

# State of Wisconsin



2009 Assembly Bill 255

Date of enactment: **May 15, 2009**  
Date of publication\*: **May 18, 2009**

## 2009 WISCONSIN ACT 11

**AN ACT** *to repeal* 108.04 (7) (s) 2. c.; *to renumber and amend* 66.0627 (1), 71.07 (3w) (bm), 71.28 (3w) (bm), 71.47 (3w) (bm) and 560.799 (3) (b); *to amend* 16.27 (5) (b), 16.957 (1) (m), 20.002 (11) (b) 2., 49.265 (1) (b), 66.0627 (title), 66.0627 (7) (intro.), 70.57 (4) (b) (intro.), 71.07 (3w) (a) 3., 71.07 (3w) (b) 1. a., 71.07 (3w) (b) 1. b., 71.07 (3w) (b) 2., 71.07 (3w) (b) 3., 71.07 (3w) (b) 5., 71.28 (3w) (a) 3., 71.28 (3w) (b) 1. a., 71.28 (3w) (b) 1. b., 71.28 (3w) (b) 2., 71.28 (3w) (b) 3., 71.28 (3w) (b) 5., 71.47 (3w) (a) 3., 71.47 (3w) (b) 1. a., 71.47 (3w) (b) 1. b., 71.47 (3w) (b) 2., 71.47 (3w) (b) 3., 71.47 (3w) (b) 5., 79.05 (2) (c), 108.04 (7) (c), 108.04 (7) (h), 108.04 (7) (s) 1. a. and b., 108.04 (7) (s) 2. a., 108.06 (1), 108.06 (2) (c) and (cm), (3) and (6) (intro.), 108.14 (8n) (e), 108.141 (1) (a) and (b) 2., 108.141 (7) (a), 118.125 (2) (g) 2., 149.10 (2t) (e), 560.799 (3) (a) and 632.746 (3) (b); *to repeal and recreate* 49.265 (1) (b), 108.04 (7) (s) 2. b., 108.141 (1) (e), 108.141 (1) (f) and 108.141 (5); and *to create* 20.255 (2) (p), 20.505 (6) (n), 66.0627 (1) (a), 66.0627 (1) (b), 66.0627 (8), 71.07 (3w) (a) 5d., 71.07 (3w) (a) 5e., 71.07 (3w) (bm) 2., 71.28 (3w) (a) 5d., 71.28 (3w) (a) 5e., 71.28 (3w) (bm) 2., 71.47 (3w) (a) 5d., 71.47 (3w) (a) 5e., 71.47 (3w) (bm) 2., 108.04 (7) (s) 1. bn., d. and e., 108.04 (7) (t), 108.06 (7), 108.141 (1) (b) 2m., 108.141 (1) (dm), 560.799 (1) (am), 560.799 (3) (bm), 560.799 (5) (d) and 560.799 (6) (g) of the statutes; **relating to:** eligibility for unemployment insurance benefits and payment of extended benefits; excluding recovery and reinvestment act moneys from the calculation of expenditure restraint payments; eligibility for participation in the programs of a community action agency; financial assistance under the Clean Water Fund Program and the Safe Drinking Water Loan Program; the confidentiality of pupil records provided to the Department of Public Instruction; financial assistance for criminal justice programs; authorizing political subdivisions to make residential energy efficiency improvement loans and impose special charges for the loans; definition of low-income household under energy and weatherization assistance programs; eligibility and notice changes for state continuation of coverage for health insurance; changes to enterprise zone jobs credits; state aid to school districts; providing an exemption from emergency rule procedures; granting rule-making authority; and making an appropriation.

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

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

16.27 (5) (b) A household with income which is not more than 150% of the income poverty guidelines for the nonfarm population of the United States as prescribed by

the federal office of management and budget under 42 USC 9902 (2) 60 percent of the statewide median household income.

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

16.957 (1) (m) "Low-income household" means any individual or group of individuals in this state who are living together as one economic unit and for whom resi-

\* Section 991.11, WISCONSIN STATUTES 2007-08 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

dential electricity is customarily purchased in common or who make undesigned payments for electricity in the form of rent, and whose household income is not more than ~~150% of the poverty line as determined under 42 USC 9902 (2)~~ 60 percent of the statewide median household income.

