

1 108.04 (11) (bm) The department shall apply any ineligibility under par. (be)
2 against benefits and weeks of eligibility for which the claimant would otherwise be
3 eligible after the week of concealment and within 6 years after the date of an initial
4 determination issued under s. 108.09 finding that a concealment occurred. The
5 ~~claimant shall not receive waiting period credit under s. 108.04 (3) for the period of~~
6 ~~ineligibility applied under par. (be).~~ If no benefit rate applies to the week for which
7 the claim is made, the department shall use the claimant's benefit rate for the
8 claimant's next benefit year beginning after the week of concealment to determine
9 the amount of the benefit reduction.

10 **SECTION 85.** 108.062 (3) of the statutes is amended to read:

11 108.062 (3) APPROVAL OF PLANS. The department shall approve a plan if the plan
12 includes all of the elements specified in sub. (2) or (20), whichever is applicable. The
13 approval is effective for the effective period of the plan unless modified under sub.
14 (3m).

15 **SECTION 86.** 108.062 (3r) of the statutes is created to read:

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

19 **SECTION 87.** 108.062 (15) of the statutes is amended to read:

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

24 **SECTION 88.** 108.062 (20) of the statutes is created to read:

1 108.062 (20) SUSPENSIONS OF CERTAIN PROVISIONS DURING PUBLIC HEALTH
2 EMERGENCIES. Notwithstanding sub. (2), this subsection, and not sub. (2), applies
3 during any period covered by a public health emergency declared for the entire state
4 under s. 323.10, including any extension, and applies during any period during
5 which the federal government pays the benefits under this section. During any such
6 period, prior to implementing a work-share program, an employer shall submit a
7 work-share plan for the approval of the department. In its submittal, the employer
8 shall certify that its plan is in compliance with all requirements under this section.
9 Each plan shall:

10 (a) Specify the work unit in which the plan will be implemented, the affected
11 positions, and the names of the employees filling those positions on the date of
12 submittal.

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

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

17 (d) Provide for apportionment of reduced working hours equitably among
18 employees in the work-share program.

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

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

24 (g) Specify the normal average hours per week worked by each employee in the
25 work unit and the percentage reduction in the average hours of work per week

1 worked by that employee, exclusive of overtime hours, which shall be applied in a
2 uniform manner and which shall be at least 10 percent of the normal hours per week
3 of that employee but not more than whichever of the following is greater:

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

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

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

10 (i) Provide an estimate of the number of layoffs that would occur without
11 implementation of the plan.

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

15 (k) Include a statement affirming that the plan is in compliance with all
16 employer obligations under applicable federal and state laws.

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

22 **SECTION 89.** 108.07 (8) of the statutes is created to read:

23 108.07 (8) (a) Notwithstanding any other provision of this chapter and except
24 as provided in par. (b), all of the following shall be paid from the appropriation under
25 s. 20.445 (1) (ag):

- 1 1. The first week of benefits for a claimant's benefit year.
 - 2 2. For the first week of a claimant's benefit year, an additional payment of \$600.
 - 3 3. Benefits under s. 108.062.
- 4 (b) 1. a. Paragraph (a) 1. applies with respect to benefit years established in
- 5 weeks beginning with the week of March 15, 2020, and ending with the week of June
- 6 27, 2021, or the last week that the public health emergency declared on March 12,
- 7 2020, by executive order 72, including any extension under s. 323.10, is in effect,
- 8 whichever is later.
- 9 b. Notwithstanding subd. 1. a., par. (a) 1. does not apply with respect to any
- 10 week for which benefits are paid by the federal government under section 2105 of P.L.
- 11 116-136 or under any other federal enactment.
- 12 2. a. Paragraph (a) 2. applies with respect to benefit years established in weeks
- 13 beginning with the week of March 15, 2020, and ending with the week of July 26,
- 14 2020.
- 15 b. Notwithstanding subd. 2. a., par. (a) 2. does not apply with respect to any
- 16 week for which amounts are paid by the federal government under section 2104 of
- 17 P.L. 116-136.
- 18 3. a. Paragraph (a) 3. applies with respect to benefits for weeks beginning with
- 19 the week of March 15, 2020, and ending with the week of June 27, 2021, or the last
- 20 week that the public health emergency declared on March 12, 2020, by executive
- 21 order 72, including any extension under s. 323.10, is in effect, whichever is later.
- 22 b. Notwithstanding subd. 3. a., par. (a) 3. does not apply with respect to any
- 23 week for which benefits are paid by the federal government under section 2108 of P.L.
- 24 116-136.

1 4. Paragraph (a) does not apply with respect to the portion of any benefits paid
2 by the federal government under section 2103 of P.L. 116-136.

3 5. In the case of a claim for regular benefits that is a combined-wage claim, as
4 defined in s. 108.04 (13) (g) 1. a., par. (a) 1., 2., and 3. applies only with respect to this
5 state's share of benefits.

6 6. Paragraph (a) 1., 2., and 3. does not apply to benefits chargeable as provided
7 in sub. (7).

8 **SECTION 90.** 115.385 (1) (intro.) of the statutes is amended to read:

9 115.385 (1) (intro.) Annually Except as provided in sub. (6), annually by
10 November 30, the department shall publish a school and school district
11 accountability report that includes all of the following components:

12 **SECTION 91.** 115.385 (6) of the statutes is created to read:

13 115.385 (6) The department is not required to publish a school and school
14 district accountability report under sub. (1) for the 2019-20 school year.

15 **SECTION 92.** 118.233 of the statutes is created to read:

16 **118.233 School board employees; school closed by the department of**
17 **health services. (1) DEFINITIONS.** In this section:

18 (a) "Current employee" means an individual who is employed by a school board
19 on the date on which the department of health services issues a school closure order.

20 (b) "Public health emergency" means a period when schools are closed by the
21 department of health services under s. 252.02 (3).

22 (c) "School closure order" means an order to close schools under s. 252.02 (3).

23 **(2) LAYOFFS PROHIBITED.** During a school year in which the department of health
24 services issues a school closure order, a school board may not lay off a current
25 employee during a public health emergency.

1 **(3) COMPENSATION.** During a school year in which the department of health
2 services issues a school closure order, a school board shall continue to pay current
3 employees for regularly scheduled hours at the current employee's regular rate
4 during a public health emergency, regardless of whether the current employee is
5 required to report to work while schools are closed. A school board may pay a current
6 employee more than what is required under this subsection.

7 **SECTION 93.** 118.38 (4) of the statutes is created to read:

8 **118.38 (4)** If the department of health services closes schools under s. 252.02
9 (3), all of the following apply during the school year in which schools are closed:

10 (a) Notwithstanding subs. (1) to (3), the department may waive any school
11 board or school district requirement in chs. 115 to 121 or in the administrative rules
12 promulgated by the department under the authority of those chapters.

13 (b) The department may waive any private school requirement in chs. 115 to
14 121 or the administrative rules promulgated by the department under the authority
15 of those chapters, including any requirement related to participating in a program
16 under s. 115.7915, 118.60 or 119.23.

17 (c) The department may waive any requirement on a charter school authorized
18 under s. 118.40 (2r) or (2x) in chs. 115 to 121 or in the administrative rules
19 promulgated by the department under the authority of those chapters, including any
20 requirement on the authorizer, operator, or governing board of the charter school.

21 **SECTION 94.** 118.38 (5) of the statutes is created to read:

22 **118.38 (5)** If the department is not required to publish a school and school
23 district accountability report under s. 115.385 for a school year, the department may
24 waive any requirement related to the publication of that accountability report in chs.

1 115 to 121 or in the administrative rules promulgated by the department under the
2 authority of those chapters.

3 **SECTION 95.** 120.13 (2) (g) of the statutes is amended to read:

4 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.
5 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.729, 632.746 (10) (a) 2. and (b) 2.,
6 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.867, 632.87 (4) to (6), 632.871,
7 632.885, 632.89, 632.895 (9) to (17), 632.896, and 767.513 (4).

8 **SECTION 96.** 140.145 (10) (a) of the statutes, as created by 2019 Wisconsin Act
9 125, is amended to read:

10 140.145 (10) (a) Any law governing the creation and execution of wills, codicils,
11 or testamentary trusts, except that this section applies to a transaction governed as
12 described in this paragraph during a public health emergency declared under s.
13 323.10.

