



2009 ASSEMBLY BILL 255

May 1, 2009 - Introduced by Representatives POCAN, SHERIDAN and NELSON, cosponsored by Senators MILLER, DECKER and HANSEN. Referred to Joint Committee on Finance.

1 **AN ACT to repeal** 108.04 (7) (s) 2. c.; **to renumber and amend** 66.0627 (1), 71.07
2 (3w) (bm), 71.28 (3w) (bm), 71.47 (3w) (bm) and 560.799 (3) (b); **to amend** 16.27
3 (5) (b), 16.957 (1) (m), 49.265 (1) (b), 66.0627 (title), 66.0627 (7) (intro.), 70.57
4 (4) (b) (intro.), 71.07 (3w) (a) 3., 71.07 (3w) (b) 1. a., 71.07 (3w) (b) 1. b., 71.07
5 (3w) (b) 2., 71.07 (3w) (b) 3., 71.07 (3w) (b) 5., 71.28 (3w) (a) 3., 71.28 (3w) (b) 1.
6 a., 71.28 (3w) (b) 1. b., 71.28 (3w) (b) 2., 71.28 (3w) (b) 3., 71.28 (3w) (b) 5., 71.47
7 (3w) (a) 3., 71.47 (3w) (b) 1. a., 71.47 (3w) (b) 1. b., 71.47 (3w) (b) 2., 71.47 (3w)
8 (b) 3., 71.47 (3w) (b) 5., 79.05 (2) (c), 108.04 (7) (c), 108.04 (7) (h), 108.04 (7) (s)
9 1. a. and b., 108.04 (7) (s) 2. a., 108.06 (1), 108.06 (2) (c) and (cm), (3) and (6)
10 (intro.), 108.14 (8n) (e), 108.141 (1) (a) and (b) 2., 108.141 (7) (a), 118.125 (2) (g)
11 2., 149.10 (2t) (e), 560.799 (3) (a) and 632.746 (3) (b); **to repeal and recreate**
12 49.265 (1) (b), 108.04 (7) (s) 2. b., 108.141 (1) (e), 108.141 (1) (f) and 108.141 (5);
13 and **to create** 20.505 (6) (n), 66.0627 (1) (a), 66.0627 (1) (b), 66.0627 (8), 71.07
14 (3w) (a) 5d., 71.07 (3w) (a) 5e., 71.07 (3w) (bm) 2., 71.28 (3w) (a) 5d., 71.28 (3w)

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1 (a) 5e., 71.28 (3w) (bm) 2., 71.47 (3w) (a) 5d., 71.47 (3w) (a) 5e., 71.47 (3w) (bm)
2 2., 108.04 (7) (s) 1. bn., d. and e., 108.04 (7) (t), 108.06 (7), 108.141 (1) (b) 2m.,
3 108.141 (1) (dm), 560.799 (1) (am), 560.799 (3) (bm), 560.799 (5) (d) and 560.799
4 (6) (g) of the statutes; **relating to:** eligibility for unemployment insurance
5 benefits and payment of extended benefits; excluding recovery and
6 reinvestment act moneys from the calculation of expenditure restraint
7 payments; eligibility for participation in the programs of a community action
8 agency; financial assistance under the Clean Water Fund Program and the Safe
9 Drinking Water Loan Program; the confidentiality of pupil records provided to
10 the Department of Public Instruction; financial assistance for criminal justice
11 programs; authorizing political subdivisions to make residential energy
12 efficiency improvement loans and impose special charges for the loans;
13 definition of low-income household under energy and weatherization
14 assistance programs; eligibility and notice changes for state continuation of
15 coverage for health insurance; changes to enterprise zone jobs credits;
16 providing an exemption from emergency rule procedures; granting
17 rule-making authority; and making an appropriation.

Analysis by the Legislative Reference Bureau**CRIME**

This bill creates an appropriation of federal revenues that allows moneys received under the federal American Recovery and Reinvestment Act (ARRA) for criminal justice programs to be used for that purpose.

ECONOMIC DEVELOPMENT

Under current law, the Department of Commerce (Commerce) may designate an area as an enterprise zone. The area designated as an enterprise zone must not exceed 50 acres, and Commerce may designate no more than ten enterprise zones. Commerce must consider a number of factors related to the area prior to designating the area as an enterprise zone. These factors include the housing values and average wages in the area, whether the area has experienced job losses or a population

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decline, and whether designation as an enterprise zone would promote the creation of jobs and economic and community development in the area.

This bill eliminates the requirement that the area to be designated as an enterprise zone not exceed 50 acres. The bill requires Commerce to specify whether the enterprise zone is located in a Tier I or Tier II county or municipality. Commerce is directed to define "Tier I county or municipality" and "Tier II county or municipality" by administrative rule. The bill also authorizes Commerce to consider whether designation as an enterprise zone would promote the retention of jobs in the area.

Under current law, a taxpayer who creates jobs in an enterprise zone may claim an income and franchise tax credit equal to 7 percent of the taxpayer's payroll in the enterprise zone that is paid to new full-time employees who earn more than \$30,000, but less than \$100,000, in annual wages. In addition, the taxpayer may claim a credit equal to the amount the taxpayer paid in the taxable year to provide certain job-related training to the taxpayer's full-time employees in the enterprise zone.

Under this bill, a taxpayer who creates jobs in an enterprise zone located in a Tier I county or municipality may claim an income and franchise tax credit equal to no more than 7 percent of the taxpayer's payroll in the enterprise zone that is paid to new full-time employees who earn more than \$20,000, but less than \$100,000, in annual wages. A taxpayer who creates jobs in an enterprise zone located in a Tier II county or municipality may claim an income and franchise tax credit equal to no more than 7 percent of the taxpayer's payroll in the enterprise zone that is paid to new full-time employees who earn more than \$30,000, but less than \$100,000, in annual wages.

In addition, if the taxpayer is able to retain jobs in an enterprise zone, the taxpayer may claim a credit equal to no more than 7 percent of the taxpayer's enterprise zone payroll in a Tier I county or municipality that is paid to full-time employees who earn more than \$20,000, but less than \$100,000, in annual wages, less the amount paid to new full-time employees, or no more than 7 percent of the taxpayer's enterprise zone payroll in a Tier II county or municipality that is paid to full-time employees who earn more than \$30,000, but less than \$100,000, in annual wages, less the amount paid to new full-time employees. A taxpayer seeking to claim job retention credits must satisfy the following conditions:

1. The taxpayer must make a significant capital investment in property in the enterprise zone.
2. The taxpayer must either be an original equipment manufacturer with a significant supply chain in the state or must employ more than 500 full-time employees in the enterprise zone.

Commerce is directed to define original equipment manufacturer by rule. A taxpayer may claim the credit for retaining jobs for no more than five consecutive taxable years.

EDUCATION

With certain exceptions, current law requires that all pupil records maintained by a public school be kept confidential. One exception requires a school board, upon request by the Department of Public Instruction (DPI), to provide DPI with any

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information contained in a pupil record that relates to an audit or evaluation of a federal or state-supported program or that is required to determine compliance with state laws governing public schools. Current law directs DPI to keep confidential all pupil records provided to DPI by a school board.

This bill eliminates the requirement that DPI keep confidential pupil records received from a school board. Under current federal regulations, however, DPI may make further disclosures of personally identifiable information from a pupil's records only on behalf of the educational agency or institution that disclosed the information to DPI, and only if the disclosure falls into one or more of the existing exceptions to the confidentiality requirement.

ENVIRONMENT

Under the Clean Water Fund Program, this state provides financial assistance for projects for controlling water pollution, including sewage treatment plants, using state and federal funds. One form of financial assistance provided under the Clean Water Fund Program is a loan at a subsidized interest rate. The law specifies the interest rates at which loans are provided. The Clean Water Fund Program also provides grants to municipalities that satisfy financial hardship criteria. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Clean Water Fund Program during that fiscal biennium. Current law prohibits applications from being approved and funds from being expended for clean water fund projects in a fiscal biennium before the budget bill is enacted.

The ARRA provides funds for state programs like the Clean Water Fund Program. This bill authorizes those funds to be expended under the Clean Water Fund Program. The bill allows the funds to be provided as loans at interest rates that may differ from the rates provided under current law and allows forgiveness of a portion of the principal amount of a loan. The bill also allows the funds to be provided as grants, without regard to the financial hardship criteria. The bill allows applications to be approved and funds to be expended before the budget bill is enacted.

Under the Safe Drinking Water Loan Program, this state provides loans to local governmental units for projects for the construction or modification of public water systems, using state and federal funds. The loans are provided at subsidized interest rates. The law specifies the interest rates at which loans are provided. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Safe Drinking Water Loan Program during that fiscal biennium. Current law prohibits applications from being approved and funds from being expended for safe drinking water projects in a fiscal biennium before the budget bill is enacted.

The ARRA provides funds for state programs like the Safe Drinking Water Loan Program. This bill authorizes those funds to be expended under the Safe Drinking Water Loan Program. The bill allows the funds to be provided as loans at interest rates that may differ from the rates provided under current law and allows forgiveness of a portion of the principal amount of a loan. The bill also allows the

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funds to be provided as grants. The bill allows applications to be approved and funds to be expended before the budget bill is enacted.

