

2009 DRAFTING REQUEST

Bill

Received: **01/21/2009**

Received By: **jkuesel**

Wanted: **As time permits**

Identical to LRB:

For: **Workforce Development**

By/Representing: **Dan LaRocque**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Unemployment Insurance**

Extra Copies:

Submit via email: **YES**

See attached e-mail

Requester's email: **Daniel.LaRocque@dwd.state.wi.us**

Carbon copy (CC:) to: **Tracey.Schwalbe@dwd.state.wi.us**

Pre Topic:

No specific pre topic given

Topic:

Suspension of Wisconsin supplemental benefits and extended benefits

Instructions:

Per attached E mail, 1/21/09.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 01/22/2009	csicilia 01/22/2009		_____			S&L
/1		csicilia 01/23/2009	mduchek 01/22/2009	_____	mbarman 01/22/2009		S&L
/2			mduchek 01/23/2009	_____	mbarman 01/23/2009		S&L
/3	jkuesel	csicilia	jfrantze	_____	sbasford	cduerst	

for Assembly per Mary Beth @ Rep. Sinicki office

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	01/23/2009	01/23/2009	01/23/2009	_____	01/23/2009	01/23/2009	

FE Sent For: "1/3" @ intro. 1/26/09 <END>

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/2			mduchek 01/23/2009	_____	mbarman 01/23/2009		

1/3 gjs 1/23
09

JL
1/23

JL
1/23

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<END>

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Adl. Drafters:

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/?	jkuesel 01/22/2009	csicilia 01/22/2009		_____			S&L
¹ / ₂	jkuesel 1/22/09		mduchek 01/22/2009	_____	mbarman 01/22/2009		

FE Sent For:

1/2 jk 1/23
09

MD

MDRS

<END>

1 DNOTE

2009 DRAFTING REQUEST

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Received: 01/21/2009

Received By: jkuesel

Wanted: As time permits

Identical to LRB:

For: Workforce Development 7-1406

By/Representing: Dan LaRocque

This file may be shown to any legislator: NO

Drafter: jkuesel

May Contact:

Addl. Drafters:

Subject: Unemployment Insurance

Extra Copies: Tracey Schwalbe - DWD - 1

Submit via email: NO

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1/21	jkuesel 1/22/09	1 ijs 1/22/09	MD	MD PH			

FE Sent For:

<END>

Kuesel, Jeffery

From: LaRocque, Daniel J - DWD [Daniel.LaRocque@dwd.wisconsin.gov]
Sent: Wednesday, January 21, 2009 3:53 PM
To: Kuesel, Jeffery
Cc: Schwalbe, Tracey L - DWD
Subject: Request to draft amendment to UI statute

Attachments: Memo to JKuesel re supplemental 012109.doc

As we discussed, attached is a request.



Memo to JKuesel re
supplementa...

Kuesel, Jeffery

From: LaRocque, Daniel J - DWD [Daniel.LaRocque@dwd.wisconsin.gov]
Sent: Friday, January 16, 2009 5:19 PM
To: Kuesel, Jeffery
Subject: FW: EO 273 re UI insurance issued

Attachments: EO 273 - Federally Funded Emergency Unemployment Benefits.doc

Jeff, we will need to talk next week. For me that probably means Tuesday if you are available that day. Have a nice holiday weekend.

From: LaRocque, Daniel J - DWD
Sent: Friday, January 16, 2009 5:17 PM
To: Banicki, Amy - DWD; Bergan, Hal - DWD; Breber, Carla R - DWD; Brueggeman, William L - DWD; LaRocque, Daniel J - DWD; Peirce, Benjamin - DWD; Pronschinske, Mary - DWD; Reid, Andrea - DWD; Schwalbe, Tracey L - DWD; Shahrani, Lutfi M - DWD; Sterr, Troy - DWD; Tillema, Dick G - DWD; Zwickey, John - DWD
Subject: FW: EO 273 re UI insurance issued

The Governor has signed an executive order establishing the "off" indicator for both the supplemental and extended benefits programs. A copy is attached below. What this means is this:

The **supplemental benefit period** will **begin in week 5** unless there is legislation in time to prevent its beginning.

