



2019 BILL

1 **AN ACT to amend** 13.101 (4); and **to create** 13.101 (4d) of the statutes; **relating**
2 **to:** power of the Joint Committee on Finance to transfer moneys from sum
3 sufficient appropriations during a public health emergency.

Analysis by the Legislative Reference Bureau

LEGISLATURE

Transfer of moneys from sum sufficient appropriations

The Joint Committee on Finance may currently transfer moneys between sum certain and continuing appropriations if JCF finds that unnecessary duplication of functions can be eliminated, more efficient and effective methods for performing programs will result, or legislative intent will be more effectively carried out because of the transfer.

This bill authorizes JCF to transfer moneys from sum sufficient appropriations during the public health emergency declared on March 12, 2020, by executive order 72 and for 90 days after the end of the emergency. The total amount that may be transferred from all sum sufficient appropriations during the emergency may not exceed \$75,000,000.

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

4 **SECTION 1.** 13.101 (4) of the statutes is amended to read:



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6054/1
RAC:ahe

2019 BILL

1 **AN ACT** *to amend* 20.866 (2) (xm) of the statutes; **relating to:** refunding
2 tax-supported and self-amortizing general obligation debt.

Analysis by the Legislative Reference Bureau

STATE GOVERNMENT

REFUNDING CERTAIN GENERAL OBLIGATION DEBT

This bill increases the amount of state public debt that may be contracted to refund any unpaid indebtedness used to finance tax-supported or self-amortizing facilities from \$6,785,000,000 to \$7,510,000,000.

For further information see the *state* 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:

3 **SECTION 1.** 20.866 (2) (xm) of the statutes is amended to read:
4 20.866 (2) (xm) *Building commission; refunding tax-supported and*
5 *self-amortizing general obligation debt.* From the capital improvement fund, a sum
6 sufficient to refund the whole or any part of any unpaid indebtedness used to finance

BILL**SECTION 1**

1 tax-supported or self-amortizing facilities. In addition to the amount that may be
2 contracted under par. (xe), the state may contract public debt in an amount not to
3 exceed ~~\$6,785,000,000~~ \$7,510,000,000 for this purpose. Such indebtedness shall be
4 construed to include any premium and interest payable with respect thereto. Debt
5 incurred by this paragraph shall be repaid under the appropriations providing for
6 the retirement of public debt incurred for tax-supported and self-amortizing
7 facilities in proportional amounts to the purposes for which the debt was refinanced.
8 No moneys may be expended under this paragraph unless the true interest costs to
9 the state can be reduced by the expenditure.

10

(END)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT relating to:** enhanced federal medical assistance percentage under a
2 public health emergency.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

Enhanced federal medical assistance percentage

This bill allows the Department of Health Services to suspend compliance with current premium and health risk assessment requirements for childless adults, delay implementation of the community engagement requirement for childless adults, and maintain continuous enrollment under the Medical Assistance program in compliance with federal law in order to satisfy criteria for an enhanced federal medical assistance percentage, or FMAP, under the Medical Assistance program during the period to which the enhanced federal medical assistance percentage applies. The FMAP is the percentage of Medicaid-related costs that the federal government provides a state after a state has paid for its share of the costs.

For further information see the *state* 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:

3 **SECTION 1. Nonstatutory provisions.**



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to amend* 40.51 (8), 40.51 (8m), 66.0137 (4), 120.13 (2) (g), 185.983 (1)
2 (intro.), 625.12 (2) and 628.34 (3) (a); and *to create* 609.846 and 632.729 of the
3 statutes; **relating to:** prohibiting coverage discrimination based on
4 COVID-19.

Analysis by the Legislative Reference Bureau

INSURANCE

Prohibiting coverage discrimination based on COVID-19 diagnosis.

This bill prohibits insurers that offer an individual or group health benefit plan, pharmacy benefit managers, or self-insured governmental health plans from doing any of the following based on a current or past diagnosis or suspected diagnosis of COVID-19: establishing rules for the eligibility of any individual, employer, or group to enroll or remain enrolled in a plan or for the renewal of coverage under the plan; cancelling coverage during a contract term; setting rates for coverage; or refusing to grant a grace period for payment of a premium that would generally be granted.

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

SECTION 1. 40.51 (8) of the statutes is amended to read:

1 40.51 (8) Every health care coverage plan offered by the state under sub. (6)
2 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.729, 632.746
3 (1) to (8) and (10), 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853,
4 632.855, 632.867, 632.87 (3) to (6), 632.885, 632.89, 632.895 (5m) and (8) to (17), and
5 632.896.

-0726/P2.2

6 **SECTION 2.** 40.51 (8m) of the statutes is amended to read:

7 40.51 (8m) Every health care coverage plan offered by the group insurance
8 board under sub. (7) shall comply with ss. 631.95, 632.729, 632.746 (1) to (8) and (10),
9 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855, 632.867,
10 632.885, 632.89, and 632.895 (11) to (17).

-0726/P2.3

11 **SECTION 3.** 66.0137 (4) of the statutes is amended to read:

12 66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
13 a village provides health care benefits under its home rule power, or if a town
14 provides health care benefits, to its officers and employees on a self-insured basis,
15 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
16 632.729, 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855,
17 632.867, 632.87 (4) to (6), 632.885, 632.89, 632.895 (9) to (17), 632.896, and 767.513
18 (4).

-0726/P2.4

19 **SECTION 4.** 120.13 (2) (g) of the statutes is amended to read:

20 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.
21 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.729, 632.746 (10) (a) 2. and (b) 2.,
22 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.867, 632.87 (4) to (6), 632.885,
23 632.89, 632.895 (9) to (17), 632.896, and 767.513 (4).

-0726/P2.5

24 **SECTION 5.** 185.983 (1) (intro.) of the statutes is amended to read:

1 185.983 (1) (intro.) Every voluntary nonprofit health care plan operated by a
2 cooperative association organized under s. 185.981 shall be exempt from chs. 600 to
3 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44,
4 601.45, 611.26, 611.67, 619.04, 623.11, 623.12, 628.34 (10), 631.17, 631.89, 631.93,
5 631.95, 632.72 (2), 632.729, 632.745 to 632.749, 632.775, 632.79, 632.795, 632.798,
6 632.85, 632.853, 632.855, 632.867, 632.87 (2) to (6), 632.885, 632.89, 632.895 (5) and
7 (8) to (17), 632.896, and 632.897 (10) and chs. 609, 620, 630, 635, 645, and 646, but
8 the sponsoring association shall:

-0726/P2.6

9 **SECTION 6.** 609.846 of the statutes is created to read:

10 **609.846 Discrimination based on COVID-19 prohibited.** Limited service
11 health organizations, preferred provider plans, and defined network plans are
12 subject to s. 632.729.

-0726/P2.9

13 **SECTION 7.** 625.12 (2) of the statutes is amended to read:

14 625.12 (2) CLASSIFICATION. ~~Risks~~ Except as provided in s. 632.729, risks may
15 be classified in any reasonable way for the establishment of rates and minimum
16 premiums, except that no classifications may be based on race, color, creed or
17 national origin, and classifications in automobile insurance may not be based on
18 physical condition or developmental disability as defined in s. 51.01 (5). Subject to
19 ~~s. ss.~~ 632.365 and 632.729, rates thus produced may be modified for individual risks
20 in accordance with rating plans or schedules that establish reasonable standards for
21 measuring probable variations in hazards, expenses, or both. Rates may also be
22 modified for individual risks under s. 625.13 (2).

-0726/P2.11

23 **SECTION 8.** 628.34 (3) (a) of the statutes is amended to read:

24 628.34 (3) (a) No insurer may unfairly discriminate among policyholders by
25 charging different premiums or by offering different terms of coverage except on the

1 basis of classifications related to the nature and the degree of the risk covered or the
2 expenses involved, subject to ss. 632.365, 632.729, 632.746 and 632.748. Rates are
3 not unfairly discriminatory if they are averaged broadly among persons insured
4 under a group, blanket or franchise policy, and terms are not unfairly discriminatory
5 merely because they are more favorable than in a similar individual policy.

-0726/P2.12
6 **SECTION 9.** 632.729 of the statutes is created to read:

7 **632.729 Prohibiting discrimination based on COVID-19. (1)**

8 DEFINITIONS. In this section:

9 (a) "COVID-19" means an infection caused by the SARS-CoV-2 coronavirus.

10 (b) "Health benefit plan" has the meaning given in s. 632.745 (11).

11 (c) "Pharmacy benefit manager" has the meaning given in s. 632.865 (1) (c).

12 (d) "Self-insured health plan" has the meaning given in s. 632.85 (1) (c).

13 **(2) ISSUANCE OR RENEWAL.** (a) An insurer that offers an individual or group
14 health benefit plan, a pharmacy benefit manager, or a self-insured health plan may
15 not establish rules for the eligibility of any individual to enroll, for the continued
16 eligibility of any individual to remain enrolled, or for the renewal of coverage under
17 the plan based on a current or past diagnosis or suspected diagnosis of COVID-19.

18 (b) An insurer that offers a group health benefit plan, a pharmacy benefit
19 manager, or a self-insured health plan may not establish rules for the eligibility of
20 any employer or other group to enroll, for the continued eligibility of any employer
21 or group to remain enrolled, or for the renewal of an employer's or group's coverage
22 under the plan based on a current or past diagnosis or suspected diagnosis of
23 COVID-19 of any employee or other member of the group.

24 **(3) CANCELLATION.** An insurer that offers an individual or group health benefit
25 plan, a pharmacy benefit manager, or a self-insured health plan may not use as a basis

1 for cancellation of coverage during a contract term a current or past diagnosis of
2 COVID-19 or suspected diagnosis of COVID-19.

3 (4) RATES. An insurer that offers an individual or group health benefit plan,
4 a pharmacy benefit manger, or a self-insured health plan may not use as a basis for
5 setting rates for coverage a current or past diagnosis of COVID-19 or suspected
6 diagnosis of COVID-19.

7 (5) PREMIUM GRACE PERIOD. An insurer that offers an individual or group health
8 benefit plan, a pharmacy benefit manger, or a self-insured health plan may not
9 refuse to grant to an individual, employer, or other group a grace period for the
10 payment of a premium based on an individual's, employee's, or group member's
11 current or past diagnosis of COVID-19 or suspected diagnosis of COVID-19 if a
12 grace period for payment of premium would generally be granted under the plan.

13

(END)



2019 BILL

1 **AN ACT** *to amend* 609.83; and *to create* 632.895 (16v) of the statutes; **relating**
2 **to:** prohibiting coverage limits on certain prescription drugs.

Analysis by the Legislative Reference Bureau
INSURANCE

Prohibiting certain prescription drugs coverage limits

The bill prohibits insurers that offer health insurance, self-insured governmental health plans, and pharmacy benefit managers from requiring prior authorization for early refills of a prescription drug or otherwise restricting the period of time in which a prescription drug may be refilled and from imposing a limit on the quantity of prescription drugs that may be obtained if the quantity is no more than a 90-day supply. These prohibitions do not apply if the prescription drug is a controlled substance.

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

3 **SECTION 1.** 609.83 of the statutes is amended to read:
4 **609.83 Coverage of drugs and devices.** Limited service health
5 organizations, preferred provider plans, and defined network plans are subject to ss.
6 632.853 and 632.895 (16t) and (16v).



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT relating to:** liability insurance for certain health care providers.

Analysis by the Legislative Reference Bureau

INSURANCE

Liability insurance for physicians and nurse anesthetists.

This bill specifies that, during the public health emergency declared by the governor related to COVID-19, a physician or nurse anesthetist for whom Wisconsin is not a principal place of practice but who is temporarily authorized to practice in Wisconsin may fulfill financial responsibility requirements by filing with the commissioner of insurance a certificate of insurance for a policy of health care liability insurance issued by an insurer authorized in a certain jurisdiction specified in the bill and may elect to be covered by Wisconsin's health care liability laws.

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

2 **SECTION 1. Nonstatutory provisions.**

3 (1) LIABILITY INSURANCE FOR PHYSICIANS AND NURSE ANESTHETISTS. During the
4 public health emergency declared on March 12, 2020, by executive order 72, all of the
5 following apply to a physician or nurse anesthetist for whom this state is not a

1 principal place of practice but who is authorized to practice in this state on a
2 temporary basis:

3 (a) The physician or nurse anesthetist may fulfill the requirements of s. 655.23
4 (3) (a) by filing with the commissioner of insurance a certificate of insurance for a
5 policy of health care liability insurance issued by an insurer that is authorized in a
6 jurisdiction accredited by the National Association of Insurance Commissioners.

7 (b) The physician or nurse anesthetist may elect, in the manner designated by
8 the commissioner of insurance by rule under s. 655.004, to be subject to ch. 655.

9 (END)



2019 BILL

1 **AN ACT** *to create* 323.2915 of the statutes; **relating to:** non-waiver of appeals
2 rights by state employees during declared public health emergency.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Suspension of certain time limits and in-person meetings for grievance process during public health emergency

Under the bill, a state employee does not waive his or her right to appeal an adverse employment decision if the employee does not timely file the complaint or appeal during a public health emergency. Under current law, an employee waives such right if the employee does not timely file.

Under the bill, an appointing authority is not required to hold an in-person meeting with a state employee who has filed an employment grievance during a public health emergency.

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

3 **SECTION 1.** 323.2915 of the statutes is created to read:
4 **323.2915 State civil service grievance procedures.** (1) Notwithstanding
5 s. 230.445 (2) and (3), an employee does not waive his or her right to appeal an

BILL**SECTION 1**

1 adverse employment decision if the employee does not timely file the complaint or
2 appeal during a state of emergency related to a public health emergency declared
3 under s. 323.10. The tolling period under s. 230.445 (3) (a) 1. begins 14 days after
4 the termination of such declared public health emergency.

5 (2) Notwithstanding s. 230.445 (3) (a) 2., an appointing authority or his or her
6 designee is not required to meet with a complainant in person during a state of
7 emergency related to a public health emergency declared under s. 323.10 when
8 conducting an investigation under s. 230.445 (3) (a) (2).

9 (END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6061/1
MIM:ahe

2019 BILL

1 **AN ACT to amend** 40.22 (1), 40.22 (2m) (intro.), 40.22 (2r) (intro.), 40.22 (3)
2 (intro.), 40.26 (1m) (a), 40.26 (1m) (b) and 40.26 (5) (intro.); and **to create** 40.26
3 (5m), 40.26 (6) and 323.19 (3) of the statutes; **relating to:** allowing certain
4 rehired annuitants to not suspend annuity during declared public health
5 emergency.

Analysis by the Legislative Reference Bureau

RETIREMENT AND GROUP INSURANCE

WRS annuities for certain annuitants returning to work during public health emergency

This bill allows an annuitant who is hired during a declared public health emergency by a public employer as an employee or to provide employee services to elect to not suspend his or her annuity for the duration of the declared public health emergency if the position for which the annuitant is hired is a critical position. Under current law, if a Wisconsin Retirement System annuitant, or a disability annuitant who has attained his or her normal retirement date, is appointed to a position with a WRS-participating employer, or provides employee services to a WRS-participating employer in which he or she is expected to work at least two-thirds of what is considered full-time employment by the Department of Employee Trust Funds, the annuity must be suspended and no annuity payment is payable until after the participant again terminates covered employment.

BILL

Also under current law, a WRS participant who has applied to receive a retirement annuity must wait at least 75 days between terminating covered employment with a WRS employer and returning to covered employment again as a participating employee. This bill reduces that period to 15 days for individuals who are hired to a critical position during a declared public health emergency.

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:

-5840/P6.1

1 **SECTION 1.** 40.22 (1) of the statutes is amended to read:

2 40.22 (1) Except as otherwise provided in sub. (2) and s. 40.26 (6), each
3 employee currently in the service of, and receiving earnings from, a state agency or
4 other participating employer shall be included within the provisions of the Wisconsin
5 retirement system as a participating employee of that state agency or participating
6 employer.

-5840/P6.2

7 **SECTION 2.** 40.22 (2m) (intro.) of the statutes is amended to read:

8 40.22 (2m) (intro.) An Except as otherwise provided in s. 40.26 (6), an employee
9 who was a participating employee before July 1, 2011, who is not expected to work
10 at least one-third of what is considered full-time employment by the department,
11 as determined by rule, and who is not otherwise excluded under sub. (2) from
12 becoming a participating employee shall become a participating employee if he or she
13 is subsequently employed by the state agency or other participating employer for
14 either of the following periods:

-5840/P6.3

15 **SECTION 3.** 40.22 (2r) (intro.) of the statutes is amended to read:

16 40.22 (2r) (intro.) An Except as otherwise provided in s. 40.26 (6), an employee
17 who was not a participating employee before July 1, 2011, who is not expected to work
18 at least two-thirds of what is considered full-time employment by the department,

BILL

1 as determined by rule, and who is not otherwise excluded under sub. (2) from
2 becoming a participating employee shall become a participating employee if he or she
3 is subsequently employed by the state agency or other participating employer for
4 either of the following periods:

-5840/P6.4

5 **SECTION 4.** 40.22 (3) (intro.) of the statutes is amended to read:

6 40.22 (3) (intro.) ~~A~~ Except as otherwise provided in s. 40.26 (6), a person who
7 qualifies as a participating employee shall be included within, and shall be subject
8 to, the Wisconsin retirement system effective on one of the following dates:

-5840/P6.5

9 **SECTION 5.** 40.26 (1m) (a) of the statutes is amended to read:

10 40.26 (1m) (a) If Except as otherwise provided in sub. (6), a participant
11 receiving a retirement annuity, or a disability annuitant who has attained his or her
12 normal retirement date, is employed in a position in covered employment in which
13 he or she is expected to work at least two-thirds of what is considered full-time
14 employment by the department, as determined under s. 40.22 (2r), the participant's
15 annuity shall be suspended and no annuity payment shall be payable until after the
16 participant terminates covered employment.

