



From: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Sent: Thursday, April 23, 2020 9:16 PM
To: AO Records <records@americanoversight.org>
Subject: [Ext]records request fulfillment - 1 of 4

Please see the attached letter regarding a records request you submitted on April 10.

This is the first of four (4) emails.

Thank you,

Dan Romportl
Chief of Staff
Senator Scott Fitzgerald
Senate Majority Leader
13th Senate District
(608) 266-5660

Romportl, Dan

From: Romportl, Dan
Sent: Friday, April 10, 2020 12:40 PM
To: Ottman, Tad
Subject: WHA reporting language

153.23 is created to read:

153.23 Public health emergency dashboard. During a state of emergency or public health emergency declared by the governor or a declared emergency under the Stafford Act or National Emergencies Act or a public health emergency under Section 319 of the Public Health Services Act, the entity under contract under s.

153.05(2m)(a) shall prepare and publish a public health emergency dashboard using healthcare emergency preparedness program information collected by the state from acute care hospitals. The published dashboards shall include information to assist emergency response planning activities. The entity and the department shall enter a data use agreement and mutually agree to the healthcare emergency preparedness program information the department will provide to the entity, the information the entity will include in the dashboard, any publication schedule, and any other terms deemed necessary by the parties.

Dan Romportl
Chief of Staff
Senator Scott Fitzgerald
Senate Majority Leader
13th Senate District
(608) 266-5660

Romportl, Dan

From: Romportl, Dan
Sent: Friday, April 10, 2020 12:25 PM
To: Renk, Jeff; Gillitzer, Erin
Cc: Karius, Bob
Subject: skeletal today

At 11:39am, Senator Fitzgerald convened and promptly adjourned the January 2020 Special Session until Tuesday, April 14.

Dan Romportl
Chief of Staff
Senator Scott Fitzgerald
Senate Majority Leader
13th Senate District
(608) 266-5660

Romportl, Dan

From: Romportl, Dan
Sent: Friday, April 10, 2020 8:49 AM
To: Blazel, Ted
Subject: RE: Question

Yeah I think he will be in.

If you can't find a spot, I can have him park at the GOP office a few blocks away and give him a ride in, but then I would need a spot. So I guess if you can find one spot, that would be helpful.

Thanks

From: Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>
Sent: Friday, April 10, 2020 8:41 AM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: Question

Dan,

Is your boss going to be in on Monday? I only ask because DOA needs to move all those who park on the circle park of the MLK Drive for Monday in order to bring in a crane. If he wasn't planning on being in I wouldn't worry about relocating him. If he is I will find a spot on the drive somewhere as Capitol Police were putting him out by Walgreens. Most senators have not been in so I think I can find a spot on the drive for him.

Ted

Romportl, Dan

From: Romportl, Dan
Sent: Thursday, April 09, 2020 2:37 PM
To: Zimmerman, Alec; Ottman, Tad; Liedl, Kimber; Huebsch, Ryan; Gehl, Patrick; Foltz, Adam; Augustyn, Jessie
Subject: RE: Unemployment

Has anyone gotten back to Mr. Dachs yet? Just so we aren't duplicating efforts...

We just need his contact info and an acknowledgement that we got this.

Thanks,
Dan

From: rdachs@yahoo.com <rdachs@yahoo.com>
Sent: Thursday, April 09, 2020 10:24 AM
To: Sen.Fitzgerald <Sen.Fitzgerald@legis.wisconsin.gov>
Cc: Zimmerman, Alec <Alec.Zimmerman@legis.wisconsin.gov>; Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>; Ottman, Tad <Tad.Ottman@legis.wisconsin.gov>; Liedl, Kimber <Kimberly.Liedl@legis.wisconsin.gov>; Huebsch, Ryan <Ryan.Huebsch@legis.wisconsin.gov>; Gehl, Patrick <Patrick.Gehl@legis.wisconsin.gov>; Foltz, Adam <Adam.Foltz@legis.wisconsin.gov>; Augustyn, Jessie <Jessie.Augustyn@legis.wisconsin.gov>
Subject: Unemployment
Importance: High

Dear Mr. Fitzgerald,

I am among the many unemployed at the moment. I have filed for unemployment. It show \$370/week. News reports of a federal disaster relief of an additional \$600/week was reported a couple weeks ago.

I cannot find how to obtain this? Like many is this a lifeline, mortgage, retirement, and potentially healthcare are at risk. My wife is an M.A. healthcare worker. If because of the virus shae becomes unable to work, it will be complete disaster for us.

Can you help provide the details on how to apply for this relief. I'm concerned for our bills which will eventually go NSF? Please help.

About me, I have only been on unemployment 2x in past, 1982, and a week in 2009. Never been in this kind of situation. Again please HELP!

Sincerely,

Ron Dachs
Cell 414/840-6232
Dachs7@gmail.com or rdachs@yahoo.com

Romportl, Dan

From: Romportl, Dan
Sent: Thursday, April 09, 2020 2:30 PM
To: Augustyn, Jessie
Subject: FW: Open Records Request

From: Liedl, Kimber <Kimberly.Liedl@legis.wisconsin.gov>
Sent: Wednesday, April 08, 2020 7:56 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: FW: Open Records Request

Do you want me to gather the emails from folks and then send it in or do you want to do that? I do have some emails that are responsive to this ORR

From: Gehl, Patrick
Sent: Wednesday, April 08, 2020 4:31 PM
To: Romportl, Dan; Liedl, Kimber
Subject: FW: Open Records Request

From: David Armiak <david@prwatch.org>
Sent: Wednesday, April 8, 2020 4:27 PM
To: Sen.Fitzgerald <Sen.Fitzgerald@legis.wisconsin.gov>
Subject: Open Records Request

Dear Senator Fitzgerald,

Pursuant to Wisconsin's open records law, I request access to and a copy of all records that pertain to the Wisconsin Institute of Law & Liberty (WILL), including the following WILL employees:

- Rick Esenberg
- CJ Szafir
- Luke Berg
- Will Flanders
- Anthony LoCoco
- Don Daugherty
- Brian McGrath
- Mike Fischer

The scope of this request includes the Senator and his staff. The scope of this request should include but is not limited to emails, attachments, both sent and received, all draft records, briefing books, memos, notes, minutes, scheduling records, text messages, other correspondence (internal and external) and all other records.

The search for records may be limited to those sent and received between January 1, 2020 and the date of your final response.

Please note that this request includes all emails sent and received on official state email accounts, as well as any other private email accounts or applications, such as Dropbox, GoogleDocs, ALEC Connect, or the Briefing Room, that have been used for official business. This request also includes any and all records available through a web hyperlink. Note: once viewed online, downloaded, printed, or otherwise in your possession, these materials become a public document subject to state public records law.

I request that these records be provided in electronic form in their native format. The Center for Media & Democracy is a non-profit public-interest organization, and the disclosure of the materials requested here would be in the public interest, greatly benefiting public understanding of the workings of government. As such a waiver of any fees is requested. If the waiver is not granted, we agree to pay any reasonable copying and postage fees of not more than \$20.

If the cost would be greater than this amount, please notify us. Please provide a receipt indicating the charges for each document.

If you choose to deny this request in whole or part, please provide a written explanation for the denial including a reference to the specific statutory exemption(s). As allowed by Wisconsin law, please provide all portions of releasable material, even if there is redacted material on the page or record.

Lastly, please acknowledge receipt of this message.

All the best,

David Armiak
Research Director
The Center for Media and Democracy
520 University Ave, Suite 305
Madison, WI 53703
david@prwatch.org
608-229-6801
EXPOSEDbyCMD.org

Romportl, Dan

From: Romportl, Dan
Sent: Thursday, April 09, 2020 2:26 PM
To: Ottman, Tad; Smith, Heather
Subject: FW: Senator Jacque Questions on Draft COVID Response Package

FYI – Andre's thing (again)

Jenny was cc'd on the email below

From: Koles, Michael - Other <mike.koles@wisctowns.com>
Sent: Thursday, April 09, 2020 2:23 PM
To: Jacque, Andre <Andre.Jacque@legis.wisconsin.gov>; Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Cc: Jolene Plautz <jplautz@aol.com>; Jerry Derr <ghderr@frontier.com>; Toftness, Jenny <Jenny.Toftness@legis.wisconsin.gov>
Subject: RE: Senator Jacque Questions on Draft COVID Response Package

Dan:

We have received hundreds of phone calls on both of these issues. April 21st is the annual town meeting and we'd prefer not to have thousands of town electors in town halls throughout Wisconsin on April 21st. The BOR must be held between April 25 and June 10. This is a full blown hearing with a sizable board, testimony (sometimes hours), etc. It can be immediately adjourned until a later date so long as it occurs by mid-September when taxes must be developed. The problem is that even if you are going to simply meet to adjourn that you still have to have the BOR physically there and the public that wants to testify needs to be in attendance as well. We feel there is no reason to get a bunch of people together and then just adjourn until the summer. Given the LC opinion below, we are very much in need of including these in the deadline extension language and are hopeful you can work with Senator Jacque and Speaker Vos to accomplish this.

Mike

Mike Koles
Wisconsin Towns Association
Executive Director
W7686 County Road MMM
Shawano, WI 54166
715-526-3157

From: Jacque, Andre [<mailto:Andre.Jacque@legis.wisconsin.gov>]
Sent: Thursday, April 9, 2020 1:52 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: FW: Senator Jacque Questions on Draft COVID Response Package

Dan-

Please see below. It doesn't appear that annual town meetings or boards of review are covered in the previous draft you sent. Hoping we can fix this right away.

Thanks,

André

From: Letzing, Rachel <Rachel.Letzing@legis.wisconsin.gov>
Sent: Thursday, April 9, 2020 11:40 AM
To: Rettinger, Nik <Nik.Rettinger@legis.wisconsin.gov>
Subject: RE: Senator Jacque Questions on Draft COVID Response Package

Hi again Nik, I think this is the section of the draft package you noted:

Specify that a state or local governmental unit, during an emergency period, may suspend any deadline associated with a program or action that the state or local governmental unit administers or enforces. Define "emergency period" as the period covered by a public health emergency plus 30 days after the end of the emergency. Define "deadline" to mean any date certain by which, or any limitation as to time within which, an action or event is required to occur. Specify that a state or local governmental unit may not charge any interest or penalties that would otherwise apply with respect to the suspended deadlines. Specify that during an emergency period, a state or local unit of government may suspend any training requirements that are associated with programs the state or local unit of government administers or enforces. The provision would first apply to deadlines or training requirements during a public health emergency declared on March 12, 2020, by executive order #72, including any extensions.

Based on this general language, it appears it is intended to address programs a local government administers and enforces, not necessarily meetings that are required by statute to be held at certain times or in certain time periods. I don't think a local government "action" would likely include a meeting under this wording, either. In order to ensure that annual town meetings and board of review meetings are covered, I would suggest specifying that in the draft if you have a chance. Have you discussed this language with the WI Towns Association?

Feel free to give me a call if that would be helpful – 504-5719.

Rachel

From: Rettinger, Nik <Nik.Rettinger@legis.wisconsin.gov>
Sent: Thursday, April 09, 2020 10:54 AM
To: Letzing, Rachel <Rachel.Letzing@legis.wisconsin.gov>
Subject: RE: Senator Jacque Questions on Draft COVID Response Package

Good morning Rachel, I just wanted to follow up on my boss's question regarding the LFB summary for a proposed COVID response package. Can you help us compare the section we highlighted to my boss's bill to see if they are similar or how they differ? Again, I am also happy to work with another attorney that might better suited with their areas of specialty if you're are not the right person for me to be reaching out to?

-Nik

Nik Rettinger III

Chief of Staff
Office of Senator André Jacque
1st Senate District
608-266-3512

From: Rettinger, Nik
Sent: Tuesday, April 7, 2020 10:42 AM
To: Letzing, Rachel <Rachel.Letzing@legis.wisconsin.gov>
Subject: RE: Senator Jacque Questions on Draft COVID Response Package

Rachel, I forgot to include the legislation we introduced as a reference to see if the draft package language accomplishes what my boss would like to see done: <https://docs.legis.wisconsin.gov/2019/proposals/sb912>

-Nik

Nik Rettinger III
Chief of Staff
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1st Senate District
608-266-3512

From: Rettinger, Nik
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To: Letzing, Rachel <Rachel.Letzing@legis.wisconsin.gov>
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Rachel,

I think you might be right person to start with, but if not I'd be happy to talk with the attorney you'd recommend. My boss had some questions regarding the draft COVID response package the senate is putting together and wanted to make sure that it does address the concerns of folks and groups in the district.

From my boss:

Governmental Deadlines and Training Requirements (General Provisions #1)
Need to check with leg council to make sure that this would apply to annual town meeting and Board of Review meeting requirements.

Can you look into this? I believe page 6 is where the section my boss is referencing is. My boss recently introduced a bill to get this done and want to make sure that the language being included in the bill actually does this.

Thanks!

-Nik

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Romportl, Dan

From: Romportl, Dan
Sent: Thursday, April 09, 2020 2:26 PM
To: Koles, Michael - Other; Jacque, Andre
Cc: Jolene Plautz; Jerry Derr; Toftness, Jenny
Subject: RE: Senator Jacque Questions on Draft COVID Response Package

Thanks, Mike, I've been talking to Senator Jacque about this and will share with the rest of the team that's working on the bill.

-Dan

From: Koles, Michael - Other <mike.koles@wisctowns.com>
Sent: Thursday, April 09, 2020 2:23 PM
To: Jacque, Andre <Andre.Jacque@legis.wisconsin.gov>; Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Cc: Jolene Plautz <jplautz@aol.com>; Jerry Derr <ghderr@frontier.com>; Toftness, Jenny <Jenny.Toftness@legis.wisconsin.gov>
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Office of Senator André Jacque
1st Senate District
608-266-3512

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Thanks!

-Nik

Nik Rettinger III
Chief of Staff
Office of Senator André Jacque
1st Senate District
608-266-3512

Romportl, Dan

From: Romportl, Dan
Sent: Thursday, April 09, 2020 1:55 PM
To: 'Kyle Christianson'
Cc: 'David Frohling'; 'Kottke, Russell'
Subject: RE: Property Tax Payments - WCA

Thanks, Kyle, I did receive this and have talked to Sen. Fitzgerald about it. We'll be in touch.
- Dan

From: Kyle Christianson <christianson@wicounties.org>
Sent: Wednesday, April 08, 2020 5:21 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Cc: David Frohling <district23@co.dodge.wi.us>; Kottke, Russell <rkottke@co.dodge.wi.us>
Subject: Property Tax Payments - WCA

Dan,

I understand the legislature is considering some changes to due dates for property taxes.

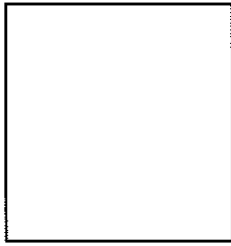
Under current law, counties are required to “settle” with local taxing jurisdictions (i.e., schools, tech colleges, municipalities) on August 20. This means that counties send checks to the underlying taxing jurisdictions for the amount of property taxes each local government levied taxes for. In other words, it does not matter whether property taxes were actually collected, counties are required to pay the amount of taxes that should have been collected. Typically, this is not a major problem, since 95% or more of property taxes are generally collected by the end of July, so the county only needs to front a relatively small amount. In the event property tax payments are delayed past July, however, counties would not have sufficient funds to make the statutorily required payments to schools and municipalities.

Because counties are tasked with the August settlement, counties are able to place liens on properties that do not pay their bill. It usually takes a couple years, but if taxes remain unpaid, counties can foreclose on a property and sell it. This occurs so counties are “paid back” the unpaid property taxes that the county sent to school and municipalities.

If property tax payments are delayed (until October 1 according to a preliminary summary of the bill being considered), counties would need a short-term revenue source from the state to ensure schools and municipalities receive their full property tax receipts in August. One idea we have would be for the state to offer counties an interest-free loan through the rainy day fund, BCPL, or some other area so counties could make the August settlement payments and then repay the state (or BCPL) when property taxes are collected some time later this year.

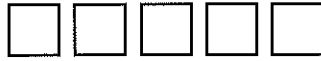
Please let me know if you'd like to discuss this further and thanks for your consideration.

Kyle



Kyle C. Christianson
Director of Government Affairs

608-663-7188 • direct: 608-219-3574
22 E. Mifflin Street, Suite 900
Madison, WI 53703
christianson@wicounties.org



Romportl, Dan

From: Romportl, Dan
Sent: Thursday, April 09, 2020 1:11 PM
To: Augustyn, Jessie

<https://www.channel3000.com/famous-magician-cant-make-insurance-fight-disappear/>

Dan Romportl
Chief of Staff
Senator Scott Fitzgerald
Senate Majority Leader
13th Senate District
(608) 266-5660

Romportl, Dan

From: Romportl, Dan
Sent: Thursday, April 09, 2020 12:58 PM
To: 'Borgerding, Eric'; O'Brien, Kyle
Subject: RE: [External]RE: Data Dashboard Publication Language

Sure, send it over, we'll take a look at it

From: Borgerding, Eric <EBorgerding@wha.org>
Sent: Thursday, April 09, 2020 12:55 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>; O'Brien, Kyle <kobrien@wha.org>
Subject: RE: [External]RE: Data Dashboard Publication Language

We've also been trying to get DHS to share with the WHA Information Center Medicaid claims data. We could do some great stuff with that in terms of targeting and improving care, and lowering cost, for MA patients before and after the hospital. Could we send you some language on that too?

Gotta try ☺

From: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Sent: Thursday, April 9, 2020 12:29 PM
To: O'Brien, Kyle <kobrien@wha.org>
Cc: Borgerding, Eric <EBorgerding@wha.org>
Subject: [External]RE: Data Dashboard Publication Language

Received, thank you.
-Dan

From: O'Brien, Kyle <kobrien@wha.org>
Sent: Thursday, April 09, 2020 12:19 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Cc: Borgerding, Eric <EBorgerding@wha.org>
Subject: FW: Data Dashboard Publication Language

Dan –

See below. Fitz said he would let you know this is coming.

Thanks,
Kyle

From: O'Brien, Kyle
Sent: Wednesday, April 8, 2020 10:00 AM
To: Toftness, Jenny <Jenny.Toftness@legis.wisconsin.gov>
Cc: Borgerding, Eric <EBorgerding@wha.org>
Subject: Data Dashboard Publication Language

Jenny –

Please see the information below.

Thanks,
Kyle

153.23 is created to read:

153.23 Public health emergency dashboard. During a state of emergency or public health emergency declared by the governor or a declared emergency under the Stafford Act or National Emergencies Act or a public health emergency under Section 319 of the Public Health Services Act, the entity under contract under s.

153.05(2m)(a) shall prepare and publish a public health emergency dashboard using healthcare emergency preparedness program information collected by the state from acute care hospitals. The published dashboards shall include information to assist emergency response planning activities. The entity and the department shall enter a data use agreement and mutually agree to the healthcare emergency preparedness program information the department will provide to the entity, the information the entity will include in the dashboard, any publication schedule, and any other terms deemed necessary by the parties.

Romportl, Dan

From: Romportl, Dan
Sent: Thursday, April 09, 2020 12:52 PM
To: Augustyn, Jessie
Subject: FW: CO-SPONSORSHIP: Letter to Gov. Evers on Outdoor Services
Attachments: LtrToGovEversOutdoorReligGatherings.pdf

Importance: High

From: Sen.Craig <Sen.Craig@legis.wisconsin.gov>
Sent: Thursday, April 09, 2020 12:11 PM
To: *Legislative Assembly Republicans <AllAsmGops@legis.wisconsin.gov>; *Legislative Senate Republicans <AllSenGops@legis.wisconsin.gov>
Subject: CO-SPONSORSHIP: Letter to Gov. Evers on Outdoor Services
Importance: High

TO: All Legislature Republicans
FROM: Senator David Craig
RE: Co-Sponsorship of Letter Requesting Clarifications to Outdoor Religious Services
DATE: Wednesday, April 9, 2020

SHORT DEADLINE: TODAY - Wednesday, April 9 at 1pm

Dear Colleagues,

Due to apparent inconsistencies in county implementation of emergency orders relating to religious services, I will be sending the attached letter to Governor Tony Evers and Secretary-designee Andrea Palm.

Please respond to this email by **1pm today** to be added to the letter as a signatory.

Best,

David Craig
State Senator
28th Senate District



WISCONSIN LEGISLATURE

P. O. Box 7882 Madison, WI 53707-7882

April 9, 2020

The Honorable Tony Evers
Governor, State of Wisconsin
2 East Main Street
Madison, WI 53703

RE: DHS EMERGENCY ORDER #12 – Outdoor Religious Gatherings

Dear Governor Evers,

While Wisconsinites appreciate the efforts made by our government officials to take the COVID-19 pandemic seriously, we, as government officials, cannot simply abandon the most fundamental rights under the United States and Wisconsin Constitutions, including but not limited to, the freedoms of assembly, religious exercise, and travel. Nor can any branch of government, be it the legislative or executive, issue edicts, based neither on science or the law, and expect such edicts to be upheld by the judicial courts or the court of public opinion.

With that said, We are requesting that your administration and/or DHS specifically respond to the question of whether “outdoor religious gatherings” that comply with all social distancing and other “Safer-At-Home” provisions are prohibited under your Executive Order #72, Emergency Order #12 (EO12) or any other order or state statute/law. For your convenience and to assist in your timely response, we have attached a legal memorandum from the non-partisan Wisconsin Legislative Council that reads in part:

“Under both Emergency Orders #8 and #12, it is permissible for a religious service to be held outside, including a drive-up service, as long as there is compliance with certain restrictions specified in the orders....

Under Emergency Order #12, religious services are expressly encouraged to continue while the order is in effect.”

Further, attorneys at Legislative Reference Bureau provided guidance on EO12 stating in part:

“EO12 expressly permits religious gatherings and imposes the fewer-than-ten-people limitation only with respect to religious gatherings that take place “in a room or confined space.” ... to read the order other than as permitting such gatherings would result in an apparent absurdity...”

While, the legislature has not received any justification as to why these types of restrictions should occur or why narrowly-tailored accommodations cannot be made, apparently your administration placed further restrictions on worship services with guidance to county health departments. This is despite the fact that your most recent legislative update specifically deemed churches as “Essential Business” for the purposes of your orders.

As of the writing of this letter, churches in Taylor, Walworth, Waukesha, Outagamie, and Dane Counties have apparently received communications prohibiting any planned outdoor worship services even if specifically designed to comply with social distancing guidelines set forth by Emergency Orders #8 and #12. This guidance apparently also deemed travel to church services as “non-essential”. Churches in these counties and across the state require clarity and relief from the confusion created by the latest Department of Health Services (DHS) guidelines in relation to outdoor and drive-up worship services. In addition to my request for clarification of your order, we are requesting a copy of the communication that DHS sent to county health departments relating to outdoor worship services.

If you and your Administration disagree with the above analysis, please indicate how in your response to my specific question. Along with providing for physical security, government must accommodate the free exercise of individuals to engage in congregational worship, as guaranteed under the Constitutions of the United States and the State of Wisconsin.

Thank you again for your efforts to address this crisis. We look forward to your prompt response to these concerns.

Sincerely,

David Craig
State Senator
28th Senate District

CC: Secretary-designee Andrea Palm

Romportl, Dan

From: Romportl, Dan
Sent: Thursday, April 09, 2020 12:29 PM
To: Ottman, Tad
Subject: FW: Data Dashboard Publication Language

From: O'Brien, Kyle <kobrien@wha.org>
Sent: Thursday, April 09, 2020 12:19 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Cc: Borgerding, Eric <EBorgerding@wha.org>
Subject: FW: Data Dashboard Publication Language

Dan –

See below. Fitz said he would let you know this is coming.

Thanks,
Kyle

From: O'Brien, Kyle
Sent: Wednesday, April 8, 2020 10:00 AM
To: Toftness, Jenny <Jenny.Toftness@legis.wisconsin.gov>
Cc: Borgerding, Eric <EBorgerding@wha.org>
Subject: Data Dashboard Publication Language

Jenny –

Please see the information below.

Thanks,
Kyle

153.23 is created to read:

153.23 Public health emergency dashboard. During a state of emergency or public health emergency declared by the governor or a declared emergency under the Stafford Act or National Emergencies Act or a public health emergency under Section 319 of the Public Health Services Act, the entity under contract under s.

153.05(2m)(a) shall prepare and publish a public health emergency dashboard using healthcare emergency preparedness program information collected by the state from acute care hospitals. The published dashboards shall include information to assist emergency response planning activities. The entity and the department shall enter a data use agreement and mutually agree to the healthcare emergency preparedness program information the department will provide to the entity, the information the entity will include in the dashboard, any publication schedule, and any other terms deemed necessary by the parties.

Romportl, Dan

From: Romportl, Dan
Sent: Thursday, April 09, 2020 12:29 PM
To: 'O'Brien, Kyle'
Cc: Borgerding, Eric
Subject: RE: Data Dashboard Publication Language

Received, thank you.
-Dan

From: O'Brien, Kyle <kobrien@wha.org>
Sent: Thursday, April 09, 2020 12:19 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Cc: Borgerding, Eric <EBorgerding@wha.org>
Subject: FW: Data Dashboard Publication Language

Dan –

See below. Fitz said he would let you know this is coming.

Thanks,
Kyle

From: O'Brien, Kyle
Sent: Wednesday, April 8, 2020 10:00 AM
To: Toftness, Jenny <Jenny.Toftness@legis.wisconsin.gov>
Cc: Borgerding, Eric <EBorgerding@wha.org>
Subject: Data Dashboard Publication Language

Jenny –

Please see the information below.

Thanks,
Kyle

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Romportl, Dan

From: Romportl, Dan
Sent: Wednesday, April 08, 2020 1:56 PM
To: Dye, Jenni N - GOV
Subject: RE: follow-up on legislative package

Received, thank you.
-Dan

From: Dye, Jenni N - GOV <jenni.dye@wisconsin.gov>
Sent: Wednesday, April 08, 2020 1:39 PM
To: Pritzkow, Emily <Emily.Pritzkow@legis.wisconsin.gov>; Palese, Tony <Tony.Palese@legis.wisconsin.gov>; Toftness, Jenny <Jenny.Toftness@legis.wisconsin.gov>; Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Cc: Pennoyer, Kara - GOV <kara.pennoyer1@wisconsin.gov>
Subject: follow-up on legislative package

Following up on recent conversations, we wanted to provide some initial feedback in response to the memo regarding your proposed bill.

First, we will need to see actual bill language. At this point we are able to share that DHS will have some feedback regarding provisions of the bill on waivers and data collection to ensure workability and responsiveness to the public health emergency, and we will get you details on those as soon as we are able.

The provision regarding JCF having authority to unilaterally alter previously approved appropriations is a non-starter. Changes to the approved budget will require more conversation and more information regarding the state's fiscal outlook and potential federal funding streams than is available at this time.

I'm also attaching a quick analysis that our team has done that shows what is missing from your proposal that we shared previously to facilitate further discussion. Many of these items are what the state needs in order to provide direct relief to the people who have been impacted most by this crisis and therefore are high priorities for the Governor.

Thanks,

Jenni Dye
Policy Director
Office of Governor Tony Evers
she/her/hers
Email: jenni.dye@wisconsin.gov
Phone: 608-264-6329 (office) | 608-279-6762 (mobile)
[Like Governor Tony Evers on Facebook](#) | [Follow Governor Tony Evers on Twitter](#)

Romportl, Dan

From: Romportl, Dan
Sent: Wednesday, April 08, 2020 12:25 PM
To: Toftness, Jenny; Ottman, Tad; Smith, Heather
Subject: FW: Senator Jacque Questions on Draft COVID Response Package

Fitz asked that I forward this to the team for consideration. Andre has been hammering both of us on this and Fitz finally caved and said "send it Tad to look at."

So I'm sending it to Tad to look at.

Also I'm sorry.

-Dan

From: Jacque, Andre <Andre.Jacque@legis.wisconsin.gov>
Sent: Wednesday, April 08, 2020 11:33 AM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Cc: Rettinger, Nik <Nik.Rettinger@legis.wisconsin.gov>
Subject: FW: Senator Jacque Questions on Draft COVID Response Package

Dan-

Please see the highlighted section below with an explanation of why more specific language is needed to allow the remote appearance ability for the court system that the DA's Association and Chief Justice Roggensack's office have requested...

Thanks!
André

From: Rettinger, Nik <Nik.Rettinger@legis.wisconsin.gov>
Sent: Wednesday, April 08, 2020 9:06 AM
To: Jacque, Andre <Andre.Jacque@legis.wisconsin.gov>
Subject: FW: Senator Jacque Questions on Draft COVID Response Package

André, here is Anna Henning's initial analysis of the Senate Draft Package language and compared to our legislation on the ability of courts to meet remotely.

-Nik

Nik Rettinger III
Chief of Staff
Office of Senator André Jacque
1st Senate District
608-266-3512

From: Henning, Anna <Anna.Henning@legis.wisconsin.gov>
Sent: Tuesday, April 7, 2020 4:53 PM

To: Rettinger, Nik <Nik.Rettinger@legis.wisconsin.gov>

Subject: RE: Senator Jacque Questions on Draft COVID Response Package

Hi Nik,

I have some preliminary thoughts on your question; I'd be happy to follow up with a phone call or a more detailed written analysis if that would be helpful.

Briefly, the provisions described by the draft summary appear to be identical to provisions in legislation proposed by the governor. [See page 23 of [this summary](#).] Those provisions provide very broad authority for state entities to waive in-person appearance requirements during a public health emergency. Specifically, they authorize a "state entity," broadly defined and specifically including the courts, to waive an in-person appearance requirement that is "imposed, administered, or enforced by" the state entity during the period in which a state public-health emergency is in effect, if the state entity finds that such a waiver will assist the state's response or that enforcing the in-person appearance requirement "may increase the public health risk."

On its face, that very broad waiver authority appears to allow a court to waive a requirement to appear in person in the types of criminal and juvenile justice proceedings for which 2019 Senate Bill 924 extends options for appearing by telephone or two-way audiovisual technology. In other words, on its face, the draft Senate legislation appears to authorize a court to allow persons to appear remotely in a juvenile or criminal proceeding while the current public health emergency declaration is in effect, and during any future public health emergency declaration, if the court finds that doing so will assist the state's emergency response efforts or that not doing so may increase risk.

However, there are some important caveats to note. First, as mentioned, such authority would be temporary, whereas SB 924 creates permanent options for remote appearance. Second, it is not clear to me whether a court would interpret the broad, general waiver authority as having superseded the very specific statutory restrictions applicable to criminal proceedings. A court would likely weigh competing "canons of construction" here – on one hand, a later-enacted statute typically trumps a prior-enacted statute, but on the other hand, a more specific statute typically trumps a more general statute. That statutory interpretation analysis could also be informed by constitutional considerations in this context. Although courts have made clear that the Sixth Amendment's confrontation clause does not guarantee an absolute right to confront an accuser in person, courts have required an "important public policy" reason to depart from a general preference for in-person appearances in criminal proceedings. It is certainly possible that a public health emergency could provide such an "important public policy" reason, but the outcome of that analysis is hard to predict with any certainty.

I hope that's a helpful start. Please let me know what else might be useful.

Anna



Anna Henning

Senior Staff Attorney, Wisconsin Legislative Council
608.504.5716 | anna.henning@legis.wisconsin.gov
One East Main Street, Suite 401, Madison, WI 53703

From: Rettinger, Nik <Nik.Rettinger@legis.wisconsin.gov>

Sent: Tuesday, April 07, 2020 1:08 PM

To: Henning, Anna <Anna.Henning@legis.wisconsin.gov>

Subject: RE: Senator Jacque Questions on Draft COVID Response Package

Unfortunately just the summary has been provided so far to our office.

Nik Rettinger III
Chief of Staff
Office of Senator André Jacque
1st Senate District
608-266-3512

From: Henning, Anna <Anna.Henning@legis.wisconsin.gov>
Sent: Tuesday, April 7, 2020 1:04 PM
To: Rettinger, Nik <Nik.Rettinger@legis.wisconsin.gov>
Subject: RE: Senator Jacque Questions on Draft COVID Response Package

Thanks, Nik! Do you have an actual LRB draft yet, by any chance? If not, I can provide you some information based on the summary.

Anna

From: Rettinger, Nik <Nik.Rettinger@legis.wisconsin.gov>
Sent: Tuesday, April 07, 2020 12:59 PM
To: Henning, Anna <Anna.Henning@legis.wisconsin.gov>
Subject: RE: Senator Jacque Questions on Draft COVID Response Package

Hi Anna, sorry I thought I attached it, my bad. Thanks for looking into this!

-Nik

Nik Rettinger III
Chief of Staff
Office of Senator André Jacque
1st Senate District
608-266-3512

From: Henning, Anna <Anna.Henning@legis.wisconsin.gov>
Sent: Tuesday, April 7, 2020 12:15 PM
To: Rettinger, Nik <Nik.Rettinger@legis.wisconsin.gov>
Subject: RE: Senator Jacque Questions on Draft COVID Response Package

Hi Nik,

I'm very happy to help. Could you send me what you mean by the draft Senate package, just so I'm sure I'm looking at the same thing?

Anna



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608.504.5716 | anna.henning@legis.wisconsin.gov
One East Main Street, Suite 401, Madison, WI 53703

From: Rettinger, Nik <Nik.Rettinger@legis.wisconsin.gov>
Sent: Tuesday, April 07, 2020 10:40 AM

To: Henning, Anna <Anna.Henning@legis.wisconsin.gov>

Subject: Senator Jacque Questions on Draft COVID Response Package

Anna,

I believe you are the right person to run this by, if not I'd be happy to talk the attorney think is best. My boss had some questions regarding the draft Senate COVID response package. He recently introduced legislation and just wants to know if the language in this draft package does what we've been told it will in place of our bill.

From my boss:

In Person Appearance Waiver (General Provisions #2)

Need to make sure this applies to what we were trying to do for DAs and the court system. Check with Leg council and Louis Molepske.

The Section my boss is referencing starts on page 6. The legislation we introduced before the session ended is here:

<https://docs.legis.wisconsin.gov/2019/proposals/sb924>

Can you check into this to see if the draft language accomplishes what our bill was trying to do?

-Nik

Nik Rettinger III

Chief of Staff

Office of Senator André Jacque

1st Senate District

608-266-3512

Romportl, Dan

From: Romportl, Dan
Sent: Wednesday, April 08, 2020 12:26 PM
To: Jacque, Andre
Cc: Rettinger, Nik
Subject: RE: Senator Jacque Questions on Draft COVID Response Package

Got it, thank you. We'll take a look at it.
-Dan

From: Jacque, Andre <Andre.Jacque@legis.wisconsin.gov>
Sent: Wednesday, April 08, 2020 11:33 AM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Cc: Rettinger, Nik <Nik.Rettinger@legis.wisconsin.gov>
Subject: FW: Senator Jacque Questions on Draft COVID Response Package

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Sent: Tuesday, April 07, 2020 10:40 AM
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Can you check into this to see if the draft language accomplishes what our bill was trying to do?

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Nik Rettinger III

Chief of Staff

Office of Senator André Jacque

1st Senate District

608-266-3512

Romportl, Dan

From: Romportl, Dan
Sent: Wednesday, April 08, 2020 10:40 AM
To: Karius, Bob; Schultz, Rusty
Subject: FW: Special Session Skeleton Scripts

FYI

From: Romportl, Dan
Sent: Wednesday, April 08, 2020 10:39 AM
To: Renk, Jeff <Jeff.Renk@legis.wisconsin.gov>
Cc: Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>; Gillitzer, Erin <Erin.Gillitzer@legis.wisconsin.gov>
Subject: RE: Special Session Skeleton Scripts

Senator Fitzgerald adjourned the "first" April Special Session at 10:15am, pursuant to SJR1.

Senator Fitzgerald adjourned the "second" April Special Session at 10:16am, pursuant to SJR1.

The Capitol building was open when this took place.

From: Renk, Jeff <Jeff.Renk@legis.wisconsin.gov>
Sent: Wednesday, April 08, 2020 10:05 AM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>; Ottman, Tad <Tad.Ottman@legis.wisconsin.gov>
Cc: Gillitzer, Erin <Erin.Gillitzer@legis.wisconsin.gov>
Subject: Special Session Skeleton Scripts

Here are the scripts today to adjourn both April special sessions.

Jeff

Romportl, Dan

From: Romportl, Dan
Sent: Wednesday, April 08, 2020 10:39 AM
To: Renk, Jeff
Cc: Blazel, Ted; Gillitzer, Erin
Subject: RE: Special Session Skeleton Scripts

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From: Renk, Jeff <Jeff.Renk@legis.wisconsin.gov>
Sent: Wednesday, April 08, 2020 10:05 AM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>; Ottman, Tad <Tad.Ottman@legis.wisconsin.gov>
Cc: Gillitzer, Erin <Erin.Gillitzer@legis.wisconsin.gov>
Subject: Special Session Skeleton Scripts

Here are the scripts today to adjourn both April special sessions.

Jeff

Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, April 07, 2020 10:17 PM
To: Ottman, Tad; Smith, Heather; Toftness, Jenny
Subject: FW: Drafts of Governor's proposals for discussion
Attachments: 19-6128/P2.pdf; 19-6105/P2.pdf

FYI wtf - also its nice that WHA had a memo out supporting this "new" package an hour before we got it

From: Dye, Jenni N - GOV
Sent: Tuesday, April 07, 2020 9:45 PM
To: Palese, Tony; Pritzkow, Emily; Toftness, Jenny; Romportl, Dan
Cc: Pennoyer, Kara - GOV
Subject: Drafts of Governor's proposals for discussion

Hello,

As we have discussed with you on our daily calls, our office has been continuing to work on drafts of the legislative proposals we have previously shared with you. Attached please find an updated version of the first package that we had provided to you as well as a compiled draft of our second round of legislative proposals. These documents reflect conversations with constituents, agencies, federal partners, and stakeholders over the past weeks. Note that LRB has flagged for us that they have duplicated some of the analysis in 6128, which we will work with them to fix in the morning, and the State Budget Office team is also still reviewing these but we wanted to get you the language as quickly as possible to facilitate discussions.

We continue to look forward to the opportunity to discuss the Governor's proposals as well as the ideas in the memo we received today and work together to reach an agreement that the Governor and legislators can support.

Best,

Jenni Dye
Policy Director
Office of Governor Tony Evers
she/her/hers
Email: jenni.dye@wisconsin.gov
Phone: 608-264-6329 (office) | 608-279-6762 (mobile)
[Like Governor Tony Evers on Facebook](#) | [Follow Governor Tony Evers on Twitter](#)

Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, April 07, 2020 8:02 PM
To: Mugnaini, Jason; Rettinger, Nik; Lonergan, Sandy; Ponio, Jerry; Summerfield, Craig; Mikalsen, Mike; Esser, Jennifer; Zantow, Jenna; Prange, Katy; Lakin, Tim; Henkel, Matt; Soper, John; Kelly, Scott; Duerkop, Nathan; Emerson, James; Gibbs, Adam; Fiocchi, Tim; Koenen, Kyle
Subject: updated LFB memo - not final
Attachments: 07 Summary of Provisions Draft.pdf

Version 2 attached - your feedback today is appreciated and is being taken under consideration, more changes will follow
- for now please keep this on hand as the *most recent* draft
-Dan

Summary of Provisions

ADMINISTRATION

1. EMPLOYEE TRANSFER AUTHORITY

Authorize the Secretary of DOA to transfer any employee from one executive branch agency to another executive branch agency to provide services for the receiving agency during the public health emergency declared on March 12, 2020, including any extension by joint resolution of the Legislature. Specify that the receiving agency must pay all salary and fringe benefit costs of the employee during the time he or she is providing services for the receiving agency. Further, specify that any transfer would remain in effect until rescinded by the Secretary of DOA or 90 days after the public health emergency is terminated, whichever is earliest. Specify that an employee may not receive a salary increase upon transfer to a state agency, nor may an employee receive a salary increase upon return to the sending state agency. Require the Secretary of DOA to submit a report to the Joint Committee on Finance no later than June 1, 2020, and on the first day of each subsequent month during the emergency period, that provides information on all employee transfers. Specify that the report identify the number of employees transferred, the title of each employee transferred, the title the employee assumed at the receiving agency, and the reasons for each employee transfer.

2. LIMITED-TERM EMPLOYEE HOURS

Specify that the Director of the Bureau of Merit Recruitment and Selection in DOA's Division of Personnel Management may increase or suspend the number of hours for a limited-term appointment for the duration of a public health emergency declared by the Governor. Under current law, a limited-term appointment is a provisional appointment for less than 1,040 hours per year.

3. USE OF ANNUAL LEAVE

Specify that a state employee may take annual leave within the first six months of the employee's probationary period upon initial appointment during a public health emergency declared by the Governor. Further, specify that if such an employee who has taken annual leave terminates his or her employment before earning annual leave equivalent to the amount of annual leave the employee has taken, the appointing authority would be required to deduct the cost of the unearned annual leave from the employee's final pay.

Under current law, an employee, with the approval of his or her appointing authority, may anticipate the annual leave which he or she could earn during the current calendar year, but no employee is eligible to take annual leave until he or she has completed the first six months of a

probationary period for an original job appointment unless the employee uses annual leave that he or she accrued while serving in an unclassified position.

4. STATE EMPLOYMENT FILINGS AND IN-PERSON MEETINGS

Specify that a state employee does not waive his or her right to appeal an adverse employment decision if the employee does not timely file a complaint or appeal during a public health emergency declared by the Governor. Further, specify that the tolling period for an employee to file such a complaint with the appointing authority would begin 14 days after the termination of the declared public health emergency or extension. In addition, specify that an appointing authority or his or her designee is not required to meet with a complainant in person when conducting an investigation related to such a complaint filed by an employee during a public health emergency declared by the Governor.

Under current law, to commence the grievance process for an adverse employment action, a state employee must file a complaint with the employee's appointing authority challenging the adverse employment decision against the employee no later than 14 days after the employee becomes aware of, or should have become aware of, the decision that is the subject of the complaint. Also under current law, an appointing authority or his or her designee who receives a timely complaint must conduct any investigation they consider necessary, meet with the employee in person, and issue a decision in writing no later than 14 days after the date on which the complaint is received.

AGRICULTURE, TRADE AND CONSUMER PROTECTION

1. PROHIBITION ON RETURNS DURING PUBLIC HEALTH EMERGENCY

Prohibit a retail establishment from accepting the return of fresh or packaged food, cleaning supplies, personal care products, or paper products purchased during a public health emergency as declared by the Governor under s. 323.10 of the statutes, or within 30 days after the emergency ends. However, allow a retailer to accept the return of food, personal care products, cleaning supplies, or paper products within seven days of purchase for any reason, or at any time any time if a product was contaminated due to improper production or packaging. Further, allow retail establishments to accept returns of other types of products at any time.

BOARD OF COMMISSIONERS OF PUBLIC LANDS

1. AUTHORIZE TRUST FUND LOANS TO MUNICIPAL UTILITIES

Allow BCPL to offer loans from the common school fund and other school trust funds to nonprofit municipal utilities during the state of emergency declared by the Governor under Executive Order 72, including any extension granted by the Legislature, and up to 60 days after the emergency declaration expires. Specify BCPL may offer loans to ensure that the utility is able to maintain liquidity during the emergency period, and authorize BCPL to issue loans for amounts and conditions as may be agreed upon by a borrower. Further, specify that the Legislature determines the loans serve a public purpose.

Under current law, BCPL makes loans to school districts, municipalities, sewer districts and other public entities from the school trust funds that it manages. BCPL typically offers 10-year loans with low fixed interest rates. Under statute, BCPL loans must have an interest rate greater than 2%. BCPL does not charge a pre-payment penalty.

The public health emergency allows commercial and residential ratepayers to temporarily suspend utility payments without losing service. The provision is intended to allow BCPL to extend loans to municipal utilities so that they may continue to meet obligations in the event of a temporary loss of revenues.

BUDGET MANAGEMENT AND COMPENSATION RESERVES

1. JOINT FINANCE AUTHORITY TO REDUCE APPROPRIATIONS

Specify that the Joint Committee on Finance could reduce certain general purpose revenue (GPR) appropriations, suspend law changes that would decrease state general fund tax revenues, and rescind proposed general wage adjustments for state and UW System employees if the general fund condition statement issued by the Legislative Fiscal Bureau shows an estimated deficit in the 2020-21 fiscal year.

Require the Fiscal Bureau to prepare a revised general fund condition statement for the 2019-21 biennium no later than June 15, 2020, and submit the report to the cochairpersons of the Joint Committee on Finance. If the report projects that the estimated gross general fund balance on June 30, 2021, will be negative, require that the cochairpersons convene a meeting of the Committee no later than June 24, 2020.

Specify that the Committee could take action at the required meeting to reduce the amount of any general purpose revenue appropriation in the appropriation schedule for the 2020-21 fiscal year,

except for the following: (a) sum sufficient appropriations; (b) the appropriation for Medical Assistance benefits under the Department of Health Services; and (c) the appropriations to pay debt service on appropriation obligation bonds. Additionally, the Committee could take action to delay the effective date, initial applicability, or implementation of any provision contained in any enactment of the 2019 Legislature that would have the effect of reducing general purpose revenues. Specify that if the provision relates to taxation, the delay could not extend beyond the taxable year that begins after December 31, 2021, and any other such delay could not extend beyond June 30, 2023.

Additionally, specify that the Committee could take action at the meeting to rescind the January, 2021, general wage adjustment of 2% provided under the state employee compensation plan and the January, 2021, wage adjustments provided to UW System employees under its proposed pay plan, notwithstanding the actions of the Joint Committee on Employment Relations on December 18, 2019, in approving the state employee compensation plan and the proposed pay plan of the UW System. Funding in compensation reserves associated with the above January, 2021, wage adjustments totals \$20,517,000 GPR (\$47,559,100 all funds) in 2020-21.

2. TRANSFERS FROM SUM SUFFICIENT APPROPRIATIONS

Allow the Joint Committee on Finance to transfer up to \$25 million from sum sufficient appropriations during a state of emergency declared by the Governor, including any extension period, and for a period of up to 90 days after the termination of the state of emergency. Transferred funds could be used for expenditures related to the state of emergency.