14 **SECTION 97.** 140.145 (10) (b) of the statutes, as created by 2019 Wisconsin Act
15 125, is amended to read:

16 140.145 (10) (b) Any law governing the creation and execution of living trusts
17 or trust amendments for personal use, not including a transaction, as defined in s.
18 137.11 (15), except that this section applies to a transaction governed as described
19 in this paragraph during a public health emergency declared under s. 323.10.

20 **SECTION 98.** 150.93 (6) of the statutes is created to read:

21 150.93 (6) This section does not apply during a state of emergency related to
22 public health declared under s. 323.10 and for the 60 days after the date the state of
23 emergency related to public health expires.

24 **SECTION 99.** 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), 632.871, 632.885, 632.89,
7 632.895 (5) and (8) to (17), 632.896, and 632.897 (10) and chs. 609, 620, 630, 635, 645,
8 and 646, but the sponsoring association shall:

9 **SECTION 100.** 196.504 (2) (a) of the statutes is amended to read:

10 196.504 (2) (a) To make broadband expansion grants to eligible applicants for
11 the purpose of constructing broadband infrastructure in underserved areas
12 designated under par. (d). Grants awarded under this section shall be paid from the
13 appropriations under s. 20.155 (3) (a), (r), and (rm).

14 **SECTION 101.** 234.535 of the statutes is created to read:

15 **234.535 Foreclosure prevention and down payment assistance fund.**

16 There is established under the jurisdiction of the authority a foreclosure prevention
17 and down payment assistance fund. There shall be paid into the fund the amounts
18 appropriated under s. 20.490 (3) (b) and any other moneys that may be made
19 available to the authority for the purpose of the fund from any other source. The
20 authority shall use the moneys in the fund solely to provide financial support to
21 homeowners with first-lien mortgage loans on eligible property, as defined in s.
22 234.59 (1) (d), held by the authority to prevent foreclosures of the mortgage loans and
23 to fund new down payment assistance loans or purchase existing down payment
24 assistance loans held by the authority under any down payment assistance program
25 established by the authority. The authority may allow a down payment assistance

1 loan that is funded or purchased with moneys under this section to be subordinated
2 to a first-lien mortgage loan in the event that the related first-lien mortgage loan
3 held by the authority is refinanced with another lender.

4 **SECTION 102.** 238.124 (1) of the statutes is amended to read:

5 238.124 (1) The corporation may not originate any loan that is forgivable in
6 whole or in part upon the loan recipient's achievement of one or more conditions or
7 goals. This subsection does not apply during any period covered by a public health
8 emergency declared by the governor under s. 323.10, including any extension under
9 s. 323.10, and during the 180 days following that period.

10 **SECTION 103.** 238.308 (3) of the statutes is renumbered 238.308 (3) (a).

11 **SECTION 104.** 238.308 (3) (b) of the statutes is created to read:

12 238.308 (3) (b) For a year including any part of the period covered by the public
13 health emergency declared on March 12, 2020, by executive order 72, including any
14 extension under s. 323.10, a person shall be considered to satisfy par. (a) if the net
15 employment in this state in the person's business during that year is not less than
16 the net employment in this state in the person's business during the year before the
17 person was certified under sub. (2), as determined by the corporation under its
18 policies and procedures.

19 **SECTION 105.** 250.04 (2) (a) of the statutes is amended to read:

20 250.04 (2) (a) The department possesses all powers necessary to fulfill the
21 duties prescribed in the statutes and to bring action in the courts for the enforcement
22 of public health statutes and rules. Notwithstanding s. 227.112, during a public
23 health emergency declared under s. 323.10, the department possesses all powers
24 necessary to respond to that emergency, including, as described under s. 323.21, the
25 powers to expend public health emergency funds and, subject to approval of the

1 governor, to confidentially investigate the cause and extent of any declared public
2 health emergency and issue orders necessary to protect public health.

3 **SECTION 106.** 256.15 (2) (a) of the statutes is amended to read:

4 256.15 (2) (a) Except when acting under s. 257.03 and except as provided in
5 pars. (b) ~~and~~, (c), and (d), no person may act as or advertise for the provision of
6 services as an ambulance service provider unless the person holds an ambulance
7 service provider license issued under this section. Except when acting under s.
8 257.03 and except as provided in pars. (b) ~~and~~, (c), and (d), no individual may act as
9 or advertise for the provision of services as an emergency medical services
10 practitioner unless he or she holds an emergency medical services practitioner
11 license or training permit issued under sub. (5). Except when acting under s. 257.03
12 and except as provided in pars. (b) ~~and~~, (c), and (d), no individual may act as or
13 advertise for the provision of services as an emergency medical responder unless he
14 or she holds an emergency medical responder certificate issued under sub. (8).

15 **SECTION 107.** 256.15 (2) (d) of the statutes is created to read:

16 256.15 (2) (d) During a state of emergency related to public health declared
17 under s. 323.10 and notwithstanding the limits in par. (b), all of the following apply:

18 1. An ambulance service provider licensed in another state is not required to
19 hold an ambulance service provider license under this section.

20 2. An emergency medical services practitioner licensed in or holding a training
21 permit in another state is not required to hold an emergency medical services
22 practitioner license or training permit under this section.

23 3. An emergency medical responder certified in another state is not required
24 to hold an emergency medical responder certificate under this section.

25 **SECTION 108.** 292.63 (3) (ac) 3. of the statutes is amended to read:

1 292.63 (3) (ac) 3. An owner or operator or person owning a home oil tank system
2 is not eligible for an award under this section if the owner or operator or person does
3 not submit a claim for the costs before July 1, ~~2020~~ 2021.

4 **SECTION 109.** 323.02 (8m) of the statutes is created to read:

5 323.02 (8m) “Essential services cooperative” means a cooperative association
6 organized under ch. 185 for the purpose of providing heat, light, power, natural gas,
7 or water at retail to its members only.

8 **SECTION 110.** 323.02 (15m) of the statutes is created to read:

9 323.02 (15m) “Propane retailer” means a person who sells propane at retail to
10 the ultimate consumers and is licensed under s. 101.16 (3g).

11 **SECTION 111.** 323.02 (16) (intro.), (a) and (b) 2. of the statutes are amended to
12 read:

13 323.02 (16) (intro.) “Public health emergency” means the occurrence or
14 imminent threat of an illness or health condition that meets ~~all~~ any of the following
15 criteria:

16 (a) Is ~~believed caused or suspected~~ caused or suspected to be caused by ~~bioterrorism or a novel or~~
17 ~~previously controlled or eradicated~~ a biological agent, toxin, bioterrorism, or other
18 threat to health.

19 (b) 2. A ~~high probability of widespread exposure to a biological, chemical, or~~
20 ~~radiological agent that creates a~~ significant risk of substantial future harm to a large
21 number of people.

22 **SECTION 112.** 323.12 (4) (f) of the statutes is created to read:

23 323.12 (4) (f) Issue orders suspending, restricting, or imposing conditions on
24 the authority of an essential services cooperative that provides service to members
25 located in the area to which the governor’s executive order under s. 323.10 applies

1 to disconnect or refuse to reconnect service during the state of emergency. No order
2 issued under this paragraph may suspend, restrict, or impose conditions on the
3 authority of an essential services cooperative to disconnect or refuse to reconnect
4 service for reasons of safety or danger. An essential services cooperative subject to
5 an order issued under this paragraph shall report the expenses associated with the
6 order to the governor, and the governor shall keep such records. Those records shall
7 be evidence of a claim against the state. The claim against the state shall be referred
8 to the claims board under s. 16.007.

9 **SECTION 113.** 323.12 (4) (g) of the statutes is created to read:

10 323.12 (4) (g) Issue orders suspending, restricting, or imposing conditions on
11 the authority of a propane retailer that sells propane in the area to which the
12 governor's executive order under s. 323.10 applies to refuse during the state of
13 emergency to fill the container of a customer or to maintain a minimum level of
14 product for a customer, regardless of tank or contract type. No order issued under
15 this paragraph may suspend, restrict, or impose conditions on the authority of a
16 propane retailer to refuse to fill the container of a customer or to maintain a
17 minimum level of product for a customer for reasons of safety or danger. A propane
18 retailer subject to an order issued under this paragraph shall report the expenses
19 associated with this order to the governor, and the governor shall keep such records.
20 Those records shall be evidence of a claim against the state. The claim against the
21 state shall be referred to the claims board under s. 16.007.

22 **SECTION 114.** 323.19 (3) of the statutes is created to read:

23 323.19 (3) Based on guidance provided by the secretary of health services, the
24 head of each state agency and each local health department shall determine which
25 public employee positions within the respective state agency or local government are

1 critical when the governor declares a state of emergency related to a public health
2 emergency under s. 323.10, for the purposes of s. 40.26 (5m) and (6) (b).