-5840/P6.6

17 **SECTION 6.** 40.26 (1m) (b) of the statutes is amended to read:

18 40.26 (1m) (b) If Except as otherwise provided in sub. (6), a participant
19 receiving a retirement annuity, or a disability annuitant who has attained his or her
20 normal retirement date, enters into a contract to provide employee services with a
21 participating employer and he or she is expected to work at least two-thirds of what
22 is considered full-time employment by the department, as determined under s. 40.22
23 (2r), the participant's annuity shall be suspended and no annuity payment shall be
24 payable until after the participant no longer provides employee services under the
25 contract.

BILL**SECTION 7**

-5840/P6.7

1 **SECTION 7.** 40.26 (5) (intro.) of the statutes is amended to read:

2 40.26 **(5)** (intro.) If Except as otherwise provided in sub. (5m), if a participant
3 applies for an annuity or lump sum payment during the period in which less than 75
4 days have elapsed between the termination of employment with a participating
5 employer and becoming a participating employee with any participating employer,
6 all of the following shall apply:

-5840/P6.8

7 **SECTION 8.** 40.26 (5m) of the statutes is created to read:

8 40.26 **(5m)** When the governor declares a state of emergency related to a public
9 health emergency under s. 323.10, sub. (5) does not apply during the state of
10 emergency if at least 15 days have elapsed between the termination of employment
11 with a participating employer and becoming a participating employee if the position
12 for which the participant is hired is a critical position, as determined by the secretary
13 of health services under s. 323.19 (3).

-5840/P6.9

14 **SECTION 9.** 40.26 (6) of the statutes is created to read:

15 40.26 **(6)** When the governor declares a state of emergency under s. 323.10, a
16 participant who is hired during the emergency may elect to not suspend his or her
17 retirement annuity or disability annuity under sub. (1m) for the duration of the state
18 of emergency related to a public health emergency if all of the following conditions
19 are met:

20 (a) At the time the participant terminates his or her employment with a
21 participating employer, the participant does not have an agreement with any
22 participating employer to return to employment or enter into a contract to provide
23 employee services for the employer.

24 (b) The position for which the participant has been hired is a critical position,
25 as determined under s. 323.19 (3).

BILL

-5840/P6.10

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SECTION 10. 323.19 (3) of the statutes is created to read:

323.19 (3) Based on guidance provided by the secretary of health services, the head of each state agency and each local health department shall determine which public employee positions within the respective state agency or local government are critical when the governor declares a state of emergency related to a public health emergency under s. 323.10, for the purposes of s. 40.26 (5m) and (6) (b).

(END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6063/1
MIM:cdc

2019 BILL

1 **AN ACT to create** 323.2911 of the statutes; **relating to:** suspension of 30-day
2 requirement after leave of absence to receive employer contribution to health
3 insurance for public employees.

Analysis by the Legislative Reference Bureau
RETIREMENT AND GROUP INSURANCE

Employees returning from a leave of absence

Under the bill, for the purposes of group health insurance offered by the group insurance board, an employee who returns from a leave of absence and who has not resumed active duty for at least 30 consecutive calendar days on the effective date of a state of emergency related to a public health emergency declared by the governor is deemed to have ended or interrupted the leave of absence on that date.

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

4 **SECTION 1.** 323.2911 of the statutes is created to read:
5 **323.2911 Public employee health insurance coverage.** Notwithstanding
6 s. 40.02 (40), for the purpose of group health insurance coverage offered by the group

BILL**SECTION 1**

1 insurance board under subch. IV of ch. 40, if an employee who was on a leave of
2 absence returns from leave, even if the employee has not resumed active
3 performance of duty for 30 consecutive calendar days on the date the governor
4 declares a state of emergency related to a public health emergency under s. 323.10,
5 the leave of absence is deemed ended or interrupted on that date.

6

(END)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to create* 103.13 (2m) of the statutes; **relating to:** suspending
2 requirement that employer timely provide employee records during declared
3 public health emergency.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Employee records during public health emergency

Under the bill, the requirements that an employer provide an employee's personnel record within seven working days after receiving the request, that the inspection be at a location near the employee's place of employment, and that the inspection be during normal working hours are suspended during a public health emergency.

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

-5885/P2.1

4 **SECTION 1.** 103.13 (2m) of the statutes is created to read:
5 103.13 **(2m)** EMPLOYEE RECORDS DURING AN EMERGENCY. Notwithstanding s.
6 103.13 (2), during the period covered by a state of emergency related to a public

1 health emergency declared by the governor under s. 323.10, an employer is not
2 required to provide an employee's personnel records within 7 working days after an
3 employee makes a request to inspect his or her personnel records, and an employer
4 is not required to provide the inspection at a location reasonably near the employee's
5 place of employment during normal working hours.

6

(END)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT relating to:** school board reporting on virtual instruction and other
2 operations during the public health emergency.

Analysis by the Legislative Reference Bureau

EDUCATION

Reports on virtual instruction and other operations during the public health emergency

Under the bill, by November 1, 2020, each school board must submit a report to the Department of Public Instruction that contains various information about school district operations during the public health emergency, including whether the virtual instruction was implemented in the school district, the number of staff who were laid off, the number of lunches provided, and the amount of certain expenditure reductions. The report must also include any challenges or barriers the school board faced in implementing virtual instruction and the school board's recommendations for best practices related to providing virtual instruction when schools are closed. Under the bill, DPI must compile and report the information it receives from school boards to the legislature by January 1, 2021. The bill defines the "public health emergency" as the period during the 2019-20 school year when schools were closed by the Department of Health Services. Finally, by June 30, 2020, the bill requires DPI to post on its Internet site guidance on best practices for schools returning to in-person instruction.

For further information see the *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. Nonstatutory provisions.**

2 (1) VIRTUAL INSTRUCTION; REPORTS AND GUIDANCE.

3 (a) *Definitions.* In this subsection:

4 1. “Department” means the department of public instruction.

5 2. “Public health emergency” means the period during the 2019–20 school year
6 when schools are closed by the department of health services under s. 252.02 (3).

7 3. “Virtual instruction” means instruction provided through means of the
8 Internet if the pupils participating in and instructional staff providing the
9 instruction are geographically remote from each other.

10 (b) *School board reports.* By November 1, 2020, each school board shall report
11 to the department all of the following:

12 1. Whether or not virtual instruction was implemented in the school district
13 during the public health emergency and, if implemented, in which grades it was
14 implemented.

15 2. If virtual instruction was implemented in the school district during the
16 public health emergency, the process for implementing the virtual instruction.

17 3. For each grade level, the average percentage of the 2019–20 school year
18 curriculum provided to pupils, including curriculum provided in-person and
19 virtually.

1 4. Whether anything was provided to pupils during the 2020 summer to help
2 pupils learn content that pupils missed because of the public health emergency and,
3 if so, what was provided to pupils.

4 5. Recommendations for best practices for transitioning to and providing
5 virtual instruction when schools are closed.

6 6. Any challenges or barriers the school board faced related to implementing
7 virtual instruction during the public health emergency.

8 7. By position type, the number of staff members who were laid off during the
9 public health emergency.

10 8. The number of lunches the school board provided during the public health
11 emergency.

12 9. The total amount by which the school board reduced expenditures during,
13 or because of, the public health emergency in each of the following categories:

14 a. Utilities.

15 b. Transportation.

16 c. Food service.

17 d. Personnel. This category includes expenditure reductions that result from
18 layoffs.

19 e. Contract terminations.

20 (c) *Report to the legislature.* By January 1, 2021, the department shall compile
21 and submit the information it received under par. (b) to the appropriate standing
22 committees of the legislature in the manner provided under s. 13.172 (3).



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6066/4
MED:cjs/skw/amn

2019 BILL

1 **AN ACT** *to renumber and amend* 108.04 (3); and *to create* 108.04 (3) (b) of the
2 statutes; **relating to:** suspension of the waiting period for collection of
3 unemployment insurance benefits.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Unemployment insurance; waiting period

Currently, a claimant must wait one week after becoming eligible to receive unemployment insurance benefits before the claimant may receive benefits for a week of unemployment. The waiting period does not affect the maximum number of weeks of a claimant's benefit eligibility.

This bill suspends the application of the one-week waiting period for benefit years that began after March 12, 2020, and before February 7, 2021. The bill requires the Department of Workforce Development to seek the maximum amount of federal reimbursement for benefits that are, during this time period, payable for the first week of a claimant's benefit year as a result of the suspension.

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:

BILL

-5982/P1.1

1 **SECTION 1.** 108.04 (3) of the statutes is renumbered 108.04 (3) (a) and amended

2 to read:

3 108.04 (3) (a) The Subject to par. (b), the first week of a claimant's benefit year
4 for which the claimant has timely applied and is otherwise eligible for regular
5 benefits under this chapter is the claimant's waiting period for that benefit year.

-5982/P1.2

6 **SECTION 2.** 108.04 (3) (b) of the statutes is created to read:

7 108.04 (3) (b) Paragraph (a) does not apply with respect to benefit years that
8 begin after March 12, 2020, and before February 7, 2021. The department shall seek
9 the maximum amount of federal reimbursement for benefits that are, during the
10 time period specified in this paragraph, payable for the first week of a claimant's
11 benefit year as a result of the application of this paragraph.

12

(END)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to create** 323.2913 of the statutes; **relating to:** allowing state employees
2 serving a probationary period to take annual leave during a declared public
3 health emergency.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Use of annual leave during public health emergency

Under the bill, a state employee may take annual leave during a public health emergency even if the employee has not completed the first six months of the employee's probationary period. If the employee terminates employment before earning any leave the employee used, the employer may deduct the amount of unearned leave from the employee's final pay. Under current law, an employee may not take annual leave during the first six months of the employee's probationary period.

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

4 **SECTION 1.** 323.2913 of the statutes is created to read:
5 **323.2913 Use of annual leave during probationary period by state**
6 **employee.** Notwithstanding s. 230.35 (1) (b), a state employee may take annual

1 leave within the first 6 months of the employee's probationary period upon initial
2 appointment during a state of emergency related to a public health emergency
3 declared under s. 323.10. If an employee who has taken annual leave under this
4 section terminates his or her employment before earning annual leave equivalent to
5 the amount of annual leave the employee has taken, the appointing authority shall
6 deduct the cost of the unearned annual leave from the employee's final pay.

7 **(END)**



2019 BILL

1 **AN ACT** *to create* 323.19 (3) of the statutes; **relating to:** waiving any
2 requirement that an individual appear in person during a state of emergency
3 related to public health.

Analysis by the Legislative Reference Bureau

EMERGENCY MANAGEMENT

Waiving in-person requirements

This bill allows a state entity to waive any requirement that an individual appear in person during a state of emergency related to public health if the waiver assists in the state's response to the state of emergency or if the requirement may increase the public health risk.

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

4 **SECTION 1.** 323.19 (3) of the statutes is created to read:
5 323.19 (3) (a) In this subsection, "state entity" means any state agency,
6 institution of higher education, association, society, or other body in state
7 government created or authorized to be created by the constitution or any law that

BILL**SECTION 1**

1 is entitled to expend moneys appropriated by law, including the legislature, the
2 courts, and any authority.

3 (b) The head or governing body of a state entity may waive a requirement
4 imposed, administered, or enforced by the state entity that an individual appear in
5 person during a state of emergency relating to public health declared under s. 323.10,
6 if the head or governing body finds that the waiver assists in the state's response to
7 the public health emergency or that enforcing the requirement may increase the
8 public health risk.

9 (END)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to create** 100.307 of the statutes; **relating to:** prohibiting retailers from
2 accepting certain returns.

Analysis by the Legislative Reference Bureau

AGRICULTURE

Prohibiting retailers from accepting certain returns

This bill prohibits a retailer from accepting a return of food products, personal care products, cleaning products, and paper products during a public health emergency or during the 30 days immediately after a public health emergency ends. The bill contains exceptions, allowing retailers to accept returns of food, personal care, cleaning, or paper products made within seven days of purchase and returns of adulterated or defective food, personal care, cleaning, or paper products. Under the bill, retailers may accept returns of other types of products.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

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

3 **SECTION 1.** 100.307 of the statutes is created to read:



2019 BILL

1 **AN ACT relating to:** temporary credentials for former health care providers and
2 waiving certain credential fees.

Analysis by the Legislative Reference Bureau

OCCUPATIONAL REGULATION

Temporary credentials for former health care providers

This bill authorizes former health care providers to obtain a temporary credential granted by the Department of Safety and Professional Services and provide health care services for which they have been previously licensed or certified. Under the bill, DSPS may grant a temporary credential to a person who applies and was at any time during the previous five years, but is not currently, any of the following, if the person's credential was never revoked, limited, suspended, or denied renewal: 1) a physician, physician assistant, or perfusionist; 2) a registered nurse, licensed practical nurse, or nurse-midwife; 3) a dentist; 4) a pharmacist; 5) a psychologist; 6) a social worker; 7) a marriage and family therapist; 8) a professional counselor; 9) a clinical substance abuse counselor; or 10) a practitioner holding a credential to practice a profession identified by the Department of Health Services. A temporary credential granted under the bill expires 90 days after the conclusion of the public health emergency declared on March 12, 2020, by executive order 72.

Current law generally prohibits a person from engaging in certain health care-related practices without holding a required credential.

The bill also authorizes DSPS, during the public health emergency, to waive fees for applications for an initial credential and renewal of a credential for

BILL

physicians, physician assistants, nurses, dentists, pharmacists, psychologists, and certain behavioral health providers.

For further information see the *state* 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. Nonstatutory provisions.**

2 (1) TEMPORARY CREDENTIALS FOR FORMER HEALTH CARE PROVIDERS DURING
3 EMERGENCY.

4 (a) *Definitions.* In this subsection:

5 1. “Credential” means a license or certificate.

6 2. “Department” means the department of safety and professional services.

7 3. “Health care provider” means an individual who was at any time within the
8 previous 5 years, but is not currently, any of the following, if the individual’s
9 credential was never revoked, limited, suspended, or denied renewal:

10 a. Licensed as a registered nurse, licensed practical nurse, or nurse-midwife
11 under ch. 441.

12 b. Licensed as a dentist under ch. 447.

13 c. Licensed as a physician, physician assistant, or perfusionist under ch. 448
14 or certified as a respiratory care practitioner under ch. 448.

15 d. Licensed as a pharmacist under ch. 450.

16 e. Licensed as a psychologist under ch. 455.

17 f. A clinical social worker, marriage and family therapist, or professional
18 counselor licensed under ch. 457 or an independent social worker or social worker
19 certified under ch. 457.

20 g. A clinical substance abuse counselor certified under s. 440.88.

BILL

1 h. Any practitioner holding a credential to practice a profession that is
2 identified by the department of health services during the period covered by the
3 public health emergency declared on March 12, 2020, by executive order 72.

4 (b) *Temporary emergency credentials.*

5 1. The department may grant a temporary credential to a health care provider
6 if all of the following apply:

7 a. The health care provider submits an application to the department.

8 b. The department determines that the health care provider satisfies the
9 eligibility requirements for the credential and is fit to practice after conducting an
10 investigation of the health care provider's arrest or conviction record and record of
11 professional discipline.

12 2. If the department denies a health care provider's application for a temporary
13 credential under this paragraph, the department shall notify the health care
14 provider of the reason for denial.

15 3. Notwithstanding ss. 441.06 (4), 441.15 (2), 447.03 (1) and (2), 448.03 (1) (a),
16 (b), and (c) and (1m), and 450.03 (1), a health care provider granted a temporary
17 credential under this paragraph may provide services for which the health care
18 provider has been licensed or certified.

19 4. A health care provider who provides services authorized by a temporary
20 credential granted under this paragraph shall maintain malpractice insurance that
21 satisfies the requirements of the profession for which the health care provider has
22 been licensed or certified.

23 5. A temporary credential granted under this paragraph expires 90 days after
24 the conclusion of the period covered by the public health emergency declared on
25 March 12, 2020, by executive order 72.

BILL**SECTION 1**

1 (2) AUTHORITY TO WAIVE FEES. Notwithstanding s. 440.05 and the applicable fee
2 provisions in chs. 440 to 480, during the period covered by the public health
3 emergency declared on March 12, 2020, by executive order 72, the department of
4 safety and professional services may waive fees for applications for an initial
5 credential and renewal of a credential for registered nurses, licensed practical
6 nurses, nurse-midwives, dentists, physicians, physician assistants, perfusionists,
7 respiratory care practitioners, pharmacists, psychologists, clinical social workers,
8 independent social workers, social workers, marriage and family therapists,
9 professional counselors, and clinical substance abuse counselors.

