



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5920/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), 16.24, 16.5165, 20.435 (1) (by), 20.437 (3) (f), 20.465 (3) (em), 20.505
8 (1) (am), 20.505 (1) (ft), 20.505 (1) (gh), 20.835 (1) (dc), 20.855 (4) (b), 20.940 (7),
9 40.26 (5m), 40.26 (6), 49.45 (2t) (d), 79.036, 79.06, 103.13 (2m), 115.385 (6),
10 118.233, 118.38 (4), 118.38 (5), 323.19 (3), 323.19 (4), 323.21, 323.22, 323.265,
11 323.291, 440.08 (5), 450.11 (5) (br), 609.205, 609.719, 609.846, 609.885,
12 632.729, 632.871, 632.895 (14g), 632.895 (16v), 704.17 (6), 799.24 (1m), 799.40
13 (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

ECONOMIC DEVELOPMENT

1. *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.

ELECTIONS

1. *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.

2. *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.

3. *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.

EDUCATION

1. *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.

2. Department of Public Instruction; waiver of laws and rules.

Under the bill, if the Department of Health Services 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. Employee compensation and prohibiting layoffs during a public health emergency

This bill requires a school board, independent charter school, and private school participating in a parental choice program or the Special Needs Scholarship program to continue to pay employees at the employees' regular rate during any period of time during which schools are closed by order of DHS (public health emergency). Additionally, the bill prohibits a school board, independent charter school, and private school participating in a parental choice program or the Special Needs Scholarship program from laying off employees during a public health emergency. The bill applies to the public health emergency that began on March 18, 2020.

EMERGENCY MANAGEMENT

1. Suspension of deadlines

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

2. Transfer of employees between executive branch agencies

This bill authorizes the secretary of the Department of Administration to transfer employees from any executive branch agency to another executive branch agency during the public health emergency declared on March 12, 2020, by executive order 72, including any extension. Under the bill, the agency to which an employee is transferred shall pay all salary and fringe benefit costs of that employee.

3. 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.

4. 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.

EMPLOYMENT

1. 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.

2. 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.

3. *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.

4. *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.

5. *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.

6. *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**1. *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.

2. *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.

3. Public health positions

This bill increases the authorized full-time positions for 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.

4. Aid to local health departments

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

5. 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.

6. 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.

INSURANCE

1. 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 and include insurance policies that cover state employees. 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.

2. 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.

3. 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.

4. Insurance policy cancellation

This bill prohibits insurers from canceling during the public health emergency declared by the governor related to COVID-19 insurance policies for nonpayment of premiums until at least 90 days after the unpaid premium was due.

5. Liability insurance for physicians and nurse anesthetists.

This bill specifies that, during the public health emergency declared by the governor related to COVID-19, 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.

6. 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 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.

7. 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.

OCCUPATIONAL REGULATION

1. 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.

2. Temporary credentials for former health care providers

This bill authorizes former health care providers 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 must 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 declared on March 12, 2020, by executive order 72.

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 the public health emergency, 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.

3. Temporary credentials for health care providers from other states

This bill authorizes 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 must 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 declared on March 12, 2020, by executive order 72.

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 the public health emergency, 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.

4. 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 the period covered by the public health emergency declared on March 12, 2020, by executive order 72, 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.

MILITARY AFFAIRS

1. 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.

RETIREMENT AND GROUP INSURANCE

1. 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.

2. 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.

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.

SHARED REVENUE

1. 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.

STATE GOVERNMENT

1. 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.

2. Public health emergency local assistance program

This bill directs DOA 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.

3. Printing services

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

4. 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.

WISCONSIN WORKS AND CHILD CARE

1. 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 affected by the pandemic resulting from the novel strain of coronavirus (pandemic) during the period covered by the public health emergency declared by the governor on March 12, 2020, (public health

emergency) 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 affected by the pandemic. The bill also requires DCF to create an essential workforce child care grant program, using either the new TANF or GPR funding.

2. 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 the public health emergency. Under the bill, an individual is eligible for a cash benefit payment of \$653 during the 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 pandemic or the individual misses work due to a lack of available child care as a result of the pandemic. 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.

3. 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 the 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.

4. Emergency assistance

Under current law, DCF administers an emergency assistance program for families in need who are facing homelessness. Under the bill, during the public health emergency, individuals who suffer a loss of income as a result of the pandemic 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.

5. *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 to individuals who need child care services due to the pandemic, and expands such eligibility to the extent authorized by that federal approval during the public health emergency.

6. *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 the 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.

7. *Essential workforce child care grant program*

The bill requires DCF to make grants available to employers and contracting entities of essential workforce to pay for child care costs incurred due to the pandemic and during the public health emergency. Under the bill, “essential 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 essential 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 essential workforce members.

8. *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 the 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:

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

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

1 **6.58 Registration during a public health emergency.** If the governor
2 issues an executive order declaring a public health emergency, as provided under s.
3 323.10, during the period covered by the order, including any extension under s.
4 323.10, electronic registration under s. 6.30 (5) for an election closes at 5 p.m. on the
5 5th day preceding the election and all parts of the registration may be completed
6 electronically.

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

8 **6.895 Voting by absentee ballot during an emergency.** Notwithstanding
9 any provision to the contrary, if the governor issues an executive order declaring a
10 public health emergency under s. 323.10, voting at any election held during the
11 period covered by the order, including any extension under s. 323.10, shall be
12 conducted by mail using absentee ballots. An absentee ballot mailed under this
13 section shall be postmarked no later than the day of the election. A witness signature
14 is not required for any such ballot.

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

16 **16.004 (25) PRINTING SERVICES.** The department may provide printing services
17 to counties, towns, villages, and cities.