3 **SECTION 115.** 323.19 (4) of the statutes is created to read:

4 323.19 (4) (a) In this subsection, “state entity” means any state agency,
5 institution of higher education, association, society, or other body in state
6 government created or authorized to be created by the constitution or any law that
7 is entitled to expend moneys appropriated by law, including the legislature, the
8 courts, and any authority.

9 (b) The head or governing body of a state entity may waive a requirement
10 imposed, administered, or enforced by the state entity that an individual appear in
11 person during a state of emergency relating to public health declared under s. 323.10,
12 if the head or governing body finds that the waiver assists in the state’s response to
13 the public health emergency or that enforcing the requirement may increase the
14 public health risk.

15 **SECTION 116.** 323.21 of the statutes is created to read:

16 **323.21 Powers of the department of health services during a public**
17 **health emergency.** (1) In this section:

18 (a) “Department” means the department of health services.

19 (b) “State health officer” has the meaning given in s. 250.01 (9).

20 (2) Subject to the approval of the governor, the department of health services
21 may confidentially investigate the cause and extent of any declared public health
22 emergency, and notwithstanding s. 227.112, may issue such orders and public health
23 advisories as it determines are necessary to protect public health. Notwithstanding
24 any exceptions contained in s. 146.82 (2), any patient specific information collected
25 by the department shall remain confidential.

1 **(3)** From the appropriation under s. 20.435 (1) (by), the department may,
2 during a declared public health emergency, use public health emergency moneys for
3 any of the following purposes:

4 (a) To facilitate coordination between and among federal, state, local, and tribal
5 agencies, social services, and public and private health care entities that the state
6 health officer determines may be affected by a public health emergency.

7 (b) To make grants, provide for awards, enter into contracts, and conduct
8 supportive investigations pertaining to a public health emergency or potential public
9 health emergency.

10 (c) To facilitate advanced research, purchase products, and develop security
11 measures or pandemic or epidemic products that are applicable to the public health
12 emergency or potential emergency.

13 (d) To strengthen biosurveillance capabilities and laboratory capacity to
14 identify, collect, and analyze information regarding the public health emergency or
15 potential emergency.

16 (e) To support emergency operations related to the public health emergency,
17 including investigation, education, and eradication.

18 (f) To carry out other activities as the state health officer determines applicable
19 and appropriate.

20 (g) Create a full-time equivalent position or portion of a position under sub. (4).

21 **(4)** During a declared public health emergency, the department of health
22 services may create a full-time equivalent position or portion of a position funded
23 from the appropriation under s. 20.435 (1) (by). After the declared public health
24 emergency has ended, the department of health services may abolish a full-time

1 equivalent position or portion of a position funded from the appropriation under s.
2 20.435 (1) (by).

3 (5) Notwithstanding s. 250.03 (3), no later than 12 months after the
4 termination of a public health emergency, the department of health services shall
5 submit to the legislature under s. 13.172 (2) and to the governor a report on any
6 moneys expended from the appropriation under s. 20.435 (1) (by).

7 **SECTION 117.** 323.22 of the statutes is created to read:

8 **323.22 Public health emergencies.** (1) From the appropriation under s.
9 20.465 (3) (em), the department of military affairs may, during a public health
10 emergency declared under s. 323.10, expend public health emergency moneys for any
11 of the following purposes:

12 (a) To facilitate coordination between and among federal, state, local, and tribal
13 agencies, social services, and public and private health care entities that the
14 administrator or the state health officer determines may be affected by the public
15 health emergency.

16 (b) To make grants, provide for awards, enter into contracts, and conduct
17 supportive investigations pertaining to the public health emergency or potential
18 public health emergency.

19 (c) To support emergency operations related to the public health emergency,
20 including investigation, education, and eradication.

21 (d) To carry out other activities related to the public health emergency as the
22 administrator or the state health officer determines applicable and appropriate.

23 (2) (a) The department may submit a request to the joint committee on finance
24 under s. 13.10 to expend moneys under sub. (1) in excess of the amount specified in

1 s. 20.465 (3) (em). The department may expend excess moneys under this paragraph
2 only to the extent approved under par. (b).

3 (b) A request under par. (a) is approved upon the occurrence of any of the
4 following:

5 1. The joint committee on finance approves the request or modifies and
6 approves the request. If the committee modifies and approves the request, the
7 department may expend excess moneys under the request only as modified by the
8 committee.

9 2. No member of the joint committee on finance objects to the request within
10 24 hours after the request is received.

11 3. If a member objects under subd. 2., the joint committee on finance does not
12 approve, reject, or modify the request within 48 hours after the request is received.

13 (c) Notwithstanding s. 13.10 (3), no public hearing is required for a request
14 under par. (a).

15 (d) Notwithstanding s. 13.10 (4), the joint committee on finance may vote on
16 a request under par. (a) by mail ballot or by polling.

17 **(3)** In each fiscal year, no later than 75 days after first expending moneys under
18 sub. (1), and no later than the end of each month after that in which the department
19 of military affairs expends moneys under sub. (1), the department shall submit to the
20 joint committee on finance a report on those expenditures.

21 **SECTION 118.** 323.265 of the statutes is created to read:

22 **323.265 Deadlines falling during a public health emergency. (1)** In this
23 section:

24 (a) "Agency" means any office, department, agency, institution of higher
25 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, but not
3 including the 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 under state law.

6 (c) "Determining authority" means the secretary of administration or an
7 agency head to whom a delegation is made under sub. (3).

8 (d) "Emergency period" means the period covered by a public health emergency
9 declared by the governor under s. 323.10, including any extension, plus 60 days.

10 (e) "Lead period" means the period that begins on the first day after the
11 emergency period and is equal to the period beginning on the first day of the
12 emergency period, and ending on the date on which a deadline tolled under sub. (2)
13 would otherwise have fallen.

14 (f) "Local governmental unit" means a political subdivision of this state, a
15 special purpose district in this state, an agency or corporation of a political
16 subdivision or special purpose district, or a combination or subunit of any of the
17 foregoing.

18 (2) Notwithstanding any requirement to the contrary, each deadline any
19 agency, local governmental unit, or other person is required to satisfy during the
20 emergency period, including any tax filing deadline, may, at the discretion of the
21 determining authority, be tolled up to the end of that deadline's lead period. This
22 subsection does not apply to any requirement as to time in a court proceeding or to
23 any requirement as to time imposed by a court, nor does it apply to any statute of
24 limitations for commencing an action in any court.

1 **(3)** The secretary of administration shall be the determining authority, except
2 that the secretary may delegate that duty with respect to any deadline to the head
3 of an agency.

4 **SECTION 119.** 323.267 of the statutes is created to read:

5 **323.267 Certain waivers during a public health emergency.** (1) In this
6 section:

7 (a) “Agency” means any office, department, agency, institution of higher
8 education, association, society, or other body in state government created or
9 authorized to be created by the constitution or any law, including any authority
10 created in subch. II of ch. 114 or in ch. 231, 232, 233, 234, 237, 238, or 279, but not
11 including the legislature or the courts.

12 (b) “Debtor” means a person who owes a debt to an agency or a local
13 governmental unit.

14 (c) “Emergency period” means the period covered by a public health emergency
15 declared by the governor under s. 323.10, including any extension, plus 60 days.

16 (d) “Local governmental unit” means a political subdivision of this state, a
17 special purpose district in this state, an agency or corporation of a political
18 subdivision or special purpose district, or a combination or subunit of any of the
19 foregoing.

20 **(2)** Each agency and local governmental unit may waive any interest, penalty,
21 or payment of a debtor that accrues or becomes due during an emergency period with
22 respect to a debt the debtor owes the agency or local governmental unit.

23 **SECTION 120.** 323.291 of the statutes is created to read:

24 **323.291 Public employees.** (1) PUBLIC EMPLOYEE HEALTH INSURANCE
25 COVERAGE. Notwithstanding s. 40.02 (40), for the purpose of group health insurance

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

6 (2) LIMITED TERM APPOINTMENT HOURS. Notwithstanding s. 230.26 (1), the
7 director of the bureau of merit recruitment and selection in the division of personnel
8 management in the department of administration may increase or suspend the
9 number of hours for a limited term appointment for the duration of a state of
10 emergency related to a public health emergency declared under s. 323.10.