The Executive Order makes the "off" indicator "effective" the week beginning February 8, 2009 (week 7). The "off" indicator in week 7 will cause supplemental benefit period to **end in week 10**. Therefore, even if no legislation is enacted, the supplemental benefit period that begins week 5 will end in week 10, which begins Sunday March 1. There can be no eligible supplemental benefit claims in or after week 10.

We intend to introduce legislation with the expectation it will be enacted by the Governor in week 5 with an effective date in week 5. If that occurs, that legislation will close the supplemental benefit period to claims in week 5. Of course, it remains to be seen whether legislation will pass in a timely manner, but we have reason to be optimistic that it will.

The Executive Order also makes the "off" indicator effective in week 7 and prevent a benefit period from beginning. Of course, no extended benefit period has been or will be triggered before week 10.

Please let me know if you have any questions.

Dan

From: Miller Fienen, Chandra - GOV
Sent: Friday, January 16, 2009 4:47 PM
To: Gassman, Roberta - DWD; Richard, JoAnna - DWD; Colon, Hector - DWD; Bernstein, Howard I - DWD; Bergan, Hal - DWD; LaRocque, Daniel J - DWD
Cc: Carlson, Nina - GOV; Casper, Tim - GOV
Subject: EO 273 re UI insurance issued

The Governor signed EO 273 this afternoon. Please let me know if you need copies of the EO, but the text is attached



EO 273 - Federally
Funded Emer...

Chandra

EXECUTIVE ORDER # 273

**Relating to the Allowance of Federally Funded Emergency
Unemployment Benefits in Lieu of Wisconsin Supplemental Benefits**

WHEREAS, in 2008 federal programs for emergency unemployment benefits were enacted to provide benefits beyond those afforded to unemployed persons under state unemployment insurance programs, namely the Supplemental Appropriations Act, 2008, Title IV -- Emergency Unemployment Compensation Act, Public Law 110-252, enacted June 30, 2008 ("EUC08"); and the Unemployment Compensation Extension Act, Public Law 110-449, enacted November 21, 2008 ("EUC08 Extension"); and

WHEREAS, EUC08 has afforded and will afford emergency unemployment benefits to qualified unemployed persons in Wisconsin and in other states who have exhausted or will exhaust their claims for regular state unemployment benefits; and

WHEREAS, the most recent federal legislation on emergency unemployment benefits, EUC08 Extension, will, if triggered "on" by certain statutory conditions, afford additional benefits to qualified unemployed persons in Wisconsin and other states who have exhausted or will exhaust their claim for benefits under EUC08; and

WHEREAS, available data indicate that the economic conditions for triggering "on" EUC08 Extension benefits, including among other triggering conditions, the rate of insured unemployment, probably exist now in Wisconsin; and

WHEREAS, if such triggering conditions are shown to exist in the week ending January 10, 2009, certain additional benefits under the EUC08 Extension will begin to be payable to qualified individuals in Wisconsin for a period of time that will begin with the week ending January 31, 2009; and

WHEREAS, the qualifying conditions for triggering "on" payment of EUC08 Extension benefits are very similar to the qualifying economic conditions for triggering "on" the payment of Wisconsin supplemental

unemployment benefits (Wisconsin supplemental benefits) under Wis. Stat. § 108.142; and

WHEREAS, if qualifying economic conditions for triggering "on" the payment of Wisconsin supplemental benefits are shown to exist in the week ending January 10, 2009, Wisconsin supplemental benefits will become payable to qualified individuals in Wisconsin in the week ending January 31, 2009; and

WHEREAS, Wis. Stat. § 108.141 further provides Wisconsin extended unemployment benefits (Wisconsin extended benefits) may be triggered "on" when the qualifying economic conditions under Wis. Stat. § 108.141(1)(f) are met; and

WHEREAS, if qualifying economic conditions for triggering "on" the payment of Wisconsin extended benefits are shown to exist in some future week, Wisconsin extended benefits will become payable to qualified individuals in Wisconsin in the week that follows thereafter, as more particularly provided in Wis. Stat. § 108.141; and

WHEREAS, the Wisconsin supplemental and extended benefits programs were designed and intended to benefit unemployed persons in Wisconsin and have served their purposes; and