HEALTH AND HUMAN SERVICES

Under current law, a community action agency approved by the secretary of children and families and by the legislative body of the local governmental unit serviced by the community action agency is required to develop and implement programs designed to serve persons whose income is at or below 125 percent of the poverty line. Those programs may include provisions that will help those persons secure and retain employment, improve their education, make better use of available income, obtain adequate housing and a suitable living environment, secure needed transportation, obtain emergency assistance, participate in community affairs, and use more effectively other available programs. This bill increases the eligibility threshold for participation in a program of a community action agency to 200 percent of the poverty line until September 30, 2010. After that date the eligibility threshold reverts to 125 percent of the poverty line.

INSURANCE

Under current law, an employee who is covered by a group health insurance policy through his or her employer and who is involuntarily terminated from his or her job may elect to continue coverage after termination. Wisconsin law provides for continuation coverage for those not covered under a similar federal law. Current law requires employers to send a notice within five days of the termination describing the terminated employee's right to continue coverage. Within 30 days of receiving the notice, the terminated employee may elect continuation coverage for himself or herself or for his or her spouse and dependents if they had also been covered through the employer's group health insurance.

The ARRA provides specific benefits for certain people who are eligible for continuation coverage under federal law or under state law. Under this bill, for those terminated employees who became eligible for state continuation coverage on or after September 1, 2008, but before the effective date of this bill, the employer has ten days after the effective date of the bill to send an additional notice that contains the information required under the ARRA, and the terminated employee has 60 days to elect continuation coverage instead of 30 days. For those terminated employees who become eligible for state continuation coverage on or after the effective date of this bill but before January 1, 2010, the employer must send the notice as required under current law, but the notice must contain the information as required under the ARRA.

LOCAL GOVERNMENT

Under current law, a municipality (a city, village, or town) is authorized to impose a special charge against real property for current services rendered by allocating all or part of the cost of the service to the property served. A "service" under current law includes snow and ice removal, weed elimination, sidewalks or curb and gutter repair, garbage and refuse disposal, recycling, storm water management, tree care, and other similar services that are not specified in the definition. Special charges are not payable in installments. If a special charge is not

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paid within the time specified by the municipality, the special charge is delinquent and becomes a lien on the property against which it is imposed.

This bill authorizes a political subdivision (a municipality or county) to make a loan to a resident of the political subdivision for making or installing an energy efficiency improvement or a renewable resource application to the resident's residential property. The bill also authorizes the political subdivision to collect the loan repayment as a special charge. A special charge that is imposed for such a loan repayment may be collected in installments and may be included as a charge on the resident's property tax bill even if the special charge is not delinquent.

SHARED REVENUE

Under current law, for purposes of determining a municipality's eligibility to receive expenditure restraint payments, a comparison of a municipality's current budget with its previous budget excludes principal and interest on long-term debt, certain revenue sharing payments, and recycling fee payments. Under this bill, expenditures from moneys received under the ARRA are also excluded from municipal budget comparisons for purposes of determining a municipality's eligibility to receive expenditure restraint payments.

STATE GOVERNMENT

Under current law, DOA administers programs for providing energy and weatherization assistance to low-income households. Under the programs, "low-income household" is defined, in part, as a household with income that is not more than 150 percent of income poverty guidelines or a poverty line determined under federal law. This bill defines "low-income household" for the programs as, in part, not more than 60 percent of the statewide median household income.

UNEMPLOYMENT INSURANCE

This bill expands eligibility for unemployment insurance benefits and changes the duration of federal/state extended benefits.

BENEFIT ELIGIBILITY

Voluntary termination of employment. Currently, if an employee voluntarily terminates his or her work for an employer, the employee is generally ineligible to receive benefits until four weeks have elapsed since the end of the week in which the termination occurs and the employee earns wages after the week in which the termination occurs equal to at least four times the employee's weekly benefit rate in employment covered by the unemployment insurance law of any state or the federal government. However, an employee may terminate his or her work and receive benefits without requalifying under this provision, among other reasons, if the employee: 1) terminates his or her work due to domestic abuse or concerns about the personal safety or harassment of the employee's family or household members; or 2) was unable to work due to the health of a family member. This bill expands the domestic abuse exception to include abuse or threat of abuse by an unrelated individual with whom the employee had a personal relationship, includes an adopted relative in the definition of family member, and permits the domestic abuse or concerns to be verified either by a protective order, by a report of a law enforcement agency, or evidence provided by a licensed health care professional or an employee

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of a domestic violence shelter. The bill broadens the exception concerning the health of a family member to apply to any verified illness or disability that necessitates the care of a family member for a period of time that is longer than the employee's employer is willing to grant leave. The bill also provides that requalification is not required if an employee's spouse changed his or her place of employment to a place to which it is impractical to commute and the employee terminated his or her work to accompany the spouse to that place.

Approved training in high-demand occupations. Currently, benefits may not be denied to an otherwise eligible claimant because the claimant is enrolled in a vocational training course or a basic education course that is a prerequisite to such training ("approved training") under certain conditions. Currently, unless a claimant qualifies for federal/state extended benefits, Wisconsin supplemental benefits, or federal emergency compensation and unless certain other exceptions apply, no claimant may receive total benefits based on employment in a base period (period preceding a claim during which benefit rights accrue) greater than 26 times the claimant's weekly benefit rate or 40 percent of the claimant's base period wages, whichever is lower. This bill provides additional benefits to certain claimants. The bill provides, with certain exceptions, that if a claimant has exhausted all other rights to benefits, is currently enrolled in an approved training program under current law and was so enrolled prior to the end of the claimant's benefit year (period during which benefits are payable) that qualified the claimant for benefits, if not in a current benefit year, has a benefit year that ended no earlier than 52 weeks prior to the week for which the claimant first claims additional benefits, and is not receiving any similar stipends or other training allowances for nontraining costs is entitled to additional benefits of up to 26 times the same benefit rate that applied to the claimant during his or her most recent benefit year if the claimant: 1) has been separated from employment in a declining occupation or involuntarily separated from employment as a result of a permanent reduction in operations by his or her employer; and 2) is being trained for entry into a high-demand occupation. In addition, the bill provides that if the benefit year of such a claimant expires in a week in which extended or other additional federal or state benefits are payable generally (see below), the claimant is also eligible for the additional benefits while enrolled in a training program as provided under the bill if the claimant first enrolled in the program within 52 weeks after the end of the claimant's benefit year that qualified the claimant for benefits.

PAYMENT OF EXTENDED BENEFITS

Currently, the maximum number of weeks of benefits that an eligible claimant may qualify to receive is normally 26 weeks. However, during certain periods of high unemployment in this state, as defined by law, claimants who have exhausted all their rights to receive benefits in a given benefit year may potentially qualify to receive up to an additional 13 weeks of "extended benefits," the costs of which, with certain exceptions, are shared between the federal government and employers in this state. Under recent federal legislation, the employer share is also paid in most cases by the federal government beginning with weeks of unemployment that begin on or after February 17, 2009, and ending with the last week beginning in 2009, and, for

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claimants who begin an extended benefit claim before that date, ending with the last week ending before June 1, 2010. In addition, under the federal legislation, during periods of exceptionally high unemployment in this state, claimants who qualify for extended benefits may qualify to receive an additional seven weeks of extended benefits that are financed in the same manner. This bill changes state law to conform with the recent federal legislation so as to enable claimants in this state to qualify for these additional extended benefits and to enable full participation by this state in federal cost sharing for these benefits.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 16.27 (5) (b) of the statutes is amended to read:

2 16.27 (5) (b) A household with income which is not more than 150% of the
3 ~~income poverty guidelines for the nonfarm population of the United States as~~
4 ~~prescribed by the federal office of management and budget under 42 USC 9902 (2)~~
5 60 percent of the statewide median household income.

6 **SECTION 2.** 16.957 (1) (m) of the statutes is amended to read:

7 16.957 (1) (m) “Low-income household” means any individual or group of
8 individuals in this state who are living together as one economic unit and for whom
9 residential electricity is customarily purchased in common or who make
10 undesignated payments for electricity in the form of rent, and whose household
11 income is not more than 150% of the poverty line as determined under 42 USC 9902
12 ~~(2)~~ 60 percent of the statewide median household income.

13 **SECTION 3.** 20.505 (6) (n) of the statutes is created to read:

14 20.505 (6) (n) *Federal aid; criminal justice.* All moneys received from the
15 federal government pursuant to P.L. 111-5 for criminal justice programs to carry out
16 the purpose for which received.

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1 **SECTION 4.** 49.265 (1) (b) of the statutes is amended to read:

2 49.265 (1) (b) “Poor person” means a resident of a community served by a
3 community action agency, whose income is at or below ~~125%~~ 200 percent of the
4 poverty line.

5 **SECTION 5.** 49.265 (1) (b) of the statutes, as affected by 2009 Wisconsin Act
6 (this act), is repealed and recreated to read:

7 49.265 (1) (b) “Poor person” means a resident of a community served by a
8 community action agency whose income is at or below 125 percent of the poverty line.

9 **SECTION 6.** 66.0627 (title) of the statutes is amended to read:

10 **66.0627 (title) Special charges for current services and energy**
11 **efficiency improvement loans.**

12 **SECTION 7.** 66.0627 (1) of the statutes is renumbered 66.0627 (1) (intro.) and
13 amended to read:

14 66.0627 (1) (intro.) In this section, ~~“service”~~:

15 (c) “Service” includes snow and ice removal, weed elimination, street
16 sprinkling, oiling and tarring, repair of sidewalks or curb and gutter, garbage and
17 refuse disposal, recycling, storm water management, including construction of storm
18 water management facilities, tree care, removal and disposition of dead animals
19 under s. 60.23 (20), loan repayment under s. 70.57 (4) (b), soil conservation work
20 under s. 92.115, and snow removal under s. 86.105.