11 (3) USE OF ANNUAL LEAVE DURING PROBATIONARY PERIOD. Notwithstanding s.
12 230.35 (1) (b), an employee may take annual leave within the first 6 months of the
13 employee's probationary period upon initial appointment during a state of
14 emergency related to a public health emergency declared under s. 323.10.

15 (4) ADDITIONAL SABBATICAL LEAVE. The administrator of the division of personnel
16 management in the department of administration may provide additional sabbatical
17 leave to employees who provide critical services during a state of emergency related
18 to a public health emergency declared under s. 323.10. Sabbatical leave provided
19 under this subsection is in addition to any leave provided under s. 230.35 (1) (a) and
20 (1m) (bt), and the compensation plan under s. 230.12, and is not subject to s. 230.35
21 (1p).

22 (5) STATE CIVIL SERVICE GRIEVANCE PROCEDURES. (a) Notwithstanding s. 230.445
23 (2) and (3), an employee does not waive his or her right to appeal an adverse
24 employment decision if the employee does not timely file the complaint or appeal
25 during a state of emergency related to a public health emergency declared under s.

1 323.10. The tolling period under s. 230.445 (3) (a) 1. begins 14 days after the
2 termination of such declared public health emergency or extension.

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

7 **SECTION 121.** 440.08 (5) of the statutes is created to read:

8 440.08 (5) RENEWAL SUSPENSION FOR PUBLIC HEALTH EMERGENCY. (a) In this
9 subsection, “health care provider credential” means any credential issued under ch.
10 441, 447, 448, 450, 455, 460, or 462.

11 (b) Notwithstanding subs. (1) to (3) and the applicable provisions in chs. 440
12 to 480, but subject to any professional discipline imposed on the credential, a health
13 care provider credential is not subject to renewal, or any other conditions for renewal
14 including continuing education, and remains valid during the period covered by a
15 public health emergency declared by the governor under s. 323.10, including any
16 extension, and continuing until further specified by the applicable credentialing
17 board.

18 (c) A renewal that occurs subsequent to the period described in par. (b) is not
19 subject to the late renewal fee under sub. (3) (a) if the application to renew the
20 credential is received before the next applicable renewal date. Notwithstanding the
21 applicable provisions in chs. 440 to 480, the applicable credentialing board may, for
22 that next applicable renewal date, provide an exemption from or reduction of
23 continuing education or other conditions for renewal.

24 **SECTION 122.** 440.095 of the statutes is created to read:

440.095 Former health care provider credentials; emergency. (1)

DEFINITIONS. In this section:

(a) "Emergency period" means a period covered by a public health emergency declared under s. 323.10, including any extension, plus 90 days.

(b) "Health care provider" means an individual who was at any time within the previous 5 years, but is not currently, any of the following, if the individual's credential was never revoked, limited, suspended, or denied renewal:

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

2. Licensed as a dentist under ch. 447.

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

4. Licensed as a pharmacist under ch. 450.

5. Licensed as a psychologist under ch. 455.

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

7. A clinical substance abuse counselor certified under s. 440.88.

8. Any practitioner holding a credential to practice a profession that is identified by the department of health services during an emergency period.

(2) TEMPORARY CREDENTIALS FOR FORMER HEALTH CARE PROVIDERS DURING EMERGENCY. (a) During an emergency period, the department may grant a temporary credential to a health care provider if all of the following apply:

1. The health care provider submits an application to the department.

1 2. The department determines that the health care provider satisfies the
2 eligibility requirements for the credential and is fit to practice after conducting an
3 investigation of the health care provider's arrest or conviction record and record of
4 professional discipline.

5 (b) If the department denies a health care provider's application for a
6 temporary credential under this subsection, the department shall notify the health
7 care provider of the reason for denial.

8 (c) Notwithstanding ss. 441.06 (4), 441.15 (2), 447.03 (1) and (2), 448.03 (1) (a),
9 (b), and (c) and (1m), and 450.03 (1), during an emergency period, a health care
10 provider granted a temporary credential under this subsection may provide services
11 for which the health care provider has been licensed or certified.

12 (d) A health care provider who provides services authorized by a temporary
13 credential granted under this subsection shall maintain malpractice insurance that
14 satisfies the requirements of the profession for which the health care provider has
15 been licensed or certified.

16 (e) A temporary credential granted under this subsection expires at the
17 conclusion of the emergency period during which the credential was granted.

18 **SECTION 123.** 440.096 of the statutes is created to read:

19 **440.096 Health care providers from other states; credentials during**
20 **emergency; fee waivers. (1) TEMPORARY CREDENTIALS FOR HEALTH CARE PROVIDERS**
21 **FROM OTHER STATES DURING EMERGENCY.** (a) In this subsection:

22 1. "Emergency period" means a period covered by a public health emergency
23 declared under s. 323.10, including any extension, plus 90 days.

24 2. "Health care provider" means an individual who holds a valid, unexpired
25 license, certificate, or registration granted by another state or territory that

1 authorizes or qualifies the individual to perform acts that are substantially the same
2 as the acts that any of the following are licensed or certified to perform:

3 a. A registered nurse, licensed practical nurse, or nurse-midwife licensed
4 under ch. 441.

5 b. A dentist licensed under ch. 447.

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

8 d. A pharmacist licensed under ch. 450.

9 e. A psychologist licensed under ch. 455.

10 f. A clinical social worker, marriage and family therapist, or professional
11 counselor licensed under ch. 457 or an independent social worker or social worker
12 certified under ch. 457.

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

14 h. Any practitioner holding a credential to practice a profession that is
15 identified by the department of health services during an emergency period.

16 (b) 1. During an emergency period, the department may grant a temporary
17 credential to a health care provider if all of the following apply:

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

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

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

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

4 4. Notwithstanding ss. 441.06 (4), 441.15 (2), 447.03 (1) and (2), 448.03 (1) (a),
5 (b), and (c) and (1m), and 450.03 (1), during an emergency period a health care
6 provider granted a temporary credential under this paragraph may provide services
7 for which the health care provider is licensed or certified.

8 5. A health care provider who provides services authorized by a temporary
9 credential granted under this paragraph shall maintain malpractice insurance that
10 satisfies the requirements of the profession for which the health care provider is
11 licensed or certified.

12 6. A temporary credential granted under this paragraph expires at the
13 conclusion of the emergency period during which the credential was granted.

14 **(2) AUTHORITY TO WAIVE FEES.** Notwithstanding s. 440.05 and the applicable fee
15 provisions in chs. 440 to 480, during an emergency period the department may waive
16 fees for applications for an initial credential and renewal of a credential for
17 registered nurses, licensed practical nurses, nurse-midwives, dentists, physicians,
18 physician assistants, perfusionists, respiratory care practitioners, pharmacists,
19 psychologists, clinical social workers, independent social workers, social workers,
20 marriage and family therapists, professional counselors, and clinical substance
21 abuse counselors.

22 **SECTION 124.** 450.11 (5) (a) of the statutes is amended to read:

23 450.11 **(5)** (a) Except as provided in ~~par. pars.~~ (bm) and (br), no prescription may
24 be refilled unless the requirements of sub. (1) and, if applicable, sub. (1m) have been
25 met and written, oral, or electronic authorization has been given by the prescribing

1 practitioner. Unless the prescribing practitioner has specified in the prescription
2 order that dispensing a prescribed drug in an initial amount followed by periodic
3 refills as specified in the prescription order is medically necessary, a pharmacist may
4 exercise his or her professional judgment to dispense varying quantities of the
5 prescribed drug per fill up to the total number of dosage units authorized by the
6 prescribing practitioner in the prescription order including any refills, subject to par.
7 (b).

8 **SECTION 125.** 450.11 (5) (br) of the statutes is created to read:

9 450.11 (5) (br) 1. In the event a pharmacist receives a request for a prescription
10 to be refilled and the prescription cannot be refilled as provided in par. (a), the
11 pharmacist may, subject to subd. 2. a. to e., extend the existing prescription order and
12 dispense the drug to the patient, if the pharmacist has not received and is not aware
13 of written or oral instructions from the prescribing practitioner prohibiting further
14 dispensing pursuant to or extension of the prescription order.

15 2. a. A prescribing practitioner may indicate, by writing on the face of the
16 prescription order or, with respect to a prescription order transmitted electronically,
17 by designating in electronic format the phrase "No extensions," or words of similar
18 meaning, that no extension of the prescription order may be made under subd. 1. If
19 such indication is made, the pharmacist may not extend the prescription order under
20 subd. 1.