10

(END)



2019 BILL

1 **AN ACT relating to:** temporary credentials for health care providers licensed by
2 another state and waiving certain credential fees.

Analysis by the Legislative Reference Bureau

OCCUPATIONAL REGULATION

Temporary credentials for health care providers from other states

This bill authorizes health care providers licensed in another state or territory to obtain a temporary credential granted by the Department of Safety and Professional Services and provide health care services for which they are licensed or certified. Under the bill, DSPS may grant a temporary credential to a person who applies and holds a valid, unexpired credential granted by another state or territory that authorizes the person to act as any of the following: 1) a physician, physician assistant, or perfusionist; 2) a registered nurse, licensed practical nurse, or nurse-midwife; 3) a dentist; 4) a pharmacist; 5) a psychologist; 6) a social worker; 7) a marriage and family therapist; 8) a professional counselor; 9) a clinical substance abuse counselor; or 10) a practitioner holding a credential to practice a profession identified by the Department of Health Services. A temporary credential granted under the bill expires 90 days after the conclusion of the public health emergency declared on March 12, 2020, by executive order 72.

Current law generally prohibits a person from engaging in certain health-care related practices without holding a required credential.

The bill also authorizes DSPS, during the public health emergency, to waive fees for applications for an initial credential and renewal of a credential for

BILL

physicians, physician assistants, nurses, dentists, pharmacists, psychologists, and certain behavioral health providers.

For further information see the *state* 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. Nonstatutory provisions.**

2 (1) TEMPORARY CREDENTIALS FOR HEALTH CARE PROVIDERS FROM OTHER STATES
3 DURING EMERGENCY.

4 (a) *Definitions.* In this subsection:

5 1. "Credential" means a license or certificate.

6 2. "Department" means the department of safety and professional services.

7 3. "Health care provider" means an individual who holds a valid, unexpired
8 license, certificate, or registration granted by another state or territory that
9 authorizes or qualifies the individual to perform acts that are substantially the same
10 as the acts that any of the following are licensed or certified to perform:

11 a. A registered nurse, licensed practical nurse, or nurse-midwife licensed
12 under ch. 441.

13 b. A dentist licensed under ch. 447.

14 c. A physician, physician assistant, or perfusionist licensed under ch. 448 or a
15 respiratory care practitioner certified under ch. 448.

16 d. A pharmacist licensed under ch. 450.

17 e. A psychologist licensed under ch. 455.

18 f. A clinical social worker, marriage and family therapist, or professional
19 counselor licensed under ch. 457 or an independent social worker or social worker
20 certified under ch. 457.

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1 g. A clinical substance abuse counselor certified under s. 440.88.

2 h. Any practitioner holding a credential to practice a profession that is
3 identified by the department of health services during the period covered by the
4 public health emergency declared on March 12, 2020, by executive order 72.

5 (b) *Temporary emergency credentials.*

6 1. The department may grant a temporary credential to a health care provider
7 if all of the following apply:

8 a. The health care provider submits an application to the department.

9 b. The department determines that the health care provider satisfies the
10 eligibility requirements for the credential and is fit to practice after conducting an
11 investigation of the health care provider's arrest or conviction record and record of
12 professional discipline.

13 2. The department may determine the appropriate scope of the review under
14 subd. 1. b. of the background of a health care provider who applies for a temporary
15 credential under this paragraph.

16 3. If the department denies a health care provider's application for a temporary
17 credential under this paragraph, the department shall notify the health care
18 provider of the reason for the denial.

19 4. Notwithstanding ss. 441.06 (4), 441.15 (2), 447.03 (1) and (2), 448.03 (1) (a),
20 (b), and (c) and (1m), and 450.03 (1), a health care provider granted a temporary
21 credential under this paragraph may provide services for which the health care
22 provider is licensed or certified.

23 5. A health care provider who provides services authorized by a temporary
24 credential granted under this paragraph shall maintain malpractice insurance that

BILL**SECTION 1**

1 satisfies the requirements of the profession for which the health care provider is
2 licensed or certified.

3 6. A temporary credential granted under this paragraph expires 90 days after
4 the conclusion of the period covered by the public health emergency declared on
5 March 12, 2020, by executive order 72.

6 (2) AUTHORITY TO WAIVE FEES. Notwithstanding s. 440.05 and the applicable fee
7 provisions in chs. 440 to 480, during the period covered by the public health
8 emergency declared on March 12, 2020, by executive order 72, the department may
9 waive fees for applications for an initial credential and renewal of a credential for
10 registered nurses, licensed practical nurses, nurse-midwives, dentists, physicians,
11 physician assistants, perfusionists, respiratory care practitioners, pharmacists,
12 psychologists, clinical social workers, independent social workers, social workers,
13 marriage and family therapists, professional counselors, and clinical substance
14 abuse counselors.

15 (END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6075/1
MED:cdc

2019 BILL

1 **AN ACT** *to amend* 450.11 (5) (a); and *to create* 450.11 (5) (br) of the statutes;
2 **relating to:** prescription order extensions.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Prescription order extensions

Current law allows a pharmacist to extend a prescription order under certain circumstances in the event that the prescription cannot otherwise be refilled, subject to certain criteria and limitations.

This bill creates an alternative authorization for a pharmacist to extend a prescription during the period covered by a public health emergency declared by the governor. Under the bill, during that period, the prescribing practitioner is exempt from having to contact the prescribing practitioner or his or her office, and certain other requirements also do not apply. However, the pharmacist may not extend a prescription if the prescribing practitioner has indicated that no extensions are permitted. The pharmacist may extend the prescription by up to a 30-day supply, except that if the drug is typically packaged in a form that requires a pharmacist to dispense the drug in a quantity greater than a 30-day supply, the pharmacist may extend the prescription order as necessary to dispense the drug in the smallest

BILL

quantity in which it is typically packaged. The bill allows only one extension of a prescription by a pharmacist during a public health emergency period.

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

1 **SECTION 1.** 450.11 (5) (a) of the statutes is amended to read:

2 450.11 (5) (a) Except as provided in ~~par. pars.~~ (bm) and (br), no prescription may
3 be refilled unless the requirements of sub. (1) and, if applicable, sub. (1m) have been
4 met and written, oral, or electronic authorization has been given by the prescribing
5 practitioner. Unless the prescribing practitioner has specified in the prescription
6 order that dispensing a prescribed drug in an initial amount followed by periodic
7 refills as specified in the prescription order is medically necessary, a pharmacist may
8 exercise his or her professional judgment to dispense varying quantities of the
9 prescribed drug per fill up to the total number of dosage units authorized by the
10 prescribing practitioner in the prescription order including any refills, subject to par.
11 (b).

12 **SECTION 2.** 450.11 (5) (br) of the statutes is created to read:

13 450.11 (5) (br) 1. In the event a pharmacist receives a request for a prescription
14 to be refilled and the prescription cannot be refilled as provided in par. (a), the
15 pharmacist may, subject to subd. 2. a. to e., extend the existing prescription order and
16 dispense the drug to the patient, if the pharmacist has not received and is not aware
17 of written or oral instructions from the prescribing practitioner prohibiting further
18 dispensing pursuant to or extension of the prescription order.

19 2. a. A prescribing practitioner may indicate, by writing on the face of the
20 prescription order or, with respect to a prescription order transmitted electronically,
21 by designating in electronic format the phrase “No extensions,” or words of similar

BILL

1 meaning, that no extension of the prescription order may be made under subd. 1. If
2 such indication is made, the pharmacist may not extend the prescription order under
3 subd. 1.

4 b. A pharmacist acting under subd. 1. may not extend a prescription order to
5 dispense more than a 30-day supply of the prescribed drug, except that if the drug
6 is typically packaged in a form that requires a pharmacist to dispense the drug in a
7 quantity greater than a 30-day supply, the pharmacist may extend the prescription
8 order as necessary to dispense the drug in the smallest quantity in which it is
9 typically packaged.

10 c. A pharmacist may not extend a prescription order under subd. 1. for a drug
11 that is a controlled substance.

12 d. A pharmacist may not extend a prescription order under subd. 1. for a
13 particular patient if a prescription order was previously extended under subd. 1. for
14 that patient during the period described in subd. 3.

15 e. A pharmacist shall, at the earliest reasonable time after acting under subd.
16 1., notify the prescribing practitioner or his or her office, but is not required to
17 attempt to procure a new prescription order or refill authorization for the drug by
18 contacting the prescribing practitioner or his or her office prior to acting under subd.
19 1. After acting under subd. 1., the pharmacist may notify the patient or other
20 individual that any further refills will require the authorization of a prescribing
21 practitioner.

22 3. This paragraph applies only during the period covered by a public health
23 emergency declared by the governor under s. 323.10. During that time, this
24 paragraph supersedes par. (bm) to the extent of any conflict.

25 (END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6076/1
MIM:kjf

2019 BILL

1 **AN ACT to create** 323.2912 of the statutes; **relating to:** allowing the suspension
2 of hour limitations for limited term state employee appointments during a
3 declared public health emergency.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Limited term employees during public health emergency

Under the bill, the director of the Bureau of Merit Recruitment and Selection in the Division of Personnel Management in the Department of Administration may adjust the number of hours a state employee in a limited term appointment may work during a public health emergency. Under current law, a limited term appointment may not exceed 1,040 hours per year.

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

4 **SECTION 1.** 323.2912 of the statutes is created to read:
5 **323.2912 Suspension of limited term appointment hours.**
6 Notwithstanding s. 230.26 (1), the director of the bureau of merit recruitment and

BILL

SECTION 1

1 selection in the division of personnel management in the department of
2 administration may increase or suspend the number of hours for a limited term
3 appointment for the duration of a state of emergency related to a public health
4 emergency declared under s. 323.10.

5 (END)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to amend* 895.51 (title); and *to create* 895.51 (1) (bd), 895.51 (1) (bg),
2 895.51 (1) (dp), 895.51 (2r) and 895.51 (3r) of the statutes; **relating to:**
3 immunity from civil liability for manufacturers, distributors, and sellers of
4 emergency medical supplies to respond to the COVID-19 public health
5 emergency.

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

***Liability exemption for persons who manufacture, distribute, or sell
emergency medical supplies***

This bill establishes a civil liability exemption for persons who manufacture, distribute, or sell emergency medical supplies to respond to the public health emergency during the public health emergency related to COVID-19 declared by the federal secretary of health and human services or the national emergency related to COVID-19 declared by the president. The bill defines “emergency medical supplies” to mean any medical equipment or supplies necessary to limit the spread of, or provide treatment for, a disease associated with the public health emergency related to the COVID-19 pandemic, including life support devices, personal protective equipment, cleaning supplies, and any other items determined to be necessary by the secretary of health services. Under the bill, any person engaged in the manufacturing, distribution, or sale of emergency medical supplies who donates or

sells, for a price not to exceed a certain amount established in the bill, the emergency medical supplies to a charitable organization or governmental unit to respond to the public health emergency related to COVID-19 is immune from civil liability for the death of or injury to an individual caused by emergency medical supplies donated or sold.

The bill also provides that any charitable organization that distributes free of charge emergency medical supplies received from a manufacturer, distributor, or seller is immune from civil liability for a death or injury caused by the emergency medical supplies.

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

1 **SECTION 1.** 895.51 (title) of the statutes is amended to read:

2 **895.51 (title) Civil liability exemption: food or emergency household**
3 **products; emergency medical supplies; donation, sale, or distribution.**

4 **SECTION 2.** 895.51 (1) (bd) of the statutes is created to read:

5 895.51 (1) (bd) “Cost of production” means the cost of inputs, wages, operating
6 the manufacturing facility, and transporting the product.

7 **SECTION 3.** 895.51 (1) (bg) of the statutes is created to read:

8 895.51 (1) (bg) “Emergency medical supplies” means any medical equipment
9 or supplies necessary to limit the spread of, or provide treatment for, a disease
10 associated with the public health emergency related to the 2019 novel coronavirus
11 pandemic, including life support devices, personal protective equipment, cleaning
12 supplies, and any other items determined to be necessary by the secretary of health
13 services.

14 **SECTION 4.** 895.51 (1) (dp) of the statutes is created to read:

15 895.51 (1) (dp) “Public health emergency related to the 2019 novel coronavirus
16 pandemic” means the period covered by the public health emergency declared under
17 42 USC 247d by the secretary of the federal department of health and human

1 services on January 31, 2020, in response to the 2019 novel coronavirus or the
2 national emergency declared by the U.S. president under 50 USC 1621 on March 13,
3 2020, in response to the 2019 novel coronavirus.

4 **SECTION 5.** 895.51 (2r) of the statutes is created to read:

5 895.51 **(2r)** Any person engaged in the manufacturing, distribution, or sale of
6 emergency medical supplies, who donates or sells, at a price not to exceed the cost of
7 production, emergency medical supplies to a charitable organization or
8 governmental unit to respond to the public health emergency related to the 2019
9 novel coronavirus pandemic is immune from civil liability for the death of or injury
10 to an individual caused by the emergency medical supplies donated or sold by the
11 person.

12 **SECTION 6.** 895.51 (3r) of the statutes is created to read:

13 895.51 **(3r)** Any charitable organization that distributes free of charge
14 emergency medical supplies received under sub. (2r) is immune from civil liability
15 for the death of or injury to an individual caused by the emergency medical supplies
16 distributed by the charitable organization.

17 **(END)**



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to create* 609.885 and 632.895 (14g) of the statutes; **relating to:** cost
2 sharing for insurance coverage related to COVID-19.

Analysis by the Legislative Reference Bureau
INSURANCE

Coverage of COVID-19 testing without cost sharing

The bill requires every health insurance policy and every self-insured governmental health plan that generally covers testing for infectious disease to provide coverage of testing for COVID-19 without imposing any copayment or coinsurance before March 13, 2021. A health insurance policy is referred to in the bill as a disability insurance policy.

This proposal may contain a health insurance mandate requiring a social and financial impact report under s. 601.423, stats.

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

3 **SECTION 1.** 609.885 of the statutes is created to read:
4 **609.885 Coverage of COVID-19 testing.** Defined network plans, preferred
5 provider plans, and limited service health organizations are subject to s. 632.895
6 (14g).



2019 BILL

1 **AN ACT relating to:** authorizing the secretary of administration to transfer
2 employees from any executive branch agency to another executive branch
3 agency during the public health emergency.

Analysis by the Legislative Reference Bureau

EMERGENCY MANAGEMENT

Transfer of employees between executive branch agencies

This bill authorizes the secretary of administration to transfer employees from any executive branch agency to another executive branch agency during the public health emergency declared on March 12, 2020, by executive order 72. Under the bill, the agency to which an employee is transferred shall pay all salary and fringe benefit costs of that employee.

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

4 **SECTION 1. Nonstatutory provisions.**

5 (1) POSITION TRANSFERS.

6 (a) In this subsection:



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6085/P6
JK:amn/cjs/ahe/kjf

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to amend* 74.35 (5) (c) and 74.37 (4) (b) of the statutes; **relating to:** the
2 interest accruing on late payment of property taxes and claims for recovery of
3 unlawful taxes and excessive assessments.

Analysis by the Legislative Reference Bureau
TAXATION

Interest on late property tax payments

Under current law, a late installment payment of property taxes is subject to interest and penalties, with the interest accruing from February 1 of the year in which the taxes are due. Under this bill, for property taxes payable in 2020, after making a general or case-by-case finding of hardship, a municipality may provide that an installment payment due after April 1, 2020, that is received after its due date will not accrue interest or penalties if the total amount due is received on or before October 1, 2020. Interest and penalties will accrue from October 1, 2020, for any property taxes payable in 2020 that are delinquent after October 1, 2020.

Claims for recovery of unlawful taxes and excessive assessments

Current law allows a person to file a claim to recover the unlawful imposition of property taxes or a claim for the excessive assessment of property taxes. However, no person may file a claim for recovery of unlawful taxes or excessive assessment unless the person has paid his or her property taxes on time. The bill provides that this restriction does not apply to taxes due and payable in 2020 if paid by October 1, 2020, or by any installment date for which taxes are due after October 1, 2020.

For further information see the *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.** 74.35 (5) (c) of the statutes is amended to read:

2 74.35 (5) (c) No claim may be filed or maintained under this section unless the
3 tax for which the claim is filed, or any authorized installment payment of the tax, is
4 timely paid under s. 74.11, 74.12 or 74.87. This paragraph does not apply to taxes
5 due and payable in 2020 if paid by October 1, 2020, or by any installment date for
6 which taxes are due after October 1, 2020.

7 **SECTION 2.** 74.37 (4) (b) of the statutes is amended to read:

8 74.37 (4) (b) No claim or action for an excessive assessment may be brought or
9 maintained under this section unless the tax for which the claim is filed, or any
10 authorized installment of the tax, is timely paid under s. 74.11 or 74.12. This
11 paragraph does not apply to taxes due and payable in 2020 if paid by October 1, 2020,
12 or by any installment date for which taxes are due after October 1, 2020.

13 **SECTION 3. Nonstatutory provisions.**

14 (1) INTEREST ON LATE PROPERTY TAX PAYMENTS. Notwithstanding ss. 74.11, 74.12,
15 and 74.87, for property taxes payable in 2020, after making a general or
16 case-by-case finding of hardship, a taxation district may provide that an
17 installment payment that is due and payable after April 1, 2020, and is received after
18 its due date shall not accrue interest or penalties if the total amount due and payable
19 in 2020 is paid on or before October 1, 2020. Interest and penalties shall accrue from



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT relating to:** plan to provide support to major industries adversely
2 affected by the COVID-19 public health emergency.