18 **SECTION 6.** 16.24 of the statutes is created to read:

19 **16.24 Health care response grants. (1) DEFINITIONS.** In this section:

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

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

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

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

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

9 (c) Staff overtime and hiring additional staff.

10 (d) Staff training and orientation.

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

13 (f) Development and implementation of COVID-19 screening and testing
14 procedures.

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

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

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

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

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

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

24 (m) Expenses that assist with planning or preparing for or responding to an
25 outbreak of COVID-19 but that, in the determination of the secretary, cannot

1 reasonably be expected to generate income for the grant recipient after the outbreak
2 ends.

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

5 1. Determine the number of grants and the amount of each grant.

6 2. Develop an application form and process for an eligible provider to apply for
7 a grant and demonstrate an urgent or emergency need for a grant.

8 3. Establish conditions to which an eligible provider must agree in order to
9 obtain a grant under this section.

10 (b) If the secretary determines that a recipient of a grant under this section has
11 used awarded moneys for a purpose not authorized under this section or has
12 otherwise violated the grant agreement, the secretary may do any of the following:

13 1. Immediately terminate any portions or all of the grant agreement.

14 2. Recover from the grant recipient any moneys paid and used for the
15 unauthorized purpose.

16 3. Pursue any other remedy available under law.

17 (c) Notwithstanding ss. 227.01 (3m) and (13), 227.10, and 227.112, the grant
18 application process and eligibility criteria under this section need not be
19 promulgated as rules under ch. 227, are not a guidance document, and are not subject
20 to the requirements of s. 227.112.

21 **(4) TEMPORARY SITES.** Notwithstanding sub. (2), if no eligible provider is
22 reasonably capable of establishing and operating temporary sites to provide testing
23 services to test for COVID-19, provide treatment beds for patients affected by a
24 COVID-19 outbreak, or isolate or quarantine individuals affected by a COVID-19
25 outbreak the secretary may expend moneys from the appropriation under s. 20.505

1 (1) (ft) to establish and operate temporary sites for these purposes. The secretary
2 may direct local units of government and eligible providers to operate a temporary
3 site established under this subsection.

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

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

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

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

14 **SECTION 7.** 16.5165 of the statutes is created to read:

15 **16.5165 Costs related to a public health emergency. (1)** In this section:

16 (a) "Public health emergency" means a public health emergency declared by the
17 governor under s. 323.10.

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

23 (2) The department may expend moneys from the appropriation under s.
24 20.505 (1) (am) for all of the following:

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

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

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

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

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

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

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

17 (h) 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 (i) 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 8.** 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 9.** 20.435 (1) (by) of the statutes is created to read:9 20.435 (1) (by) *Public health emergency general costs.* A sum sufficient to fund
10 the public health emergency fund under s. 323.21.11 **SECTION 10.** 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 2019 Wisconsin Act (this
14 act), section 75 (12) (h) and (i).15 **SECTION 11.** 20.465 (3) (em) of the statutes is created to read:16 20.465 (3) (em) *Public health emergencies.* A sum sufficient to pay public
17 health emergency costs as provided under s. 323.22 for a public health emergency
18 declared under s. 323.10. Except as provided in s. 323.22 (2), no more than
19 \$300,000,000 may be expended from this appropriation in a fiscal biennium.20 **SECTION 12.** 20.505 (1) (am) of the statutes is created to read:21 20.505 (1) (am) *Costs related to a public health emergency.* A sum sufficient for
22 costs related to a public health emergency under s. 16.5165. Except as provided in
23 s. 16.5165, no more than \$200,000,000 may be expended from this appropriation in
24 any fiscal biennium.

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

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

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

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

9 **SECTION 15.** 20.835 (1) (dc) of the statutes is created to read:

10 20.835 (1) (dc) *County and municipal aid; public health emergency supplement.*
11 A sum sufficient to make payments to counties, towns, villages, and cities under s.
12 79.036.

13 **SECTION 16.** 20.855 (4) (b) of the statutes is created to read:

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

17 **SECTION 17.** 20.866 (2) (xm) of the statutes is amended to read:

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

1 the retirement of public debt incurred for tax-supported and self-amortizing
2 facilities in proportional amounts to the purposes for which the debt was refinanced.
3 No moneys may be expended under this paragraph unless the true interest costs to
4 the state can be reduced by the expenditure.

5 **SECTION 18.** 20.940 (7) of the statutes is created to read:

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

10 **SECTION 19.** 25.50 (3) (b) of the statutes is amended to read:

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

18 **SECTION 20.** 40.22 (1) of the statutes is amended to read:

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

24 **SECTION 21.** 40.22 (2m) (intro.) of the statutes is amended to read:

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

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

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

16 **SECTION 23.** 40.22 (3) (intro.) of the statutes is amended to read:

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

20 **SECTION 24.** 40.26 (1m) (a) of the statutes is amended to read:

21 40.26 (1m) (a) ~~If~~ Except as otherwise provided in sub. (6), a participant
22 receiving a retirement annuity, or a disability annuitant who has attained his or her
23 normal retirement date, is employed in a position in covered employment in which
24 he or she is expected to work at least two-thirds of what is considered full-time
25 employment by the department, as determined under s. 40.22 (2r), the participant's

1 annuity shall be suspended and no annuity payment shall be payable until after the
2 participant terminates covered employment.

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

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

12 **SECTION 26.** 40.26 (5) (intro.) of the statutes is amended to read:

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

18 **SECTION 27.** 40.26 (5m) of the statutes is created to read:

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

25 **SECTION 28.** 40.26 (6) of the statutes is created to read:

1 40.26 **(6)** When the governor declares a state of emergency under s. 323.10, a
2 participant who is hired during the emergency may elect to not suspend his or her
3 retirement annuity or disability annuity under sub. (1m) for the duration of the state
4 of emergency related to a public health emergency if all of the following conditions
5 are met:

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

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

12 **SECTION 29.** 40.51 (8) of the statutes is amended to read:

13 40.51 **(8)** Every health care coverage plan offered by the state under sub. (6)
14 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.729, 632.746
15 (1) to (8) and (10), 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853,
16 632.855, 632.867, 632.87 (3) to (6), 632.871, 632.885, 632.89, 632.895 (5m) and (8) to
17 (17), and 632.896.