21 b. A pharmacist acting under subd. 1. may not extend a prescription order to
22 dispense more than a 30-day supply of the prescribed drug, except that if the drug
23 is typically packaged in a form that requires a pharmacist to dispense the drug in a
24 quantity greater than a 30-day supply, the pharmacist may extend the prescription

1 order as necessary to dispense the drug in the smallest quantity in which it is
2 typically packaged.

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

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

8 e. A pharmacist shall, at the earliest reasonable time after acting under subd.
9 1., notify the prescribing practitioner or his or her office, but is not required to
10 attempt to procure a new prescription order or refill authorization for the drug by
11 contacting the prescribing practitioner or his or her office prior to acting under subd.
12 1. After acting under subd. 1., the pharmacist may notify the patient or other
13 individual that any further refills will require the authorization of a prescribing
14 practitioner.

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

18 **SECTION 126.** 601.83 (7) of the statutes is created to read:

19 601.83 (7) COVID-19 COSTS. (a) In this subsection, "COVID-19" means an
20 infection caused by the SARS-CoV-2 coronavirus.

21 (b) Notwithstanding subs. (2) and (4) (a), from the appropriations under s.
22 20.145 (5) (c) and (m), the commissioner may provide reinsurance payments to any
23 eligible health carrier for costs related to COVID-19 incurred in benefit year 2020
24 for any enrolled individual, regardless whether the costs exceed the attachment
25 point set under sub. (2) for the enrollee individual.

1 (c) Subject to par. (d), the commissioner may make payments for requests for
2 costs related to COVID-19 that are submitted by an eligible health carrier in the
3 manner established under sub. (5).

4 (d) An eligible health carrier shall comply with all of the following to receive
5 a reinsurance payment under this subsection:

6 1. The carrier shall seek reinsurance from all other sources, including any
7 federal funds or programs, before requesting reinsurance under this subsection. The
8 carrier may not accept a reinsurance payment under this subsection if the costs for
9 which reinsurance are requested have been paid by another source.

10 2. The carrier shall exclude from annual reinsurance requests made under sub.
11 (5) costs for which the carrier requested reinsurance under par. (c).

12 (e) No later than September 30, 2020, the commissioner shall submit to the
13 legislature under s. 13.172 (2) and the governor a report that specifies the
14 requirements for an eligible health carrier to obtain a reinsurance payment under
15 this subsection.

16 **SECTION 127.** 609.205 of the statutes is created to read:

17 **609.205 Public health emergency. (1)** All of the following apply to a defined
18 network plan or preferred provider plan during a state of emergency related to public
19 health declared under s. 323.10 or during a public health emergency declared under
20 42 USC 247d by the secretary of the federal department of health and human
21 services:

22 (a) The plan may not require an enrollee to pay, including cost sharing, for a
23 service, treatment, or supply provided by a provider that is not a participating
24 provider in the plan's network of providers more than the enrollee would pay if the
25 service, treatment, or supply is provided by a provider that is a participating

1 provider. This subsection applies to any service, treatment, or supply that is related
2 to diagnosis or treatment for the condition for which the public health emergency is
3 declared and to any service, treatment, or supply that is provided by a provider that
4 is not a participating provider because a participating provider is unavailable due
5 to the public health emergency.

6 (b) The plan shall reimburse a provider that is not a participating provider for
7 a service, treatment, or supply provided under the circumstances described under
8 par. (a) at 250 percent of the rate the federal Medicare program reimburses the
9 provider for the same or a similar service, treatment, or supply in the same
10 geographic area.

11 (2) During a state of emergency related to public health declared under s.
12 323.10 or during a public health emergency declared under 42 USC 247d by the
13 secretary of the federal department of health and human services, all of the following
14 apply to any health care provider or health care facility that provides a service,
15 treatment, or supply to an enrollee of a defined network plan or preferred provider
16 plan but is not a participating provider of that plan:

17 (a) The health care provider or facility shall accept as payment in full any
18 payment by a defined network plan or preferred provider plan that is at least 250
19 percent of the rate the federal Medicare program reimburses the provider for the
20 same or a similar service, treatment, or supply in the same geographic area.

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

24 (3) The commissioner may promulgate any rules necessary to implement this
25 section.

1 **SECTION 128.** 609.719 of the statutes is created to read:

2 **609.719 Telehealth services.** Limited service health organizations,
3 preferred provider plans, and defined network plans are subject to s. 632.871.

4 **SECTION 129.** 609.83 of the statutes is amended to read:

5 **609.83 Coverage of drugs and devices.** Limited service health
6 organizations, preferred provider plans, and defined network plans are subject to ss.
7 632.853 and 632.895 (16t) and (16v).

8 **SECTION 130.** 609.846 of the statutes is created to read:

9 **609.846 Discrimination based on COVID-19 prohibited.** Limited service
10 health organizations, preferred provider plans, and defined network plans are
11 subject to s. 632.729.

12 **SECTION 131.** 609.885 of the statutes is created to read:

13 **609.885 Coverage of COVID-19.** Defined network plans, preferred provider
14 plans, and limited service health organizations are subject to s. 632.895 (14g).

15 **SECTION 132.** 625.12 (2) of the statutes is amended to read:

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

25 **SECTION 133.** 626.12 (4) of the statutes is created to read:

1 626.12 (4) CLAIMS FOR CERTAIN INJURIES BASED ON PRESUMPTION. Rates or rating
2 plans may not take into account any injury found under s. 102.03 (1) (h) 2.

3 **SECTION 134.** 628.34 (3) (a) of the statutes is amended to read:

4 628.34 (3) (a) No insurer may unfairly discriminate among policyholders by
5 charging different premiums or by offering different terms of coverage except on the
6 basis of classifications related to the nature and the degree of the risk covered or the
7 expenses involved, subject to ss. 632.365, 632.729, 632.746 and 632.748. Rates are
8 not unfairly discriminatory if they are averaged broadly among persons insured
9 under a group, blanket or franchise policy, and terms are not unfairly discriminatory
10 merely because they are more favorable than in a similar individual policy.

11 **SECTION 135.** 631.18 of the statutes is created to read:

12 **631.18 Cancellation during public health emergency.** During a state of
13 emergency related to public health declared by the governor under s. 323.10,
14 notwithstanding any contrary provision of chs. 600 to 655, no insurer may cancel any
15 policy of insurance for nonpayment of premiums until at least 90 days after the
16 unpaid premium was due.

17 **SECTION 136.** 632.729 of the statutes is created to read:

18 **632.729 Prohibiting discrimination based on COVID-19. (1)**

19 DEFINITIONS. In this section:

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

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

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

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

24 **(2) ISSUANCE OR RENEWAL.** (a) An insurer that offers an individual or group
25 health benefit plan, a pharmacy benefit manager, or a self-insured health plan may

1 not establish rules for the eligibility of any individual to enroll, for the continued
2 eligibility of any individual to remain enrolled, or for the renewal of coverage under
3 the plan based on a current or past diagnosis or suspected diagnosis of COVID-19.

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

10 (3) CANCELLATION. An insurer that offers an individual or group health benefit
11 plan, a pharmacy benefit manager, or a self-insured health plan may not use as a
12 basis for cancellation of coverage during a contract term a current or past diagnosis
13 of COVID-19 or suspected diagnosis of COVID-19.

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

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

24 **SECTION 137.** 632.871 of the statutes is created to read:

25 **632.871 Telehealth services.** (1) DEFINITIONS. In this section:

1 (a) “Disability insurance policy” has the meaning given in s. 632.895 (1) (a).

2 (b) “Self-insured health plan” has the meaning given in s. 632.85 (1) (c).

3 (c) “Telehealth” means a practice of health care delivery, diagnosis,
4 consultation, treatment, or transfer of medically relevant data by means of audio,
5 video, or data communications that are used either during a patient visit or
6 consultation or are used to transfer medically relevant data about a patient.

7 **(2) COVERAGE DENIAL PROHIBITED.** No disability insurance policy or self-insured
8 health plan may deny coverage for a treatment or service provided through
9 telehealth if that treatment or service is covered by the policy or plan when provided
10 in person by a health care provider.

11 **(3) RULE MAKING.** The commissioner may promulgate any rules necessary to
12 implement this section.

13 **SECTION 138.** 632.895 (14g) of the statutes is created to read:

14 632.895 **(14g) COVERAGE OF COVID-19.** (a) In this subsection, “COVID-19”
15 means an infection caused by the SARS-CoV-2 coronavirus.