21 **SECTION 8.** 66.0627 (1) (a) of the statutes is created to read:

22 66.0627 (1) (a) “Energy efficiency improvement” means an improvement to a
23 residential premises that reduces the usage of energy, or increases the efficiency of
24 energy usage, at the premises.

25 **SECTION 9.** 66.0627 (1) (b) of the statutes is created to read:

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1 66.0627 (1) (b) “Political subdivision” means a city, village, town, or county.

2 **SECTION 10.** 66.0627 (7) (intro.) of the statutes is amended to read:

3 66.0627 (7) (intro.) Notwithstanding sub. (2), no ~~city, village, town, or county~~
4 political subdivision may enact an ordinance, or enforce an existing ordinance, that
5 imposes a fee on the owner or occupant of property for a call for assistance that is
6 made by the owner or occupant requesting law enforcement services that relate to
7 any of the following:

8 **SECTION 11.** 66.0627 (8) of the statutes is created to read:

9 66.0627 (8) A political subdivision may make a loan to a resident of the political
10 subdivision for making or installing an energy efficiency improvement or a
11 renewable resource application to the resident’s residential property. If a political
12 subdivision makes such a loan, the political subdivision may collect the loan
13 repayment as a special charge under this section. Notwithstanding the provisions
14 of sub. (4), a special charge imposed under this subsection may be collected in
15 installments and may be included in the current or next tax roll for collection and
16 settlement under ch. 74 even if the special charge is not delinquent.

17 **SECTION 12.** 70.57 (4) (b) (intro.) of the statutes is amended to read:

18 70.57 (4) (b) (intro.) A taxation district receiving payments under par. (a) shall
19 use the payments to make loans to persons who own property located in the taxation
20 district and who are paying more property taxes than they should be as a result of
21 the error. A person may receive a loan by applying, in the manner prescribed by the
22 department, to the taxation district in which the person’s property is located no later
23 than June 15 of the year following the error. The state shall collect the amount of
24 any loan issued under this paragraph as a state special charge against the taxation
25 district for the year after the year in which the error occurred and the special charge

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1 shall not be included in the taxation district's levy. The taxation district shall assess
2 the loan amount as a special charge against the property for which the loan was made
3 on the property tax bill succeeding the loan, as provided under ch. 74 and s. 66.0627
4 (1) (c). Except for interest and penalties, as provided under s. 74.47, that apply to
5 any delinquent special charge based on the loan amount, neither the department nor
6 the taxation district may charge interest on any loan issued under this paragraph.
7 The maximum loan amount that a person may receive under this paragraph shall
8 be calculated by multiplying the assessed value of the person's property by a decimal
9 determined by the department as follows:

10 **SECTION 13.** 71.07 (3w) (a) 3. of the statutes is amended to read:

11 71.07 (3w) (a) 3. "Full-time employee" means ~~an individual who is employed~~
12 ~~in a regular, nonseasonal job and who, as a condition of employment, is required to~~
13 ~~work at least 2,080 hours per year, including paid leave and holidays~~ a full-time
14 employee, as defined in s. 560.799 (1) (am).

15 **SECTION 14.** 71.07 (3w) (a) 5d. of the statutes is created to read:

16 71.07 (3w) (a) 5d. "Tier I county or municipality" means a tier I county or
17 municipality, as determined by the department of commerce under s. 560.799.

18 **SECTION 15.** 71.07 (3w) (a) 5e. of the statutes is created to read:

19 71.07 (3w) (a) 5e. "Tier II county or municipality" means a tier II county or
20 municipality, as determined by the department of commerce under s. 560.799.

21 **SECTION 16.** 71.07 (3w) (b) 1. a. of the statutes is amended to read:

22 71.07 (3w) (b) 1. a. The number of full-time employees whose annual wages
23 are greater than \$20,000 in a tier I county or municipality or greater than \$30,000
24 in a tier II county or municipality and who the claimant employed in the enterprise
25 zone in the taxable year, minus the number of full-time employees whose annual

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1 wages were greater than \$20,000 in a tier I county or municipality or greater than
2 \$30,000 in a tier II county or municipality and who the claimant employed in the area
3 that comprises the enterprise zone in the base year.

4 **SECTION 17.** 71.07 (3w) (b) 1. b. of the statutes is amended to read:

5 71.07 (3w) (b) 1. b. The number of full-time employees whose annual wages
6 are greater than \$20,000 in a tier I county or municipality or greater than \$30,000
7 in a tier II county or municipality and who the claimant employed in the state in the
8 taxable year, minus the number of full-time employees whose annual wages were
9 greater than \$20,000 in a tier I county or municipality or greater than \$30,000 in a
10 tier II county or municipality and who the claimant employed in the state in the base
11 year.

12 **SECTION 18.** 71.07 (3w) (b) 2. of the statutes is amended to read:

13 71.07 (3w) (b) 2. Determine the claimant's average zone payroll by dividing
14 total wages for full-time employees whose annual wages are greater than \$20,000
15 in a tier I county or municipality or greater than \$30,000 in a tier II county or
16 municipality and who the claimant employed in the enterprise zone in the taxable
17 year by the number of full-time employees whose annual wages are greater than
18 \$20,000 in a tier I county or municipality or greater than \$30,000 in a tier II county
19 or municipality and who the claimant employed in the enterprise zone in the taxable
20 year.

21 **SECTION 19.** 71.07 (3w) (b) 3. of the statutes is amended to read:

22 71.07 (3w) (b) 3. Subtract For employees in a tier I county or municipality,
23 subtract \$20,000 from the amount determined under subd. 2. and for employees in
24 a tier II county or municipality, subtract \$30,000 from the amount determined under
25 subd. 2.

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1 **SECTION 20.** 71.07 (3w) (b) 5. of the statutes is amended to read:

2 71.07 (3w) (b) 5. Multiply the amount determined under subd. 4. by the
3 percentage determined by the department of commerce under s. 560.799, not to
4 exceed 7 percent.

5 **SECTION 21.** 71.07 (3w) (bm) of the statutes is renumbered 71.07 (3w) (bm) 1.
6 and amended to read:

7 71.07 (3w) (bm) 1. In addition to the credit credits under par. (b) and subd. 2.,
8 and subject to the limitations provided in this subsection and s. 560.799, a claimant
9 may claim as a credit against the tax imposed under s. 71.02 or 71.08 an amount
10 equal to a percentage, as determined by the department of commerce, not to exceed
11 100 percent, of the amount the claimant paid in the taxable year to upgrade or
12 improve the job-related skills of any of the claimant's full-time employees, to train
13 any of the claimant's full-time employees on the use of job-related new technologies,
14 or to provide job-related training to any full-time employee whose employment with
15 the claimant represents the employee's first full-time job. This subdivision does not
16 apply to employees who do not work in an enterprise zone.

17 **SECTION 22.** 71.07 (3w) (bm) 2. of the statutes is created to read:

18 71.07 (3w) (bm) 2. In addition to the credits under par. (b) and subd. 1., and
19 subject to the limitations provided in this subsection and s. 560.799, a claimant may
20 claim as a credit against the tax imposed under s. 71.02 or 71.08 an amount equal
21 to the percentage, as determined by the department of commerce under s. 560.799,
22 not to exceed 7 percent, of the claimant's zone payroll paid in the taxable year to all
23 of the claimant's full-time employees whose annual wages are greater than \$20,000
24 in a tier I county or municipality, not including the wages paid to the employees
25 determined under par. (b) 1., or greater than \$30,000 in a tier II county or

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1 municipality, not including the wages paid to the employees determined under par.
2 (b) 1., and who the claimant employed in the enterprise zone in the taxable year, if
3 the total number of such employees is equal to or greater than the total number of
4 such employees in the base year. A claimant may claim a credit under this
5 subdivision for no more than 5 consecutive taxable years.

6 **SECTION 23.** 71.28 (3w) (a) 3. of the statutes is amended to read:

7 71.28 (3w) (a) 3. “Full-time employee” means ~~an individual who is employed~~
8 ~~in a regular, nonseasonal job and who, as a condition of employment, is required to~~
9 ~~work at least 2,080 hours per year, including paid leave and holidays~~ a full-time
10 employee, as defined in s. 560.799 (1) (am).

11 **SECTION 24.** 71.28 (3w) (a) 5d. of the statutes is created to read:

12 71.28 (3w) (a) 5d. “Tier I county or municipality” means a tier I county or
13 municipality, as determined by the department of commerce under s. 560.799.

14 **SECTION 25.** 71.28 (3w) (a) 5e. of the statutes is created to read:

15 71.28 (3w) (a) 5e. “Tier II county or municipality” means a tier II county or
16 municipality, as determined by the department of commerce under s. 560.799.

17 **SECTION 26.** 71.28 (3w) (b) 1. a. of the statutes is amended to read:

18 71.28 (3w) (b) 1. a. The number of full-time employees whose annual wages
19 are greater than \$20,000 in a tier I county or municipality or greater than \$30,000
20 in a tier II county or municipality and who the claimant employed in the enterprise
21 zone in the taxable year, minus the number of full-time employees whose annual
22 wages were greater than \$20,000 in a tier I county or municipality or greater than
23 \$30,000 in a tier II county or municipality and who the claimant employed in the area
24 that comprises the enterprise zone in the base year.