WHEREAS, the Legislature foresaw that the programs might be unnecessary or even interfere with the opportunity to obtain benefits under other programs afforded by the federal government, including programs of the type created by Congress in 2008, EUC08 and EUC Extension, and for that reason the legislation afforded the governor the power and authority to temporarily suspend the state programs to allow for the payment of additional federally funded benefits under Wis. Stat. §§ 108.142(1m) and 108.141(1m); and

WHEREAS, it is clear that the EUC08 and EUC Extension will provide substantially greater benefits to Wisconsin's unemployed population than the Wisconsin supplemental and extended benefits programs and that if the state programs are triggered they will diminish the overall benefits available to Wisconsin's unemployed; and

WHEREAS, it is in the interests of the residents of the state of Wisconsin, and unemployed persons and employers in Wisconsin in particular, that unemployed persons be legally permitted to fully participate in the existing and future federal unemployment programs (including, but not limited, to EUC08 and EUC Extension) without the interference of state statutes that are inconsistent with such federal programs;

NOW, THEREFORE, I, JIM DOYLE, Governor of the State of Wisconsin, by the authority vested in me by the Constitution and laws of this State, and specifically by Sections 108.142(1m) and 108.141(1m) of the Wisconsin Statutes, do hereby order that:

1. Wisconsin elects to establish a Wisconsin "off" indicator within the meaning of Wis. Stat. § 108.142(1m) in order to allow for the payment of additional federally funded benefits in lieu of Wisconsin

supplemental benefits, including, but not limited, to benefits under the EUC08 and EUC08 Extension programs. The "off" indicator shall be effective as of the week beginning Sunday, February 8, 2009, and until removed by Executive Order or legislation.

2. Wisconsin elects to establish a Wisconsin "off" indicator within the meaning of Wis. Stat. § 108.141(1m) in order to allow for the payment of additional federally funded benefits in lieu of extended benefits, including, but not limited, to benefits under the EUC08 and EUC08 Extension programs. The "off" indicator shall be effective as of the week beginning Sunday, February 8, 2009, and until removed by Executive Order or legislation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this sixteenth day of January, in the year two thousand and nine.

JIM DOYLE
Governor

By the Governor:

DOUGLAS LA FOLLETTE
Secretary of State

Memo

Department of Workforce Development

Date: January 21, 2009

To: Jeffery Kuesel
Legislative Reference Bureau

From: Dan LaRocque
Director, Legal Affairs
Unemployment Insurance Division

Re: Request for drafting re Wisconsin Supplemental Benefits and Extended Benefits

As we discussed, this morning, I am requesting that the Legislative Reference Bureau draft a bill to amend the unemployment statutes affecting Wisconsin supplemental benefits and extended benefits.

Wisconsin's rate of insured unemployment reached a level of 4% for week 2 (January 4 – 10) 2009. The 4% level is "one percentage point below the percentage [5%] specified in s. 108.141(1)(f)1" and thus satisfies the second of the two parts of Wis. Stat. §108.142(1)(b)1 (the first of the two parts having been satisfied some weeks previously). Therefore there is an "on" indicator for week 2, 2009.

According to Wis. Stat. §108.142(1)(a), a result of an "on" indicator for week 2 is that a supplemental benefit period will begin with the third week after week 2, which is the week ending January 31, 2009, week 5.

The Governor issued an executive order on January 16, 2008 (week 3) to establish an "off" indicator under Wis. Stat. §§108.141(1m) and 108.142(1m) for the extended and supplemental benefits, respectively. The executive order is effective the fourth week after the executive order is issued. *Id.* Thus the off indicator will take effect in week 7 (January 8 -14).

Under §108.142(1)(a), the supplemental benefit period will end with the third week after which there is an "off" indicator, which in this case is week 10, which begins Sunday March 1.

During the supplemental benefit period, supplemental benefits will be payable to eligible claimants. See §108.142(1)(g), "Eligibility period" defined. Claimants eligible for supplemental benefits will not be eligible for federally funded benefits under Emergency Unemployment Compensation enacted in 2008 ("EUC08") because of the requirements in EUC08 that such claimants exhaust state benefits as a condition of eligibility for federal.

Because of the provisions in EUC08 and the circumstances of the supplemental benefit period, eligibility for and receipt of Wisconsin supplemental benefits for up to 8 weeks under §108.142 will, for some persons, reduce the entitlement to EUC08 benefits they

would have otherwise. The amounts by which the EUC08 benefits would be reduced would be as much as 33 weeks for some while their state supplemental benefits are limited to 8 weeks at most.