Under current law, the Joint Committee on Finance can transfer funds between two appropriations or between two fiscal years in the same biennium if the transfer would eliminate unnecessary duplication of functions, result in a more efficient and effective method for performing programs, or more effectively carry out legislative intent. Such transfer must be for purposes which have been authorized or directed by the Legislature, and cannot change legislative intent. Current law does not allow a transfer from a sum sufficient appropriation to other types of appropriations.

BUILDING COMMISSION

1. GENERAL OBLIGATION BONDING REFUNDING AUTHORITY

Increase the bonding authorization for refunding of any outstanding tax-supported or self-amortizing state general obligation debt by \$725,000,000, from its current level of \$6,785,000,000 to \$7,510,000,000. These bonds could only be issued if the debt refinancing meets the current law requirement that the true interest costs of the state must be reduced. The authorization for this refunding bonding was last increased in 2017 Act 59 (the 2017-19 budget).

EMPLOYEE TRUST FUNDS

1. REHIRED ANNUITANTS IN CRITICAL POSITIONS

Specify that a Wisconsin Retirement System (WRS) participant who is hired by a participating employer during a public health emergency declared by the Governor may elect to not suspend his or her annuity for the duration of the public health emergency if: (a) at the time of terminating employment, the participant does not have an agreement with any participating employer to return to employment or enter into a contract to provide employee services; and (b) the position for which the annuitant is hired is a critical position. Further, specify that the current break-in-service requirement of 75 days would not apply to a participant who is hired for a critical position during the public health emergency if at least 15 days have elapsed between the termination of employment and becoming a participating employee. Require the head of each state agency and each local health department, based on guidance provided by the Secretary of the Department of Health Services, to determine which positions within the respective state agency or local government are critical when the Governor declares a public health emergency, for the purposes of administering the provisions applicable to rehired annuitants.

Under current law, any WRS participant who retires on or after July 2, 2013, must suspend their annuity and become a participating WRS employee if they are employed in covered employment, or enter into a contract with a WRS employer, and are expected to work at least two-thirds of what is considered full-time employment by the Department of Employee Trust Funds. Also under current law, any WRS participant who retires on or after July 2, 2013, has a break-in-service requirement of 75 days between termination of employment and becoming a participating employee with a WRS employer. This separation from WRS employment must occur for an individual who applied for an annuity or lump sum payment to continue to qualify for an annuity or to retain the lump sum payment.

2. LEAVES OF ABSENCE AND HEALTH INSURANCE

Specify that, for the purposes of group health insurance coverage offered by the Group Insurance Board, an employee who returns from a leave of absence and who has not resumed active duty for at least 30 consecutive calendar days on the date that the Governor declares a public health emergency is deemed to have ended or interrupted the leave of absence on that date. The public health emergency related to COVID-19 was declared by the Governor on March 12, 2020.

Under current law, a leave of absence is not deemed ended or interrupted until the employee has resumed active performance of duty for 30 consecutive calendar days for at least 50 percent of what is considered the employee's normal work time with the employer. Also under current law, a state or local public employer that provides its employees health insurance coverage through a plan offered by the Group Insurance Board must continue to pay required employer contributions, if any, toward the health insurance premium of an insured employee while the insured employee is on a leave of absence for the first three months of the leave of absence, or for the entire leave of absence

if the insured employee is receiving temporary disability compensation. Under the provision, an employee of such an employer who returns from a leave of absence, and who was eligible to receive an employer contribution towards health insurance premiums prior to commencing the leave of absence, would be immediately eligible for the employer contribution towards the cost of health insurance premiums.

GENERAL PROVISIONS

1. GOVERNMENTAL DEADLINES AND TRAINING REQUIREMENTS DURING A PUBLIC HEALTH EMERGENCY

Specify that a state or local governmental unit, during an emergency period, may suspend any deadline associated with a program or action that the state or local governmental unit administers or enforces. Define "emergency period" as the period covered by a public health emergency plus 30 days after the end of the emergency. Define "deadline" to mean any date certain by which, or any limitation as to time within which, an action or event is required to occur. Specify that a state or local governmental unit may not charge any interest or penalties that would otherwise apply with respect to the suspended deadlines. Specify that the suspension of deadlines would not apply to any elections-related deadlines. Specify that during an emergency period, a state or local unit of government may suspend any training requirements that are associated with programs the state or local unit of government administers or enforces. The provision would first apply to deadlines or training requirements during a public health emergency declared on March 12, 2020, by executive order #72, including any extensions.

Specify that the suspension of deadlines does not apply to tax-filing deadlines with respect to tax revenues deposited to the general fund, certain taxes and fees deposited to the transportation fund, or to interest and penalties on property taxes payable in 2020 that are due after February 1, 2020, provided that the full amount of the payment is received on or before October 1, 2020. These tax-filing deadlines are described under "Revenue."

2. IN PERSON APPEARANCE WAIVER

Specify that the head or governing body of a state entity may waive a requirement imposed, administered, or enforced by the state entity that an individual appear in person during a public health emergency declared by the Governor if the head or governing body finds that the waiver assists in the state's response to the public health emergency or that enforcing the requirement may increase the public health risk. Define "state entity" to mean any state agency, institution of higher education, association, society, or other body in state government, created or authorized to be created by the Constitution or any law that is entitled to expend moneys appropriated by law, including the Legislature, the Courts, and any authority.

3. EXEMPTION FROM CIVIL LIABILITY FOR MANUFACTURE OF MEDICAL SUPPLIES AND EQUIPMENT DURING PUBLIC HEALTH EMERGENCY

Exempt manufacturers, distributors, and sellers of emergency medical supplies and equipment that donate or sell their products in response to the public health emergency declared under Executive Order 72 (including any extension granted by legislative resolution) from civil liability associated with injury or death caused by those products. The manufacturer, distributor, or seller would be exempt from civil liability only if the product were sold or donated to a nonprofit organization or unit of government at a price that does not exceed the cost of production, defined to include only the cost of inputs, wages, operating the manufacturing facility, and transporting the product. Define emergency medical supplies and equipment as any medical equipment or supplies necessary to limit the spread of, or provide treatment for, a disease associated with a public health emergency, including life support devices, personal protective equipment, cleaning supplies, and any other item determined to be necessary by the Secretary of the Department of Health Services. Specify that the exemption would not apply if the death or injury were caused by a willful act or omission.

4. EXEMPTION TO 50 PIECE RULE FOR COVID-19 EMERGENCY

Allow a person elected to state or local office who becomes a candidate for a national, state, or local government office to use public funds to pay for communications related to the public health emergency declared under Executive Order #72 (including any extension granted by legislative resolution) if the communications are made during the emergency period, or within 30 days after termination of the emergency period.

Under current law, with limited exceptions, a person elected to state or local office who becomes a candidate for a national, state, or local government office may not use public funds to pay for 50 or more pieces of substantially identical material during the campaign season.

HEALTH SERVICES

1. TEMPORARY SUSPENSION OF MEDICAL ASSISTANCE PROVISIONS TO MEET CONDITIONS FOR ENHANCED FEDERAL MATCHING PERCENTAGE

Authorize DHS to take certain actions, as described below, to satisfy criteria for qualifying for enhanced federal medical assistance percentage (FMAP) available during an emergency period declared in response to the novel coronavirus pandemic, as established by the federal Family First Coronavirus Response Act (FFCRA).

Under this provision, the Department would be authorized to do the following on a temporary basis: (a) suspend monthly premiums for childless adults covered under the medical assistance (MA) program; (b) suspend the requirement that childless adults complete a health risk

assessment questionnaire for childless adults, as a condition of MA eligibility; (c) delay the implementation of a community engagement requirement for childless adults until the date that is either: (1) 30 days after the day the federal government has approved the community engagement implementation plan; or (2) 30 days after the last day of the calendar quarter in which the last day of the declared federal public health emergency associated with the novel coronavirus pandemic occurs; and (d) maintain continuous enrollment of for any MA beneficiary who is enrolled as of the date of passage of the FFCRA (March 18, 2020), or who subsequently enrolls in the program during the period of the federal public health emergency, until the end of the end of the final month during which the federal public health emergency is in effect.

The Department of Health Services implemented the monthly premiums and health risk questionnaire beginning on February 1, 2020, under terms of a federal waiver applicable for Medicaid coverage for childless adults. The community engagement provision is another waiver provision, which has not yet been implemented. Under provisions established under 2017 Act 370, the deadline for implementation of this provision is currently April 29, 2020, although the federal government has not approved the final implementation plan.

The FFCRA increases each state's FMAP by 6.2 percentage points during any calendar quarter for which the COVID-19 federal public health emergency is in effect, provided that the state meets certain maintenance of effort criteria. This increase will apply, at a minimum to the first two quarters of 2020, January through March, and April through June. Based on current expenditure levels in the state's medical assistance program, the increase to the state's FMAP will increase federal Medicaid matching funds by approximately \$150 million per quarter, or approximately \$300 million over the two quarters covering the final six months of state fiscal year 2019-20.

In order to qualify for the FMAP increase, states must: (a) not adopt more restrictive eligibility standards, methodologies, or procedures for their Medicaid programs than were in effect on January 1, 2020; (b) not charge a higher premium for any eligibility groups than was in effect on January 1, 2020; (c) ensure that any person who was enrolled as of the date of enactment of the FFCRA or who enrolls during the federal public health emergency be eligible for benefits through the end of the month in which the public health emergency period ends; and (d) provide coverage of COVID-19 testing and treatment for Medicaid beneficiaries without cost sharing. With respect to premiums, a state is not ineligible for the FMAP increase during the 30-day period following the passage of the FFCRA (that is, through April 17, 2020), if it had a premium in effect on the date of passage that would otherwise not be in compliance with the maintenance of effort requirement.

Since the state's childless adult waiver provisions were implemented after January 1, 2020, the provisions must be suspended in order for the state to qualify for the enhanced FMAP. In addition, the state must make modifications to eligibility review processes to ensure continuous enrollment for MA beneficiaries during the federal public health emergency. The changes under this item, which would be established in a nonstatutory provision, are intended to make the state eligible to receive enhanced FMAP under the FFCRA.

2. LEGISLATIVE OVERSIGHT OF FEDERAL WAIVER REQUESTS RELATED TO THE COVID-19 PUBLIC HEALTH EMERGENCY

Exempt a Department of Health Services (DHS) request for a waiver, amendment to a waiver, state plan amendment, or other federal approval from the current law provisions, enacted in 2017 Wisconsin Act 370, relating to legislative authorization for, and review of, such requests during the public health emergency declared by the Secretary of the federal Department of Health and Human Services on January 31, 2020, in response to the 2019 novel coronavirus. Specify that such an exemption applies only if the request is any of the following:

Relating to the medical assistance program. Any of the following:

- Allowing providers to receive payments for services provided in alternative settings to recipients affected by 2019 novel coronavirus;
- Waiving preadmission screening and annual resident review requirements when recipients are transferred;
- Allowing hospitals who hold a state license but have not yet received accreditation from the Joint Commissioner to bill the medical assistance program during the 2019 novel coronavirus public health emergency;
- Waiving payment of the application fee to temporarily enroll a provider for 90 days or until the termination of the 2019 novel coronavirus public health emergency, whichever is longer;
- Waiving pre-enrollment criminal background checks for providers that are enrolled in the Medicare program to temporarily enroll the provider in the medical assistance program for 90 days or until the termination of the 2019 novel coronavirus public health emergency, whichever is longer;
- Waiving site visit requirements to temporarily enroll a provider for 90 days or until the termination of 2019 novel coronavirus public health emergency, whichever is longer;
- Ceasing revalidation of providers who are enrolled in the medical assistance program or otherwise directly impacted by the 2019 novel coronavirus public health emergency for 90 days or until termination of the public health emergency, whichever is longer;
- Waiving the requirement that physicians and other health care professionals be licensed in the state in which they are providing services if they have equivalent licensing in another state or are enrolled in the federal Medicare program;
- Waiving prior authorization requirements for access to covered state plan or waiver benefits;
- Expanding the authority under Section 1905 (a) of the federal Social Security Act regarding nonemergency transportation to allow for reimbursement of any eligible individual under the medical assistance program, additional vendors, transportation for caregivers going to provide services to recipients, and meal delivery to medical assistance recipients;

- Waiving public notice requirements that would otherwise be applicable to state plan and waiver changes;
- Modifying the tribal consultation timelines specified in the medical assistance state plan to allow for consultation at the next future tribal health director meeting;
- Modifying the requirement under federal law to submit the state plan amendment by March 31, 2020, to obtain an effective date during the first calendar quarter of 2020;
- Simplifying program administration by allowing for temporary state plan flexibilities rather than requiring states to go through the state plan amendment submission and approval process;
- Waiving timely filing requirements for billing under federal law to allow time for providers to implement changes;
- Expanding hospital presumptive eligibility to include the population over age 65 and disabled;
- Allowing flexibility for submission of electronic signatures on behalf of a medical assistance recipient by application assistants if a signature cannot be captured in person;
- Waiving requirements for managed care organizations to complete initial and periodic recredentialing of network providers if the providers meet medical assistance provider enrollment requirements during the 2019 novel coronavirus public health emergency;
- Requiring managed care organizations to extend preexisting authorizations through which a medical assistance recipient has received prior authorization until the termination of the 2019 novel coronavirus public health emergency;
- Waiving sanctions under Section 1877 (g) of the Social Security Act relating to limitations on physician referral;
- Allowing flexibility in how a teaching physician is present with the patient and resident including real-time audio and video or access through a window;
- Waiving certain equipment requirements in hospital equipment maintenance requirement guidance issued on December 20, 2013, to maintain the health and safety of the hospitals' patients and providers;
- Creating provisions allowing for additional flexibilities to allow for the use in nursing homes of physician extenders in place of medical directors and attending physicians and telehealth options;
- Waiving notice of transfers within a nursing home due to medically necessary protection from the 2019 novel coronavirus;
- Waiving requirements to document sufficient preparation and orientation to residents to ensure a safer and orderly intrafacility nursing home transfer;

- Waiving requirements for a nursing home bedhold policy;
- Waiving the requirements for nursing home in-service education under federal law;
- Waiving nurse staffing information and posting of that information for nursing homes;
- Suspending the requirement that a pharmacist go monthly to the nursing home to do record review;
- Waiving or lessening requirements for a paid feeding assistant program in nursing homes and setting guidelines for training to assist with the 2019 novel coronavirus pandemic;
- Waiving the annual and quarterly screening of fire extinguishers and any other annual maintenance review for nursing homes;
- Allowing all clinical hours required under federal law to be online simulation;
- Waiving under federal law the loss of the Nurse Aide Training and Competency Evaluation Program;
- Waiving the requirements under federal law for training of paid feeding assistants;
- Allowing home health agencies to perform certifications, initial assessments, and determine homebound status remotely or by record review;
- Waiving life safety codes for intermediate care facilities for individuals with intellectual disabilities under federal law and for hospitals, hospices, nursing homes, critical access hospitals and intermediate care facilities for individuals with intellectual disabilities relating to fire alarm system maintenance and testing, automatic sprinkler and standpipe system inspection, testing, and maintenance, and inspection and maintenance of portable fire extinguishers.

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

- Allowing all waiver services and administrative requirements that that can be provided with the same functional equivalency of face-to-face services to occur remotely;
- Removing the requirement to complete a 6-month progress report to reauthorize prevocational service;
- Removing the limitation that quotes from at least 3 providers must be obtained and submitted for home modifications;
- Removing the limitation preventing supportive home care from being provided in adult family homes and residential care apartment complexes;
- Removing the limitation preventing personal or nursing services for recipients in residential care apartment complexes;

- Removing the limitation that participants cannot receive other waiver services on the same day as receiving respite care;
- Allowing adult day service providers, prevocational providers, and supported employment providers to provide services in alternate settings;
- Allowing up to three meals per day for home delivered meals for Family Care and IRIS program enrollees and adding home delivered meals as a benefit in the Children's Long-Term Supports waiver;
- Removing the limitation on using moneys to relocate individuals from an institution or family home to an independent living arrangement;
- Allowing any individual with an intellectual or developmental disability to reside in a community-based residential facility with greater than eight beds;
- Modifying the scope of the child care benefit to allow for the provision of child care payments for children under the age of 12 in the program for direct care workers and medical workers who need access to child care during the emergency;
- Allowing for all home and community-based waiver services to be provided in temporary settings;
- Allowing home and community-based waiver services to be provided temporarily in an acute care hospital or in a short-term institutional stay;
- Allowing payment for home and community-based waiver services provided in settings outside this state;
- Allowing general retailers to provide assistive technology or communication aids;
- Allowing providers certified or licensed in other states or enrolled in the Medicare program to perform the same or comparable services in this state;
- Delaying provider licensing or certification reviews;
- Allowing DHS to waive provider qualifications as necessary to increase the pool of available providers;
- Allowing 4-year background checks to be delayed;
- Expanding transportation providers to include individual and transportation network companies;
- Allowing noncertified individuals to provide home delivered meals;
- Allowing nursing students to provide allowable nursing services;
- Allowing parents to be paid caregivers for their minor children in the Children's Long-

Term Supports program when providing a service that would otherwise have been performed and paid for by a provider;

- Allowing for qualified individuals to provide training to unpaid caregivers;
- Waiving choice of provider requirements;
- Waiving the managed care network adequacy requirements under federal law;
- Waiving requirements to complete initial and required periodic credentialing of network providers;
- Adding a verbal and electronic method to signing required documents;
- Allowing the option to conduct evaluations, assessments, and person-centered service planning meetings virtually or remotely in lieu of face-to-face meetings;
- Allowing the lessening of prior approval or authorization requirements;
- Allowing for data entry of incidents into the incident reporting system outside of typical timeframes;
- Waiving the requirement to distribute member-centered plans to essential providers;
- Allowing DHS to draw federal financing match for payments, such as hardship or supplemental payments, to stabilize and retain providers who suffer extreme disruptions to their standard business model or revenue streams as a result of the 2019 novel coronavirus;
- Allowing DHS to waive participant liability for room and board when temporarily sheltered at noncertified facilities;
- Allowing payment for home and community-based waiver services;
- Allowing managed care enrollees to proceed almost immediately to a state fair hearing without having a managed care plan resolve the appeal first by permitting DHS to modify the timeline for managed care plans to resolve appeals to one day so the impacted appeals satisfy the exhaustion requirements and give enrollees more time to request a fair hearing;
- Waiving public notice requirements that would otherwise be applicable to waiver changes;
- Modifying the tribal consultation timelines to allow for consultation at the next future tribal health directors meeting;
- Waiving timelines for reports, required surveys, and notifications;
- Allowing the extension of the certification period of level-of-care screeners;
- Allowing the waiver of requirements related to home and community-based settings on a case by case basis in order to ensure the health, safety and welfare of affected beneficiaries under

federal law;

- Applying any provisions under this paragraph automatically to the concurrent 1915 (b) waiver;
- Allowing the waiver enrollment or eligibility changes based on a completed functional screen resulting in a change in level-of-care;
- Allowing for continued enrollment in the Children's Long-Term Supports program past the ages of 18 and 21; and
- Allowing the suspension of involuntary disenrollment.

3. GRANTS FOR UNREIMBURSED COVID-19 COSTS

Authorize the Department of Health Services to submit a request to the Joint Committee on Finance during the 2019-21 biennium for an appropriation supplement to make grants to healthcare providers for unreimbursed costs associated with treatment of patients with COVID-19.

4. HOURS OF INSTRUCTIONAL PROGRAMMING FOR NURSE AIDES

Prohibit the Department of Health Services from requiring an instructional program for nurse aides in Wisconsin to exceed the federally required minimum total training hours or minimum hours of supervised practical training.

Currently, nurse aides in Wisconsin are required to complete a minimum of 120 total training hours, including 32 hours of supervised practical training. Federal law currently requires nurse aides to complete 75 total training hours, including 16 hours of supervised practical training.

5. HOSPITAL AND DHS REPORTING REQUIREMENTS

Require every hospital, isolation facility, and other entity that provides hospitalization (hereafter, "facilities") to submit information to the Department of Health Services (DHS), and require DHS to publicly report information it receives, as described below.

Facility Reporting

Daily Reports. Require every facility to report the following information to DHS daily: (a) the number of new positive COVID-19 test results for individuals working at the facility and for patients; (b) the daily census of COVID-19 patients in the facility; (c) the daily census of presumptive COVID-19 cases in the facility; (d) the total number of COVID-19 patients, including presumptive cases, in a bed in the facility's intensive care unit (ICU); and (e) the total number of COVID-19 patients, including presumptive cases, who are on ventilators. Specify that these requirements begin on the date of the first case of COVID-19 at the facility.

Weekly Reports. Require every facility to report the following information on a weekly basis:

(a) the number of COVID-19 patients at the facility who moved from a regular hospital bed to a bed in an intensive care unit, and, as applicable, onto a ventilator, including the amount of time each patient spent at each level of care; (b) the number of COVID-19 patients at the facility who moved from a bed in an intensive care unit or being on a ventilator to a regular hospital bed, including the amount of time each patient spent at each level of care; (c) the number of patients who were confirmed to have COVID-19 and who were released from the facility, including the amount of time each patient spent in the facility. Specify that these requirements begin on the date of the first case of COVID-19 at the facility.

Reporting Ventilators Owned by Facilities. By April 14, 2020, require each facility to report to DHS the number of ventilators they own on that date. Further, require each facility to report to DHS any change in the number of functional ventilators it owns, including the number of ventilators it owns that are no longer functional, the day after the facility's number of functional ventilators changes.

DHS Reporting and Authority to Withhold CARES Act Funds for Noncompliance

DHS Reporting. Beginning April 24, 2020, require DHS to report publicly all of the following: (a) on a daily basis, the information facilities are required to report on a daily basis; (b) on a weekly basis, the information facilities are required to report on a weekly basis; and (c) the daily availability of ventilators in the state, including any ventilators acquired directly by DHS; and (d) the total number of individuals in the state that are using ventilators.

Imposition of Penalties for Noncompliance. Authorize DHS to create a metric to allow the Department to measure compliance with the data reporting requirements and to withhold funding available under the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) to noncompliant health care providers.

6. MEDICAL ASSISTANCE INCENTIVE PAYMENTS TO ENCOURAGE PARTICIPATION IN HEALTH INFORMATION EXCHANGE

Require the Department of Health Services to develop, under the MA program, a payment system based on performance to incentivize participation in health information data sharing to facilitate better patient care, reduced costs, and easier access to patient information.

Require DHS to establish performance metrics for the payment system that satisfy all of the following: (a) the metric must include participation by providers in a health information exchange at a minimum level of patient record access; (b) the payment under the payment system must increase as the participation level in the health information exchange increases; (c) the payment system must begin in the 2021 rate year; and (d) for purposes of this payment system, require DHS to seek any available federal moneys, including any money available for this purpose under the federal Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136), to assist small, rural providers with the costs of information technology setup to participate in the health information exchange.

7. SENIORCARE COVERAGE OF VACCINATIONS

Expand the SeniorCare prescription drug assistance program to include coverage of vaccinations that are recommend for administration to adults by the Federal Centers for Disease Control and Prevention's advisory committee on immunization practices and approved for the administration to adults by the Wisconsin Department of Health Services. Require DHS to provide reimbursement under SeniorCare for the administration of vaccinations to health care providers, including pharmacies and pharmacists, provided that the enrollee has met the program's deductible requirements or is not required to pay a deductible. Require the Department to use the same method of reimbursement for the ingredient and dispensing fees as is used for vaccinations under the medical assistance program. Require the Department to devise and distribute a claim form for use by health care providers for vaccinations. Authorize DHS to limit payment for vaccinations to claims that are submitted directly to the Department and specify that DHS may apply the same utilization and cost control procedures for vaccinations that apply under the medical assistance program.

Require DHS to seek to enter into rebate agreements with manufacturers who sell vaccines, modeled on current rebate agreements used in the program for prescription drugs. Specify that to the extent that rebate agreements are in place for vaccines, manufacturers must make rebate payments for vaccines for which reimbursement was provided under the SeniorCare program.

SeniorCare is a program administered by DHS that provides assistance with the purchase of prescription drugs for enrollees. To be eligible, enrollees must be at least 65 years old and meet income thresholds. Enrollees with an income exceeding 160% of the federal poverty level must meet a deductible requirements before becoming eligible for program benefits.

INSURANCE

1. NO COST SHARING FOR COVID-19 TESTING DURING 2020

Require any self-insured health plan offered by a local government or school district, any health insurance policy, and any state health plan that generally covers testing for infectious diseases to provide coverage of testing for COVID-19 without imposing any copayment or coinsurance on the individual covered under the policy or plan, for any such testing done prior to March 13, 2021.

2. PROHIBIT COVERAGE DISCRIMINATION BASED ON COVID-19

Prohibit any insurer, pharmacy benefit manager, or self-insured health plan from using a current or past diagnosis, or suspected diagnosis, of COVID-19, as the basis for doing the following: (a) establishing rules, applicable to an individual or employer or other group, for eligibility for enrollment, continued eligibility to remain enrolled, or renewal of coverage; (b) canceling coverage during a contract term; (c) establishing rates for coverage; or (d) refusing to grant a grace period for

the payment of premium, if a grace period for payment of premium would generally be granted under the plan.

3. PRESCRIPTION DRUG LIMITS

Prohibit any health insurance policy, state employee health plan, or self-insured health plan offered by a local government or school district, or a pharmacy benefit manager acting on behalf of a policy or plan from doing the following during the period covered by the state of emergency related to public health declared by the Governor on March 12, 2020, under Executive Order 72: (a) requiring prior authorization for early refills of a prescription drug or otherwise restrict the period of time in which a prescription drug may be refilled; or (b) imposing a limit on the quantity of prescription drugs that may be obtained if the quantity is no more than a 90-day supply. Specify that these restrictions do not apply to a prescription drug that is classified as a controlled substance by the Controlled Substances Board.

4. LIABILITY INSURANCE FOR PHYSICIANS AND NURSE ANESTHETISTS

Specify that, during the public health emergency declared on March 12, 2020, under Executive Order 72, any physician or nurse anesthetist for whom Wisconsin is not a principal place of practice but who is authorized to practice in Wisconsin on a temporary basis, may fulfill the state's practice liability insurance requirements by filing with the Office of the Commissioner of Insurance a certificate of insurance for a policy of health care liability insurance issued by an insurer that is authorized in a jurisdiction accredited by the National Association of Insurance Commissioners. Specify that such a physician or nurse anesthetist may elect, in a manner specified by the Insurance Commissioner by rule, to be subject to the state's liability provisions and the state's injured patients and families compensation program.

Health care providers are generally required to obtain liability insurance coverage, issued by an insurer authorized to do business in Wisconsin, for \$1,000,000 per claim or occurrence and for \$3,000,000 for all claims or occurrences in a year. Liabilities in excess of those amounts are paid from the state's injured patients and families compensation program, which is funded from assessments collected on providers. This item would allow out-of-state physicians and nurse anesthetists who are authorized to practice in Wisconsin on a temporary basis during the declared public health emergency, to satisfy liability insurance requirements with a policy issued by an insurer authorized for business in another state or jurisdiction.

5. LIABILITY FOR PROVIDERS OF HEALTH SERVICES DURING COVID-19 PUBLIC HEALTH EMERGENCY

Specify that any health care professional, health care provider or employee, agent, or contractor of a health care professional is immune from civil liability for the death of or injury to any individual or any damages caused by actions or omissions taken in providing services to address, or in response to, the COVID-19 outbreak under circumstances that satisfy all of the following conditions: (1) the actions or omissions do not involve reckless or wanton conduct or intentional

misconduct; (2) the services are provided during a state of emergency declared by the Governor for the state or part of the state or during a period extending 60 days following the expiration of the state of emergency; and (3) the acts or omissions are substantially consistent with any of the following: (a) any direction, guidance, recommendation, or other statement made by a federal, state, or local official to address the COVID-19 outbreak; or (b) any guidance published by the Department of Health Services, the federal Department of Health and Human Services, or any divisions or agencies of the federal Department of Health and Human Services relied upon in good faith.

Specify that the liability protections established under these provisions do not apply if: (a) current statutory protections indemnifying volunteer practitioners or health care facilities during a public health emergency apply; or (b) current statutory limitations on liability of state or local units of government, or public shelters during a public health emergency apply.

For the purposes of this provision, the term "health care professional" would be defined as an individual who is licensed, registered, or certified by the Medical Examining Board or the Board of Nursing.

6. OUT-OF-NETWORK CHARGES AND PAYMENTS DURING A PUBLIC HEALTH EMERGENCY RELATED TO COVID-19

Specify that, during a public health emergency related to the COVID-19 outbreak that is declared by the Secretary of the U.S. Department of Health and Human Services or by the Governor, any defined network or preferred provider health plan may not require an enrollee to pay, including cost sharing, for a service, treatment, or supply rendered by a provider that is not in the plan's network more than the enrollee would pay if the service, treatment, or supply is rendered by an in-network provider, if the following apply: (a) the service, treatment, or supply is related to a diagnosis or treatment for COVID-19; and (b) the service, treatment, or supply is rendered by an out-of-network provider because no in-network provider is available due to the public health emergency. Specify that, in these circumstances, the plan must reimburse the out-of-network provider at 225 percent of the rate the federal Medicare program reimburses the provider for the same or a similar service, treatment, or supply in the same geographic area.

Specify that, during a declared public health emergency related to COVID-19, any health care provider or facility that renders a service, treatment, or supply to an enrollee of a defined network plan or preferred provider plan that does not include the health provider or facility in its network must accept as payment in full any payment that is at least 225 percent of the Medicare rate for a similar service, treatment, or supply in the same geographic area. Prohibit the provider from charging the enrollee an amount that exceeds the amount the provider or facility is reimbursed by the defined network plan or preferred provider plan.

Authorize the Insurance Commissioner to promulgate any rules necessary to implement these provisions.

LEGISLATURE

1. LEGISLATIVE AUDIT BUREAU CRITERIA AND REPORTING

Specify in a nonstatutory provision that, beginning July 1, 2020, and continuing through June 30, 2021, the Legislative Audit Bureau must use risk-based criteria to review selected programs affected by this proposal and selected expenditures made with funds authorized under this proposal. Further, require the Legislative Audit Bureau to report the results of its reviews at least quarterly to the Joint Legislative Audit Committee and to the Legislature. Risk-based criteria could include review of expenditures at or above a certain threshold levels or the review of more recently created statutory programs.

PUBLIC INSTRUCTION

1. SCHOOL AND SCHOOL DISTRICT ACCOUNTABILITY REPORTS

Specify that the Department of Public Instruction would not be required to publish school and school district accountability reports for the 2019-20 school year.

Under current law, DPI is required to publish accountability reports annually no later than November 30. The report cards issued each fall are based on data from assessments administered the previous spring.

2. PUPIL ASSESSMENTS

Specify that current law requiring assessments to be administered annually to pupils attending school in a public school district, independent charter school, private choice school, or special needs scholarship program school would not apply in 2019-20. Current law requires pupils to be given annual reading test in the 3rd grade, as well as assessments adopted by the State Superintendent in the 4th, 8th, 9th, 10th, and 11th grades.

Specify that pupil performance on assessments in the 2019-20 could not be considered for the evaluation of teachers and principals under the statewide educator effectiveness system. Under current law, the educator effectiveness system must be based in part upon measures of pupil performance, including performance on state assessments.

Modify statutory language under the Opportunity Schools and Partnership Program (OSPP) to accommodate a one-year lapse in administering statewide assessments and publishing accountability reports. Under current law, a school district is subject to an OSPP if it is placed in the

lowest performance category in the school district accountability reports published in the three previous school years; no districts currently meet those criteria.

3. VIRTUAL INSTRUCTION REPORTS

Require school boards to submit a report to the Department of Public Instruction (DPI) by November 1, 2020, regarding virtual instruction provided during the public health emergency in the 2019-20 school year during which public schools are closed by the Department of Health Services. The report would be required to include the following: (a) whether or not virtual instruction was implemented in the school district during the public health emergency, and, if so, in which grades it was implemented; (b) if virtual instruction was implemented, the process for implementing the virtual instruction; (c) for each grade level, the average percentage of the 2020 spring semester instruction that was provided to pupils, including both in-person and virtual instruction; (d) whether anything was provided to pupils during the 2020 summer to help pupils learn content that they missed because of the public health emergency and, if so, what was provided to pupils; (e) recommendations for best practices for transitioning to and providing virtual instruction when schools are closed; (f) any challenges or barriers the school board faced related to implementing virtual instruction during the public health emergency; (g) by position type, the number of staff members who were laid off during the public health emergency; (h) the number of lunches the school board provided during the public health emergency; and (i) the total amount by which the school board reduced expenditures during or because of the public health emergency in each of the following categories: utilities, transportation, food service, personnel (including reductions resulting from layoffs), and contract terminations. For purposes of the report, virtual instruction would include any instruction provided through means of the Internet, if the pupils participating in and instructional staff providing the instruction are geographically remote from each other.

Require DPI to compile and submit the information received from the school board reports to the appropriate standing committees of the Legislature no later than January 1, 2021.

4. HOURS OF INSTRUCTION FOR PRIVATE SCHOOLS

Specify that current law requiring a private school participating in a choice program to provide at least 1,050 hours of direct pupil instruction in grades 1 to 6 and at least 1,137 hours of direct pupil instruction in grades 7 to 12 would not apply in the 2019-20 school year.

Additionally, specify that the hours of instruction required for an institution to be defined as a private school would not apply in the 2019-20 school year. Under current law, an institution must meet certain criteria to be considered a private school, including providing at least 875 annual hours of instruction.

5. STATEWIDE PRIVATE SCHOOL CHOICE ENROLLMENT DATES

Specify that the enrollment period for pupils who wish to participate in the statewide private school choice program in the 2020-21 school year could extend up to 60 days after the last day of

the public health emergency. Require participating private schools to submit to the Department of Public Instruction (DPI) the number of pupils who have applied to attend the public school and the names of those applicants whose siblings have also applied to attend the private school within 14 days after the close of the enrollment period.

Under current law, the application period for the statewide choice program extends from the first weekday in February to the third Thursday in April, and schools must submit applicant information to DPI by the first weekday in May. For the 2020-21 school year, the final application period for pupils attending a private school under the Racine program ends on September 14, 2020, and the final application period for Milwaukee pupils ends on January 5, 2021.

REVENUE

1. PROPERTY TAX INTEREST PAYMENTS

For any property taxes payable in 2020 that are due after February 1, 2020, waive any interest charges and penalties for late payment, provided that the full amount of the payment is received on or before October 1, 2020. For any property taxes payable in 2020 that are delinquent after October 1, 2020, interest charges and penalties would begin accruing as of October 1, 2020.

2. INTEREST AND PENALTIES DUE ON TAXES OWED DURING THE PUBLIC HEALTH EMERGENCY

Permit the Secretary of the Department of Revenue to waive interest and penalties for persons that owe, but fail to remit, general fund taxes, or taxes or fees that are deposited in the transportation fund, by the filing date if, in the Secretary's determination, that person failed to timely remit those taxes due to the effects of the coronavirus outbreak of 2020. Specify that the Secretary must make this determination on a case-by-case basis. Specify that this provision applies only to general fund taxes, or taxes and fees that are deposited in the transportation fund, with filing dates that fall within, and interest and penalties that accrue during, the public health emergency that was declared by the Governor on March 12, 2020, by Executive Order 72, including any extension of time authorized under a joint resolution by the Legislature.

3. INCOME AND FRANCHISE TAX FILING EXTENSION

President Trump declared a national emergency in response to the coronavirus outbreak on March 13, 2020. Following this declaration, the Treasury Department and Internal Revenue Service announced on March 21, 2020, that the deadline for filing federal income tax returns is extended from April 15, 2020, to July 15, 2020. Taxpayers who make estimated income tax payments that would otherwise be due on April 15 can make such payments by July 15 without incurring any

interest or penalties, regardless of amounts owed by a taxpayer. A taxpayer need not file any additional forms in order to qualify for this extended due date.

Wisconsin law provides similar treatment such that state income and franchise taxpayers with tax filing due dates of April 15, 2020, will have until July 15, 2020, to file their state income or franchise tax returns for tax year 2019, or make their first tax year 2020 estimated payment, without interest, penalty, or underpayment interest applying until that date.

SAFETY AND PROFESSIONAL SERVICES

1. HEALTH CARE PROVIDER CREDENTIAL RENEWALS

Specify that a health care provider credential, as defined below, is not subject to renewal, or any other conditions for renewal, including continuing education, and remains valid during the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension, and continuing for 60 days after the end of the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension. Specify that these changes are notwithstanding the Department's general statutory authority and requirements relating to notice of renewals; renewal dates, fees, and applications; and late renewals, as well as the applicable statutory provisions for the health care provider credentials, but subject to any professional discipline imposed on the credential.

Specify that a renewal that occurs subsequent to the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension, is not subject to the statutory late renewal fee if the application to renew the credential is received before the next applicable renewal date. Notwithstanding the applicable statutory provisions for the health care provider credentials, the applicable credentialing board may, for that next applicable renewal date, provide an exemption from, or reduction of, continuing education or other conditions for renewal.

Definition. For these purposes, define a "health care provider credential" to mean any credential issued under the following state statutory chapters: Board of Nursing (ch. 441); Dentistry Examining Board (ch. 447); Medical Practices (ch. 448); Pharmacy Examining Board (ch. 450); Psychology Examining Board (ch. 455); Massage Therapy and Bodywork Therapy (ch. 460); or Radiographers and Limited X-Ray Machine Operators (ch. 462).

2. TEMPORARY CREDENTIALS FOR FORMER HEALTH CARE PROVIDERS DURING THE CURRENT PUBLIC HEALTH EMERGENCY

Authorize the Department of Safety and Professional Services (DPS) to grant temporary credentials to certain former health care providers during the state public health emergency declared on March 12, 2020 under Executive Order 72, as follows.

Issuance of Temporary Credentials. Require DSPS to grant a temporary credential to a health care provider if all of the following apply: (a) the health care provider submits an application to DSPS; and (b) DSPS determines that the health care provider satisfies the eligibility requirements for the credential and is fit to practice after conducting an investigation of the health care provider's arrest or conviction record and record of professional discipline. Require DSPS to notify the health care provider if DSPS denies the provider's application for a temporary emergency credential.

Specify that, notwithstanding statutory prohibitions on practicing as a nurse, nurse-midwife, dentist, dental hygienist, physician, physician assistant, perfusionist, respiratory care practitioner, or pharmacist, unless credentialed under the appropriate statutory section, a health care provider granted a temporary credential under these provisions may provide services for which the health care provider has been licensed or certified.

Require any health care provider who provides services authorized by a temporary credential under these provisions to maintain malpractice insurance that satisfies the requirements of the profession for which the health care provider has been licensed or certified.

Duration of Credential. Specify that a temporary credential granted under this provision expires 90 days after the conclusion of the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension.

Authority to Waive Credential Fees. Provide that, during the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension, DSPS may waive fees for applications for an initial credential and renewal of a credential for registered nurses, licensed practical nurses, nurse-midwives, dentists, physicians, physician assistants, perfusionists, respiratory care practitioners, pharmacists, psychologists, clinical social workers, independent social workers, social workers, marriage and family therapists, professional counselors, and clinical substance abuse counselors.

Definitions. For these purposes, define "health care provider" to mean an individual who was at any time within the previous five years, but is not currently, any of the following, if the individual's credential was never revoked, limited, suspended, or denied renewal: (a) licensed as a registered nurse, licensed practical nurse, or nurse-midwife under ch. 441 of the Wisconsin state statutes; (b) licensed as a dentist under ch. 447 of the Wisconsin state statutes; (c) licensed as a physician, physician assistant, or perfusionist under ch. 448 or certified as a respiratory care practitioner under ch. 448 of the Wisconsin state statutes; (d) licensed as a pharmacist under ch. 450 of the Wisconsin state statutes; (e) licensed as a psychologist under ch. 455 of the Wisconsin state statutes; (f) 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 of the Wisconsin state statutes; (g) a clinical substance abuse counselor certified under s. 440.88 of the Wisconsin state statutes; or (h) any practitioner holding a credential to practice a profession that is identified by the Department of Health Services during the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension of the public health emergency.

Define: (a) "credential" to mean license or certificate; and (b) "department" to mean DSPS.

3. TEMPORARY CREDENTIALS FOR HEALTH CARE PROVIDERS FROM OTHER STATES

Authorize DSPS to grant temporary credentials to certain health care providers from other states during the period covered by the public health emergency declared on March 12, 2020 under Executive Order 72, including any extension of the public health emergency, as follows.

Temporary Credentials. Require DSPS to grant a temporary credential to a health care provider, as defined below, if all of the following apply: (a) the health care provider submits an application to DSPS, and (b) DSPS determines that the health care provider satisfies the eligibility requirements for the credential and is fit to practice after conducting an investigation of the health care provider's arrest or conviction record and record of professional discipline. Authorize DSPS to determine the appropriate scope of review of the background of a health care provider who applies for a temporary credential under this paragraph. Require that if DSPS denies a health care provider's application for a temporary credential under this section, DSPS must notify the health care provider of the reason for the denial.

Specify that, notwithstanding statutory prohibitions on practicing as a nurse, nurse-midwife, dentist, dental hygienist, physician, physician assistant, perfusionist, respiratory care practitioner, or pharmacist, unless credentialed under the appropriate statutory section, a health care provider granted a temporary credential under this paragraph may provide services for which the health care.

Require that a health care provider who provides services authorized by a temporary credential granted under these provisions, must maintain malpractice insurance that satisfies the requirements of the profession for which the health care provider has been licensed or certified.

Duration of the Temporary Credential. Specify that a temporary credential granted under this paragraph expires 90 days after the conclusion of the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension.

Fee Waiver. Notwithstanding the Department's authority to require standard fees for initial credentialing and examinations and the applicable fee provisions in state statute, during the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension, authorize DSPS to waive fees for applications for an initial credential and renewal of a credential for: registered nurses, licensed practical nurses, nurse-midwives, dentists, physicians, physician assistants, perfusionists, respiratory care practitioners, pharmacists, psychologists, clinical social workers, independent social workers, social workers, marriage and family therapists, professional counselors, and clinical substance abuse counselors.

Definitions. Define "health care provider" to mean an individual who holds a valid, unexpired license, certificate, or registration granted by another state or territory that authorizes or qualifies the individual to perform acts that are substantially the same as the acts that any of the following are licensed or certified to perform: (a) a registered nurse, licensed practical nurse, or nurse-midwife under ch. 441 of the Wisconsin state statutes; (b) a dentist licensed under ch. 447 of the Wisconsin state statutes; (c) a physician, physician assistant, or perfusionist licensed under ch. 448 or a respiratory care practitioner certified under ch. 448 of the Wisconsin state statutes; (d)

a pharmacist licensed under ch. 450 of the Wisconsin state statutes; (e) a psychologist licensed under ch. 455 of the Wisconsin state statutes; (f) 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 of the Wisconsin state statutes; (g) a clinical substance abuse counselor certified under s. 440.88 of the Wisconsin state statutes; or (h) any practitioner holding a credential to practice a profession that is identified by the Department of Health Services during the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension of the public health emergency.

In addition define: (a) "credential" to mean license or certificate and (b) "department" to mean the Department of Safety and Professional Services (DSPS).

4. PRESCRIPTION ORDER EXTENSIONS DURING PUBLIC HEALTH EMERGENCIES

Expand the manner in which a pharmacist can extend a prescription order. Specify that if a pharmacist receives a request for a prescription to be refilled and the prescription cannot be refilled under current state statutes governing initial fills and refills, the pharmacist may, subject to certain statutory conditions, extend the existing prescription order and dispense the drug to the patient, if the pharmacist has not received and is not aware of written or oral instructions from the prescribing practitioner prohibiting further dispensing pursuant to or extension of the prescription order.

Prohibit a pharmacist from extending a prescription order under this section if: (a) a prescribing practitioner has indicated, by writing on the face of the prescription order or, with respect to a prescription order transmitted electronically, by designating in electronic format the phrase "No extensions," or words of similar meaning; (b) the prescription is for a drug that is a controlled substance; or (c) if a prescription order was previously extended for that particular patient during the period covered by a public health emergency declared by the Governor, including any extension of that public health emergency.

Further, prohibit a pharmacist acting under this provision from extending a prescription order to dispense more than a 30-day supply of the prescribed drug, except that if the drug is typically packaged in a form that requires a pharmacist to dispense the drug in a quantity greater than a 30-day supply, the pharmacist may extend the prescription order as necessary to dispense the drug in the smallest quantity in which it is typically packaged.

Require that a pharmacist, at the earliest reasonable time after acting under this provision, notify the prescribing practitioner or his or her office. However, specify that the pharmacist is not required to attempt to procure a new prescription order or refill authorization for the drug by contacting the prescribing practitioner or his or her office prior to acting under this provision. Authorize the pharmacist, after acting under this provision, to notify the patient or other individual that any further refills will require the authorization of a prescribing practitioner.

Specify that the authority granted under this provision applies only during the period covered by a public health emergency declared by the governor, including any extension. During that time, clarify that this paragraph supersedes existing circumstances under which a pharmacist

may extend a prescription order to the extent of any conflict.

5. AUTOPSIES AND CREMATION OF BODIES OF PERSONS WHO DIED OF COVID-19

For the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension, specify that:

- If a physician has signed the death certificate of a deceased person and listed COVID-19 as the underlying cause of death, a coroner or medical examiner may issue a cremation permit to cremate the corpse of that deceased person without viewing the corpse;
- If a physician has signed the death certificate of a deceased person and listed COVID-19 as the underlying cause of death, a coroner or medical examiner must issue, within 48 hours after the time of death, a cremation permit for the cremation of a corpse of a deceased person;
- If the underlying cause of a death is determined to be COVID-19, the person required to sign the death certificate must provide an electronic signature on the death certificate within 48 hours after the death occurs; and
- If an individual dies of COVID-19 while he or she is in the legal custody of the Department of Corrections and confined to a correctional facility located in this state, an autopsy on the deceased individual may be performed by any coroner or medical examiner in this state.

Define "COVID-19" to mean an infection caused by the SARS-CoV-2 coronavirus.

Under current law, a coroner or medical examiner must view the corpse of a deceased person before issuing a cremation permit, and the corpse may not be cremated within 48 hours after the death unless the death was caused by a contagious or infectious disease.

Further, under current law, if an individual dies while he or she is in the legal custody of the Department of Corrections and confined to a correctional facility located in this state, an autopsy on the deceased individual must be performed by the coroner or medical examiner of the county where the death occurred.