25 **SECTION 27.** 71.28 (3w) (b) 1. b. of the statutes is amended to read:

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1 71.28 (3w) (b) 1. b. The number of full-time employees whose annual wages
2 are greater than \$20,000 in a tier I county or municipality or greater than \$30,000
3 in a tier II county or municipality and who the claimant employed in the state in the
4 taxable year, minus the number of full-time employees whose annual wages were
5 greater than \$20,000 in a tier I county or municipality or greater than \$30,000 in a
6 tier II county or municipality and who the claimant employed in the state in the base
7 year.

8 **SECTION 28.** 71.28 (3w) (b) 2. of the statutes is amended to read:

9 71.28 (3w) (b) 2. Determine the claimant's average zone payroll by dividing
10 total wages for full-time employees whose annual wages are greater than \$20,000
11 in a tier I county or municipality or greater than \$30,000 in a tier II county or
12 municipality and who the claimant employed in the enterprise zone in the taxable
13 year by the number of full-time employees whose annual wages are greater than
14 \$20,000 in a tier I county or municipality or greater than \$30,000 in a tier II county
15 or municipality and who the claimant employed in the enterprise zone in the taxable
16 year.

17 **SECTION 29.** 71.28 (3w) (b) 3. of the statutes is amended to read:

18 71.28 (3w) (b) 3. Subtract For employees in a tier I county or municipality,
19 subtract \$20,000 from the amount determined under subd. 2. and for employees in
20 a tier II county or municipality, subtract \$30,000 from the amount determined under
21 subd. 2.

22 **SECTION 30.** 71.28 (3w) (b) 5. of the statutes is amended to read:

23 71.28 (3w) (b) 5. Multiply the amount determined under subd. 4. by the
24 percentage determined by the department of commerce under s. 560.799, not to
25 exceed 7 percent.

ASSEMBLY BILL 255**SECTION 31**

1 **SECTION 31.** 71.28 (3w) (bm) of the statutes is renumbered 71.28 (3w) (bm) 1.
2 and amended to read:

3 71.28 **(3w)** (bm) 1. In addition to the credit credits under par. (b) and subd. 2.,
4 and subject to the limitations provided in this subsection and s. 560.799, a claimant
5 may claim as a credit against the tax imposed under s. 71.23 an amount equal to a
6 percentage, as determined by the department of commerce, not to exceed 100
7 percent, of the amount the claimant paid in the taxable year to upgrade or improve
8 the job-related skills of any of the claimant's full-time employees, to train any of the
9 claimant's full-time employees on the use of job-related new technologies, or to
10 provide job-related training to any full-time employee whose employment with the
11 claimant represents the employee's first full-time job. This subdivision does not
12 apply to employees who do not work in an enterprise zone.

13 **SECTION 32.** 71.28 (3w) (bm) 2. of the statutes is created to read:

14 71.28 **(3w)** (bm) 2. In addition to the credits under par. (b) and subd. 1., and
15 subject to the limitations provided in this subsection and s. 560.799, a claimant may
16 claim as a credit against the tax imposed under s. 71.23 an amount equal to the
17 percentage, as determined by the department of commerce under s. 560.799, not to
18 exceed 7 percent, of the claimant's zone payroll paid in the taxable year to all of the
19 claimant's full-time employees whose annual wages are greater than \$20,000 in a
20 tier I county or municipality, not including the wages paid to the employees
21 determined under par. (b) 1., or greater than \$30,000 in a tier II county or
22 municipality, not including the wages paid to the employees determined under par.
23 (b) 1., and who the claimant employed in the enterprise zone in the taxable year, if
24 the total number of such employees is equal to or greater than the total number of

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1 such employees in the base year. A claimant may claim a credit under this
2 subdivision for no more than 5 consecutive taxable years.

3 **SECTION 33.** 71.47 (3w) (a) 3. of the statutes is amended to read:

4 71.47 (3w) (a) 3. “Full-time employee” means ~~an individual who is employed~~
5 ~~in a regular, nonseasonal job and who, as a condition of employment, is required to~~
6 ~~work at least 2,080 hours per year, including paid leave and holidays~~ a full-time
7 employee, as defined in s. 560.799 (1) (am).

8 **SECTION 34.** 71.47 (3w) (a) 5d. of the statutes is created to read:

9 71.47 (3w) (a) 5d. “Tier I county or municipality” means a tier I county or
10 municipality, as determined by the department of commerce under s. 560.799.

11 **SECTION 35.** 71.47 (3w) (a) 5e. of the statutes is created to read:

12 71.47 (3w) (a) 5e. “Tier II county or municipality” means a tier II county or
13 municipality, as determined by the department of commerce under s. 560.799.

14 **SECTION 36.** 71.47 (3w) (b) 1. a. of the statutes is amended to read:

15 71.47 (3w) (b) 1. a. The number of full-time employees whose annual wages
16 are greater than \$20,000 in a tier I county or municipality or greater than \$30,000
17 in a tier II county or municipality and who the claimant employed in the enterprise
18 zone in the taxable year, minus the number of full-time employees whose annual
19 wages were greater than \$20,000 in a tier I county or municipality or greater than
20 \$30,000 in a tier II county or municipality and who the claimant employed in the area
21 that comprises the enterprise zone in the base year.

22 **SECTION 37.** 71.47 (3w) (b) 1. b. of the statutes is amended to read:

23 71.47 (3w) (b) 1. b. The number of full-time employees whose annual wages
24 are greater than \$20,000 in a tier I county or municipality or greater than \$30,000
25 in a tier II county or municipality and who the claimant employed in the state in the

ASSEMBLY BILL 255**SECTION 37**

1 taxable year, minus the number of full-time employees whose annual wages were
2 greater than \$20,000 in a tier I county or municipality or greater than \$30,000 in a
3 tier II county or municipality and who the claimant employed in the state in the base
4 year.

5 **SECTION 38.** 71.47 (3w) (b) 2. of the statutes is amended to read:

6 71.47 (3w) (b) 2. Determine the claimant's average zone payroll by dividing
7 total wages for full-time employees whose annual wages are greater than \$20,000
8 in a tier I county or municipality or greater than \$30,000 in a tier II county or
9 municipality and who the claimant employed in the enterprise zone in the taxable
10 year by the number of full-time employees whose annual wages are greater than
11 \$20,000 in a tier I county or municipality or greater than \$30,000 in a tier II county
12 or municipality and who the claimant employed in the enterprise zone in the taxable
13 year.

14 **SECTION 39.** 71.47 (3w) (b) 3. of the statutes is amended to read:

15 71.47 (3w) (b) 3. ~~Subtract~~ For employees in a tier I county or municipality,
16 subtract \$20,000 from the amount determined under subd. 2. and for employees in
17 a tier II county or municipality, subtract \$30,000 from the amount determined under
18 subd. 2.

19 **SECTION 40.** 71.47 (3w) (b) 5. of the statutes is amended to read:

20 71.47 (3w) (b) 5. Multiply the amount determined under subd. 4. by the
21 percentage determined by the department of commerce under s. 560.799, not to
22 exceed 7 percent.

23 **SECTION 41.** 71.47 (3w) (bm) of the statutes is renumbered 71.47 (3w) (bm) 1.
24 and amended to read:

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1 71.47 (3w) (bm) 1. In addition to the ~~credit~~ credits under par. (b) and subd. 2.,
2 and subject to the limitations provided in this subsection and s. 560.799, a claimant
3 may claim as a credit against the tax imposed under s. 71.43 an amount equal to a
4 percentage, as determined by the department of commerce, not to exceed 100
5 percent, of the amount the claimant paid in the taxable year to upgrade or improve
6 the job-related skills of any of the claimant's full-time employees, to train any of the
7 claimant's full-time employees on the use of job-related new technologies, or to
8 provide job-related training to any full-time employee whose employment with the
9 claimant represents the employee's first full-time job. This subdivision does not
10 apply to employees who do not work in an enterprise zone.

11 **SECTION 42.** 71.47 (3w) (bm) 2. of the statutes is created to read:

12 71.47 (3w) (bm) 2. In addition to the credits under par. (b) and subd. 1., and
13 subject to the limitations provided in this subsection and s. 560.799, a claimant may
14 claim as a credit against the tax imposed under s. 71.43 an amount equal to the
15 percentage, as determined by the department of commerce under s. 560.799, not to
16 exceed 7 percent, of the claimant's zone payroll paid in the taxable year to all of the
17 claimant's full-time employees whose annual wages are greater than \$20,000 in a
18 tier I county or municipality, not including the wages paid to the employees
19 determined under par. (b) 1., or greater than \$30,000 in a tier II county or
20 municipality, not including the wages paid to the employees determined under par.
21 (b) 1., and who the claimant employed in the enterprise zone in the taxable year, if
22 the total number of such employees is equal to or greater than the total number of
23 such employees in the base year. A claimant may claim a credit under this
24 subdivision for no more than 5 consecutive taxable years.