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

19 40.51 **(8m)** Every health care coverage plan offered by the group insurance
20 board under sub. (7) shall comply with ss. 631.95, 632.729, 632.746 (1) to (8) and (10),
21 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855, 632.867,
22 632.871, 632.885, 632.89, and 632.895 (11) to (17).

23 **SECTION 31.** 49.45 (2t) (d) of the statutes is created to read:

24 49.45 **(2t)** (d) This subsection does not apply during a state of emergency
25 declared by the governor under s. 323.10 for a public health emergency or a public

1 health emergency declared under 42 USC 247d by the secretary of the federal
2 department of health and human services.

3 **SECTION 32.** 66.0137 (4) of the statutes is amended to read:

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

11 **SECTION 33.** 79.036 of the statutes is created to read:

12 **79.036 County and municipal aid; public health emergency**
13 **supplement.** For the distributions in 2020, in addition to the amount it receives
14 under s. 79.035, each county and municipality shall receive a payment from the
15 appropriation account under s. 20.835 (1) (dc) equal to 1 percent of the amount of its
16 estimated payment under s. 79.035 for 2020. The department of administration,
17 upon certification by the secretary of revenue, shall make the payments under this
18 section on the first Monday in May, 2020, or at a later date in 2020, as determined
19 by the secretary of revenue.

20 **SECTION 34.** 79.06 of the statutes is created to read:

21 **79.06 Public health emergency local assistance program. (1)**

22 DEFINITION. In this section, "local unit of government" means a county, city, village,
23 town, or federally recognized American Indian tribe or band in this state.

24 **(2) ESTABLISHMENT OF PROGRAM.** The department of administration shall
25 establish and administer a public health emergency local assistance program to

1 reimburse local units of government for extraordinary operational costs related to
2 protecting and improving public health during the public health emergency declared
3 on March 12, 2020, by executive order 72, including any extension under s. 323.10.

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

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

21 (b) *Subsequent application periods.* If moneys remain in the appropriation
22 account under s. 20.855 (4) (b) after the payment of reimbursement amounts under
23 par. (a), the department of administration and secretary of administration shall
24 repeat the process in par. (a), establishing as many subsequent application periods
25 as necessary until no moneys remain.

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

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

7 **SECTION 35.** 103.13 (2m) of the statutes is created to read:

8 103.13 **(2m)** EMPLOYEE RECORDS DURING AN EMERGENCY. Notwithstanding s.
9 103.13 (2), during the period covered by a state of emergency related to a public
10 health emergency declared by the governor under s. 323.10, an employer is not
11 required to provide an employee's personnel records within 7 working days after an
12 employee makes a request to inspect his or her personnel records, and an employer
13 is not required to provide the inspection at a location reasonably near the employee's
14 place of employment during normal working hours.

15 **SECTION 36.** 108.02 (26m) of the statutes is repealed.

16 **SECTION 37.** 108.04 (3) of the statutes is repealed.

17 **SECTION 38.** 108.04 (11) (bm) of the statutes is amended to read:

18 108.04 **(11)** (bm) The department shall apply any ineligibility under par. (be)
19 against benefits and weeks of eligibility for which the claimant would otherwise be
20 eligible after the week of concealment and within 6 years after the date of an initial
21 determination issued under s. 108.09 finding that a concealment occurred. The
22 claimant shall not receive waiting period credit under s. 108.04 (3) for the period of
23 ineligibility applied under par. (be). If no benefit rate applies to the week for which
24 the claim is made, the department shall use the claimant's benefit rate for the

1 claimant's next benefit year beginning after the week of concealment to determine
2 the amount of the benefit reduction.

3 **SECTION 39.** 115.385 (1) (intro.) of the statutes is amended to read:

4 115.385 (1) (intro.) ~~Annually~~ Except as provided in sub. (6), annually by
5 November 30, the department shall publish a school and school district
6 accountability report that includes all of the following components:

7 **SECTION 40.** 115.385 (6) of the statutes is created to read:

8 115.385 (6) The department is not required to publish a school and school
9 district accountability report under sub. (1) for the 2019-20 school year.

10 **SECTION 41.** 118.233 of the statutes is created to read:

11 **118.233 School employees; school closed by the department of health**
12 **services. (1) DEFINITIONS.** In this section:

13 (a) "Current employee" means an individual who is employed by a governing
14 body on the date schools are closed by the department of health services under s.
15 252.02 (3).

16 (b) "Governing body" means all of the following:

17 1. A school board.

18 2. An operator, governing board, or authorizer of a charter school under s.
19 118.40 (2r) or (2x).

20 3. The operator or governing board of a charter school under s. 118.40 (2) or (2m)
21 that is not an instrumentality of a school district.

22 4. The governing body of a private school participating in a program under s.
23 115.7915, 118.60, or 119.23.

1 **(2) LAYOFFS PROHIBITED.** A governing body may not lay off a current employee
2 during a period when schools are closed by the department of health services under
3 s. 252.02 (3).

4 **(3) COMPENSATION.** A governing body shall continue to pay current employees
5 for regularly scheduled hours at the current employee's regular rate during a period
6 when schools are closed by the department of health services under s. 252.02 (3),
7 regardless of whether the current employee is required to report to work while
8 schools are closed. A governing body may pay a current employee more than what
9 is required under this subsection.

