
2019 Wisconsin Act 185 makes numerous changes to state law in response to the COVID-19 outbreak. This act memo briefly enumerates the topics addressed by the act. For a detailed description of the act, see https://docs.legis.wisconsin.gov/misc/lc/information_memos/2020/im_2020_05. Although not noted below, many provisions in the act apply only during the public health emergency declared on March 12, 2020, or during another time period of limited duration.

STATE FUNDING

The act makes the following changes related to state finances:

- Authorizes the Joint Committee on Finance (JFC) to transfer up to $75 million from existing sums sufficient appropriations for expenditures related to the public health emergency.
- Increases the State Building Commission’s bonding authorization by $725 million for the refunding of state debt.
- Provides that the use of federal child care development block grant funds authorized under the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act is subject to JFC approval through a 14-day passive review process.

HEALTH CARE AND INSURANCE

The act makes the following changes relating to health care and insurance:

- Allows the Department of Health Services (DHS) to suspend certain Medical Assistance (MA) requirements to facilitate state receipt of funding authorized under the CARES Act.
- Allows DHS to submit certain federal waiver requests without legislative approval.
- Requires DHS to establish a payment system within the MA program that incentivizes information sharing.
- Expands the SeniorCare prescription drug assistance program and authorizes pharmacists to extend prescription drug orders in certain circumstances.
- Reduces the hours of instruction a state-approved nurses’ aide instruction program must provide.
- Authorizes the Department of Safety and Professional Services to relax credentialing requirements for certain health care professionals and suspends credential renewal requirements for certain emergency medical services personnel.
- Provides civil liability exemptions for manufacturers, distributors, and sellers of emergency medical supplies and for certain health care professionals and providers, subject to specified requirements.
- Prohibits insurers from providing different eligibility requirements, rates, or terms based on a COVID-19 diagnosis.
● Requires insurers to provide coverage for COVID-19 testing without copayments or coinsurance, and, in some circumstances, to provide in-network rates for diagnoses and treatment.

● Prohibits insurers from imposing certain restrictions on filling prescriptions.

● Eases requirements for fulfilling state practice liability insurance requirements for visiting physicians and nurse anesthetists.

● Requires the creation of a public health emergency dashboard.

LOCAL UNITS OF GOVERNMENT

The act makes the following changes relating to local units of government:

● Authorizes the Board of Commissioners of Public Lands to issue loans to municipal utilities.

● Extends eligibility for county fair aids to cancelled county fairs.

● Allows local taxation districts to waive interest and penalties for late property tax payments, if authorized to do so by the relevant county board.

● Provides flexibility in the timing of annual town meetings.

● Authorizes annual board of review proceedings even if the assessment roll is not complete.

UNEMPLOYMENT ASSISTANCE AND WORKER’S COMPENSATION

The act makes the following changes to facilitate assistance to workers who have been laid off:

● Suspends the one-week waiting period for unemployment insurance.

● Creates a modified, more accessible work-share program for employers to use in lieu of laying people off.

● Shifts responsibility for certain unemployment insurance charges from employers to the state.

The act also creates a presumption of eligibility for worker’s compensation, if certain conditions are met, for first responders who have an employment-related diagnosis of COVID-19.

OTHER FINANCIAL RELIEF FOR HOUSEHOLDS

The act extends the time frame for applying for assistance through the Wisconsin Home Energy Assistance Program.

EDUCATION

The act makes the following changes relating to K-12 education for the 2019-20 school year:

● Suspends student assessment requirements.

● Prohibits the Department of Public Instruction (DPI) from publishing school report cards.

● Requires school districts to report on virtual instruction and other impacts of school closure.

● Authorizes DPI to waive requirements and create alternative deadlines for certain private schools.
STATE TAXATION
The act makes the following changes relating to taxation and revenue:

- Authorizes the Department of Revenue to waive certain interest and penalties for late filing.
- Updates references to the federal Internal Revenue Code to incorporate changes made by the CARES Act.

CAMPAIGN FINANCE
The act provides an exception to the “50 piece rule” to allow state and local elected officials to use public funds to send information relating to the public health emergency.

GENERAL GOVERNMENT PROCEDURES
The act makes the following changes relating to government procedures:

- Allows governmental bodies, broadly defined, to waive in-person appearance requirements in certain circumstances.
- Authorizes state and local governmental bodies to suspend deadlines and training requirements, with the exception of certain election-related and tax-filing deadlines.

STATE EMPLOYEE POLICIES
The act makes the following changes relating to state employees:

- Authorizes the Department of Administration to transfer state employees from one agency to another and to adjust the limitations on the number of hours a limited-term employee may work per year.
- Modifies certain leave policies.
- Modifies certain procedures for appealing employment decisions.
- Relaxes restrictions for Wisconsin Retirement System annuitants returning to state employment.

AUTOPSIES AND CREMATION
The act modifies certain autopsy procedures and requires expedited timelines for issuing cremation permits for COVID-19-related deaths.

PLAN AND REVIEW
The act provides for the following plan and review:

- Requires the Wisconsin Economic Development Corporation to submit a plan for providing support to affected major industries.
- Requires the Legislative Audit Bureau to review selected programs affected by and expenditures authorized by the act.

Effective date: April 17, 2020

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