25 **SECTION 43.** 79.05 (2) (c) of the statutes is amended to read:

ASSEMBLY BILL 255**SECTION 43**

1 79.05 (2) (c) Its municipal budget; exclusive of principal and interest on
2 long-term debt and exclusive of revenue sharing payments under s. 66.0305 and,
3 recycling fee payments under s. 289.645, and expenditures from moneys received
4 pursuant to P.L. 111-5; for the year of the statement under s. 79.015 increased over
5 its municipal budget as adjusted under sub. (6); exclusive of principal and interest
6 on long-term debt and exclusive of revenue sharing payments under s. 66.0305 and,
7 recycling fee payments under s. 289.645, and expenditures from moneys received
8 pursuant to P.L. 111-5; for the year before that year by less than the sum of the
9 inflation factor and the valuation factor, rounded to the nearest 0.10%.

10 **SECTION 44.** 108.04 (7) (c) of the statutes is amended to read:

11 108.04 (7) (c) Paragraph (a) does not apply if the department determines that
12 the employee terminated his or her work but had no reasonable alternative because
13 the employee was unable to do his or her work, or that the employee terminated his
14 or her work because of the health verified illness or disability of a member of his or
15 her immediate family and the verified illness or disability reasonably necessitates
16 the care of the family member for a period of time that is longer than the employer
17 is willing to grant leave; but if the department determines that the employee is
18 unable to work or unavailable for work, the employee is ineligible to receive benefits
19 while such inability or unavailability continues.

20 **SECTION 45.** 108.04 (7) (h) of the statutes is amended to read:

21 108.04 (7) (h) The department shall charge to the fund's balancing account
22 benefits paid to an employee that are otherwise chargeable to the account of an
23 employer that is subject to the contribution requirements of ss. 108.17 and 108.18
24 if the employee voluntarily terminates employment with that employer and par. (a),
25 (c), (d), (e), (k), (L), (o), (p), (q), ~~or (s)~~, or (t) applies.

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1 **SECTION 46.** 108.04 (7) (s) 1. a. and b. of the statutes are amended to read:

2 108.04 (7) (s) 1. a. “Domestic abuse” means physical abuse, including a
3 violation of s. 940.225 (1), (2) or (3), or a threat of physical abuse by an adult family
4 or adult household member against another family or household member; by an
5 adult person against his or her spouse or former spouse; ~~or~~ by an adult person against
6 a person with whom the person has a child in common; or by an adult person against
7 an unrelated adult person with whom the person has had a personal relationship.

8 b. “Family member” means a spouse, parent, child or person related by
9 ~~consanguinity~~ blood or adoption to another person.

10 **SECTION 47.** 108.04 (7) (s) 1. bn., d. and e. of the statutes are created to read:

11 108.04 (7) (s) 1. bn. “Health care professional” has the meaning given in s.
12 180.1901 (1m).

13 d. “Law enforcement agency” has the meaning given in s. 165.83 (1) (b) and
14 includes a tribal law enforcement agency as defined in s. 165.83 (1) (e).

15 e. “Protective order” means a temporary restraining order or an injunction
16 issued by a court of competent jurisdiction.

17 **SECTION 48.** 108.04 (7) (s) 2. a. of the statutes is amended to read:

18 108.04 (7) (s) 2. a. Terminates his or her work due to domestic abuse, concerns
19 about personal safety or harassment, concerns about the safety or harassment of his
20 or her family members who reside with the employee or concerns about the safety or
21 harassment of other household members; and

22 **SECTION 49.** 108.04 (7) (s) 2. b. of the statutes is repealed and recreated to read:

23 108.04 (7) (s) 2. b. Provides to the department a protective order relating to the
24 domestic abuse or concerns about personal safety or harassment issued by a court
25 of competent jurisdiction, a report by a law enforcement agency documenting the

ASSEMBLY BILL 255**SECTION 49**

1 domestic abuse or concerns, or evidence of the domestic abuse or concerns provided
2 by a health care professional or an employee of a domestic violence shelter.

3 **SECTION 50.** 108.04 (7) (s) 2. c. of the statutes is repealed.

4 **SECTION 51.** 108.04 (7) (t) of the statutes is created to read:

5 108.04 (7) (t) Paragraph (a) does not apply if the department determines that
6 the employee's spouse changed his or her place of employment to a place to which it
7 is impractical to commute and the employee terminated his or her work to
8 accompany the spouse to that place.

9 **SECTION 52.** 108.06 (1) of the statutes is amended to read:

10 108.06 (1) Except as provided in ~~sub.~~ subs. (6) and (7) and ss. 108.141 and
11 108.142, no claimant may receive total benefits based on employment in a base
12 period greater than 26 times the claimant's weekly benefit rate under s. 108.05 (1)
13 or 40% of the claimant's base period wages, whichever is lower. Except as provided
14 in ~~sub.~~ subs. (6) and (7) and ss. 108.141 and 108.142, if a claimant's base period wages
15 are reduced or canceled under s. 108.04 (5) or (18), or suspended under s. 108.04 (1)
16 (f), (10) (a), or (17), the claimant may not receive total benefits based on employment
17 in a base period greater than 26 times the claimant's weekly benefit rate under s.
18 108.05 (1) or 40% of the base period wages not reduced, canceled or suspended which
19 were paid or payable to the claimant, whichever is lower.

20 **SECTION 53.** 108.06 (2) (c) and (cm), (3) and (6) (intro.) of the statutes are
21 amended to read:

22 108.06 (2) (c) No benefits are payable to a claimant for any week of
23 unemployment not occurring during the claimant's benefit year except under sub. (7)
24 and ss. 108.141 and 108.142.

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1 (cm) If an employee qualifies to receive benefits using the base period described
2 in s. 108.02 (4) (b), the wages used to compute the employee's benefit entitlement are
3 not available for use in any subsequent benefit computation for the same employee,
4 except under sub. (7) and s. 108.141 or 108.142.

5 (3) There shall be payable to an employee, for weeks ending within the
6 employee's benefit year, only those benefits computed for that benefit year based on
7 the wages paid to the employee in the immediately preceding base period. Wages
8 used in a given benefit computation are not available for use in any subsequent
9 benefit computation except under sub. (7) and s. 108.141.

10 (6) (intro.) If a claimant has established a benefit year prior to the effective date
11 of any increase in the maximum weekly benefit rate provided under s. 108.05 (1), the
12 claimant has not exhausted his or her total benefit entitlement under sub. (1) for that
13 benefit year on that effective date, and the claimant was entitled to receive the
14 maximum weekly benefit rate under s. 108.05 (1) that was in effect prior to that
15 effective date, the limitation on the total benefits authorized to be paid to a claimant
16 under sub. (1) does not apply to that claimant in that benefit year. Unless sub. (7)
17 or s. 108.141 or 108.142 applies, the claimant's remaining benefit entitlement in that
18 benefit year for the period beginning on that effective date shall be computed by:

19 **SECTION 54.** 108.06 (7) of the statutes is created to read:

20 108.06 (7) (a) In this subsection:

21 1. "Applicable benefit year" means, with respect to a claimant, the claimant's
22 current benefit year if at the time an initial claim for benefits under this subsection
23 is filed the claimant has an unexpired benefit year or, in any other case, the
24 claimant's most recent benefit year.

25 2. "Training program" means any program of a type specified in s. 108.04 (16).

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1 (b) Except as provided in pars. (f) and (g), a claimant who is otherwise eligible
2 for benefits and who is currently enrolled in a training program is eligible, while
3 enrolled in that training program, for additional benefits under this subsection
4 provided that the claimant:

5 1. Has exhausted all rights to regular benefits, Wisconsin supplemental
6 benefits, federal emergency compensation benefits under P.L. 110-252 and P.L.
7 110-449, as amended, extended benefits under s. 108.141, and the federal trade act
8 of 1974 (P.L. 93-618), or any other similar state or federal program of additional
9 benefits;

10 2. If not in a current benefit year, has a benefit year that ended no earlier than
11 52 weeks prior to the week for which the claimant first claims benefits under this
12 subsection;

13 3. Except as provided in par. (e), is first enrolled in a training program within
14 the claimant's applicable benefit year;

15 4. Is not receiving similar stipends or other training allowances for nontraining
16 costs;

17 5. Was separated from employment in a declining occupation or involuntarily
18 separated from employment as a result of a permanent reduction in operations by
19 his or her employing unit, if the separation occurred no earlier than the beginning
20 of the base period for the claimant's applicable benefit year; and

21 6. Is being trained for entry into a high-demand occupation.

22 (c) The weekly benefit rate payable to a claimant under this subsection for a
23 week of total unemployment is an amount equal to the most recent weekly benefit
24 rate in the claimant's applicable benefit year as determined under s. 108.05 (1).

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1 (d) No claimant may receive total benefits under this subsection greater than
2 26 times the claimant's weekly benefit rate that applied to the claimant's applicable
3 benefit year.

4 (e) A claimant who is otherwise eligible for benefits under par. (b) and whose
5 applicable benefit year ends in a week in which benefits are payable in this state
6 under s. 108.141 or 108.142, or P.L. 110-252 or P.L. 110-449, as amended, or another
7 similar state or federal program of additional benefits, is also eligible for benefits
8 under this subsection if the claimant is first enrolled in a training program within
9 52 weeks after the end of the claimant's applicable benefit year.

10 (f) No benefits may be paid to a claimant under this subsection for weeks
11 beginning more than 52 weeks after the first week for which the claimant received
12 benefits under this subsection.

