
Wisconsin Legislative Council

AMENDMENT MEMO



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2021 Assembly Bill 1

Assembly Amendment 2 to Senate Amendment 1 to Assembly Amendment 1 to Senate Substitute Amendment 1

2021 ASSEMBLY BILL 1

2021 Assembly Bill 1, as amended by the Senate and Assembly, affects a variety of state laws and programs in relation to the state government response to the COVID-19 pandemic. Many provisions are temporary and generally apply only to circumstances connected with COVID-19, in some cases specifically during the national emergency declared by the President on March 13, 2020, during the public health emergency declared by the Secretary of the U.S. Department of Health and Human Services, or through other specified end dates.

Very briefly, the bill, as amended by actions taken by the Assembly and the Senate through January 28, 2021, does the following:

- Creates immunity from civil liability for a COVID-19-related injury or death, except in the case of reckless or wanton conduct or intentional misconduct.
- Requires school district reporting on use of virtual instruction; expands open enrollment; allows instruction by an unlicensed, short-term substitute teacher under limited circumstances; contains provisions affecting student athletes; and reinstates authority given under 2019 Wisconsin Act 185, relating to deadlines for the parental choice programs, special needs scholarship program, and independent charter schools.
- Extends the work-share, employer charging, and waiting period changes to unemployment benefits that were authorized under 2019 Wisconsin Act 185; requires the Department of Workforce Development (DWD) to take certain steps to address call center hours and unresolved unemployment insurance claims; and allows DWD to waive certain eligibility requirements for extended unemployment benefits.
- Prohibits COVID-19 vaccine mandates by employers, the Department of Health Services (DHS), and local health officers.
- Authorizes payment for certain services within the Medical Assistance (MA) program; imposes requirements related to access to and reporting of health care data; requires that the SeniorCare program provide vaccine coverage by January 15, 2021; and allows DHS to operate a COVID-19 at-home testing program.
- Places limitations on DHS and local health officer authority relating to gatherings in places of worship.
- Modifies standards for the issuance of cremation and death certificates.

- Requires nursing homes and assisted living facilities to allow in-person essential visitors in compassionate care situations.
- Extends health insurance coverage requirements from 2019 Wisconsin Act 185, relating to prescription drugs, out-of-network services, COVID-19 testing, and vaccinations; and authorizes certain prescription order extensions.
- Specifies a temporary credentialing process for in-state services by out-of-state health care practitioners and emergency services personnel; expands the scope of practice for pharmacy students and dentists to provide vaccinations; and creates optional credentialing for third-party logistics providers.
- Requires the Governor to submit plans for the use of COVID-19-related federal funds to the Joint Committee on Finance (JCF) under the 14-day passive review process; allows JCF to transfer up to \$100 million from sum-sufficient appropriations during the national emergency, for expenditures related to the emergency; and allows the Board of Commissioners of Public Lands to make loans to municipal public utilities.
- Allows extensions relating to occupancy permits and payment of property taxes.
- Allows students at technical colleges and University of Wisconsin institutions to satisfy certain course requirements with volunteer or other work that assists Wisconsin in responding to the COVID-19 pandemic.
- Reinstates authority given under 2019 Wisconsin Act 185 for flexibilities in rehiring a retired public employee, in the temporary transfer of an employee from one executive branch agency to another, and to increase the number of hours a person in a limited-term employment (LTE) position may work.

The bill, as amended by actions taken by the Assembly and the Senate through January 28, 2021, **does not include** the following provisions that had been included at earlier points in the amendment process:

- The prohibition on closing a school building to in-person instruction for more than 14 days without a two-thirds approval vote of the school board.
- Limitations on DHS and local health officer authority relating to gatherings in places of business.
- The requirement for the Governor to submit a plan for opening the State Capitol building and for state employees to return to in-person work.
- Extensions relating to construction permits.
- Immunity from civil liability for certain health care workers for deaths, injuries, or damages caused by acts or omissions in providing services related to the coronavirus.

ASSEMBLY AMENDMENT 2 TO SENATE AMENDMENT 1 TO ASSEMBLY AMENDMENT 1 TO SENATE SUBSTITUTE AMENDMENT 1

On February 4, 2021, the Assembly adopted Assembly Amendment 2 to Senate Amendment 1 to Assembly Amendment 1 and concurred in the bill, as amended.

The amendment specifies that, notwithstanding expiration or termination of a public health emergency, the Governor may declare a subsequent public health emergency related to COVID-19 solely for the purpose of receiving federal emergency funds and allotments related to the pandemic, if the receipt of the funds or allotments requires an active state-declared emergency or disaster. The amendment

specifies that the Governor may not exercise any other emergency powers during a public health emergency that is declared under this provision, other than activation of the National Guard or approval of emergency management plans developed by the adjutant general.

BILL HISTORY

On January 7, 2021, the Assembly adopted Assembly Amendment 1 by a voice vote, and passed the bill, as amended, on a vote of Ayes, 56; Noes, 34; and Paired, 2.

On January 12, 2021, Senate Amendment 2 to Senate Substitute Amendment 1 was adopted by the Senate by voice vote. The substitute amendment, as amended, was adopted by the Senate on a vote of Ayes, 29; Noes, 2; and the bill was concurred in, as amended, by voice vote.

On January 26, 2021, Assembly Amendments 1 and 2 to Senate Substitute Amendment 1 were offered by Representative Steineke. The amendments were adopted, and Senate Substitute Amendment 1 was concurred in, as amended, by votes of Ayes, 58; Noes, 34; and Paired, 2.

On January 28, 2021, the Senate adopted Senate Amendment 1 to Assembly Amendment 1 and concurred in Assembly Amendments 1 and 2 to the Senate Substitute Amendment, as amended, on voice votes.

On February 4, 2021, the Assembly adopted Assembly Amendment 2 to Senate Amendment 1 to Assembly Amendment 1 to Senate Substitute Amendment 1 on a vote of Ayes, 59; Noes, 35. The Assembly then concurred in Senate Amendment 1 to Assembly Amendment 1 to Senate Substitute Amendment 1, as amended, on a vote of Ayes, 59; Noes, 35; Paired, 2.

MSK:jal