10 **SECTION 42.** 118.38 (4) of the statutes is created to read:

11 118.38 (4) If the department of health services closes schools under s. 252.02
12 (3), all of the following apply during the school year in which schools are closed:

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

16 (b) The department may waive any private school requirement in chs. 115 to
17 121 or the administrative rules promulgated by the department under the authority
18 of those chapters, including any requirement related to participating in a program
19 under s. 115.7915, 118.60 or 119.23.

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

24 **SECTION 43.** 118.38 (5) of the statutes is created to read:

1 118.38 (5) If the department is not required to publish a school and school
2 district accountability report under s. 115.385 for a school year, the department may
3 waive any requirement related to the publication of that accountability report in chs.
4 115 to 121 or in the administrative rules promulgated by the department under the
5 authority of those chapters.

6 **SECTION 44.** 120.13 (2) (g) of the statutes is amended to read:

7 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.
8 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.729, 632.746 (10) (a) 2. and (b) 2.,
9 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.867, 632.87 (4) to (6), 632.871,
10 632.885, 632.89, 632.895 (9) to (17), 632.896, and 767.513 (4).

11 **SECTION 45.** 185.983 (1) (intro.) of the statutes is amended to read:

12 185.983 (1) (intro.) Every voluntary nonprofit health care plan operated by a
13 cooperative association organized under s. 185.981 shall be exempt from chs. 600 to
14 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44,
15 601.45, 611.26, 611.67, 619.04, 623.11, 623.12, 628.34 (10), 631.17, 631.89, 631.93,
16 631.95, 632.72 (2), 632.729, 632.745 to 632.749, 632.775, 632.79, 632.795, 632.798,
17 632.85, 632.853, 632.855, 632.867, 632.87 (2) to (6), 632.871, 632.885, 632.89,
18 632.895 (5) and (8) to (17), 632.896, and 632.897 (10) and chs. 609, 620, 630, 635, 645,
19 and 646, but the sponsoring association shall:

20 **SECTION 46.** 250.04 (2) (a) of the statutes is amended to read:

21 250.04 (2) (a) The department possesses all powers necessary to fulfill the
22 duties prescribed in the statutes and to bring action in the courts for the enforcement
23 of public health statutes and rules. Notwithstanding s. 227.112, during a public
24 health emergency declared under s. 323.10, the department possesses all powers
25 necessary to respond to that emergency, including, as described under s. 323.21, the

1 powers to expend public health emergency funds and, subject to approval of the
2 governor, to confidentially investigate the cause and extent of any declared public
3 health emergency and issue orders necessary to protect public health.

4 **SECTION 47.** 323.02 (16) (intro.), (a) and (b) 2. of the statutes are amended to
5 read:

6 323.02 (16) (intro.) “Public health emergency” means the occurrence or
7 imminent threat of an illness or health condition that meets ~~all~~ any of the following
8 criteria:

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

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

15 **SECTION 48.** 323.19 (3) of the statutes is created to read:

16 323.19 (3) Based on guidance provided by the secretary of health services, the
17 head of each state agency and each local health department shall determine which
18 public employee positions within the respective state agency or local government are
19 critical when the governor declares a state of emergency related to a public health
20 emergency under s. 323.10, for the purposes of s. 40.26 (5m) and (6) (b).

21 **SECTION 49.** 323.19 (4) of the statutes is created to read:

22 323.19 (4) (a) In this subsection, “state entity” means any state agency,
23 institution of higher education, association, society, or other body in state
24 government created or authorized to be created by the constitution or any law that

1 is entitled to expend moneys appropriated by law, including the legislature, the
2 courts, and any authority.

3 (b) The head or governing body of a state entity may waive a requirement
4 imposed, administered, or enforced by the state entity that an individual appear in
5 person during a state of emergency relating to public health declared under s. 323.10,
6 if the head or governing body finds that the waiver assists in the state's response to
7 the public health emergency or that enforcing the requirement may increase the
8 public health risk.

9 **SECTION 50.** 323.21 of the statutes is created to read:

10 **323.21 Powers of the department of health services during a public**
11 **health emergency.** (1) In this section:

12 (a) "Department" means the department of health services.

13 (b) "State health officer" has the meaning given in s. 250.01 (9).

14 (2) Subject to the approval of the governor, the department of health services
15 may confidentially investigate the cause and extent of any declared public health
16 emergency, and notwithstanding s. 227.112, may issue such orders and public health
17 advisories as it determines are necessary to protect public health. Notwithstanding
18 any exceptions contained in s. 146.82 (2), any patient specific information collected
19 by the department shall remain confidential.

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

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

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

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

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

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

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

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

15 **(4)** During a declared public health emergency, the department of health
16 services may create a full-time equivalent position or portion of a position funded
17 from the appropriation under s. 20.435 (1) (by). After the declared public health
18 emergency has ended, the department of health services may abolish a full-time
19 equivalent position or portion of a position funded from the appropriation under s.
20 20.435 (1) (by).

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

25 **SECTION 51.** 323.22 of the statutes is created to read:

1 **323.22 Public health emergencies.** (1) From the appropriation under s.
2 20.465 (3) (em), the department of military affairs may, during a public health
3 emergency declared under s. 323.10, expend public health emergency moneys for any
4 of the following purposes:

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

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

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

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

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

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

22 1. The joint committee on finance approves the request or modifies and
23 approves the request. If the committee modifies and approves the request, the
24 department may expend excess moneys under the request only as modified by the
25 committee.

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

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

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

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

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

13 **SECTION 52.** 323.265 of the statutes is created to read:

14 **323.265 Deadlines falling during a public health emergency. (1)** In this
15 section:

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

21 (b) “Emergency period” means the period covered by a public health emergency
22 declared by the governor under s. 323.10, including any extension, plus 30 days.