The Department of Workforce Development is interested in legislation to prevent the payment of supplemental benefits, which are state-funded, in weeks ending after enactment of the legislation during which federally funded benefits are payable in Wisconsin, including, but not limited to EUC08, and any federally funded benefits yet to be enacted. For example, if legislation is enacted and effective on January 27, 2009, the legislation would provide that no benefits are payable in weeks ending on January 31 and thereafter while federally funded benefits are payable.

Similarly, the Department is concerned that the extended benefits, although not yet triggered "on", might become triggered on by further deterioration of the economy. It appears that the federal government does not presently intend to operate this program in the near future. In fact the EUC08 suspended the extended benefit program through December 31, 2009. However, we are concerned that some might read the state statute as requiring the payment of extended benefits (if by its provisions and economic conditions it is triggered on) independently of what federal law provides. For that reason, we are interested in amending Wis. Stat. §108.141 to suspend the payment of benefits for the period during which the federal extended benefits are not payable.

A draft is attached below.

-- DEPARTMENT DRAFT --

UNEMPLOYMENT INSURANCE BILL v1 (01/21/09)

AN ACT **to create** 108.141 (1e) and 108.142 (1e) of the statutes **relating to:**

suspension of Wisconsin extended and supplemental unemployment insurance benefits.

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

SECTION 1. 108.141 (1e) of the statutes is created to read:

108.141 **(1e)** SUSPENSION. Notwithstanding ^{subs (1) & (1m)} any other provision in this section, no Wisconsin extended benefits may be paid for any week of unemployment ending after January 27, 2009 unless benefits are payable for the week under the Federal-State Extended Unemployment Compensation Act of 1970 [this cite may need to be more precise] ^{in this state}

SECTION 2. 108.142 (1e) of the statutes is created to read:

108.142 **(1e)** SUSPENSION. Notwithstanding ^{subs (1) & (1m)} any other provision in this section, no Wisconsin supplemental benefits may be paid for any week of unemployment ending after January 27, 2009 during which additional federally funded benefits are payable in Wisconsin. ^{this state}

SECTION 3. Effective dates. This act takes effect upon signing by the Governor.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1700/2 1
JTK:.....

DNOTE
*Wanted by 3PM
today*

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

*SA ✓
X ✓*

gjs

Gen cat

1 AN ACT */*; relating to: payment of Wisconsin supplemental and extended
2 unemployment insurance benefits in this state. *er*

Federal

Analysis by the Legislative Reference Bureau

Under current law, qualified claimants who have exhausted their regular unemployment insurance benefits may potentially receive additional weeks of benefits specified by law if a Wisconsin supplemental benefit period or a federal extended benefit period is in effect. Both Wisconsin supplemental and extended benefits are paid for in whole or in part by employers in this state. Recently, the federal government has made available additional federally funded unemployment insurance benefits to claimants in this state who have exhausted their regular benefits. These additional benefits have been and may in the future be funded by the federal government directly with little or no cost to employers in this state. Current law permits the governor to suspend payment of either Wisconsin supplemental or federal extended benefits in this state in order to allow for payment of additional federally funded benefits.

This bill provides that no Wisconsin supplemental benefits may be paid for any week of unemployment ending after January 27, 2009, during which additional federally funded benefits are payable in this state unless the governor suspends this suspension to permit resumption of Wisconsin supplemental benefit payments. The bill also provides that no federal extended benefits may be paid for any week of unemployment ending after January 27, 2009, unless extended benefits are payable

in this state for that week under federal law. The bill permits the governor to suspend this suspension to permit resumption of extended benefit payments.

FE - SL

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

INS
A

SECTION 1. 108.141 (1m) of the statutes is amended to read:

108.141 (1m) ADDITIONAL FEDERALLY FUNDED BENEFITS. The Notwithstanding sub. (1), no extended benefits may be paid for any week of unemployment ending after January 27, 2009, unless benefits are payable for that week under P.L. 91-373, as amended, in this state. The governor may, by executive order, elect to establish a Wisconsin "off" indicator suspend the application of this subsection in order to allow for the payment of additional federally funded extended benefits in lieu of extended benefits ^{as provided in} under this section during a period specified in the order, if such an election a suspension is permitted by federal law. Any such indicator is suspension shall be effective at the beginning of the week in which additional federally funded benefits are initially payable or the beginning of the 4th week after the week in which the governor issues the order, whichever is later and may be rescinded by similar order, which shall be effective at the beginning of the 4th week after the week in which the governor issues the order.