Analysis by the Legislative Reference Bureau

ECONOMIC DEVELOPMENT

Plan to provide support to major industries

This bill requires the Wisconsin Economic Development Corporation to submit a report to the legislature and the governor by June 30, 2020, that includes a plan for providing support to the major industries in Wisconsin that have been adversely affected by the COVID-19 public health emergency, including tourism, manufacturing, agriculture, construction, retail, and services.

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

3 **SECTION 1. Nonstatutory provisions.**

4 (1) PLAN TO ASSIST MAJOR INDUSTRIES. No later than June 30, 2020, the Wisconsin
5 Economic Development Corporation shall submit to the legislature in the manner
6 provided under s. 13.172 (2), and to the governor, a report that includes a plan for

1 providing support to the major industries in this state that have been adversely
2 affected by the COVID-19 public health emergency, including tourism,
3 manufacturing, agriculture, construction, retail, and services.

4 (END)



2019 BILL

1 **AN ACT** *to create* 440.08 (5) of the statutes; **relating to:** renewals of credentials
2 for certain health care providers.

Analysis by the Legislative Reference Bureau

OCCUPATIONAL REGULATION

Health care provider credential renewals

This bill exempts certain health care provider credentials issued by credentialing boards in the Department of Safety and Professional Services from having to be renewed during the period covered by the public health emergency declared on March 12, 2020, by executive order 72, through the 60th day after the conclusion of that emergency (exemption period).

For the next applicable renewal period after the exemption period, the credential holder is not subject to any late renewal fee, and the applicable credentialing board may provide an exemption from or reduction of continuing education or other renewal requirements.

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

3 **SECTION 1.** 440.08 (5) of the statutes is created to read:

BILL**SECTION 1**

1 440.08 (5) RENEWAL SUSPENSION FOR PUBLIC HEALTH EMERGENCY. (a) In this
2 subsection, “health care provider credential” means any credential issued under ch.
3 441, 447, 448, 450, 455, 460, or 462.

4 (b) Notwithstanding subs. (1) to (3) and the applicable provisions in chs. 440
5 to 480, but subject to any professional discipline imposed on the credential, a health
6 care provider credential is not subject to renewal, or any other conditions for renewal
7 including continuing education, and remains valid during the period specified in par.
8 (c).

9 (c) For purposes of par. (b), the period shall be the period beginning on March
10 12, 2020, and ending on the 60th day after the end of the period covered by the public
11 health emergency declared on March 12, 2020, by executive order 72.

12 (d) A renewal that occurs subsequent to the period described in par. (c) is not
13 subject to the late renewal fee under sub. (3) (a) if the application to renew the
14 credential is received before the next applicable renewal date. Notwithstanding the
15 applicable provisions in chs. 440 to 480, the applicable credentialing board may, for
16 that next applicable renewal date, provide an exemption from or reduction of
17 continuing education or other conditions for renewal.

18

(END)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to amend* 146.40 (3) of the statutes; **relating to:** hours of instructional
2 program for nurse aides.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

Hours of instructional program for nurse aides

This bill conforms state law for instructional programs for nurse aides to the federal law requirements for Medicare and Medicaid. Specifically, the bill prohibits the Department of Health Services from requiring an instructional program to exceed the federally required minimum total training hours or minimum hours of supervised practical training, which is clinical experience, specified in the federal regulation. The current federal regulation requires no less than 75 hours of training with at least 16 of those hours being supervised practical training.

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

3 **SECTION 1.** 146.40 (3) of the statutes is amended to read:
4 146.40 (3) Except as provided in sub. (4d), the department shall approve
5 instructional programs for nurse aides that apply for, and satisfy standards for,

1 approval that are promulgated by rule by the department. The department may not
2 require an instructional program to exceed the federally required minimum total
3 training hours or minimum hours of supervised practical training under 42 CFR
4 483.152 (a). The department shall review the curriculum of each approved
5 instructional program at least once every 24 months following the date of approval
6 to determine whether the program continues to satisfy the standards for approval.
7 Under this subsection, the department may, after providing notice, suspend or
8 revoke the approval of an instructional program or impose a plan of correction on the
9 program if the program fails to satisfy the standards for approval or operates under
10 conditions that are other than those contained in the application approved by the
11 department.

12 (END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6092/5
MED:all

2019 BILL

1 **AN ACT** *to renumber and amend* 108.062 (4) and 108.062 (19); *to amend*
2 108.062 (1) (b), 108.062 (3) and 108.062 (15); and *to create* 108.062 (2m),
3 108.062 (3r), 108.062 (4) (a) 2., 108.062 (19) (a), 108.062 (19) (b) and 108.062 (20)
4 of the statutes; **relating to:** payment of unemployment insurance benefits
5 under a work-share program.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Unemployment insurance; work-share programs

Current law allows an employer to create a work-share program within a work unit of the employer. Under a work-share program, the working hours of all of the full-time employees in the program are reduced in an equitable manner in lieu of a layoff of some of the employees and a continuation of full-time employment by the other employees. A claimant for unemployment insurance benefits who is included in a work-share program may receive UI benefits during his or her continued employment with the work-share employer in an amount equal to the claimant's benefit for total unemployment multiplied by the same percentage reduction in normal working hours that the claimant incurs under the program.

This bill suspends all of the following for work-share plans submitted until December 31, 2020:

BILL

1. The requirement that a work-share plan be limited to a particular work unit of the employer. The bill instead, during the suspension period, allows a work-share plan to cover any employees of the employer.

2. The requirement that the reduction in working hours under a work-share program must be at least 10 percent but not more than 50 percent of the normal hours per week of the employees included under the plan. The bill instead, during the suspension period, increases the permissible reduction in working hours under a work-share program to be not more than 60 percent of the normal hours per week of the employees included under the plan or the highest permissible reduction allowed under federal law, whichever is greater.

3. The requirements that at least 10 percent of the employees in a work unit be included in a work-share plan and that the employer provide for initial coverage under the plan of at least 20 positions that are filled on the effective date of the work-share program. The bill instead, during the suspension period, requires only that the work-share plan cover at least two positions that are filled on the effective date of the work-share program.

4. The requirement that reduced working hours be apportioned equitably among employees in the work-share program.

The bill also provides that, during the period specified above, a work-share program becomes effective on the later of the Sunday of or after approval of the work-share plan, instead of the second Sunday after approval of the plan, unless a later Sunday is specified.

The bill, however, allows the secretary to waive the application of the changes described above if doing so is necessary to comply with federal requirements or for this state to qualify for full federal financial participation in the cost of administration of the work-share program and financing of work-share benefits.

The bill also requires the Department of Workforce Development to allow employers to submit work-share plan applications using an online form and to provide assistance to employers with submitting applications and developing work-share plans.

The bill also specifies that a work-share program shall be governed by the law that was in effect when the plan was approved, until the program ends as provided under current law.

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.** 108.062 (1) (b) of the statutes is amended to read:

BILL

1 108.062 (1) (b) “Work-share program” means a program approved by the
2 department under which the hours of work of employees ~~in a work unit~~ are reduced
3 in lieu of the layoffs of 2 or more employees ~~in the work unit~~.

4 **SECTION 2.** 108.062 (2m) of the statutes is created to read:

5 108.062 (2m) APPLICATIONS; DEPARTMENT ASSISTANCE. The department shall
6 allow employers to submit applications under this section using an online form. The
7 department shall provide assistance to employers with submitting applications and
8 developing work-share plans.

9 **SECTION 3.** 108.062 (3) of the statutes is amended to read:

10 108.062 (3) APPROVAL OF PLANS. The department shall approve a plan if the plan
11 includes all of the elements specified in sub. (2) or (20), whichever is applicable. The
12 approval is effective for the effective period of the plan unless modified under sub.
13 (3m).

14 **SECTION 4.** 108.062 (3r) of the statutes is created to read:

15 108.062 (3r) APPLICABILITY OF LAWS. A work-share program shall be governed
16 by the law that was in effect when the plan or modification was last approved under
17 sub. (3) or (3m), until the program ends as provided in sub. (4).

18 **SECTION 5.** 108.062 (4) of the statutes is renumbered 108.062 (4) (a) 1. and
19 amended to read:

20 108.062 (4) (a) 1. ~~A~~ Except as provided in subd. 2., a work-share program
21 becomes effective on the later of the Sunday of the 2nd week beginning after approval
22 of a work-share plan under sub. (3) or any Sunday after that day specified in the
23 plan.

24 **(b)** A work-share program ends on the earlier of the last Sunday that precedes
25 the end of the 6-month period beginning on the effective date of the program or any

BILL**SECTION 5**

1 Sunday before that day specified in the plan unless the program terminates on an
2 earlier date under sub. (5), (14), or (15).

3 **SECTION 6.** 108.062 (4) (a) 2. of the statutes is created to read:

4 108.062 (4) (a) 2. With respect to a work-share plan approved during a period
5 described under sub. (20), the work-share program becomes effective on the later of
6 the Sunday of or after approval of a work-share plan under sub. (3) or any Sunday
7 after that day specified in the plan.

8 **SECTION 7.** 108.062 (15) of the statutes is amended to read:

9 108.062 (15) INVOLUNTARY TERMINATION. If in any week there are fewer than 20
10 employees who are included in a work-share program of any employer, the program
11 terminates on the 2nd Sunday following the end of that week. This subsection does
12 not apply to a work-share program to which sub. (20) applies.

13 **SECTION 8.** 108.062 (19) of the statutes is renumbered 108.062 (19) (intro.) and
14 amended to read:

15 108.062 (19) SECRETARY MAY WAIVE COMPLIANCE. (intro.) The secretary may
16 ~~waive compliance with any requirement under this section~~ do any of the following
17 if the secretary determines that ~~waiver of the requirement~~ doing so is necessary to
18 permit continued certification of this chapter for grants to this state under Title III
19 of the federal Social Security Act, for maximum credit allowances to employers under
20 the federal Unemployment Tax Act, or for this state to qualify for full federal
21 financial participation in the cost of administration of this section and financing of
22 benefits to employees participating in work-share programs under this section.;

23 **SECTION 9.** 108.062 (19) (a) of the statutes is created to read:

24 108.062 (19) (a) Waive compliance with any requirement under this section.

25 **SECTION 10.** 108.062 (19) (b) of the statutes is created to read:

BILL

1 108.062 **(19)** (b) Waive the application of sub. (20), in whole or in part, to the
2 extent necessary for any of the purposes specified in this subsection or, to the extent
3 necessary for any of those purposes, require the continued application of any
4 requirement under sub. (2).

5 **SECTION 11.** 108.062 (20) of the statutes is created to read:

6 108.062 **(20)** SUSPENSIONS OF CERTAIN PROVISIONS. Notwithstanding sub. (2),
7 this subsection, and not sub. (2), applies to work-share plans submitted on or after
8 the effective date of this subsection [LRB inserts date], and before December 31,
9 2020, subject to sub. (19). During that period, prior to implementing a work-share
10 program, an employer shall submit a work-share plan for the approval of the
11 department. In its submittal, the employer shall certify that its plan is in compliance
12 with all requirements under this section. Each plan shall:

13 (a) Specify the affected positions, and the names of the employees filling those
14 positions on the date of submittal. The plan need not be limited to a particular work
15 unit.

16 (b) Provide for initial coverage under the plan of at least 2 positions that are
17 filled on the effective date of the work-share program.

18 (c) Specify the period or periods when the plan will be in effect, which may not
19 exceed a total of 6 months in any 5-year period within the same work unit.

20 (d) Exclude participation by employees who are employed on a seasonal,
21 temporary, or intermittent basis.

22 (e) Apply only to employees who have been engaged in employment with the
23 employer for a period of at least 3 months on the effective date of the work-share
24 program and who are regularly employed by the employer in that employment.

BILL**SECTION 11**

1 (f) Specify the normal average hours per week worked by each employee in the
2 work unit and the percentage reduction in the average hours of work per week
3 worked by that employee, exclusive of overtime hours, which shall be applied in a
4 uniform manner and which shall be at least 10 percent of the normal hours per week
5 of that employee but not more than whichever of the following is greater:

6 1. Sixty percent of the normal hours per week of that employee.

7 2. The maximum percent reduction of the normal hours per week of that
8 employee that is permissible under federal law.

9 (g) Describe the manner in which requirements for maximum federal financial
10 participation in the plan will be implemented, including a plan for giving notice,
11 where feasible, to participating employees of changes in work schedules.

12 (h) Provide an estimate of the number of layoffs that would occur without
13 implementation of the plan.

14 (i) Specify the effect on any fringe benefits provided by the employer to the
15 employees who are included in the work-share program other than fringe benefits
16 required by law.

17 (j) Include a statement affirming that the plan is in compliance with all
18 employer obligations under applicable federal and state laws.

19 (k) Indicate whether the plan includes employer-sponsored training to
20 enhance job skills and acknowledge that the employees may participate in training
21 funded under the federal Workforce Innovation and Opportunity Act, 29 USC 3101
22 to 3361, or another federal law that enhances job skills without affecting availability
23 for work, subject to department approval.

24 (END)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to create* 153.23 of the statutes; **relating to:** collection and reporting of
2 public health emergency data and pay-for-performance system for health
3 information exchange use.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

Collection and reporting of public health emergency data

This bill requires the entity that is under contract under current law to collect, analyze, and disseminate the health care information of hospitals and ambulatory surgery centers to prepare and publish a public health emergency dashboard during a state of emergency declared by the governor or a federally declared emergency, disaster, or public health emergency that involves Wisconsin. The public health emergency dashboard uses health care emergency preparedness information collected by the state from acute care hospitals and must include information to assist emergency response planning activities. The entity and the Department of Health Services must enter into a data use agreement and mutually agree to certain items specified in the bill.

Health information exchange pay-for-performance system

DHS shall develop for the Medical Assistance program a payment system based on performance to incentivize participation in the health information exchange as specified in the bill.

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

1 **SECTION 1.** 153.23 of the statutes is created to read:

2 **153.23 Public health emergency dashboard.** During a state of emergency
3 declared under s. 323.10, an emergency declared under 50 USC 1621 that involves
4 this state, an emergency or disaster declared under the federal Stafford Act, 42 USC
5 5121 to 5207, that involves this state, or a public health emergency declared under
6 42 USC 247d by the secretary of the federal department of health and human
7 services that involves this state, the entity under contract under s. 153.05 (2m) (a)
8 shall prepare and publish a public health emergency dashboard using health care
9 emergency preparedness program information collected by the state from acute care
10 hospitals. A dashboard published under this section shall include information to
11 assist emergency response planning activities. For purposes of this section, the
12 entity and the department shall enter into a data use agreement and mutually agree
13 to the health care emergency preparedness program information the department
14 will provide to the entity, the information the entity will include in the dashboard,
15 any publication schedule, and any other terms considered necessary by the entity or
16 the department.

17 **SECTION 2. Nonstatutory provisions.**

18 (1) **PAY-FOR-PERFORMANCE; HEALTH INFORMATION EXCHANGE.** The department of
19 health services shall develop for the Medical Assistance program a payment system
20 based on performance to incentivize participation in health information data sharing

1 to facilitate better patient care, reduced costs, and easier access to patient
2 information. The department shall establish performance metrics for the payment
3 system under this subsection that satisfy all of the following:

4 (a) The metric shall include participation by providers in a health information
5 exchange at a minimum level of patient record access.

6 (b) The payment under the payment system shall increase as the participation
7 level in the health information exchange increases.

8 (c) The payment system shall begin in the 2021 rate year.

9 (d) For purposes of this payment system, the department shall seek any
10 available federal moneys, including any moneys available for this purpose under the
11 the federal Coronavirus Aid, Relief, and Economic Security Act, P.L. 116-136, to
12 assist small, rural providers with the costs of information technology setup to
13 participate in the health information exchange.

14 (END)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT relating to:** loans to municipal utilities during the COVID-19 public
2 health emergency.

Analysis by the Legislative Reference Bureau

PUBLIC UTILITIES

Loans to municipal utilities for the purpose of maintaining liquidity

Under current law, the Board of Commissioners of Public Lands manages the common school fund, the normal school fund, the university fund, and the agricultural college fund (trust funds). Current law authorizes the BCPL to manage and invest moneys belonging to the trust funds in good faith and with the care an ordinary prudent person in a like position would exercise under similar circumstances.

On March, 11, 2020, the governor issued emergency order 11 in connection with the COVID-19 public health emergency. EO 11 suspended certain rules of the Public Service Commission to ensure that customers of public utilities do not experience a loss of service during the public health emergency. EO 11 also required that deferred payment agreements be made available not only to residential customers but also commercial, farm, and industrial customers of public utilities.