16 (b) Every disability insurance policy, and every self-insured health plan of the
17 state or of a county, city, town, village, or school district, that generally covers testing
18 and treatment for infectious diseases shall provide coverage of testing and treatment
19 for COVID-19, including any prescription drugs, and administration of any
20 vaccination developed to prevent COVID-19 without imposing any copayment or
21 coinsurance on the individual covered under the policy or plan.

22 **SECTION 139.** 632.895 (16v) of the statutes is created to read:

23 632.895 **(16v) PROHIBITING COVERAGE LIMITATIONS ON PRESCRIPTION DRUGS.** (a)
24 During a state of emergency related to public health declared by the governor under
25 s. 323.10, an insurer offering a disability insurance policy that covers prescription

1 drugs, a self-insured health plan of the state or of a county, city, town, village, or
2 school district that covers prescription drugs, or a pharmacy benefit manager acting
3 on behalf of a policy or plan may not do any of the following in order to maintain
4 coverage of a prescription drug:

5 1. Require prior authorization for early refills of a prescription drug or
6 otherwise restrict the period of time in which a prescription drug may be refilled.

7 2. Impose a limit on the quantity of prescription drugs that may be obtained
8 if the quantity is no more than a 90-day supply.

9 (b) This subsection does not apply to a prescription drug that is a controlled
10 substance, as defined in s. 961.01 (4).

11 **SECTION 140.** 655.0025 of the statutes is created to read:

12 **655.0025 Participation during public health emergency.** During a state
13 of emergency declared under s. 323.10 related to public health all of the following
14 apply to a physician or nurse anesthetist for whom this state is not a principal place
15 of practice but who is authorized to practice in this state on a temporary basis:

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

20 (2) The physician or nurse anesthetist may elect, in the manner designated by
21 the commissioner by rule under s. 655.004, to be subject to this chapter.

22 **SECTION 141.** 704.17 (6) of the statutes is created to read:

23 704.17 (6) PUBLIC HEALTH EMERGENCY. (a) Notwithstanding subs. (1p) (a) and
24 (2) (a), during any period covered by a public health emergency declared by the
25 governor, including any extension under s. 323.10, and during the 45 days following

1 that period, a landlord may not give a tenant who is in default of a rent payment a
2 notice to pay rent or vacate within at least 5 days or a notice to vacate within at least
3 14 days that is based on a failure to pay rent and may not charge a late fee for a late
4 payment of rent.

5 (b) If a landlord gave a tenant who is in default of a rent payment a notice to
6 pay rent or vacate under sub. (1p) (a) or (2) (a) or a notice to vacate under sub. (1p)
7 (a) before a period covered by a public health emergency declared by the governor,
8 including any extension under s. 323.10, the days during that period and the 45 days
9 following that period may not be counted in the 5 days to pay rent or 14 days to vacate
10 under the notice.

11 **SECTION 142.** 704.23 of the statutes is amended to read:

12 **704.23 Removal of tenant on termination of tenancy.** If a tenant remains
13 in possession without consent of the tenant's landlord after termination of the
14 tenant's tenancy, the landlord may in every case proceed in any manner permitted
15 by law to remove the tenant and recover damages for such holding over. This section
16 does not apply if a tenant's tenancy has terminated because of a failure to pay rent
17 prior to a period covered by a public health emergency declared by the governor, but
18 the tenant has not yet been removed from the premises and a civil action of eviction
19 has not yet been commenced.

20 **SECTION 143.** 704.25 (1) of the statutes is amended to read:

21 704.25 (1) REMOVAL AND RECOVERY OF DAMAGES. If a tenant holds over after
22 expiration of a lease, the landlord may in every case proceed in any manner
23 permitted by law to remove the tenant and recover damages for such holding over.
24 This subsection does not apply if a tenant's tenancy has terminated, but would not
25 otherwise have expired, because of a failure to pay rent prior to a period covered by

1 a public health emergency declared by the governor, the tenant has not yet been
2 removed from the premises, and a civil action of eviction has not yet been
3 commenced.

4 **SECTION 144.** 799.24 (1m) of the statutes is created to read:

5 799.24 **(1m)** PUBLIC HEALTH EMERGENCY. Notwithstanding the provisions of sub.
6 (1), during a period covered by a public health emergency declared by the governor,
7 including any extension under s. 323.10, and during the 45 days following that
8 period, no court may enter a judgment or order of eviction under sub. (1).

9 **SECTION 145.** 799.40 (1c) of the statutes is created to read:

10 799.40 **(1c)** PUBLIC HEALTH EMERGENCY. Notwithstanding sub. (1) or any other
11 provision of this chapter, if a tenant's tenancy has terminated because of a failure to
12 pay rent prior to a period covered by a public health emergency declared by the
13 governor, but the tenant has not yet been removed from the premises and a civil
14 action of eviction has not yet been commenced, the landlord may not commence a civil
15 action of eviction based on the tenant's failure to pay rent during the period covered
16 by the public health emergency, including any extension under s. 323.10, or during
17 the 45 days following that period.

18 **SECTION 146.** 799.44 (2m) of the statutes is created to read:

19 799.44 **(2m)** PUBLIC HEALTH EMERGENCY. Notwithstanding the provisions of
20 subs. (1) and (2), during a period covered by a public health emergency declared by
21 the governor, including any extension under s. 323.10, and during the 45 days
22 following that period, no court may enter an order for judgment under sub. (1) or
23 order that a writ of restitution be issued under sub. (2).

24 **SECTION 147.** 799.45 (1m) of the statutes is created to read:

1 799.45 **(1m)** PUBLIC HEALTH EMERGENCY. Notwithstanding the provisions of this
2 section, no sheriff may execute a writ of restitution during a period covered by a
3 public health emergency declared by the governor, including any extension under s.
4 323.10, or during the 45 days following that period.

5 **SECTION 148.** 938.026 of the statutes is created to read:

6 **938.026 Public health emergency.** During a public health emergency
7 declared by the governor under s. 323.10, including any extension, notwithstanding
8 ss. 938.217 (2) and 938.357 (2) (c), in emergency situations, a child may be placed in
9 a licensed public or private shelter care facility as a transitional placement for not
10 more than 40 days.

11 **SECTION 149. Nonstatutory provisions.**

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

14 (2) PROFESSIONAL LICENSING; EMERGENCY PROJECT POSITIONS.

15 (a) The authorized FTE positions for the department of safety and professional
16 services are increased by 8.4 project positions, for a period ending on June 30, 2021,
17 to be funded from the appropriation under s. 20.165 (1) (g) for the purposes of
18 investigating complaints against a credential holder received by the department of
19 safety and professional services or any examining board, affiliated credentialing
20 board, or board in the department; investigating whether a person has practiced
21 without a credential required under chs. 440 to 480; and investigating the criminal
22 records and records of professional discipline of applicants for a credential. Two
23 incumbent employees holding an LTE consumer protection investigator position; 1.9
24 incumbent employees holding an LTE legal associate position; one incumbent
25 employee holding an LTE office associate position; and 3.5 employees holding an LTE

1 office operations associate position shall be transferred to the FTE project positions
2 being created in this paragraph.

3 (b) The authorized FTE positions for the department of safety and professional
4 services are increased by 10.5 project positions, for a period ending on June 30, 2021,
5 to be funded from the appropriation under s. 20.165 (1) (hg) for the purposes of
6 reviewing applications for credentials received by the department of safety and
7 professional services and credentialing boards and for assisting applicants for
8 credentials. One incumbent employee holding an LTE attorney position; 2
9 incumbent employees holding an LTE legal associate position; 4 incumbent
10 employees holding an LTE license and permit program associate position; and 3.5
11 incumbent employees holding an LTE office operations associate position shall be
12 transferred to the FTE project positions being created in this paragraph.

13 (c) The authorized FTE positions for the department of safety and professional
14 services are increased by 2.1 project positions, for a period ending on June 30, 2021,
15 to be funded from the appropriation under s. 20.165 (2) (j) for the purpose of
16 reviewing applications for credentials received by the department of safety and
17 professional services and for assisting applicants for credentials. Two incumbent
18 employees holding an LTE license and permit program associate position and 0.1
19 incumbent employees holding an LTE legal associate position shall be transferred
20 to the FTE project positions being created in this paragraph.

21 (3) MEDICAL ASSISTANCE PROGRAM FUNDING. The department of health services
22 shall allocate in the following manner the moneys under SECTION 150 (8) for
23 reimbursement increases due to the COVID-19 pandemic:

24 (a) \$9,863,400 for fee-for-service institutional long-term care.