WORKFORCE DEVELOPMENT

1. TEMPORARY SUSPENSION OF THE UNEMPLOYMENT INSURANCE WAITING WEEK

Provide that the waiting week requirement under current law would not apply with respect to benefit years that begin on or after March 12, 2020, so as to apply to the public health emergency

declared on March 12, 2020, by Executive Order 72, and before January 3, 2021. Require the Department of Workforce Development (DWD) to seek the maximum amount of federal reimbursement for benefits that are payable for the first week of a claimant's benefit year as a result of the application of this provision.

The CARES Act provides 100% federal funding of the first week of regular UI benefits for states with no waiting week through December 31, 2020, plus administrative expenses incurred to implement this provision. Under the Act, states may enter into an agreement with U.S. Department of Labor (USDOL) for this funding if the state law, including a waiver of state law, provides that compensation is paid to individuals for their first week of regular unemployment without a waiting week. A state-federal agreement would apply to weeks of unemployment beginning after the date on which the agreement is entered into and ending on December 31, 2020. An agreement implementing this and other UI-related provisions of the CARES Act was signed by the DWD Secretary and USDOL on March 28, 2020.

Under current law, the claimant's waiting period is the first week of a claimant's benefit year for which the claimant is otherwise eligible for regular benefits. During a claimant's waiting period, no benefits are payable to the claimant. The waiting period does not affect a claimant's maximum benefit amount, which is 26 weeks of regular state benefits. However, claimants who do not reach the state's 26-week limit effectively receive one less week of benefits due to the waiting week requirement. A claimant must serve one waiting week per benefit year.

2. NON-CHARGING EMPLOYER UNEMPLOYMENT INSURANCE ACCOUNTS

Require the Department of Workforce Development, when processing claims for unemployment insurance (UI) benefits and evaluating work-share plans, to determine whether a claim or plan is related to the public health emergency (PHE) declared by the governor under Executive Order #72.

Provide that if a claim or plan is related to a PHE, regular benefits for that claim for weeks occurring after March 12, 2020, and before December 31, 2020, not be charged to an employer's UI account as normally provided. Instead, under the provision, UI benefits for those weeks would be charged to either: (a) the balancing account of the UI Trust Fund for contribution employers; or (b) DWD's existing interest and penalties account for reimbursable employers that are not subject to contribution requirements.

Under the provision, PHE non-charging provisions would not apply: (a) if the employer fails to timely and adequately provide any information required by the department; (b) to any benefits paid or reimbursed by the federal government, including the portion of any benefits reimbursed by the federal government for reimbursable employers; (c) to a claim for regular benefits that is a combined wage claim; (d) to work-share benefits reimbursed by the federal government; or (e) to certain benefits chargeable based on employment with the federal government.

Under current law, some UI benefit payments are not charged to a specific employer's account but are instead charged to the balancing account. The state's UI balancing account is supported by the solvency tax paid by employers and any interest earned on the state's UI trust

fund balance. There are seven basic categories of benefit payments charged to the balancing account: 10% write-offs, quits, misconduct, substantial fault, continued employment, approved training, and second benefit year. In the past, there have been other benefit programs that have been charged to the balancing account, including in 2002 when state temporary supplemental benefits were charged to the account.

3. WORK SHARE PLAN REQUIREMENTS

Temporarily suspend, from the effective date of the provision through December 31, 2020, certain requirements of voluntary work-share plans submitted by employers, including: (a) the requirement that a work-share plan be limited to a particular work unit of the employer; (b) the requirement that the reduction in working hours under a work-share program must be at least 10% but not more than 50% of the normal hours per week of the employees included under the plan; (c) the requirements that at least 10% of the employees in a work unit be included in a work-share plan, and that the employer provide for initial coverage under the plan of at least 20 positions that are filled on the effective date of the work-share program; and (d) the requirement that reduced working hours be apportioned equitably among employees in the work-share program.

Specify that, during the suspension period: (a) work-share plans cover any employees of the employer; (b) the permissible reduction in working hours under a work-share program be not more than 60% of the normal hours per week of the employees included under a work-share plan; and (c) work-share plans cover at least two positions that are filled on the effective date of the work-share program.

Require the Department to allow employers to submit applications under this section using an online form, and require DWD to assist employers with submitting applications and developing work-share plans.

Allow the DWD Secretary to waive compliance with any temporary change required under this provision if the Secretary determines that the waiver of the requirement is necessary to permit continued federal certification of the state's UI program, or is necessary for the state to qualify for full federal financial participation in the cost of administration of the state's work-share program and in the financing of UI benefits to employees participating in the work-share program.

Work-share programs, which are also called "short-term compensation programs" under federal law, are designed to provide a prorated unemployment benefit for employees of employers who voluntarily make an agreement with the state to reduce work hours instead of laying off workers. For states that currently have a federally approved work-share program, like Wisconsin, the CARES Act would provide 100% federally funded UI benefits through December 31, 2020. Under current law, Wisconsin's work-share program is funded entirely through the employer's UI account.

4. EMPLOYEE RECORDS DURING A PUBLIC HEALTH EMERGENCY

Provide that during the period covered by a state of emergency related to a public health

emergency declared by the Governor, an employer is not required to provide an employee's personnel records within seven working days after an employee makes a request to inspect his or her personnel records, and an employer is not required to provide the inspection at a location reasonably near the employee's place of employment during normal working hours.

The statutes provide an employee or former employee has a right, with some exceptions, to inspect an employer's personnel documents that are used or have been used to determine the employee's qualifications for employment, promotion, transfer, additional compensation, termination or other disciplinary action, as well as view the employer's medical records of the employee. An employee may make such a request up to two times each calendar year. The provision would suspend, only during a public health emergency, the application of the two requirements described that employers must otherwise follow in accommodating an inspection request.

Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, April 07, 2020 7:44 PM
To: Pennoyer, Kara - GOV; Toftness, Jenny; Pritzkow, Emily; Palese, Tony
Subject: RE: Time to compare proposals?

Hi Kara,

The memo you have represents a package of proposals that were derived largely from the list sent to us by the Governor's office on March 21. Many of the items contained in the memo also reflect proposals that the Democratic caucuses expressed support for in a letter on April 1st. While this memo does not represent a final "deal", all four legislative leadership offices received the memo today, and are reviewing and discussing it.

-Dan // Fitzgerald office

From: Pennoyer, Kara - GOV
Sent: Tuesday, April 07, 2020 4:52 PM
To: Toftness, Jenny; Romportl, Dan; Pritzkow, Emily; Palese, Tony
Subject: Time to compare proposals?

Hello again,

Now that we have your memo we would like to find a time to discuss your proposal as it compares to what the Governor has put forward.

Is this an exhaustive list of the provisions in your bill and does this represent an agreement between the majority party in the Senate and the Assembly? At first glance, we are concerned by the omission of support for small businesses, farmers, healthcare and childcare workers, local governments and the tourism industry.

We are hopeful that there is more to come and ask that we meet to discuss as soon as possible.

Kara

Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, April 07, 2020 2:23 PM
To: Blackdeer, Dan - DOA
Subject: FW: Facebook Threat to Protest Leaders' Homes
Attachments: Screenshot_20200407-140208_Facebook.jpg; Screenshot_20200407-140216_Facebook.jpg; Screenshot_20200407-140224_Facebook.jpg

Deputy Chief Blackdeer,

Forwarding this on – this could be considered a threat.

Thank you in advance for reviewing it, hope you are doing well.

Dan Romportl
Chief of Staff
Senator Scott Fitzgerald
Cell 608-386-4867

From: Beyer, Kit <Kit.Beyer@legis.wisconsin.gov>
Sent: Tuesday, April 07, 2020 2:05 PM
To: Toftness, Jenny <Jenny.Toftness@legis.wisconsin.gov>; Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>; Zimmerman, Alec <Alec.Zimmerman@legis.wisconsin.gov>
Subject: Facebook Threat to Protest Leaders' Homes

From: Handrick, Diane <Diane.Handrick@legis.wisconsin.gov>
Sent: Tuesday, April 07, 2020 2:03 PM
To: Beyer, Kit <Kit.Beyer@legis.wisconsin.gov>
Subject:

Sent from my U.S.Cellular® Smartphone

facebook

**Jason Royal Hart**

5 hrs •

This is beyond politics. Its now personal. By refusing to allow the election to be postponed, Robin Vos and Scott Fitzgerald are murdering people.

They don't answer their phones. They don't respond to email. They don't care about anything except their greed and power. I think we need to pay them a mass visit in person. Here are the murderer's addr... See More



1 Share



 Jason Royal Hart5 hrs • 

This is beyond politics. Its now personal. By refusing to allow the election to be postponed, Robin Vos and Scott Fitzgerald are murdering people.

They don't answer their phones. They don't respond to email. They don't care about anything except their greed and power. I think we need to pay them a mass visit in person. Here are the murderer's addresses:

Wisconsin State Representative Robin Vos:

960 Rock Ridge Road
Burlington, WI 53105

Robin J Vos Enterprises Inc
Food manufacturer · 140 Longmeadow Dr
Burlington WI
Open until 4:30 PM · (262) 763-9434

Senator Scott Fitzgerald

N4692 Maple Road
Juneau, WI 53039



Write a comment...



[←](#) Jason Royal Hart

Open until 4:30 PM · (262) 763-9434

Senator Scott FitzgeraldN4692 Maple Road
Juneau, WI 53039

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10

[View previous comments...](#)**Mary Schneider**

Called yesterday! Fitzgerald office did not even answer & voicemail full!!



Write a comment...



Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, April 07, 2020 2:16 PM
To: Vick, Jason; Renk, Jeff
Cc: Ottman, Tad; Henkel, Matt
Subject: RE: Org Notice and Emergency language

1. Can we loop Karius in on this?
2. Scott was hoping for a start time of earlier than 11am – I know that puts some pressure on LTSB but some members had expressed wanting to get to Good Friday virtual mass at noon

From: Vick, Jason <Jason.Vick@legis.wisconsin.gov>
Sent: Tuesday, April 07, 2020 1:44 PM
To: Renk, Jeff <Jeff.Renk@legis.wisconsin.gov>
Cc: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>; Ottman, Tad <Tad.Ottman@legis.wisconsin.gov>; Henkel, Matt <Matt.Henkel@legis.wisconsin.gov>
Subject: Re: Org Notice and Emergency language

We envisioned the 13.42 declaration as a Senate Org motion.

Jason Vick

On Apr 7, 2020, at 1:28 PM, Renk, Jeff <Jeff.Renk@legis.wisconsin.gov> wrote:

Here's some wording in ballot form. Not sure how you are declaring the emergency under 13.42, but here's wording for that like the Assembly is using. It could be issued by Sen. Roth alone, or be a third motion issued by Senate Org:

Pursuant to the power granted under Section 13.42 (2) of the Wisconsin Statutes, I hereby issue notice that the Senate is prevented from physically meeting at the seat of government due to an emergency resulting from a disaster or the imminent threat of a disaster. The Senate and its committees shall take all necessary steps to convene and meet in virtual session.

Then the ballot motions separately after the emergency is declared:

[MOTION 1] In accordance with § 13.42 of the Wisconsin Statutes, Joint Rule 81 (2) and Senate Rule 93, it is moved that the Committee on Senate Organization authorize the Legislature to meet in virtual Extraordinary Session beginning at 1:00 p.m. on Thursday, April 9, 2020, solely to consider LRB-6089 relating to ????

AYE NO

[MOTION 2] Pursuant to Senate Rule 93, it is moved that the committee on Senate Organization adopt the following procedures for the purpose of conducting Senate business during the extraordinary session that will convene in virtual session under s. 13.42, Wis. Stats.,

on Thursday, April 9, 2020, for the purpose of addressing and containing the COVID-19 coronavirus:

1. Members shall cast votes and answer roll calls through electronic means, in the manner determined by the presiding officer.
2. Except as provided in 3., all amendments to bills on a daily calendar must be introduced before 9:00 am on the day of the session to which the calendar applies.
3. Upon request of the presiding officer, the presiding officer may permit the LRB to draft and a member to introduce, while the senate is in session, an amendment that addresses technical issues in a proposal.
4. Upon completion of the Second Reading of a proposal, a member may offer one motion that both orders a proposal to its Third Reading and gives a proposal its Third Reading.
5. The president shall determine which members may be physically present in the room from which the virtual session of the senate is conducted.
6. Privileged resolutions may not be offered during the session.
7. Any proposal contained in a message from the assembly shall be taken up immediately, unless otherwise referred by the presiding officer.

AYE NO

Thanks.

Jeff

From: Vick, Jason <Jason.Vick@legis.wisconsin.gov>
Sent: Tuesday, April 07, 2020 12:48 PM
To: Renk, Jeff <Jeff.Renk@legis.wisconsin.gov>
Cc: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>; Ottman, Tad <Tad.Ottman@legis.wisconsin.gov>; Henkel, Matt <Matt.Henkel@legis.wisconsin.gov>
Subject: Re: Org Notice and Emergency language

I don't know if a session time has been chosen yet but not earlier than 11am would work well from two standpoints:

- 1) Ltsb lead time to get members on skype and ready (for the practice session they asked members to join the conference at least 30 min before start time).
- 2) The rule modification asks for amendments to be in by 9am, allowing more time for LRB to have them ready, emailed and received before session start time.

Jason Vick

On Apr 7, 2020, at 11:49 AM, Renk, Jeff <Jeff.Renk@legis.wisconsin.gov> wrote:

Hello,

Just checking if we have any language yet to notice the emergency meeting of the Senate and to call extraordinary session? We have to notice an Org ballot soon if you're thinking of coming in this Friday.

Assembly and Senate language should be the same.

Thanks.

Jeff

Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, April 07, 2020 2:10 PM
To: Palese, Tony
Subject: FW: 07 Summary of Provisions Draft



07 Summary of
Provisions Draft...

Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, April 07, 2020 12:04 PM
To: Smith, Heather; Toftness, Jenny; Ottman, Tad
Subject: FW: Small Language Change -- Liability Protections for Health Care Providers
Attachments: Ch 323 amendment - Providers of health care services2.docx

FYI - technical change on doc liability

From: Mark Gaul <mgraul@arenastrategy.com>
Sent: Tuesday, April 07, 2020 11:57 AM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: Small Language Change -- Liability Protections for Health Care Providers

Dan – Sorry about this. We caught one small technical change we need with the liability language. On the attached the additional language is in red. Just makes sure that providers are covered wherever they are working (like a pop-up facility).

Let me know if you have any questions. Hopefully, I got this to you early enough so its not to big of a pain to get the fix done in the bill.

Mark

From: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Sent: Monday, April 6, 2020 10:28 AM
To: Mark Gaul <mgraul@arenastrategy.com>
Subject: RE: Liability Protections for Health Care Providers

Hi Mark,
We have included this in our working draft – I sense it has broad support so our objective would be to pass this as part of the bill we aim to take up later this week.
Thanks,
Dan

From: Mark Gaul <mgraul@arenastrategy.com>
Sent: Friday, April 03, 2020 4:55 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: Liability Protections for Health Care Providers

Dan – I hope you are healthy and surviving the chaos. I'm sure your days must just be insane. While I hate to add to you list, I want to flag for you the attached language Children's (along with WHA, Medical Society and other providers) is hoping the Legislature will include in the COVID package that would provide liability protections for providers during a public health crisis. This is an increasingly important issue, as we are hearing more and more from physicians and other providers being hesitant to help during the crisis because of liability concerns. This language is similar to how emergency responders are treated in a public health crisis.

I'm hoping either WHA or WMS has already got this on your guys list, but wanted to reinforce Children's strong support for it. With the surge of patients that expected in the next 2 week, having as many providers as possible engage will be critical.

I'm told that other states have enacted similar measure and the draft is based on language from Oklahoma. I also believe that NY and IL governors enacted it via Executive Order, but I don't know if that is possible in WI and Children's would prefer the Legislature to act.

I know there are many more pressing things on the list for health care in the COVID-19 package, but wanted to flag this for you. Let me know if you have any questions.

Mark

Mark Graul | Arena Strategy Group

T(Green Bay Office): 920-884-9296 | E: mgraul@arenastrategy.com

T(Madison Office): 608-204-5810

C: 920-217-3524

Create new s. 323.46:

323.46 Providers of health services. (1) Except as provided in sub. (3), no person who is a provider of health care services or the provider's employees, agents, or contractors are liable for the death of or injury to any individual or damage to any property caused by actions or omissions of the person if the person did so under all of the following conditions:

- (a) The health services are provided during a federally declared emergency under the Stafford Act or National Emergencies Act, a public health emergency under Section 319 of the Public Health Service Act, or a state of emergency or a public health emergency declared by the governor.
- (b) Such acts or omissions occur during the person's good faith response to the emergency or are substantially consistent with any direction, guidance, recommendation or other statement made by any of the following:
 - 1. A federal, state, or local official to address the emergency or in response to the emergency.
 - 2. Other published guidance upon which the person relied upon in good faith.
- (2) This section does not apply if the person's act or omission involved reckless, wanton, or intentional misconduct.
- (3)
 - (a) This section does not apply to a person's provision of services if s. 257.03 or 323.41 applies.
 - (b) This section does not apply to a person's provision of facilities if s. 257.04 or 323.44 applies.

Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, April 07, 2020 12:03 PM
To: Zimmerman, Alec
Subject: RE: CBS 58 Inquiry -- Fitzgerald Action Today

Sure – I probably won't see him until 2pm, is that cool?

From: Zimmerman, Alec <Alec.Zimmerman@legis.wisconsin.gov>
Sent: Tuesday, April 07, 2020 12:02 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: FW: CBS 58 Inquiry -- Fitzgerald Action Today

Do you want to run this past Fitz?

"Today, Sen. Fitzgerald drove by three polling locations in his district to check on what lines looked like. Currently he's working on the COVID-19 legislation and he's hopeful that it will be ready for the floor very soon."

Alec Zimmerman
Communications Director
Senator Scott Fitzgerald
Senate Majority Leader
(o) 608.266.5660
(c) 608.317.4320

From: Victor Jacobo <vjacobo@cbs58.com>
Sent: Tuesday, April 7, 2020 10:10 AM
To: Zimmerman, Alec <Alec.Zimmerman@legis.wisconsin.gov>
Subject: CBS 58 Inquiry -- Fitzgerald Action Today

Good morning Alec,

Just wanted to check in to see if Sen. Fitzgerald is doing anything public today such as voting in-person (or did he vote early/absentee) or volunteering anywhere as a poll worker?

I know Speaker Vos is volunteering in Racine County, wanted to see if Fitzgerald is doing something similar.

Thanks,

Victor Jacobo
Capitol Reporter
CBS 58/Telemundo Wisconsin
Mobile: 414-399-3845
Station: 414-607-8140
Email: vjacobo@cbs58.com
Twitter: [@victorjacobowis](https://twitter.com/victorjacobowis)



Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, April 07, 2020 12:02 PM
To: Rettinger, Nik
Subject: RE: Safer At Home Question

I don't want to give you a wrong answer, so I would go straight to WEDC with this. Justin Phillips can probably give you an answer right away

From: Rettinger, Nik <Nik.Rettinger@legis.wisconsin.gov>
Sent: Tuesday, April 07, 2020 9:18 AM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: FW: Safer At Home Question

Dan, do you or someone else in the office happen to know the answer to this?

-Nik

Nik Rettinger III
Chief of Staff
Office of Senator André Jacque
1st Senate District
608-266-3512

From: André Jacque <andre.jacque@gmail.com>
Sent: Monday, April 6, 2020 9:53 PM
To: Bob Mehoczky <bmehor@lsol.net>
Cc: Rettinger, Nik <Nik.Rettinger@legis.wisconsin.gov>; Cosh, Bill <Bill.Cosh@legis.wisconsin.gov>
Subject: Re: Safer At Home Question

Hi Bob-

I'm pretty sure the club is cleared to remain open for archery, following social distancing requirements, under section 11 (c) of the Safer At Home Executive Order (Essential Activities- Outdoor activity). I'll see if my staff can find somebody who can put something in writing for you. You're certainly right to check on it, though. I understand that there are a few rifle ranges elsewhere in the state that were closed down by local government, and they were forced to let them reopen. I believe others have simply remained open with social distancing without incident.

Nik or Bill- please check with Romportl or someone that might be able to provide some assurance to the Francis Creek Sportsmen's Club on this.

Thanks!
Andre

On Mon, Apr 6, 2020 at 6:14 PM Bob Mehoczky <bmehor@lsol.net> wrote:

Andre, we are a small sportsman club which you've visited in Francis Creek. We have 13 acres of property which contains our 3D archery course. Our clubhouse is currently closed until further notice complying with Gov Evers order. The question I have is, can we set up our archery course and carry on with our archery

league? We will of course have rules in place like no more than 2 archers per stand, practicing social distancing, having hand sanitizer available, etc. I will be enforcing these rules as I am retired and live close to the club. This would be a great outdoor activity that family and friends can participate in during these trying times while out of work. I am asking that you please ask the appropriate people up to and including the gov and getting back to me so we can proceed. The clubhouse will remain closed. Thank you,

Bob

Sent from my iPhone

Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, April 07, 2020 11:50 AM
To: Ottman, Tad; Smith, Heather; Toftness, Jenny
Cc: Liedl, Kimber
Subject: FW: DPI Legislative Draft
Attachments: 19-5918_1 (002).pdf; 04 07 20 Memo to SCW Waivers.pdf

This is the language that was agreed to by DPI and Choice (per Dee Pettack).

Not sure what to do with this, but just so we all have it.

-Dan

From: Pettack, Dee DPI <Deanna.Pettack@dpi.wi.gov>
Sent: Tuesday, April 07, 2020 11:48 AM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: FW: DPI Legislative Draft

Dan:

Attached is the draft we discussed today. As you know, we have been working with our public and private stakeholders on a bill draft to address the COVID-19 impacts. Given the quick timelines we just finalized the draft. It addresses testing, report cards, and waivers for private and charter schools.

Also attached is a memo that highlights the agreements we have made to private schools in the even this language passes.

Please let me know if you have any questions.

Take care,

Dee



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5918/1
FFK:skw/kjf/ah

2019 BILL

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

Analysis by the Legislative Reference Bureau

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

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

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

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

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

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

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

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

Under the bill, if the Department of Health Services or a local health officer closes schools for ten or more school days during a school year, DPI may waive state education statutes, or rules promulgated under those statutes, related to 1) a parental choice program or the SNSP, 2) private schools participating in a parental choice program or the SNSP, or 3) independent charter schools. Under the bill, DPI may also establish alternate deadlines for requirements in education laws or rules if the original deadline occurs between the date the schools are closed and 120 days

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after the day schools are reopened or the original deadline relates to another event that occurs during that same period.

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

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

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

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

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

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

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

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

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

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

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

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

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

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

9 115.415 (1) (b) For the evaluation of teachers and principals in the 2014-15
10 2019-20 school year, the school board and the operator of a charter school established
11 under s. 118.40 (2r) may not consider pupil performance on statewide assessments
12 administered under s. 118.30 in the 2014-15 2019-20 school year and may not
13 include pupil performance on those assessments in the evaluation score assigned to
14 a teacher or principal under the educator effectiveness evaluation system developed
15 under this section.

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

17 115.7915 (8m) PUBLIC HEALTH EXCEPTION. If a private school participating in the
18 program under this section is closed for at least 10 school days in a school year by a
19 local health officer, as defined in s. 250.01 (5), or the department of health services,
20 in the school year during which the school is closed and the following school year, the
21 department may not withhold payment from the private school under sub. (8) (c) or

BILL

1 bar the private school from participating in the program under sub. (8) (a) for failing
2 to comply with a requirement under this section or a rule promulgated under this
3 section if all of the following occur:

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

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

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

11 115.999 (1) (d) 1. The school district was assigned to the lowest performance
12 category on the 2 most recent accountability reports published for the district under
13 s. 115.385 (1) ~~in the 2 most recent school years.~~

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

15 115.999 (2m) (b) 1. a. The unified school district was assigned to the lowest
16 performance category on the 3 most recent accountability reports published for the
17 district under s. 115.385 (1) ~~in the 3 most recent school years.~~

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

19 118.38 (2) (am) (intro.) In determining whether to grant the a waiver under
20 sub. (1), the department shall consider all of the following factors and may consider
21 additional factors:

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

23 118.38 (3) A waiver granted under sub. (2) is effective for 4 years. The
24 department shall renew the waiver for additional 4-year periods if the school board
25 has evaluated the educational and financial effects of the waiver over the previous

BILL

1 4-year period, except that the department is not required to renew a waiver if the
2 department determines that the school district is not making adequate progress
3 toward improving pupil academic performance.

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

5 118.38 (4) (a) If schools are closed for at least 10 school days in a school year
6 by a local health officer, as defined in s. 250.01 (5), or the department of health
7 services, the department may do all of the following:

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

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

12 b. A private school participating in a program under s. 115.7915, 118.60, or
13 119.23.

14 c. A charter school under s. 118.40 (2r) or (2x), including any requirement
15 related to an authorizer, governing board, or operator of a charter school under s.
16 118.40 (2r) or (2x).

17 2. Establish an alternate deadline for any requirement related to a program
18 under s. 115.7915, 118.60, or 119.23 in chs. 115 to 121 and any requirement related
19 to a program under s. 115.7915, 118.60, or 119.23 in the administrative rules
20 promulgated by the department under the authority of chs. 115 to 121 if the original
21 deadline is any of the following:

22 a. A deadline that occurs during the period beginning on the first day schools
23 are closed by the local health officer or department of health services and ending 120
24 days after the last day schools are closed by the local health officer or department of
25 health services.

BILL

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

5 (b) 1. The department shall notify the legislative reference bureau of each
6 waiver under par. (a) 1. and alternate deadline established under par. (a) 2. The
7 legislative reference bureau shall publish a notice in the Wisconsin Administrative
8 Register of the waiver or alternate deadline.

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

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

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

14 118.60 (7) (an) 1. A private school participating in the program under this
15 section shall maintain a cash and investment balance that is at least equal to its
16 reserve balance. If a private school does not maintain a cash and investment balance
17 that is at least equal to its reserve balance, the private school shall refund the reserve
18 balance to the department. This subdivision does not apply to a school year in which
19 the private school participating in the program was closed for at least 10 days by a
20 local health officer, as defined in s. 250.01 (5), or the department of health services.

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

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

BILL**SECTION 11**

1 118.60 (12) If a private school participating in the program under this section
2 is closed for at least 10 school days in a school year by a local health officer, as defined
3 in s. 250.01 (5), or the department of health services, in the school year during which
4 the school is closed and the following school year, the department may not withhold
5 payment from the private school under sub. (10) (d) or bar the private school from
6 participating in the program under sub. (10) (a), (am), or (ar) for failing to comply
7 with a requirement under this section or a rule promulgated under this section if all
8 of the following occur:

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

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

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

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

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

BILL

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

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

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

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

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

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

BILL**SECTION 14**

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

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

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

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

BILL

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

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

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

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

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

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

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

BILL**SECTION 19**

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

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

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

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

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

18 **SECTION 22. Nonstatutory provisions.**

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

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

BILL

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

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

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

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

15 (END)

To: Jim Bender, President, School Choice Wisconsin
From: Jennifer Kammerud, Senior Policy Advisor
Date: April 7, 2020
Re: Private School Waivers

This memo lists issues on which the Wisconsin Department of Public Instruction (DPI), in consultation with you and other private school stakeholders, agrees to provide waivers, should DPI be given the authority to waive requirements in the Milwaukee, Racine, and Wisconsin Parental Choice Programs and the Special Needs Scholarship Program. In addition, the DPI agrees to work with School Choice Wisconsin on additional waivers or accommodations that may be necessary for summer school and the federal Payroll Protection Act. Other issues may arise that necessitate waivers and the department is committed to working through those with School Choice Wisconsin.

1. **Surety Bond for continuing schools**
Wis. Stats. §§ 118.60(7m)(b)(1) and 119.23(7m)(b)(1)
DPI will move the date from May 1, 2020 to June 1, 2020.
2. **Summer School Course List Report**
PI 35.08 (2) and PI 48.08(2)
DPI will move the date from May 1, 2020 to June 1, 2020, or 5 days before the first day classes are offered.
3. **Certificate of Occupancy**
PI 49.03(5)(a)
DPI will move the date from May 1, 2020 to June 1, 2020
4. **Hours of Instruction Report**
PI 35.03(7)(e) and PI 48.03(7)(e)
DPI will eliminate the report for the 2019-20 school year.
5. **Civics Exam**
Wis. Stat. § 118.33 (1m)(a)
DPI will eliminate the requirement for the 2019-20 school year
6. **Governing Board**
Wis. Stats. §§ 118.60(7)(b)3m and 119.23(7)(b)3m
DPI will eliminate the required two meetings for the 2019-20 school year.
7. **4K Outreach**
With the waiver of the hours of Instruction for the 2019-20 school year this requirement will also be waived for those offering 4K outreach.
8. **Wisconsin Parental Choice Program Final Seats Report**
Schools complete report from Monday June 1, 2020 to Thursday, June 4, 2020

Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, April 07, 2020 11:43 AM
To: Vick, Jason; Ottman, Tad
Cc: Henkel, Matt
Subject: RE: Extraordinary procedures language

Thanks Jason.

We need to get Renk/JB to put an Org notice together for later today – Jason, do you want to work with them on that?

I just want to make sure we all didn't think each other we're doing it...

-Dan

From: Vick, Jason <Jason.Vick@legis.wisconsin.gov>
Sent: Tuesday, April 07, 2020 11:29 AM
To: Ottman, Tad <Tad.Ottman@legis.wisconsin.gov>
Cc: Henkel, Matt <Matt.Henkel@legis.wisconsin.gov>; Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: Extraordinary procedures language

Attached is language that could be used in an Org ballot motion on extraordinary procedures.

Jason Vick

Begin forwarded message:

From: "Champagne, Rick" <Rick.Champagne@legis.wisconsin.gov>
Date: April 7, 2020 at 11:20:58 AM CDT
To: "Vick, Jason" <Jason.Vick@legis.wisconsin.gov>
Subject: Emailing: ExtraordinaryProcedures3Roth.docx

Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, April 07, 2020 11:13 AM
To: Blazel, Ted
Subject: RE: Today

That sounds good, thank you. I will have Fitz here right at 2pm so DOA won't need to keep the building open any longer than it needs to be.

-Dan

From: Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>
Sent: Tuesday, April 07, 2020 11:09 AM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: Today

Dan,

Let me know if you want me to do anything differently than we have done yesterday and Saturday. We have let the press in about five minutes before the session and then open the galleries right before. We close everything up immediately afterwards. We have had the lights on in the Chambers.

Ted

Romportl, Dan

From: Romportl, Dan
Sent: Monday, April 06, 2020 6:50 PM
To: Liedl, Kimber
Subject: FW: 06 Summary of Provisions Draft
Attachments: 06 Summary of Provisions Draft.pdf

From: Ottman, Tad
Sent: Monday, April 06, 2020 6:08 PM
To: Romportl, Dan; scott.fitzgerald13@gmail.com
Subject: FW: 06 Summary of Provisions Draft

From: Lang, Bob <Bob.Lang@legis.wisconsin.gov>
Sent: Monday, April 06, 2020 6:07 PM
To: Rep.Vos <Rep.Vos@legis.wisconsin.gov>; Sen.Fitzgerald <Sen.Fitzgerald@legis.wisconsin.gov>
Cc: Toftness, Jenny <Jenny.Toftness@legis.wisconsin.gov>; Smith, Heather <Heather.Smith@legis.wisconsin.gov>; Ottman, Tad <Tad.Ottman@legis.wisconsin.gov>
Subject: 06 Summary of Provisions Draft

Summary of Provisions

ADMINISTRATION

1. EMPLOYEE TRANSFER AUTHORITY

Authorize the Secretary of DOA to transfer any employee from one executive branch agency to another executive branch agency to provide services for the receiving agency during the public health emergency declared on March 12, 2020, including any extension by joint resolution of the Legislature. Specify that the receiving agency must pay all salary and fringe benefit costs of the employee during the time he or she is providing services for the receiving agency. Further, specify that any transfer would remain in effect until rescinded by the Secretary of DOA or 90 days after the public health emergency is terminated, whichever is earliest. Specify that an employee may not receive a salary increase upon transfer to a state agency, nor may an employee receive a salary increase upon return to the sending state agency. Require the Secretary of DOA to submit a report to the Joint Committee on Finance no later than June 1, 2020, and on the first day of each subsequent month during the emergency period, that provides information on all employee transfers. Specify that the report identify the number of employees transferred, the title of each employee transferred, the title the employee assumed at the receiving agency, and the reasons for each employee transfer.

2. LIMITED-TERM EMPLOYEE HOURS

Specify that the Director of the Bureau of Merit Recruitment and Selection in DOA's Division of Personnel Management may increase or suspend the number of hours for a limited-term appointment for the duration of a public health emergency declared by the Governor. Under current law, a limited-term appointment is a provisional appointment for less than 1,040 hours per year.

3. USE OF ANNUAL LEAVE

Specify that a state employee may take annual leave within the first six months of the employee's probationary period upon initial appointment during a public health emergency declared by the Governor. Further, specify that if such an employee who has taken annual leave terminates his or her employment before earning annual leave equivalent to the amount of annual leave the employee has taken, the appointing authority would be required to deduct the cost of the unearned annual leave from the employee's final pay.

Under current law, an employee, with the approval of his or her appointing authority, may anticipate the annual leave which he or she could earn during the current calendar year, but no employee is eligible to take annual leave until he or she has completed the first six months of a

probationary period for an original job appointment unless the employee uses annual leave that he or she accrued while serving in an unclassified position.

4. STATE EMPLOYMENT FILINGS AND IN-PERSON MEETINGS

Specify that a state employee does not waive his or her right to appeal an adverse employment decision if the employee does not timely file a complaint or appeal during a public health emergency declared by the Governor. Further, specify that the tolling period for an employee to file such a complaint with the appointing authority would begin 14 days after the termination of the declared public health emergency or extension. In addition, specify that an appointing authority or his or her designee is not required to meet with a complainant in person when conducting an investigation related to such a complaint filed by an employee during a public health emergency declared by the Governor.

Under current law, to commence the grievance process for an adverse employment action, a state employee must file a complaint with the employee's appointing authority challenging the adverse employment decision against the employee no later than 14 days after the employee becomes aware of, or should have become aware of, the decision that is the subject of the complaint. Also under current law, an appointing authority or his or her designee who receives a timely complaint must conduct any investigation they consider necessary, meet with the employee in person, and issue a decision in writing no later than 14 days after the date on which the complaint is received.

AGRICULTURE, TRADE AND CONSUMER PROTECTION

1. PROHIBITION ON RETURNS DURING PUBLIC HEALTH EMERGENCY

Prohibit a retail establishment from accepting the return of fresh or packaged food, cleaning supplies, personal care products, or paper products purchased during a public health emergency as declared by the Governor under s. 323.10 of the statutes, or within 30 days after the emergency ends. However, allow a retailer to accept the return of food, personal care products, cleaning supplies, or paper products within seven days of purchase for any reason, or at any time any time if a product was contaminated due to improper production or packaging. Further, allow retail establishments to accept returns of other types of products at any time.

BOARD OF COMMISSIONERS OF PUBLIC LANDS

1. AUTHORIZE TRUST FUND LOANS TO MUNICIPAL UTILITIES

Allow BCPL to offer loans from the common school fund and other school trust funds to nonprofit municipal utilities during the state of emergency declared by the Governor under Executive Order 72, including any extension granted by the Legislature, and up to 60 days after the emergency declaration expires. Specify BCPL may offer loans to ensure that the utility is able to maintain liquidity during the emergency period, and authorize BCPL to issue loans for amounts and conditions as may be agreed upon by a borrower. Further, specify that the Legislature determines the loans serve a public purpose.

Under current law, BCPL makes loans to school districts, municipalities, sewer districts and other public entities from the school trust funds that it manages. BCPL typically offers 10-year loans with low fixed interest rates. Under statute, BCPL loans must have an interest rate greater than 2%. BCPL does not charge a pre-payment penalty.

The public health emergency allows commercial and residential ratepayers to temporarily suspend utility payments without losing service. The provision is intended to allow BCPL to extend loans to municipal utilities so that they may continue to meet obligations in the event of a temporary loss of revenues.

BUDGET MANAGEMENT AND COMPENSATION RESERVES

1. JOINT FINANCE AUTHORITY TO REDUCE APPROPRIATIONS

Specify that the Joint Committee on Finance could reduce certain general purpose revenue (GPR) appropriations and suspend law changes that would decrease state general fund tax revenues, if the general fund condition statement issued by the Legislative Fiscal Bureau shows an estimated deficit in the 2020-21 fiscal year.

Require the Fiscal Bureau to prepare a revised general fund condition statement for the 2019-21 biennium no later than June 15, 2020, and submit the report to the cochairpersons of the Joint Committee on Finance. If the report projects that the estimated gross general fund balance on June 30, 2021, will be negative, require that the cochairpersons convene a meeting of the Committee no later than June 24, 2020.

Specify that the Committee could take action at the required meeting to reduce the amount of any general purpose revenue appropriation in the appropriation schedule for the 2020-21 fiscal year,

except for the following: (a) sum sufficient appropriations; (b) the appropriation for Medical Assistance benefits under the Department of Health Services; and (c) the appropriations to pay debt service on appropriation obligation bonds. Additionally, the Committee could take action to delay the effective date, initial applicability, or implementation of any provision contained in any enactment of the 2019 Legislature that would have the effect of reducing general purpose revenues. Specify that if the provision relates to taxation, the delay could not extend beyond the taxable year that begins after December 31, 2021, and any other such delay could not extend beyond June 30, 2023.

2. TRANSFERS FROM SUM SUFFICIENT APPROPRIATIONS

Allow the Joint Committee on Finance to transfer up to \$25 million from sum sufficient appropriations during a state of emergency declared by the Governor, including any extension period, and for a period of up to 90 days after the termination of the state of emergency. Transferred funds could be used for expenditures related to the state of emergency.

Under current law, the Joint Committee on Finance can transfer funds between two appropriations or between two fiscal years in the same biennium if the transfer would eliminate unnecessary duplication of functions, result in a more efficient and effective method for performing programs, or more effectively carry out legislative intent. Such transfer must be for purposes which have been authorized or directed by the Legislature, and cannot change legislative intent. Current law does not allow a transfer from a sum sufficient appropriation to other types of appropriations.

3. RESCIND SECOND GENERAL WAGE ADJUSTMENT

GPR-Comp.	
Reserves	- \$20,517,000

Specify that, notwithstanding the actions of the Joint Committee on Employment Relations on December 18, 2019, in approving the state employee compensation plan and the proposed pay plan of the University of Wisconsin (UW) System, the January, 2021, general wage adjustment of 2% provided under the state employee compensation plan and the January, 2021, wage adjustments provided to UW System employees under its proposed pay plan are rescinded. Funding in compensation reserves associated with the above January, 2021, wage adjustments totals \$20,517,000 GPR (\$47,559,100 all funds) in 2020-21.

BUILDING COMMISSION

1. GENERAL OBLIGATION BONDING REFUNDING AUTHORITY

Increase the bonding authorization for refunding of any outstanding tax-supported or self-amortizing state general obligation debt by \$725,000,000, from its current level of \$6,785,000,000

to \$7,510,000,000. These bonds could only be issued if the debt refinancing meets the current law requirement that the true interest costs of the state must be reduced. The authorization for this refunding bonding was last increased in 2017 Act 59 (the 2017-19 budget).

EMPLOYEE TRUST FUNDS

1. REHIRED ANNUITANTS IN CRITICAL POSITIONS

Specify that a Wisconsin Retirement System (WRS) participant who is hired by a participating employer during a public health emergency declared by the Governor may elect to not suspend his or her annuity for the duration of the public health emergency if: (a) at the time of terminating employment, the participant does not have an agreement with any participating employer to return to employment or enter into a contract to provide employee services; and (b) the position for which the annuitant is hired is a critical position. Further, specify that the current break-in-service requirement of 75 days would not apply to a participant who is hired for a critical position during the public health emergency if at least 15 days have elapsed between the termination of employment and becoming a participating employee. Require the head of each state agency and each local health department, based on guidance provided by the Secretary of the Department of Health Services, to determine which positions within the respective state agency or local government are critical when the Governor declares a public health emergency, for the purposes of administering the provisions applicable to rehired annuitants.

Under current law, any WRS participant who retires on or after July 2, 2013, must suspend their annuity and become a participating WRS employee if they are employed in covered employment, or enter into a contract with a WRS employer, and are expected to work at least two-thirds of what is considered full-time employment by the Department of Employee Trust Funds. Also under current law, any WRS participant who retires on or after July 2, 2013, has a break-in-service requirement of 75 days between termination of employment and becoming a participating employee with a WRS employer. This separation from WRS employment must occur for an individual who applied for an annuity or lump sum payment to continue to qualify for an annuity or to retain the lump sum payment.

2. LEAVES OF ABSENCE AND HEALTH INSURANCE

Specify that, for the purposes of group health insurance coverage offered by the Group Insurance Board, an employee who returns from a leave of absence and who has not resumed active duty for at least 30 consecutive calendar days on the date that the Governor declares a public health emergency is deemed to have ended or interrupted the leave of absence on that date. The public health emergency related to COVID-19 was declared by the Governor on March 12, 2020.

Under current law, a leave of absence is not deemed ended or interrupted until the employee

has resumed active performance of duty for 30 consecutive calendar days for at least 50 percent of what is considered the employee's normal work time with the employer. Also under current law, a state or local public employer that provides its employees health insurance coverage through a plan offered by the Group Insurance Board must continue to pay required employer contributions, if any, toward the health insurance premium of an insured employee while the insured employee is on a leave of absence for the first three months of the leave of absence, or for the entire leave of absence if the insured employee is receiving temporary disability compensation. Under the provision, an employee of such an employer who returns from a leave of absence, and who was eligible to receive an employer contribution towards health insurance premiums prior to commencing the leave of absence, would be immediately eligible for the employer contribution towards the cost of health insurance premiums.

GENERAL PROVISIONS

1. GOVERNMENTAL DEADLINES AND TRAINING REQUIREMENTS DURING A PUBLIC HEALTH EMERGENCY

Specify that a state or local governmental unit, during an emergency period, may suspend any deadline associated with a program or action that the state or local governmental unit administers or enforces. Define "emergency period" as the period covered by a public health emergency plus 30 days after the end of the emergency. Define "deadline" to mean any date certain by which, or any limitation as to time within which, an action or event is required to occur. Specify that a state or local governmental unit may not charge any interest or penalties that would otherwise apply with respect to the suspended deadlines. Specify that during an emergency period, a state or local unit of government may suspend any training requirements that are associated with programs the state or local unit of government administers or enforces. The provision would first apply to deadlines or training requirements during a public health emergency declared on March 12, 2020, by executive order #72, including any extensions.

Specify that the suspension of deadlines does not apply to tax-filing deadlines with respect to tax revenues deposited to the general fund, certain taxes and fees deposited to the transportation fund, or to interest and penalties on property taxes payable in 2020 that are due after February 1, 2020, provided that the full amount of the payment is received on or before October 1, 2020. These tax-filing deadlines are described under "Revenue."

2. IN PERSON APPEARANCE WAIVER

Specify that the head or governing body of a state entity may waive a requirement imposed, administered, or enforced by the state entity that an individual appear in person during a public health emergency declared by the Governor if the head or governing body finds that the waiver assists in the state's response to the public health emergency or that enforcing the requirement may

increase the public health risk. Define "state entity" to mean any state agency, institution of higher education, association, society, or other body in state government, created or authorized to be created by the Constitution or any law that is entitled to expend moneys appropriated by law, including the Legislature, the Courts, and any authority.

3. EXEMPTION FROM CIVIL LIABILITY FOR MANUFACTURE OF MEDICAL SUPPLIES AND EQUIPMENT DURING PUBLIC HEALTH EMERGENCY

Exempt manufacturers, distributors, and sellers of emergency medical supplies and equipment that donate or sell their products in response to a state of emergency declared under s. 323.10 of the statutes from civil liability associated with injury or death caused by those products. The manufacturer, distributor, or seller would be exempt from civil liability only if the product were sold or donated to a nonprofit organization or unit of government at a price that does not exceed the cost of production, defined to include only the cost of inputs, wages, operating the manufacturing facility, and transporting the product. Define emergency medical supplies and equipment as any medical equipment or supplies necessary to limit the spread of, or provide treatment for, a disease associated with a public health emergency, including life support devices, personal protective equipment, cleaning supplies, and any other item determined to be necessary by the Secretary of the Department of Health Services. Specify that the exemption would not apply if the death or injury were caused by a willful act or omission.

4. EXEMPTION TO 50 PIECE RULE FOR EMERGENCIES

Allow a person elected to state or local office who becomes a candidate for a national, state, or local government office to use public funds to pay for communications related to a state of emergency or a public health emergency declared by the Governor, if the communications are made during the emergency period, or within 30 days after termination of the emergency period.

Under current law, with limited exceptions, a person elected to state or local office who becomes a candidate for a national, state, or local government office may not use public funds to pay for 50 or more pieces of substantially identical material during the campaign season.

HEALTH SERVICES

1. TEMPORARY SUSPENSION OF MEDICAL ASSISTANCE PROVISIONS TO MEET CONDITIONS FOR ENHANCED FEDERAL MATCHING PERCENTAGE

Authorize DHS to take certain actions, as described below, to satisfy criteria for qualifying for enhanced federal medical assistance percentage (FMAP) available during an emergency period declared in response to the novel coronavirus pandemic, as established by the federal Family First

Coronavirus Response Act (FFCRA).

Under this provision, the Department would be authorized to do the following on a temporary basis: (a) suspend monthly premiums for childless adults covered under the medical assistance (MA) program; (b) suspend the requirement that childless adults complete a health risk assessment questionnaire for childless adults, as a condition of MA eligibility; (c) delay the implementation of a community engagement requirement for childless adults until the date that is either: (1) 30 days after the day the federal government has approved the community engagement implementation plan; or (2) 30 days after the last day of the calendar quarter in which the last day of the declared federal public health emergency associated with the novel coronavirus pandemic occurs; and (d) maintain continuous enrollment of for any MA beneficiary who is enrolled as of the date of passage of the FFCRA (March 18, 2020), or who subsequently enrolls in the program during the period of the federal public health emergency, until the end of the final month during which the federal public health emergency is in effect.