**SECTION 2p.** 20.002 (11) (b) 2. of the statutes is amended to read:

20.002 (11) (b) 2. Except as provided in subd. 3, the secretary of administration shall limit the total amount of any temporary reallocations to the general fund at any one time during a fiscal year to an amount equal to 5% of the total amounts shown in the schedule under s. 20.005 (3) of appropriations of general purpose revenues, calculated by the secretary as of that time and for that fiscal year. During the 2008-09 fiscal year, the amount that may be reallocated under this subdivision may not exceed 7 percent of such revenues.

**SECTION 2r.** 20.255 (2) (p) of the statutes is created to read:

20.255 (2) (p) *Federal aids; state allocations.* All federal moneys received, as authorized by the governor, from allocations from the state fiscal stabilization fund that are distributed to school districts as general equalization aid.

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

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

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

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

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

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

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

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

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

66.0627 (1) (intro.) In this section, ~~"service";~~

(c) "Service" includes snow and ice removal, weed elimination, street sprinkling, oiling and tarring, repair of sidewalks or curb and gutter, garbage and refuse disposal, recycling, storm water management, including construction of storm water management facilities, tree care, removal and disposition of dead animals under s. 60.23

(20), loan repayment under s. 70.57 (4) (b), soil conservation work under s. 92.115, and snow removal under s. 86.105.

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

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

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

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

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

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

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

66.0627 (8) A political subdivision may 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. If a political subdivision makes such a loan, the political subdivision may collect the loan repayment as a special charge under this section. Notwithstanding the provisions of sub. (4), a special charge imposed under this subsection may be collected in installments and may be included in the current or next tax roll for collection and settlement under ch. 74 even if the special charge is not delinquent.

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

70.57 (4) (b) (intro.) A taxation district receiving payments under par. (a) shall use the payments to make loans to persons who own property located in the taxation district and who are paying more property taxes than they should be as a result of the error. A person may receive a loan by applying, in the manner prescribed by the department, to the taxation district in which the person's property is located no later than June 15 of the year following the error. The state shall collect the amount of any loan issued under this paragraph as a state special charge against the taxation district for the year after the year in which the error occurred and the special charge shall not be included in the taxation district's levy. The taxation district shall assess the loan amount as a special charge against the property for which the loan was made on the property tax bill succeeding the loan, as provided under ch. 74 and s. 66.0627 (1) (c). Except for interest and penalties, as provided under s. 74.47, that apply to any delin-

quent special charge based on the loan amount, neither the department nor the taxation district may charge interest on any loan issued under this paragraph. The maximum loan amount that a person may receive under this paragraph shall be calculated by multiplying the assessed value of the person's property by a decimal determined by the department as follows:

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

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

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

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

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

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

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

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

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

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

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

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

number of full-time employees whose annual wages are greater than \$20,000 in a tier I county or municipality or greater than \$30,000 in a tier II county or municipality and who the claimant employed in the enterprise zone in the taxable year.

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

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

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

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

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

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

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

71.07 (3w) (bm) 2. In addition to the credits under par. (b) and subd. 1., and subject to the limitations provided in this subsection and s. 560.799, a claimant may claim as a credit against the tax imposed under s. 71.02 or 71.08 an amount equal to the percentage, as determined by the department of commerce under s. 560.799, not to exceed 7 percent, of the claimant's zone payroll paid in the taxable year to all of the claimant's full-time employees whose annual wages are greater than \$20,000 in a tier I county or municipality, not including the wages paid to the employees determined under par. (b) 1., or greater than \$30,000 in a tier II county or municipality, not including the wages paid to the employees determined under par. (b) 1., and who the claimant employed in the enterprise zone in the taxable year, if the total number of such employees is equal to or greater than the total number of such employees in the base year. A claimant may claim a credit under this subdivision for no more than 5 consecutive taxable years.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

71.28 (3w) (bm) 2. In addition to the credits under par. (b) and subd. 1., and subject to the limitations provided in this subsection and s. 560.799, a claimant may claim as a credit against the tax imposed under s. 71.23 an amount equal to the percentage, as determined by the department of commerce under s. 560.799, not to exceed 7 percent, of the claimant’s zone payroll paid in the taxable year to all of the claimant’s full-time employees whose annual wages are greater than \$20,000 in a tier I county or municipality, not including the wages paid to the employees determined under par. (b) 1., or greater than \$30,000 in a tier II county or municipality, not including the wages paid to the employees determined under par. (b) 1., and who the claimant employed in the enterprise zone in the taxable year, if the total number of such employees is equal to or greater than the total number of such employees in the base year. A claimant may claim a credit under this subdivision for no more than 5 consecutive taxable years.