13 (g) Except when the result would be inconsistent with the other provisions of
14 this subsection, the provisions of this chapter that apply to claims for, or the payment
15 of, regular benefits apply to claims for, and the payment of, benefits under this
16 subsection.

17 (h) The occupations that qualify as declining or high-demand for purposes of
18 this subsection shall be determined by the department.

19 (i) The restrictions on benefit reductions and disqualifications in s. 108.04 (16)
20 apply to a claimant in a training program who is entitled to receive benefits under
21 this subsection.

22 (j) The department shall charge benefits paid under this subsection in the same
23 manner as benefits are charged under s. 108.04 (16).

24 **SECTION 55.** 108.14 (8n) (e) of the statutes is amended to read:

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1 108.14 (8n) (e) The department shall charge this state's share of any benefits
2 paid under this subsection to the account of each employer by which the employee
3 claiming benefits was employed in the applicable base period, in proportion to the
4 total amount of wages he or she earned from each employer in the base period, except
5 that if s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), (p) ~~or~~ (q), (s), or (t), (7m) or
6 (8) (a) or 108.07 (3), (3r), (5) (b) or (8) would have applied to employment by such an
7 employer who is subject to the contribution requirements of ss. 108.17 and 108.18,
8 the department shall charge the share of benefits based on employment with that
9 employer to the fund's balancing account, or, if s. 108.04 (1) (f) or (5) or 108.07 (3)
10 would have applied to an employer that is not subject to the contribution
11 requirements of ss. 108.17 and 108.18, the department shall charge the share of
12 benefits based on that employment in accordance with s. 108.07 (5) (a) and (b). The
13 department shall also charge the fund's balancing account with any other state's
14 share of such benefits pending reimbursement by that state.

15 **SECTION 56.** 108.141 (1) (a) and (b) 2. of the statutes are amended to read:

16 108.141 (1) (a) "Eligibility period" of an individual means the period consisting
17 of ~~the weeks~~ each week in the individual's benefit year which ~~begin~~ begins in an
18 extended benefit period and, if the individual's benefit year ends within such that
19 extended benefit period, ~~any weeks~~ each week thereafter which ~~begin~~ begins in such
20 a period. For weeks of unemployment beginning on or after February 17, 2009, and
21 ending before June 1, 2010, or the last week for which federal sharing is authorized
22 by section 2005 (a) of P.L. 111-5 and any amendments thereto, whichever is later,
23 "eligibility period" also means the period consisting of each week during which an
24 individual is eligible for emergency unemployment compensation under P.L.
25 110-252 and P.L. 110-449, or any amendments thereto, and if that week begins in

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1 an extended benefit period or if an individual's eligibility for benefits under P.L.
2 110-252 and P.L. 110-449, or any amendment thereto, ends within an extended
3 benefit period, each week thereafter which begins in that extended benefit period.

4 (b) 2. His or her benefit year having expired in the extended benefit period and
5 prior to such week, lacks base period wages on the basis of which he or she could
6 establish a benefit year under s. 108.06; ~~and~~ or

7 **SECTION 57.** 108.141 (1) (b) 2m. of the statutes is created to read:

8 108.141 (1) (b) 2m. For weeks of unemployment beginning after February 17,
9 2009, and ending before June 1, 2010, or with the last week for which federal sharing
10 is authorized by section 2005 (a) of P.L. 111-5 and any amendments thereto,
11 whichever is later, has exhausted federal emergency unemployment compensation
12 under P.L. 110-252 and P.L. 110-449, and any amendments thereto, within an
13 extended benefit period that began in a week during or before which the individual
14 has exhausted that emergency unemployment compensation; and

15 **SECTION 58.** 108.141 (1) (dm) of the statutes is created to read:

16 108.141 (1) (dm) "High unemployment period" means a period during which
17 an extended benefit period would be in effect if par. (f) 3. a. were applied by
18 substituting an average rate of total unemployment that equals or exceeds 8 percent.

19 **SECTION 59.** 108.141 (1) (e) of the statutes, as affected by 2009 Wisconsin Act
20 1, is repealed and recreated to read:

21 108.141 (1) (e) There is a Wisconsin "off" indicator for a week if, for the period
22 consisting of that week and the immediately preceding 12 weeks, there is not a
23 Wisconsin "on" indicator.

24 **SECTION 60.** 108.141 (1) (f) of the statutes is repealed and recreated to read:

25 108.141 (1) (f) There is a Wisconsin "on" indicator for a week if:

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1 1. The rate of insured unemployment for the period consisting of that week and
2 the immediately preceding 12 weeks equaled or exceeded 120 percent of the average
3 of such rates for the corresponding 13-week period ending in each of the preceding
4 2 calendar years, and equaled or exceeded 5 percent; or

5 2. The rate of insured unemployment for the period consisting of that week and
6 the immediately preceding 12 weeks equaled or exceeded 6 percent, regardless of the
7 rate of insured unemployment in the 2 preceding calendar years; or

8 3. With respect to weeks of unemployment beginning on or after February 17,
9 2009, and ending with the week ending 3 weeks prior to the last week in which
10 federal sharing is authorized by section 2005 (a) of P.L. 111-5 and any amendments
11 thereto:

12 a. The average rate of total unemployment, seasonally adjusted, as determined
13 by the U.S. secretary of labor, for the period consisting of the most recent 3 months
14 for which data for all states are published before the close of that week equals or
15 exceeds 6.5 percent; and

16 b. The average rate of total unemployment in this state, seasonally adjusted,
17 as determined by the U.S. secretary of labor for the period consisting of the most
18 recent 3 months for which data for all states are published before the close of that
19 week equals or exceeds 110 percent of the average for either or both of the
20 corresponding 3-month periods ending in the 2 preceding calendar years.

21 **SECTION 61.** 108.141 (5) of the statutes is repealed and recreated to read:

22 108.141 **(5)** TOTAL EXTENDED BENEFIT AMOUNT. (a) Except as provided in pars.
23 (b) and (c), the total extended benefit amount payable to an eligible individual in his
24 or her benefit year is the least of the following amounts:

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1 1. Fifty percent of the total amount of regular benefits that were payable to the
2 individual in the individual's most recent benefit year rounded down to the nearest
3 dollar, including benefits canceled under s. 108.04 (5); or

4 2. Thirteen times the individual's weekly benefit amount.

5 (b) The total extended benefit amount payable to an individual in his or her
6 benefit year shall be reduced by the total amount of additional benefits paid or
7 treated as paid under s. 108.142 for weeks of unemployment in the individual's
8 benefit year that began prior to the beginning of the extended benefit period that is
9 in effect in the week in which the individual first claims extended benefits.

10 (c) Except as provided in par. (b), effective with respect to weeks beginning in
11 a high unemployment period, the total extended benefit amount payable to an
12 individual in his or her benefit year is the least of the following amounts:

13 1. Eighty percent of the total amount of regular benefits that were payable to
14 the individual in the individual's most recent benefit year rounded down to the
15 nearest dollar, including benefits canceled under s. 108.04 (5); or

16 2. Twenty times the individual's weekly benefit amount.

17 **SECTION 62.** 108.141 (7) (a) of the statutes is amended to read:

18 108.141 (7) (a) The department shall charge the state's share of each week of
19 extended benefits to each employer's account in proportion to the employer's share
20 of the total wages of the employee receiving the benefits in the employee's base
21 period, except that if the employer is subject to the contribution requirements of ss.
22 108.17 and 108.18 the department shall charge the share of extended benefits to
23 which s. 108.04 (1) (f), (5), (7) (a), (c), (d), (e), (k), (L), (o), (p) ~~or~~ (q), (s), or (t), (7m) or
24 (8) (a) or 108.07 (3), (3r), (5) (b) or (8) applies to the fund's balancing account.

25 **SECTION 63.** 118.125 (2) (g) 2. of the statutes is amended to read:

ASSEMBLY BILL 255**SECTION 63**

1 118.125 (2) (g) 2. Upon request by the department, the school board shall
2 provide the department with any information contained in a pupil record that relates
3 to an audit or evaluation of a federal or state–supported program or that is required
4 to determine compliance with requirements under chs. 115 to 121. ~~The department~~
5 ~~shall keep confidential all pupil records provided to the department by a school~~
6 ~~board.~~

7 **SECTION 64.** 149.10 (2t) (e) of the statutes is amended to read:

8 149.10 (2t) (e) If the individual was offered the option of continuation coverage
9 under a federal continuation provision or similar state program, including under
10 2009 Wisconsin Act ... (this act), section 9126 (2), the individual elected the
11 continuation coverage.

12 **SECTION 65.** 560.799 (1) (am) of the statutes is created to read:

13 560.799 (1) (am) 1. Except as provided in subd. 2., “full–time employee” means
14 an individual who is employed in a regular, nonseasonal job and who, as a condition
15 of employment, is required to work at least 2,080 hours per year, including paid leave
16 and holidays.

17 2. The department may by rule specify circumstances under which the
18 department may grant exceptions to the requirement under subd. 1. that a full–time
19 employee means an individual who, as a condition of employment, is required to work
20 at least 2,080 hours per year, but under no circumstances may a full–time employee
21 mean an individual who, as a condition of employment, is required to work less than
22 37.5 hours per week.