25 (b) \$3,944,000 for fee-for-service personal care.

1 (c) \$39,933,200 for managed long-term care.

2 (d) \$14,861,900 for home and community-based waiver services.

3 (e) \$25,822,500 as supplemental payments to hospitals.

4 (4) LOCAL FOOD BANK GRANTS. The department of health services may award
5 grants to local food banks and may establish eligibility criteria and guidelines for
6 those grants that, notwithstanding ss. 227.01 (3m) and (13), 227.10, and 227.112,
7 need not be promulgated as rules under ch. 227, are not guidance documents, and
8 are not subject to the requirements of s. 227.112.

9 (5) PRIORITY OF USE OF FEDERAL FUNDS. To the greatest extent possible, the
10 secretary of administration shall ensure that funds made available by the United
11 States government and accepted by the governor under s. 16.54 for the purpose of
12 addressing the COVID-19 public health emergency in this state are used for the
13 purposes of this act prior to the use of general purpose revenue appropriated for those
14 purposes under this act.

15 (6) COMMUNITY ACTION AGENCIES. Notwithstanding s. 49.265 (1) (b), during the
16 period covered by the public health emergency declared on March 12, 2020, by
17 executive order 72, including any extension under s. 323.10, for the purposes of s.
18 49.265, "poor person" means a resident of a community served by a community action
19 agency whose income is at or below 200 percent of the poverty line.

20 (7) CERTAIN APPROVALS OF THE JOINT COMMITTEE ON FINANCE.

21 (a) *Definition.* In this subsection, "emergency period" means the period covered
22 by the public health emergency declared on March 12, 2020, by executive order 72,
23 including any extension under s. 323.10.

24 (b) *Suspension of JCF approval requirements.* Notwithstanding ss. 16.54 (2)

25 (a) 2., 84.03 (2), 115.295, 165.02, and any other law to the contrary, no approval of the

1 joint committee on finance is required for the expenditure of funds made available
2 during the emergency period by the United States government for the purpose of
3 addressing the COVID-19 public health emergency in this state.

4 (8) BUILDING PROGRAM INTERRUPTIONS.

5 (a) In this subsection, “public health emergency” means the public health
6 emergency declared on March 12, 2020, by executive order 72, including any
7 extension under s. 323.10.

8 (b) The building commission may authorize up to \$100,000,000 in general fund
9 supported borrowing in fiscal year 2019-20 for expenditures to cover increased
10 capital costs, as determined by the building commission, incurred due to
11 interruptions of work under the authorized state building program as a result of the
12 public health emergency. This paragraph constitutes enumeration in the authorized
13 state building program for all purposes.

14 (9) EFFECTIVE DATE OF 2019 WISCONSIN ACT 125. The Legislative Reference Bureau
15 shall, in enrolling, amend 2019 Wisconsin Act 125, section 82, so that 2019 Wisconsin
16 Act 125 takes effect on the effective date of this subsection.

17 (10) EMERGENCY ASSISTANCE TO SMALL BUSINESSES.

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

19 1. “Corporation” means the Wisconsin Economic Development Corporation.

20 2. “Public health emergency” means any public health emergency declared
21 under s. 323.10, including any extension, during the period beginning on March 12,
22 2020, and ending on July 1, 2021, or on the day after publication of the 2021-23
23 biennial budget act, whichever is later.

24 (b) *Grants and loans to small businesses.*

1 1. From the appropriation under s. 20.192 (1) (c), the corporation shall award
2 grants and loans to small businesses in this state adversely economically affected by
3 a public health emergency. A small business shall use the grant or loan to support
4 the business's payroll, cash flow, inventory, rent, and other business expenses in
5 connection with the business's recovery from a public health emergency.

6 2. The corporation may expend moneys from the appropriation under s. 20.192
7 (1) (c) for administrative costs and technical assistance associated with awarding
8 grants and loans under subd. 1., including any necessary staffing increase.

9 (11) PUBLIC HEALTH POSITIONS; EXEMPTION FROM CIVIL SERVICE. During a state of
10 emergency related to public health declared under s. 323.10 or during a public health
11 emergency declared under 42 USC 247d by the secretary of the federal department
12 of health and human services, the secretary of health services may request that the
13 administrator of the division of personnel management in the department of
14 administration waive any provisions of subch. II of ch. 230 as necessary to expedite
15 the recruitment and hiring by the department of health services of individuals for
16 the positions described under SECTION 150 (13) of this act.

17 (12) GPR APPROPRIATION OF THE WISCONSIN ECONOMIC DEVELOPMENT
18 CORPORATION. Notwithstanding s. 20.192 (1) (a), each dollar amount shown in that
19 appropriation is increased by \$25,000,000 in fiscal year 2019-20.

20 (13) ENHANCED FEDERAL MEDICAL ASSISTANCE PERCENTAGE. Notwithstanding s.
21 49.45 (23b) (b), (c), (d), and (e) or any other conflicting provision of subch. IV of ch.
22 49, if the federal government provides an enhanced federal medical assistance
23 percentage during an emergency period declared in response to the novel
24 coronavirus pandemic, the department of health services may suspend compliance
25 with s. 49.45 (23b) (b), (c), (d), and (e) and any other conflicting provision of subch.

1 IV of ch. 49 to satisfy criteria to qualify for the enhanced federal medical assistance
2 percentage during the period for which the enhanced federal medical assistance
3 percentage applies. The department of health services may submit to the federal
4 government any request for a waiver of federal law or amendment to or suspension
5 of a waiver, any state plan amendment, or other request for federal approval
6 necessary to obtain the enhanced federal medical assistance percentage described
7 under this subsection without complying with the procedures under ss. 20.940 and
8 49.45 (2t).

9 (14) LEGISLATIVE INTENT STATEMENT. It is the intent of the legislature that school
10 boards continue to employ and pay all employees when schools are closed by the
11 department of health services under s. 252.02 (3).

12 (15) WISCONSIN SHARES FEDERAL APPROVAL. Notwithstanding the deadline under
13 s. 49.259 (3) (e) 2. for submitting to the federal department of health and human
14 services a request for a state plan amendment, waiver, or other federal approval
15 necessary to expand eligibility for the child subsidy program under s. 49.155 to
16 individuals who need child care services due to the public health issue that is the
17 basis of a public health emergency, with respect to the public health emergency
18 declared on March 12, 2020, by executive order 72, under s. 323.10, the department
19 of children and families shall submit the request no later than 60 days after the
20 effective date of this subsection.

21 **SECTION 150. Fiscal changes.**

22 (1) WISCAREGIVER CAREERS PROGRAM. In the schedule under s. 20.005 (3) for the
23 appropriation to the department of health services under s. 20.435 (6) (a), the dollar
24 amount for fiscal year 2019-20 is increased by \$6,383,000 to expand the
25 WisCaregiver Careers Program established by the department. Notwithstanding ss.

1 20.001 (3) (a) and 20.002 (1), the department may transfer moneys under this
2 subsection to and expend those moneys in fiscal year 2020-21.

3 (2) NOTARIES PUBLIC. In the schedule under s. 20.005 (3) for the appropriation
4 to the department of financial institutions under s. 20.144 (1) (g), the dollar amount
5 for fiscal year 2020-21 is increased by \$806,000 to increase funding for
6 administration of the department's duties related to notaries public.

7 (3) TOURISM MARKETING. In the schedule under s. 20.005 (3) for the
8 appropriation to the department of tourism under s. 20.380 (1) (b), the dollar amount
9 for fiscal year 2020-21 is increased by \$5,000,000 for the purposes for which the
10 appropriation is made.

11 (4) GRANTS TO COVERING WISCONSIN. In the schedule under s. 20.005 (3) for the
12 appropriation to the office of the commissioner of insurance under s. 20.145 (1) (g),
13 the dollar amount for fiscal year 2019-20 is increased by \$1,082,600 to provide
14 grants to the organization known as Covering Wisconsin to assist individuals with
15 health insurance literacy and enrollment. Notwithstanding ss. 20.001 (3) (a) and
16 20.002 (1) and the lapse required under s. 20.145 (1) (g), the office may transfer
17 moneys under this subsection to and expend those moneys in fiscal year 2020-21.

18 (5) INVESTIGATION OF COMPLAINTS. In the schedule under s. 20.005 (3) for the
19 appropriation to the department of safety and professional services under s. 20.165
20 (1) (g), the dollar amount for fiscal year 2019-20 is increased by \$123,000 to provide
21 funding for the positions authorized in SECTION 149 (2) (a) of this act. In the schedule
22 under s. 20.005 (3) for the appropriation to the department of safety and professional
23 services under s. 20.165 (1) (g), the dollar amount for fiscal year 2020-21 is increased
24 by \$640,400 to provide funding for the positions authorized in SECTION 149 (2) (a) of
25 this act.