INS
B

History: 1971 c. 53; 1973 c. 247; 1975 c. 1, 343; 1977 c. 29, 133, 418; 1979 c. 52; 1981 c. 36 ss. 19 to 32, 45; 1981 c. 315, 390; 1983 a. 8 ss. 28 to 33, 53, 55 (3), (14) and (15) and 56; 1983 a. 27 ss. 1400g and 1807m; 1983 a. 189 ss. 162, 329 (28); 1985 a. 17; 1987 a. 38; 1991 a. 39, 89, 189, 269; 1993 a. 184, 373, 492; 1995 a. 27 ss. 3780, 9130 (4); 1995 a. 118, 225; 1997 a. 3, 35, 39; 2001 a. 35.

SECTION 2. 108.142 (1m) of the statutes is amended to read:

108.142 (1m) ADDITIONAL FEDERALLY FUNDED BENEFITS. The Notwithstanding sub. (1), no Wisconsin supplemental benefits may be paid for any week of unemployment ending after January 27, 2009, during which additional federally funded benefits are payable in this state, unless the governor may, by executive order, elect to establish a Wisconsin "off" indicator in order to allow for the payment

1 of additional federally funded benefits in lieu of Wisconsin supplemental benefits
2 during a period specified in the order, if such an election is permitted by federal law.
3 ~~Any such indicator is~~ suspends the application of this subsection to allow payment
4 of Wisconsin supplemental benefits as provided in this section. Any such suspension
5 ^{shall be} ~~is~~ effective at the beginning of the week in which additional federally funded benefits
6 are initially payable ~~or the beginning of the 4th week after the week in which the~~
7 governor issues the order, ~~whichever is later~~ and may be rescinded by similar order,
8 which shall be effective at the beginning of the 4th week after the week in which the
9 governor issues the order.

10 History: 1983 a. 8, 27; 1983 a. 189 s. 329 (28); 1983 a. 384; 1987 a. 38; 1991 a. 39, 189, 269; 1995 a. 27, ss. 3781, 9130 (4); 1997 a. 3, 39; 2001 a. 43.

(END)

~~LABOR A~~

INS
A

✓ (intro.)

Section #. 108.141 (1) (e) of the statutes is amended to read:

✓ (intro.)

There

108.141 (1) (e) ~~Except as provided in sub. (1m),~~ there is a Wisconsin "off" indicator for a week if the department determines, in accordance with the regulations of the U.S. secretary of labor, that, for the period consisting of such week and the immediately preceding 12 weeks, the Wisconsin rate of insured unemployment (not seasonally adjusted):

1. Was less than 6% and less than 120% of the average of such rates for the corresponding 13-week period ending in each of the preceding 2 calendar years; and
2. Was less than 5%.

History: 1971 c. 53; 1973 c. 247; 1975 c. 1, 343; 1977 c. 29, 133, 418; 1979 c. 52; 1981 c. 36 ss. 19 to 32, 45; 1981 c. 315, 390; 1983 a. 8 ss. 28 to 33, 53, 55 (3), (14) and (15) and 56; 1983 a. 27 ss. 1400g and 1807m; 1983 a. 189 ss. 162, 329 (28); 1985 a. 17; 1987 a. 38; 1991 a. 39, 89, 189, 269; 1993 a. 184, 373, 492; 1995 a. 27 ss. 3780, 9130 (4); 1995 a. 118, 225; 1997 a. 3, 35, 39; 2001 a. 35.

INS
B

Section #. 108.142 (1) (c) (intro.) of the statutes is amended to read:

108.142 (1) (c) (intro.) ~~Except as provided in sub. (1m),~~ ^{There} is a Wisconsin "off" indicator under this section for a week if the department determines that, for the period consisting of that week and the immediately preceding 12 weeks, the Wisconsin rate of insured unemployment (not seasonally adjusted):

History: 1983 a. 8, 27; 1983 a. 189 s. 329 (28); 1983 a. 384; 1987 a. 38; 1991 a. 39, 189, 269; 1995 a. 27, ss. 3781, 9130 (4); 1997 a. 3, 39; 2001 a. 43.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1700/1dn

JTK.....