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

71.47 (3w) (a) 3. “Full-time employee” means ~~an individual who is employed in a regular, nonseasonal job and who, as a condition of employment, is required to work at least 2,080 hours per year, including paid leave~~

and holidays a full-time employee, as defined in s. 560.799 (1) (am).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

79.05 (2) (c) Its municipal budget; exclusive of principal and interest on long-term debt and exclusive of revenue sharing payments under s. 66.0305 ~~and~~, recycling fee payments under s. 289.645, and expenditures from moneys received pursuant to P.L. 111-5; for the year of the statement under s. 79.015 increased over its municipal budget as adjusted under sub. (6); exclusive of principal and interest on long-term debt and exclusive of revenue sharing payments under s. 66.0305 ~~and~~, recycling fee

payments under s. 289.645, and expenditures from monies received pursuant to P.L. 111-5; for the year before that year by less than the sum of the inflation factor and the valuation factor, rounded to the nearest 0.10%.

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

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

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

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

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

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

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

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

108.04 (7) (s) 1. bn. "Health care professional" has the meaning given in s. 180.1901 (1m).

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

e. "Protective order" means a temporary restraining order or an injunction issued by a court of competent jurisdiction.

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

108.04 (7) (s) 2. a. Terminates his or her work due to domestic abuse, concerns about personal safety or

harassment, concerns about the safety or harassment of his or her family members who reside with the employee or concerns about the safety or harassment of other household members; and

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

108.04 (7) (s) 2. b. Provides to the department a protective order relating to the domestic abuse or concerns about personal safety or harassment issued by a court of competent jurisdiction, a report by a law enforcement agency documenting the domestic abuse or concerns, or evidence of the domestic abuse or concerns provided by a health care professional or an employee of a domestic violence shelter.

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

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

108.04 (7) (t) Paragraph (a) does not apply if the department determines that the 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.

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

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

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

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

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

(3) There shall be payable to an employee, for weeks ending within the employee's benefit year, only those benefits computed for that benefit year based on the

wages paid to the employee in the immediately preceding base period. Wages used in a given benefit computation are not available for use in any subsequent benefit computation except under sub. (7) and s. 108.141.

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

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

108.06 (7) (a) In this subsection:

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

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

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

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

2. 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 benefits under this subsection;

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

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

5. Was 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 employing unit, if the separation occurred no earlier than the beginning of the base period for the claimant's applicable benefit year; and

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

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

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

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

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

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

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

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

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

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

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

ment in accordance with s. 108.07 (5) (a) and (b). The department shall also charge the fund's balancing account with any other state's share of such benefits pending reimbursement by that state.

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

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

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

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

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

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

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

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

108.141 (1) (e) There is a Wisconsin "off" indicator for a week if, for the period consisting of that week and

the immediately preceding 12 weeks, there is not a Wisconsin "on" indicator.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

118.125 (2) (g) 2. Upon request by the department, the school board shall provide the department with any 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 requirements under chs. 115 to 121. ~~The department shall keep confidential all pupil records provided to the department by a school board.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. Unemployment rate.
- b. Percentage of families with incomes below the poverty line established under [42 USC 9902 \(2\)](#).
- c. Median family income.
- d. Median per capita income.
- e. Other significant or irregular indicators of economic distress, such as a natural disaster or mass layoff.

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

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

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

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

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

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

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

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

(a) "Covered employee" means a person who was previously covered under an employer's group policy.

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

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

(d) "Insurer" includes an insurer that issues a group policy that replaces or succeeds a group policy in effect

on the date that a terminated insured is first entitled to elect continuation of coverage.

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

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

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

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

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

(f) "Terminated insured" has the meaning given in section 632.897 (1) (f) of the statutes.