The Department of Health Services implemented the monthly premiums and health risk questionnaire beginning on February 1, 2020, under terms of a federal waiver applicable for Medicaid coverage for childless adults. The community engagement provision is another waiver provision, which has not yet been implemented. Under provisions established under 2017 Act 370, the deadline for implementation of this provision is currently April 29, 2020, although the federal government has not approved the final implementation plan.

The FFCRA increases each state's FMAP by 6.2 percentage points during any calendar quarter for which the COVID-19 federal public health emergency is in effect, provided that the state meets certain maintenance of effort criteria. This increase will apply, at a minimum to the first two quarters of 2020, January through March, and April through June. Based on current expenditure levels in the state's medical assistance program, the increase to the state's FMAP will increase federal Medicaid matching funds by approximately \$150 million per quarter, or approximately \$300 million over the two quarters covering the final six months of state fiscal year 2019-20.

In order to qualify for the FMAP increase, states must: (a) not adopt more restrictive eligibility standards, methodologies, or procedures for their Medicaid programs than were in effect on January 1, 2020; (b) not charge a higher premium for any eligibility groups than was in effect on January 1, 2020; (c) ensure that any person who was enrolled as of the date of enactment of the FFCRA or who enrolls during the federal public health emergency be eligible for benefits through the end of the month in which the public health emergency period ends; and (d) provide coverage of COVID-19 testing and treatment for Medicaid beneficiaries without cost sharing. With respect to premiums, a state is not ineligible for the FMAP increase during the 30-day period following the passage of the FFCRA (that is, through April 17, 2020), if it had a premium in effect on the date of passage that would otherwise not be in compliance with the maintenance of effort requirement.

Since the state's childless adult waiver provisions were implemented after January 1, 2020, the provisions must be suspended in order for the state to qualify for the enhanced FMAP. In addition, the state must make modifications to eligibility review processes to ensure continuous

enrollment for MA beneficiaries during the federal public health emergency. The changes under this item, which would be established in a nonstatutory provision, are intended to make the state eligible to receive enhanced FMAP under the FFCRA.

2. SECTION 1135 AND 1915(C) APPENDIX K WAIVER REQUESTS

Specify that current law provisions, enacted in 2017 Wisconsin Act 370 relating to legislative authorization for, and review of federal waiver requests proposed by the Department of Health Services (DHS) do not apply to any waivers submitted under Section 1135 of the Social Security Act or any waiver amendments to an existing waiver submitted as an Appendix K waiver (as authorized under Section 1915(c) of the Social Security Act), during a period of the federal public health emergency declared on January 31, 2020, by the Secretary of the Department of Health and Human Services, provided the waiver requests are limited to the subjects specified below.

Section 1135 Waiver Provisions

A Section 1135 waiver provides states flexibility with respect to Medicaid program requirements during a period of a public health emergency.

Services Provided in Alternative Settings. Allow providers to receive payments for services provided to affected beneficiaries in alternative physical settings, such as mobile testing sites, temporary shelters or other non-traditional or alternative care facilities.

Pre-Admission Screening and Annual Resident Review (PASSR Level I and Level II Assessment) when Residents are Transferred. Waive the current PASSR requirements when a resident is transferred to a nursing home.

Under this item, if a nursing facility is not certain whether a Level I PASSR had been conducted at the resident's evacuating facility, the Level I PASSR could be conducted by the admitting facility during the first few days of admission as part of intake. If there is not enough information to complete a Level I PASSR, the nursing facility would be required to document this in the case files. In addition, Level II evaluations and determinations would not require preadmission when residents are being transferred between NFs. Residents who are transferred would receive a post-admission review, which would be completed as resources become available.

DHS indicates that, while the PASSR level screening flexibilities were included in the CMS blanket waiver, CMS has notified states that they must submit a request to utilize these flexibilities in their 1135 request in order to effectuate them.

Hospital Accreditation Requirements. Allow hospitals that have obtained state licensure but have not yet received accreditation from The Joint Commission to bill Medicaid for the services they provide during the duration of the public health emergency.

Provider Screening and Enrollment Requirements

Provider Application Fees. Waive payment of application fees to temporarily enroll a provider for 90 days or until the termination of the novel COVID-19 declaration of emergency, whichever is

longer.

Criminal Background Checks. Waive pre-enrollment criminal background checks for Medicare-enrolled providers to temporarily enroll a provider for 90 days or until the termination of the novel COVID-19 declaration of emergency, whichever is longer.

Site Visits. Waive site visit requirements to temporarily enroll a provider for 90 days or until the termination of the novel COVID-19 declaration of emergency, whichever is longer.

Revalidation of Medicaid Providers. Suspend provisions that require DHS to revalidate providers who are enrolled as providers in Wisconsin's Medicaid program or otherwise directly impacted by the emergency for 90 days or until the termination of the novel COVID-19 declaration of emergency, whichever is longer.

Licensure Requirements. Waive the requirement that physicians and other health care professionals be licensed in the state in which they are providing services, so long as they have equivalent licensing in another state or are enrolled with Medicare.

Service Authorization and Utilization Controls

Prior Authorization. Authorize DHS to request DHHS to grant temporary authority to waive prior authorization requirements for accessing covered MA state plan and waiver benefits.

Nonemergency Transportation. Expand non-emergency transportation services to allow for reimbursement of any Medicaid eligible individual, additional vendors, transportation for caregivers who provide services to Medicaid members, and meal delivery to Medicaid members.

Administration

Public Notice Requirements. Waive public notice requirements that would otherwise be applicable to state plan and waiver changes, including notice requirements relating to alternative benefit plans, premiums and cost-sharing, and public notice of changes in statewide methods and standards for setting payment rates.

Tribal Consultations. Modify the tribal consultation timelines specified in the Wisconsin Medicaid state plan, to allow for consultation at the next future tribal health director meeting.

Submission of State Plan Amendment. Modify the requirement to submit a state plan amendment (SPA) by March 31, 2020, to obtain a SPA effective date during the first calendar quarter of 2020.

Additional Flexibilities. Simplify program administration by allowing for temporary state plan flexibilities, such as lifting benefit limits, applying targeted rate increases for certain providers, rather than requiring the states go through the state plan amendment submission and approval process. The state would memorialize the temporary state plan changes in formal documentation submitted to CMS.

Timely Filing for Provider Billings. Waive timely filing requirements for billings, which

would permit providers time to implement changes to correct coding and other structural pieces built into their systems and payer ability to adjudicate.

Eligibility

Hospital Presumptive Eligibility Determinations. Expand presumptive eligibility hospitals make to include patients who are over age 65, and disabled individuals.

Electronic Signatures. Allow flexibility for the submission of electronic signatures on behalf of an MA recipient by application assistants if a signature cannot be captured in person.

Managed Care

Initial and Periodic Re-Credentialing. Waive MCO requirements to complete initial and periodic re-credentialing of network providers, as long as the providers meet WI Medicaid provider enrollment requirements during the declaration of emergency.

Extend Pre-Existing Authorizations. Require managed care organizations to extend pre-existing authorizations through which a beneficiary has previously received prior authorization through the termination of the emergency declaration.

Hospital Provisions

Physician Referral. Waive sanctions under section 1877(g) of the Social Security Act, which relates to limitations on physician referral.

Flexibility for Teaching Hospitals. Allow flexibility in how the teaching physician is present with the patient and resident, such as permitting the use of real time-audio video or access through a window.

Flexibility in Equipment Requirements. Authorize the waiver of certain equipment requirements in CMS Hospital Equipment Maintenance Requirements guidance issued in December 20, 2013.

Nursing Homes

Physician Extenders. Create provisions allowing for additional flexibilities to allow for the utilization of physician extenders in place of medical directors and attending physicians, and through telehealth options.

Notice of Transfers. Waive requirements relating to notice of transfers within a facility.

Orientation Prior to for Transfers or Discharge. Waive requirements relating to nursing homes' need to document sufficient preparation and orientation to residents prior to their transfer to another facility or prior to discharge

Bedholds. Waive requirements relating to bedholds (temporary absences of nursing home residents).

In-Service Education. Waive requirements relating to regular in-service education.

Nurse Staffing Information. Waive requirements that nursing homes post certain information on nurse staffing.

Drug Regimen Review. Suspend a requirement that a pharmacist conduct monthly record reviews.

Paid Feeding Assistants. Waive or lessen requirements and set guidelines for training to assist with the COVID-19 crisis.

Maintenance Reviews. Waive the annual and quarterly screening of fire extinguishers or any other annual review of maintenance review.

Nurse Aide Training. Authorize DHS to seek temporary authority to: (a) allow all clinical hours to be online simulation; (b) waive requirements relating to the loss of the nurse aide training and competency evaluation program (NATCEP); and (c) waive requirements for training of paid feeding assistants.

Home Health Agencies. Authorize DHS to seek temporary authority to allow home health agencies to perform certifications, initial assessments and determine patients' homebound status remotely or by record review.

Facility Life Safety Codes. Authorize DHS to seek temporary authority to waive the following life safety codes on behalf of hospitals, hospices, nursing homes, intermediate care facilities for individuals with intellectual disabilities, and critical access hospitals: (a) as they relate intermediate care facilities for individuals with intellectual disabilities; (b) fire alarm systems with approved maintenance and testing programs; (c) testing and maintenance of automatic sprinkler and standpipe systems; (d) inspection and maintenance of portable fire extinguishers.

Authorized Section 1915(c) Appendix K Waiver Provisions

A Section 1915(c) Appendix K waiver amendment would allow Wisconsin to modify its 1915 (c) home and community-based service waivers (Family Care, IRIS, and children's long term support (CLTS)) to respond to the current public health emergency.

This provision would exempt a 1915 (c) Appendix K waiver amendment from the statutory requirements regarding legislative oversight of such a submission by the Wisconsin Department of Health Services to the Centers for Medicare and Medicaid Services (CMS), if the Appendix K submission would:

Allow:

- All waiver services and administrative requirements that that can be provided with the same functional equivalency of face to face services to occur remotely;
- Adult day service providers, prevocational providers and supported employment providers to provide services in alternate settings;

- Up to three meals per day for home delivered meals for Family Care and IRIS enrollees and add home delivered meals as a benefit in the CLTS waiver to support the child and family;
- Any individual with intellectual or developmental disabilities to reside in community based residential facility with greater than eight beds;
- For all waiver services to be provided in temporary settings including congregate settings, private residences, hotels, shelters, schools, and churches;
- Waiver services to be provided temporarily in an acute care hospital or in a short-term institutional stay;
- Payment to be made for waiver services provided in out of state settings;
- General retailers to provide assistive technology and communication aids;
- Providers certified or licensed in other states or by Medicare to perform the same or comparable services in Wisconsin;
- The state Medicaid agency to waive provider qualifications as necessary to increase the pool of available providers;
- Four-year background checks to be delayed;
- Non-certified individuals to provide home delivered meals;
- Parents to be paid caregivers for their minor children in CLTS when providing a service that would otherwise have been performed and paid for by a provider;
- Individuals to train unpaid caregivers;
- The option to conduct evaluations, assessments, and person-centered service planning meetings virtually or remotely in lieu of face-to-face meetings;
- For data entry of incidents into the Incident Reporting System outside of typical timeframes;
- The state Medicaid agency to draw federal financing match for payments, such as hardship or supplemental payments, to stabilize and retain providers who suffer extreme disruptions to their standard business model or revenue streams as a result of COVID-19;
- The state Medicaid agency to waive participant liability for room and board when temporarily sheltered at non-certified or non-licensed facilities;
- The state Medicaid agency to pay for waiver services that are not documented in the member/participant's member-centered plan;
- Managed care enrollees to proceed almost immediately to a state fair hearing without having a managed care plan resolve the appeal first by permitting the state Medicaid agency to

modify the timeline for managed care plans to resolve appeals to one day so the impacted appeals satisfy the exhaustion requirements and give enrollees more time to request a state fair hearing;

- The state Medicaid agency to extend the certification period of level-of-care screeners;
- The state Medicaid agency to waive requirements related to home and community-based settings on a case by case basis in order to ensure the health, safety and welfare of affected beneficiaries under federal law;
- Any items approved by CMS for Appendix K to automatically be applicable to Wisconsin's concurrent 1915(b) waiver;
- The state Medicaid agency to waive enrollment or eligibility changes based on a completed functional screen resulting in a change in level-of-care;
- For continued enrollment in CLTS past the age of 18 and 21; and
- The state Medicaid agency to suspend involuntary disenrollments.

Delete:

- The requirement to complete a six month progress report to reauthorize prevocational service;
- The limitation that quotes from at least three providers must be obtained and submitted for home modifications;
- The limitation that supportive home care (SHC) cannot be provided in adult family homes and residential care apartment complexes;
- The limitation of personal/nursing services for recipients in residential care apartment complexes;
- The limitation that participants cannot receive other waiver services on the same day as receiving respite; and
- The limitation of using funds to relocate from an institution or family home to an independent living arrangement.

Modify:

- The scope of the child care benefit to allow for the provision of childcare payment of children under the age of 12 in the program for direct care workers and medical workers who need access to childcare during the emergency;
- By relaxing, prior approval and authorization requirements; and
- The tribal consultation timelines, to allow for consultation at the next future Tribal Health Directors meeting.

Delay:

- Provider licensing or certification reviews.

Expand:

- Transportation providers to include individual and transportation network companies; and
- The pool of available providers by adding nursing students to provide allowable nursing services.

Waive:

- Choice of provider provisions;
- The managed care network adequacy requirements under federal law;
- Requirements to complete initial and required periodic credentialing of network providers;
- The requirement to distribute member-centered plans to essential providers;
- Public notice requirements that would otherwise be applicable to waiver changes; and
- Timelines and grant leeway for reports, required surveys, and notifications.

Add:

- A verbal and electronic method to signing off on required documents.

3. GRANTS FOR UNREIMBURSED COVID-19 COSTS

Authorize the Department of Health Services to submit a request to the Joint Committee on Finance during the 2019-21 biennium for an appropriation supplement to make grants to healthcare providers for unreimbursed costs associated with treatment of patients with COVID-19.

4. HOURS OF INSTRUCTIONAL PROGRAMMING FOR NURSE AIDES

Prohibit the Department of Health Services from requiring an instructional program for nurse aides in Wisconsin to exceed the federally required minimum total training hours or minimum hours of supervised practical training.

Currently, nurse aides in Wisconsin are required to complete a minimum of 120 total training hours, including 32 hours of supervised practical training. Federal law currently requires nurse aides to complete 75 total training hours, including 16 hours of supervised practical training.

5. HOSPITAL, PRIVATE LABORATORY, AND DHS REPORTING

Require every hospital, isolation facility, and other entity that provides hospitalization (hereafter, "facilities") and private laboratories to submit information to the Department of Health Services (DHS), and require DHS to publicly report information it receives, as described below.

Facility Reporting

Daily Reports. Require every facility to report the following information to DHS daily: (a) the number of new positive COVID-19 test results for individuals working at the facility and for patients; (b) the daily census of COVID-19 patients in the facility; (c) the daily census of presumptive COVID-19 cases in the facility; (d) the total number of COVID-19 patients, including presumptive cases, in a bed in the facility's intensive care unit (ICU); and (e) the total number of COVID-19 patients, including presumptive cases, who are on ventilators. Specify that these requirements begin on the date of the first case of COVID-19 at the facility.

Further, beginning on the date of the first case of COVID-19 at the facility and daily thereafter, require each facility to report to DHS the total number of functional ventilators possessed by the facility and, of the number of ventilators the facility possesses, the number of ventilators that are in use and the number of ventilators that are in use by COVID-19 patients or presumptive COVID-19 patients.

Weekly Reports. Require every facility to report the following information on a weekly basis: (a) the number of COVID-19 patients at the facility who moved from a regular hospital bed to a bed in an intensive care unit, and, as applicable, onto a ventilator, including the amount of time each patient spent at each level of care; (b) the number of COVID-19 patients at the facility who moved from a bed in an intensive care unit or being on a ventilator to a regular hospital bed, including the amount of time each patient spent at each level of care; (c) the number of patients who were confirmed to have COVID-19 and who were released from the facility, including the amount of time each patient spent in the facility. Specify that these requirements begin on the date of the first case of COVID-19 at the facility.

Private Laboratory Reporting

Require every private laboratory that is testing individuals for COVID-19 to report, on a weekly basis, the number of tests the laboratory is capable of processing and the average amount of time the laboratory takes to produce a result from the time the test has been submitted.

DHS Reporting and Authority to Withhold CARES Act Funds for Noncompliance

DHS Reporting. Beginning April 24, 2020, require DHS to report publicly all of the following: (a) on a daily basis, the information facilities are required to report on a daily basis; (b) on a weekly basis, the information facilities are required to report on a weekly basis; and (c) the daily availability of ventilators in the state, including any ventilators acquired directly by DHS and the data on ventilators that facilities are required to report on a daily basis; and (d) the weekly capacity for testing for COVID-19 in the state, including the data submitted by private laboratories.

Imposition of Penalties for Noncompliance. Authorize DHS to create a metric to allow the

Department to measure compliance with the data reporting requirements and to withhold funding available under the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) to noncompliant health care providers.

6. MEDICAL ASSISTANCE INCENTIVE PAYMENTS TO ENCOURAGE PARTICIPATION IN HEALTH INFORMATION EXCHANGE

Require the Department of Health Services to develop, under the MA program, a payment system based on performance to incentivize participation in health information data sharing to facilitate better patient care, reduced costs, and easier access to patient information.

Require DHS to establish performance metrics for the payment system that satisfy all of the following: (a) the metric must include participation by providers in a health information exchange at a minimum level of patient record access; (b) the payment under the payment system must increase as the participation level in the health information exchange increases; (c) the payment system must begin in the 2021 rate year; and (d) for purposes of this payment system, require DHS to seek any available federal moneys, including any money available for this purpose under the federal Coronavirus Aid, Relief, and Economic Security Act (P.L. 116-136), to assist small, rural providers with the costs of information technology setup to participate in the health information exchange.

7. SENIORCARE COVERAGE OF VACCINATIONS

Expand the SeniorCare prescription drug assistance program to include coverage of vaccinations that are recommended for administration to adults by the Federal Centers for Disease Control and Prevention's advisory committee on immunization practices and approved for the administration to adults by the Wisconsin Department of Health Services. Require DHS to provide reimbursement under SeniorCare for the administration of vaccinations to health care providers, including pharmacies and pharmacists, provided that the enrollee has met the program's deductible requirements or is not required to pay a deductible. Require the Department to use the same method of reimbursement for the ingredient and dispensing fees as is used for vaccinations under the medical assistance program. Require the Department to devise and distribute a claim form for use by health care providers for vaccinations. Authorize DHS to limit payment for vaccinations to claims that are submitted directly to the Department and specify that DHS may apply the same utilization and cost control procedures for vaccinations that apply under the medical assistance program.

Require DHS to seek to enter into rebate agreements with manufacturers who sell vaccines, modeled on current rebate agreements used in the program for prescription drugs. Specify that to the extent that rebate agreements are in place for vaccines, manufacturers must make rebate payments for vaccines for which reimbursement was provided under the SeniorCare program.

SeniorCare is a program administered by DHS that provides assistance with the purchase of prescription drugs for enrollees. To be eligible, enrollees must be at least 65 years old and meet income thresholds. Enrollees with an income exceeding 160% of the federal poverty level must meet a deductible requirements before becoming eligible for program benefits.

INSURANCE

1. NO COST SHARING FOR COVID-19 TESTING DURING 2020

Require any self-insured health plan offered by a local government or school district, any health insurance policy, and any state health plan that generally covers testing for infectious diseases to provide coverage of testing for COVID-19 without imposing any copayment or coinsurance on the individual covered under the policy or plan, for any such testing done prior to March 13, 2021.

2. PROHIBIT COVERAGE DISCRIMINATION BASED ON COVID-19

Prohibit any insurer, pharmacy benefit manager, or self-insured health plan from using a current or past diagnosis, or suspected diagnosis, of COVID-19, as the basis for doing the following: (a) establishing rules, applicable to an individual or employer or other group, for eligibility for enrollment, continued eligibility to remain enrolled, or renewal of coverage; (b) canceling coverage during a contract term; (c) establishing rates for coverage; or (d) refusing to grant a grace period for the payment of premium, if a grace period for payment of premium would generally be granted under the plan.

3. PRESCRIPTION DRUG LIMITS

Prohibit any health insurance policy, state employee health plan, or self-insured health plan offered by a local government or school district, or a pharmacy benefit manager acting on behalf of a policy or plan from doing the following during the period covered by the state of emergency related to public health declared by the Governor on March 12, 2020, under Executive Order 72: (a) requiring prior authorization for early refills of a prescription drug or otherwise restrict the period of time in which a prescription drug may be refilled; or (b) imposing a limit on the quantity of prescription drugs that may be obtained if the quantity is no more than a 90-day supply. Specify that these restrictions do not apply to a prescription drug that is classified as a controlled substance by the Controlled Substances Board.

4. LIABILITY INSURANCE FOR PHYSICIANS AND NURSE ANESTHETISTS

Specify that, during the public health emergency declared on March 12, 2020, under Executive Order 72, any physician or nurse anesthetist for whom Wisconsin is not a principal place of practice but who is authorized to practice in Wisconsin on a temporary basis, may fulfill the state's practice liability insurance requirements by filing with the Office of the Commissioner of Insurance a certificate of insurance for a policy of health care liability insurance issued by an insurer that is authorized in a jurisdiction accredited by the National Association of Insurance Commissioners. Specify that such a physician or nurse anesthetist may elect, in a manner specified by the Insurance Commissioner by rule, to be subject to the state's liability provisions and the state's injured patients

and families compensation program.

Health care providers are generally required to obtain liability insurance coverage, issued by an insurer authorized to do business in Wisconsin, for \$1,000,000 per claim or occurrence and for \$3,000,000 for all claims or occurrences in a year. Liabilities in excess of those amounts are paid from the state's injured patients and families compensation program, which is funded from assessments collected on providers. This item would allow out-of-state physicians and nurse anesthetists who are authorized to practice in Wisconsin on a temporary basis during the declared public health emergency, to satisfy liability insurance requirements with a policy issued by an insurer authorized for business in another state or jurisdiction.

5. LIABILITY FOR PROVIDERS OF HEALTH SERVICES DURING COVID-19 PUBLIC HEALTH EMERGENCY

Specify that any health care professional, health care provider or employee, agent, or contractor of a health care professional is immune from civil liability for the death of or injury to any individual or any damages caused by actions or omissions taken in providing services to address, or in response to, the COVID-19 outbreak under circumstances that satisfy all of the following conditions: (1) the actions or omissions do not involve reckless or wanton conduct or intentional misconduct; (2) the services are provided during a state of emergency declared by the Governor for the state or part of the state or during a period extending 60 days following the expiration of the state of emergency; and (3) the acts or omissions are substantially consistent with any of the following: (a) any direction, guidance, recommendation, or other statement made by a federal, state, or local official to address the COVID-19 outbreak; or (b) any guidance published by the Department of Health Services, the federal Department of Health and Human Services, or any divisions or agencies of the federal Department of Health and Human Services relied upon in good faith.

Specify that the liability protections established under these provisions do not apply if: (a) current statutory protections indemnifying volunteer practitioners or health care facilities during a public health emergency apply; or (b) current statutory limitations on liability of state or local units of government, or public shelters during a public health emergency apply.

For the purposes of this provision, the term "health care professional" would be defined as an individual who is licensed, registered, or certified by the Medical Examining Board or the Board of Nursing.

6. OUT-OF-NETWORK CHARGES AND PAYMENTS DURING A PUBLIC HEALTH EMERGENCY

Specify that, during a state of emergency related to public health declared by the Secretary of the U.S. Department of Health and Human Services or by the Governor, any defined network or preferred provider health plan may not require an enrollee to pay, including cost sharing, for a service, treatment, or supply rendered by a provider that is not in the plan's network more than the enrollee would pay if the service, treatment, or supply is rendered by an in-network provider, if the following apply: (a) the service, treatment, or supply is related to a diagnosis or treatment for the

condition for which the public health emergency is declared; and (b) the service, treatment, or supply is rendered by an out-of-network provider because no in-network provider is available due to the public health emergency. Specify that, in these circumstances, the plan must reimburse the out-of-network provider at 225 percent of the rate the federal Medicare program reimburses the provider for the same or a similar service, treatment, or supply in the same geographic area.

Specify that, during a declared public health emergency, any health care provider or facility that renders a service, treatment, or supply to an enrollee of a defined network plan or preferred provider plan that does not include the health provider or facility in its network must accept as payment in full any payment that is at least 225 percent of the Medicare rate for a similar service, treatment, or supply in the same geographic area. Prohibit the provider from charging the enrollee an amount that exceeds the amount the provider or facility is reimbursed by the defined network plan or preferred provider plan.

Authorize the Insurance Commissioner to promulgate any rules necessary to implement these provisions.

LEGISLATURE

1. LEGISLATIVE AUDIT BUREAU CRITERIA AND REPORTING

Specify in a nonstatutory provision that, beginning July 1, 2020, and continuing through June 30, 2021, the Legislative Audit Bureau must use risk-based criteria to review selected programs affected by this proposal and selected expenditures made with funds authorized under this proposal. Further, require the Legislative Audit Bureau to report the results of its reviews at least quarterly to the Joint Legislative Audit Committee and to the Legislature. Risk-based criteria could include review of expenditures at or above a certain threshold levels or the review of more recently created statutory programs.

PUBLIC INSTRUCTION

1. SCHOOL AND SCHOOL DISTRICT ACCOUNTABILITY REPORTS

Specify that the Department of Public Instruction would not be required to publish school and school district accountability reports for the 2019-20 school year.

Under current law, DPI is required to publish accountability reports annually no later than

November 30. The report cards issued each fall are based on data from assessments administered the previous spring.

2. PUPIL ASSESSMENTS

Specify that current law requiring assessments to be administered annually to pupils attending school in a public school district, independent charter school, private choice school, or special needs scholarship program school would not apply in 2019-20. Current law requires pupils to be given annual reading test in the 3rd grade, as well as assessments adopted by the State Superintendent in the 4th, 8th, 9th, 10th, and 11th grades.

Specify that pupil performance on assessments in the 2019-20 could not be considered for the evaluation of teachers and principals under the statewide educator effectiveness system. Under current law, the educator effectiveness system must be based in part upon measures of pupil performance, including performance on state assessments.

Modify statutory language under the Opportunity Schools and Partnership Program (OSPP) to accommodate a one-year lapse in administering statewide assessments and publishing accountability reports. Under current law, a school district is subject to an OSPP if it is placed in the lowest performance category in the school district accountability reports published in the three previous school years; no districts currently meet those criteria.

3. VIRTUAL INSTRUCTION REPORTS

Require school boards to submit a report to the Department of Public Instruction (DPI) by November 1, 2020, regarding virtual instruction provided during the public health emergency in the 2019-20 school year during which public schools are closed by the Department of Health Services. The report would be required to include the following: (a) whether or not virtual instruction was implemented in the school district during the public health emergency, and, if so, in which grades it was implemented; (b) if virtual instruction was implemented, the process for implementing the virtual instruction; (c) for each grade level, the average percentage of the 2020 spring semester instruction that was provided to pupils, including both in-person and virtual instruction; (d) whether anything was provided to pupils during the 2020 summer to help pupils learn content that they missed because of the public health emergency and, if so, what was provided to pupils; (e) recommendations for best practices for transitioning to and providing virtual instruction when schools are closed; (f) any challenges or barriers the school board faced related to implementing virtual instruction during the public health emergency; (g) by position type, the number of staff members who were laid off during the public health emergency; (h) the number of lunches the school board provided during the public health emergency; and (i) the total amount by which the school board reduced expenditures during or because of the public health emergency in each of the following categories: utilities, transportation, food service, personnel (including reductions resulting from layoffs), and contract terminations. For purposes of the report, virtual instruction would include any instruction provided through means of the Internet, if the pupils participating in and instructional staff providing the instruction are geographically remote from each other.

Require DPI to compile and submit the information received from the school board reports to the appropriate standing committees of the Legislature no later than January 1, 2021.

4. HOURS OF INSTRUCTION FOR PRIVATE SCHOOLS

Specify that current law requiring a private school participating in a choice program to provide at least 1,050 hours of direct pupil instruction in grades 1 to 6 and at least 1,137 hours of direct pupil instruction in grades 7 to 12 would not apply in the 2019-20 school year.

Additionally, specify that the hours of instruction required for an institution to be defined as a private school would not apply in the 2019-20 school year. Under current law, an institution must meet certain criteria to be considered a private school, including providing at least 875 annual hours of instruction.

5. STATEWIDE PRIVATE SCHOOL CHOICE ENROLLMENT DATES

Specify that the enrollment period for pupils who wish to participate in the statewide private school choice program in the 2020-21 school year could extend up to 60 days after the last day of the public health emergency. Require participating private schools to submit to the Department of Public Instruction (DPI) the number of pupils who have applied to attend the public school and the names of those applicants whose siblings have also applied to attend the private school within 14 days after the close of the enrollment period.

Under current law, the application period for the statewide choice program extends from the first weekday in February to the third Thursday in April, and schools must submit applicant information to DPI by the first weekday in May. For the 2020-21 school year, the final application period for pupils attending a private school under the Racine program ends on September 14, 2020, and the final application period for Milwaukee pupils ends on January 5, 2021.

REVENUE

1. PROPERTY TAX INTEREST PAYMENTS

For any property taxes payable in 2020 that are due after February 1, 2020, waive any interest charges and penalties for late payment, provided that the full amount of the payment is received on or before October 1, 2020. For any property taxes payable in 2020 that are delinquent after October 1, 2020, interest charges and penalties would begin accruing as of October 1, 2020.

2. INTEREST AND PENALTIES DUE ON TAXES OWED DURING THE PUBLIC HEALTH EMERGENCY

Permit the Secretary of the Department of Revenue to waive interest and penalties for persons that owe, but fail to remit, general fund taxes, or taxes or fees that are deposited in the transportation fund, by the filing date if, in the Secretary's determination, that person failed to timely remit those taxes due to the effects of the coronavirus outbreak of 2020. Specify that the Secretary must make this determination on a case-by-case basis. Specify that this provision applies only to general fund taxes, or taxes and fees that are deposited in the transportation fund, with filing dates that fall within, and interest and penalties that accrue during, the public health emergency that was declared by the Governor on March 12, 2020, by Executive Order 72, including any extension of time authorized under a joint resolution by the Legislature.

3. INCOME AND FRANCHISE TAX FILING EXTENSION

President Trump declared a national emergency in response to the coronavirus outbreak on March 13, 2020. Following this declaration, the Treasury Department and Internal Revenue Service announced on March 21, 2020, that the deadline for filing federal income tax returns is extended from April 15, 2020, to July 15, 2020. Taxpayers who make estimated income tax payments that would otherwise be due on April 15 can make such payments by July 15 without incurring any interest or penalties, regardless of amounts owed by a taxpayer. A taxpayer need not file any additional forms in order to qualify for this extended due date.

Wisconsin law provides similar treatment such that state income and franchise taxpayers with tax filing due dates of April 15, 2020, will have until July 15, 2020, to file their state income or franchise tax returns for tax year 2019, or make their first tax year 2020 estimated payment, without interest, penalty, or underpayment interest applying until that date.

SAFETY AND PROFESSIONAL SERVICES

1. HEALTH CARE PROVIDER CREDENTIAL RENEWALS

Specify that a health care provider credential, as defined below, is not subject to renewal, or any other conditions for renewal, including continuing education, and remains valid during the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension, and continuing for 60 days after the end of the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension. Specify that these changes are notwithstanding the Department's general statutory authority and requirements relating to notice of renewals; renewal dates, fees, and applications; and late renewals, as well as the applicable statutory provisions for the health care provider credentials, but subject to any professional discipline imposed on the credential.

Specify that a renewal that occurs subsequent to the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension, is not subject to the statutory late renewal fee if the application to renew the credential is received before the next applicable renewal date. Notwithstanding the applicable statutory provisions for the health care provider credentials, the applicable credentialing board may, for that next applicable renewal date, provide an exemption from, or reduction of, continuing education or other conditions for renewal.

Definition. For these purposes, define a "health care provider credential" to mean any credential issued under the following state statutory chapters: Board of Nursing (ch. 441); Dentistry Examining Board (ch. 447); Medical Practices (ch. 448); Pharmacy Examining Board (ch. 450); Psychology Examining Board (ch. 455); Massage Therapy and Bodywork Therapy (ch. 460); or Radiographers and Limited X-Ray Machine Operators (ch. 462).

2. TEMPORARY CREDENTIALS FOR FORMER HEALTH CARE PROVIDERS DURING THE CURRENT PUBLIC HEALTH EMERGENCY

Authorize the Department of Safety and Professional Services (DSPS) to grant temporary credentials to certain former health care providers during the state public health emergency declared on March 12, 2020 under Executive Order 72, as follows.

Issuance of Temporary Credentials. Require DSPS to grant a temporary credential to a health care provider if all of the following apply: (a) the health care provider submits an application to DSPS; and (b) DSPS determines that the health care provider satisfies the eligibility requirements for the credential and is fit to practice after conducting an investigation of the health care provider's arrest or conviction record and record of professional discipline. Require DSPS to notify the health care provider if DSPS denies the provider's application for a temporary emergency credential.

Specify that, notwithstanding statutory prohibitions on practicing as a nurse, nurse-midwife, dentist, dental hygienist, physician, physician assistant, perfusionist, respiratory care practitioner, or pharmacist, unless credentialed under the appropriate statutory section, a health care provider granted a temporary credential under these provisions may provide services for which the health care provider has been licensed or certified.

Require any health care provider who provides services authorized by a temporary credential under these provisions to maintain malpractice insurance that satisfies the requirements of the profession for which the health care provider has been licensed or certified.

Duration of Credential. Specify that a temporary credential granted under this provision expires 90 days after the conclusion of the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension.

Authority to Waive Credential Fees. Provide that, during the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension, DSPS may waive fees for applications for an initial credential and renewal of a credential for registered nurses, licensed practical nurses, nurse-midwives, dentists, physicians, physician assistants, perfusionists, respiratory care practitioners, pharmacists, psychologists, clinical social

workers, independent social workers, social workers, marriage and family therapists, professional counselors, and clinical substance abuse counselors.

Definitions. For these purposes, define "health care provider" to mean an individual who was at any time within the previous five years, but is not currently, any of the following, if the individual's credential was never revoked, limited, suspended, or denied renewal: (a) licensed as a registered nurse, licensed practical nurse, or nurse-midwife under ch. 441 of the Wisconsin state statutes; (b) licensed as a dentist under ch. 447 of the Wisconsin state statutes; (c) licensed as a physician, physician assistant, or perfusionist under ch. 448 or certified as a respiratory care practitioner under ch. 448 of the Wisconsin state statutes; (d) licensed as a pharmacist under ch. 450 of the Wisconsin state statutes; (e) licensed as a psychologist under ch. 455 of the Wisconsin state statutes; (f) 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 of the Wisconsin state statutes; (g) a clinical substance abuse counselor certified under s. 440.88 of the Wisconsin state statutes; or (h) any practitioner holding a credential to practice a profession that is identified by the Department of Health Services during the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension of the public health emergency.

Define: (a) "credential" to mean license or certificate; and (b) "department" to mean DSPS.

3. TEMPORARY CREDENTIALS FOR HEALTH CARE PROVIDERS FROM OTHER STATES

Authorize DSPS to grant temporary credentials to certain health care providers from other states during the period covered by the public health emergency declared on March 12, 2020 under Executive Order 72, including any extension of the public health emergency, as follows.

Temporary Credentials. Require DSPS to grant a temporary credential to a health care provider, as defined below, if all of the following apply: (a) the health care provider submits an application to DSPS, and (b) DSPS determines that the health care provider satisfies the eligibility requirements for the credential and is fit to practice after conducting an investigation of the health care provider's arrest or conviction record and record of professional discipline. Authorize DSPS to determine the appropriate scope of review of the background of a health care provider who applies for a temporary credential under this paragraph. Require that if DSPS denies a health care provider's application for a temporary credential under this section, DSPS must notify the health care provider of the reason for the denial.

Specify that, notwithstanding statutory prohibitions on practicing as a nurse, nurse-midwife, dentist, dental hygienist, physician, physician assistant, perfusionist, respiratory care practitioner, or pharmacist, unless credentialed under the appropriate statutory section, a health care provider granted a temporary credential under this paragraph may provide services for which the health care.

Require that a health care provider who provides services authorized by a temporary credential granted under these provisions, must maintain malpractice insurance that satisfies the

requirements of the profession for which the health care provider has been licensed or certified.

Duration of the Temporary Credential. Specify that a temporary credential granted under this paragraph expires 90 days after the conclusion of the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension.

Fee Waiver. Notwithstanding the Department's authority to require standard fees for initial credentialing and examinations and the applicable fee provisions in state statute, during the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension, authorize DSPS to waive fees for applications for an initial credential and renewal of a credential for: registered nurses, licensed practical nurses, nurse-midwives, dentists, physicians, physician assistants, perfusionists, respiratory care practitioners, pharmacists, psychologists, clinical social workers, independent social workers, social workers, marriage and family therapists, professional counselors, and clinical substance abuse counselors.

Definitions. Define "health care provider" to mean an individual who holds a valid, unexpired license, certificate, or registration granted by another state or territory that authorizes or qualifies the individual to perform acts that are substantially the same as the acts that any of the following are licensed or certified to perform: (a) a registered nurse, licensed practical nurse, or nurse-midwife under ch. 441 of the Wisconsin state statutes; (b) a dentist licensed under ch. 447 of the Wisconsin state statutes; (c) a physician, physician assistant, or perfusionist licensed under ch. 448 or a respiratory care practitioner certified under ch. 448 of the Wisconsin state statutes; (d) a pharmacist licensed under ch. 450 of the Wisconsin state statutes; (e) a psychologist licensed under ch. 455 of the Wisconsin state statutes; (f) 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 of the Wisconsin state statutes; (g) a clinical substance abuse counselor certified under s. 440.88 of the Wisconsin state statutes; or (h) any practitioner holding a credential to practice a profession that is identified by the Department of Health Services during the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension of the public health emergency.

In addition define: (a) "credential" to mean license or certificate and (b) "department" to mean the Department of Safety and Professional Services (DSPS).

4. PRESCRIPTION ORDER EXTENSIONS DURING PUBLIC HEALTH EMERGENCIES

Expand the manner in which a pharmacist can extend a prescription order. Specify that if a pharmacist receives a request for a prescription to be refilled and the prescription cannot be refilled under current state statutes governing initial fills and refills, the pharmacist may, subject to certain statutory conditions, extend the existing prescription order and dispense the drug to the patient, if the pharmacist has not received and is not aware of written or oral instructions from the prescribing practitioner prohibiting further dispensing pursuant to or extension of the prescription order.

Prohibit a pharmacist from extending a prescription order under this section if: (a) a prescribing practitioner has indicated, by writing on the face of the prescription order or, with

respect to a prescription order transmitted electronically, by designating in electronic format the phrase "No extensions," or words of similar meaning; (b) the prescription is for a drug that is a controlled substance; or (c) if a prescription order was previously extended for that particular patient during the period covered by a public health emergency declared by the Governor, including any extension of that public health emergency.

Further, prohibit a pharmacist acting under this provision from extending a prescription order to dispense more than a 30-day supply of the prescribed drug, except that if the drug is typically packaged in a form that requires a pharmacist to dispense the drug in a quantity greater than a 30-day supply, the pharmacist may extend the prescription order as necessary to dispense the drug in the smallest quantity in which it is typically packaged.

Require that a pharmacist, at the earliest reasonable time after acting under this provision, notify the prescribing practitioner or his or her office. However, specify that the pharmacist is not required to attempt to procure a new prescription order or refill authorization for the drug by contacting the prescribing practitioner or his or her office prior to acting under this provision. Authorize the pharmacist, after acting under this provision, to notify the patient or other individual that any further refills will require the authorization of a prescribing practitioner.

Specify that the authority granted under this provision applies only during the period covered by a public health emergency declared by the governor, including any extension. During that time, clarify that this paragraph supersedes existing circumstances under which a pharmacist may extend a prescription order to the extent of any conflict.

5. AUTOPSIES AND CREMATION OF BODIES OF PERSONS WHO DIED OF COVID-19

For the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension, specify that:

- If a physician has signed the death certificate of a deceased person and listed COVID-19 as the underlying cause of death, a coroner or medical examiner may issue a cremation permit to cremate the corpse of that deceased person without viewing the corpse;
- If a physician has signed the death certificate of a deceased person and listed COVID-19 as the underlying cause of death, a coroner or medical examiner must issue, within 48 hours after the time of death, a cremation permit for the cremation of a corpse of a deceased person;
- If the underlying cause of a death is determined to be COVID-19, the person required to sign the death certificate must provide an electronic signature on the death certificate within 48 hours after the death occurs; and
- If an individual dies of COVID-19 while he or she is in the legal custody of the Department of Corrections and confined to a correctional facility located in this state, an autopsy on the deceased individual may be performed by any coroner or medical examiner in this state.

Define "COVID-19" to mean an infection caused by the SARS-CoV-2 coronavirus.

Under current law, a coroner or medical examiner must view the corpse of a deceased person before issuing a cremation permit, and the corpse may not be cremated within 48 hours after the death unless the death was caused by a contagious or infectious disease.

Further, under current law, if an individual dies while he or she is in the legal custody of the Department of Corrections and confined to a correctional facility located in this state, an autopsy on the deceased individual must be performed by the coroner or medical examiner of the county where the death occurred.

WORKFORCE DEVELOPMENT

1. TEMPORARY SUSPENSION OF THE UNEMPLOYMENT INSURANCE WAITING WEEK

Provide that the waiting week requirement under current law would not apply with respect to benefit years that begin on or after March 12, 2020, so as to apply to the public health emergency declared on March 12, 2020, by Executive Order 72, and before January 3, 2021. Require the Department of Workforce Development (DWD) to seek the maximum amount of federal reimbursement for benefits that are payable for the first week of a claimant's benefit year as a result of the application of this provision.

The CARES Act provides 100% federal funding of the first week of regular UI benefits for states with no waiting week through December 31, 2020, plus administrative expenses incurred to implement this provision. Under the Act, states may enter into an agreement with U.S. Department of Labor (USDOL) for this funding if the state law, including a waiver of state law, provides that compensation is paid to individuals for their first week of regular unemployment without a waiting week. A state-federal agreement would apply to weeks of unemployment beginning after the date on which the agreement is entered into and ending on December 31, 2020. An agreement implementing this and other UI-related provisions of the CARES Act was signed by the DWD Secretary and USDOL on March 28, 2020.

Under current law, the claimant's waiting period is the first week of a claimant's benefit year for which the claimant is otherwise eligible for regular benefits. During a claimant's waiting period, no benefits are payable to the claimant. The waiting period does not affect a claimant's maximum benefit amount, which is 26 weeks of regular state benefits. However, claimants who do not reach the state's 26-week limit effectively receive one less week of benefits due to the waiting week requirement. A claimant must serve one waiting week per benefit year.

2. NON-CHARGING EMPLOYER UNEMPLOYMENT INSURANCE ACCOUNTS

Require the Department of Workforce Development, when processing claims for

unemployment insurance (UI) benefits and evaluating work-share plans, to determine whether a claim or plan is related to the public health emergency (PHE) declared by the governor under Executive Order #72.

Provide that if a claim or plan is related to a PHE, regular benefits for that claim for weeks occurring after March 12, 2020, and before December 31, 2020, not be charged to an employer's UI account as normally provided. Instead, under the provision, UI benefits for those weeks would be charged to either: (a) the balancing account of the UI Trust Fund for contribution employers; or (b) DWD's existing interest and penalties account for reimbursable employers that are not subject to contribution requirements.

Under the provision, PHE non-charging provisions would not apply: (a) if the employer fails to timely and adequately provide any information required by the department; (b) to any benefits paid or reimbursed by the federal government, including the portion of any benefits reimbursed by the federal government for reimbursable employers; (c) to a claim for regular benefits that is a combined wage claim; (d) to work-share benefits reimbursed by the federal government; or (e) to certain benefits chargeable based on employment with the federal government.

Under current law, some UI benefit payments are not charged to a specific employer's account but are instead charged to the balancing account. The state's UI balancing account is supported by the solvency tax paid by employers and any interest earned on the state's UI trust fund balance. There are seven basic categories of benefit payments charged to the balancing account: 10% write-offs, quits, misconduct, substantial fault, continued employment, approved training, and second benefit year. In the past, there have been other benefit programs that have been charged to the balancing account, including in 2002 when state temporary supplemental benefits were charged to the account.

3. WORK SHARE PLAN REQUIREMENTS

Temporarily suspend, from the effective date of the provision through December 31, 2020, certain requirements of voluntary work-share plans submitted by employers, including: (a) the requirement that a work-share plan be limited to a particular work unit of the employer; (b) the requirement that the reduction in working hours under a work-share program must be at least 10% but not more than 50% of the normal hours per week of the employees included under the plan; (c) the requirements that at least 10% of the employees in a work unit be included in a work-share plan, and that the employer provide for initial coverage under the plan of at least 20 positions that are filled on the effective date of the work-share program; and (d) the requirement that reduced working hours be apportioned equitably among employees in the work-share program.

Specify that, during the suspension period: (a) work-share plans cover any employees of the employer; (b) the permissible reduction in working hours under a work-share program be not more than 60% of the normal hours per week of the employees included under a work-share plan; and (c) work-share plans cover at least two positions that are filled on the effective date of the work-share program.

Require the Department to allow employers to submit applications under this section using

an online form, and require DWD to assist employers with submitting applications and developing work-share plans.

Allow the DWD Secretary to waive compliance with any temporary change required under this provision if the Secretary determines that the waiver of the requirement is necessary to permit continued federal certification of the state's UI program, or is necessary for the state to qualify for full federal financial participation in the cost of administration of the state's work-share program and in the financing of UI benefits to employees participating in the work-share program.

Work-share programs, which are also called "short-term compensation programs" under federal law, are designed to provide a prorated unemployment benefit for employees of employers who voluntarily make an agreement with the state to reduce work hours instead of laying off workers. For states that currently have a federally approved work-share program, like Wisconsin, the CARES Act would provide 100% federally funded UI benefits through December 31, 2020. Under current law, Wisconsin's work-share program is funded entirely through the employer's UI account.