23 (c) “Lead period” means the period that begins on the first day after the
24 emergency period and is equal to the period beginning on the first day of the

1 emergency period, and ending on the date on which a deadline tolled under sub. (2)
2 would otherwise have fallen.

3 (d) "Local governmental unit" means a political subdivision of this state, a
4 special purpose district in this state, an agency or corporation of a political
5 subdivision or special purpose district, or a combination or subunit of any of the
6 foregoing.

7 (2) Notwithstanding any requirement to the contrary, each deadline any
8 agency, local governmental unit, or individual is required by state law to satisfy
9 during the emergency period, including any tax filing deadline, is tolled until the last
10 day of that deadline's lead period. This subsection does not apply to any deadline in
11 a court proceeding or to any deadline imposed by a court, nor does it apply to any
12 statute of limitations for commencing an action in any court.

13 **SECTION 53.** 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.** (b) 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 (c) 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 54.** 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 the period covered by
5 the public health emergency declared on March 12, 2020, by executive order 72,
6 including any extension under s. 323.10, and continuing until further specified by
7 the applicable credentialing 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 55.** 450.11 (5) (a) of the statutes is amended to read:

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

25 **SECTION 56.** 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 57.** 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 58.** 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 59.** 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 60.** 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 61.** 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 62.** 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 63.** 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 64.** 632.729 of the statutes is created to read:

2 **632.729 Prohibiting discrimination based on COVID-19. (1)**

3 DEFINITIONS. In this section:

4 (a) "COVID-19" means an infection caused by the SARS-CoV-2 coronavirus.

5 (b) "Health benefit plan" has the meaning given in s. 632.745 (11).

6 (c) "Pharmacy benefit manager" has the meaning given in s. 632.865 (1) (c).

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

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

13 (b) An insurer that offers a group health benefit plan, a pharmacy benefit
14 manager, or a self-insured health plan may not establish rules for the eligibility of
15 any employer or other group to enroll, for the continued eligibility of any employer
16 or group to remain enrolled, or for the renewal of an employer's or group's coverage
17 under the plan based on a current or past diagnosis or suspected diagnosis of
18 COVID-19 of any employee or other member of the group.

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

23 **(4) RATES.** An insurer that offers an individual or group health benefit plan,
24 a pharmacy benefit manager, or a self-insured health plan may not use as a basis for

1 setting rates for coverage a current or past diagnosis of COVID-19 or suspected
2 diagnosis of COVID-19.

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

9 SECTION 65. 632.871 of the statutes is created to read:

10 **632.871 Telehealth services.** (1) DEFINITIONS. In this section:

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

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

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

17 (2) COVERAGE DENIAL PROHIBITED. No disability insurance policy or self-insured
18 health plan may deny coverage for a treatment or service provided through
19 telehealth if that treatment or service is covered by the policy or plan when provided
20 in person by a health care provider.

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

23 SECTION 66. 632.895 (14g) of the statutes is created to read:

24 632.895 (14g) COVERAGE OF COVID-19. (a) In this subsection, "COVID-19"
25 means an infection caused by the SARS-CoV-2 coronavirus.

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

7 **SECTION 67.** 632.895 (16v) of the statutes is created to read:

8 632.895 (16v) PROHIBITING COVERAGE LIMITATIONS ON PRESCRIPTION DRUGS. (a)
9 During the period covered by the state of emergency related to public health declared
10 by the governor on March 12, 2020, by executive order 72, an insurer offering a
11 disability insurance policy that covers prescription drugs, a self-insured health plan
12 of the state or of a county, city, town, village, or school district that covers prescription
13 drugs, or a pharmacy benefit manager acting on behalf of a policy or plan may not
14 do any of the following in order to maintain coverage of a prescription drug:

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

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

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

21 **SECTION 68.** 704.17 (6) of the statutes is created to read:

22 704.17 (6) PUBLIC HEALTH EMERGENCY. (a) Notwithstanding subs. (1p) (a) and
23 (2) (a), during any period covered by a public health emergency declared by the
24 governor, including any extension under s. 323.10, and during the 45 days following
25 that period, a landlord may not give a tenant who is in default of a rent payment a

1 notice to pay rent or vacate within at least 5 days or a notice to vacate within at least
2 14 days that is based on a failure to pay rent and may not charge a late fee for a late
3 payment of rent.

4 (b) If a landlord gave a tenant who is in default of a rent payment a notice to
5 pay rent or vacate under sub. (1p) (a) or (2) (a) or a notice to vacate under sub. (1p)
6 (a) before a period covered by a public health emergency declared by the governor,
7 including any extension under s. 323.10, the days during that period and the 45 days
8 following that period may not be counted in the 5 days to pay rent or 14 days to vacate
9 under the notice.

10 **SECTION 69.** 704.23 of the statutes is amended to read:

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

19 **SECTION 70.** 704.25 (1) of the statutes is amended to read:

20 **704.25 (1) REMOVAL AND RECOVERY OF DAMAGES.** If a tenant holds over after
21 expiration of a lease, the landlord may in every case proceed in any manner
22 permitted by law to remove the tenant and recover damages for such holding over.
23 This subsection does not apply if a tenant's tenancy has terminated, but would not
24 otherwise have expired, because of a failure to pay rent prior to a period covered by
25 a public health emergency declared by the governor, the tenant has not yet been

1 removed from the premises, and a civil action of eviction has not yet been
2 commenced.

3 **SECTION 71.** 799.24 (1m) of the statutes is created to read:

4 799.24 **(1m)** PUBLIC HEALTH EMERGENCY. Notwithstanding the provisions of sub.
5 (1), during a period covered by a public health emergency declared by the governor,
6 including any extension under s. 323.10, and during the 45 days following that
7 period, no court may enter a judgment or order of eviction under sub. (1).

