



## Legislative Fiscal Bureau

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April 14, 2020

TO: Members  
Wisconsin Legislature

FROM: Bob Lang, Director

SUBJECT: Summary of Assembly Amendments 1, 2, and 3 to AB 1038

### **ASSEMBLY AMENDMENT 1**

Assembly Amendment 1 to Assembly Bill 1038 would delete each instance in the bill which specifies that a provision applies to the public health emergency declared on March 12, 2020, by Executive Order 72. Instead, specify that such provisions apply during a public health emergency declared by the Governor in response to COVID-19 coronavirus and any extension granted by the Legislature by Joint Resolution. Under AA 1, provisions of Assembly Bill 1038 would apply during the current public health emergency as well as during any other declared public emergency related to the COVID-19 coronavirus and during any extension granted by the Legislature.

### **ASSEMBLY AMENDMENT 2**

Assembly Amendment 2 to Assembly Bill 1038 would make the following modifications to the bill:

#### **Children and Families**

The amendment would modify the bill to include the following provisions relating to child care programs administered by the Department of Children and Families (DCF).

*Critical Workforce Child Care Grant Program.* Create a grant program under which DCF would make grants available to entities that employ, contract with, or have as volunteers essential workforce members to help pay for, or reimburse eligible child care costs. In addition, authorize DCF to make grants to child care providers and individual educators to pay for providing care and supervision for children of critical workforce members during the public health emergency.

For these purposes, define a "critical workforce member" as an employee, contractor, or other staff person working in a vital sector, including health care, child welfare, long-term care, residential care, pharmacy, child care, government operations, critical infrastructure (such as sanitation, transportation, utilities, telecommunications, grocery and food services, supply chain operations, and other sectors, as determined by DCF.

Define "critical child care costs" as those child care costs that are due to the pandemic and that are incurred during the public health emergency. These costs would include the cost to establish a temporary facility to provide care and supervision for children of critical workforce members or the cost to pay for a slot in an existing facility that provides care and supervision of children.

Require DCF to prioritize grants that assist health care workers and first responders and authorize DCF to award grants that assist other essential workforce members at its discretion. For this purpose, define "first responder" as an employee of or volunteer for an agency that provides firefighting, law enforcement, medical, or other emergency services.

*Child Care Hazard Pay Grant Program.* Create a grant program under which DCF would make monthly grants available to certified child care providers, licensed or provisionally licensed child care centers, child care providers contracted by or established by a school board and individual educators to pay for providing hazard pay to employees who work during the public health emergency. All providers would be eligible for the grant program, regardless of whether they provide child care services to individuals who are eligible for subsidies under Wisconsin Shares.

*Grant Program for Closure of Child Care Centers or Providers.* Authorize DCF to make monthly grants available to child care providers that cease operating because of the pandemic during the public health emergency. Provide that these grant could only be made to cover costs of loss revenue from child care services that would otherwise have been provided to individuals who are not eligible for child care subsidies, and only if those individuals are not charged for child care services while the child care provider or child care center is closed during the public health emergency.

*Grant Program Criteria and Guidelines.* Authorize DCF to establish eligibility criteria and guidelines for administering the short-term financial assistance, critical workforce child care, and child care hazard pay grant programs. The eligibility criteria and guidelines would not be guidance documents and would not need to be promulgated as administrative rules.

*General Definitions.* Define several words and terms used in these provisions, as follows. including (a) "pandemic" as the pandemic resulting from the novel strain of coronavirus; (b) "public health emergency" as the public health emergency declared on March 12, 2020, by Executive Order 72 and any further extensions; (c) "poverty line" as the official poverty line defined by the Office of Management and Budget based on the most recent data available from the Bureau of the Census.

*Expanded Wisconsin Shares.* Provide that, to the extent authorized under a state plan amendment, waiver, or other federal approval, any individual who needs child care services due to the pandemic may receive a subsidy under the expanded Wisconsin Shares program during the

public health emergency. No later than 60 days after the day of publication of the bill, require DCF to submit to the U.S. Department of Health and Human Services (DHHS) any request for a state plan amendment, waiver, or other federal approval necessary to so expand eligibility under Wisconsin Shares. Provide that, if DHHS approves the request or if no federal approval is necessary, DCF must expand eligibility for the child care subsidy program. Specify that if DHHS denies the request, DCF may not expand program eligibility.

## **Insurance**

*Coverage Of Covid-19 Related Services Without Cost Sharing.* The amendment would modify a provision of AB 1038 that would prohibit health insurers from imposing any copayment or coinsurance for COVID-19 testing conducted prior to March 13, 2021, to instead: (a) prohibit insurers from imposing any copayment or coinsurance for COVID-19 testing or treatment, including for prescription drugs or vaccination; and (b) remove the time limit on the prohibition, making it a permanent prohibition on cost-sharing.

*Liability For Providers Of Health Services During Covid-19 Public Health Emergency.* The amendment would modify a provision of AB 1038 that would provide immunity from civil liability for health care providers for acts or omissions committed while addressing or responding to the COVID-19 outbreak, to delete a clause that provides such immunity if the actions or omissions occur during the person's good faith response to the public health emergency.