91
95

Dan LaRocque:

1. Please consider whether the effective date for orders of the governor shown in this draft is the best possible effective date at this point.
2. Although I have paralleled the authority for the governor to reinstitute extended benefits as well as Wisconsin supplemental benefits in this draft, I'm not sure whether the situations are really analogous and therefore, whether we need to deal with the situation in which we reinstitute extended benefits. It strikes me that it's likely that the federal government would probably not require us to choose between additional federally funded benefits and extended benefits if the latter benefits are more advantageous.
3. Per our discussion, if this draft is introduced as a bill, the act resulting from its enactment will take effect on the day after publication per s. 991.11, stats. You will contact the governor and secretary of state to attempt to secure the earliest possible signature by the governor and publication date by the secretary of state. ✓

Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1700/1dn
JTK:cjs:md

January 22, 2009

Dan LaRocque:

1. Please consider whether the effective date for orders of the governor shown in this draft is the best possible effective date at this point.
2. Although I have paralleled the authority for the governor to reinstitute extended benefits as well as Wisconsin supplemental benefits in this draft, I'm not sure whether the situations are really analogous, and, therefore, whether we need to deal with the situation in which we reinstitute extended benefits. It strikes me that it's likely that the federal government would probably not require us to choose between additional federally funded benefits and extended benefits if the latter benefits are more advantageous.
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Jeffery T. Kuesel
Managing Attorney
Phone: (608) 266-6778



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1700/1 2

JTK:cjs:md e

Wanted Fri 1/23 9:30 AM

1
Stays

2009 BILL

Reger Cat

1 **AN ACT to amend** 108.141 (1) (e) (intro.), 108.141 (1m), 108.142 (1) (c) (intro.) and
2 108.142 (1m) of the statutes; **relating to:** payment of Wisconsin supplemental
3 and extended unemployment insurance benefits in this state.

Analysis by the Legislative Reference Bureau

Under current law, qualified claimants who have exhausted their regular unemployment insurance benefits may potentially receive additional weeks of benefits specified by law if a Wisconsin supplemental benefit period or a federal extended benefit period is in effect. Both Wisconsin supplemental and federal extended benefits are paid for in whole or in part by employers in this state. Recently, the federal government has made available additional federally funded unemployment insurance benefits to claimants in this state who have exhausted their regular benefits. These additional benefits have been and may in the future be funded by the federal government directly with little or no cost to employers in this state. Current law permits the governor to suspend payment of either Wisconsin supplemental or federal extended benefits in this state in order to allow for payment of additional federally funded benefits.

This bill provides that no Wisconsin supplemental benefits may be paid for any week of unemployment ending after January 27, 2009, during which additional federally funded benefits are payable in this state unless the governor suspends this suspension to permit resumption of Wisconsin supplemental benefit payments. The bill also provides that no federal extended benefits may be paid for any week of unemployment ending after January 27, 2009, unless extended benefits are payable

BILL

in this state for that week under federal law. The bill permits the governor to suspend this suspension to permit resumption of extended benefit payments.

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.** 108.141 (1) (e) (intro.) of the statutes is amended to read:

2 108.141 (1) (e) (intro.) ~~Except as provided in sub. (1m), there~~ There is a
3 Wisconsin "off" indicator for a week if the department determines, in accordance with
4 the regulations of the U.S. secretary of labor, that, for the period consisting of such
5 week and the immediately preceding 12 weeks, the Wisconsin rate of insured
6 unemployment (not seasonally adjusted):

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

8 108.141 (1m) **ADDITIONAL FEDERALLY FUNDED BENEFITS.** ~~The~~ Notwithstanding
9 sub. (1), no extended benefits may be paid for any week of unemployment ending
10 after January 27, 2009, unless benefits are payable for that week under P.L. 91-373,
11 as amended, in this state. The governor may, by executive order, elect to establish a
12 Wisconsin "off" indicator suspend the application of this subsection in order to allow
13 for the payment of ~~additional federally funded~~ extended benefits in lieu of extended
14 benefits as provided in this section during a period specified in the order, if such an
15 election a suspension is permitted by federal law. Any such indicator is suspension
16 shall be effective at the beginning of the week in which additional federally funded
17 benefits are initially payable or the beginning of the ~~4th week after the week in which~~
18 specified by the governor issues the order, whichever is later and may be rescinded by similar
19 order, which shall be effective at the beginning of the ~~4th week after the week in~~
20 specified by which the governor issues in that the order.