This bill authorizes the BCPL to loan moneys belonging to the trust funds to municipal utilities to ensure that municipal utilities are able to maintain liquidity during the COVID-19 public health emergency. A municipal utility is a public utility



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT relating to:** applicability of certain legislative oversight related to the
2 Department of Health Services during the COVID-19 public health emergency.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

Legislative oversight during COVID-19 public health emergency

This bill makes inapplicable during the public health emergency declared by the federal secretary of health and human services in response to the 2019 novel coronavirus certain legislative oversight procedures for requests for waivers, amendments to a waiver, or other federal approval but only if the request is for something specifically authorized in the bill. The legislative oversight procedures that would be inapplicable are the procedures under which the Department of Health Services must submit such a request if it has been directed by legislation. Any extension or renewal of the items specified in the bill must comply with legislative oversight requirements in current law as the bill specifies that DHS may implement the items specified in the bill only on a temporary basis to address the 2019 novel coronavirus pandemic for which the public health emergency was declared by the federal secretary.

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

3 **SECTION 1. Nonstatutory provisions.**

1 (1) LEGISLATIVE OVERSIGHT OF THE MEDICAL ASSISTANCE PROGRAM.

2 (a) Section 20.940 does not apply to a request for a waiver, amendment to a
3 waiver, or other federal approval from the department of health services submitted
4 to the federal department of health and human services during the public health
5 emergency declared under 42 USC 247d by the secretary of the federal department
6 of health and human services on January 31, 2020, in response to the 2019 novel
7 coronavirus, only if the request is any of the following, relating to the Medical
8 Assistance program:

9 1. Allowing providers to receive payments for services provided in alternative
10 settings to recipients affected by 2019 novel coronavirus.

11 2. Waiving preadmission screening and annual resident review requirements
12 when recipients are transferred.

13 3. Allowing hospitals who hold a state license but have not yet received
14 accreditation from the Joint Commission to bill the Medical Assistance program
15 during the 2019 novel coronavirus public health emergency.

16 4. Waiving payment of the application fee to temporarily enroll a provider for
17 90 days or until the termination of the 2019 novel coronavirus public health
18 emergency, whichever is longer.

19 5. Waiving pre-enrollment criminal background checks for providers that are
20 enrolled in the Medicare program to temporarily enroll the provider in the Medical
21 Assistance program for 90 days or until the termination of the 2019 novel
22 coronavirus public health emergency, whichever is longer.

23 6. Waiving site visit requirements to temporarily enroll a provider for 90 days
24 or until the termination of 2019 novel coronavirus public health emergency,
25 whichever is longer.

1 7. Ceasing revalidation of providers who are enrolled in the Medical Assistance
2 program or otherwise directly impacted by the 2019 novel coronavirus public health
3 emergency for 90 days or until termination of the public health emergency,
4 whichever is longer.

5 8. Waiving the requirement that physicians and other health care professionals
6 be licensed in the state in which they are providing services if they have equivalent
7 licensing in another state or are enrolled in the federal Medicare program.

8 9. Waiving prior authorization requirements for access to covered state plan or
9 waiver benefits.

10 10. Expanding the authority under Section 1905 (a) of the federal Social
11 Security Act regarding nonemergency transportation to allow for reimbursement of
12 any eligible individual under the Medical Assistance program, additional vendors,
13 transportation for caregivers going to provide services to recipients, and meal
14 delivery to Medical Assistance recipients.

15 11. Waiving public notice requirements that would otherwise be applicable to
16 state plan and waiver changes.

17 12. Modifying the tribal consultation timelines specified in the Medical
18 Assistance state plan to allow for consultation at the next future tribal health
19 director meeting.

20 13. Modifying the requirement under 42 CFR 430.20 to submit the state plan
21 amendment by March 31, 2020, to obtain an effective date during the first calendar
22 quarter of 2020. The department of health services shall comply with s. 49.45 (2t)
23 for any item included in the state plan amendment that is not specifically described
24 in this subsection.

1 14. Simplifying program administration by allowing for temporary state plan
2 flexibilities rather than requiring states to go through the state plan amendment
3 submission and approval process.

4 15. Waiving timely filing requirements for billing under 42 USC 1395cc and
5 1396a (a) (54) and 42 CFR 424.44 to allow time for providers to implement changes.

6 16. Expanding hospital presumptive eligibility to include the population over
7 age 65 and disabled.

8 17. Allowing flexibility for submission of electronic signatures on behalf of a
9 Medical Assistance recipient by application assistants if a signature cannot be
10 captured in person.

11 18. Waiving requirements for managed care organizations to complete initial
12 and periodic recredentialing of network providers if the providers meet Medical
13 Assistance provider enrollment requirements during the 2019 novel coronavirus
14 public health emergency.

15 19. Requiring managed care organizations to extend preexisting
16 authorizations through which a Medical Assistance recipient has received prior
17 authorization until the termination of the 2019 novel coronavirus public health
18 emergency.

19 20. Waiving sanctions under Section 1877 (g) of the Social Security Act relating
20 to limitations on physician referral.

21 21. Allowing flexibility in how a teaching physician is present with the patient
22 and resident including real-time audio and video or access through a window.

23 22. Waiving certain equipment requirements in hospital equipment
24 maintenance requirement guidance issued on December 20, 2013, to maintain the
25 health and safety of the hospitals' patients and providers.

1 23. Creating provisions allowing for additional flexibilities to allow for the use
2 in nursing homes of physician extenders in place of medical directors and attending
3 physicians and telehealth options.

4 24. Waiving notice of transfers within a nursing home due to medically
5 necessary protection from the 2019 novel coronavirus.

6 25. Waiving requirements to document sufficient preparation and orientation
7 to residents to ensure a safer and orderly intrafacility nursing home transfer.

8 26. Waiving requirements for a nursing home bedhold policy.

9 27. Waiving the requirements for nursing home in-service education under 42
10 CFR 483.35 (d) (7).

11 28. Waiving nurse staffing information and posting of that information for
12 nursing homes.

13 29. Suspending the requirement that a pharmacist go monthly to the nursing
14 home to do record review.

15 30. Waiving or lessening requirements for a paid feeding assistant program in
16 nursing homes and setting guidelines for training to assist with the 2019 novel
17 coronavirus pandemic.

18 31. Waiving the annual and quarterly screening of fire extinguishers and any
19 other annual maintenance review for nursing homes.

20 32. Allowing all clinical hours required under 42 CFR 483.152 (a) (3) to be
21 online simulation.

22 33. Waiving under 42 CFR 483.151 (b) (2) the loss of the Nurse Aide Training
23 and Competency Evaluation Program.

24 34. Waiving the requirements under 42 CFR 483.160 for training of paid
25 feeding assistants.

1 35. Allowing home health agencies to perform certifications, initial
2 assessments, and determine homebound status remotely or by record review.

3 36. Waiving life safety codes for intermediate care facilities for individuals with
4 intellectual disabilities under 42 CFR 483.70 and for hospitals, hospices, nursing
5 homes, critical access hospitals and intermediate care facilities for individuals with
6 intellectual disabilities relating to fire alarm system maintenance and testing,
7 automatic sprinkler and standpipe system inspection, testing, and maintenance,
8 and inspection and maintenance of portable fire extinguishers.

9 37. Relating to the home and community-based waiver programs of Family
10 Care, IRIS, and Children's Long-Term Supports, any of the following:

11 a. Allowing all waiver services and administrative requirements that that can
12 be provided with the same functional equivalency of face-to-face services to occur
13 remotely.

14 b. Removing the requirement to complete a 6-month progress report to
15 reauthorize prevocational service.

16 c. Removing the limitation that quotes from at least 3 providers must be
17 obtained and submitted for home modifications.

18 d. Removing the limitation preventing supportive home care from being
19 provided in adult family homes and residential care apartment complexes.

20 e. Removing the limitation preventing personal or nursing services for
21 recipients in residential care apartment complexes.

22 f. Removing the limitation that participants cannot receive other waiver
23 services on the same day as receiving respite care.

24 g. Allowing adult day service providers, prevocational providers, and
25 supported employment providers to provide services in alternate settings.

1 h. Allowing up to 3 meals per day for home delivered meals for Family Care and
2 IRIS program enrollees and adding home delivered meals as a benefit in the
3 Children's Long-Term Supports waiver.

4 i. Removing the limitation on using moneys to relocate individuals from an
5 institution or family home to an independent living arrangement.

6 j. Allowing any individual with an intellectual or developmental disability to
7 reside in a community-based residential facility with greater than 8 beds.

8 k. Modifying the scope of the child care benefit to allow for the provision of child
9 care payments for children under the age of 12 in the program for direct care workers
10 and medical workers who need access to child care during the emergency.

11 l. Allowing for all home and community-based waiver services to be provided
12 in temporary settings.

13 m. Allowing home and community-based waiver services to be provided
14 temporarily in an acute care hospital or in a short-term institutional stay.

15 n. Allowing payment for home and community-based waiver services provided
16 in settings outside this state.

17 o. Allowing general retailers to provide assistive technology or communication
18 aids.

19 p. Allowing providers certified or licensed in other states or enrolled in the
20 Medicare program to perform the same or comparable services in this state.

21 q. Delaying provider licensing or certification reviews.

22 r. Allowing the department of health services to waive provider qualifications
23 as necessary to increase the pool of available providers.

24 s. Allowing 4-year background checks to be delayed.

1 t. Expanding transportation providers to include individual and
2 transportation network companies.

3 u. Allowing noncertified individuals to provide home delivered meals.

4 v. Allowing nursing students to provide allowable nursing services.

5 w. Allowing parents to be paid caregivers for their minor children in the
6 Children's Long-Term Supports program when providing a service that would
7 otherwise have been performed and paid for by a provider.

8 x. Allowing for qualified individuals to provide training to unpaid caregivers.

9 y. Waiving choice of provider requirements.

10 z. Waiving the managed care network adequacy requirements under 42 CFR
11 438.68 and 438.207.

12 za. Waiving requirements to complete initial and required periodic
13 credentialing of network providers.

14 zb. Adding a verbal and electronic method to signing required documents.

15 zc. Allowing the option to conduct evaluations, assessments, and
16 person-centered service planning meetings virtually or remotely in lieu of
17 face-to-face meetings.

18 zd. Allowing the lessening of prior approval or authorization requirements.

19 ze. Allowing for data entry of incidents into the incident reporting system
20 outside of typical timeframes.

21 zf. Waiving the requirement to distribute member-centered plans to essential
22 providers.

23 zg. Allowing the department of health services to draw federal financing match
24 for payments, such as hardship or supplemental payments, to stabilize and retain

1 providers who suffer extreme disruptions to their standard business model or
2 revenue streams as a result of the 2019 novel coronavirus.

3 zh. Allowing the department of health services to waive participant liability for
4 room and board when temporarily sheltered at noncertified facilities.

5 zi. Allowing payment for home and community-based waiver services that are
6 not documented in the recipient's plan.

7 zj. Allowing managed care enrollees to proceed almost immediately to a state
8 fair hearing without having a managed care plan resolve the appeal first by
9 permitting the department of health services to modify the timeline for managed
10 care plans to resolve appeals to one day so the impacted appeals satisfy the
11 exhaustion requirements and give enrollees more time to request a fair hearing.

12 zk. Waiving public notice requirements that would otherwise be applicable to
13 waiver changes.

14 zl. Modifying the tribal consultation timelines to allow for consultation at the
15 next future tribal health directors meeting.

16 zm. Waiving timelines for reports, required surveys, and notifications.

17 zn. Allowing the extension of the certification period of level-of-care screeners.

18 zo. Allowing the waiver of requirements related to home and community-based
19 settings on a case by case basis in order to ensure the health, safety and welfare of
20 affected beneficiaries under 42 CFR 441.301 (c) (4).

21 zp. Applying any provisions under this paragraph automatically to the
22 concurrent 1915 (b) waiver.

23 zq. Allowing the waiver enrollment or eligibility changes based on a completed
24 functional screen resulting in a change in level-of-care.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6110/P1
CMH:cjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT relating to:** requiring the Legislative Audit Bureau to review certain
2 programs and expenditures.

Analysis by the Legislative Reference Bureau
LEGISLATURE

1. Audit of programs and expenditures under this act

Under this bill, beginning on July 1, 2020, and ending on June 30, 2021, the Legislative Audit Bureau must review programs affected by this act and expenditures authorized under this act and must report the results of its reviews at least quarterly to the legislature and to the Joint Legislative Audit Committee.

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

3 **SECTION 1. Nonstatutory provisions.**

4 (1) AUDIT OF PROGRAMS AND EXPENDITURES. Beginning July 1, 2020, and ending
5 June 30, 2021, the legislative audit bureau shall use risk-based criteria to review
6 selected programs affected by this act and selected expenditures made with funds
7 authorized by this act and report the results of its reviews at least quarterly to the

1 chief clerk of each house of the legislature and to the joint legislative audit
2 committee.

3 (END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6112/P3
MED:skw&cjs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to renumber* 108.07 (5); *to amend* 108.04 (13) (d) 3. b., 108.04 (13) (d)
2 4. b., 108.14 (8n) (e), 108.141 (7) (a) and 108.16 (6m) (a); and *to create* 108.04
3 (2) (d) and 108.07 (5) (bm) of the statutes; **relating to:** charging of
4 unemployment insurance benefits related to a public health emergency.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

Unemployment insurance; benefit charging

This bill requires the Department of Workforce Development, when processing claims for unemployment insurance benefits and evaluating work-share plans, to determine whether a claim or plan is related to the public health emergency declared by the governor under Executive Order #72. If a claim is so related, the bill provides that the regular benefits for that claim for weeks occurring after March 12, 2020, and before December 31, 2020, not be charged as is normally provided. Instead, the benefits for those weeks are, subject to numerous exceptions, to be charged to the balancing account of the unemployment reserve fund (pooled account financed by all employers who pay contributions that is used to pay benefits that are not chargeable to any employer's account) or, in the case of employers that do not pay contributions (taxes) but instead reimburse DWD for benefits directly (reimbursable employers), the benefits are to be paid in the manner specified under current law for certain other circumstances involving benefits chargeable to reimbursable employers.

The bill also requires the Secretary of Workforce Development, to the extent permitted under federal law, to seek advances to the state's unemployment reserve

fund from the federal government, so as to allow Schedule D of the unemployment insurance contribution (tax) rates to remain in effect through the end of calendar year 2021. Schedule D includes the lowest unemployment insurance contribution rates specified under current law, and is in effect for any calendar year whenever, as of the preceding June 30, the state's unemployment reserve fund has a cash balance of at least \$1,200,000,000.

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.** 108.04 (2) (d) of the statutes is created to read:

2 108.04 (2) (d) If required under s. 108.07 (5) (bm), each claimant shall and each
3 employer shall under s. 108.09 (1) or when otherwise requested by the department,
4 indicate whether a claim for regular benefits is related to the public health
5 emergency declared on March 12, 2020, by executive order 72. The department may
6 specify the information required to be provided under this paragraph.

7 **SECTION 2.** 108.04 (13) (d) 3. b. of the statutes is amended to read:

8 108.04 (13) (d) 3. b. If recovery of an overpayment is not permitted under s.
9 108.22 (8) (c), restore the proper amount to the employer's account and charge that
10 amount to the fund's balancing account unless s. 108.07 (5) ~~(e)~~ (am) 3. applies.

11 **SECTION 3.** 108.04 (13) (d) 4. b. of the statutes is amended to read:

12 108.04 (13) (d) 4. b. If recovery of an overpayment is not permitted under s.
13 108.22 (8) (c), restore the proper amount to the employer's account and charge that
14 amount in accordance with s. 108.07 (5) (am).

15 **SECTION 4.** 108.07 (5) of the statutes is renumbered 108.07 (5) (am).

16 **SECTION 5.** 108.07 (5) (bm) of the statutes is created to read:

17 108.07 (5) (bm) 1. The department shall, when processing initial claims for
18 regular benefits, determine whether a claim or plan is related to the public health

1 emergency declared on March 12, 2020, by executive order 72. If a claim is so related,
2 the regular benefits for that claim shall, except as provided in subd. 2., be paid as
3 provided in subd. 3.

4 2. a. Subdivision 1. applies only with respect to benefits payable for weeks
5 beginning after March 12, 2020, and beginning before December 31, 2020.

6 b. Subdivision 1. does not apply if the employer fails to timely and adequately
7 provide any information required by the department under s. 108.04 (2) (d).

8 c. Subdivision 1. does not apply with respect to any benefits paid or reimbursed
9 by the federal government, or any portion thereof, including the portion of any
10 benefits reimbursed by the federal government for reimbursable employers, as
11 defined in s. 108.155 (1) (b).

12 d. In the case of a claim for regular benefits that is a combined wage claim, as
13 defined in s. 108.04 (13) (g) 1. a., subd. 1. applies only with respect to this state's share
14 of benefits.

15 e. Subdivision 1. does not apply with respect to work-share benefits under s.
16 108.062 (6).

17 f. Subdivision 1. does not apply to benefits chargeable as provided in sub. (7).

18 3. Charges for benefits to which subd. 1. applies shall, notwithstanding any
19 other provision of this chapter, be paid or reimbursed as follows:

20 a. For employers subject to the contribution requirements of ss. 108.17 and
21 108.18, the benefits shall be charged to the fund's balancing account.

22 b. For reimbursable employers, as defined in s. 108.155 (1) (b), the benefits
23 shall be paid in the manner provided under par. (am) 1.