4. EMPLOYEE RECORDS DURING A PUBLIC HEALTH EMERGENCY

Provide that during the period covered by a state of emergency related to a public health emergency declared by the Governor, an employer is not required to provide an employee's personnel records within seven working days after an employee makes a request to inspect his or her personnel records, and an employer is not required to provide the inspection at a location reasonably near the employee's place of employment during normal working hours.

The statutes provide an employee or former employee has a right, with some exceptions, to inspect an employer's personnel documents that are used or have been used to determine the employee's qualifications for employment, promotion, transfer, additional compensation, termination or other disciplinary action, as well as view the employer's medical records of the employee. An employee may make such a request up to two times each calendar year. The provision would suspend, only during a public health emergency, the application of the two requirements described that employers must otherwise follow in accommodating an inspection request.

Romportl, Dan

From: Romportl, Dan
Sent: Monday, April 06, 2020 6:48 PM
To: Kelly, Scott; Duerkop, Nathan; Emerson, James; Gibbs, Adam; Fiocchi, Tim; Koenen, Kyle
Subject: FW: LFB memo - bill for Friday session
Attachments: 06 Summary of Provisions Draft.pdf

See attached PDF - please get back to Tad or I tomorrow with any feedback - shooting for a virtual floor session on Friday if this can come together by then.

Thanks,
Dan

Romportl, Dan

From: Romportl, Dan
Sent: Monday, April 06, 2020 6:42 PM
To: Esser, Jennifer; Zantow, Jenna; Prange, Katy; Lakin, Tim; Soper, John; Henkel, Matt
Subject: FW: LFB memo - bill for Friday session
Attachments: 06 Summary of Provisions Draft.pdf

See attached PDF - please get back to Tad or I tomorrow with any feedback - shooting for a virtual floor session on Friday if this can come together by then.

Thanks,
Dan

Romportl, Dan

From: Romportl, Dan
Sent: Monday, April 06, 2020 6:40 PM
To: Rettinger, Nik; Mugnaini, Jason; Lonergan, Sandy; Ponio, Jerry; Summerfield, Craig; Mikalsen, Mike
Subject: LFB memo - bill for Friday session
Attachments: 06 Summary of Provisions Draft.pdf

See attached PDF - please get back to Tad or I tomorrow with any feedback - shooting for a virtual floor session on Friday if this can come together by then.

Thanks,
Dan

Romportl, Dan

From: Romportl, Dan
Sent: Monday, April 06, 2020 11:47 AM
To: Ottman, Tad
Subject: FW: Sunset Clause Drafting

Importance: High

From: Soper, John <John.Soper@legis.wisconsin.gov>
Sent: Monday, April 06, 2020 11:38 AM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: FW: Sunset Clause Drafting
Importance: High

I sent in the drafting request below. Mary Alice drafted our Retirement Age/Double Dipping Bill this session and should be the right person at LRB. I will pass along when I get it.

John Soper
Chief of Staff
Office of Sen. Duey Stroebel - 20th District
(608)266-7513
John.soper@legis.wisconsin.gov

From: Soper, John
Sent: Monday, April 06, 2020 11:21 AM
To: McGreevy, Mary Alice <MaryAlice.McGreevy@legis.wisconsin.gov>
Subject: Sunset Clause Drafting
Importance: High

Mary Alice,

Senator Fitzgerald is drafting or has drafted a COVID-19 bill. I believe one provision they copied from LRB 5920/P2. On March 24th, LFB analyzed the ETF provision regarding rehired annuitants in a publicly available memo, page 11.

Senator Stroebel wants to work on amendment language to sunset the double-dipping. Specifically, 90 days after end of the declared emergency (or the next 1st of the month after 90 days or whatever convenient administrative point if a straight 90 days would cause problems) the exception allowing not-suspending the annuity ceases. As we read the analysis if you were hired during the emergency for a "critical position" you are exempted from double-dipping laws forever. Senator Stroebel does not support this.

I am in the office today. I also can be reached generally on my cell phone throughout the current situation at (262)339-6792

John Soper
Chief of Staff
Office of Sen. Duey Stroebel - 20th District
(608)266-7513

Romportl, Dan

From: Romportl, Dan
Sent: Monday, April 06, 2020 11:27 AM
To: Augustyn, Jessie
Subject: RE: Guard press release from April 1

OK got it

From: Augustyn, Jessie <Jessie.Augustyn@legis.wisconsin.gov>
Sent: Monday, April 06, 2020 11:25 AM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: Re: Guard press release from April 1

We're looking for a specific number of soldiers. This one was not yet determined and the email from Kit said 5,000, but an email from a Politico recounting a conversation she wants party to isn't a good source. Just to give context of what we're looking for

On Apr 6, 2020, at 11:22 AM, Romportl, Dan <Dan.Romportl@legis.wisconsin.gov> wrote:

<https://dma.wi.gov/DMA/news/2020news/20041>

Dan Romportl
Chief of Staff
Senator Scott Fitzgerald
Senate Majority Leader
13th Senate District
(608) 266-5660

Romportl, Dan

From: Romportl, Dan
Sent: Monday, April 06, 2020 11:23 AM
To: Augustyn, Jessie
Subject: Guard press release from April 1

<https://dma.wi.gov/DMA/news/2020news/20041>

Dan Romportl
Chief of Staff
Senator Scott Fitzgerald
Senate Majority Leader
13th Senate District
(608) 266-5660

Romportl, Dan

From: Romportl, Dan
Sent: Monday, April 06, 2020 10:32 AM
To: 'BENJAMIN MICHAEL VAN PELT'
Subject: RE: Letter from Chancellor Blank on Impact of COVID-19

Ben,
Thanks for reaching out. Assuming tomorrow and Wednesday are still an option, let me check with Scott and I'll get back to you ASAP.
-Dan

From: BENJAMIN MICHAEL VAN PELT <bmvanpelt@wisc.edu>
Sent: Thursday, April 02, 2020 8:13 AM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Cc: Crystal Potts <crystal.potts@wisc.edu>
Subject: FW: Letter from Chancellor Blank on Impact of COVID-19

Good Morning Dan,

In following up on this letter that Crystal shared with the Senator and you yesterday, we wanted to see if the Senator had 20-30 minutes for a quick phone call with Chancellor Blank to discuss our COVID-19 response and the implications of the entire issue a bit more?

The Chancellor has some time later this afternoon (4/2), a little bit of time tomorrow (4/3), Monday afternoon (4/6), Tuesday afternoon (4/7), and all of Wednesday afternoon (4/8) for this potential discussion.

Please let us know if something might work for him.

Thanks so much and I hope you are well,

Ben Van Pelt

Assistant Director of State Relations
University of Wisconsin-Madison
Cell: (815) 474-3973 | Office: (608) 265-3477
Bmvanpelt@wisc.edu | [@StateRelations](https://twitter.com/StateRelations)
[The impact of UW-Madison](https://www.wisconsin.edu)



From: Crystal Potts <crystal.potts@wisc.edu>
Date: Wednesday, April 1, 2020 at 12:55 PM
To: "sen.fitzgerald@legis.wisconsin.gov" <sen.fitzgerald@legis.wisconsin.gov>
Cc: BENJAMIN MICHAEL VAN PELT <bmvanpelt@wisc.edu>, "Romportl, Dan" <Dan.Romportl@legis.wisconsin.gov>
Subject: Letter from Chancellor Blank on Impact of COVID-19

Good afternoon,

Please see attached for a letter from UW-Madison Chancellor Rebecca Blank regarding the impact of COVID-19 on campus.

As always, please let me know if you have any questions.

Thanks,
Crystal

--

Crystal L. Potts

Director of State Relations

University of Wisconsin-Madison

Office: (608) 265-4105 | Cell: (608) 658-6761

Crystal.Potts@wisc.edu | [@StateRelations](#)

The impact of UW-Madison



Romportl, Dan

From: Romportl, Dan
Sent: Monday, April 06, 2020 10:28 AM
To: 'Mark Graul'
Subject: RE: Liability Protections for Health Care Providers

Hi Mark,
We have included this in our working draft – I sense it has broad support so our objective would be to pass this as part of the bill we aim to take up later this week.
Thanks,
Dan

From: Mark Graul <mgraul@arenastrategy.com>
Sent: Friday, April 03, 2020 4:55 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: Liability Protections for Health Care Providers

Dan – I hope you are healthy and surviving the chaos. I'm sure your days must just be insane. While I hate to add to you list, I want to flag for you the attached language Children's (along with WHA, Medical Society and other providers) is hoping the Legislature will include in the COVID package that would provide liability protections for providers during a public health crisis. This is an increasingly important issue, as we are hearing more and more from physicians and other providers being hesitant to help during the crisis because of liability concerns. This language is similar to how emergency responders are treated in a public health crisis.

I'm hoping either WHA or WMS has already got this on your guys list, but wanted to reinforce Children's strong support for it. With the surge of patients that expected in the next 2 week, having as many providers as possible engage will be critical.

I'm told that other states have enacted similar measure and the draft is based on language from Oklahoma. I also believe that NY and IL governors enacted it via Executive Order, but I don't know if that is possible in WI and Children's would prefer the Legislature to act.

I know there are many more pressing things on the list for health care in the COVID-19 package, but wanted to flag this for you. Let me know if you have any questions.

Mark

Mark Graul | Arena Strategy Group
T(Green Bay Office): 920-884-9296 | E: mgraul@arenastrategy.com
T(Madison Office): 608-204-5810
C: 920-217-3524

Romportl, Dan

From: Romportl, Dan
Sent: Monday, April 06, 2020 10:23 AM
To: 'Elizabeth Bronson'
Cc: Bob Tracy Jr. (rtracy75@yahoo.com)
Subject: RE: Wisconsin DNR Offers Environmental Compliance Roadmap

Hi Liz,

Just wanted to check in on this. When I spoke to the DNR, they had committed to holding a call with ULW and other companies facing the same issues – has that happened yet?

Feel free to call if that's easier.

Thanks,
Dan // Sen Fitzgerald office
cell 608-386-4867

From: Elizabeth Bronson <gc@ulwr-inc.com>
Sent: Friday, April 03, 2020 2:54 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Cc: Bob Tracy Jr. (rtracy75@yahoo.com) <rtracy75@yahoo.com>
Subject: FW: Wisconsin DNR Offers Environmental Compliance Roadmap

Hi Dan,

Bob informed me of your call with the DNR earlier in the week and asked me to reach out to you. Below is the website the DNR promised. The way ULWR interprets this is that it must adhere to all terms of its permit. This is problematic because the limits on chloride severely limit the gallons of waste that can be land applied, which means the storage facilities will reach capacity due to the heavy influx of incoming waste from clients. This ultimately would lead to ULWR turning clients away which would mean that the clients (food processing companies) would not be able to continue with their operation.

Earlier in the week, I (along with outside counsel) spoke with chief counsel and Jim Zelmer at the DNR regarding ULWR's need for a variance for chloride to continue its operations. We told them how COVID-19 has caused a heavy influx of incoming waste that was impacting our storage space. I suggested that ULWR use the nitrogen limit in the waste to determine the gallons applied, as it had done for the past 10 years until the chloride litigation was dismissed. ULWR would track the chloride but would not be place into enforcement for violations of the chloride limit. They listened to my suggestions for handling the issues that ULWR is facing but have not supplied an official response.

The DNR's suggestion for handling this problem is to obtain more field sites. There are not enough field sites in the state to address the issues that COVID-19 has placed on everyone in the state. Moreover, when we provide field sites for approval it takes several weeks and sometimes months for a response.

You mentioned to Bob that the DNR wants to work with us to figure out a solution to the current situation caused by COVID-19. Based on this website release today, I am not able to decipher what the DNR is willing to do at this time. Please review the email below. Let me know what you think. Feel free to call my cell phone 414.745.9179 as I am working at home today.

Thank you in advance for any assistance you are able to provide ULWR.

Elizabeth K. Bronson | General Counsel
United Liquid Waste Recycling, Inc.
715 Morgan Street, Clyman, WI 53016
Office: 920.696.3248 ext. 113
Email: gc@ulwr-inc.com



LIQUID WASTE RECYCLING, INC.
WWW.ULWR-INC.COM

PRIVILEGE AND CONFIDENTIALITY NOTICE This electronic mail is intended for the named recipient only. This electronic mail may contain privileged and confidential information and, therefore, should not be disclosed to third parties without our express permission. If you have received this electronic mail in error, please notify me immediately and purge the electronic mail from your system.

From: Wisconsin Department of Natural Resources <widnr@service.govdelivery.com>
Sent: Friday, April 3, 2020 1:54 PM
To: Elizabeth Bronson <gc@ulwr-inc.com>
Subject: Wisconsin DNR Offers Environmental Compliance Roadmap

NEWS RELEASE

(View in browser)

Wisconsin DNR Offers Environmental Compliance Roadmap

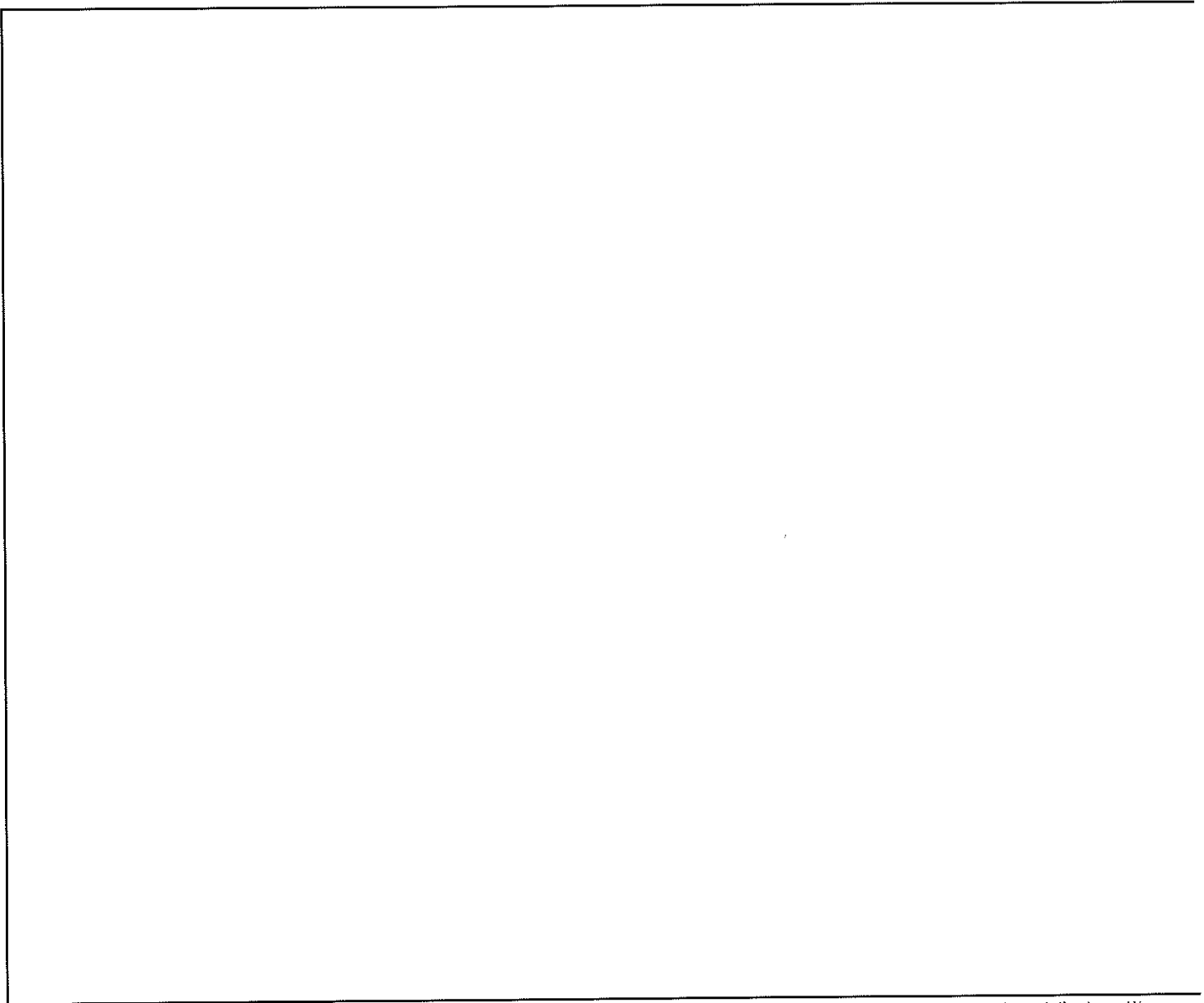
All state laws and regulations remain in effect

CONTACT: Darsi Foss, Environmental Management Administrator, darsi.foss@wisconsin.gov or (608) 267-6713;
Environmental Management Deputy Administrator, james.zellmer@wisconsin.gov or (608) 267-7651

MADISON, Wis. - Under Gov. Evers' Safer at Home order the Wisconsin Department of Natural Resources will provide for imminent threats or complaints related to public health, safety and the environment over routine, on-site audits and

The regulated community can go here for a one-stop location to request case-by-case assistance due to likely compliance with COVID-19. All state laws and regulations remain in effect, unless otherwise suspended by the governor.

The DNR is committed to doing what we can to help those impacted by COVID-19 while continuing to protect environmental public health and safety. The DNR is sensitive to the challenges posed to its regulated community, such as wastewater and landfill license holders.



This chart outlines the environmental compliance process during the COVID-19 public health emergency.
- Photo credit: DNR

All entities should make every effort to comply with their environmental compliance obligations. Where full compliance is possible due to COVID-19, the DNR created an environmental compliance roadmap for regulated entities.

The DNR advises businesses or local governments having a spill or a compliance problem that poses an imminent threat to the environment to report it immediately by calling toll free 1-800-943-0003 and selecting "1." This number is

For non-emergency situations, the DNR is providing this online process as a means for the regulated entities to request assistance from the DNR. This process should be initiated by directly emailing the main DNR contact for the facility web form to request case-by-case compliance assistance.

The DNR will monitor these systems daily during regular business hours. Where safe compliance alternatives are available, the DNR, regulated entities will be required to maintain records adequate to document implementation of authorized options.

The Wisconsin Department of Natural Resources continues to receive the most up-to-date information and will adapt as conditions change. Distance is key during this public health emergency. Under the Safer at Home order, we must prevent the spread of COVID-19. Staying home as much as possible and limiting travel to your community is the best way to reduce infection rates.

This is a rapidly evolving situation. For the latest updates, visit the [DNR website](#) or follow [@WIDNR](#) on [Facebook](#) or [@WDNR](#) on [Twitter](#).

For specific information regarding the COVID-19 we encourage the public to frequently monitor the [DHS website](#) [@DHSWI](#) on [Facebook](#) and [Twitter](#), or [dhs.wi](#) on [Instagram](#). Additional information can be found on the [CDC website](#).

DNR Office of Communications

Sarah Hoyer

Director of Communications

Department of Natural Resources

101 S Webster, P.O. Box 7921

Madison, WI 53707

Media Line: (608) 266-3143 TDD: 711

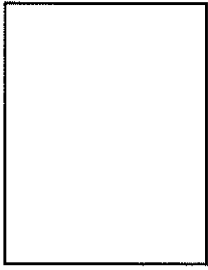
Email: DNRPress@Wisconsin.gov

dnr.wi.gov | wisconsin.gov

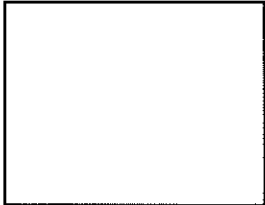
Email Header Photo & copy Jack Bartholmai. An endangered black tern feeds its young. [Learn more about this species found in shallow marshes.](#)

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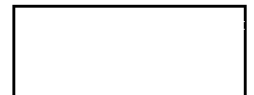
Outdoor Report: Current fishing activities, wildlife observations, and state park events updated every Thursday.

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Other inquiries can be directed to the DNR.

This email was sent to gc@ulwr-inc.com using GovDelivery Communications Cloud on behalf of: Wisconsin Department of Natural Resources · 101 S. Webster Street · Madison, WI 53707-7921 · 608-266-2621



■

Romportl, Dan

From: Romportl, Dan
Sent: Sunday, April 05, 2020 7:02 PM
To: Soper, John
Subject: RE: LFB memo language - rehired annuitants in critical positions

Thanks. I will flag it with my boss and Lang. And yes that sounds good, let's connect tomorrow.
-Dan

From: Soper, John
Sent: Sunday, April 05, 2020 6:51 PM
To: Romportl, Dan
Subject: RE: LFB memo language - rehired annuitants in critical positions

Dan,

The way this reads to me, so long as you are hired during the emergency, you double dip forever. The exception to allow the choice to not suspend (i.e. still get) is allowed on two conditions. The two conditions to meet this exception don't expire even if no longer relevant. (6 years from now you were still hired during the emergency for a critical position).

With no sunset provision for post emergency it reads to me like a complete bypass of double dipping rules for anyone who happened to be hired in the window.

I'll work on language and reach out tomorrow.

John

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Romportl, Dan" <Dan.Romportl@legis.wisconsin.gov>
Date: 4/5/20 3:48 PM (GMT-06:00)
To: "Soper, John" <John.Soper@legis.wisconsin.gov>
Subject: LFB memo language - rehired annuitants in critical positions

Take a look and let me or Tad know what you think - this is from an initial draft of a LFB memo (not a LRB bill draft):

"Specify that a Wisconsin Retirement System (WRS) participant who is hired by a participating employer during a public health emergency declared by the Governor may elect to not suspend his or her annuity for the duration of the public health emergency if: (a) at the time of terminating employment, the participant does not have an agreement with any participating employer to return to employment or enter into a contract to provide employee services; and (b) the position for which the annuitant is hired is a critical position. Further, specify that the current break-in-service requirement of 75 days would not apply to a participant who is hired for a critical position during the public health emergency if at least 15 days have elapsed between the termination of employment and becoming a participating employee. Require the head of each state agency and each local health department, based on guidance provided by the Secretary of the Department of Health Services, to determine which positions within the respective state agency or local government are critical when the Governor declares a public health emergency, for the purposes of administering the provisions applicable to rehired annuitants.

Under current law, any WRS participant who retires on or after July 2, 2013, must suspend their annuity and become a participating WRS employee if they are employed in covered employment, or enter into a contract with a WRS employer, and are expected to work at least two-thirds of what is considered full-time employment by the Department of Employee Trust Funds. Also under current law, any WRS participant who retires on or after July 2, 2013, has a break-in-service requirement of 75 days between termination of employment and becoming a participating employee with a WRS employer. This separation from WRS employment must occur for an individual who applied for an annuity or lump sum payment to continue to qualify for an annuity or to retain the lump sum payment."

###

Romportl, Dan

From: Romportl, Dan
Sent: Sunday, April 05, 2020 3:48 PM
To: Soper, John
Subject: LFB memo language - rehired annuitants in critical positions

Take a look and let me or Tad know what you think - this is from an initial draft of a LFB memo (not a LRB bill draft):

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###

Romportl, Dan

From: Romportl, Dan
Sent: Sunday, April 05, 2020 2:37 PM
To: *Legislative Senate Republicans
Subject: FW: National Guard Deployment Information

GOP Senators & Staff,

Please see the email below which Speaker Vos shared with his caucus earlier today.

Thank you,

Dan Romportl
Office of Senator Scott Fitzgerald

----- Forwarded message -----

From: "Rep. Vos" <Rep.Vos@legis.wisconsin.gov>
Date: Apr 5, 2020 12:22 PM
Subject: National Guard Deployment Information
To: *Legislative Assembly Republicans - Legislators <Legislative-Assembly-Republicans-Legislators@legis.wisconsin.gov>, *Legislative Assembly Republicans - Representatives <Legislative-Assembly-Representatives-Republicans@legis.wisconsin.gov>
Cc:

Hello,
Speaker Vos has asked me to forward an update on the National Guard plan for Tuesday's election from the Wisconsin Elections Commission.

Meagan Wolfe, Administrator of the Elections Commission, told commissioners they had a call with county clerks on Saturday to discuss plans for utilizing Wisconsin National Guard (WING) service members as poll workers. Brig. General Robyn Blader, Assistant Adjutant General, was on the call to coordinate with the counties. Two WEC staff liaisons are coordinating the project.

Here are the highlights:

- Deployment of upwards of 5,000 service members to serve as poll workers
- WING has service members in all 72 counties
- WING service members will serve as poll workers within the county where they live. They will serve in plain clothes and in regular poll worker roles
- County clerks will deploy service members in the areas needed within their county

Here's the timeline:

- **Sunday morning:** service members report to their regional armories for intake and health screening to go on active duty. They will be on active orders from Sunday through Tuesday/Wednesday to serve in this capacity.
- **Sunday afternoon:** service members complete the recorded training that WEC has created for Chief Inspectors, Election Inspectors, voter registration and new roles like helping with line management and hand hygiene.

- **Monday:** service members report to either the municipality where they are needed or to the county clerk where they were assigned. WING members who have a municipality assigned will spend the day training with the municipal clerk and assisting with polling place set up. WING members who have not been assigned may train with the county or WEC so that they are ready to be deployed on Election Day if an emergency need arises.
- **Tuesday:** WING members will be deployed to municipalities where they are needed through the county clerk. WEC will have WING liaisons helping to coordinate the ~5,000 service members.
- **Wednesday:** WING will continue to make service members available for jurisdictions who need assistance with processing ballots or polling place tear down.

As always, let us know if you have any questions.

Stay safe,

Kit

Kit Beyer

Communications Director
Office of Speaker Robin J. Vos
Wisconsin State Assembly
211 West, State Capitol
P.O. Box 8953
Madison, WI 53708
Kit.Beyer@legis.wi.gov
608-266-9171
608-261-5683 (direct line)
1-888-534-0063

Romportl, Dan

From: Romportl, Dan
Sent: Sunday, April 05, 2020 2:15 PM
To: Lang, Bob
Cc: Smith, Heather
Subject: new addition - doctor liability
Attachments: Ch 323 amendment - Providers of health care services.pdf

Bob,

Attached is suggested language for the doctor liability provision we discussed on the call.

Thanks,

Dan // Fitzgerald office
cell 608-386-4867

Create new s. 323.46:

323.46 Providers of health services. (1) Except as provided in sub. (3), no person who is a provider of health care services or the provider's employees, agents, or contractors are liable for the death of or injury to any individual or damage to any property caused by actions or omissions of the person if the person did so under all of the following conditions:

- (a) The health services are provided during a federally declared emergency under the Stafford Act or National Emergencies Act, a public health emergency under Section 319 of the Public Health Service Act, or a state of emergency or a public health emergency declared by the governor.
- (b) Such acts or omissions are substantially consistent with any direction, guidance, recommendation or other statement made by any of the following:
 - 1. A federal, state, or local official to address the emergency or in response to the emergency.
 - 2. Other published guidance upon which the person relied upon in good faith.
- (2) This section does not apply if the person's act or omission involved reckless, wanton, or intentional misconduct.
- (3)
 - (a) This section does not apply to a person's provision of services if s. 257.03 or 323.41 applies.
 - (b) This section does not apply to a person's provision of facilities if s. 257.04 or 323.44 applies.

Romportl, Dan

From: Romportl, Dan
Sent: Sunday, April 05, 2020 10:55 AM
To: Toftness, Jenny; Smith, Heather; Ottman, Tad
Subject: FW: WI Banker Policy Priorities

Importance: High

Just making sure you guys saw this...

From: Ponio, Jerry
Sent: Friday, April 03, 2020 1:07 PM
To: Romportl, Dan; Ottman, Tad; Liedl, Kimber
Subject: FW: WI Banker Policy Priorities

FYI

Jerry Ponio
Chief of Staff
Office of Senator Alberta Darling
608.266.5830

From: Mike Semmann [msemmann@wisbank.com]
Sent: Friday, April 03, 2020 12:19 PM
To: Delaporte, Bob; O'Neill, Eileen; Borgerding, Chris; Hurlburt, Waylon; Krueger, Nick
Cc: Jeremy Shepherd; Sarah Wainscott; Scott Birrenkott
Subject: WI Banker Policy Priorities

I hope all is well. Here are the WBA policy priorities in two groups below. I provided a much longer policy list to leadership earlier, so we simplified it - for now.

There are real issues with the Federal CARES Act loan programs that put some increased liability on banks and we'd like to have some state relief but don't know how quite yet.

EXAMPLE: If a business fills out their information incorrectly and the bank submits it, the bank and the business could both be held liable – even if it's a small, technical issue. We may not know this for months – so we may need relief this summer or later this year.

My cell is (608) 516-8567 if you need anything. Thank you for considering!

- I. COVID extraordinary session items
- II. Regular 2019-2020 session holdover

I. IN NEW LEGISLATION FOR EXTRAORDINARY SESSION:

Licensing relief:

Temporarily (through July 1, 2021) remove all continuing education requirements and automatically renew licenses for all those that apply on the state level for Employees of Depository Institution Employees and Employees of Depository Institution Affiliates in the following capacities.

- Insurance,
- Investments,
- Mortgage Loan Originator license,
- Mortgage Banker License,
- Mortgage Broker License,
- Registered Entity, and
- WI Installment Sales Finance License

Exam Fee Relief:

Temporarily reduce exam fees for all state Depository Institutions by 50% (from Jan. 1, 2020 through Dec. 31, 2021)

II. Holdover Legislation from 2019-2020 Session

<u>AB-479</u>	<u>SB-430</u>	Expediting criminal proceedings when a victim or witness is an elder person and preserving the testimony of a crime victim or witness who is an elder person.
<u>AB-480</u>	<u>SB-427</u>	Increased penalties for crimes against elder persons, restraining orders for elder persons, freezing assets of a defendant charged with financial exploitation of an elder person; sexual assault of an elder person; physical abuse of an elder person; and providing a penalty.
<u>AB-481</u>	<u>SB-429</u>	Financial exploitation of vulnerable adults.
<u>AB-482</u>	<u>SB-428</u>	Financial exploitation of vulnerable adults with securities accounts, violations of the Wisconsin Uniform Securities Law, granting rule-making authority, and providing a penalty.

Michael Semmann

Executive Vice President/Chief Operations Officer | Wisconsin Bankers Association | 608.441.1206 | (c) 608.516.8567 | www.wisbank.com

Did you know WBA has scholarships available? Through the Wisconsin Bankers Foundation, high school seniors and bankers furthering their education are encouraged to apply! Deadline **EXTENDED to May 1!** Visit www.wisbank.com/scholarships

Romportl, Dan

From: Romportl, Dan
Sent: Saturday, April 04, 2020 7:17 PM
To: Toftness, Jenny; Smith, Heather
Subject: FW: LFB document
Attachments: 03 LRB 6089 DRAFT.pdf

Corresponding LFB memo...

From: Ottman, Tad
Sent: Saturday, April 04, 2020 1:10 PM
To: Romportl, Dan
Subject: FW: LFB document

Sent from my Sprint Samsung Galaxy S7.

----- Original message -----

From: "Lang, Bob" <Bob.Lang@legis.wisconsin.gov>
Date: 4/3/20 6:21 PM (GMT-06:00)
To: "Rep.Vos" <Rep.Vos@legis.wisconsin.gov>, "Sen.Fitzgerald" <Sen.Fitzgerald@legis.wisconsin.gov>
Cc: "Toftness, Jenny" <Jenny.Toftness@legis.wisconsin.gov>, "Smith, Heather" <Heather.Smith@legis.wisconsin.gov>, "Ottman, Tad" <Tad.Ottman@legis.wisconsin.gov>
Subject: LFB document

Attached is a draft copy of our document on potential legislation. LRB 6089 is the number that will be given to the bill once compiled. Bob

Romportl, Dan

From: Romportl, Dan
Sent: Saturday, April 04, 2020 7:16 PM
To: Toftness, Jenny; Smith, Heather
Subject: FW: Draft review: LRB -6102/P1
Attachments: 19-6102/P1.pdf

FYI - if we want to talk about this tomorrow (Sunday), Fitz would prefer early afternoon. If we want to wait until Monday, he is free all day. Not sure how much new stuff you guys had coming out of caucus, but Tad seemed to think we were pretty close...

From: Ottman, Tad
Sent: Saturday, April 04, 2020 1:10 PM
To: Romportl, Dan
Subject: FW: Draft review: LRB -6102/P1

Sent from my Sprint Samsung Galaxy S7.

----- Original message -----

From: "LRB.Legal" <lrblegal@legis.wisconsin.gov>
Date: 4/3/20 5:16 PM (GMT-06:00)
To: "Ottman, Tad" <Tad.Ottman@legis.wisconsin.gov>
Subject: Draft review: LRB -6102/P1

Draft Requester: Legislative Fiscal Bureau

Following is the PDF version of draft LRB -6102/P1.

Romportl, Dan

From: Romportl, Dan
Sent: Saturday, April 04, 2020 4:14 PM
To: Renk, Jeff
Subject: RE: Journal

Looks correct to me, thanks Jeff

From: Renk, Jeff
Sent: Saturday, April 04, 2020 4:12 PM
To: Romportl, Dan
Subject: FW: Journal

Here's journal. Look good?

From: Gillitzer, Erin <Erin.Gillitzer@legis.wisconsin.gov>
Sent: Saturday, April 04, 2020 4:12 PM
To: Renk, Jeff <Jeff.Renk@legis.wisconsin.gov>
Subject: Journal

Erin Gillitzer
Records and Journal Clerk
Wisconsin State Senate
(608) 266-1803

Romportl, Dan

From: Romportl, Dan
Sent: Saturday, April 04, 2020 3:54 PM
To: Ottman, Tad; Zimmerman, Alec
Subject: FW: Senate April 2020 Special Session

From: Romportl, Dan
Sent: Saturday, April 04, 2020 3:52 PM
Subject: Senate April 2020 Special Session

Capitol Press Corps,

The April 2020 Special Session of the Senate will be called into order at 4:00pm by Presiding Officer Chief Clerk Jeff Renk, pursuant to Senate Rule 5 (4)(b). The session will be promptly adjourned until Monday, April 6th. This will take place in the Senate Chamber.

Office of Senator Scott Fitzgerald
Senate Majority Leader

Romportl, Dan

From: Romportl, Dan
Sent: Saturday, April 04, 2020 3:52 PM
Subject: Senate April 2020 Special Session

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Office of Senator Scott Fitzgerald
Senate Majority Leader

Romportl, Dan

From: Romportl, Dan
Sent: Friday, April 03, 2020 11:24 AM
To: Ottman, Tad
Subject: FW: Proposed provision to place electric cooperatives under PSC emergency order
Attachments: 4-3-20 WECA Letter to Evers-Fitzgerald-Vos-Shilling-Hintz.pdf

From: Rob Richard <rob@weca.coop>
Sent: Friday, April 03, 2020 10:00 AM
Subject: Proposed provision to place electric cooperatives under PSC emergency order

Governor Evers and Legislative Leaders –

Please see the attached letter from Wisconsin's 24 electric cooperative managers/CEOs on the proposed provision to place electric cooperatives under PSC emergency order.

If you have any questions, please do not hesitate to contact me.

Thank you!

Rob Richard | Director of Government Relations
Wisconsin Electric Cooperative Association
222 W Washington Avenue, Suite 680 | Madison, WI 53703
 www.weca.coop | www.wechnmagazine.com
 rob@weca.coop
 608-467-4649 (office) | 608-347-9388 (cell)



**Wisconsin
Electric
Cooperative
Association**

222 West Washington Avenue, Suite 680
Madison, WI 53703-2719
(608) 467-4650
(608) 467-4651 fax
www.weca.coop

April 3, 2020

The Honorable Tony Evers, Governor
Room 115 East
State Capitol
Madison, WI 53702

The Honorable Scott Fitzgerald, Senate Majority Leader
Room 211 South
State Capitol
Madison, WI 53707

The Honorable Robin Vos, Assembly Speaker
Room 217 West
State Capitol
Madison, WI 53708

The Honorable Jennifer Shilling, Senate Minority Leader
Room 206 South
State Capitol
Madison, WI 53707

The Honorable Gordon Hintz, Assembly Minority Leader
Room 201 West
State Capitol
Madison, WI 53708

Dear Governor Evers, Majority Leader Fitzgerald, Speaker Vos, Minority Leader Shilling, and
Minority Leader Hintz:

On April 1, a second COVID-19 comprehensive legislative proposal was announced by Governor Evers to address many existing and emerging health, financial, administrative, and regulatory issues that will likely require the legislature's attention. We are in extraordinary times, and we are witnessing extraordinary measures being carried out to protect human health, welfare, and well-being.

As early as the 1930's electric cooperatives were formed to provide much-needed electricity to rural homes, farms, and businesses because no one else would. In the decades since we incorporated as not-for-profit electric cooperatives, we have strived to provide safe, affordable, and reliable electricity to our members' homes and businesses. We continue to do it today—even in times of great crisis—and we will continue to do it long after this global pandemic has passed.

We are greatly concerned about the provision that would provide the Public Service Commission with the authority to apply emergency orders to electric distribution cooperatives during a declared public health emergency. We believe it is unnecessary and runs contrary to the independence that cooperatives have operated under to provide our member-owners the quality service they expect and demand of us.

To that end, we the undersigned, all 24 electric distribution cooperatives that operate in Wisconsin, need not wait for temporary legislation to lend assistance to our member-owners during this public health emergency. Out of great concern for our member-owners, we have unanimously moved ahead to provide immediate relief to our member-owners who may be struggling financially during this public health emergency by voluntarily implementing provisions identical to Public Service Commission Emergency Order #11.

Wisconsin Electric Cooperative Association

With our commitment to provide the electricity needs of our member-owners in these troubling times, we respectfully, but strongly, request that you do not include the aforementioned provision in any negotiated legislative package.

Sincerely,



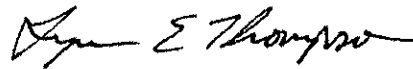
Jay Porter, General Manager
Adams-Columbia Electric Cooperative



Steve Shurts, President/CEO
East Central Energy



Dallas Sloan, General Manager
Barron Electric Cooperative



Lynn Thompson, President & CEO
Eau Claire Energy Cooperative



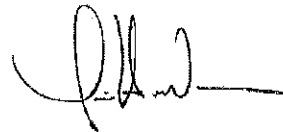
Diane Berweger, CEO
Bayfield Electric Cooperative



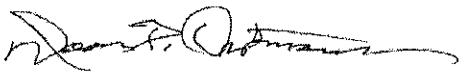
Kevin Babcock, General Manager/CEO
Jackson Electric Cooperative



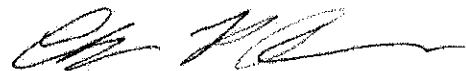
Michael Wade, President/CEO
Central Wisconsin Electric Cooperative



Jim Anderson, General Manager/CEO
Jump River Electric Cooperative



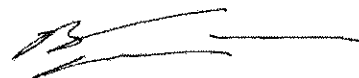
Dean Ortmann, President & CEO
Chippewa Valley Electric Cooperative



Chris Tackmann, General Manager
Oakdale Electric Cooperative



Timothy Stewart, CEO/GM
Clark Electric Cooperative



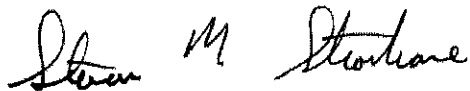
Byron C. Nolde, CEO
Oconto Electric Cooperative



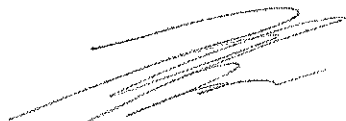
Jesse Singerhouse, General Manager & CEO
Dunn Energy Cooperative



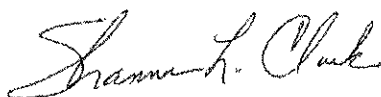
Nate Boettcher, President & CEO
Pierce Pepin Cooperative Services



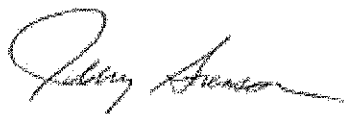
Steve Stroshane, General Manager
Polk-Burnett Electric Cooperative



Bill Caynor, President/CEO
Price Electric Cooperative



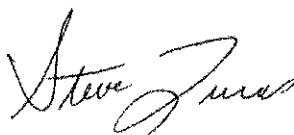
Shannon Clark, CEO/General Manager
Richland Electric Cooperative



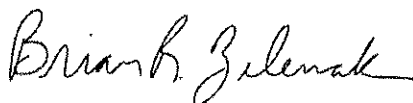
Jerry Sorenson, General Manager
Riverland Energy Cooperative



Shane Larson, CEO
Rock Energy Cooperative



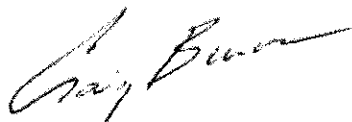
Steve Lucas, CEO
Scenic Rivers Energy Cooperative



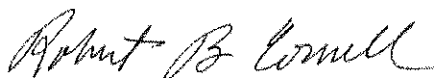
Brian Zelenak, President/CEO
St. Croix Electric Cooperative



Kenneth Ceaglske, President & CEO
Taylor Electric Cooperative



Craig Buross, CEO & General Manager
Vernon Electric Cooperative



Robert Cornell, Manager
Washington Island Electric Cooperative

Romportl, Dan

From: Romportl, Dan
Sent: Friday, April 03, 2020 11:23 AM
To: Ottman, Tad
Subject: FW: (UPDATED) Emergency Rules / Temporary Statute Changes for Funeral Directors
Attachments: Memo on COVID-19 - Funeral Response 4.2.20.pdf

From: George Ermert <george@sgrwi.com>
Sent: Thursday, April 02, 2020 3:35 PM
To: Toftness, Jenny <Jenny.Toftness@legis.wisconsin.gov>; Pritzkow, Emily <Emily.Pritzkow@legis.wisconsin.gov>; Henkel, Matt <Matt.Henkel@legis.wisconsin.gov>; Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>; Palese, Tony <Tony.Palese@legis.wisconsin.gov>
Cc: Smith, Heather <Heather.Smith@legis.wisconsin.gov>; Groshek, Dave <Dave.Groshek@legis.wisconsin.gov>; Bender, Mark <Mark.Bender@legis.wisconsin.gov>; Augustyn, Jessie <Jessie.Augustyn@legis.wisconsin.gov>; Erin Longmire <erinlongmireconsulting@gmail.com>
Subject: Re: (UPDATED) Emergency Rules / Temporary Statute Changes for Funeral Directors

Jenny / Emily / Matt / Dan / Tony,

Given the discussion of some needed legislation to address issues related to COVID-19, here is an updated list of requested temporary relief for the funeral service industry to help with the expected increase in the death rate.

With the expected rapid increase in deaths due to COVID-19, the funeral service industry believes these temporary changes will help ensure there will not be additional problems related to the mortuary response.

Please let me know if you have any questions.

Thank you,

From: George Ermert
Sent: Saturday, March 21, 2020 2:15 PM
To: Jenny.Toftness@legis.wisconsin.gov <Jenny.Toftness@legis.wisconsin.gov>; Emily.Pritzkow@legis.wisconsin.gov <Emily.Pritzkow@legis.wisconsin.gov>; Matt.Henkel@legis.wisconsin.gov <Matt.Henkel@legis.wisconsin.gov>; Dan.Romportl@legis.wisconsin.gov <Dan.Romportl@legis.wisconsin.gov>; Tony.Palese@legis.wisconsin.gov <Tony.Palese@legis.wisconsin.gov>
Cc: Heather.Smith@legis.wisconsin.gov <Heather.Smith@legis.wisconsin.gov>; Dave.Groshek@legis.wisconsin.gov <Dave.Groshek@legis.wisconsin.gov>; Bender, Mark <Mark.Bender@legis.wisconsin.gov>; Jessie.Augustyn@legis.wisconsin.gov <Jessie.Augustyn@legis.wisconsin.gov>; Erin Longmire <erinlongmireconsulting@gmail.com>
Subject: Emergency Rules / Temporary Statute Changes for Funeral Directors

Jenny / Emily / Matt / Dan / Tony,

Attached is a memo from the Funeral Service & Cremation Alliance detailing some of the issues they currently facing or are expecting to face in light of the COVID-19 outbreak. This includes some recommended emergency rule / statute changes that funeral directors believe will be needed if the death rate begins to rapidly increase.

This information has also been shared with Gov. Evers' staff and the Funeral Directors Examining Board.

We would be happy to discuss this in more detail via phone.

Please let me know.

Thanks,

George Ermert
Office: 608-259-1212 x6
Mobile: 414-405-0838
Schreiber GR Group



Proposed Emergency Rule & Statute Changes in Response to COVID-19 Pandemic

We applaud the critical steps the Governor, legislature, statewide departments and agencies are taking to limit the spread of COVID-19; to mitigate the impact of illness, suffering, and death; and to sustain critical infrastructure and key resources in Wisconsin. However, it is a sad inevitability that, as we have seen in other countries, there could be mass-fatalities, and it is funeral service providers who are on the front lines dealing with the usual daily death rate, illness within their own families and staff, and additional COVID-19 deaths that may overload their capabilities.

Below details some emergency rule and statutory changes that we recommend are put into place during the state of emergency to ensure our citizens are safe, mitigate the spread of the disease and provide funeral professionals with the ability to do their job most efficiently.

Proposed Statutory & Rule Changes

1. During the declared Public Health Emergency, suspend FD 1.056 (1)(i) which relates to the licensure of funeral director apprentices and the 16 hour pre-certification class required prior to licensure. Suspension of this provision would allow for online teaching of the class, which is currently the only option for individuals to receiving their training.
Certification class content. (1) The 16-hour certification class shall contain the following instructional topics:
 - (a) Funeral director apprentice expectations.
 - (b) Funeral ethics and etiquette.
 - (c) Understanding funeral services, gatherings, and various types of dispositions.
 - (d) Laws, rules, and regulations of funeral service.
 - (e) Workplace safety and Occupational Safety and Health Administration requirements.
 - (f) Introduction to funeral service: notification of death, transfers, and arrangements.
 - (g) Embalming, dressing, and casketing.
 - (h) Grief and psychology of funeral services.
 - ~~(i) In-person instruction~~
2. During the declared Public Health Emergency, suspend 445.095 (2)(a) 1 and 2 which relates to the ratio of licensed funeral director apprentices per funeral establishment license. This would allow the flexibility of funeral establishments to retain the staff they may need to mitigate any increase in deaths.
~~445.095 (2) (a) 1. Except as provided in subd. 2., the examining board may recognize only one funeral director apprenticeship at a funeral establishment in a given year for each funeral director that is employed full time at the funeral establishment.~~

~~2. The examining board may recognize up to 2 funeral director apprenticeships at any funeral establishment at which less than 3 funeral directors are employed full time in a given year.~~

3. During the declared Public Health Emergency, remove the requirement under Chapter 979.10 (1)(b) for mandatory viewing of a body by a coroner or medical examiner prior to cremation if a physician has signed the death certificate and listed COVID-19 as the underlying cause of death.
4. During the declared Public Health Emergency, under Chapter 979.10 (1)(a), remove the mandatory 48 hour waiting period prior to cremation if the death certificate has been signed by a physician and listed COVID-19 as the underlying cause of death.

