



## 2009 ASSEMBLY BILL 255

1       **AN ACT** *to repeal* 108.04 (7) (s) 2. c.; *to renumber and amend* 66.0627 (1), 71.07  
2           (3w) (bm), 71.28 (3w) (bm), 71.47 (3w) (bm) and 560.799 (3) (b); *to amend* 16.27  
3           (5) (b), 16.957 (1) (m), 20.002 (11) (b) 2., 49.265 (1) (b), 66.0627 (title), 66.0627  
4           (7) (intro.), 70.57 (4) (b) (intro.), 71.07 (3w) (a) 3., 71.07 (3w) (b) 1. a., 71.07 (3w)  
5           (b) 1. b., 71.07 (3w) (b) 2., 71.07 (3w) (b) 3., 71.07 (3w) (b) 5., 71.28 (3w) (a) 3.,  
6           71.28 (3w) (b) 1. a., 71.28 (3w) (b) 1. b., 71.28 (3w) (b) 2., 71.28 (3w) (b) 3., 71.28  
7           (3w) (b) 5., 71.47 (3w) (a) 3., 71.47 (3w) (b) 1. a., 71.47 (3w) (b) 1. b., 71.47 (3w)  
8           (b) 2., 71.47 (3w) (b) 3., 71.47 (3w) (b) 5., 79.05 (2) (c), 108.04 (7) (c), 108.04 (7)  
9           (h), 108.04 (7) (s) 1. a. and b., 108.04 (7) (s) 2. a., 108.06 (1), 108.06 (2) (c) and  
10          (cm), (3) and (6) (intro.), 108.14 (8n) (e), 108.141 (1) (a) and (b) 2., 108.141 (7)  
11          (a), 118.125 (2) (g) 2., 149.10 (2t) (e), 560.799 (3) (a) and 632.746 (3) (b); *to*  
12          *repeal and recreate* 49.265 (1) (b), 108.04 (7) (s) 2. b., 108.141 (1) (e), 108.141  
13          (1) (f) and 108.141 (5); and *to create* 20.255 (2) (p), 20.505 (6) (n), 66.0627 (1)  
14          (a), 66.0627 (1) (b), 66.0627 (8), 71.07 (3w) (a) 5d., 71.07 (3w) (a) 5e., 71.07 (3w)

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

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***Analysis by the Legislative Reference Bureau***

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

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

20 16.27 (5) (b) A household with income which is not more than 150% of the  
21 ~~income poverty guidelines for the nonfarm population of the United States as~~

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

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

4 16.957 **(1)** (m) “Low-income household” means any individual or group of  
5 individuals in this state who are living together as one economic unit and for whom  
6 residential electricity is customarily purchased in common or who make  
7 undesignated payments for electricity in the form of rent, and whose household  
8 income is not more than ~~150% of the poverty line as determined under 42 USC 9902~~  
9 (2) 60 percent of the statewide median household income.

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

11 20.002 **(11)** (b) 2. Except as provided in subd. 3, the secretary of administration  
12 shall limit the total amount of any temporary reallocations to the general fund at any  
13 one time during a fiscal year to an amount equal to 5% of the total amounts shown  
14 in the schedule under s. 20.005 (3) of appropriations of general purpose revenues,  
15 calculated by the secretary as of that time and for that fiscal year. During the  
16 2008–09 fiscal year, the amount that may be reallocated under this subdivision may  
17 not exceed 7 percent of such revenues.

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

19 20.255 **(2)** (p) *Federal aids; state allocations.* All federal moneys received, as  
20 authorized by the governor, from allocations from the state fiscal stabilization fund  
21 that are distributed to school districts as general equalization aid.

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

23 20.505 **(6)** (n) *Federal aid; criminal justice.* All moneys received from the  
24 federal government pursuant to P.L. 111–5 for criminal justice programs to carry out  
25 the purpose for which received.

**ASSEMBLY BILL 255****SECTION 4**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 **SECTION 41.** 71.47 (3w) (bm) of the statutes is renumbered 71.47 (3w) (bm) 1.

24 and amended to read:

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

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

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

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

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

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

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

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

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



**ASSEMBLY BILL 255****SECTION 46**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**ASSEMBLY BILL 255**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**ASSEMBLY BILL 255****SECTION 56**

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**ASSEMBLY BILL 255****SECTION 66**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8           a. Unemployment rate.

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

11           c. Median family income.

12           d. Median per capita income.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



**ASSEMBLY BILL 255****SECTION 9126**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (4) CONTINUATION COVERAGE RULES.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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1           4. The geographic distribution of projects.

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

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

6           (1f) STATE AID; JUNE 2009. In the second fiscal year of the fiscal biennium in which  
7 this subsection takes effect, there is lapsed to the general fund \$291,000,000 from the  
8 appropriation account under section 20.255 (2) (ac) of the statutes. Notwithstanding  
9 sections 121.07 and 121.08 of the statutes, as affected by this act, the department of  
10 public instruction shall use the balance in that appropriation account and  
11 \$291,000,000 of the amount appropriated in the second fiscal year of the fiscal  
12 biennium in which this subsection takes effect under section 20.255 (2) (p) of the  
13 statutes, as created by this act, to make payments to school districts in June 2009  
14 under section 121.15 (1) and (1g) of the statutes.

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

16           (1) ENTERPRISE ZONE JOBS CREDIT. The treatment of sections 71.07 (3w) (a) 3.,  
17 5d., and 5e. and (b) 1. a. and b., 2., 3., and 5., 71.28 (3w) (a) 3., 5d., and 5e. and (b)  
18 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.,  
19 and 5. of the statutes, the renumbering and amendment of sections 71.07 (3w) (bm),  
20 71.28 (3w) (bm), and 71.47 (3w) (bm) of the statutes, and the creation of sections 71.07  
21 (3w) (bm) 2., 71.28 (3w) (bm) 2., and 71.47 (3w) (bm) 2. of the statutes first apply to  
22 taxable years beginning on January 1, 2009.

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

24           (1) TERMINATIONS OF EMPLOYMENT. The treatment of sections 108.04 (7) (c), (h),  
25 (s) 1. a., b., bn., d., and e. and 2. a., b., and c., and (t), 108.14 (8n) (e) and 108.141 (7)

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1 (a) of the statutes first applies with respect to terminations of employment occurring  
2 on the effective date of this subsection.

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

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

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

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

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

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

13 (1) **UNEMPLOYMENT INSURANCE TRAINING BENEFITS.** The treatment of section  
14 108.06 (1), (2) (c) and (cm), (3), (6) (intro.), and (7) of the statutes and SECTION 9356  
15 (2) of this act take effect on the first Sunday following the 90th day after publication.

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

20 **(END)**