24 **SECTION 6.** 108.14 (8n) (e) of the statutes is amended to read:

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), (cg), (e), (L), (q), (s), or (t), (7m) or (8) (a) or (b),
6 108.07 (3), (3r), or (5) ~~(b)~~ (am) 2., or 108.133 (3) (f) would have applied to employment
7 by such an employer who is subject to the contribution requirements of ss. 108.17 and
8 108.18, the department shall charge the share of benefits based on employment with
9 that employer to the fund's balancing account, or, if s. 108.04 (1) (f) or (5) or 108.07
10 (3) 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)~~ (am)
13 1. and 2. The department shall also charge the fund's balancing account with any
14 other state's share of such benefits pending reimbursement by that state.

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

16 108.141 (**7**) (a) The department shall charge the state's share of each week of
17 extended benefits to each employer's account in proportion to the employer's share
18 of the total wages of the employee receiving the benefits in the employee's base
19 period, except that if the employer is subject to the contribution requirements of ss.
20 108.17 and 108.18 the department shall charge the share of extended benefits to
21 which s. 108.04 (1) (f), (5), (7) (a), (c), (cg), (e), (L), (q), (s), or (t), (7m) or (8) (a) or (b),
22 108.07 (3), (3r), or (5) ~~(b)~~ (am) 2., or 108.133 (3) (f) applies to the fund's balancing
23 account.

24 **SECTION 8.** 108.16 (6m) (a) of the statutes is amended to read:



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to create* 609.205 of the statutes; **relating to:** out-of-network charges
2 during the public health emergency related to COVID-19 and granting
3 rule-making authority.

Analysis by the Legislative Reference Bureau

INSURANCE

Payments for services by out-of-network providers

During the public health emergency declared by the governor or by the secretary of the federal Department of Health and Human Services in response to the COVID-19 pandemic, the bill prohibits a defined network plan, including a health maintenance organization, or preferred provider plan from requiring an enrollee of the plan to pay more for a service, treatment, or supply provided by an out-of-network provider than if the service, treatment, or supply is provided by a provider that is participating in the plan's network. This prohibition applies to any service, treatment, or supply that is related to diagnosis or treatment for COVID-19 and any service, treatment, or supply that is provided by a provider that is not a participating provider because a participating provider is unavailable due to the public health emergency. For a service, treatment, or supply provided under those circumstances, the bill requires the plan to reimburse the out-of-network provider at 225 percent of the federal Medicare program rate. Also under those circumstances, any health care provider or facility that provides a service, treatment, or supply to an enrollee of a plan but is not a participating provider of that plan shall accept as payment in full any payment by a plan that is at least 225 percent

of the federal Medicare program rate and may not charge the enrollee an amount that exceeds the amount the provider or facility is reimbursed by the plan.

This proposal may contain a health insurance mandate requiring a social and financial impact report under s. 601.423, stats.

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

1 **SECTION 1.** 609.205 of the statutes is created to read:

2 **609.205 Public health emergency for COVID-19.** (1) In this section,
3 “COVID-19” means an infection caused by the SARS-CoV-2 coronavirus.

4 (2) All of the following apply to a defined network plan or preferred provider
5 plan during the state of emergency related to public health declared under s. 323.10
6 on March 12, 2020, by executive order 72, or during the public health emergency
7 declared under 42 USC 247d by the secretary of the federal department of health and
8 human services in response to the COVID-19 pandemic:

9 (a) The plan may not require an enrollee to pay, including cost sharing, for a
10 service, treatment, or supply provided by a provider that is not a participating
11 provider in the plan’s network of providers more than the enrollee would pay if the
12 service, treatment, or supply is provided by a provider that is a participating
13 provider. This subsection applies to any service, treatment, or supply that is related
14 to diagnosis or treatment for COVID-19 and to any service, treatment, or supply that
15 is provided by a provider that is not a participating provider because a participating
16 provider is unavailable due to the public health emergency.

17 (b) The plan shall reimburse a provider that is not a participating provider for
18 a service, treatment, or supply provided under the circumstances described under
19 par. (a) at 225 percent of the rate the federal Medicare program reimburses the

1 provider for the same or a similar service, treatment, or supply in the same
2 geographic area.

3 **(3)** During the state of emergency related to public health declared under s.
4 323.10 on March 12, 2020, by executive order 72, or during the public health
5 emergency declared under 42 USC 247d by the secretary of the federal department
6 of health and human services in response to the COVID-19 pandemic, all of the
7 following apply to any health care provider or health care facility that provides a
8 service, treatment, or supply to an enrollee of a defined network plan or preferred
9 provider plan but is not a participating provider of that plan:

10 (a) The health care provider or facility shall accept as payment in full any
11 payment by a defined network plan or preferred provider plan that is at least 225
12 percent of the rate the federal Medicare program reimburses the provider for the
13 same or a similar service, treatment, or supply in the same geographic area.

14 (b) The health care provider or facility may not charge the enrollee for the
15 service, treatment, or supply an amount that exceeds the amount the provider or
16 facility is reimbursed by the defined network plan or preferred provider plan.

17 **(4)** The commissioner may promulgate any rules necessary to implement this
18 section.

19 **(END)**



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6118/P5
MPG:all

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to create* 323.265 of the statutes; **relating to:** suspension of deadlines
2 and training requirements during a public health emergency.

Analysis by the Legislative Reference Bureau
STATE GOVERNMENT

Suspension of deadlines and training requirements

This bill authorizes state agencies, authorities, local governments, the legislature, and the courts to suspend, during a public health emergency, deadlines and training requirements that they administer or enforce. The bill excludes deadlines relating to the filing or payment of taxes and deadlines relating to an election.

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

3 **SECTION 1.** 323.265 of the statutes is created to read:
4 **323.265 Suspension of certain deadlines and training requirements**
5 **during a public health emergency. (1) DEFINITIONS.** In this section:
6 (a) “Agency” means any office, department, agency, institution of higher
7 education, association, society, or other body in state government created or

1 authorized to be created by the constitution or any law, including any authority
2 created in subch. II of ch. 114 or in ch. 231, 232, 233, 234, 237, 238, or 279, the
3 legislature, or the courts.

4 (b) "Deadline" means any date certain by which, or any other limitation as to
5 time within which, an action or event is required to occur.

6 (c) "Emergency period" means the period covered by a public health emergency
7 declared by the governor under s. 323.10, plus 30 days.

8 (d) "Local governmental unit" means a political subdivision of this state, a
9 special purpose district in this state, an agency or corporation of a political
10 subdivision or special purpose district, or a combination or subunit of any of the
11 foregoing.

12 **(2) DEADLINES.** (a) Each agency or local governmental unit may toll for the
13 duration of an emergency period any deadline falling within that period that the
14 agency or local governmental unit administers or enforces. The agency or local
15 governmental unit may not charge any interest or penalty that would otherwise
16 apply with respect to the tolled deadline.

17 (b) Paragraph (a) does not apply to all of the following:

18 1. Any deadline with respect to the filing or payment of a tax for which the
19 revenue is deposited or is expected to be deposited in the general fund, a tax or fee
20 for which the revenue is deposited or is expected to be deposited in the transportation
21 fund, or a property tax.

22 2. The date on which an election, as defined in s. 5.02 (4), is to be held, and any
23 deadline relating to an election.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6119/P3
SWB&TJD:all

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to renumber and amend* 49.688 (1) (c); and *to create* 49.688 (1) (c) 2.
2 and 49.688 (10m) of the statutes; **relating to:** coverage of vaccinations through
3 the SeniorCare program.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

Coverage of vaccinations under SeniorCare

This bill requires the Department of Health Services to include coverage of vaccinations through the SeniorCare program. Under current law, DHS administers the SeniorCare program, which provides assistance to the elderly in the purchase of prescription drugs. The program is operated under a waiver of federal Medicaid laws, but DHS is required to implement the program regardless of whether the waiver is received from the federal Department of Health and Human Services. This bill incorporates coverage through the SeniorCare program of those vaccinations recommended for administration to adults by the federal Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices and approved by DHS. The bill requires DHS to provide payments to health care providers that administer the vaccinations and submit claims for payment in the manner required. Under the bill, DHS may provide payment for a vaccination only after deducting the amount of any payment for the vaccination available from other sources.

For further information see the *state* 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.** 49.688 (1) (c) of the statutes is renumbered 49.688 (1) (c) (intro.) and
2 amended to read:

3 49.688 (1) (c) (intro.) “Prescription drug” means ~~a~~ any of the following:

4 1. A prescription drug, as defined in s. 450.01 (20), that is included in the drugs
5 specified under s. 49.46 (2) (b) 6. h. and that is manufactured by a drug manufacturer
6 that enters into a rebate agreement in force under sub. (6).

7 **SECTION 2.** 49.688 (1) (c) 2. of the statutes is created to read:

8 49.688 (1) (c) 2. A vaccination recommended for administration to adults by the
9 federal centers for disease control and prevention’s advisory committee on
10 immunization practices and approved for administration to adults by the
11 department.

12 **SECTION 3.** 49.688 (10m) of the statutes is created to read:

13 49.688 (10m) (a) Notwithstanding subs. (6) and (7) (a), from the appropriation
14 accounts under s. 20.435 (4) (bv), (j), and (pg), except as provided under sub. (7) (b),
15 the department shall, under a schedule that is identical to that used by the
16 department for payment of claims under the Medical Assistance program, provide
17 to health care providers who administer vaccinations, including pharmacies and
18 pharmacists, payments for vaccinations, as described under sub. (1) (c) 2., that are
19 administered by health care providers to persons eligible under sub. (2) who have
20 paid the deductible specified under sub. (3) (b) 1. or 2., or who, under sub. (3) (b) 1.,
21 are not required to pay a deductible. The reimbursement to a health care provider

1 for each vaccination under this subsection shall be at the rate of payment made for
2 the identical vaccination under s. 49.46 (2) (b), plus a dispensing fee that is equal to
3 the dispensing fee permitted to be charged for vaccinations for which coverage is
4 provided under s. 49.46 (2) (b). The department shall devise and distribute a claim
5 form for use by health care providers under this subsection and may limit payment
6 under this subsection to those vaccinations for which payment claims are submitted
7 by health care providers directly to the department. The department may apply to
8 the program under this subsection the same utilization and cost control procedures
9 that apply under rules promulgated by the department to medical assistance under
10 subch. IV of ch. 49.

11 (b) The department may provide payment for a vaccination under this
12 subsection only after deducting the amount of any payment for the vaccination
13 available from other sources.

14

(END)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to create** 895.4801 of the statutes; **relating to:** immunity for health care
2 professionals and health care providers during public health emergency.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

Immunity from civil liability for health care providers during COVID-19 emergency

This bill provides immunity from civil liability for health care professionals and providers and employees, agents, or contractors of those professionals or providers for death, injury, or damages caused by actions or omissions taken in providing services to address or in response to a 2019 novel coronavirus outbreak during an emergency or disaster declared relating to the 2019 novel coronavirus pandemic. To be immune from civil liability, the actions or omissions must not involve reckless or wanton conduct or intentional misconduct and must occur during a good faith response to the emergency or be substantially consistent with either a direction, guidance, recommendation, or other statement made by a federal, state, or local official to address or in response to the emergency or disaster or any published guidance of the Department of Health Services or the federal Department of Health and Human Services relied upon in good faith.

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

1 **SECTION 1.** 895.4801 of the statutes is created to read:

2 **895.4801 Immunity for health care providers during COVID-19**
3 **emergency. (1) DEFINITIONS.** In this section:

4 (a) “Health care professional” means an individual licensed, registered, or
5 certified by the medical examining board under subch. II of ch. 448 or the board of
6 nursing under ch. 441.

7 (b) “Health care provider” has the meaning given in s. 146.38 (1) (b) and
8 includes an adult family home, as defined in s. 50.01 (1).

9 **(2) IMMUNITY.** Subject to sub. (3), any health care professional, health care
10 provider, or employee, agent, or contractor of a health care professional or health care
11 provider is immune from civil liability for the death of or injury to any individual or
12 any damages caused by actions or omissions taken in providing services to address
13 or in response to a 2019 novel coronavirus outbreak under circumstances that satisfy
14 all of the following:

15 (a) The action or omission is committed while the professional, provider,
16 employee, agent, or contractor is providing services during the state of emergency
17 declared under s. 323.10 relating to the 2019 novel coronavirus pandemic and for the
18 60 days following the date that the state of emergency terminates.

19 (b) The actions or omissions occur during the person’s good faith response to
20 the emergency described under par. (a) or are substantially consistent with any of
21 the following:

22 1. Any direction, guidance, recommendation, or other statement made by a
23 federal, state, or local official to address or in response to the emergency or disaster
24 declared as described under par. (a).



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6121/P3
RAC&CMH:cjs/cdc/amn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT relating to:** exempting communications relating to a public health
2 emergency from the 50 piece rule.

Analysis by the Legislative Reference Bureau

CAMPAIGN FINANCE

Communications relating to public health emergency

Currently, under Wisconsin's campaign finance law, a person elected to a state or local government elective office who becomes a candidate for a national, state, or local government office may not use public funds to pay the cost of materials or distribution for 50 or more pieces of substantially identical material during the campaign season. This bill exempts from this prohibition communications during the COVID-19 public health emergency that relate to the public health emergency.

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

3 **SECTION 1. Nonstatutory provisions.**

4 (1) COMMUNICATIONS LIMITATIONS UNDER CAMPAIGN FINANCE LAW. Section 11.1205

5 (1) does not apply to communications made during, or within 30 days after

SECTION 1

1 termination of, the public health emergency declared on March 12, 2020, by
2 executive order 72, if the communications relate to the public health emergency.

3 (END)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT relating to:** authority to waive interest and penalties for general fund
2 and transportation fund taxes during the public health emergency.

Analysis by the Legislative Reference Bureau

TAXATION

OTHER TAXATION

Authority to waive interest and penalties for general fund and transportation fund taxes

This bill authorizes the secretary of revenue to waive, for any person who fails to remit general fund taxes or transportation fund taxes and fees by their due date, the interest and penalties that accrue during the period covered by the COVID-19 public health emergency if the due date falls within that period and the secretary determines that the person's failure is due to the effects of the COVID-19 pandemic.

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:

3 **SECTION 1. Nonstatutory provisions.**

4 (1) AUTHORITY TO WAIVE INTEREST AND PENALTIES FOR GENERAL FUND AND
5 TRANSPORTATION FUND TAXES. For any person who fails to remit a covered tax or fee

1 by the date required by law, the secretary of revenue may waive, on a case-by-case
2 basis, any penalty or interest that accrues during the applicable period if the date
3 required by law for the remittance is during the applicable period and the secretary
4 determines that the person's failure is due to the effects of the COVID-19 pandemic.
5 For purposes of this subsection, "applicable period" means the period covered by the
6 public health emergency declared on March 12, 2020, by executive order 72, and
7 "covered tax or fee" means a tax that is deposited or expected to be deposited into the
8 general fund or a tax or fee that is deposited or expected to be deposited into the
9 transportation fund.

10 (END)



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT relating to:** autopsies and cremation of bodies of persons who died of
2 COVID-19.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

Death of an Inmate

Under current law, if an individual dies while he or she is in the legal custody of the Department of Corrections and confined to a correctional facility located in this state, an autopsy on the deceased individual must be performed. Under this bill, for the duration of the public health emergency relating to COVID-19, if an individual who has been diagnosed with COVID-19 dies, the coroner or medical examiner may perform limited examination of the deceased individual instead of a full autopsy, which may include an external examination of the body of the deceased individual, a review of the deceased individual's medical records, or a review of the deceased individual's radiographs.

HEALTH AND HUMAN SERVICES

Cremation permits and electronic signature of death certificates

Under current law, a coroner or medical examiner must view the corpse of a deceased person before issuing a cremation permit, and the corpse may not be cremated within 48 hours after the death unless the death was caused by a contagious or infectious disease. Under this bill, for the duration of the public health emergency relating to COVID-19, if a physician, coroner, or medical examiner has signed the death certificate of a deceased person and listed COVID-19 as the cause

of death, a coroner or medical examiner must issue a cremation permit without viewing the corpse of a deceased person and a coroner or medical examiner must issue the permit within 48 hours after the time of death. The bill also requires that if the underlying cause of a death is determined to be COVID-19, the person required to sign the death certificate shall provide an electronic signature on the death certificate within 48 hours after the death occurs.

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

1 **SECTION 1. Nonstatutory provisions.**

2 (1) AUTOPSIES AND CREMATION OF BODIES OF PERSONS WHO DIED OF COVID-19.

3 (a) *Definition.* In this subsection, “COVID-19” means an infection caused by
4 the SARS-CoV-2 coronavirus.

5 (b) *Viewing of a corpse to be cremated following death from COVID-19.*

6 Notwithstanding s. 979.10 (1) (b), for the duration of the public health emergency
7 declared on March 12, 2020, by executive order 72, if any physician, coroner, or
8 medical examiner has signed the death certificate of a deceased person and listed
9 COVID-19 as the underlying cause of death, a coroner or medical examiner shall
10 issue a cremation permit to cremate the corpse of that deceased person without
11 viewing the corpse.