Thank you for your prompt attention to these issues. On behalf of our members in Wisconsin, we stand ready, as always, to care for the dead and the families left behind.

Sincerely,

A handwritten signature in black ink, appearing to be 'E. E. Z.', written in a cursive style.

FSCA Executive Director

Romportl, Dan

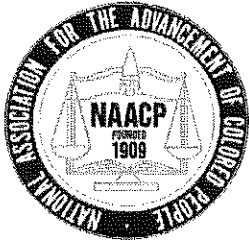
From: Gehl, Patrick
Sent: Friday, April 03, 2020 11:20 AM
To: Romportl, Dan; Zimmerman, Alec
Subject: FW: April 7th Election
Attachments: Letter to Governor.docx

From: fred royal <froyald@sbcglobal.net>
Sent: Friday, April 3, 2020 10:58 AM
To: EversInfo@wisconsin.gov; ltgov@wisconsin.gov; Sen.Fitzgerald <Sen.Fitzgerald@legis.wisconsin.gov>; Rep.Steineke <Rep.Steineke@legis.wisconsin.gov>; Rep.Vos <Rep.Vos@legis.wisconsin.gov>
Subject: April 7th Election

Good moring Governor Evers and State Elected Officials. I hope you are keeping well during this difficult times.

Please see attached letter expressing the NAACP Milwaukee's concerns regarding the upcoming April 7th elections.

Fred Royal
President
NAACP Milwaukee Branch



NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Milwaukee Branch Unit # 3254

Fred Royal, President

2745 N. Dr. Martin Luther King Jr. Drive Suite 202, Milwaukee, Wisconsin 53212

Phone: (414) 562-1000 Fax: (414) 562-1091

Email: naacpmkeorg@gmail.com Website: <http://www.naacpmke.org>

April 3, 2020

Dear Governor Evers:

NAACP Milwaukee Branch shares the mission of mobilizing voters to safeguard and exercise the right to vote. As you know, the novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease, which brings us extreme concern being that we represent and serve the most vulnerable population in Greater Milwaukee.

We implore you to postpone the Tuesday, April 7, 2020 election being that the pandemic shows no sign of subsiding. The resulting depressed voter turnout on April 7, 2020 will disenfranchise thousands of voters, who will be either unwilling or unable to vote without subjecting themselves and others to unsafe conditions for not just themselves and their families, but for all residents of our state. As our Governor, we ask you to exercise your authority under the Emergency Declaration to postpone the election under your authority under Section 323.12 of the Wisconsin Statutes, which empowers you during such an emergency to "issue such orders as he or she deems necessary for the security of persons and property."

To mitigate the spread of COVID-19, protect the public health, and provide essential protections to vulnerable Wisconsinites, it is crucial that all Wisconsinites take steps to limit in-person contact. These critical mitigation measures include social distancing and limiting the number of people interacting at public gatherings. To that end, it is reasonable and necessary to temporarily suspend rules and procedures relating to the Tuesday, April 7, 2020 elections so that these elections may be conducted by absent voter ballot to the greatest extent possible.

We understand that Election officials and policymakers are giving full attention to possible mitigation strategies. However, voters standing in line close to each other, handling ballots and using reusable pens make for a potentially toxic stew of community transmission of the COVID-19 virus. Additionally, we are concerned for the election inspectors. Although protective and sanitation gear will be provided by the City of Milwaukee Election Commission, over 180 polling locations have recently been reduced to eight (8) due to the lack of election inspectors. As such, voters have less than a week to determine their new polling location and will now be forced to go to a polling location where there will be more people due to the consolidation of the voting sites. When elections are held at polling locations, a large number of people often gather, increasing the risk of transmission of COVID-19. More people gathering is not in line with the social and physical distancing practices in place.

To protect the public health, safety, and welfare of this state and its residents, we request that:

- The municipalities follow state law requiring in-person early voting and in-person absentee registration now through the election date;
- The state government mail absentee ballots to **every** registered voter;
- The state government extend the deadline for online and mail registration to May 26, 2020;
- The state government hold an election that permits in-person voting on June 2, 2020; and
- The state government count all returned mailed ballots through June 5, 2020.

Please contact first and last name at phone number or email address to discuss these matters further.

Respectfully Submitted,

Fred Royal
President NAACP Milwaukee

WI-SEN-20-0888-A-000168

Romportl, Dan

From: Romportl, Dan
Sent: Friday, April 03, 2020 11:17 AM
To: Mugnaini, Jason
Subject: RE: LAB Draft language

Received, thank you

From: Mugnaini, Jason <Jason.Mugnaini@legis.wisconsin.gov>
Sent: Friday, April 03, 2020 11:16 AM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: FW: LAB Draft language

Dan,

From our previous conversation on Audit Bureau inclusion in Omnibus coronavirus bill., Below is language that LAB put together for us on getting them continuing oversight to the legislature. Just wanted to pass this along before caucus.

Thanks,

Jason Mugnaini Chief of Staff | Office of State Senator Robert Cowles
(608) 266-0484 | (847) 722-0219 (Cell) | 118 South, State Capitol | <http://legis.wisconsin.gov/senate/02/cowles>



From: Chrisman, Joe <Joe.Chrisman@legis.wisconsin.gov>
Sent: Friday, April 03, 2020 10:55 AM
To: Sen.Cowles <Sen.Cowles@legis.wisconsin.gov>
Cc: Mugnaini, Jason <Jason.Mugnaini@legis.wisconsin.gov>
Subject: Draft language

The following is language the Legislature may wish to consider including in nonstatutory provisions of legislation drafted in response to the COVID-19 public health emergency:

Beginning July 1, 2020, and continuing through June 30, 2021, the Legislative Audit Bureau shall use risk-based criteria to review selected programs affected by this Act and selected expenditures made with funds authorized by this Act and report the results of its reviews at least quarterly to the Joint Legislative Audit Committee and to the Legislature under s. 13.172 (2), Wis. Stats.

Please let me know if you have any questions or if I can be of further assistance.

Joe

Joe Chrisman, State Auditor

Wisconsin Legislative Audit Bureau
22 East Mifflin Street, Suite 500
Madison, Wisconsin 53703
(608) 266-2818
Joe.chrisman@legis.wisconsin.gov

Romportl, Dan

From: Romportl, Dan
Sent: Friday, April 03, 2020 11:07 AM
To: Soper, John; Ottman, Tad
Subject: RE: Rehired Annuitants in Critical Positions

Thanks, John, we'll flag it for Fitz when we talk to him today

From: Soper, John <John.Soper@legis.wisconsin.gov>
Sent: Thursday, April 02, 2020 4:28 PM
To: Ottman, Tad <Tad.Ottman@legis.wisconsin.gov>
Cc: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: Rehired Annuitants in Critical Positions

Tad,

I see nothing in the LFB memo that indicates the double-dipping ends after the emergency. Duey does not want a 2 month long window for a complete/permanent exemption from the law. He suggests a return to current law on choosing to suspend one's annuity or work <2/3 time 90 days after the end of the emergency. That would mean time for catch-up work and HR decisions without using the emergency exemption to swallow the policy.

John Soper
Chief of Staff
Office of Sen. Duey Stroebel - 20th District
(608)266-7513
John.soper@legis.wisconsin.gov

Romportl, Dan

From: Romportl, Dan
Sent: Friday, April 03, 2020 11:01 AM
To: Smith, Heather; Toftness, Jenny; Ottman, Tad
Subject: RE: Good Samaritan Provision - COVID19 Bill

I think we were a "No" on product liability, but we were going to discuss the Safe Harbor stuff (professional liability for doctors and nurses) today at noon.

From: Smith, Heather <Heather.Smith@legis.wisconsin.gov>
Sent: Friday, April 03, 2020 10:59 AM
To: Toftness, Jenny <Jenny.Toftness@legis.wisconsin.gov>; Ottman, Tad <Tad.Ottman@legis.wisconsin.gov>; Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: FW: Good Samaritan Provision - COVID19 Bill

Are we doing this? I don't remember where we landed.

From: Tikalsky, Rory <Rory.Tikalsky@legis.wisconsin.gov>
Sent: Thursday, April 2, 2020 4:40 PM
To: Smith, Heather <Heather.Smith@legis.wisconsin.gov>
Cc: Ferguson, Paul <Paul.Ferguson@legis.wisconsin.gov>
Subject: Good Samaritan Provision - COVID19 Bill

Heather,

I'm working on drafting for a proposal for the COVID-19 bill related to creating a Good Samaritan provision to exempt individuals/businesses that manufacture medical supplies and equipment in a public health emergency from civil liability if the products cause injury or death.

They way I'm drafting it up right now is based on a similar exemption we already have written into statute for those who donate food to nonprofits or units of government during a declared state of emergency, see [895.51\(2m\)](#). In those circumstances, they would be exempt from civil liability if the food causes injury or death, so long as it was donated/sold to a nonprofit or unit of government at or below cost.

I think a similar structure for this provision would serve your desired purpose well, and makes sense given the existing statute we can add on to. That said, there's a couple of things I'm hoping you might opine on to help iron out the details:

- 1) What items being manufactured do you want to the exemption to apply to? Right now I would draft it to apply to: any medical equipment and supplies necessary to limit the spread of, or provide treatment for, a disease associated with a public health emergency, including life support devices, personal protective equipment, cleaning supplies, and any other item determined to be necessary by the Secretary of DHS.
- 2) To what extent would those who are manufacturing items be allowed to make a profit, if at all, if they are going to be receiving the exemption from liability? The exemption for food donations applies only if the price covers "overhead and transportation costs," although some may argue high tech medical devices merit a higher reimbursement to cover inputs required in their manufacture. A definition of cost could include the "cost of production, reflecting only the costs of inputs, wages, operating the manufacturing facility, and transporting the product." Does this fit your idea for the proposal? If drafting "at cost," are these the costs you want included?

- 3) Should the exemption apply to sales of these items to for-profit organizations? To be consistent with food donations in current law, an individual/business would only be exempt if the product is donated/sold to a nonprofit or unit of government. Prohibiting sales to for-profit entities would be necessary to maintain the integrity of an "at cost" provision, otherwise a manufacturer could sell it to an affiliated party who takes a profit once it has been manufactured and sold "at cost" in order to exempt it from liability.

Please let me know what you're thinking. I'm happy to take a call to clarify my thinking or discuss particular language you have in mind. You can contact me at this email or directly at 608-504-5788.

Thanks,
Rory

Rory Tikalsky

Fiscal Analyst

Wisconsin Legislative Fiscal Bureau

(608) 266-3847 | Rory.Tikalsky@legis.wi.gov

Romportl, Dan

From: Romportl, Dan
Sent: Friday, April 03, 2020 10:45 AM
To: 'Misha Lee'
Subject: RE: Safe Harbor

Received, thank you, we'll be discussing today.
-Dan

From: Misha Lee <misha@leegovernmentrelations.com>
Sent: Thursday, April 02, 2020 6:41 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>; Liedl, Kimber <Kimberly.Liedl@legis.wisconsin.gov>
Subject: Safe Harbor

Please see attached language for your consideration as discussed per our discussions with WHA and Med Society. This captures a broad spectrum of the healthcare field and will have strong universal support from the health care community. Please feel free to call me, Michael Heifetz or Kyle O'Brien with any questions. Thank you for your consideration. Heather Smith also has a copy of this.

Romportl, Dan

From: Romportl, Dan
Sent: Friday, April 03, 2020 10:27 AM
To: Liedl, Kimber; Koenen, Kyle
Subject: FW: Briefing call w/DHS Secretary-Designee Palm on COVID-19

Importance: High

Kyle,
Kimber from our staff will be calling in.
Thanks,
Dan

From: Sen.Kapenga <Sen.Kapenga@legis.wisconsin.gov>
Sent: Tuesday, March 31, 2020 4:58 PM
To: Sen.Bernier <Sen.Bernier@legis.wisconsin.gov>; Sen.Cowles <Sen.Cowles@legis.wisconsin.gov>; Sen.Craig <Sen.Craig@legis.wisconsin.gov>; Sen.Darling <Sen.Darling@legis.wisconsin.gov>; Sen.Feyen <Sen.Feyen@legis.wisconsin.gov>; Sen.Fitzgerald <Sen.Fitzgerald@legis.wisconsin.gov>; Sen.Jacque <Sen.Jacque@legis.wisconsin.gov>; Sen.Kapenga <Sen.Kapenga@legis.wisconsin.gov>; Sen.Kooyenga <Sen.Kooyenga@legis.wisconsin.gov>; Sen.LeMahieu <Sen.LeMahieu@legis.wisconsin.gov>; Sen.Marklein <Sen.Marklein@legis.wisconsin.gov>; Sen.Nass <Sen.Nass@legis.wisconsin.gov>; Sen.Olsen <Sen.Olsen@legis.wisconsin.gov>; Sen.Petrowski <Sen.Petrowski@legis.wisconsin.gov>; Sen.Roth <Sen.Roth@legis.wisconsin.gov>; Sen.Stroebe <Sen.Stroebe@legis.wisconsin.gov>; Sen.Testin <Sen.Testin@legis.wisconsin.gov>; Sen.Tiffany <Sen.Tiffany@legis.wisconsin.gov>; Sen.Wanggaard <Sen.Wanggaard@legis.wisconsin.gov>
Subject: Briefing call w/DHS Secretary-Designee Palm on COVID-19
Importance: High

Dear Caucus members,

Secretary-Designee Palm responded to our letter and has agreed to speak with us on **Friday at 11AM**. If that time works in your schedule, please notify my office so we can give them an idea of who will be on. This will be a zoom meeting or you can dial in to the conference call. The call information is at the bottom of this email.

These are the four specific subjects we plan to focus on:

1. The length of the stay-at-home order
2. Flexibility of restrictions with regards to infection rates within each county
3. Testing availability and turnaround time
4. Proposed ventilator purchase

If you have specific questions or points around these items please let me know prior to the call so I can ensure she knows what we are looking for beforehand. That will allow her to best prepare for the call. Due to the time limitations and the number of people who will likely be on, if you have something you would like to ask during the call please text me on my cell (262) 613-5719. That way I can keep a queue similar to how we do it in committee or caucus. This is simply to ensure we maximize the productivity of the call and get as much information as possible.

Thanks and let me know if you have any questions.

Chris

Join Zoom Meeting: <https://dhs.wi.zoom.us/j/764596799>

Meeting ID: 764 596 799

If dialing in instead of using computer audio, please dial **1-312-626-6799** and enter code **764 596 799**

Romportl, Dan

From: Romportl, Dan
Sent: Friday, April 03, 2020 9:55 AM
To: Pennoyer, Kara - GOV
Subject: RE: Gov. Office: COVID-19 policy proposals

I will give you a call about this today – thanks
-Dan

From: Pennoyer, Kara - GOV <kara.pennoyer1@wisconsin.gov>
Sent: Thursday, April 02, 2020 1:54 PM
To: Toftness, Jenny <Jenny.Toftness@legis.wisconsin.gov>; Pritzkow, Emily <Emily.Pritzkow@legis.wisconsin.gov>; Palese, Tony <Tony.Palese@legis.wisconsin.gov>; Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Cc: Dye, Jenni N - GOV <jenni.dye@wisconsin.gov>; Hilton, Stephanie - GOV <stephanie.hilton1@wisconsin.gov>; Madden, Zach A - GOV <zach.madden@wisconsin.gov>
Subject: RE: Gov. Office: COVID-19 policy proposals

Hello again,

I'm circling back to find a time for us to have a staff discussion on the proposals. What works for you all over the next couple days?

Additionally, as we have sent you our two packages of proposals, this will work best if you could send us whatever you've been working on and then we can virtually "sit-down" and go through everything.

Let us know, thanks.

Kara

From: Pennoyer, Kara - GOV
Sent: Wednesday, April 1, 2020 1:52 PM
To: Sen.Shilling - LEGIS <Sen.Shilling@legis.wisconsin.gov>; Rep.Hintz - LEGIS <Rep.Hintz@legis.wisconsin.gov>; Rep.Vos - LEGIS <Rep.Vos@legis.wisconsin.gov>; Fitzgerald, Scott - LEGIS <Sen.Fitzgerald@legis.wisconsin.gov>; Toftness, Jenny - LEGIS <Jenny.Toftness@legis.wisconsin.gov>; Pritzkow, Emily - LEGIS <Emily.Pritzkow@legis.wisconsin.gov>; Palese, Tony - LEGIS <Tony.Palese@legis.wisconsin.gov>; Romportl, Dan - LEGIS <Dan.Romportl@legis.wisconsin.gov>
Cc: Dye, Jenni N - GOV <jenni.dye@wisconsin.gov>; Hilton, Stephanie - GOV <stephanie.hilton1@wisconsin.gov>; Madden, Zach A - GOV <zach.madden@wisconsin.gov>; Gau, Maggie M - GOV <maggie.gau@wisconsin.gov>
Subject: Gov. Office: COVID-19 policy proposals

Hello,

As discussed on today's call, attached is an additional list of proposals that the Governor would like to see taken up by the legislature. We would like to arrange a staff phone call as soon as possible to discuss these proposals and our previous proposals, as well as those that have been proposed by your members. In an effort to move forward together quickly, please let me know what times work on your end.

Thanks,

Kara Pennoyer

Deputy Chief of Staff

Office of Governor Tony Evers

Email: kara.pennoyer1@wisconsin.gov

Phone: 608-279-0737

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<http://wicount.wi.gov>

Romportl, Dan

From: Romportl, Dan
Sent: Thursday, April 02, 2020 12:23 PM
To: Gehl, Patrick
Subject: FW: response from Fitzgerald office

FYI

From: Jason Herro <jherrowi@gmail.com>
Sent: Thursday, April 02, 2020 11:29 AM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: Re: response from Fitzgerald office

Hi Dan,

I heard the following from the state today. I find this to be crazy to be honest. We know there is a shortage. If they are scouring the earth for N95, Alltas KN95 is the same product. AND it can come in to the country w/out fail.

Need some help to get people to do the right thing and help Wisconsinites now! I am here - someone needs to step up and make this happen.

Thanks for your assistance.

Jason

Dear Mr. Herro,

Thank you so much for your willingness to help. At this time, we are not looking for orders of KN95 masks. We will make note that you may have this product in the event they are needed in the near future. Do you have any other products available outside of the KN95s?

Thank you.

Brittany Grunewald

Wisconsin State Emergency Operations Center | Madison, WI

Jason

On Thu, Apr 2, 2020 at 9:17 AM Romportl, Dan <Dan.Romportl@legis.wisconsin.gov> wrote:

Thanks, Jason, I will follow up with the Governor's office today and let them know you are still waiting for a call.

-Dan

From: Jason Herro <jherrowi@gmail.com>

Sent: Wednesday, April 01, 2020 11:58 AM

To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>

Subject: Re: response from Fitzgerald office

Hi Dan,

I am still waiting for the emergency response procurement team to get back to me. I have masks, and I want to help. I connected back up with the person from the initial call yesterday, and they said I would get a call. I am sure that everyone is crazy busy there. If you have an power to help get someone to call me I would appreciate it so we can get things moving and shipped to the state.

Thanks

Jason Herro

Allta International

262 395 0174

On Tue, Mar 31, 2020 at 4:34 PM Romportl, Dan <Dan.Romportl@legis.wisconsin.gov> wrote:

Hi Jason,

We received your email regarding the masks that your company manufactures. First, Senator Fitzgerald and his staff would like to express our sincere appreciation that you took the time to reach out with an offer to help.

Governor Evers' administration has repeatedly urged anyone that may have supplies to be donated or sold to the following website:

covid19supplies.wi.gov

Please let me know that you received this information, and if you need assistance navigating the website, let me know and we'll do our best to help.

Again, thank you for your generosity during these difficult times.

Sincerely,

Dan Romportl

Chief of Staff

Senator Scott Fitzgerald

Senate Majority Leader

13th Senate District

(608) 266-5660

Romportl, Dan

From: Romportl, Dan
Sent: Thursday, April 02, 2020 9:18 AM
To: 'Jason Herro'
Subject: RE: response from Fitzgerald office

Thanks, Jason, I will follow up with the Governor's office today and let them know you are still waiting for a call.
-Dan

From: Jason Herro <jherrowi@gmail.com>
Sent: Wednesday, April 01, 2020 11:58 AM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: Re: response from Fitzgerald office

Hi Dan,

I am still waiting for the emergency response procurement team to get back to me. I have masks, and I want to help. I connected back up with the person from the initial call yesterday, and they said I would get a call. I am sure that everyone is crazy busy there. If you have an power to help get someone to call me I would appreciate it so we can get things moving and shipped to the state.

Thanks

Jason Herro
Allta International
262 395 0174

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Hi Jason,

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Please let me know that you received this information, and if you need assistance navigating the website, let me know and we'll do our best to help.

Again, thank you for your generosity during these difficult times.

Sincerely,

Dan Romportl

Chief of Staff

Senator Scott Fitzgerald

Senate Majority Leader

13th Senate District

(608) 266-5660

Romportl, Dan

From: Romportl, Dan
Sent: Thursday, April 02, 2020 8:24 AM
To: LTSB - Technical Support
Subject: RE: laptop setup

Thanks Cade, I'll give you a call after Paul drops it off

From: LTSB - Technical Support <Technical.Support@legis.wisconsin.gov>
Sent: Thursday, April 02, 2020 8:20 AM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Cc: Vick, Jason <Jason.Vick@legis.wisconsin.gov>; Fruit, Paul <Paul.Fruit@legis.wisconsin.gov>
Subject: RE: laptop setup

Hello Dan,

Paul Fruit has the x360 laptop in 411 South today and will drop it by your office shortly.

After it's dropped off, we'd like to briefly show you and the Senator the basic steps for attending the session remotely. Please feel free to reach out to us when you are ready.

Thank you,

Cade Gentry
Technical Services Manager
LTSB | 608-267-9528

From: Romportl, Dan
Sent: Thursday, April 2, 2020 8:10 AM
To: LTSB - Technical Support <Technical.Support@legis.wisconsin.gov>
Cc: Vick, Jason <Jason.Vick@legis.wisconsin.gov>
Subject: laptop setup

Good Morning,

I understand Senator Roth and Senator Fitzgerald spoke yesterday, and they have arranged for Senator Fitzgerald to be physically in his office for the senate's virtual session, rather than in 411 South.

I believe LTSB is supposed to drop off a laptop in our office between 8am-10am this morning – please feel free to come by whenever is convenient, I will be here.

Thank you,

Dan Romportl
Chief of Staff
Senator Scott Fitzgerald
Senate Majority Leader
13th Senate District
(608) 266-5660

Romportl, Dan

From: Romportl, Dan
Sent: Thursday, April 02, 2020 8:10 AM
To: LTSB - Technical Support
Cc: Vick, Jason
Subject: laptop setup

Good Morning,

I understand Senator Roth and Senator Fitzgerald spoke yesterday, and they have arranged for Senator Fitzgerald to be physically in his office for the senate's virtual session, rather than in 411 South.

I believe LTSB is supposed to drop off a laptop in our office between 8am-10am this morning – please feel free to come by whenever is convenient, I will be here.

Thank you,

Dan Romportl
Chief of Staff
Senator Scott Fitzgerald
Senate Majority Leader
13th Senate District
(608) 266-5660

Romportl, Dan

From: Romportl, Dan
Sent: Wednesday, April 01, 2020 9:12 PM
To: Blazel, Ted
Subject: RE: Conference Line

Thank you

From: Blazel, Ted <Ted.Blazel@legis.wisconsin.gov>
Sent: Wednesday, April 1, 2020 5:02 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: Conference Line

Dan,

You can keep using that same conference number. Let me know if you need anything else.

Ted

Romportl, Dan

From: Romportl, Dan
Sent: Wednesday, April 01, 2020 9:11 PM
To: Ottman, Tad; Smith, Heather; Toftness, Jenny; Zimmerman, Alec; Beyer, Kit
Subject: FW: Letter from Legislative Democrats regarding COVID-19 legislation
Attachments: Letter to Vos_Fitzgerald on COVID-19 legislative session_FINAL2.0_4.1.20.pdf

Fyi

From: Pritzkow, Emily <Emily.Pritzkow@legis.wisconsin.gov>
Sent: Wednesday, April 1, 2020 7:52 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Cc: Palese, Tony <Tony.Palese@legis.wisconsin.gov>
Subject: Letter from Legislative Democrats regarding COVID-19 legislation

Dan,

Please find attached a letter from Legislative Democrats to Senator Fitzgerald and Speaker Vos regarding the COVID-19 legislative package. Thank you, and do not hesitate to contact me with any questions.

Emily
(608) 438-5978



WISCONSIN LEGISLATURE

P.O. BOX 8952 • MADISON, WI 53708

April 1, 2020

DELIVERED ELECTRONICALLY

Speaker Robin Vos
PO Box 8953
Madison, WI 53708

Majority Leader Scott Fitzgerald
PO Box 7882
Madison, WI 53707

Dear Majority Leader Fitzgerald and Speaker Vos,

The COVID-19 pandemic has impacted every corner of our state. In response to this ongoing public health and economic crisis, it is imperative that our state government act with urgency to enact policies that will help Wisconsin families and businesses as quickly as possible.

We appreciate that your offices have been in ongoing communications with our leadership and the Evers administration in an attempt to reach a consensus on the best path forward. The Governor has proposed a robust legislative package that meets many of the challenges our state is facing. While we expect there will be different ideas on some of the details of proposed legislation, it is our hope that a final package will aim to accomplish the same goals and be something that can garner broad bipartisan support.

We all recognize that now is not the time for partisan politics. The people of Wisconsin want to see their state elected officials working together to do everything possible to manage this public health crisis and provide the support for those whose lives have been negatively impacted by this crisis.

Today, we are asking you to call the legislature into session immediately to address the COVID-19 crisis in a swift, bipartisan manner.

Below we have included a list of legislative ideas and proposals aimed at addressing challenges that should have broad, bipartisan consensus, as they affect families and businesses in districts across Wisconsin. As we continue to hear from people throughout the state, we know that other issues will need to be addressed. Each day brings new challenges as we combat COVID-19. We look forward to the legislature considering these ideas, as well. At a minimum, we must address the most pressing needs of our state during this unprecedented moment.

Public Health & Health Care

Increased funding and staffing for DHS and local public health departments

DHS and local public health departments require funding for increased staffing and resources to rigorously track and contain COVID-19 cases, both now and once we are past the social distancing phase of this public health event. In addition, we hope you will consider the changes proposed by Governor Evers to remove the barriers to adding necessary staff by allowing the state to rehire annuitants to critical state positions; and speeding up or expand licensing for health care workers and other vital positions.

Ensure that everyone has access to quality health care

The state must assure people that they will be able to receive the care they deserve during this pandemic without direct and indirect barriers and excessive health insurance costs.

We support the proposals put forth by Governor Evers that prohibit the following:

- Coverage discrimination based on COVID-19;
- Cancellation of insurance policies during COVID-19
- Cost-sharing and prior authorization for testing, diagnosis, treatment, prescriptions, and vaccines related to COVID-19
- Surprise and balance billing for care related to COVID-19 and out-of-network care that is a result of a preferred provider being unavailable due to public health emergency
- Insurers from requiring prior authorization or imposing quantity limit on certain prescription drugs during a public health emergency

In addition, we must require insurers to cover all telehealth services that would be covered were the services provided in-person. This item has bipartisan support, with some GOP members voicing approval and introducing legislation to do something similar to what the Governor proposed. Lastly, it is crucial that we mandate coverage for testing, diagnosis, treatment, prescriptions and vaccines related to COVID-19.

Save state taxpayer dollars by maximizing federal resources

We must make the needed changes to state law to ensure that the state may obtain an increased federal match for state Medicaid programs, resulting in hundreds of millions of dollars in savings for state taxpayers.

Unemployment Insurance

Suspend the one-week waiting period for Unemployment Insurance (UI)

Retroactive to the day of the declared crisis, suspend the one-week waiting period for Unemployment Insurance (UI) to help families who have been impacted by unexpected job losses and as our economy recovers for a period of one year.

Expand UI to cover workers without access to paid leave

Ensure in state law that workers who do not have access to paid sick leave and are told to isolate or quarantine due to COVID-19, even if not diagnosed, are considered unemployed and are able to access UI when in quarantine ordered by a medical professional or public health official.

Expand Wisconsin Work-Share statute

Waive the current limits and provide employers with the flexibility to reduce hours to allow for more workers to stay employed while allowing employees to use UI to make up for a portion of lost hours. And make it easy for employers to participate by simply filing the paperwork. This has the benefit of easing the strain on the state UI program while also helping more people stay employed.

Housing

Protect business and single-family renters from eviction

Ensure that workers and businesses impacted by unexpected job losses and lost revenue are not evicted during the public health emergency, providing housing security for families and protecting public health. It is crucial that people and small businesses impacted by the crisis do not face eviction due to forces beyond their control.

K12 Education

Grant additional waiver authority for DPI

During the public health emergency, allow DPI to waive requirements in statute or administrative rules applying to school boards, school districts, private schools, or independent charter schools. This allows districts and the department flexibility on mandated state testing or school milk requirements that all of us have heard concerns about.

Ensuring teacher and school employee pay

Require school boards to continue to pay and provide benefits for teachers and other employees during the public health emergency, at their regular rates and hours.

Supporting Small Businesses

Expand access to low-interest, long-term loans and grants for small businesses

Provide state grants and low-interest, long-term loans to small businesses impacted by the COVID-19 pandemic. While the recently passed federal package will provide considerable assistance, we should look for opportunities to keep businesses afloat and incentivize assistance loans made to small business for retention of workers. This would help to avoid mass layoffs and keep workers employed. Once people are lost into the sidelines, it takes a long time to get them back into the workforce.

Defer sales tax payments for small businesses

Allow the deferment of sales taxes without interest or penalty during the public health emergency for small businesses, allowing for more cash flow to help main street businesses.

Give local government and small businesses flexibility in meeting state deadlines

Businesses throughout our state are struggling as we respond to COVID-19. We should be providing flexibility to people, businesses, and local governments in Wisconsin to pay taxes and meet deadlines in a way that allows them to keep their businesses open and people employed.

Elections

While there is little time to act to address the massive problems facing the immediate April 7 election, it is important that we take all steps possible to protect both the public and the democratic process for the 7th Congressional District special election on May 12, the primary election on August 11, and the general election on November 3.

The following changes should be made immediately:

Allow absentee ballots postmarked by the day of the election to be counted

Ensure that voters are able to have their vote counted, regardless of slow delivery due to historic absentee ballot requests.

Waive the witness signature requirement during the public health emergency

Allow voters self-isolating or self-quarantining alone to access their right to vote. Additionally, the legislature should also consider broader changes to improve elections following the spring election.

Prepare to vote-by-mail in 2020

While preparations were not put in place for the April 7th election, we must prepare now for future elections. Moving later 2020 elections to vote-by-mail now is the prudent strategy to protect our elections and our public health at the same time. At a minimum, mailing absentee ballots to every registered voter should be considered.

Modify voter registration deadlines

Ensure the online registration system allows registration through five days before the election date, to accommodate voters who are unable to leave their homes and clerks that are reducing in-person registration.

Modify nomination paper requirements for candidates

Change the requirements for nomination papers during a public health emergency to minimize the risk of transmitting the virus. The traditional signature process encourages behavior that violates the public health guidelines promoted to slow the spread of COVID-19. Ideas could include cutting the number of required signatures in half for each office or allowing nomination papers to be circulated for electronic signatures. Whether there is a change or not, it might also be responsible to consider extending the deadline to June 15.

Legislature

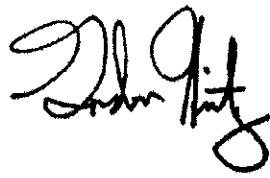
Allow legislators to communicate with constituents during a public health emergency

Specify that the legislative 50 piece rule not apply to communications with constituents about a public health emergency while it is in place. While there are many ways for the public to get information about a public health information, it is important that accurate and timely information be shared with people across the state about a public health emergency, the actions taken to address the emergency, and resources people need to navigate it.

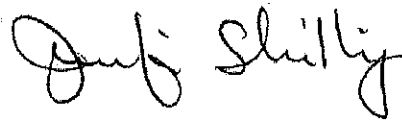
These are some of the priorities we believe should be acted upon immediately. If there is not support for the specific ideas proposed above, we strongly encourage you to offer alternative ideas that address the challenges outlined. The COVID-19 pandemic has already had devastating consequences on our state that will only get worse in the near future. We owe it to the people of Wisconsin to act with urgency and act together, united as legislators with our Governor. We are asking you to not delay another day in convening the legislature and getting to work to help the people of our state.

We hope you'll take this letter in the spirit of bipartisanship Wisconsin needs at this moment in our state's history.

Sincerely,



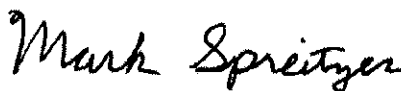
Assembly Minority Leader Gordon Hintz



Senate Minority Leader Jennifer Shilling



Representative Dianne Hesselbein



Representative Mark Spreitzer



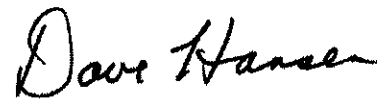
Senator Fred Risser



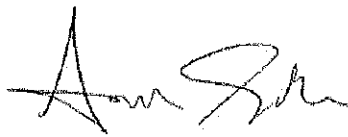
Representative Steve Doyle



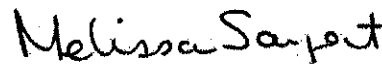
Representative Evan Goyke



Senator Dave Hansen



Representative Amanda Stuck



Representative Melissa Sargent



Senator Tim Carpenter



Representative David Crowley



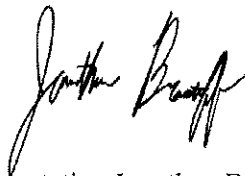
Representative Jimmy Anderson



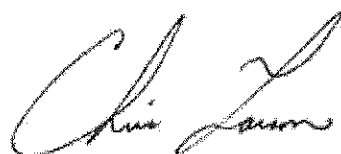
Senator Patty Schachtner



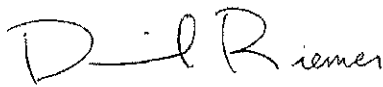
Representative Debra Kolste



Representative Jonathan Brostoff



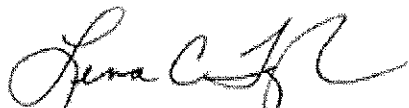
Senator Chris Larson



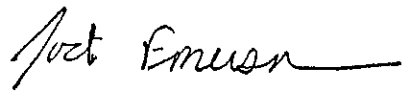
Representative Daniel Riemer



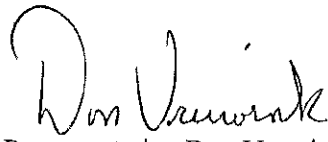
Representative Lakeshia Myers



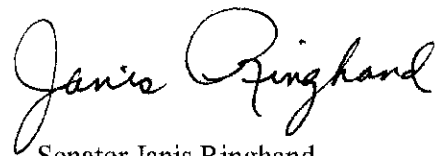
Senator Lena Taylor



Representative Jodi Emerson



Representative Don Vruwink



Senator Janis Ringhand



Representative Katrina Shankland



Representative Gary Hebl



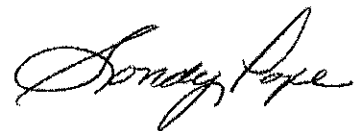
Representative Lisa Subeck



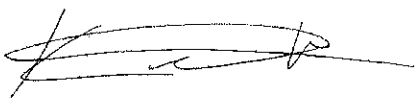
Representative Greta Neubauer



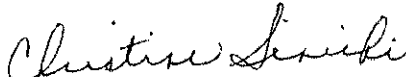
Representative Tod Ohnstad



Representative Sondy Pope



Representative Kalan Haywood



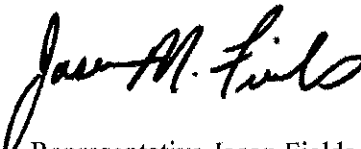
Representative Christine Sinicki



Representative Robyn Vining



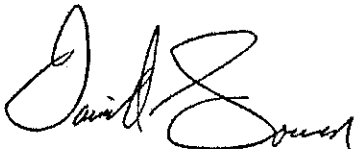
Representative Jill Billings



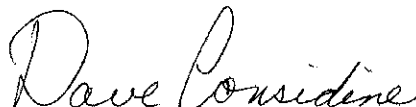
Representative Jason Fields



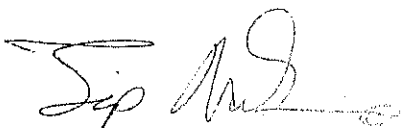
Representative Beth Meyers



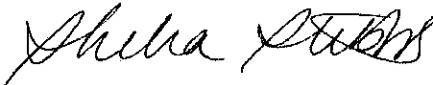
Representative David Bowen



Representative Dave Considine



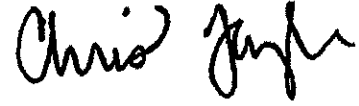
Representative Tip McGuire



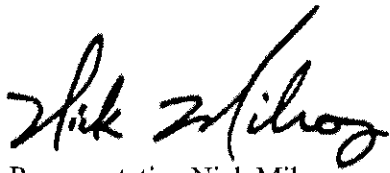
Representative Shelia Stubbs



Representative Marisabel Cabrera



Representative Chris Taylor



Representative Nick Milroy

Representative JoCasta Zamarripa

Senator Mark Miller

Senator Jeff Smith

Senator LaTonya Johnson

Senator Jon Erpenbach

Senator Robert Wirch

Romportl, Dan

From: Romportl, Dan
Sent: Wednesday, April 01, 2020 7:25 PM
To: Vick, Jason
Subject: RE: Laptop setup

That solves about 85% of the mystery. Thank you.

From: Vick, Jason <Jason.Vick@legis.wisconsin.gov>
Sent: Wednesday, April 1, 2020 7:22 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: Re: Laptop setup

Ok. Ltsb said he never accepted the laptop so they will just drop one off in your office in the morning. So he won't have to bring in anything.

Jason Vick

On Apr 1, 2020, at 7:12 PM, Romportl, Dan <Dan.Romportl@legis.wisconsin.gov> wrote:

OK, still trying to get confirmation on what he is planning on doing.

My problem is I don't know if he has his laptop at home, and even if he does I am only 50% sure he will remember to bring it, because he rarely uses it and isn't used to carrying it back and forth.

But if LTSB can set one up that they already have configured, that would be ideal...

From: Vick, Jason <Jason.Vick@legis.wisconsin.gov>
Sent: Wednesday, April 1, 2020 6:07 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: Laptop setup

Hi Dan,

If Fitz goes virtual tomorrow, LTSB would need to schedule a time between 8-10am (the earlier the better). They said they could drop off a laptop and do the set up over the phone.

Jason Vick
Office of Senate President Roger Roth
608-266-0718
220-South, State Capitol

Romportl, Dan

From: Romportl, Dan
Sent: Wednesday, April 01, 2020 7:12 PM
To: Vick, Jason
Subject: RE: Laptop setup

OK, still trying to get confirmation on what he is planning on doing.

My problem is I don't know if he has his laptop at home, and even if he does I am only 50% sure he will remember to bring it, because he rarely uses it and isn't used to carrying it back and forth.

But if LTSB can set one up that they already have configured, that would be ideal...

From: Vick, Jason <Jason.Vick@legis.wisconsin.gov>
Sent: Wednesday, April 1, 2020 6:07 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: Laptop setup

Hi Dan,

If Fitz goes virtual tomorrow, LTSB would need to schedule a time between 8-10am (the earlier the better). They said they could drop off a laptop and do the set up over the phone.

Jason Vick
Office of Senate President Roger Roth
608-266-0718
220-South, State Capitol

Romportl, Dan

From: Romportl, Dan
Sent: Wednesday, April 01, 2020 5:39 PM
To: 'rtracy75@ulwr-inc.com'
Subject: 3pm phone call

Hi Bob,

I spoke with the DNR at 3pm today, and here is what I learned:

They will be setting up a website, launching tomorrow, where industries affected by COVID-19 will be able to email their concerns to DNR, and then DNR will facilitate industry-wide conference calls in an attempt to develop a temporary solution for those parties. I think their objective would be to get ULW, Covanta, Clean Harbors, etc. on the line to come up with a workable solution that would last the duration of the public health emergency.

While they acknowledged that this undertaking will be separate from the ongoing permitting issue that you've been working with them on for many months, this may offer some short-term relief as our state deals with these unforeseen fallouts from the coronavirus.

I'm happy to talk more on this tomorrow after we see what this website looks like. I've been assured that they will be contacting industry folks immediately after they submit their information, so as always I'd offer our assistance in making sure turn-around time is adequate, especially since you've communicated you are days – not weeks – away from being out of compliance.

I am in the office all day tomorrow so feel free to give me a call when you have some downtime.

Thanks,

Dan Romportl
Chief of Staff
Senator Scott Fitzgerald
Senate Majority Leader
13th Senate District
(608) 266-5660

Romportl, Dan

From: Romportl, Dan
Sent: Wednesday, April 01, 2020 4:31 PM
To: Ottman, Tad
Subject: FW: Van Bills
Attachments: 19-6019_P1.pdf

FYI

From: Kelly, Scott <Scott.Kelly@legis.wisconsin.gov>
Sent: Wednesday, April 01, 2020 4:23 PM
To: Duerkop, Nathan <Nathan.Duerkop@legis.wisconsin.gov>; Mugnaini, Jason <Jason.Mugnaini@legis.wisconsin.gov>; Gibbs, Adam <Adam.Gibbs@legis.wisconsin.gov>; Ponio, Jerry <Jerry.Ponio@legis.wisconsin.gov>; Lakin, Tim <Tim.Lakin@legis.wisconsin.gov>; Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>; Rettinger, Nik <Nik.Rettinger@legis.wisconsin.gov>; Koenen, Kyle <Kyle.Koenen@legis.wisconsin.gov>; Lonergan, Sandy <Sandy.Lonergan@legis.wisconsin.gov>; Prange, Katy <Katy.Prange@legis.wisconsin.gov>; Summerfield, Craig <Craig.Summerfield@legis.wisconsin.gov>; Mikalsen, Mike <Mike.Mikalsen@legis.wisconsin.gov>; Zantow, Jenna <Jenna.Zantow@legis.wisconsin.gov>; Fiocchi, Tim <Tim.Fiocchi@legis.wisconsin.gov>; Henkel, Matt <Matt.Henkel@legis.wisconsin.gov>; Soper, John <John.Soper@legis.wisconsin.gov>; Emerson, James <James.Emerson@legis.wisconsin.gov>; Esser, Jennifer <Jennifer.Esser@legis.wisconsin.gov>
Subject: Van Bills

As the Senate drafts legislation in response to the Public Health Emergency, in addition to suspending the one-week waiting period, Van has two additional subjects that he is pushing for inclusion.

I have attached a bill draft that adds SARS-CoV2 (COVID-19) to the list of infectious diseases for which duty disability/death benefit can be claimed for first responders. You will note that the current list includes the original SARS, tuberculosis, various Hepatitis strains, HIV/AIDS, and others. Given the known lack of PPE for first responders, Van thinks this is a prudent move in line with previous legislation.

Also, in drafting, but not yet drafted, is a requirement that school districts fulfill their contract obligations with the regard to purchases. We've heard from a large bus company that a school district is not intending to pay their contract for the rest of the school year. Since school districts are funded through the state and have not had reduction in funds due to their closing, there should be no reason for them not to fulfill obligations. If they do not fulfill their obligations, it will cause a ripple effect through the economy, and the district will simply pocket the money. I will share that draft when I receive it.

Thanks

Scott

Scott Kelly
Chief of Staff
Senator Van Wanggaard
608-266-1832
scott.kelly@legis.wi.gov

Romportl, Dan

From: Romportl, Dan
Sent: Wednesday, April 01, 2020 3:39 PM
To: Ottman, Tad
Subject: FW: LRB-5920

FYI – the industry would like 60 days rather than 90 days, and for us to put it into statute (rather than be subjected to an EO later)

From: Misha Lee <misha@leegovernmentrelations.com>
Sent: Wednesday, April 01, 2020 12:16 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: LRB-5920

3. PROHIBIT POLICY CANCELLATION DURING PUBLIC HEALTH EMERGENCY FOR PREMIUM NONPAYMENT

LRB 5920/P2: Prohibit insurers from canceling any policy of insurance for nonpayment of premiums until at least 90 days after the unpaid premium was due during the period covered by the state of emergency related to public health declared by the Governor on March 12, 2020, under Executive Order 72.

[Bill Section: 75(3)]

Romportl, Dan

From: Romportl, Dan
Sent: Wednesday, April 01, 2020 3:32 PM
To: 'Michale Maxwell'
Subject: voting tomorrow

Hi Michale,

I have Senator Fitzgerald pushing up against a 10:30am obligation, at which point he will need to drop off the call. Do you have a sense of when the vote(s) will be taken on the items outlined in the agenda?

In the case that he is not able to be on the phone for a roll call vote, is there another way for his vote to be recorded?

Thanks in advance,

Dan Romportl
Chief of Staff
Senator Scott Fitzgerald
Senate Majority Leader
13th Senate District
(608) 266-5660

Romportl, Dan

From: Romportl, Dan
Sent: Wednesday, April 01, 2020 3:24 PM
To: Ponio, Jerry
Subject: FW: 01 Vos Fitzgerald JD
Attachments: 01 Vos Fitzgerald JD.pdf

-----Original Message-----

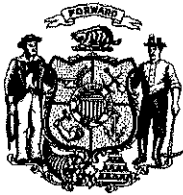
From: Sen.Fitzgerald <Sen.Fitzgerald@legis.wisconsin.gov>
Sent: Wednesday, April 01, 2020 12:15 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>; Ottman, Tad <Tad.Ottman@legis.wisconsin.gov>
Subject: FW: 01 Vos Fitzgerald JD

-----Original Message-----

From: Barton, Elizabeth <Elizabeth.Barton@legis.wisconsin.gov>
Sent: Wednesday, April 1, 2020 12:06 PM
To: Rep.Vos <Rep.Vos@legis.wisconsin.gov>; Sen.Fitzgerald <Sen.Fitzgerald@legis.wisconsin.gov>
Subject: LFB: 01 Vos Fitzgerald JD

Representative Vos and Senator Fitzgerald --

Please see the attached LFB document from Bob Lang.