8 **SECTION 72.** 799.40 (1c) of the statutes is created to read:

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

17 **SECTION 73.** 799.44 (2m) of the statutes is created to read:

18 799.44 **(2m)** PUBLIC HEALTH EMERGENCY. Notwithstanding the provisions of
19 subs. (1) and (2), during a period covered by a public health emergency declared by
20 the governor, including any extension under s. 323.10, and during the 45 days
21 following that period, no court may enter an order for judgment under sub. (1) or
22 order that a writ of restitution be issued under sub. (2).

23 **SECTION 74.** 799.45 (1m) of the statutes is created to read:

24 799.45 **(1m)** PUBLIC HEALTH EMERGENCY. Notwithstanding the provisions of this
25 section, no sheriff may execute a writ of restitution during a period covered by a

1 public health emergency declared by the governor, including any extension under s.
2 323.10, or during the 45 days following that period.

3 **SECTION 75. Nonstatutory provisions.**

4 (1) PUBLIC HEALTH POSITIONS; EXEMPTION FROM CIVIL SERVICE. During a state of
5 emergency related to public health declared under s. 323.10 or during a public health
6 emergency declared under 42 USC 247d by the secretary of the federal department
7 of health and human services, the secretary of health services may request that the
8 administrator of the division of personnel management in the department of
9 administration waive any provisions of subch. II of ch. 230 as necessary to expedite
10 the recruitment and hiring by the department of health services of individuals for
11 the positions described under SECTION 76 (2) of this act.

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

18 (3) INSURANCE POLICY CANCELLATION. During the period covered by the state of
19 emergency related to public health declared by the governor on March 12, 2020, by
20 executive order 72, notwithstanding any contrary provision of chs. 600 to 655, no
21 insurer may cancel any policy of insurance for nonpayment of premiums until at
22 least 90 days after the unpaid premium was due.

23 (4) LIABILITY INSURANCE FOR PHYSICIANS AND NURSE ANESTHETISTS. During the
24 public health emergency declared on March 12, 2020, by executive order 72, all of the
25 following apply to a physician or nurse anesthetist for whom this state is not a

1 principal place of practice but who is authorized to practice in this state on a
2 temporary basis:

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

7 (b) The physician or nurse anesthetist may elect, in the manner designated by
8 the commissioner of insurance by rule under s. 655.004, to be subject to ch. 655.

9 (5) TEMPORARY CREDENTIALS FOR FORMER HEALTH CARE PROVIDERS DURING
10 EMERGENCY.

11 (a) *Definitions.* In this subsection:

12 1. "Credential" means a license or certificate.

13 2. "Department" means the department of safety and professional services.

14 3. "Health care provider" means an individual who was at any time within the
15 previous 5 years, but is not currently, any of the following, if the individual's
16 credential was never revoked, limited, suspended, or denied renewal:

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

19 b. Licensed as a dentist under ch. 447.

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

22 d. Licensed as a pharmacist under ch. 450.

23 e. Licensed as a psychologist 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 the period covered by the
7 public health emergency declared on March 12, 2020, by executive order 72,
8 including any extension under s. 323.10.

9 (b) *Temporary emergency credentials.*

10 1. The department may grant a temporary credential to a health care provider
11 if all of the following apply:

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

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

17 2. 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 denial.

20 3. 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), a health care provider granted a temporary
22 credential under this paragraph may provide services for which the health care
23 provider has been licensed or certified.

24 4. 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 has
2 been licensed or certified.

3 5. A temporary credential granted under this paragraph expires 90 days after
4 the conclusion of the period covered by the public health emergency declared on
5 March 12, 2020, by executive order 72, including any extension under s. 323.10.

6 (6) *AUTHORITY TO WAIVE FEES.* Notwithstanding s. 440.05 and the applicable fee
7 provisions in chs. 440 to 480, during the period covered by the public health
8 emergency declared on March 12, 2020, by executive order 72, including any
9 extension under s. 323.10, the department may waive fees for applications for an
10 initial credential and renewal of a credential for registered nurses, licensed practical
11 nurses, nurse-midwives, dentists, physicians, physician assistants, perfusionists,
12 respiratory care practitioners, pharmacists, psychologists, clinical social workers,
13 independent social workers, social workers, marriage and family therapists,
14 professional counselors, and clinical substance abuse counselors.

15 (7) *TEMPORARY CREDENTIALS FOR HEALTH CARE PROVIDERS FROM OTHER STATES*
16 *DURING EMERGENCY.*

17 (a) *Definitions.* In this subsection:

18 1. "Credential" means a license or certificate.

19 2. "Department" means the department of safety and professional services.

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

24 a. A registered nurse, licensed practical nurse, or nurse-midwife licensed
25 under ch. 441.

1 b. A dentist licensed under ch. 447.

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

4 d. A pharmacist licensed under ch. 450.

5 e. A psychologist licensed under ch. 455.

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

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

10 h. Any practitioner holding a credential to practice a profession that is
11 identified by the department of health services during the period covered by the
12 public health emergency declared on March 12, 2020, by executive order 72,
13 including any extension under s. 323.10.

14 (b) *Temporary emergency credentials.*

15 1. The department may grant a temporary credential to a health care provider
16 if all of the following apply:

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

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

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

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

4 4. Notwithstanding ss. 441.06 (4), 441.15 (2), 447.03 (1) and (2), 448.03 (1) (a),
5 (b), and (c) and (1m), and 450.03 (1), a health care provider granted a temporary
6 credential under this paragraph may provide services for which the health care
7 provider is licensed or certified.

8 5. A health care provider who provides services authorized by a temporary
9 credential granted under this paragraph shall maintain malpractice insurance that
10 satisfies the requirements of the profession for which the health care provider is
11 licensed or certified.

12 6. A temporary credential granted under this paragraph expires 90 days after
13 the conclusion of the period covered by the public health emergency declared on
14 March 12, 2020, by executive order 72, including any extension under s. 323.10.