12 (c) *Time for cremation of a person who has died of COVID-19.* Notwithstanding
13 s. 979.10 (1) (a) (intro.), for the duration of the public health emergency declared on
14 March 12, 2020, by executive order 72, if a physician, coroner, or medical examiner
15 has signed the death certificate of a deceased person and listed COVID-19 as the
16 underlying cause of death, a coroner or medical examiner shall issue, within 48 hours
17 after the time of death, a cremation permit for the cremation of a corpse of a deceased
18 person.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6130/P2
TJD:skw&amn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT relating to:** renewals of emergency medical services credentials during
2 COVID-19 public health emergency.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

Renewals of credentials for emergency medical services providers

This bill prohibits the Department of Health Services from requiring an ambulance service provider, emergency medical services practitioner, or emergency medical responder that holds a credential to renew the credential or to meet renewal requirements during the state of emergency declared in response to the COVID-19 pandemic. Under the bill, a renewal that occurs after the emergency period is not considered a late renewal if the application to renew the credential is received before the next applicable renewal date, and DHS may, for that next applicable renewal date, provide an exemption from or reduction of continuing education or other conditions for renewal. Current law requires licenses for ambulance service providers and emergency medical services practitioners and certificates for emergency medical responders to be renewed every three years. Currently, emergency medical services practitioners must complete training, education, or examination requirements set by DHS to renew their licenses. Current law requires ambulance service providers must provide a financial report and a certification by each governmental unit in the service or contract area for license renewal. Currently,



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT relating to:** federal Child Care and Development Fund block grant funds
2 received under the Coronavirus Aid, Relief, and Economic Security Act of 2020.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

Child Care and Development Fund block grant funding

Under this bill, federal Child Care and Development Fund block grant funds received by the state under the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 are credited to federal block grant appropriations and the purposes for the expenditure of those funds are subject to passive review by the Joint Committee on Finance.

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

3 **SECTION 1. Nonstatutory provisions.**

4 (1) CHILD CARE AND DEVELOPMENT FUND BLOCK GRANT FUNDS. The federal Child
5 Care and Development Fund block grant funds received under the Coronavirus Aid,
6 Relief, and Economic Security (CARES) Act of 2020 (P.L. 116-136) shall be credited

1 to the appropriations under s. 20.437 (1) (mc) and (md). No moneys credited under
2 this subsection may be encumbered or expended except as provided under s. 16.54
3 (2) (a) 2.

4 **(END)**



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to renumber* 60.11 (2) (b); *to renumber and amend* 70.47 (3) (aL); and
2 *to create* 60.11 (2) (b) 2. and 70.47 (3) (aL) 2. of the statutes; **relating to:**
3 postponing the annual town meeting and the meeting of the boards of review.

Analysis by the Legislative Reference Bureau

LOCAL GOVERNMENT

Board of review meeting

Under current law, a town, city, or village annually convenes a meeting of the board of review to hear objections to local assessments. The board must meet during the 45-day period beginning on the fourth Monday in April, but no sooner than seven days after the last day on which the property tax assessment roll is open for public examination. If the assessment roll is not complete in time for the board's first meeting, the board meets, but adjourns until the roll is complete. Under the bill, regardless of whether the 2020 assessment roll is complete at the time of the 45-day period beginning on the 4th Monday of April, the board may publish a notice that the board has adjourned and will proceed as provided under current law.

Annual town meeting

Under current law, a town is required to hold an annual town meeting. The town meeting must be held on the third Tuesday of April, except that the town may set another date within ten days after the third Tuesday of April. This bill allows a town board or, if the town board is unable to promptly meet, the town chair to postpone the town meeting so that it does not occur during the period beginning on



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT relating to:** eligibility for local fair aids.

Analysis by the Legislative Reference Bureau

AGRICULTURE

Eligibility for local fair aids

This bill modifies the eligibility requirements for agricultural societies, boards, and associations to receive local fair aid provided by the Department of Agriculture, Trade and Consumer Protection. To remain eligible for local fair aid from DATCP, current law requires local agricultural societies, boards, and associations to operate a fair each year. The bill allows agricultural societies, boards, and associations to remain eligible for local fair aid if a local fair is not held during 2020 because of the public health emergency declared on March 12, 2020, by executive order 72.

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:

2 **SECTION 1. Nonstatutory provisions.**

3 (1) **ELIGIBILITY FOR LOCAL FAIR AIDS.** Notwithstanding s. 93.23 (1) (c), each
4 agricultural society, board, or association that received aid under s. 93.23 in 1950

1 shall continue to remain eligible for aid if a fair operated by the society, board, or
2 association is not held during 2020 because of the public health emergency declared
3 on March 12, 2020, by executive order 72.

4 (END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6153/P1
MES/EKL/JK:cdc&ahe

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to amend** 71.01 (6) (L) 3., 71.22 (4) (L) 3., 71.22 (4m) (L) 3., 71.26 (2) (b)
2 12. d., 71.34 (1g) (L) 3., 71.42 (2) (L) 3. and 71.98 (3) of the statutes; **relating**
3 **to:** adopting for Wisconsin purposes federal tax law changes adopted in
4 response to the coronavirus outbreak.

Analysis by the Legislative Reference Bureau

TAXATION

Internal Revenue Code updates; federal tax law changes, coronavirus

This bill makes a number of changes to conform Wisconsin's tax law to federal tax law changes enacted in March 2020 in response to the coronavirus outbreak. The bill includes the following changes:

1. Exempts from otherwise applicable penalties certain taxable year 2020 distributions from a retirement account qualified under the Internal Revenue Code, and exempts from income taxation these distributions subject to a number of conditions.

2. Creates additional deductions, for taxable year 2020, for certain individual charitable contributions, and suspends the limitations on certain individual and corporate charitable deductions. The suspension of limitations applies to contributions made in calendar year 2020 only, although certain amounts donated in 2020 may be carried forward to future years.

3. Clarifies that an individual's health insurance plan is still treated as a high deductible plan even if it fails to provide a deductible for telehealth and other remote care services.

4. Conforms state law to federal law regarding the treatment of paycheck protection loans to businesses and employees under the small business administration's loan guarantee program for the period of time from February 15, 2020, through June 30, 2020. A portion of the loans may be forgiven on a tax-free basis under certain conditions.

5. Provides an exclusion from income for certain student loan principal and interest payments made by an employer on behalf of an employee, subject to the same current law cap of \$5,250 in payments for qualified educational expenses made on behalf of an employee by an employer. This provision applies to payments made from March 28, 2020, through December 31, 2020.

6. Corrects a drafting error in the federal Tax Cuts and Jobs Act of 2017 to provide a 15-year recovery period for qualified improvement property.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

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.** 71.01 (6) (L) 3. of the statutes is amended to read:

2 71.01 **(6)** (L) 3. For purposes of this paragraph, "Internal Revenue Code" does
3 not include amendments to the federal Internal Revenue Code enacted after
4 December 31, 2017, except that "Internal Revenue Code" includes sections 1106,
5 2202, 2203, 2204, 2205, 2206, 2307, 3608, 3609, 3701, and 3702 of division A of P.L.
6 116-136.

7 **SECTION 2.** 71.22 (4) (L) 3. of the statutes is amended to read:

8 71.22 **(4)** (L) 3. For purposes of this paragraph, "Internal Revenue Code" does
9 not include amendments to the federal Internal Revenue Code enacted after
10 December 31, 2017, except that "Internal Revenue Code" includes sections 1106,
11 2202, 2203, 2204, 2205, 2206, 2307, 3608, 3609, 3701, and 3702 of division A of P.L.
12 116-136.

13 **SECTION 3.** 71.22 (4m) (L) 3. of the statutes is amended to read:

1 71.22 **(4m)** (L) 3. For purposes of this paragraph, “Internal Revenue Code” does
2 not include amendments to the federal Internal Revenue Code enacted after
3 December 31, 2017, except that “Internal Revenue Code” includes sections 1106,
4 2202, 2203, 2204, 2205, 2206, 2307, 3608, 3609, 3701, and 3702 of division A of P.L.
5 116-136.

6 **SECTION 4.** 71.26 (2) (b) 12. d. of the statutes is amended to read:

7 71.26 **(2)** (b) 12. d. For purposes of subd. 12. a., “Internal Revenue Code” does
8 not include amendments to the federal Internal Revenue Code enacted after
9 December 31, 2017, except that “Internal Revenue Code” includes sections 1106,
10 2202, 2203, 2204, 2205, 2206, 2307, 3608, 3609, 3701, and 3702 of division A of P.L.
11 116-136.

12 **SECTION 5.** 71.34 (1g) (L) 3. of the statutes is amended to read:

13 71.34 **(1g)** (L) 3. For purposes of this paragraph, “Internal Revenue Code” does
14 not include amendments to the federal Internal Revenue Code enacted after
15 December 31, 2017, except that “Internal Revenue Code” includes sections 1106,
16 2202, 2203, 2204, 2205, 2206, 2307, 3608, 3609, 3701, and 3702 of division A of P.L.
17 116-136.

18 **SECTION 6.** 71.42 (2) (L) 3. of the statutes is amended to read:

19 71.42 **(2)** (L) 3. For purposes of this paragraph, “Internal Revenue Code” does
20 not include amendments to the federal Internal Revenue Code enacted after
21 December 31, 2017, except that “Internal Revenue Code” includes sections 1106,
22 2202, 2203, 2204, 2205, 2206, 2307, 3608, 3609, 3701, and 3702 of division A of P.L.
23 116-136.

24 **SECTION 7.** 71.98 (3) of the statutes is amended to read:



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT relating to:** applications for heating assistance.

Analysis by the Legislative Reference Bureau

HOUSING

Deadline for applying for heating assistance

Under current law, a household may apply for heating assistance under the Department of Administration's low-income energy assistance program after September 30 and before May 16 of any year. Under this bill, applications may be submitted at any time in calendar year 2020.

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:

2 **SECTION 1. Nonstatutory provisions.**

3 (1) APPLICATIONS FOR HEATING ASSISTANCE. Households may apply for heating
4 assistance under s. 16.27 (4) (a) at any time during calendar year 2020.

5 (END)



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6155/P2
MIM:cdc

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to create* 102.03 (6) and 102.565 (6) of the statutes; **relating to:**
2 rebuttable presumption that injury to a first responder related to COVID-19
3 was caused by employment for purposes of worker's compensation.

Analysis by the Legislative Reference Bureau

EMPLOYMENT

WORKER'S COMPENSATION

Rebuttable presumption that injury caused to first responders during current public health emergency is caused by employment

This bill provides that, for the purposes of worker's compensation, an injury caused to a first responder, during any public health emergency declared by the governor on March 12, 2020, by executive order 72 and ending 30 days after the termination of the order, is presumed to be caused by the individual's employment. The presumption requires a diagnosis or positive test for COVID-19, and may be rebutted by specific evidence that the injury was caused outside of employment.

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:



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6157/P2
FFK:all

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to amend* 115.385 (1) (intro.), 115.415 (1) (b), 115.999 (1) (d) 1., 115.999
2 (2m) (b) 1. a., 118.38 (2) (am) (intro.), 118.38 (3), 118.60 (7) (an) 1., 119.23 (7) (an)
3 1., 119.33 (2) (b) 3. b., 119.33 (2) (b) 3. c., 119.33 (5) (b) 2., 119.9002 (2) (d) 2. a.,
4 119.9002 (2) (d) 2. b., 119.9002 (2) (d) 3. a., 119.9002 (2) (d) 3. b. and 119.9004
5 (3) (b) 2.; and **to create** 115.385 (6), 115.7915 (8m), 118.38 (4), 118.60 (12) and
6 119.23 (12) of the statutes; **relating to:** private school hours of instruction
7 requirements in the 2019-20 school year, 2020-21 applications for the
8 statewide parental choice program, full-time open enrollment applications for
9 the 2020-21 school year, requirements to administer pupil assessments in the
10 2019-20 school year, the 2019-20 school and school district accountability
11 report, waiver authority for private schools in parental choice programs, the
12 Special Needs Scholarship Program, and independent charter schools in a

1 public health emergency, and public health emergency exceptions in parental
2 choice programs and the Special Needs Scholarship Program.

Analysis by the Legislative Reference Bureau

EDUCATION

Pupil examinations; public health emergency exception for the 2019-20 school year.

Under current law, school boards, independent charter schools, private schools participating in the Milwaukee Parental Choice Program, Racine Parental Choice Program or Wisconsin Parental Choice Program and, under some circumstances, a private school participating in the Special Needs Scholarship Program are required to annually administer examinations adopted by the state superintendent of public instruction to pupils in the fourth, eighth, ninth, tenth, and eleventh grades. These examinations are commonly referred to as the Wisconsin Student Assessment System, which include The Forward Exam, ACT ASPIRE, the ACT, and Dynamic Learning Maps. Under the bill, the requirements to administer the WSAS do not apply in the 2019-20 school year.

Current law also requires school boards, independent charter schools, and private schools participating in a parental choice program to annually administer a standardized reading test developed by the Department of Public Instruction to third grade pupils. Under the bill, requirements to administer the third grade standardized reading test do not apply in the 2019-20 school year.

Under current law, school boards and independent charter schools are required to evaluate teachers and principals using an educator effectiveness evaluation system that considers pupil performance on statewide assessments. Under the bill, school boards and independent charter schools are prohibited from considering pupil performance on statewide assessments in evaluating teachers and principals in the 2019-20 school year.

School and school district accountability report for the 2019-20 school year.

The bill prohibits DPI from publishing a school and school district accountability report in the 2020-21 school year.

Under current law, DPI is required to publish a school and school district accountability report each year by November 30. To measure school performance and school district improvement, particularly measures related to pupil achievement in reading and math, DPI uses data derived from pupil performance on statewide assessments administered in the prior school year. The bill also changes references to accountability reports published in a specific school year or years to the most recently published accountability report or reports to account for the fact that, under the bill, DPI will not publish an accountability report in the 2020-21 school year.

Waiver of laws and rules related to parental choice programs, the Special Needs Scholarship Program, and independent charter schools; schools closed by the Department of Health Services or a local health officer.

Under the bill, during the public health emergency declared on March 12, 2020, by executive order 72, if the Department of Health Services or a local health officer closes schools for ten or more school days during a school year, DPI may waive state education statutes, or rules promulgated under those statutes, related to 1) a parental choice program or the SNSP, 2) private schools participating in a parental choice program or the SNSP, or 3) independent charter schools. Under the bill, DPI may also establish alternate deadlines for requirements in education laws or rules if the original deadline occurs between the date the schools are closed and 120 days after the day schools are reopened or the original deadline relates to another event that occurs during that same period.

Under current law, upon request from a school board and a public hearing, DPI may waive school district and school board requirements in a state education statute or rule. However, under current law, a school board may not request, and DPI may not grant, a waiver from state education statutes and rules related to certain topics, including the health or safety of pupils, confidentiality of pupil records, and pupil assessments.

Exceptions in parental choice programs and the Special Needs Scholarship Program; schools closed by the Department of Health Services or a local health officer.

Current law allows DPI to bar a private school from participating in a parental choice program or the SNSP in the current school year if the private school fails to comply with specified program requirements. For certain program violations, current law allows DPI to bar a private school from participating in the following school year. Current law also allows DPI to withhold program payments if a participating private school fails to comply with program requirements.

Under the bill, during the public health emergency declared on March 12, 2020, by executive order 72, if a participating private school is closed by DHS or a local health officer for ten or more school days during a school year, DPI may not withhold program payments or bar the private school from participating in the parental choice program or the SNSP in the current or following school year if the private school demonstrates to DPI that the failure to comply with the program requirement was due to the school closure.

Under current law, a private school participating in a parental choice program must maintain a cash and investment balance that is at least equal to its reserve balance. Under the bill, during the public health emergency declared on March 12, 2020, by executive order 72, this requirement does not apply in a school year during which the private school is closed by DHS or a local health officer for ten or more school days.

Private schools; waiver for hours of instruction in the 2019-20 school year.

Under the bill, in the 2019-20 school year, upon request from a private school, DPI may waive any requirement related to a private school providing hours of instruction.

Wisconsin Parental Choice Program; application deadlines for the 2020-21 school year.

The bill extends two deadlines related to pupil applications to attend a private school in the Wisconsin Parental Choice Program in the 2020-21 school year. First, under the bill, a private school participating in the WPCP may accept WPCP applications for the 2020-21 school year from pupils until May 14, 2020, rather than April 16, 2020, under current law. Second, under the bill, private schools participating in the WPCP have until May 29, 2020, to submit information to DPI about the number of WPCP applications the private school received from pupils for the 2020-21 school year. Under current law, private schools participating in the WPCP are required to submit this information to DPI by May 1, 2020.

Full-time open enrollment program; application deadlines for the 2020-21 school year.

Under current law, a pupil may attend a public school in a school district other than the pupil's resident school district under the full-time open enrollment program (OEP). Current law specifies specific dates by which various steps must occur in the OEP application process. For example, under current law, the last day to submit an application to attend a nonresident school district under the OEP in the 2020-21 school year is April 30, 2020.

This bill extends statutory deadlines related to applications to attend a nonresident school district under the OEP by approximately 30 days. For example, under the bill, the last day to submit an application to attend a nonresident school district under the OEP in the 2020-21 school year is May 29, 2020.

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

2 115.385 (1) (intro.) ~~Annually~~ Except as provided in sub. (6), annually by
3 November 30, the department shall publish a school and school district
4 accountability report that includes all of the following components:

5 **SECTION 2.** 115.385 (6) of the statutes is created to read:

6 115.385 (6) The department shall not publish a school and school district
7 accountability report under this section in the 2020-21 school year.