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873
Email: fiscal.bureau@legis.wisconsin.gov • Website: <http://legis.wisconsin.gov/lfb>

April 1, 2020

TO: Representative Vos and Senator Fitzgerald
State Capitol

FROM: Bob Lang, Director

SUBJECT: Statutory Changes to Access Federal Funding and Program Flexibility in the Medical Assistance Program in Response to COVID-19

At your request, this memorandum describes the changes to state statutes that would be necessary to access enhanced federal Medicaid matching funds and program flexibility in response to the public health emergency associated with the coronavirus disease of 2019 (COVID-19).

Federal Medical Assistance Percentage Increase

The Family First Corona Virus Response Act (FFCRA) increases each state's federal medical assistance percentage (FMAP) by 6.2 percentage points during any calendar quarter for which the COVID-19 federal public health emergency is in effect, provided the state meets certain maintenance of effort criteria. This increase will apply, at a minimum to the first two quarters of 2020, January to March, and April to June. Based on current expenditure levels in the state's medical assistance program, the increase to the state's FMAP will increase federal Medicaid matching funds by approximately \$150 million per quarter, or approximately \$300 million over the two quarters covering the final six months of state fiscal year 2019-20.

In order to qualify for the FMAP increase, states must: (a) not adopt more restrictive eligibility standards, methodologies, or procedures for their Medicaid programs than were in effect on January 1, 2020; (b) not charge a higher premium for any eligibility groups than was in effect on January 1, 2020; (c) ensure that any person who was enrolled as of the date of enactment of the FFCRA (March 18, 2020) or who enrolls during the federal public health emergency be eligible for benefits through the end of the month in which the public health emergency period ends; and (d) provide coverage of COVID-19 testing and treatment for Medicaid beneficiaries without cost sharing. With respect to premiums, a state is not ineligible for the FMAP increase during the 30 day period following the passage of the FFCRA (that is, through April 17, 2020), if it had a premium in effect on the date of passage that would otherwise not be in compliance with the maintenance of effort requirement. This provision establishes a grace period to allow states to change any state laws to qualify.

In order to ensure that the state is in compliance with the maintenance of effort requirements, some provisions of state statutes pertaining to enrollment and premiums under the medical assistance program would need to be suspended during the period covered by the federal public health emergency. In particular, the state would need to temporarily suspend implementation of provisions of a federal waiver relating to MA coverage for childless adults. These provisions, which were implemented on February 1, 2020, include monthly premiums and eligibility conditions that are not allowed under the federal maintenance of effort provision. In addition, the state would need to temporarily suspend any statutory provisions pertaining to MA eligibility, as necessary to ensure that beneficiaries retain eligibility through the end of the public health emergency.

Section 1135 Waivers

When the President of the United States declares a disaster or emergency under the federal Stafford Act (42 USC Chapter 68) or National Emergencies Act (50 USC Chapter 34) and the Secretary of the U.S. Department of Health and Human Services (DHHS) declares a public health emergency, the DHHS Secretary may, under s. 1135 of the Social Security Act, temporarily waive or modify certain federal Medicare, Medicaid, and Children's Health Insurance Program (CHIP) requirements to ensure that sufficient health care items and services are available to meet the needs of individuals enrolled in these programs, and that health care providers who provide services in good faith can be reimbursed and exempted from certain sanctions (other than sanctions resulting from cases of fraud or abuse).

Examples of these 1135 waivers or modifications include:

- Conditions of participation or other certification requirements;
- Program participation and similar requirements;
- Preapproval requirements;
- Requirements that physicians and other health care professionals be licensed in the state in which they are providing services, so long as they have equivalent licensing in another state, for purposes of Medicare, Medicaid, and CHIP reimbursement;
- The Emergency Medical Treatment and Labor Act (EMTALA);
- Federal laws that prohibit self-referrals by physicians;
- Adjustments to performance deadlines and timetables; and
- Limitations on payment for health care items and services furnished to Medicare Advantage enrollees by non-network providers.

The Section 1135 waivers typically end no later than the termination of the emergency period, or 60 days from the date the waiver or modification is first published, unless the DHHS Secretary extends the waiver by notice for additional periods of up to 60 days, up to the end of the emergency period.

On March 24, 2020, the Wisconsin Department of Health Services (DHS) requested that Joint Committee on Finance approve a Section 1135 waiver request. The Department's request is provided as an attachment to this memorandum. On March 27, the Committee notified DHS Secretary Designee Palm that, under s. 20.940(2) of the statutes, the Department is prohibited from submitting

a request for the waiver because legislation has not been enacted specifically directing the submission of the waiver.

In order to enable DHS to submit the Section 1135 waiver request, legislation is needed to either: (a) exempt DHS from complying with requirement that 20.940(2) of the statutes during the duration of the public health emergency; or (b) direct DHS to submit a waiver request under Section 1135 of the Social Security Act. If the first option is taken, DHS could submit a Section 1135 waiver immediately upon enactment. If the second option is taken, the Department would need to submit a waiver proposal to the Joint Committee on Finance for approval before it is submitted to DHHS. As of March 31, 2020, DHHS had approved Section 1135 waivers for 40 states.

Section 1915(c) Appendix K Amendments

Most Medicaid home and community-based services (HCBS) are provided through Section 1915 (c) waivers, including Wisconsin's Family Care, IRIS, and Children's Long-Term Support (CLTS) program services. States can use Section 1915 (c) waiver Appendix K to amend these HCBS waivers to respond to an emergency. For example, states can modify or expand HCBS eligibility or services, modify or suspend service planning and delivery requirements, and adopt policies to support providers.

As of March 31, 2020, 13 states have received CMS approval of their Appendix K submissions in response to COVID-19. In the Wisconsin Department of Health Services' 1135 waiver request dated March 24, 2020, section 8.19 indicates that there will be forthcoming Appendix K submissions from the Department to CMS.

As with the Section 1135 waiver proposal, the Department is prohibited from submitting a waiver modification request under Appendix K without statutory authorization. In order to enable the Department to submit such a request, the Department could either be exempted from the waiver approval requirements during the federal public health emergency, or be authorized in legislation to submit one or more Appendix K waivers, pending approval by the Joint Committee on Finance.

BL/JD/lb

Romportl, Dan

From: Romportl, Dan
Sent: Wednesday, April 01, 2020 2:55 PM
To: Ottman, Tad
Subject: FW: Bill drafts
Attachments: 19-6019_P1.pdf; 19-6018_P1.pdf

One more – member ask (Van)

From: Kelly, Scott <Scott.Kelly@legis.wisconsin.gov>
Sent: Tuesday, March 31, 2020 11:39 AM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: Bill drafts

Hi Dan –

Here are the bill drafts I texted you about last night. It creates a presumption for Law enforcement, correctional officers, EMTs and firefighters for duty disability and death benefits. With the lack of PPE for first responders it seems appropriate.

LRB 19-6018 is broader to incorporate future infectious disease public health emergencies, LRB 6019 is specific to SARS-CoV2. I lean towards 6019 because it is specific, but I see the benefit of 6018 so we don't always have to revisit this.

I don't think we're going to circulate it, because we can't introduce it, but I wanted it on your radar. Please share with Fitz when developing a bill.

Thanks

Scott

Scott Kelly
Chief of Staff
Senator Van Wanggaard
608-266-1832
scott.kelly@legis.wi.gov

Romportl, Dan

From: Romportl, Dan
Sent: Wednesday, April 01, 2020 2:34 PM
To: Ottman, Tad
Subject: FW: Looking for Changes to state law or an Executive Order on Spring Election and other matters

From: Henkel, Matt <Matt.Henkel@legis.wisconsin.gov>
Sent: Friday, March 20, 2020 2:59 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: Fwd: Looking for Changes to state law or an Executive Order on Spring Election and other matters

Begin forwarded message:

From: Curt Witynski <witynski@lwm-info.org>
Date: March 20, 2020 at 14:05:57 CDT
To: "Sen.Roth" <Sen.Roth@legis.wisconsin.gov>
Cc: "Henkel, Matt" <Matt.Henkel@legis.wisconsin.gov>
Subject: Looking for Changes to state law or an Executive Order on Spring Election and other matters

Hi Sen. Roth: Thanks for the phone call earlier today and your suggestion that municipalities seek the ability to tap into national guard members for working at the polls on April 7. I appreciated our discussion on possible ways the Legislature could change state law to help municipalities contend with the COVID-19 public health emergency. Most of what we have been working on this week for our members relates to: 1) Conducting a safe spring election if it is not postponed; 2) helping local governments comply with the open meetings law while following best practices during the pandemic to maintain social distancing; and 3) obtaining the ability to waive water utility late payment fees.

Spring Election. I've pasted below state law adjustments we've asked the Governor to make as part of an emergency executive order:

1. Waive the requirement for voters to physically sign the poll book. This action is not critical and carries with it too much risk of virus transmission
2. Waive county residency for pollworkers. Cities and villages are scrambling to replace pollworkers who are among the vulnerable populations or who are simply unwilling to expose themselves to so much public contact. As a result, we need all options open, including asking municipal employees to work the polls. It is not unusual for employees to live "just across the county line." This statute could be waived with minimal negative impact.
3. Extend the deadline for requesting absentee ballots by mail to next week Friday (the deadline is tomorrow).
4. Delay the school start beyond the April 7 election. Again, co-mingling students, voters and pollworkers creates a tremendous risk for virus transmission. Many municipalities rely on

schools as polling sites because they are the only accessible public buildings available in their community.

We also concurred in Milwaukee's request:

1. **Per 6.28(1)(a), the close for on-line and by-mail voter registration is 21 days prior to the election, or Wednesday, March 18.**

Concern: After the passing of this deadline, any person that is quarantined or too ill to appear in person cannot request an absentee ballot unless they are already registered to vote at their current address. This will present an unjust hardship and prevent voting for many in Milwaukee, and will certainly disproportionately impact people in poverty who by the nature of poverty tend to be more transient.

Request: Extend the deadline for by-mail and online registration until the deadline for requesting an absentee ballot (the Thursday preceding the election) so that persons requesting absentee ballots can simultaneously register.

2. **Per 6.29(2)(a), the close of in person registration in the clerk's office and early voting locations is Friday, April 3.**

Concern: Milwaukee and other municipalities will offer extended IPAV or early voting hours through the weekend preceding the election in order to allow access to voting prior to Election Day for as many people as possible. (This is essential to alleviating crowding at voting sites.) However, no person requiring registration can register and vote on the weekend preceding the election.

Request: Extend the deadline for in-person registration to Sunday, April 5, the Sunday preceding the election

3. **Per 6.87(6), absentee ballots must be received by Election Day to be counted.**

Concern: Given the unprecedented volume of absentee voters and the unpredictability of when a person may *need to* apply for an absentee ballot, there is a strong probability that hundreds if not thousands of votes will be lost by late-arriving absentees (those received after Election Day). Additionally, there is no practical way that a person submitting a request for an absentee ballot on the deadline for submitting that request (the Thursday preceding the election) will have time to receive, vote and return their ballot by Election Day.

Request: Reinstate the counting of "late-arriving absentee ballots," which required municipalities to include in their final election results/canvass votes from any absentee ballots postmarked by Election Day and received by the Friday after the election. (This provision of law was eliminated by the legislature in August 2016.)

4. **Per 7.52(1)(a), current law prohibits the processing of absentee ballots until the polls open on Election Day.**

Concern: Milwaukee and other municipalities will experience an unprecedented volume of absentee voters. The city anticipates as many as 65-75,000 ballots. Given practical constraints around large group gatherings and Coronavirus precautions, this process could take several days to complete.

Request: Municipalities should be allowed to begin the process as early as the Sunday preceding the election.

5. **The Wisconsin Election Commissions draft rules related to observers at voting sites does not limit the number of observers that may be present.**

Concern: The more people coming and going from a voting room, the greater the risk to election workers and other members of the public

Request: Require the WEC to temporarily amend the rules to only allow one observer from each primary political party.

We also forwarded the Madison clerk's requests:

- Allow voters to register online and via mail after registration "closes" March 18.
- Allow Boards of Canvassers to count late-arriving absentee ballots.
- Allow voters confined to their home due to COVID-19 concerns to sign up for the permanent absentee list until they are no longer confined to their homes. This would allow them to get an absentee ballot without having to upload an image or scan of their ID. Voters who are 70 and older can currently be placed on the permanent absentee list if they are confined to their home due to age. However, we are talking with countless voters in their 60s who are unable to figure out the technology needed to upload a copy of their ID via the MyVote website when requesting their absentee ballot.
- Social distancing is making it very difficult for elderly voters to find a witness for their absentee ballot, and using technology like Skype for the witness requirement is not feasible for them. Eliminate the requirement that voters on the permanent absentee list have a witness sign their absentee envelope for this election.

In addition, we supported Waukesha's request, which I've pasted below:

- We could begin counting the glut of mailed ballots **today**. The machines can and should be secured every night. This is an easy solution that would provide a tremendous amount of relief.
- A further step, during the Absentee period is to allow the **Voter to cast the ballot into the machine**. Reduces all the envelopes and reduces the amount of time to process. This reduces crowds and chances to spread virus.

Open Meetings Law Flexibility. We are urging the Governor to issue an executive order similar to what the Massachusetts Governor issued relating to providing local governments with flexibility under the open meetings law and quorum requirements to meet virtually by phone or via the web while complying with the open meetings law. One component of the Massachusetts order that would be particularly helpful for small local governments is language similar to the following: A municipal public body that for reasons of economic hardship or lack of technical resources and despite best efforts is unable to provide public access in real time through telephone, internet, or satellite enabled audio or video conferencing or any other technology may instead post on its municipal website a full and complete transcript, recording, or other comprehensive record of the proceedings as soon as practicable afterwards.

Here's a link to the Massachusetts order: https://41g41s33v added2vc05w415s1e-wpengine.netdna-ssl.com/wp-content/uploads/2020/03/OpenMtgLaw_ExecOrder_Mar32020.pdf

Waiver of Municipal Water Utility Late Payment Fees The PSC is informing municipal water utilities that they lack authority during the COVID-19 health emergency to waive late fees ordinarily imposed on utility customers who are delinquent in paying their bills. Watertown informed us this morning that PSC staff told them that statutory and Wis. Admin. Code provisions governing the provision of utility service require the utility to bill customers in accordance with the utility's tariff. According to the PSC, this means the utility must bill late fees in accordance with its tariff on file with the Commission and would not be able to waive a late fee.

We have asked the Governor to issue an Executive Order allowing municipal water utilities to waive fees for making late payments during the duration of the COVID-19 health emergency.

Thanks for considering our requests.

Curt Witynski, J.D.
Deputy Executive Director
League of Wisconsin Municipalities
office: (608) 267-3294
cell: (608) 354-3003
www.lwm-info.org

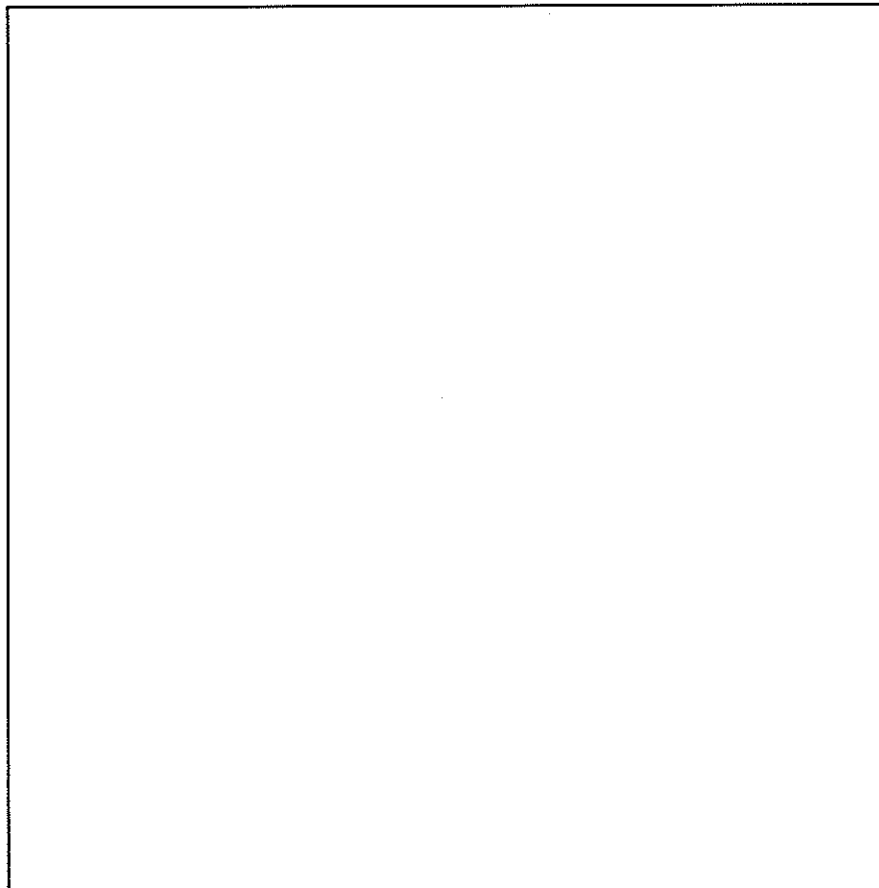
Romportl, Dan

From: Romportl, Dan
Sent: Wednesday, April 01, 2020 2:33 PM
To: Ottman, Tad
Subject: FW: Urgent Support for Wisconsin's Hospitality Industry

From: Scott Stenger <scott@stengergov.com>
Sent: Wednesday, April 01, 2020 7:41 AM
To: Toftness, Jenny <Jenny.Toftness@legis.wisconsin.gov>; Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: FW: Urgent Support for Wisconsin's Hospitality Industry

From: Tavern League of Wisconsin [mailto:sarah@tlw.ccsend.com] **On Behalf Of** Tavern League of Wisconsin
Sent: Tuesday, March 31, 2020 10:25 AM
To: scott@stengergov.com
Subject: Urgent Support for Wisconsin's Hospitality Industry

Let me know if you want any changes. Test



To: All Legislators

Fr: Chris Marsicano, TLW President

Re: Urgent Support for Wisconsin's Hospitality Industry

Date: March 31, 2020

In addition to my role as President of the Tavern League of Wisconsin, my brother David and I own and operate The Village Supper Club in Delavan, WI. We took over the family business from our parents who founded The Village Supper Club in 1966. Wisconsin is proudly home to thousands of family businesses like mine.

For over 50 years my family has served our community. Now my future as well as the future of thousands of other small businesses is in jeopardy. We understand the need to close our businesses to fight this virus. Sadly, that doesn't pay our bills.

Taverns and restaurants in Wisconsin will have been closed to regular business for 38 days after the current Executive Order expires. Without the additional help of state government the hospitality industry will suffer significant permanent loss.

The federal stimulus bill is a start but more is needed on the state and local level to enable our Members to survive. We need action. We need help. We are doing our part, we need state government to do its part.

- Prohibit any foreclosures or evictions of any licensee until 60 days after the Executive Order expires.
- Prohibit any insurance cancellations of any licensee until 60 days after the Executive Order expires.
- Waive 2020 liquor/beer municipal license fee and all other municipal and state fees for all alcohol/food license holders.
- Initiate a sales tax holiday for all sales at licensed establishments effective March 17th through July 30th.

- Repeal the 15 day beer credit law and 30 day alcohol credit day law. Licensee holders who are unable to make a payment during the shutdown cannot receive future shipments of product.
- Permit delivery of alcohol through age verified sales via phone/online transactions for Class B license holders during the Executive Order. Many of our members do not have a restaurant license and alcohol sales are their only cash flow. In addition it will help licensees reduce their inventory. Other states have made this change to assist licensees to deliver alcohol.
- Repeal the consignment law for alcohol. This law has presented a problem for our members in returning product after the Executive Order was issued.
- Delay July 2019 local property tax payment for all license holders.
- Provide a state credit for 2020 property taxes for license holders.
- Prohibit cable/satellite providers from canceling service of a Class B licensee until 60 days after the Executive Order expires.
- Prohibit municipalities from engaging in alcohol sales for the remainder of 2020 and instead require them to contract with existing licensees for any event where alcohol sales occur.
- Allow golf courses to open to golfers only.

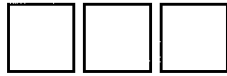
My Members need urgent legislative action. We look forward to working with you to ease the financial burden crippling the family businesses of thousands of taverns and restaurants in Wisconsin.

Sincerely,

Chris Marsicano, TLW President

For more information and news as it is available to us, please visit [our website](#).

CONNECT WITH US!

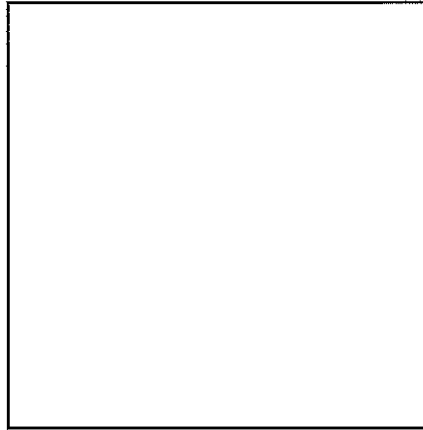


Tavern League of Wisconsin | 2817 Fish Hatchery Road, Fitchburg, WI 53713

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Romportl, Dan

From: Romportl, Dan
Sent: Wednesday, April 01, 2020 12:54 PM
To: Ruby, Erin A - DNR
Subject: RE: call with fitzgerald

Thanks – shouldn't take long, just had a few questions.

Appreciate you pulling this together so quick!

From: Ruby, Erin A - DNR <Erin.Ruby@wisconsin.gov>
Sent: Wednesday, April 01, 2020 12:53 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: RE: call with fitzgerald

Of course! I will get you the call-in info ASAP.

Thanks, Dan!

We are committed to service excellence.
Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Erin Ruby
Phone: 608-266-7566
Erin.Ruby@Wisconsin.gov

From: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Sent: Wednesday, April 1, 2020 12:40 PM
To: Ruby, Erin A - DNR <Erin.Ruby@wisconsin.gov>
Subject: RE: call with fitzgerald

Would it be OK if I just spoke to Cheryl and Dep Sec Ambs at 3pm?
-Dan

From: Ruby, Erin A - DNR <Erin.Ruby@wisconsin.gov>
Sent: Wednesday, April 01, 2020 12:07 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: RE: call with fitzgerald

Hi, Dan!

I can get a call scheduled with Assistant Deputy Secretary Ambs and Cheryl Heilman (DNR Chief Legal Counsel) today between 3:00 and 4:00 p.m. Can that timeframe work for the Senator?

I wouldn't be able to get the Senator connected with Preston until Friday. Also, I was informed this morning that Cheryl Heilman will be having a call with Don Gallo on behalf of UWL today at 1:00 p.m. (They played phone tag yesterday.)

Feel free to give me a call (608-279-3073) if you want to reach me by phone.

Thanks!
Erin

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Erin Ruby
Phone: 608-266-7566
Erin.Ruby@Wisconsin.gov

From: Ruby, Erin A - DNR
Sent: Wednesday, April 1, 2020 7:38 AM
To: 'Romportl, Dan' <Dan.Romportl@legis.wisconsin.gov>
Subject: RE: call with fitzgerald

Good morning, Dan!

I'll see what I can do and will circle back when I know more.

Thanks!
Erin

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Erin Ruby
Phone: 608-266-7566
Erin.Ruby@Wisconsin.gov

From: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Sent: Tuesday, March 31, 2020 4:55 PM
To: Ruby, Erin A - DNR <Erin.Ruby@wisconsin.gov>
Subject: call with fitzgerald

Hi Erin,

I know you're spread thin right now, but does Secretary Cole have a few minutes tomorrow to take a phone call from Sen Fitzgerald?

We have been getting questions from United Liquid Waste regarding the amount of industrial waste they are receiving at their location due to the recent increase in food processing.

If this is possible, or if someone else from the secretary's office has a few moments, please let me know. Scott brought this issue up with Maggie Gau on their daily phone call today, so you might be hearing from her as well.

Thanks,

Dan Romportl
Chief of Staff
Senator Scott Fitzgerald
Senate Majority Leader

13th Senate District
(608) 266-5660

Romportl, Dan

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Phone: 608-266-7566
Erin.Ruby@Wisconsin.gov

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Thanks,

Dan Romportl
Chief of Staff
Senator Scott Fitzgerald
Senate Majority Leader
13th Senate District
(608) 266-5660

Romportl, Dan

From: Romportl, Dan
Sent: Wednesday, April 01, 2020 10:07 AM
To: 'Michale Maxwell'; Sen.Fitzgerald
Cc: Marty Brooks
Subject: RE: April 2, 2020 WCD Board Meeting

Yes, Scott will be calling in.
Thanks,
Dan // Staff

From: Michale Maxwell <MMaxwell@wcd.org>
Sent: Wednesday, April 01, 2020 10:05 AM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>; Sen.Fitzgerald <Sen.Fitzgerald@legis.wisconsin.gov>
Cc: Marty Brooks <MBrooks@wcd.org>
Subject: RE: April 2, 2020 WCD Board Meeting

Good Morning Senator Fitzgerald,

Will you be joining tomorrow morning's meeting by phone?

Thank you.



MICHALE MAXWELL
Executive Assistant to the President and CEO
Wisconsin Center District

t: 414-908-6069 | m: 414-303-0359
e: MMaxwell@wcd.org | w: wcd.org
a: 400 W. Wisconsin Avenue, Milwaukee, WI 53203-2104



From: Michale Maxwell
Sent: Monday, March 30, 2020 2:11 PM
To: Sen Fitzgerald Staff Assistant Dan Romportl <dan.romportl@legis.wisconsin.gov>; Senator Scott Fitzgerald <sen.fitzgerald@legis.wisconsin.gov>
Cc: Marty Brooks <MBrooks@wcd.org>
Subject: April 2, 2020 WCD Board Meeting

Good Afternoon Senator Fitzgerald,

The WCD Board Meeting is taking place by phone on Thursday, April 2, 2020 at 8:30am. Will you be joining the meeting?

Thank you.



MICHAEL MAXWELL
Executive Assistant to the President and CEO
Wisconsin Center District

t: 414-908-6069 | m: 414-303-0359
e: MMaxwell@wcd.org | w: wcd.org
a: 400 W. Wisconsin Avenue, Milwaukee, WI 53203-2104



Romportl, Dan

From: Romportl, Dan
Sent: Wednesday, April 01, 2020 9:44 AM
To: 'Emily McFarland'
Subject: RE: COVID Update

Thank you for the update.
-Dan // Sen Fitzgerald office

From: Emily McFarland <EMcFarland@CityofWatertown.org>
Sent: Wednesday, April 01, 2020 9:27 AM
To: Emily McFarland <EMcFarland@CityofWatertown.org>
Subject: COVID Update

Good Morning,

Please see the attached press release; if you have any questions, please let me know. This information is not being made public until **10:00AM on 4/1**; you are receiving it **early**. Please keep this information to yourselves until it is public.

Emily McFarland
Mayor, City of Watertown
Phone: (920) 262-4000



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Romportl, Dan

From: Romportl, Dan
Sent: Wednesday, April 01, 2020 9:42 AM
To: Gehl, Patrick
Subject: FW: COVID Update
Attachments: COVID 19 Confirmed Case Press Release 4-1-20.pdf

From: Emily McFarland <EMcFarland@CityofWatertown.org>
Sent: Wednesday, April 01, 2020 9:27 AM
To: Emily McFarland <EMcFarland@CityofWatertown.org>
Subject: COVID Update

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Emily McFarland
Mayor, City of Watertown
Phone: (920) 262-4000



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Confirmed COVID-19 Case Statement by City of Watertown and Watertown Regional Medical Center

Emily McFarland – Mayor, City of Watertown

Carol Quest – Health Officer/Director of Public Health, City of Watertown

Richard Keddington – CEO, Watertown Regional Medical Center

The City of Watertown and Watertown Regional Medical Center wants to provide an update on the novel coronavirus (COVID-19) situation in our community. We can confirm that a positive case of COVID-19 has been identified in our community. The patient has been treated at Watertown Regional Medical Center and is in isolation.

“This is what we prepared for, and the reason we’ve taken a proactive approach,” said Mayor Emily McFarland. “The hospital and city continue to work together and encourage you to take a common sense approach to helping prevent the spread of this virus. Please abide by the Governor’s order and remain home except for essential needs and services.”

The Watertown Health Department continues to work closely with WRMC and is following guidance from the Centers for Disease Control and Prevention (CDC) to provide appropriate treatment and ensure the safety of the patient, the clinical team caring for this individual; and all those within our community.

“We train for these types of situations year-round,” said Richard Keddington, CEO, Watertown Regional Medical Center. “We want to thank the City of Watertown and the Watertown Health Department for their cooperation and have absolute confidence in our community’s combined abilities to handle this situation. We want to reassure that it is safe to come to the hospital should you or your family need care. We stand ready to serve.”

Due to patient privacy laws, we are unable to provide additional information at this time. However, we do want to reassure our community that it is safe to come to the hospital should you or your family need medical care.

It takes a community effort to help prevent the spread of coronavirus, and to keep our community healthy. We continue to encourage taking the following measures to protect yourself and others, in accordance with CDC guidelines and the Wisconsin Department of Health Services.

- **Abide by the Governor’s Order;** only leave your home for essential services and needs.
- **Wash your hands often** with soap and water for at least 20 seconds especially after you have been in a public place, or after blowing your nose, coughing, or sneezing. If soap and water are not available, use a hand sanitizer that is at least 60% alcohol. **Avoid touching your eyes, nose, and mouth** with unwashed hands.

- **Avoid close contact** with people who are sick and **stay home if you are sick**, except to get medical care. If you are coughing or sneezing, cover your mouth and nose with a tissue or the inside of your elbow. Avoid large events, large gatherings of over 250 people will be cancelled.
- **Clean and disinfect** frequently touched surfaces daily. This includes tables, doorknobs, light switches, countertops, handles, desks, phones, keyboards, toilets, faucets, and sinks.

If you think you have been exposed to the coronavirus and are experiencing symptoms related to it including respiratory illness, such as cough or difficulty breathing, please call your healthcare provider ahead of time before you arrive on-site. This will allow your providers to properly prepare for your visit and take the necessary precautions to keep others from being infected or exposed.

For more information, or if you have any questions, please contact the Watertown Health Department or visit the CDC website at www.cdc.gov.

Romportl, Dan

From: Romportl, Dan
Sent: Wednesday, April 01, 2020 9:23 AM
To: Zimmerman, Alec
Subject: letter from saturday
Attachments: Evers Letter.docx

Dan Romportl
Chief of Staff
Senator Scott Fitzgerald
Senate Majority Leader
13th Senate District
(608) 266-5660

Dear Governor Evers:

The past two weeks have been difficult for everyone in Wisconsin. Lives have been upended and families worry about the impact of the coronavirus on their futures. We have consistently said that now is not the time to demonstrate partisan differences and have been in regular communication with you on behalf of our caucuses to offer ideas and strategies to help mitigate the current pandemic.

We appreciate you providing us with a copy of the bill drafted by your office which we forwarded to the Legislative Fiscal Bureau for analysis so we could begin our discussions this last Monday.

Over the past week, we have all had a similar goal in mind: get treatment and personal protective equipment (PPE) for those dealing directly with the disease and create flexibilities as you look for ways to meet the additional needs of those affected by the coronavirus pandemic.

The legislation you put forward asked for a minimum of \$750 million GPR, including giving the Department of Health Services an unlimited sum sufficient account for the current public health emergency or any declared in the future. As we are sure you are aware, our current general fund balance can't support that request, so we are very concerned about the impact on other vital parts of state government if we are not careful in the use of state dollars.

It is why every day this week when we spoke, we expressed a need to not convene the legislature until President Trump signed the CARES Act. We thought we all agreed that we needed to know what federal dollars would be at our disposal before spending significant sums from the state's general fund.

The CARES Act was signed into law last night and the Legislative Fiscal Bureau has confirmed we will receive \$2.2 billion, with \$1.9 billion coming directly to the state. While we wish circumstances were different so oversight was required, these new federal dollars do not appear to require any legislative oversight whatsoever. They are completely at the disposal of your administration to spend on a wide variety of items including ventilators, masks and PPE.

In our conversations this week, your staff explained you have intended to purchase these items but have delayed making the decision. After extensive discussions with Legislative Fiscal Bureau Director Bob Lang, we all understand that your administration has the wherewithal to make these necessary PPE purchases. We urge you to do that immediately and not delay. All vendors now know you have the full faith and credit of Wisconsin's general fund backing you as you negotiate these purchases with them.

Despite this fact, you are still asking us to appropriate a blank check for over \$500 million to allow you to make these purchases. Why can't we use federal funds to allow our own resources to be invested where federal dollars aren't planned to be utilized? As we said during our discussions today, the state does not have this money to give you unlimited sums, and furthermore, according to the Legislative Fiscal Bureau, it is unnecessary. Between now and when the federal money comes, you will have the ability to transfer the necessary funds between accounts in order to make these purchases.

Again, we implore you. Please do not wait any longer to buy ventilators and masks. Do it now.

We look forward to working with you in the coming days as we negotiate the requests made by our members and your administration to deal with the current crisis. We hope you will remain open to discussing items that balance the needs of those in our healthcare and public health sectors as well as those who have been severely hurt economically because of the shutdown that you have ordered.

Sincerely,

Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, March 31, 2020 11:46 PM
To: Gehl, Patrick
Cc: Liedl, Kimber
Subject: RE: three constituent things

Oh OK, we're good then. Just wanted to make sure he got a contact. Thanks

From: Gehl, Patrick <Patrick.Gehl@legis.wisconsin.gov>
Sent: Tuesday, March 31, 2020 7:47 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Cc: Liedl, Kimber <Kimberly.Liedl@legis.wisconsin.gov>
Subject: Re: three constituent things

Can do. Did we have a date and time for the Brian Carl call? I've been emailing with him since last week and as recently as yesterday.

Sent from my iPhone

On Mar 31, 2020, at 5:34 PM, Romportl, Dan <Dan.Romportl@legis.wisconsin.gov> wrote:

Ryan got through the voice mails on Monday – here are three constituents that I would like to make sure get a call back. Can you guys take these? And anything you put together on guidance, please share with the rest of the staff, as I'm sure we'll get these same questions again.

GEHL

Lee Gasper – Sun Prairie – 608-658-4322

Wants clarification on the status of landscaping businesses (essential vs non essential)

This information will be helpful for other constituents who have reached out – WEDC is supposedly updating their policy regarding landscapers, maybe check with Justin Phillips at WEDC on where they are at on this.

GEHL

Brian Carl – 414-254-2927

Wife is a salon owner in Waukesha – wants to know if there is any small business assistance in federal stimulus bill

KIMBER

Jennifer Rhodes, Exec Assistant at a private choice school – 608-957-2661

Has questions about waivers for private schools – not sure what school or if she is a constituent

Thanks in advance,

Dan Romportl

Chief of Staff

Senator Scott Fitzgerald

Senate Majority Leader

13th Senate District

(608) 266-5660

Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, March 31, 2020 5:35 PM
To: Liedl, Kimber; Gehl, Patrick
Subject: three constituent things

Ryan got through the voice mails on Monday – here are three constituents that I would like to make sure get a call back. Can you guys take these? And anything you put together on guidance, please share with the rest of the staff, as I'm sure we'll get these same questions again.

GEHL

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Has questions about waivers for private schools – not sure what school or if she is a constituent

Thanks in advance,

Dan Romportl

Chief of Staff

Senator Scott Fitzgerald

Senate Majority Leader

13th Senate District

(608) 266-5660

Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, March 31, 2020 5:26 PM
To: 'Al Labelle'
Subject: RE: Centennial Coin

Hi Al,
Due to the public health emergency and the closure of the State Capitol, I think it would be best if we postpone the Coin presentation we had planned for next Tuesday, April 7.

Please let me know that you received this, or feel free to give Tad or I a call if that's easier.

Thanks, hope you're doing well,

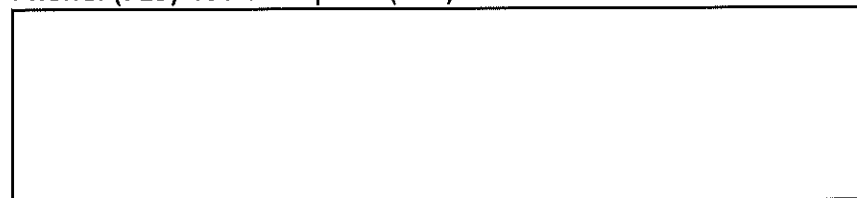
Dan // Office of Sen. Scott Fitzgerald
608-266-5660

From: Al Labelle <al.labelle.dav@hotmail.com>
Sent: Wednesday, February 05, 2020 12:08 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: Re: Centennial Coin

Dan,

Apologies for the delayed response. Things are hectic. After March 1st appears to be best. Thanks.

Al Labelle | Wisconsin Benefits Protection Team Leader
Chair, DAV National Interim Legislation Committee
DAV WI Media Coordinator
Disabled American Veterans
1505 South Cherry Avenue | Marshfield, WI 54449-5006
Phone: (715) 486-9220 | Cell: (715) 207-8870



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Participate in the DAV Benefits Protection Team.
Benefits Protection Team

From: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Sent: Tuesday, February 4, 2020 10:56 AM

To: Al Labelle <al.labelle.dav@hotmail.com>

Subject: RE: Centennial Coin

Thanks, Al. Would you prefer before Feb 17th or after March 1st? We are flexible as well and appreciate the opportunity...
-Dan

From: Al Labelle <al.labelle.dav@hotmail.com>

Sent: Monday, February 03, 2020 5:36 PM

To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>

Subject: Re: Centennial Coin

Dan,

Thanks for the prompt response with our request for a Centennial Coin ceremony with the Senate Leader. Our original thought was to do it in his Office or perhaps in the Senate Chamber with the idea of convenience for all, but we are flexible. Hopefully, we can find a mutually convenient day and time.

So you aware, the DAV Mid-Winter Conference, which is held in Washington DC, will be at the end of February. All our State Officers will be in attendance. The period of February 17 - March 1 will not be convenient for us. Look forward to working with you on finding a mutually convenient date.

Sincerely,

Al Labelle | Wisconsin Benefits Protection Team Leader

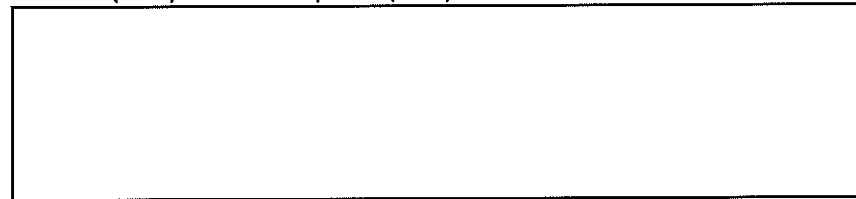
Chair, DAV National Interim Legislation Committee

DAV WI Media Coordinator

Disabled American Veterans

1505 South Cherry Avenue | Marshfield, WI 54449-5006

Phone: (715) 486-9220 | Cell: (715) 207-8870



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Benefits Protection Team

From: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>

Sent: Monday, February 3, 2020 11:07 AM

To: al.labelle.dav@hotmail.com <al.labelle.dav@hotmail.com>

Subject: RE: Centennial Coin

Hi Al,

Thank you for reaching out on this. I'll work with date/time for you, Senator Fitzgerald, Mike, etc. to get together for a presentation/photo.

Just a thought, what if we did the presentation at the Veteran's Museum?

Feel free to give me a call or drop me an email to coordinate.

And thanks again,

Dan // Fitzgerald office
608-266-5660

From: Ottman, Tad <Tad.Ottman@legis.wisconsin.gov>
Sent: Friday, January 17, 2020 9:30 AM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: FW: Centennial Coin

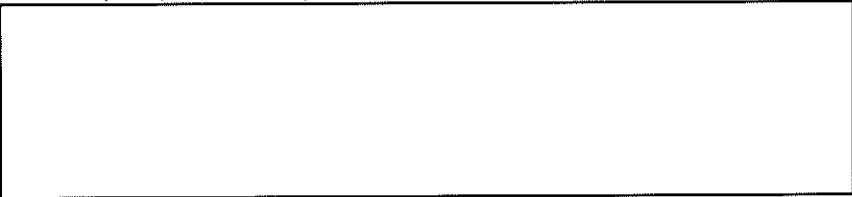
From: Al Labelle <al.labelle.dav@hotmail.com>
Sent: Thursday, January 16, 2020 7:44 PM
To: Ottman, Tad <Tad.Ottman@legis.wisconsin.gov>
Subject: Centennial Coin

Tad,

As always, great talking with you. The great news on the MIA bill threw me off track. Forgot to mention 2020 is DAV's 100th anniversary. A Centennial Coin will soon be issued. We would like to have DAV State Commander Mike Hert present or 'coin' Senate Leader Fitzgerald. at a mutually convenient time. They served in the National Guard together. The ceremony could also be a photo op for our website, newsletter, twitter, and Facebook page.

Consider this a formal request. Please let me know if possible. Thanks.

Al Labelle | Wisconsin Benefits Protection Team Leader
Chair, DAV National Interim Legislation Committee
DAV WI Media Coordinator
Disabled American Veterans
1505 South Cherry Avenue | Marshfield, WI 54449-5006
Phone: (715) 486-9220 | Cell: (715) 207-8870


Help protect veteran's benefits.

Please join DAV Commander's Action Network

WWW.DAVCAN.ORG - DAV CAN

Participate in the DAV Benefits Protection Team.

Benefits Protection Team

Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, March 31, 2020 4:55 PM
To: Ruby, Erin A - DNR
Subject: call with fitzgerald

Hi Erin,

I know you're spread thin right now, but does Secretary Cole have a few minutes tomorrow to take a phone call from Sen Fitzgerald?

We have been getting questions from United Liquid Waste regarding the amount of industrial waste they are receiving at their location due to the recent increase in food processing.

If this is possible, or if someone else from the secretary's office has a few moments, please let me know. Scott brought this issue up with Maggie Gau on their daily phone call today, so you might be hearing from her as well.

Thanks,

Dan Romportl
Chief of Staff
Senator Scott Fitzgerald
Senate Majority Leader
13th Senate District
(608) 266-5660

Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, March 31, 2020 4:36 PM
To: Gau, Maggie M - GOV; Pennoyer, Kara - GOV
Subject: 1130am call tomorrow

Maggie/Kara,

Sen Fitzgerald will not be on the first part of the 11:30am call tomorrow - Kimber Liedl from our staff will call-in for the agency update portion of the call.

Thanks,

Dan Romportl
Chief of Staff
Senator Scott Fitzgerald
Senate Majority Leader
13th Senate District
(608) 266-5660

Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, March 31, 2020 4:32 PM
To: 'jherrowi@gmail.com'
Subject: response from Fitzgerald office

Hi Jason,

We received your email regarding the masks that your company manufactures. First, Senator Fitzgerald and his staff would like to express our sincere appreciation that you took the time to reach out with an offer to help.

Governor Evers' administration has repeatedly urged anyone that may have supplies to be donated or sold to the following website:

covid19supplies.wi.gov

Please let me know that you received this information, and if you need assistance navigating the website, let me know and we'll do our best to help.

Again, thank you for your generosity during these difficult times.

Sincerely,

Dan Romportl
Chief of Staff
Senator Scott Fitzgerald
Senate Majority Leader
13th Senate District
(608) 266-5660

Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, March 31, 2020 4:26 PM
To: Ottman, Tad
Subject: FW: thoughts from Dale

FYI

From: Loneragan, Sandy <Sandy.Loneragan@legis.wisconsin.gov>
Sent: Tuesday, March 31, 2020 4:25 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: thoughts from Dale

Hi Dan,

Dale asked me to communicate that he would please like to see these provisions added to the list for consideration. (see full text below)

These are positive steps, but Wisconsin can and should do more to assist in this current pandemic and prepare for future public health emergencies.

- To address the current testing shortage, Wisconsin should use the FDA waiver to authorize state labs to develop and implement COVID-19 tests. Thus far, only five states have taken advantage of this flexibility.
- The legislature should consider ensuring that when a public health emergency is declared, the licensing barriers relaxed under Executive Order #16 automatically go into place. This will ensure that future administrations do not have to spend critical time reviewing and issuing new orders.
- Wisconsin has a moratorium on the number of hospital beds allowed in the state. While the number of beds may be more than sufficient during normal periods, this moratorium should be lifted, at minimum, during public health emergencies.
- Allow pharmacists to extend prescription refills by 30 days during public health emergencies.

Additionally, Dale asks that leadership please consider making the provisions relating to professional licensure, reciprocity, and scope of practice that needed to be addressed by executive orders be permanently placed in statute for whenever a public health emergency is declared. That way time will not be wasted waiting for executive orders.

Please let me know if you have any questions or need anything else.

Thanks – Sandy

From: Wisconsin Institute for Law & Liberty <info@will-law.org>
Sent: Tuesday, March 31, 2020 12:30 PM
To: Kooyenga, Dale <Dale.Kooyenga@legis.wisconsin.gov>
Subject: Free Market Coalition: Continue to Cut Red Tape to Fight Pandemic



**AMERICANS FOR
PROSPERITY**

WISCONSIN



**BADGER
INSTITUTE**

Free Markets ▪ Opportunity ▪ Prosperity



MacIver Institute

The Free Market Voice for Wisconsin



**WISCONSIN INSTITUTE
FOR LAW & LIBERTY**

Continue to Cut Red Tape to Fight Pandemic

After Governor Tony Evers issued an executive order to cut red tape on medical licensing, the Wisconsin Institute for Law & Liberty (WILL), the Badger Institute, The MacIver Institute, and Americans for Prosperity (AFP) urge Governor Tony Evers and the state legislature to continue to cut red tape to fight the coronavirus pandemic in Wisconsin.