23 **SECTION 66.** 560.799 (3) (a) of the statutes is amended to read:

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1 560.799 (3) (a) The department may designate not more than 10 enterprise
2 zones. ~~The department may designate an area as an enterprise zone if the area does~~
3 ~~not exceed 50 acres.~~

4 **SECTION 67.** 560.799 (3) (b) of the statutes is renumbered 560.799 (3) (b) (intro.)
5 and amended to read:

6 560.799 (3) (b) (intro.) In determining whether to designate an area under par.
7 (a), the department shall consider all of the following:

8 1. Indicators of the area's economic need, which may include data regarding
9 household income, average wages, the condition of property, housing values,
10 population decline, job losses, infrastructure and energy support, the rate of business
11 development, and the existing resources available to the area; ~~the~~

12 2. The effect of designation on other initiatives and programs to promote
13 economic and community development in the area, including job retention, job
14 creation and, job training, and creating high-paying jobs.

15 **SECTION 68.** 560.799 (3) (bm) of the statutes is created to read:

16 560.799 (3) (bm) The department shall specify whether an enterprise zone
17 designated under par. (a) is located in a tier I county or municipality or a tier II county
18 or municipality.

19 **SECTION 69.** 560.799 (5) (d) of the statutes is created to read:

20 560.799 (5) (d) A business that retains jobs in an enterprise zone, but only if
21 the business makes a significant capital investment in property located in the
22 enterprise zone and at least one of the following applies:

23 1. The business is an original equipment manufacturer with a significant
24 supply chain in the state, as determined by the department by rule.

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1 2. More than 500 full-time employees are employed by the business in the
2 enterprise zone.

3 **SECTION 70.** 560.799 (6) (g) of the statutes is created to read:

4 560.799 (6) (g) The department shall promulgate the following by rule:

5 1. The definitions of a tier I county or municipality and a tier II county or
6 municipality. The department may consider all of the following information when
7 establishing the definitions required under this subdivision:

8 a. Unemployment rate.

9 b. Percentage of families with incomes below the poverty line established under
10 42 USC 9902 (2).

11 c. Median family income.

12 d. Median per capita income.

13 e. Other significant or irregular indicators of economic distress, such as a
14 natural disaster or mass layoff.

15 2. The definition of an original equipment manufacturer with a significant
16 supply chain in the state.

17 **SECTION 71.** 632.746 (3) (b) of the statutes is amended to read:

18 632.746 (3) (b) With respect to enrollment of an individual under a group health
19 plan or a group health benefit plan, a period of creditable coverage after which the
20 individual was not covered under any creditable coverage for a period of at least 63
21 days before enrollment in the group health plan or group health benefit plan may not
22 be counted. For purposes of this paragraph, the period specified in 2009 Wisconsin
23 Act (this act), section 9126 (2) (i), or any waiting period or affiliation period for
24 coverage under the group health plan or group health benefit plan shall not be taken

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1 into account in determining the period before enrollment in the group health plan
2 or group health benefit plan.

3 **SECTION 9110. Nonstatutory provisions; Commerce.**

4 (1) ENTERPRISE ZONE JOBS CREDIT; EMERGENCY RULES. The department of
5 commerce may use the procedure under section 227.24 of the statutes to promulgate
6 rules under section 560.799 (6) (g) of the statutes, as created by this act.
7 Notwithstanding section 227.24 (1) (c) and (2) of the statutes, emergency rules
8 promulgated under this subsection remain in effect until July 1, 2010, or the date on
9 which permanent rules take effect, whichever is sooner. Notwithstanding section
10 227.24 (1) (a) and (3) of the statutes, the department is not required to provide
11 evidence that promulgating a rule under this subsection as an emergency rule is
12 necessary for the preservation of the public peace, health, safety, or welfare and is
13 not required to provide a finding of emergency for a rule promulgated under this
14 subsection.

15 (2) ENTERPRISE ZONE JOBS CREDIT; ECONOMIC IMPACT REPORT. Notwithstanding
16 sections 227.137 (2) and 227.138 (2) of the statutes, if the secretary of administration
17 requires the department of commerce to prepare an economic impact report for the
18 rules required under section 560.799 (6) (g) of the statutes, as created by this act, the
19 department may submit the proposed rules to the legislature for review under
20 section 227.19 (2) of the statutes before the department completes the economic
21 impact report and before the department receives a copy of the report and approval
22 under section 227.138 (2) of the statutes.

23 **SECTION 9126. Nonstatutory provisions; Insurance.**

24 (1) DEFINITIONS. In this section, unless the context requires otherwise:

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1 (a) “Covered employee” means a person who was previously covered under an
2 employer’s group policy.

3 (b) “Federal act” means the American Recovery and Reinvestment Act of 2009,
4 P.L. 111-5.

5 (c) “Group policy” has the meaning given in section 632.897 (1) (c) 1., 2., and
6 3. of the statutes.

7 (d) “Insurer” includes an insurer that issues a group policy that replaces or
8 succeeds a group policy in effect on the date that a terminated insured is first entitled
9 to elect continuation of coverage.

10 (e) “State eligible individual” means a covered employee, or the spouse or
11 dependent of a covered employee, to whom all of the following apply:

12 1. The covered employee’s employment is involuntarily terminated during the
13 period that begins on September 1, 2008, and ends on December 31, 2009, and that
14 involuntary termination is the qualifying event for continuation of coverage for the
15 covered employee or the spouse or dependent of the covered employee.

16 2. The covered employee or spouse or dependent of the covered employee is not
17 eligible for continuation of coverage under a federal continuation provision, as
18 defined in section 632.745 (8) of the statutes, and becomes eligible for continuation
19 of coverage under section 632.897 of the statutes during any of the following:

20 a. The period that begins on September 1, 2008, and ends before the effective
21 date of this subdivision 2. a.

22 b. The period that begins on the effective date of this subdivision 2. b. and ends
23 before January 1, 2010.

24 (f) “Terminated insured” has the meaning given in section 632.897 (1) (f) of the
25 statutes.

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1 (2) ADDITIONAL CONTINUATION COVERAGE ELECTION OPPORTUNITY FOR STATE
2 ELIGIBLE INDIVIDUALS ELIGIBLE PRIOR TO THE EFFECTIVE DATE OF THIS SUBSECTION.

3 (a) Notwithstanding section 632.897 (2) (d) and (3) (a) of the statutes, an
4 insurer shall permit a terminated insured, on behalf of a state eligible individual who
5 became eligible during the period described under subsection (1) (e) 2. a. and who
6 does not have continuation coverage on the effective date of this paragraph, to elect
7 continuation of coverage during a 60-day period beginning on the date of the notice
8 required to be provided under paragraph (b) or (c).

9 (b) An employer of a terminated insured who may elect continuation of
10 coverage for a state eligible individual described in paragraph (a) shall provide notice
11 to the terminated insured that he or she has the right to elect continuation of
12 coverage for the state eligible individual, regardless of whether the employer has
13 already provided notice to the individual under section 632.897 (2) (d) of the statutes,
14 subject to paragraph (g) 1. The notice under this paragraph must satisfy all of the
15 following requirements:

16 1. The notice must be provided no later than 10 days after the effective date of
17 this subdivision.

18 2. The notice must include information substantially in the form and be
19 provided in the manner required for the notice required under section 3001 (a) (7)
20 of the federal act.

21 3. The notice form must be modified appropriately to reflect that the right to
22 elect continuation of coverage is governed by this subsection.

23 4. The notice must include a description of the individual's right to, and the
24 effect of, electing continuation of coverage under this subsection and under section
25 632.897 of the statutes.

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1 (c) If an employer that is required to provide the notice under paragraph (b)
2 fails to provide the notice required under paragraph (b), the insurer that would be
3 responsible for providing continuation of coverage to the state eligible individual if
4 the terminated insured were to elect continuation of coverage on behalf of the state
5 eligible individual shall provide the notice specified in paragraph (b).

6 (d) The notice under paragraph (b) or (c) is not effective, and the 60-day period
7 for electing continuation of coverage does not commence, unless the notice under
8 paragraph (b) or (c) is provided and contains the information required under
9 paragraph (b).

10 (e) For a state eligible individual who became eligible for continuation of
11 coverage under section 632.897 of the statutes before February 17, 2009, and who did
12 not have continuation of coverage on February 17, 2009, continuation of coverage
13 that is elected under this subsection shall be effective as of the date of the first
14 coverage period after February 17, 2009, and is not required to extend beyond the
15 period of coverage that would have been required under section 632.897 of the
16 statutes had the individual elected continuation of coverage when originally eligible
17 instead of under this subsection.

18 (f) For a state eligible individual who became eligible for continuation of
19 coverage under section 632.897 of the statutes on or after February 17, 2009, but
20 before the effective date of this paragraph, continuation of coverage that is elected
21 under this subsection shall commence on the date the state eligible individual was
22 originally eligible and coverage is not required to extend beyond the period of
23 coverage that would have been required under section 632.897 of the statutes had
24 the individual elected continuation of coverage when originally eligible instead of
25 under this subsection.

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1 (g) 1. Paragraphs (a) and (b) do not apply to a state eligible individual if the
2 employer or insurer provided a notice under section 632.897 (2) (d) of the statutes
3 that included the information required under paragraph (b).

4 2. If an employer or insurer provided notice that complies with paragraph (b)
5 before the effective date of this subdivision, the notice is effective for the purpose of
6 this section and the 60-day period under paragraph (a) begins on the date the notice
7 was provided.

