive
15 order 72, including any extension under s. 323.10, but, with respect to that public
16 health emergency, does not apply to any new deadline established under this act, as
17 determined by the determining authority, as defined in s. 323.265 (1) (c).

18 (2) **UNEMPLOYMENT INSURANCE; DELETION OF WAITING PERIOD.** The treatment of
19 ss. 108.02 (26m) and 108.04 (3) and (11) (bm) first applies to benefit years beginning
20 on the effective date of this subsection.

21 (3) **DPI WAIVER AUTHORITY.** The treatment of s. 118.38 (4) first applies to an order
22 to close schools issued by the department of health services under s. 252.02 (3) during
23 the 2019-2020 school year.