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

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

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

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

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

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

4. The notice must include a description of the individual's right to, and the effect of, electing continuation

of coverage under this subsection and under section 632.897 of the statutes.

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

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

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

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

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

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

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

(i) For an individual who elects continuation of coverage under this subsection, the period, if any, from the date of the termination of the individual's coverage as a result of the qualifying event under section 632.897 (2) (b) of the statutes to the commencement of continuation of coverage under this subsection shall be disregarded for

the purpose of determining the 63-day period under section 632.746 (3) (b) of the statutes, as affected by this act.

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

(4) CONTINUATION COVERAGE RULES.

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

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

#### **SECTION 9137. Nonstatutory provisions; Natural Resources.**

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

(a) If this state receives moneys under P.L. 111–5 as a capitalization grant for clean water state revolving loan funds under the federal Water Pollution Control Act, the department of natural resources and the department of administration may, as provided in this subsection, allocate the funds, before July 1, 2011, for financial assistance to municipalities under section 281.58 of the statutes for projects eligible to receive financial assistance under that section.

(b) Notwithstanding sections 281.58 (9m) (c) and 281.59 (3e) (a) of the statutes, applications may be approved and funds may be allocated and expended for projects under this subsection before the 2009–11 bien-

nial budget act is enacted. The amount of present value of the subsidy for financial assistance provided under this subsection equals \$105,948,300. This is in addition to any amounts specified under section 281.59 (3e) (b) of the statutes. The department of natural resources may establish a percentage limit on the amount of financial assistance available under this subsection that may be received by any eligible applicant.

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

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

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

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

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

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

(a) If this state receives moneys under P.L. 111-5 as a capitalization grant under the federal Safe Drinking Water Act, the department of natural resources and the department of administration may, as provided in this subsection, obligate the funds before July 1, 2011, for financial assistance to local governmental units under

section 281.61 of the statutes for projects eligible to receive financial assistance under that section.

(b) Notwithstanding sections 281.59 (3s) (a) and 281.61 (7) (d) of the statutes, applications may be approved and funds may be allocated and expended for projects under this subsection before the 2009-11 biennial budget act is enacted. The amount of present value of the subsidy for financial assistance provided under this subsection equals \$37,750,000. This is in addition to any amounts specified under section 281.59 (3s) (b) of the statutes. The department of natural resources may establish a percentage limit on the amount of financial assistance available under this subsection that may be received by any eligible applicant.

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

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

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

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

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

**SECTION 9139. Nonstatutory provisions; Public Instruction.**

(1f) STATE AID; JUNE 2009. In the second fiscal year of the fiscal biennium in which this subsection takes effect, there is lapsed to the general fund \$291,000,000 from the appropriation account under section 20.255 (2) (ac) of the statutes. Notwithstanding sections 121.07 and

121.08 of the statutes, as affected by this act, the department of public instruction shall use the balance in that appropriation account and \$291,000,000 of the amount appropriated in the second fiscal year of the fiscal biennium in which this subsection takes effect under section 20.255 (2) (p) of the statutes, as created by this act, to make payments to school districts in June 2009 under section 121.15 (1) and (1g) of the statutes.

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

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

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

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

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

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

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

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

(1) ELIGIBILITY FOR COMMUNITY ACTION AGENCY PROGRAMMING. The repeal and recreation of section 49.265 (1) (b) of the statutes takes effect on October 1, 2010.

**SECTION 9456. Effective dates; Workforce Development.**

(1) UNEMPLOYMENT INSURANCE TRAINING BENEFITS. The treatment of section 108.06 (1), (2) (c) and (cm), (3), (6) (intro.), and (7) of the statutes and SECTION 9356 (2) of this act take effect on the first Sunday following the 90th day after publication.

(2) UNEMPLOYMENT INSURANCE. The treatment of sections 108.04 (7) (c), (h), (s) 1. a., b., bn., d., and e. and 2. a., b., and c., and (t), 108.14 (8n) (e), and 108.141 (1) (a), (b) 2. and 2m., (dm), (e), and (f), (5), and (7) (a) of the statutes and SECTION 9356 (1) of this act take effect on the first Sunday after publication.