8 (h) An individual who elects continuation of coverage under this subsection
9 shall have elected continuation of coverage for the purpose of section 149.10 (2t) (e)
10 of the statutes, as affected by this act.

11 (i) For an individual who elects continuation of coverage under this subsection,
12 the period, if any, from the date of the termination of the individual's coverage as a
13 result of the qualifying event under section 632.897 (2) (b) of the statutes to the
14 commencement of continuation of coverage under this subsection shall be
15 disregarded for the purpose of determining the 63-day period under section 632.746
16 (3) (b) of the statutes, as affected by this act.

17 (3) NOTICE FOR STATE ELIGIBLE INDIVIDUALS ELIGIBLE BEGINNING ON THE EFFECTIVE
18 DATE OF THIS SUBSECTION. An employer of a terminated insured who may elect
19 continuation of coverage for a state eligible individual who becomes eligible for
20 continuation of coverage under section 632.897 of the statutes during the period
21 under subsection (1) (e) 2. b. shall provide notice under section 632.897 (2) (d) of the
22 statutes, except that the notice must include information substantially in the form
23 and be provided in the manner required for the notice under section 3001 (a) (7) of
24 the federal act.

25 (4) CONTINUATION COVERAGE RULES.

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1 (a) Notwithstanding section 632.897 of the statutes and subsections (1), (2),
2 and (3), the commissioner of insurance may promulgate rules establishing standards
3 requiring insurers to provide continuation of coverage for any individual covered at
4 any time under a group policy who is a state eligible individual to whom subsection
5 (2) or (3) applies or an assistance eligible individual, as defined under section 3001
6 (a) (3) of the federal act, including rules governing election or extension of election
7 periods, notice, rates, premiums, premium payment, application of preexisting
8 condition exclusions, and election of alternative coverage.

9 (b) The commissioner may promulgate the rules under paragraph (a) as
10 emergency rules under section 227.24 of the statutes. Notwithstanding section
11 227.24 (1) (c) of the statutes, emergency rules promulgated under this paragraph
12 may remain in effect for one year and may be extended under section 227.24 (2) of
13 the statutes. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, the
14 commissioner is not required to provide evidence that promulgating a rule under this
15 paragraph as an emergency rule is necessary for the preservation of public peace,
16 health, safety, or welfare and is not required to provide a finding of emergency for a
17 rule promulgated under this paragraph.

SECTION 9137. Nonstatutory provisions; Natural Resources.

18 (1) AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING FOR CLEAN WATER FUND
19 PROJECTS.
20

21 (a) If this state receives moneys under P.L. 111-5 as a capitalization grant for
22 clean water state revolving loan funds under the federal Water Pollution Control Act,
23 the department of natural resources and the department of administration may, as
24 provided in this subsection, allocate the funds, before July 1, 2011, for financial

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1 assistance to municipalities under section 281.58 of the statutes for projects eligible
2 to receive financial assistance under that section.

3 (b) Notwithstanding sections 281.58 (9m) (c) and 281.59 (3e) (a) of the statutes,
4 applications may be approved and funds may be allocated and expended for projects
5 under this subsection before the 2009-11 biennial budget act is enacted. The amount
6 of present value of the subsidy for financial assistance provided under this
7 subsection equals \$105,948,300. This is in addition to any amounts specified under
8 section 281.59 (3e) (b) of the statutes. The department of natural resources may
9 establish a percentage limit on the amount of financial assistance available under
10 this subsection that may be received by any eligible applicant.

11 (c) The department of natural resources and the department of administration
12 may provide financial assistance under this subsection in the form of grants or loans.
13 Eligibility for grants under this subsection is not limited to municipalities eligible
14 under section 281.58 (13) of the statutes. The department of natural resources may
15 waive the limit under section 281.58 (8) (g) of the statutes in providing financial
16 assistance under this subsection to a municipality eligible for financial assistance
17 under section 281.58 (13) of the statutes. Loans under this subsection may be
18 provided at rates that differ from the rates under section 281.58 (12) of the statutes,
19 including negative interest rates that result in total payments that are less than the
20 principal amounts of the loans. A financial assistance agreement for a loan under
21 this subsection may provide for forgiveness of a portion of the principal amount of
22 the loan.

23 (d) The department of natural resources may establish a different deadline for
24 submitting notice of intent to apply for financial assistance for the purposes of this
25 subsection than the deadline in section 281.58 (8m) of the statutes. The department

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1 may also establish a deadline for submitting applications for financial assistance
2 under this subsection.

3 (e) In determining which projects to provide financial assistance under this
4 subsection, the department of natural resources may consider any of the following:

5 1. Readiness of a project to proceed to construction.

6 2. The unemployment rate in the county in which a project is located.

7 3. The extent to which a project promotes water efficiency or energy efficiency;
8 is environmentally innovative; or uses natural systems or engineered systems that
9 mimic natural processes, also called green infrastructure.

10 4. The geographic distribution of projects.

11 (f) Notwithstanding section 227.10 (1) of the statutes, the department of
12 natural resources and the department of administration are not required to
13 promulgate rules for the purposes of this subsection.

14 (2) AMERICAN RECOVERY AND REINVESTMENT ACT FUNDING FOR SAFE DRINKING
15 WATER PROJECTS.

16 (a) If this state receives moneys under P.L. 111-5 as a capitalization grant
17 under the federal Safe Drinking Water Act, the department of natural resources and
18 the department of administration may, as provided in this subsection, obligate the
19 funds before July 1, 2011, for financial assistance to local governmental units under
20 section 281.61 of the statutes for projects eligible to receive financial assistance
21 under that section.

22 (b) Notwithstanding sections 281.59 (3s) (a) and 281.61 (7) (c) of the statutes,
23 applications may be approved and funds may be allocated and expended for projects
24 under this subsection before the 2009-11 biennial budget act is enacted. The amount
25 of present value of the subsidy for financial assistance provided under this

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1 subsection equals \$37,750,000. This is in addition to any amounts specified under
2 section 281.59 (3s) (b) of the statutes. The department of natural resources may
3 establish a percentage limit on the amount of financial assistance available under
4 this subsection that may be received by any eligible applicant.

5 (c) The department of natural resources and the department of administration
6 may provide financial assistance under this subsection in the form of grants or loans,
7 notwithstanding section 281.61 (2r) of the statutes. Loans under this subsection may
8 be provided at rates that differ from the rates under section 281.61 (11) of the
9 statutes, including negative interest rates that result in total payments that are less
10 than the principal amounts of the loans. A financial assistance agreement for a loan
11 under this subsection may provide for forgiveness of a portion of the principal
12 amount of the loan.

13 (d) The department of natural resources may establish a different deadline for
14 submitting notice of intent to apply for financial assistance for the purposes of this
15 subsection than the deadline in section 281.61 (3) of the statutes. If the department
16 of natural resources has not received sufficient applications by the deadline under
17 section 281.61 (5) of the statutes to use all of the funds described in paragraph (a),
18 it may waive the deadline.

19 (e) In determining which projects to provide financial assistance under this
20 subsection, the department of natural resources may consider any of the following:

- 21 1. Readiness of a project to proceed to construction.
- 22 2. The unemployment rate in the county in which a project is located.
- 23 3. The extent to which a project promotes water efficiency or energy efficiency;
24 is environmentally innovative; or uses natural systems or engineered systems that
25 mimic natural processes, also called green infrastructure.

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1 4. The geographic distribution of projects.

2 (f) Notwithstanding section 227.10 (1) of the statutes, the department of
3 natural resources and the department of administration are not required to
4 promulgate rules for the purposes of this subsection.

5 **SECTION 9343. Initial applicability; Revenue.**

6 (1) ENTERPRISE ZONE JOBS CREDIT. The treatment of sections 71.07 (3w) (a) 3.,
7 5d., and 5e. and (b) 1. a. and b., 2., 3., and 5., 71.28 (3w) (a) 3., 5d., and 5e. and (b)
8 1. a. and b., 2., 3., and 5., and 71.47 (3w) (a) 3., 5d., and 5e. and (b) 1. a. and b., 2., 3.,
9 and 5. of the statutes, the renumbering and amendment of sections 71.07 (3w) (bm),
10 71.28 (3w) (bm), and 71.47 (3w) (bm) of the statutes, and the creation of sections 71.07
11 (3w) (bm) 2., 71.28 (3w) (bm) 2., and 71.47 (3w) (bm) 2. of the statutes first apply to
12 taxable years beginning on January 1, 2009.

13 **SECTION 9356. Initial applicability; Workforce Development.**

14 (1) TERMINATIONS OF EMPLOYMENT. The treatment of sections 108.04 (7) (c), (h),
15 (s) 1. a., b., bn., d., and e. and 2. a., b., and c., and (t), 108.14 (8n) (e) and 108.141 (7)
16 (a) of the statutes first applies with respect to terminations of employment occurring
17 on the effective date of this subsection.

18 (2) BENEFITS. The treatment of section 108.06 (1), (2) (c) and (cm), (3), (6)
19 (intro.), and (7) of the statutes first applies with respect to weeks of unemployment
20 beginning on the effective date of this subsection.

21 **SECTION 9400. Effective dates; general.**

22 (1) Except as otherwise provided in SECTIONS 9401 to 9457 of this act, this act
23 takes effect on the day after publication.

24 **SECTION 9408. Effective dates; Children and Families.**