1 (6) CREDENTIAL APPLICATIONS. In the schedule under s. 20.005 (3) for the
2 appropriation to the department of safety and professional services under s. 20.165
3 (1) (hg), the dollar amount for fiscal year 2019-20 is increased by \$155,400 to provide
4 funding for the positions authorized in SECTION 149 (2) (b) of this act. In the schedule
5 under s. 20.005 (3) for the appropriation to the department of safety and professional
6 services under s. 20.165 (1) (hg), the dollar amount for fiscal year 2020-21 is
7 increased by \$809,400 to provide funding for the positions authorized in SECTION 149
8 (2) (b) of this act.

9 (7) CREDENTIAL APPLICATIONS; SKILLED TRADES. In the schedule under s. 20.005
10 (3) for the appropriation to the department of safety and professional services under
11 s. 20.165 (2) (j), the dollar amount for fiscal year 2019-20 is increased by \$29,800 to
12 provide funding for the positions authorized in SECTION 149 (2) (c) of this act. In the
13 schedule under s. 20.005 (3) for the appropriation to the department of safety and
14 professional services under s. 20.165 (2) (j), the dollar amount for fiscal year 2020-21
15 is increased by \$155,200 to provide funding for the positions authorized in SECTION
16 149 (2) (c) of this act.

17 (8) MEDICAL ASSISTANCE PROGRAM FUNDING. In the schedule under s. 20.005 (3)
18 for the appropriation to the department of health services under s. 20.435 (4) (b), the
19 dollar amount for fiscal year 2019-20 is increased by \$94,425,000 to provide
20 increased reimbursements to providers under the Medical Assistance program due
21 to the COVID-19 pandemic as allocated under SECTION 149 (3) of this act.

22 (9) LOCAL FOOD BANK GRANTS. In the schedule under s. 20.005 (3) for the
23 appropriation to the department of health services under s. 20.435 (1) (b), the dollar
24 amount for fiscal year 2019-20 is increased by \$10,000,000 to provide grants to local
25 food banks, as determined by the department under SECTION 149 (4) of this act.

1 Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the department may transfer
2 moneys under this subsection to and expend those moneys in fiscal year 2020-21.

3 (10) STATE OUT-OF-HOME CARE AND ADOPTION SERVICES. In the schedule under s.
4 20.005 (3) for the appropriation to the department of children and families under s.
5 20.437 (1) (dd), the dollar amount for fiscal year 2019-20 is decreased by \$3,000,000
6 to decrease funding for the purposes for which the appropriation is made.

7 (11) SERVICES FOR SEX-TRAFFICKING VICTIMS. In the schedule under s. 20.005 (3)
8 for the appropriation to the department of children and families under s. 20.437 (1)
9 (e), the dollar amount for fiscal year 2019-20 is decreased by \$209,500 to decrease
10 funding for the purposes for which the appropriation is made.

11 (12) FEDERAL BLOCK GRANT AIDS. In the schedule under s. 20.005 (3) for the
12 appropriation to the department of children and families under s. 20.437 (2) (md),
13 the dollar amount for fiscal year 2020-21 is increased by \$17,000,000 to increase
14 funding for the transfer under s. 49.175 (1) (zh).

15 (13) PUBLIC HEALTH POSITIONS. In the schedule under s. 20.005 (3) for the
16 appropriation to the department of health services under s. 20.435 (1) (a), the dollar
17 amount for fiscal year 2019-20 is increased by \$2,070,000 to increase the authorized
18 FTE positions for the department by 64 GPR positions on the effective date of this
19 subsection, to provide services for the division of the department that addresses
20 public health issues. In the schedule under s. 20.005 (3) for the appropriation to the
21 department of health services under s. 20.435 (1) (a), the dollar amount for fiscal year
22 2020-21 is increased by \$8,280,000 to provide funding for the positions authorized
23 under this subsection.

24 (14) AID TO LOCAL HEALTH DEPARTMENTS. In the schedule under s. 20.005 (3) for
25 the appropriation to the department of health services under s. 20.435 (1) (b), the

1 dollar amount for fiscal year 2019-20 is increased by \$17,441,000 to provide aid to
2 local health departments. Notwithstanding ss. 20.001 (3) (a) and 20.002 (1), the
3 department may transfer moneys under this subsection to and expend those moneys
4 in fiscal year 2020-21.

5 (15) EXTENDING ELECTRONIC REGISTRATION. In the schedule under s. 20.005 (3)
6 for the appropriation to the elections commission under s. 20.510 (1) (a), the dollar
7 amount for fiscal year 2019-20 is increased by \$1,000,000 to cover the costs
8 associated with updating the voter registration system as a result of extending
9 electronic registration.

10 (16) CHILD CARE AND WISCONSIN WORKS.

11 (a) *Federal block grant operations.* In the schedule under s. 20.005 (3) for the
12 appropriation to the department of children and families under s. 20.437 (2) (mc), the
13 dollar amount for fiscal year 2019-20 is increased by \$20,000,000 for the purposes
14 of operating and administering the programs under s. 49.259 (2) (a) and (3). In the
15 schedule under s. 20.005 (3) for the appropriation to the department of children and
16 families under s. 20.437 (2) (mc), the dollar amount for fiscal year 2020-21 is
17 increased by the amount of the increase in fiscal year 2019-20 that was not spent in
18 that fiscal year, as determined by the secretary of administration, for the purposes
19 of operating and administering the programs under s. 49.259 (2) (a) and (3).

20 (b) *Federal block grant aids.* In the schedule under s. 20.005 (3) for the
21 appropriation to the department of children and families under s. 20.437 (2) (md),
22 the dollar amount for fiscal year 2019-20 is increased by \$80,000,000 for programs
23 to provide aid to individuals or organizations authorized under s. 49.259 (2) (a) and
24 (3). In the schedule under s. 20.005 (3) for the appropriation to the department of
25 children and families under s. 20.437 (2) (md), the dollar amount for fiscal year

1 2020-21 is increased by the amount of the increase in fiscal year 2019-20 that was
2 not spent in that fiscal year, as determined by the secretary of administration, for
3 programs to provide aid to individuals or organizations authorized under s. 49.259
4 (2) (a) and (3).

5 **SECTION 151. Initial applicability.**

6 (1) CERTAIN WAIVERS WITH RESPECT TO DEBT DURING A PUBLIC HEALTH EMERGENCY.
7 The treatment of s. 323.267 first applies retroactively to any interest, penalty, or
8 payment that accrues or becomes due during the public health emergency declared
9 on March 12, 2020, by executive order 72, including any extension under s. 323.10.

10 (2) UNEMPLOYMENT INSURANCE; DELETION OF WAITING PERIOD. The treatment of
11 ss. 108.02 (26m) and 108.04 (3) and (11) (bm) first applies retroactively to benefit
12 years beginning on March 15, 2020.

13 (3) DEADLINES FALLING DURING A PUBLIC HEALTH EMERGENCY. The treatment of s.
14 323.265 first applies retroactively to a deadline, as defined in s. 323.265 (1) (b),
15 falling during the public health emergency declared on March 12, 2020, by executive
16 order 72, including any extension under s. 323.10, but, with respect to that public
17 health emergency, does not apply to any new deadline established under this act, as
18 determined by the determining authority, as defined in s. 323.265 (1) (c).

19 (4) DPI WAIVER AUTHORITY. The treatment of s. 118.38 (4) first applies to an order
20 to close schools issued by the department of health services under s. 252.02 (3) during
21 the 2019-2020 school year.

22 (5) WISCONSIN WORKS AND CHILD CARE GRANTS. The treatment of ss. 20.437 (3)
23 (f), 48.026, 49.175 (1) (x) and (2) (b), and 49.259 and SECTION 149 (15) of this act first
24 apply to a state of emergency related to public health declared on March 12, 2020.

Barman, Mike

From: LRB.Legal
To: Sen.Shilling
Cc: Hanaman, Cathlene; Dodge, Tamara
Subject: [ELECTRONIC JACKET] LRB 19s0309 Topic: Combine DOA packages #1 and #2

The jacketed proposal is attached and ready to be printed.

Requester: Sen. Jennifer Shilling



JACKET -
LRBs0309_1.pdf