8 **SECTION 3.** 115.415 (1) (b) of the statutes is amended to read:

1 115.415 (1) (b) For the evaluation of teachers and principals in the 2014-15
2 2019-20 school year, the school board and the operator of a charter school established
3 under s. 118.40 (2r) may not consider pupil performance on statewide assessments
4 administered under s. 118.30 in the 2014-15 2019-20 school year and may not
5 include pupil performance on those assessments in the evaluation score assigned to
6 a teacher or principal under the educator effectiveness evaluation system developed
7 under this section.

8 **SECTION 4.** 115.7915 (8m) of the statutes is created to read:

9 115.7915 (8m) PUBLIC HEALTH EXCEPTION. During the public health emergency
10 declared on March 12, 2020, by executive order 72, if a private school participating
11 in the program under this section is closed for at least 10 school days in a school year
12 by a local health officer, as defined in s. 250.01 (5), or the department of health
13 services, in the school year during which the school is closed and the following school
14 year, the department may not withhold payment from the private school under sub.
15 (8) (c) or bar the private school from participating in the program under sub. (8) (a)
16 for failing to comply with a requirement under this section or a rule promulgated
17 under this section if all of the following occur:

18 (a) The private school submits information to the department that explains
19 how the school closure impacted the private school's ability to comply with the
20 requirement and any action the private school took to mitigate the consequences of
21 not complying with the requirement.

22 (b) The department determines that the private school's failure to comply with
23 the requirement was caused by the closure.

24 **SECTION 5.** 115.999 (1) (d) 1. of the statutes is amended to read:

1 115.999 (1) (d) 1. The school district was assigned to the lowest performance
2 category on the 2 most recent accountability reports published for the district under
3 s. 115.385 (1) ~~in the 2 most recent school years.~~

4 **SECTION 6.** 115.999 (2m) (b) 1. a. of the statutes is amended to read:

5 115.999 (2m) (b) 1. a. The unified school district was assigned to the lowest
6 performance category on the 3 most recent accountability reports published for the
7 ~~district~~ under s. 115.385 (1) ~~in the 3 most recent school years.~~

8 **SECTION 7.** 118.38 (2) (am) (intro.) of the statutes is amended to read:

9 118.38 (2) (am) (intro.) In determining whether to grant the a waiver under
10 sub. (1), the department shall consider all of the following factors and may consider
11 additional factors:

12 **SECTION 8.** 118.38 (3) of the statutes is amended to read:

13 118.38 (3) A waiver granted under sub. (2) is effective for 4 years. The
14 department shall renew the waiver for additional 4-year periods if the school board
15 has evaluated the educational and financial effects of the waiver over the previous
16 4-year period, except that the department is not required to renew a waiver if the
17 department determines that the school district is not making adequate progress
18 toward improving pupil academic performance.

19 **SECTION 9.** 118.38 (4) of the statutes is created to read:

20 118.38 (4) (a) During the public health emergency declared on March 12, 2020,
21 by executive order 72, if schools are closed for at least 10 school days in a school year
22 by a local health officer, as defined in s. 250.01 (5), or the department of health
23 services, the department may do all of the following:

1 1. Waive any requirement in chs. 115 to 121 or the administrative rules
2 promulgated by the department under the authority of those chapters related to any
3 of the following:

4 a. A program under s. 115.7915, 118.60, or 119.23.

5 b. A private school participating in a program under s. 115.7915, 118.60, or
6 119.23.

7 c. A charter school under s. 118.40 (2r) or (2x), including any requirement
8 related to an authorizer, governing board, or operator of a charter school under s.
9 118.40 (2r) or (2x).

10 2. Establish an alternate deadline for any requirement related to a program
11 under s. 115.7915, 118.60, or 119.23 in chs. 115 to 121 and any requirement related
12 to a program under s. 115.7915, 118.60, or 119.23 in the administrative rules
13 promulgated by the department under the authority of chs. 115 to 121 if the original
14 deadline is any of the following:

15 a. A deadline that occurs during the period beginning on the first day schools
16 are closed by the local health officer or department of health services and ending 120
17 days after the last day schools are closed by the local health officer or department of
18 health services.

19 b. A deadline for a requirement that impacts a date during the period beginning
20 on the first day schools are closed by the local health officer or department of health
21 services and ending 120 days after the last day schools are closed by the local health
22 officer or department of health services.

23 (b) 1. The department shall notify the legislative reference bureau of each
24 waiver under par. (a) 1. and alternate deadline established under par. (a) 2. The

1 legislative reference bureau shall publish a notice in the Wisconsin Administrative
2 Register of the waiver or alternate deadline.

3 2. The department shall post each waiver under par. (a) 1. and alternate
4 deadline established under par. (a) 2. on the department's Internet site.

5 (c) A waiver under par. (a) 1. applies only to the school year in which schools
6 are closed by the local health officer or the department of health services.

7 **SECTION 10.** 118.60 (7) (an) 1. of the statutes is amended to read:

8 118.60 (7) (an) 1. A private school participating in the program under this
9 section shall maintain a cash and investment balance that is at least equal to its
10 reserve balance. If a private school does not maintain a cash and investment balance
11 that is at least equal to its reserve balance, the private school shall refund the reserve
12 balance to the department. This subdivision does not apply during the public health
13 emergency declared on March 12, 2020, by executive order 72, to a school year in
14 which the private school participating in the program was closed for at least 10 days
15 by a local health officer, as defined in s. 250.01 (5), or the department of health
16 services.

17 3. If a private school ceases to participate in or is barred from the program
18 under this section and s. 119.23 and the private school's reserve balance is positive,
19 the private school shall refund the reserve balance to the department.

20 **SECTION 11.** 118.60 (12) of the statutes is created to read:

21 118.60 (12) During the public health emergency declared on March 12, 2020,
22 by executive order 72, if a private school participating in the program under this
23 section is closed for at least 10 school days in a school year by a local health officer,
24 as defined in s. 250.01 (5), or the department of health services, in the school year
25 during which the school is closed and the following school year, the department may

1 not withhold payment from the private school under sub. (10) (d) or bar the private
2 school from participating in the program under sub. (10) (a), (am), or (ar) for failing
3 to comply with a requirement under this section or a rule promulgated under this
4 section if all of the following occur:

5 (a) The private school submits information to the department that explains
6 how the school closure impacted the private school's ability to comply with the
7 requirement and any action the private school took to mitigate the consequences of
8 not complying with the requirement.

9 (b) The department determines that the private school's failure to comply with
10 the requirement was caused by the closure.

11 **SECTION 12.** 119.23 (7) (an) 1. of the statutes is amended to read:

12 119.23 (7) (an) 1. A private school participating in the program under this
13 section shall maintain a cash and investment balance that is at least equal to its
14 reserve balance. If a private school does not maintain a cash and investment balance
15 that is at least equal to its reserve balance, the private school shall refund the reserve
16 balance to the department. This subdivision does not apply during the public health
17 emergency declared on March 12, 2020, by executive order 72, to a school year in
18 which the private school participating in the program was closed for at least 10 days
19 by a local health officer, as defined in s. 250.01 (5), or the department of health
20 services.

21 3. If a private school ceases to participate in or is barred from the program
22 under this section and s. 118.60 and the private school's reserve balance is positive,
23 the private school shall refund the reserve balance to the department.

24 **SECTION 13.** 119.23 (12) of the statutes is created to read:

1 119.23 (12) During the public health emergency declared on March 12, 2020,
2 by executive order 72, if a private school participating in the program under this
3 section is closed for at least 10 school days in a school year by a local health officer,
4 as defined in s. 250.01 (5), or the department of health services, in the school year
5 during which the school is closed and the following school year, the department may
6 not withhold payment from the private school under sub. (10) (d) or bar the private
7 school from participating in the program under sub. (10) (a), (am), or (ar) for failing
8 to comply with a requirement under this section or a rule promulgated under this
9 section if all of the following occur:

10 (a) The private school submits information to the department that explains
11 how the school closure impacted the private school's ability to comply with the
12 requirement and any action the private school took to mitigate the consequences of
13 not complying with the requirement.

14 (b) The department determines that the private school's failure to comply with
15 the requirement was caused by the closure.

16 **SECTION 14.** 119.33 (2) (b) 3. b. of the statutes is amended to read:

17 119.33 (2) (b) 3. b. A person who is operating a charter school. The
18 superintendent of schools may proceed under this subd. 3. b. only if one of the
19 following applies: the performance on the most recent examinations administered
20 under s. 118.30 (1r) of pupils attending a school operated by the person exceeds the
21 performance on the most recent examinations administered under s. 118.30 (1) of
22 pupils attending the school being transferred to the person under this subdivision;
23 or, in each of the 3 preceding consecutive accountability reports published under s.
24 115.385 (1), the performance category assigned to a school operated by the person on
25 accountability reports published under s. 115.385 (1) for the school in each of the 3

1 preceding consecutive school years exceeds the performance category assigned to the
2 school being transferred to the person under this subdivision in each of the 3
3 preceding consecutive school years. If fewer than 3 accountability reports have been
4 published for a charter school described in this subd. 3. b., the superintendent of
5 schools shall determine an alternative method for comparing the school's
6 performance.

7 **SECTION 15.** 119.33 (2) (b) 3. c. of the statutes is amended to read:

8 119.33 (2) (b) 3. c. The governing body of a nonsectarian private school
9 participating in a program under s. 118.60 or 119.23. The superintendent of schools
10 may proceed under this subd. 3. c. only if one of the following applies: the
11 performance on the most recent examinations administered under s. 118.30 (1s) or
12 (1t) of pupils attending a school operated by the governing body exceeds the
13 performance on the most recent examinations administered under s. 118.30 (1) of
14 pupils attending the school being transferred to the governing body under this
15 subdivision; or, in each of the 3 preceding consecutive accountability reports
16 published under s. 115.385 (1), the performance category assigned to a school
17 operated by the governing body ~~on accountability reports published under s. 115.385~~
18 ~~(1) for the school in each of the 3 preceding consecutive school years~~ exceeds the
19 performance category assigned to the school being transferred to the governing body
20 under this subdivision ~~in each of the 3 preceding consecutive school years~~. If fewer
21 than 3 accountability reports have been published for a private school described in
22 this subd. 3. c., the superintendent of schools shall determine an alternative method
23 for comparing the school's performance.

24 **SECTION 16.** 119.33 (5) (b) 2. of the statutes is amended to read:

1 119.33 (5) (b) 2. The school district operating under this chapter has been
2 assigned in the ~~3 most recent school years~~ a performance category of “fails to meet
3 expectations” on the 3 most recent accountability report reports published under s.
4 115.385 (1).

5 **SECTION 17.** 119.9002 (2) (d) 2. a. of the statutes is amended to read:

6 119.9002 (2) (d) 2. a. The performance, on the most recent examinations
7 administered under s. 118.30 (1r), of pupils attending a school operated by the person
8 exceeds the performance, on the most recent examinations administered under s.
9 118.30 (1), of pupils attending the school being transferred to the person under this
10 subdivision.

11 **SECTION 18.** 119.9002 (2) (d) 2. b. of the statutes is amended to read:

12 119.9002 (2) (d) 2. b. ~~The~~ In each of the 3 preceding consecutive accountability
13 reports published under s. 115.385 (1), the performance category assigned to a school
14 operated by the person on accountability reports published under s. 115.385 (1) for
15 the school in each of the 3 preceding consecutive school years exceeds the
16 performance category assigned to the school being transferred to the person under
17 this subdivision ~~in each of the 3 preceding consecutive school years~~. If fewer than
18 3 accountability reports have been published for a school described in this subd. 2.
19 b., the commissioner shall determine an alternative method for comparing the
20 school’s performance.

21 **SECTION 19.** 119.9002 (2) (d) 3. a. of the statutes is amended to read:

22 119.9002 (2) (d) 3. a. The performance, on the most recent examinations
23 administered under s. 118.30 (1s) or (1t), of pupils attending a school operated by the
24 governing body exceeds the performance, on the most recent examinations

1 administered under s. 118.30 (1), of pupils attending the school being transferred to
2 the governing body under this subdivision.

3 **SECTION 20.** 119.9002 (2) (d) 3. b. of the statutes is amended to read:

4 119.9002 (2) (d) 3. b. ~~The~~ In each of the 3 preceding consecutive accountability
5 reports published under s. 115.385 (1), the performance category assigned to a school
6 operated by the governing body ~~on accountability reports published under s. 115.385~~
7 ~~(1) for the school in each of the 3 preceding consecutive school years~~ exceeds the
8 performance category assigned to the school being transferred to the governing body
9 under this subdivision ~~in each of the 3 preceding consecutive school years~~. If fewer
10 than 3 accountability reports have been published for a private school described in
11 this subd. 3. b., the commissioner shall determine an alternative method for
12 comparing the school's performance.

13 **SECTION 21.** 119.9004 (3) (b) 2. of the statutes is amended to read:

14 119.9004 (3) (b) 2. The school district operating under this chapter has been
15 assigned in the ~~3 most recent school years a~~ performance category of "fails to meet
16 expectations" on the 3 most recent accountability ~~report~~ reports published under s.
17 115.385 (1).

18 **SECTION 22. Nonstatutory provisions.**

19 (1) PUPIL ASSESSMENTS; PUBLIC HEALTH EMERGENCY EXCEPTION FOR THE 2019-20
20 SCHOOL YEAR. Sections 115.7915 (5) (b) and (6) (j), 118.30 (1m), (1r), (1s), and (1t),
21 118.40 (2r) (d) 2. and (2x) (d) 2., 118.60 (7) (b) 1., 119.23 (7) (b) 1., and 121.02 (1) (r)
22 and (s) do not apply in the 2019-20 school year.

23 (2) DIRECT HOURS OF INSTRUCTION; WAIVER FOR PRIVATE SCHOOLS. In the 2019-20
24 school year, the governing body of a private school may request the department to
25 waive any requirement related to providing hours of instruction in chs. 115 to 121,

1 including the requirements in ss. 118.165 (1) (c), 118.60 (2) (a) 8., and 119.23 (2) (a)
2 8., or in administrative rules promulgated by the department under the authority of
3 those chapters.

4 (3) STATEWIDE PARENTAL CHOICE PROGRAM; APPLICATIONS FOR THE 2020-21 SCHOOL
5 YEAR.

6 (a) Notwithstanding s. 118.60 (3) (ar) 1., a private school that submitted a
7 notice of intent to participate under s. 118.60 (2) (a) 3. a. by January 10, 2020, may
8 accept applications for the 2020-21 school year until May 14, 2020, from pupils who
9 reside in a school district, other than an eligible school district, as defined in s. 118.60
10 (1) (am), or a 1st class city school district.

11 (b) Notwithstanding s. 118.60 (3) (ar) 2., each private school that receives
12 applications under s. 118.60 (3) (ar) 1. for the 2020-21 school year by the deadline
13 under par. (a), shall report the information required under s. 118.60 (3) (ar) 2. to the
14 department of public instruction by May 29, 2020.

15 (4) FULL-TIME OPEN ENROLLMENT; APPLICATIONS FOR THE 2020-21 SCHOOL YEAR.
16 Notwithstanding s. 118.51 (3) (a) and (b), (8), and (14) (b), all of the following apply
17 to applications to attend a public school in a nonresident school district under s.
18 118.51 in the 2020-21 school year:

19 (a) The deadline for a parent of a pupil to submit an application to a nonresident
20 school district under s. 118.51 (3) (a) 1. is May 29, 2020.

21 (b) The deadline for a nonresident school board to send a copy of an application
22 to a pupil's resident school board and the department under s. 118.51 (3) (a) 1. is by
23 the end of the day on June 1, 2020.

1 (c) The deadline for a resident school board to send a copy of a pupil's
2 individualized education program to a nonresident school district under s. 118.51 (3)
3 (a) 1m.is June 8, 2020.

4 (d) A nonresident school board may not act on any application received under
5 s. 118.51 (3) (a) 1. before June 1, 2020.

6 (e) The deadline under s. 118.51 (3) (a) 3. by which a nonresident school board
7 must notify an applicant of whether the applicant's application has been accepted is
8 July 2, 2020.

9 (f) The deadline under s. 118.51 (3) (a) 4. by which a resident school board must
10 notify an applicant and the nonresident school board that an application has been
11 denied is July 9, 2020.

12 (g) The deadline under s. 118.51 (3) (a) 6. for a pupil's parent to notify a
13 nonresident school board of the pupil's intent to attend school in the nonresident
14 school district in the 2020-21 school year is July 31, 2020, or within 10 days of
15 receiving a notice of acceptance if a pupil is selected from a waiting list under s.
16 118.51 (5) (d).

17 (h) By August 7, 2020, each nonresident school board that has accepted a pupil
18 under s. 118.51 for attendance in the 2020-21 school year shall report the name of
19 the pupil to the pupil's resident school board.

20 (i) The deadline for a resident school board to provide the information under
21 s. 118.51 (8) to a nonresident school board to which a pupil has applied to attend in
22 the 2020-21 school year is June 5, 2020.

23 (j) The deadline under s. 118.51 (14) (b) for the department to provide parents
24 requesting reimbursement under s. 118.51 (14) (b) an estimate of the amount of

1 reimbursement that the parent will receive if the pupil attends public school in the
2 nonresident school district in the 2020-21 school year is June 12, 2020.

3 (END)