PLAIN SPACE

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which the governor issues the order.

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1 **SECTION 3.** 108.142 (1) (c) (intro.) of the statutes is amended to read:

2 108.142 (1) (c) (intro.) ~~Except as provided in sub. (1m), there~~ There is a
3 Wisconsin "off" indicator under this section for a week if the department determines
4 that, for the period consisting of that week and the immediately preceding 12 weeks,
5 the Wisconsin rate of insured unemployment (not seasonally adjusted):

6 **SECTION 4.** 108.142 (1m) of the statutes is amended to read:

7 108.142 (1m) **ADDITIONAL FEDERALLY FUNDED BENEFITS.** ~~The Notwithstanding~~
8 ~~sub. (1), no Wisconsin supplemental benefits may be paid for any week of~~
9 ~~unemployment ending after January 27, 2009, during which additional federally~~
10 ~~funded benefits are payable in this state, unless the governor may, by executive~~
11 ~~order, elect to establish a Wisconsin "off" indicator in order to allow for the payment~~
12 ~~of additional federally funded benefits in lieu of Wisconsin supplemental benefits~~
13 ~~during a period specified in the order, if such an election is permitted by federal law.~~

14 ~~Any such indicator is~~ suspends the application of this subsection to allow payment
15 ~~of Wisconsin supplemental benefits as provided in this section.~~ during a period specified in the
16 ~~shall be effective at the beginning of the week in which additional federally funded~~ order
17 ~~benefits are initially payable or the beginning of the 4th week after the week in which~~
18 ~~the governor issues the order, whichever is later and may be rescinded by similar~~ PLAIN
19 ~~order, which shall be effective at the beginning of the 4th week after the week in~~ strike
20 ~~which the governor issues the order.~~ strike
 specified by in that

(END)

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State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1700/2 3

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2 PM today

2009 BILL

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Regan

1 AN ACT to amend 108.141 (1) (e) (intro.), 108.141 (1m), 108.142 (1) (c) (intro.) and
2 108.142 (1m) of the statutes; relating to: payment of Wisconsin supplemental
3 and extended unemployment insurance benefits in this state.

Analysis by the Legislative Reference Bureau

Under current law, qualified claimants who have exhausted their regular unemployment insurance benefits may potentially receive additional weeks of benefits specified by law if a Wisconsin supplemental benefit period or a federal/state extended benefit period is in effect. Both Wisconsin supplemental and federal/state extended benefits are paid for in whole or in part by employers in this state. Recently, the federal government has made available additional federally funded unemployment insurance benefits to claimants in this state who have exhausted their regular benefits. These additional benefits have been and may in the future be funded by the federal government directly with little or no cost to employers in this state. Current law permits the governor to suspend payment of either Wisconsin supplemental or federal extended benefits in this state in order to allow for payment of additional federally funded benefits.

This bill provides that no Wisconsin supplemental benefits may be paid for any week of unemployment ending after January 27, 2009, during which additional federally funded benefits are payable in this state unless the governor suspends this suspension to permit resumption of Wisconsin supplemental benefit payments. The bill also provides that no federal extended benefits may be paid for any week of unemployment ending after January 27, 2009, unless extended benefits are payable

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in this state for that week under federal law. The bill permits the governor to suspend this suspension to permit resumption of extended benefit payments.

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.** 108.141 (1) (e) (intro.) of the statutes is amended to read:

2 108.141 (1) (e) (intro.) ~~Except as provided in sub. (1m), there~~ There is a
3 Wisconsin "off" indicator for a week if the department determines, in accordance with
4 the regulations of the U.S. secretary of labor, that, for the period consisting of such
5 week and the immediately preceding 12 weeks, the Wisconsin rate of insured
6 unemployment (not seasonally adjusted):

