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# Wisconsin Legislative Council

## ACT MEMO

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Prepared by: Legislative Council Staff

April 21, 2020

### 2019 Wisconsin Act 185 [2019 Assembly Bill 1038]

### COVID-19 Response

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](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 sum 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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