15 (8) AUTHORITY TO WAIVE FEES. Notwithstanding s. 440.05 and the applicable fee
16 provisions in chs. 440 to 480, during the period covered by the public health
17 emergency declared on March 12, 2020, by executive order 72, including any
18 extension under s. 323.10, the department may waive fees for applications for an
19 initial credential and renewal of a credential for registered nurses, licensed practical
20 nurses, nurse-midwives, dentists, physicians, physician assistants, perfusionists,
21 respiratory care practitioners, pharmacists, psychologists, clinical social workers,
22 independent social workers, social workers, marriage and family therapists,
23 professional counselors, and clinical substance abuse counselors.

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

4 (10) ENHANCED FEDERAL MEDICAL ASSISTANCE PERCENTAGE. Notwithstanding s.
5 49.45 (23b) (b), (c), (d), and (e) or any other conflicting provision of subch. IV of ch.
6 49, if the federal government provides an enhanced federal medical assistance
7 percentage during an emergency period declared in response to the novel
8 coronavirus pandemic, the department of health services may suspend compliance
9 with s. 49.45 (23b) (b), (c), (d), and (e) and any other conflicting provision of subch.
10 IV of ch. 49 to satisfy criteria to qualify for the enhanced federal medical assistance
11 percentage during the period for which the enhanced federal medical assistance
12 percentage applies. The department of health services may submit to the federal
13 government any request for a waiver of federal law or amendment to or suspension
14 of a waiver, any state plan amendment, or other request for federal approval
15 necessary to obtain the enhanced federal medical assistance percentage described
16 under this subsection without complying with the procedures under ss. 20.940 and
17 49.45 (2t).

18 (11) POSITION TRANSFERS.

19 (a) In this subsection:

20 1. "State agency" means any office, commission, board, department, or
21 independent agency in the executive branch of state government.

22 2. "Emergency period" means the period covered by the public health
23 emergency declared on March 12, 2020, by executive order 72, including any
24 extension under s. 323.10.

1 (b) During the emergency period, the secretary of administration may transfer
2 any employee from one state agency to another state agency to provide services for
3 the receiving state agency. The receiving state agency shall pay all salary and fringe
4 benefit costs of the employee during the time he or she is providing services for the
5 receiving state agency. Any action by the secretary under this paragraph shall
6 remain in effect until rescinded by the secretary.

7 (12) WISCONSIN WORKS AND CHILD CARE.

8 (a) *Definitions.* In this subsection:

9 1. "Pandemic" means the pandemic resulting from the novel strain of
10 coronavirus.

11 2. "Poverty line" has the meaning given in s. 49.001 (5).

12 3. "Public health emergency" means the public health emergency declared on
13 March 12, 2020, by executive order 72, including any extension under s. 323.10.

14 4. "Wisconsin Works" has the meaning given in s. 49.141 (1) (p).

15 5. "Wisconsin Works agency" has the meaning given in s. 49.001 (9).

16 6. "Wisconsin Works group" has the meaning given in s. 49.141 (1) (s).

17 (b) *Reallocation of funds.* Subsection 49.175 (2) applies to pars. (c) to (h), except
18 that the department of children and families may only reallocate funds that are
19 allocated under a paragraph under s. 49.175 (1) to a purpose specified in pars. (c) to
20 (h), not vice versa, and funds that are allocated under a paragraph in pars. (c) to (h)
21 to a different purpose specified in pars. (c) to (h).

22 (c) *Expanded Wisconsin Works program.* During the 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 1. 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 pandemic.

6 2. 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. Notwithstanding s. 49.145 (2) (a), an
9 individual who is a custodial or noncustodial parent is eligible for a cash benefit
10 payment under this paragraph.

11 3. The individual is a member of a Wisconsin Works group whose gross income
12 is at or below 200 percent of the poverty line. In calculating gross income under this
13 subdivision, the Wisconsin Works agency shall include the income specified in s.
14 49.145 (3) (b) 1. and 2.

15 (d) *Expanded job access loans.*

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

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

22 b. The individual is a member of a Wisconsin Works group whose gross income
23 is at or below 200 percent of the poverty line. In calculating gross income under this
24 subd. 1. b., the Wisconsin Works agency shall include the income specified in s.
25 49.145 (3) (b) 1. and 2.

- 1 c. The individual meets the eligibility criteria under s. 49.147 (6) (a) 1. to 4.
- 2 2. Notwithstanding s. 49.147 (6) (b) 1., the maximum loan amount for a job
3 access loan under subd. 1. is \$1,600.
- 4 3. During the public health emergency, all payments on job access loans under
5 this paragraph and s. 49.147 (6) are suspended.
- 6 (e) *Expanded emergency assistance.* During the public health emergency, an
7 individual who suffers a loss of income due to the pandemic is eligible for emergency
8 assistance under s. 49.138. All of the following apply to emergency assistance under
9 this paragraph:
- 10 1. An individual who meets the criteria established in the rules promulgated
11 by the department of children and families under s. 49.138 (1d) (b) qualifies for
12 emergency assistance under this paragraph, except that, notwithstanding those
13 rules, an individual who is 18 to 24 years of age and is not a parent or caretaker may
14 apply for emergency assistance under this paragraph and an individual who is a
15 member of an emergency assistance group with a gross income that is at or below 200
16 percent of the poverty line is eligible for emergency assistance under this paragraph.
17 In calculating gross income under this subdivision, the Wisconsin Works agency
18 shall include the income specified in s. 49.145 (3) (b) 1. and 2.
- 19 2. Notwithstanding s. 49.138 (1m), the maximum payment for emergency
20 assistance under this paragraph is \$1,200.
- 21 3. The department of children and families shall establish a streamlined
22 eligibility verification process for the purposes of administering this paragraph.
23 Notwithstanding ss. 227.01 (3m) and (13), 227.10, and 227.112, the streamlined
24 eligibility verification process under this subdivision need not be promulgated as

1 rules under ch. 227, is not a guidance document, and is not subject to the
2 requirements of s. 227.112.