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

8 108.141 (1m) ~~ADDITIONAL FEDERALLY FUNDED~~ SUSPENSION OF EXTENDED ~~BENEFITS.~~ ← (CS) ~~The Notwithstanding~~
9 sub. (1), no extended benefits may be paid for any week of unemployment ending
10 after January 27, 2009, unless benefits are payable for that week under P.L. 91-373,
11 as amended, in this state. The governor may, by executive order, elect to establish a
12 Wisconsin "off" indicator suspend the application of this subsection in order to allow
13 for the payment of additional federally funded extended benefits in lieu of extended
14 benefits as provided in this section during a period specified in the order, if such an
15 election ~~is permitted by federal law~~ is permitted by federal law. Any such indicator is suspension
16 shall be effective at the beginning of the week in which additional federally funded
17 benefits are initially payable or the beginning of the 4th week after the week in which
18 specified by the governor issues in the order, whichever is later and may be rescinded
19 by similar order, which shall be effective at the beginning of the week specified by
20 the governor in that order.

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SECTION 3. 108.142 (1) (c) (intro.) of the statutes is amended to read:

108.142 (1) (c) (intro.) ~~Except as provided in sub. (1m), there~~ There is a Wisconsin "off" indicator under this section for a week if the department determines that, for the period consisting of that week and the immediately preceding 12 weeks, the Wisconsin rate of insured unemployment (not seasonally adjusted):

SECTION 4. 108.142 (1m) of the statutes is amended to read:

CS → SUSPENSION OF WISCONSIN SUPPLEMENTAL
108.142 (1m) ADDITIONAL FEDERALLY FUNDED BENEFITS. The Notwithstanding sub. (1), no Wisconsin supplemental benefits may be paid for any week of unemployment ending after January 27, 2009, during which additional federally funded benefits are payable in this state, unless the governor may, by executive order, elect to establish a Wisconsin "off" indicator in order to allow for the payment of additional federally funded benefits in lieu of Wisconsin supplemental benefits during a period specified in the order, if such an election is permitted by federal law. Any such indicator is suspends the application of this subsection to allow payment of Wisconsin supplemental benefits as provided in this section during a period specified in the order. Any such suspension shall be effective at the beginning of the week in which additional federally funded benefits are initially payable or the beginning of the 4th week after the week in which specified by the governor issues in the order, whichever is later and may be rescinded by similar order, which shall be effective at the beginning of the week specified by the governor in that order.

(END)

Barman, Mike

From: LaRocque, Daniel J - DWD [Daniel.LaRocque@dwd.wisconsin.gov]
Sent: Friday, January 23, 2009 4:13 PM
To: Kuesel, Jeffery; Basford, Sarah; Barman, Mike
Cc: Colon, Hector - DWD; Richard, JoAnna - DWD; Bergan, Hal - DWD
Subject: RE: Draft review: LRB 09-1700/3 Topic: Suspension of Wisconsin supplemental benefits and extended benefits

Jeff:

This will authorize the Legislative Reference Bureau to release its file on this bill, LRB 09-1700/3, to any and all state legislators, including their staffs, who request it. Some are being provided copies of the bill draft today by DWD.

Dan

Daniel J. LaRocque
Director, Bureau of Legal Affairs
Unemployment Insurance Division
Wisconsin Department of Workforce Development
201 E. Washington Avenue
Madison, Wisconsin 53708-8942
(608) 267 1406 (direct)
(608) 266 8221 (fax)
Daniel.LaRocque@dwd.wisconsin.gov

From: Basford, Sarah [mailto:Sarah.Basford@legis.wisconsin.gov]
Sent: Friday, January 23, 2009 1:40 PM
To: LaRocque, Daniel J - DWD
Subject: Draft review: LRB 09-1700/3 Topic: Suspension of Wisconsin supplemental benefits and extended benefits

State of Wisconsin - Legislative Reference Bureau
One East Main Street - Suite 200 - Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Jeffery T. Kuesel, Managing Attorney, at (608) 266-6778, at jeffery.kuesel@legis.wisconsin.gov, or at One East Main Street, Suite 200.

If you would like to jacket the draft for introduction, please click on the appropriate button below. Please select only one button. If you wish to introduce this draft in both houses please contact the drafting attorney to have a companion bill drafted.

Jacket for the
ASSEMBLY

Jacket for the
SENATE

Please allow one day for jacketing. If this is a "rush" please make a note in your response e-mail so we are aware that we need to give this request a high priority.

01/26/2009

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.