As introduced, AB 1038 would provide civil immunity for health care providers if their actions or omissions related to or addressing COVID-19 either: (a) occur during the person's good faith response to the public health emergency; or (b) are consistent with guidance from a state or federal agency or authority. As amended, civil immunity would be provided only if the second condition, related to consistency with state or federal agency guidance, is satisfied.

## **Public Instruction**

The amendment would specify that the current law requirement for an applicant for an initial teaching license in certain subject areas to pass the Foundations of Reading test would not apply to an application for an initial teaching license received by DPI during a period beginning on the date the Governor declared the current public health emergency and ending 60 days after the current public health emergency ends.

## **Tourism**

The amendment would provide an additional \$5,000,000 GPR in 2020-21 in the Department of Tourism's general marking appropriation. Specify that up to \$2,000,000 of this funding may support a new regional destination marketing grant program, intended to coordinate advertising efforts within regions of Wisconsin. Further, require that remaining funds support the joint effort marketing program, which provides grants to local tourism and nonprofit organizations to assist promotion of their event. Combined with current funding, the amendment would provide \$18,129,500 for marketing in 2020-21, consisting of \$7,571,000 GPR, \$8,967,100 tribal gaming PR,

and \$1,591,400 transportation fund SEG.

### **UW System**

The amendment would provide \$59 million GPR in fiscal year 2019-20 to the UW System general program operations appropriation.

### **Wisconsin Economic Development Corporation**

The amendment would provide expenditure authority of \$30,000,000 GPR in 2019-20 to the Wisconsin Economic Development Corporation's (WEDC) operations and programs GPR appropriation to provide grants and loans for the purposes described below. Specify that, for purposes of the grant and loan programs described below, "COVID-19 public health emergency" would mean the public health emergency declared on March 12, 2020, by executive order 72, including any extension authorized by joint resolution of the Legislature.

The amendment would permit WEDC to award grants to regional economic development organizations (REDO). Each REDO receiving a grant would have to use all grant moneys to award grants to small businesses in Wisconsin that satisfy the following: (a) the business ceased operations as a result of the COVID-19 public health emergency; (b) the business regularly employs 50 or fewer employees; (c) the business demonstrates a need for cash flow to pay its payroll, rent, utilities, or other expenses; and (d) the business demonstrates a loss of income as a result of the COVID-19 public health emergency. Specify that no business could receive more than \$10,000 in grants from a REDO.

The amendment would permit WEDC to award low-interest loans to small businesses in Wisconsin, not to exceed \$200,000 in loans per loan recipient, that satisfy all of the following: (a) the business ceased operations as a result of the COVID-19 public health emergency; (b) the business regularly employs 100 or fewer employees; (c) the business demonstrates a need for cash flow to pay its payroll, rent, utilities, or other expenses; and (d) the business demonstrates a loss of income as a result of the COVID-19 public health emergency. Specify that each loan would be forgivable beginning two years after loan origination if the borrower satisfies employee retention requirements established by WEDC.

### **ASSEMBLY AMENDMENT 3**

Assembly Amendment 3 to Assembly Bill 1038 would make the following modifications to the bill:

*Funding to Support Elections Administration.* Provide \$1,000,000 GPR in 2019-20 to the Elections Commission's appropriation for general program operations to update the voter registration system to reflect the extended deadline for voter registration. Provide \$3,000,000 GPR in 2020-21 to the general program operations appropriation for a public information campaign to promote the vote-by-mail system in 2020. Create a sum sufficient GPR appropriation for additional postage and

printing costs associated with conducting elections by mail in 2020 (described below).

*Absentee Voting in 2020.* Require that all voting in 2020 be conducted by mail using absentee ballots. Specify that each clerk must send or transmit an absentee ballot to each registered voter no later than the 47th day before each partisan primary and general election and no later than the 21st day before each other primary and election, if the voter registered before that day, and within one business day for each new registrant. Specify that, in order to be counted, absentee ballots must be postmarked no later than the day of the election and returned no later than 5 p.m. on the Tuesday following the election. Specify that a witness signature is not required for any absentee ballot in 2020.

Prohibit all in-person voting for elections held in 2020 except as follows: (a) require each municipality to provide no less than eight hours of in-person voter registration and voting on each Election Day in 2020, during times determined by the Commission, for the purpose of allowing disabled voters and those needing assistance with English to vote in-person; and (b) require election inspectors to allow disabled voters to cast in-person ballots using assistive technology and provide assistance to voters who cannot read or write or have difficulty reading, writing, or understanding English. Require local officials to post notice of the hours and locations for in-person voting at least 48 hours in advance. Require the Commission to issue guidelines for local officials to implement the procedures described above. Specify that such guidelines need not be promulgated as administrative rules, would not be considered guidance documents, and would not be subject to statutory guidance document requirements.

*Voter Registration in 2020.* Specify that, for elections held in 2020, the deadline for registering to vote in person or electronically would be 5:00 p.m. on the fifth day preceding the election. Specify that registrations by mail must be delivered to the office of the municipal clerk no later than the fifth day preceding the election. Further, specify that all parts of the registration process may be completed electronically.

*Voter Identification Requirements Waived in 2020.* Specify that proof of identification is not required to vote in an election held in calendar year 2020.

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