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

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

7 (f) *Expanded Wisconsin Shares program.*

8 1. Notwithstanding programmatic and eligibility requirements under s. 49.155
9 and rules promulgated under that section, to the extent authorized under a plan
10 amendment, waiver, or other federal approval under subd. 2., an individual who
11 needs child care services due to the pandemic may receive a subsidy under s. 49.155
12 for child care services received during the public health emergency.

13 2. No later than 60 days after the effective date of this subdivision, the
14 department of children and families shall submit to the federal department of health
15 and human services any request for a state plan amendment, waiver, or other federal
16 approval necessary to expand eligibility, as determined by the department of
17 children and families, for the child care subsidy program under s. 49.155 to
18 individuals who need child care services due to the pandemic. If the federal
19 department approves the request or if no federal approval is necessary, the
20 department of children and families shall expand eligibility for the child care subsidy
21 program under s. 49.155 as provided under subd. 1. If the federal department
22 disapproves the request, the department of children and families may not expand
23 eligibility for the child care subsidy program under s. 49.155 as provided under subd.

24 1.

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

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

17 (h) *Essential workforce child care grant program.*

- 18 1. In this paragraph:
 - 19 a. “Essential workforce member” means an employee, contractor, or other staff
20 person working in a vital sector, including health care; child welfare; long-term care;
21 residential care; pharmacy; child care; government operations; critical
22 infrastructure, such as sanitation, transportation, utilities, telecommunications,
23 grocery, and food services; supply chain operations; and other sectors as determined
24 by the department of children and families.

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

3 2. The department of children and families shall make grants available to
4 entities that employ, contract with, or have as volunteers essential workforce
5 members to help pay for or reimburse eligible child care costs. Eligible child care
6 costs are those child care costs that are due to the pandemic and that are incurred
7 during the public health emergency. Eligible child care costs include the cost to
8 establish a temporary facility to provide care and supervision for children of
9 essential workforce members or the cost to pay for a slot in an existing facility that
10 provides care and supervision of children. The department shall prioritize grants
11 that assist health care workers and first responders and may award grants that
12 assist other essential workforce members at its discretion.

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

21 (j) *Grant program criteria and guidelines.* The department of children and
22 families may establish eligibility criteria and guidelines for administering the
23 programs under pars. (g) to (i), which, notwithstanding ss. 227.01 (3m) and (13),
24 227.10, and 227.112, need not be promulgated as rules under ch. 227, are not
25 guidance documents, and are not subject to the requirements of s. 227.112.

1 (13) LEGISLATIVE INTENT STATEMENT. It is the intent of the legislature that all
2 schools that receive public funds continue to employ and pay all employees who were
3 employed on March 18, 2020, for the entirety of the period during which schools are
4 closed by the department of health services under s. 252.02 (3) as a result of the public
5 health emergency declared on March 12, 2020, by executive order 72.

6 **SECTION 76. Fiscal changes.**

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

12 (2) PUBLIC HEALTH POSITIONS. In the schedule under s. 20.005 (3) for the
13 appropriation to the department of health services under s. 20.435 (1) (a), the dollar
14 amount for fiscal year 2019-20 is increased by \$2,070,000 to increase the authorized
15 FTE positions for the department by 64 GPR positions on the effective date of this
16 subsection, to provide services for the division of the department that addresses
17 public health issues. In the schedule under s. 20.005 (3) for the appropriation to the
18 department of health services under s. 20.435 (1) (a), the dollar amount for fiscal year
19 2020-21 is increased by \$8,280,000 to provide funding for the positions authorized
20 under this subsection.

21 (3) CHILD CARE AND WISCONSIN WORKS.

22 (a) *Federal block grant operations.* In the schedule under s. 20.005 (3) for the
23 appropriation to the department of children and families under s. 20.437 (2) (mc), the
24 dollar amount for fiscal year 2019-20 is increased by \$20,000,000 for the purposes
25 of operating and administering the programs under SECTION 75 (12) (c) to (h) of this

1 act. In the schedule under s. 20.005 (3) for the appropriation to the department of
2 children and families under s. 20.437 (2) (mc), the dollar amount for fiscal year
3 2020-21 is increased by the amount of the increase in fiscal year 2019-20 that was
4 not spent in that fiscal year, as determined by the secretary of administration, for the
5 purposes of operating and administering the programs under SECTION 75 (12) (c) to
6 (h) of this act.

7 (b) *Federal block grant aids.* In the schedule under s. 20.005 (3) for the
8 appropriation to the department of children and families under s. 20.437 (2) (md),
9 the dollar amount for fiscal year 2019-20 is increased by \$80,000,000 for programs
10 to provide aid to individuals or organizations authorized under SECTION 75 (12) (c)
11 to (h) of this act. In the schedule under s. 20.005 (3) for the appropriation to the
12 department of children and families under s. 20.437 (2) (md), the dollar amount for
13 fiscal year 2020-21 is increased by the amount of the increase in fiscal year 2019-20
14 that was not spent in that fiscal year, as determined by the secretary of
15 administration, for programs to provide aid to individuals or organizations
16 authorized under SECTION 75 (12) (c) to (h) of this act.

17 **SECTION 77. Initial applicability.**

18 (1) SCHOOL CLOSURE BY DEPARTMENT OF HEALTH SERVICES; SCHOOL EMPLOYEE PAY
19 AND LAYOFFS. The treatment of s. 118.233 first applies to the period beginning on
20 March 18, 2020, during which schools were closed by the department of health
21 services under s. 252.02 (3).

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