Governor Tony Evers took meaningful steps on March 27 by issuing Executive Order #16 to ease critical licensing barriers for medical professionals. EO #16 includes the following measures:

- Allows any health care provider with a valid and current license issued by another state to practice under that license and within the scope of that license in Wisconsin without first obtaining a temporary or permanent license. This, importantly, includes practicing via telemedicine.
- Allows temporary licenses to remain valid for 30 days after the conclusion of the public health emergency.
- Expands scope of practice for physicians' assistants and nurse practitioners.
- Expedites license renewal for retired medical professionals and those with a recently expired license.
- Ensures nurses that are close to graduation will be able to contribute.

These are positive steps, but Wisconsin can and should do more to assist in this current pandemic and prepare for future public health emergencies.

- To address the current testing shortage, Wisconsin should use the FDA waiver to authorize state labs to develop and implement COVID-19 tests. Thus far, only five states have taken advantage of this flexibility.

- The legislature should consider ensuring that when a public health emergency is declared, the licensing barriers relaxed under Executive Order #16 automatically go into place. This will ensure that future administrations do not have to spend critical time reviewing and issuing new orders.
- Wisconsin has a moratorium on the number of hospital beds allowed in the state. While the number of beds may be more than sufficient during normal periods, this moratorium should be lifted, at minimum, during public health emergencies.
- Allow pharmacists to extend prescription refills by 30 days during public health emergencies.

This coronavirus pandemic has been revealing in many ways. Notably, the rules and regulations meant to protect citizens have been proven, in many cases, to actually hinder the response to a public health crisis. We look forward to seeing Wisconsin continue to cut red tape to better address the crisis and keep its citizens safe.



Wisconsin Institute for Law & Liberty | 1139 East Knapp Street, Suite 725, Milwaukee, WI 53202

[Unsubscribe dale.kooyenga@legis.wi.gov](mailto:dale.kooyenga@legis.wi.gov)

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Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, March 31, 2020 3:52 PM
To: Zimmerman, Alec; Augustyn, Jessie
Subject: RE: Statement

Looks good

From: Zimmerman, Alec <Alec.Zimmerman@legis.wisconsin.gov>
Sent: Tuesday, March 31, 2020 3:40 PM
To: Augustyn, Jessie <Jessie.Augustyn@legis.wisconsin.gov>; Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: RE: Statement

With Jessie's edits. Dan are you still with Fitz?

Alec Zimmerman
Communications Director
Senator Scott Fitzgerald
Senate Majority Leader
(o) 608.266.5660
(c) 608.317.4320

From: Zimmerman, Alec
Sent: Tuesday, March 31, 2020 3:26 PM
To: Augustyn, Jessie <Jessie.Augustyn@legis.wisconsin.gov>; Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: Statement

Thoughts on this?

Alec Zimmerman
Communications Director
Senator Scott Fitzgerald
Senate Majority Leader
(o) 608.266.5660
(c) 608.317.4320

Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, March 31, 2020 3:11 PM
To: Huebsch, Ryan
Subject: RE: Voicemail List

This is great, thank you

From: Huebsch, Ryan <Ryan.Huebsch@legis.wisconsin.gov>
Sent: Monday, March 30, 2020 3:03 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: Voicemail List

I organized it to have phone number>name>location (if given)>issue they called about.

I probably butchered some of the names and some didn't leave names. I tried to summarize the call into one sentence but it didn't feel like a lot of them needed a call back. I marked the ones that I thought needed a call back if they had questions or concerns that needed answers. Let me know if have any questions.

Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, March 31, 2020 2:44 PM
To: Liedl, Kimber
Subject: RE: ORR response letter, Molly Beck
Attachments: Romportl Dye Email - 03.21.20.pdf; joint resolution DRAFT.pdf; 19-5920_P2 (2).pdf

3 files attached – these are all of the records responsive to Molly’s request

From: Liedl, Kimber <Kimberly.Liedl@legis.wisconsin.gov>
Sent: Tuesday, March 31, 2020 2:37 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: ORR response letter, Molly Beck

Kimber Liedl
Office of Senator Scott Fitzgerald
13th Senate District
(608) 266-5660

Romportl, Dan

From: Romportl, Dan
Sent: Saturday, March 21, 2020 1:10 PM
To: Dye, Jenni N - GOV
Subject: RE: Drafts for review

Received, thank you
-Dan // Fitzgerald office

From: Dye, Jenni N - GOV
Sent: Saturday, March 21, 2020 12:43 PM
To: Romportl, Dan
Cc: Gau, Maggie M - GOV; Pennoyer, Kara - GOV; Hilton, Stephanie - GOV; Madden, Zach A - GOV
Subject: Drafts for review

Per your conversation with Maggie, attached please find two drafts for review and discussion.

Thank you,

Jenni Dye
Policy Director
Office of Governor Tony Evers
Email: jenni.dye@wisconsin.gov
Phone: 608-264-6329 (office)
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State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5904/1
CMH:amn

2019 SENATE JOINT RESOLUTION

1 **Relating to:** extending a state of public health emergency.

Analysis by the Legislative Reference Bureau

This joint resolution extends indefinitely the state of public health emergency declared by the governor on March 12, 2020, in Executive Order #72 in response to COVID-19 Coronavirus until revoked by a subsequent executive order or joint resolution. Under Executive Order #72, the Department of Health Services is given authority as the lead agency to respond to the public health emergency; any administrative rule is suspended if the secretary of health services determines that compliance with it would prevent, hinder, or delay necessary actions to respond to the emergency and increase the health threat; the adjutant general is authorized to activate the Wisconsin National Guard as necessary and appropriate to assist in the response to the public health emergency; all state agencies are directed to assist as appropriate in the ongoing response to the public health emergency; a period of abnormal economic disruption is proclaimed to exist in Wisconsin; and the Department of Agriculture, Trade and Consumer Protection is directed to enforce prohibitions against price gouging during an emergency.

2 Whereas, in January, 2020, the United States declared a public health
3 emergency related to COVID-19 Coronavirus in the United States; and

4 Whereas, on March 12, 2020, Governor Tony Evers, by virtue of his
5 constitutional authority and his authority under sections 100.305, 321.39, 323.10,

1 323.12, and 323.13 of the statutes, issued Executive Order #72, proclaiming a state
2 of public health emergency; designating the Department of Health Services as the
3 lead agency to respond to the public health emergency; directing the Department of
4 Health Services to take all necessary and appropriate measures to prevent and
5 respond to incidents of COVID-19 in the state; suspending the provisions of any
6 administrative rule, if the secretary of health services determines that compliance
7 with that rule would prevent, hinder, or delay necessary actions to respond to the
8 emergency and increase the health threat; authorizing the adjutant general to
9 activate the Wisconsin National Guard as necessary and appropriate to assist in the
10 state's response to the public health emergency; directing all state agencies to assist
11 as appropriate in the state's ongoing response to the public health emergency;
12 proclaiming that a period of abnormal economic disruption, as defined in section
13 100.305 of the statutes, exists in the state; and directing the Department of
14 Agriculture, Trade and Consumer Protection to enforce prohibitions against price
15 gouging during an emergency, as authorized under section 100.305 of the statutes
16 and Chapter ATPC 106 of the Wisconsin Administrative Code; and

17 Whereas, section 323.10 of the statutes allows the governor to issue an
18 executive order declaring a state of emergency related to public health and designate
19 the Department of Health Services as the lead agency to respond to the emergency
20 and provides that a state of emergency declared by the governor shall not exceed 60
21 days unless the state of emergency is extended by joint resolution of the legislature;
22 now, therefore, be it

23 ***Resolved by the senate, the assembly concurring, That*** the state of public
24 health emergency declared by the governor in Executive Order #72 is extended

1 indefinitely until it is revoked by a subsequent executive order of the governor or a
2 subsequent joint resolution of the legislature.

3 (END)

Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, March 31, 2020 2:43 PM
To: Liedl, Kimber
Subject: RE: ORR response letter, Molly Beck

The copy machine / scanner isn't working – can we just send Molly the electronic files?

From: Liedl, Kimber <Kimberly.Liedl@legis.wisconsin.gov>
Sent: Tuesday, March 31, 2020 2:37 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: ORR response letter, Molly Beck

Kimber Liedl
Office of Senator Scott Fitzgerald
13th Senate District
(608) 266-5660

Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, March 31, 2020 2:09 PM
To: Ottman, Tad; Smith, Heather
Subject: FW: Gov's COVID-19 Bill: AHI Matters of Interest
Attachments: Evers COVID19 Legislation.Matters of Interest.03 31 20.docx

From: R. J. Pirlot <Pirlot@hamilton-consulting.com>
Sent: Tuesday, March 31, 2020 1:50 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>; Toftness, Jenny <Jenny.Toftness@legis.wisconsin.gov>
Cc: Rebecca Hogan <hogan@hamilton-consulting.com>
Subject: Gov's COVID-19 Bill: AHI Matters of Interest

Dan and Jenny,

Just to flag them for you, attached are AHI's "matters of interest" in the Governor's COVID19 draft.

R.J. Pirlot
The Hamilton Consulting Group, LLC
Office: 608-258-9506
Direct: 608-310-5325
Mobile: 608-445-4410

Gov. Evers COVID19 Legislation Matters of Interest to AHI

Commercial Insurance

- Creates a telehealth coverage parity mandate (not limited to the COVID-19 public health emergency or any other public health emergency).
- Creates a “surprise billing” provision such that during a public health emergency, an enrollee cannot be charged more for seeing an out-of-network provider (if an in-network provider is not available) for services related to why the emergency was declared; the plan would be required to reimburse the out-of-network provider 250 percent of the Medicare rate and the out-of-network provider may not balance bill the enrollee (applies to any public health emergency).
- Creates a testing for and treatment of (including prescription drugs) COVID-19 insurance mandate, prohibiting cost sharing.
- Creates a COVID-19 vaccination coverage mandate, prohibiting cost sharing.
- Prohibits cancellation of coverage for nonpayment of premiums until 90 days after premium was due (limited to the COVID-19 public health emergency).
- Other than controlled substances, bans prohibitions on early refills (limited to the COVID-19 public health emergency).
- Creates non-discrimination provisions related to COVID-19 diagnosis, i.e., for enrollment, renewal, basis for cancellation, or basis for rates.

Prescription Refills

During a public health emergency, if a pharmacist cannot contact the prescriber, the pharmacist may – one time – extend a prescription without approval by the prescriber. A pharmacist may not extend a prescription if the prescriber has indicated no extensions are permitted. A prescription for a controlled substance may not be extended.

Medical Assistance Program

- Allows DHS to suspend current copayment/premium requirements/the substance abuse treatment needs question for childless adults under MA in order to receive the enhanced FMAP.

Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, March 31, 2020 12:05 PM
To: 'charles.morrison@mail.house.gov'
Subject: Fitzgerald office contact info

Hi Chas,

Good to talk to you, here is my info:

Dan Romportl
Chief of Staff
Senator Scott Fitzgerald
Senate Majority Leader
13th Senate District
(608) 266-5660

Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, March 31, 2020 11:10 AM
To: Liedl, Kimber
Subject: FW: Memo for discussion
Attachments: Covid legislation 1.docx

From: Ottman, Tad <Tad.Ottman@legis.wisconsin.gov>
Sent: Monday, March 30, 2020 5:19 PM
To: Lang, Bob <Bob.Lang@legis.wisconsin.gov>
Cc: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: Memo for discussion

Bob,

I worked with Heather on this list and I think this is mostly where we are at on the Gov's proposal. I've indicated in the attachment where there are items that the Assembly and Senate are slightly different or items that need more discussion. Give me a call if you have any questions.

Thanks,

Tad

Tad Ottman
Legislative Aide
Senator Scott Fitzgerald
608.266.5660

Positions on LRB 5904/1 and LRB 5920/P2

This list is organized following the items as they appear in the March 24, 2020, LFB memo to the 4 leaders.

LRB 5904/1 Resolution to indefinitely extend the public health emergency.

No

LRB 5920/P2

Administration

1. Public Health Emergency State Assistance--NO
2. Grants to Health Care Providers and For Establishment of Temporary Sites--NO
3. Public Health Emergency, Local Assistance--NO
4. Printing Services for Local Governments—NO
5. Employee Transfer Authority—YES
 - a. With report or sunset 90 days after PHE, ASM: No change in salary or benefit after expiration of transfer.
6. Limited-Term Employee Hours—YES
7. Sabbatical Leave for Critical Services—NO
8. Use of Annual Leave—YES (ASM: Clawback if they leave service before they earn the leave they've used)
9. State Employment Filings and In-Person Meetings—YES

Building Commission

1. General Obligation Bonding Refunding Authority—YES

Children and Families

1. Wisconsin Works, Child Care, And Other Economic Support Programs—NO

Elections Commission

1. Electronic Voter Registration During a Public Health Emergency—NO
2. Voter Identification During a Public Health Emergency—NO
3. Absentee Voting During a Public Health Emergency—NO

Employee Trust Funds

1. Rehired Annuitants in Critical Positions—YES
2. Leaves of Absence and Health Insurance—YES

General Provisions

1. Governmental Deadlines During a Public Health Emergency—YES (ASM: late fees only)
2. In Person Appearance Waiver—YES
3. Tenant Protections—NO

Health Services

1. DHS Funding and Authority During Public Health Emergencies—NO
2. Aid to Local Health Departments—NO
3. Division of Public Health Positions—NO
4. Temporary Suspension of Medical Assistance Provisions to Meet Conditions for Enhanced Federal Matching Percentage—YES
5. Legislative Oversight of DHS Federal Requests, MA State Plan Amendments, and MA Provider Reimbursements During Public Health Emergencies—NO

Insurance

1. No Cost Sharing for Covid-19 Testing and Treatment—NO (needs discussion)
2. Prohibit Coverage Discrimination based on Covid-19—MAYBE?
3. Prohibit Policy Cancellation During Public Health Emergency for Premium Nonpayment—NO
4. Telehealth Coverage Parity—NO (needs discussion)
5. Prescription Drug Limits—NO (needs discussion)
6. Liability Insurance for Physicians and Nurse Anesthetists—YES
7. Out-Of-Network Charges and Payments During A Public Health Emergency—NO (needs discussion)

Military Affairs

1. Appropriation for Public Health Emergency Response—NO

Public Instruction

1. Layoffs of School Employees Under Public Health Emergency—NO
2. Additional Waiver Authority for The Department of Public Instruction Under Public Health Emergency—YES (if needed) (ASM: narrow the scope of waiver authority)
3. School and School District Accountability Reports—YES

Revenue

1. Governmental Deadlines During a Public Health Emergency—YES (If needed)

Safety and Professional Services (All are marked NO since they seem to be or could be covered by EO's, but could be considered if they are not) (needs discussion)

1. Health Care Provider Credential Renewals—NO
2. Temporary Credentials for Former Health Care Providers During the Current Public Health Emergency—NO
3. Temporary Credentials for Health Care Providers from Other States—NO

4. Prescription Order Extensions During Public Health Emergencies—NO

Shared Revenue and Property Tax Relief

1. County and Municipal Aid-Public Health Emergency Supplement—NO

Wisconsin Economic Development Corporation

1. Modifications to WEDC's GPR Appropriation for Operations and Programs—NO

Workforce Development

1. Unemployment Insurance Waiting Week Repeal—YES
2. Employee Records During Public Health Emergency--YES

Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, March 31, 2020 10:27 AM
To: Gehl, Patrick; Huebsch, Ryan; Foltz, Adam; Augustyn, Jessie; Ottman, Tad; Liedl, Kimber; Zimmerman, Alec
Subject: FW: March 2020 Timesheets
Importance: High

Just making sure you guys saw this – you can submit time sheets by sending me an electronic copy if that's easier for you

From: Sarnow, Heidi <Heidi.Sarnow@legis.wisconsin.gov>
Sent: Monday, March 30, 2020 1:26 PM
To: *Legislative All Senate <ALLSEN@legis.wisconsin.gov>
Subject: March 2020 Timesheets
Importance: High

Good Afternoon,

This is a reminder to certify your time reporting for March 2020, print the information and have the paper form signed by both yourself and the Senator. Once you have this process complete, please forward the time sheet to the Legislative Human Resources Office (LHRO) by **5:00 P.M. on Friday, April 10th**.

If you are telecommuting, please note that we will accept an electronic timesheet. If you are unable to sign your timesheet and/or have your legislator sign your timesheet, please follow the instructions below:

- 1) Complete your TRIO timesheet;
- 2) Save and certify your timesheet;
- 3) Save your timesheet as a PDF file and email it to your appointing authority for review/approval with the following statement: "I was engaged in employment for the Wisconsin State Legislature on the dates and hours indicated and I did not engage in campaign activities during such time."
- 4) Have your appointing authority review and state their approval of your timesheet in an email and forward to Heidi.Sarnow@legis.wisconsin.gov

It is important to complete this process as soon as possible so the information shown on your trio account will show accurate leave. All leave usage information is entered directly from the time sheets you submit. Any delay in submitting those sheets will result in inaccurate data being shown on trio. Employees who wish to fax time sheets to the LHRO may do so. The fax number is 6-1151. Please note that the signed should still be forwarded by inter-d mail to the LHRO.

If your office has already sent signed hard copies of the time sheets to the Senate Chief Clerk or LHRO, you need not do anything.

Employees having technical questions on the electronic certification and/or printing process to be used should contact the Legislative Technology Services Bureau Technical Support at 7-9528 or via e-mail at technical.support@legis.state.wi.us for assistance.

Thank you.



HEIDI SARNOW | Payroll and Benefits Officer
Wisconsin Legislature
Legislative Human Resources Office
17 W. Main Street, Ste #402
Madison, WI 53703
Office: 608.316.9700
Fax: 608.266.1151

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Romportl, Dan

From: Romportl, Dan
Sent: Tuesday, March 31, 2020 10:25 AM
To: Sarnow, Heidi
Subject: re: March 2020 Timesheets

Importance: High

I was engaged in employment for the Wisconsin State Legislature on the dates and hours indicated and I did not engage in campaign activities during such time.



Calendar.pdf

Dan Romportl
13th Senate District

From: Sarnow, Heidi <Heidi.Sarnow@legis.wisconsin.gov>
Sent: Monday, March 30, 2020 1:26 PM
To: *Legislative All Senate <ALLSEN@legis.wisconsin.gov>
Subject: March 2020 Timesheets
Importance: High

Good Afternoon,

This is a reminder to certify your time reporting for March 2020, print the information and have the paper form signed by both yourself and the Senator. Once you have this process complete, please forward the time sheet to the Legislative Human Resources Office (LHRO) by **5:00 P.M. on Friday, April 10th**.

If you are telecommuting, please note that we will accept an electronic timesheet. If you are unable to sign your timesheet and/or have your legislator sign your timesheet, please follow the instructions below:

- 1) Complete your TRIO timesheet;
- 2) Save and certify your timesheet;
- 3) Save your timesheet as a PDF file and email it to your appointing authority for review/approval with the following statement: "I was engaged in employment for the Wisconsin State Legislature on the dates and hours indicated and I did not engage in campaign activities during such time."

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If your office has already sent signed hard copies of the time sheets to the Senate Chief Clerk or LHRO, you need not do anything.

Employees having technical questions on the electronic certification and/or printing process to be used should contact the Legislative Technology Services Bureau Technical Support at 7-9528 or via e-mail at technical.support@legis.state.wi.us for assistance.

Thank you.



HEIDI SARNOW | Payroll and Benefits Officer
Wisconsin Legislature
Legislative Human Resources Office
17 W. Main Street, Ste #402
Madison, WI 53703
Office: 608.316.9700
Fax: 608.266.1151

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Payroll for Dan Romportl (FITZGERALDS) HR Id: 200002491

Hours	Sunday 3/1/2020	Monday 3/2/2020	Tuesday 3/3/2020	Wednesday 3/4/2020	Thursday 3/5/2020	Friday 3/6/2020	Saturday 3/7/2020	Total
Hours		8:00	8:00	8:00	6:00	8:00		38:00
Vacation					2:00			2:00
Certified		3/31/2020	3/31/2020	3/31/2020	3/31/2020	3/31/2020		40:00

Hours	Sunday 3/8/2020	Monday 3/9/2020	Tuesday 3/10/2020	Wednesday 3/11/2020	Thursday 3/12/2020	Friday 3/13/2020	Saturday 3/14/2020	Total
Hours			8:00	8:00	10:00	6:00		32:00
Sick		8:00						8:00
Certified		3/31/2020	3/31/2020	3/31/2020	3/31/2020	3/31/2020		40:00

Hours	Sunday 3/15/2020	Monday 3/16/2020	Tuesday 3/17/2020	Wednesday 3/18/2020	Thursday 3/19/2020	Friday 3/20/2020	Saturday 3/21/2020	Total
Hours		8:00	8:00	9:00	7:00	8:00		40:00
Certified		3/31/2020	3/31/2020	3/31/2020	3/31/2020	3/31/2020		40:00

Hours	Sunday 3/22/2020	Monday 3/23/2020	Tuesday 3/24/2020	Wednesday 3/25/2020	Thursday 3/26/2020	Friday 3/27/2020	Saturday 3/28/2020	Total
Hours		8:30	8:00	7:30	8:00	8:00		40:00
Certified		3/31/2020	3/31/2020	3/31/2020	3/31/2020	3/31/2020		40:00

Hours	Sunday 3/29/2020	Monday 3/30/2020	Tuesday 3/31/2020	Wednesday 4/1/2020	Thursday 4/2/2020	Friday 4/3/2020	Saturday 4/4/2020	Total
Hours		8:00	8:00					16:00
Certified		3/31/2020	3/31/2020					16:00

Summary from 3/1/2020 to 3/31/2020

Hours	Vacation	Comp Time	Sick	Holiday	Personal Time	Utility Outage Day	COVID-19 Paid Sick Leave (Self)	COVID-19 Paid Sick Leave (Family/Childcare)	COVID-19 Paid Emergency FMLA
166:00	2:00	0:00	8:00	0:00	0:00	0:00	0:00	0:00	0:00

Employee Signature	3/31/2020	Supervisor Signature	3/31/2020
I was engaged in employment for the WI State Senate on the dates and hours indicated and I did not engage in campaign activities during such time.		This is to certify that I did not assign campaign activity for any of the time the employee has claimed and to the best of my knowledge, information, and belief the employee did not engage in campaign activity during the time claimed.	

Security Key: e3e823e9f01fb5573e7867f7772ec08d

Romportl, Dan

From: Romportl, Dan
Sent: Monday, March 30, 2020 7:33 PM
To: Lakin, Tim
Subject: FW: 30 Vos Fitzgerald BL
Attachments: 30 Vos Fitzgerald BL.pdf

-----Original Message-----

From: Gehl, Patrick <Patrick.Gehl@legis.wisconsin.gov>
Sent: Monday, March 30, 2020 5:33 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>; Ottman, Tad <Tad.Ottman@legis.wisconsin.gov>
Subject: FW: 30 Vos Fitzgerald BL

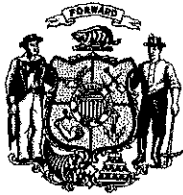
-----Original Message-----

From: Barton, Elizabeth <Elizabeth.Barton@legis.wisconsin.gov>
Sent: Monday, March 30, 2020 5:15 PM
To: Rep.Vos <Rep.Vos@legis.wisconsin.gov>; Sen.Fitzgerald <Sen.Fitzgerald@legis.wisconsin.gov>
Subject: LFB: 30 Vos Fitzgerald BL

Representative Vos and Senator Fitzgerald --

Please see the attached LFB memo from Bob Lang.

Thank you,
Liz Barton



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873
Email: fiscal.bureau@legis.wisconsin.gov • Website: <http://legis.wisconsin.gov/lfb>

March 30, 2020

TO: Representative Vos and Senator Fitzgerald
State Capitol

FROM: Bob Lang, Director

SUBJECT: Unemployment Insurance Provisions in Recent Federal Legislation

This memorandum addresses provisions under the recent federal legislation regarding unemployment insurance and whether state legislation is required to implement these provisions. The memorandum also provides information on the state's unemployment insurance trust fund balance and employer tax rates.

Families First Coronavirus Response Act (FFCRA)

Under the FFCRA, Wisconsin's share of Fiscal Year 2020 unemployment insurance (UI) emergency administrative grants is \$18,914,772. The funding will be allocated in two equal allotments of \$9,457,386, if certain criteria are satisfied:

Allotment I

To receive Allotment I funding, the state must show that certain basic UI processing, accessibility and notification procedures are in place. According to the Department of Workforce Development (DWD), the Department has already adopted these procedures in some form, or they were already in place. The state is likely to qualify for this funding and no legislative action is required.

Allotment II

The United States Department of Labor (USDOL) will award the remaining 50% of the state's available emergency administrative grant if the following requirements are all satisfied:

1. The state's initial claims for unemployment have increased by at least 10% over the same rolling quarter in the previous calendar year. This criteria will likely be satisfied immediately in Wisconsin given the recent rise in initial claims. Based on 51,023 initial claims filed in Wisconsin

for the UI week ending on March 21, 2020, initial claims for the most recent three-month period dating to the week ending December 28, 2019, would total 135,800. This would be 35% higher than the approximately 100,000 initial claims reported in the state for the same three-month period in late 2018 and early 2019, therefore surpassing the 10% threshold specified under the FFCRA. Further, it is anticipated initial claims in March and April of 2020 will continue to exceed initial claims recorded in the corresponding weeks of 2019.

2. The state expresses its commitment to maintain and strengthen access to the unemployment insurance system, including through initial and continued claims. DWD has said that it will commit to this.

3. The state demonstrates steps it has taken or will take to ease eligibility requirements and access to UI, including modifying or suspending:

a) work search requirements, which was satisfied in Wisconsin by Emergency Order #7; and

b) the waiting week, for which legislation is likely required, although only a temporary repeal of the waiting week requirement appears to be necessary for the purposes of securing the second allotment of emergency administrative grant funding; and

c) non-charging employers directly impacted by COVID-19 due to an illness in the workplace or direction from a public health official to isolate or quarantine workers. During the March 19, 2020 Unemployment Insurance Advisory Committee (UIAC) meeting, DWD stated that it was waiting for guidance from USDOL as to what would be required of states to implement this provision. USDOL guidance was provided March 22, 2020, in Program Letter No. 13-20 but the guidance provided on this matter was not definitive. USDOL guidance states:

"When determining, in the context of COVID-19, whether certain unemployment benefits should be charged to employers, states should consider how to fairly distribute the costs to employers. Additionally, states are reminded that if they opt to provide non-charging relief to reimbursable employers, then the same non-charging relief must also be provided to contributory employers. Importantly, states must still apply the provisions under Section 3303(f), FUTA, which prohibit non-charging due to employer fault."

The intent of this provision in the FFCRA is to encourage states to place certain COVID-19 related charges against the state's UI balancing account, instead of the employer's UI experience account. It is not yet clear how broadly USDOL's guidance could be interpreted when determining who should be non-charged, and whether this could be accomplished by DWD without legislation. To answer this question, further guidance would be required from the USDOL as well as further consultation with DWD and legislative attorneys.

Timing of Allotment Applications Under FFCRA

USDOL states in its guidance letter that "States have the option of applying for each of the two allotments separately, which may be particularly beneficial in the event that the state has not

met the 10% increase in initial claims activity to meet the requirement of the second allotment, or where the state is only able to commit to meeting requirements for Allotment I but not Allotment II. States that meet the requirements for both allotments may submit a single application requesting both allotments." FFCRA requires that USDOL release Allotment I funding within 60 days of enactment of the law. Given that many states are likely to immediately trigger the 10% initial claims increase provision included in the bill, these states will likely choose to apply for both Allotment I and Allotment II funding at the same time, in a single application.

Coronavirus Aid, Relief, and Economic Security Act (CARES Act)

The CARES Act, signed into law on March 27, 2020, provides for a substantial expansion of unemployment insurance and benefits for workers impacted by the COVID-19 pandemic.

Supplemental Payments

The CARES Act provides that from the date the bill is signed through July 31, 2020, the federal government will provide temporary pandemic unemployment compensation of \$600 a week to any worker eligible for state or federal unemployment insurance benefits. The \$600 would be paid in addition to and at the same time as regular state UI benefits. The federal supplement would not affect income eligibility for Medicaid or the Children's Health Insurance Program. State UI programs would be fully reimbursed for the cost of administering the supplement and for the cost of the supplement itself. It is not likely that legislation would be needed to implement this section of the Act.

Expanded Eligibility

The CARES Act creates a pandemic unemployment assistance program that expands unemployment insurance coverage to certain workers who are typically not eligible for UI benefits, such as self-employed workers, independent contractors, freelancers, and workers who do not have a sufficient work history to qualify for regular state UI benefits. The temporary federal expansion of UI would be for those workers not eligible for regular or extended benefits under state or federal law, or who have exhausted their regular state UI benefits, so long as their unemployment was connected to COVID-19. The total number of weeks qualified individuals may receive pandemic unemployment assistance may not exceed 39 weeks and includes any weeks for which an individual received regular compensation or extended benefits under any federal or state law. Pandemic unemployment assistance is for weeks of unemployment beginning on or after January 27, 2020, and ending on or before December 31, 2020, with qualifying individuals eligible to claim benefits retroactively.

Claimants under the expanded program would apply for benefits through state UI offices, and states would be fully reimbursed for the cost of benefits and administration. Qualifying individuals would be eligible to receive a weekly amount equal to the weekly benefit amount as determined by state law, but not less than 50% of the average weekly payment of regular UI compensation in the state, in addition to the weekly \$600 pandemic compensation payment. Notwithstanding state law, pandemic unemployment assistance payments under the CARES Act would not be subject to a

waiting period. The Act requires the USDOL Secretary to provide pandemic unemployment assistance through agreements with States which, in the judgment of the Secretary, have an adequate system for administering such assistance through existing state agencies. The pandemic unemployment assistance program is modeled after, and substantially similar to, the state-federal disaster unemployment assistance program provided in current state law (s. 108.145) and federal code (42 U.S.C. 5177a). DWD may be able to execute an agreement to administer the pandemic unemployment assistance program without additional state legislation although further guidance from the USDOL would be necessary to make such a determination.

Extended Benefits

The CARES Act provides for an additional 13 weeks of unemployment benefits to UI claimants that have exhausted regular state UI benefits. In Wisconsin, regular UI benefits can be claimed for a maximum of 26 weeks. The Act would therefore extend UI benefits in the state to 39 weeks. The additional 13 weeks of extended benefits would be fully federally funded for those states that enter into an agreement with the USDOL. Claimants for these extended benefits would also qualify for the \$600 supplemental weekly payment under the bill.

Full Federal Funding for States With No Waiting Week

The CARES Act provides temporary full federal funding of the first week of regular UI benefits for states with no waiting week. Under the Act, states may enter into an agreement with USDOL for this funding if the state law (including a waiver of state law) provides that compensation is paid to individuals for their first week of regular unemployment without a waiting week. An agreement entered into would apply to weeks of unemployment beginning after the date on which the agreement is entered into and ending on or before December 31, 2020. Legislation would be required to either repeal or temporarily waive, through December 31, 2020, Wisconsin's waiting week requirement for the state to enter into an agreement with USDOL for full funding under this section of the Act.

Full Federal Funding for States With A Work-Share Program

Work-share programs (also called short-term compensation) are designed to provide a pro-rated unemployment benefit for employees of employers who voluntarily make an agreement with the state to reduce work hours instead of laying off workers. For states that currently have a federally approved work-share program, like Wisconsin, the CARES Act would provide 100% federally funded UI benefits through December 31, 2020. Under current law, Wisconsin's work-share program is funded entirely through the employer's UI account. The Act also provides \$100 million in grants to states to implement, improve, and promote work-share programs. Since Wisconsin's work-share program is specified in statute, any change or modification to the program could require legislative action and would require federal approval. USDOL guidance will also be necessary to implement this section of the Act.

Relief for Governmental Entities and Non-Profit Organizations

The CARES Act would provide federal funding to states to reimburse nonprofits, government agencies, and Native American tribes for 50% of the costs they incur to pay for UI benefits through December 31, 2020. Under the Act, the USDOL may issue clarifying guidance to allow states to interpret their state UI laws in a manner that would provide maximum flexibility to reimbursing employers as it relates to timely payment and assessment of penalties and interest pursuant to such state laws. Depending on this federal guidance, state legislation may be required to implement this section of the Act.

Employer UI Taxes and UI Trust Fund Balance

Under current state law, there are four different sets of employer contribution and solvency tax rate schedules. These schedules provide for lower employer contributions for years in which the state's UI trust fund balance is relatively high. The specific rate schedule that applies in a given year depends upon the balance in the state's unemployment reserve fund on the prior June 30. Schedule A is effective if the balance in the state's unemployment reserve fund is less than \$300 million. Schedule B is in effect if the balance in the fund is at least \$300 million but less than \$900 million. Schedule C applies if the balance in the fund is at least \$900 million, but less than \$1.2 billion, and Schedule D applies if the balance is at least \$1.2 billion.

Wisconsin's UI trust fund balance on June 30, 2019, was \$1.8 billion. This means that Wisconsin's employers are in Schedule D for 2020, the lowest tax rate schedule. This has been the third consecutive year that the lowest UI tax rate schedule has been in effect in Wisconsin. This situation for employers compares favorably to the period immediately preceding the 2007-2009 recession when state employers were already paying taxes under the second highest tax rate schedule (Schedule B) prior to heading into the recession.

Wisconsin's UI trust fund balance as of February 29, 2020, was \$1.92 billion. This is Wisconsin's largest trust fund balance in recent history. However, the dollar amount in a state trust fund is not a precise measure of state solvency, because no comparison is made to the fund's potential benefit liabilities or state payroll size. USDOL's metric for measuring the solvency of state UI trust funds is called the Average High Cost Multiple (AHCM). Generally, the AHCM measures the trust fund balance as a percentage of total payroll against an average of either the three highest-cost benefit years of the last 20 years, or the last three recessions, whichever time period is longer. USDOL recommends that state trust fund balances support at least a 1.0 AHCM. Values of 1.0 or higher are desirable because it means that a state's reserves are sufficient to cover one year of payments at an expected recessionary benefit payout rate. As of January 1, 2020, Wisconsin's AHCM was equal to .97, or just under the recommended 1.0 level. This situation for the state and for employers compares favorably to the period immediately preceding the 2007-2009 recession; Wisconsin's AHCM at the end of 2006, just prior to the recession, was 0.29 and the state's trust fund balance was \$554 million.

The current economic situation is rapidly evolving and is proving unique from prior recessionary periods with initial unemployment claims spiking to peak levels in a matter of days, instead of weeks or months. While the state's UI trust fund is better funded now than it was prior to

the last recession and employers continue to pay UI taxes from the most favorable schedule, the unprecedented nature of the COVID-19 pandemic means that it is not possible to predict how quickly the state's UI trust fund could be drawn down to a level that would trigger a less favorable tax schedule. Further, additional federal legislation or USDOL guidance could impact UI benefits and financing terms, which would also impact any attempt to estimate trust fund balances and employer tax schedules.

BL/RH/lb

Romportl, Dan

From: Romportl, Dan
Sent: Monday, March 30, 2020 11:30 AM
To: Dye, Jenni N - GOV
Subject: RE: contact info

Yes, sounds great

From: Dye, Jenni N - GOV <jenni.dye@wisconsin.gov>
Sent: Monday, March 30, 2020 9:49 AM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: Re: contact info

Can you talk at 3pm?

Jenni Dye
Policy Director
Office of Governor Tony Evers
Email: jenni.dye@wisconsin.gov
Phone: 608-264-6329 (office)
[Like Governor Tony Evers on Facebook](#) | [Follow Governor Tony Evers on Twitter](#)

From: Romportl, Dan - LEGIS <Dan.Romportl@legis.wisconsin.gov>
Sent: Sunday, March 29, 2020 3:57 PM
To: Dye, Jenni N - GOV <jenni.dye@wisconsin.gov>
Subject: RE: contact info

Thanks for the call, sorry I missed it - that sounds great, let's talk tomorrow. -Dan

From: Dye, Jenni N - GOV <jenni.dye@wisconsin.gov>
Sent: Sunday, March 29, 2020 12:42 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: Re: contact info

Hi Dan:

Just left you a voicemail. My team is working on details today with the State Budget Office and agencies, but should be in a position to have a more detailed discussion tomorrow or happy to talk about topline today. I would greatly appreciate the chance to talk so that we have as collaborative an approach as possible to getting a response package done together.

My cell is 608-279-6762.

Best,

Jenni Dye

Policy Director
Office of Governor Tony Evers
Email: jenni.dye@wisconsin.gov
Phone: 608-264-6329 (office)
[Like Governor Tony Evers on Facebook](#) | [Follow Governor Tony Evers on Twitter](#)

From: Romportl, Dan - LEGIS <Dan.Romportl@legis.wisconsin.gov>
Sent: Sunday, March 29, 2020 12:24 PM
To: Dye, Jenni N - GOV <jenni.dye@wisconsin.gov>
Subject: contact info

Hi Jenni,

I wanted to pass along my cell # – if a call is helpful today to discuss the policy doc(s) that you are planning to send our way, please let me know, happy to talk.

Thanks,

*Dan Romportl // Fitzgerald office
Cell 608-386-4867*

Romportl, Dan

From: Romportl, Dan
Sent: Monday, March 30, 2020 11:25 AM
To: Ottman, Tad
Subject: FW: Emergency Rules / Temporary Statute Changes for Funeral Directors
Attachments: FSCA - Memo re COVID - 19.pdf

From: George Ermert <george@sgrwi.com>
Sent: Saturday, March 21, 2020 2:15 PM
To: Toftness, Jenny <Jenny.Toftness@legis.wisconsin.gov>; Pritzkow, Emily <Emily.Pritzkow@legis.wisconsin.gov>; Henkel, Matt <Matt.Henkel@legis.wisconsin.gov>; Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>; Palese, Tony <Tony.Palese@legis.wisconsin.gov>
Cc: Smith, Heather <Heather.Smith@legis.wisconsin.gov>; Groshek, Dave <Dave.Groshek@legis.wisconsin.gov>; Bender, Mark <Mark.Bender@legis.wisconsin.gov>; Augustyn, Jessie <Jessie.Augustyn@legis.wisconsin.gov>; Erin Longmire <erinlongmireconsulting@gmail.com>
Subject: Emergency Rules / Temporary Statute Changes for Funeral Directors

Jenny / Emily / Matt / Dan / Tony,

Attached is a memo from the Funeral Service & Cremation Alliance detailing some of the issues they currently facing or are expecting to face in light of the COVID-19 outbreak. This includes some recommended emergency rule / statute changes that funeral directors believe will be needed if the death rate begins to rapidly increase.

This information has also been shared with Gov. Evers' staff and the Funeral Directors Examining Board.

We would be happy to discuss this in more detail via phone.

Please let me know.

Thanks,

George Ermert
Office: 608-259-1212 x6
Mobile: 414-405-0838
Schreiber GR Group



To: Legislative Leadership

Fr: Erin Longmire – Executive Director, Funeral Service & Cremation Alliance

Re: Proposed Emergency Rule & Statute Changes in Response to COVID – 19 Pandemic

Dt: March 20, 2019

We applaud the critical steps that the state of Wisconsin has taken to limit the spread of COVID-19 and mitigate the impact of illness.

However, it is a sad inevitability that - as we have seen in other countries - there could be mass-fatalities. Funeral service providers will be on the front lines dealing with the COVID – 19 deaths in addition to their usual daily death rate. These additional COVID-19 deaths may overload their capabilities.

Below details some emergency rule and statutory changes that we recommend be put into place to mitigate the spread of the disease and provide funeral professionals with the ability to do their job most efficiently. These would only apply to those deaths that COVID-19 is listed as the underlying cause on the death certificate.

Statutory & Rule Changes

1. Remove the requirement under Chapter 979.10 (1)(b) for mandatory viewing of a body by a coroner or medical examiner prior to cremation if a physician has signed the death certificate and listed COVID-19 as the underlying cause of death.
2. Under Chapter 979.10, require the issuance of a cremation permit within 48 hours following the death if the death certificate has been signed by a physician and listed COVID-19 as the underlying cause of death.
3. Remove any requirement that mandates a medical examiner or coroner sign the death certificate if the death certificate has already been signed by a physician and listed COVID-19 as the underlying cause of death.
4. Require electronic signatures on death certificates from physicians during the statewide emergency with all death certificates to be signed within 48 hours after the death if the underlying cause of death is COVID-19.

Funeral Service as an Essential Service / Critical Infrastructure Industry

Death care professionals stand ready to provide meaningful assistance to our nation by caring for the dead and their grieving families. However, in order to do their jobs, they need to be protected.

1. Personal Protective Equipment (PPE) availability and access:

In order to perform essential public health tasks, death care workers must have access to PPEs (i.e. masks, gloves). Caring for the body of an individual who has died of COVID-19 puts funeral directors and embalmers at risk for exposure to the virus. We ask that you ensure death care workers have priority access to PPEs like those in the healthcare field.

2. Exemption from quarantine orders:

The Department of Homeland Security's Cybersecurity and Infrastructure Security Agency named mortuary works as "critical infrastructure workers" under guidance issued on March 19, 2020. According to the guidance, "If you work in a critical infrastructure industry, as defined by the Department of Homeland Security, such as healthcare services and pharmaceutical and food supply, you have a special responsibility to maintain your normal work schedule." Mortuary workers are included in the Healthcare / Public Health category.

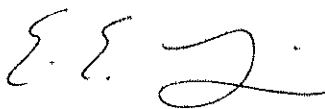
Because of this, we want to ensure that mortuary workers are exempt from any state or local "shelter in place" orders or mandatory business closures.

3. Priority for vaccines:

Due to the high risk of exposure to the COVID-19 virus while caring for the bodies of those who die of COVID-19, we urge that death care workers be included in the top-tier of essential services to receive a vaccine when it becomes available. In 2008 when faced with the H1N1 Pandemic, CDC elevated "Mortuary Service Providers" to the Tier II level for vaccine prioritization. There are six tiers to the system with the most critical workers and personnel in Tiers I, II, and III. We ask for similar consideration for our members with a COVID-19 vaccine as we confront this latest pandemic.

Thank you for your prompt attention to these issues. On behalf of our members in Wisconsin, we stand ready, as always, to care for the dead and the families left behind.

Sincerely,



FSCA Executive Director

Romportl, Dan

From: Romportl, Dan
Sent: Monday, March 30, 2020 11:06 AM
To: Ottman, Tad
Subject: FW: JCF Chief of Staffs - Couple of Urgent Requests

From: Mikalsen, Mike <Mike.Mikalsen@legis.wisconsin.gov>
Sent: Monday, March 30, 2020 10:56 AM
To: Prange, Katy <Katy.Prange@legis.wisconsin.gov>; Duerkop, Nathan <Nathan.Duerkop@legis.wisconsin.gov>; Mugnaini, Jason <Jason.Mugnaini@legis.wisconsin.gov>; Gibbs, Adam <Adam.Gibbs@legis.wisconsin.gov>; Ponio, Jerry <Jerry.Ponio@legis.wisconsin.gov>; Lakin, Tim <Tim.Lakin@legis.wisconsin.gov>; Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>; Rettinger, Nik <Nik.Rettinger@legis.wisconsin.gov>; Koenen, Kyle <Kyle.Koenen@legis.wisconsin.gov>; Lonergan, Sandy <Sandy.Lonergan@legis.wisconsin.gov>; Summerfield, Craig <Craig.Summerfield@legis.wisconsin.gov>; Zantow, Jenna <Jenna.Zantow@legis.wisconsin.gov>; Fiocchi, Tim <Tim.Fiocchi@legis.wisconsin.gov>; Henkel, Matt <Matt.Henkel@legis.wisconsin.gov>; Soper, John <John.Soper@legis.wisconsin.gov>; Emerson, James <James.Emerson@legis.wisconsin.gov>; Esser, Jennifer <Jennifer.Esser@legis.wisconsin.gov>; Kelly, Scott <Scott.Kelly@legis.wisconsin.gov>
Subject: JCF Chief of Staffs - Couple of Urgent Requests

Based on our experiences with the Doyle Administration during the Great Recession, there are couple of situations that will repeat in regards to state finances within weeks:

(1) It would be helpful to have LFB prepare a paper identifying what PR and SEG balances currently exist throughout state government and the amounts "eligible" to be temporarily shifted (raided) to the General Fund. Whether we like it or not this shifting to the General Fund will become necessary, but we need information to do it wisely and ration these shifts between this fiscal year and the next fiscal year. Probably would also want to plan for some of these dollars being available in the 2021-23 biennium as well.

(2) As with Doyle, the Evers Administration will attempt to stockpile federal discretionary dollars coming in from the various federal COVID-19 stimulus/response packages to fully fund K-12 education aid, state government and local government operations in the 2020-21 fiscal year and next biennium. In part, this explains why the Governor's bill this week was seeking \$700 million GPR and sum sufficient GPR authority to fight Covid-19 in this first phase. We need a way with LFB to constantly monitor GPR and federal fund balances in each agency to make sure the administration can't back the legislature into a circumstance of limited options for addressing the nearly unavoidable fiscal crisis yet this fiscal year and the new fiscal year starting July 1st.

Mike Mikalsen
Chief of Staff
Senator Steve Nass
11th State Senate District
(608) 266-2635

Romportl, Dan

From: Romportl, Dan
Sent: Monday, March 30, 2020 9:07 AM
To: Zimmerman, Alec; Ottman, Tad
Subject: RE: Legislation

I would just tell him that Fitz will be available to the press this week to discuss it (details of that still being worked out), and as of right now there isn't a draft, it's still being discussed between the parties (leadership, members, gov's staff, minority leaders, etc.).

From: Zimmerman, Alec <Alec.Zimmerman@legis.wisconsin.gov>
Sent: Monday, March 30, 2020 8:38 AM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>; Ottman, Tad <Tad.Ottman@legis.wisconsin.gov>
Subject: FW: Legislation

How would you like to handle this?

Alec Zimmerman
Communications Director
Senator Scott Fitzgerald
Senate Majority Leader
(o) 608.266.5660
(c) 608.317.4320

From: Beck, Molly <MABeck@gannett.com>
Sent: Monday, March 30, 2020 7:55 AM
To: Zimmerman, Alec <Alec.Zimmerman@legis.wisconsin.gov>; Beyer, Kit <Kit.Beyer@legis.wisconsin.gov>
Cc: Marley, Patrick <patrick.marley@jrn.com>
Subject: Legislation

Hi Alec and Kit,

I hope you had some sort of a weekend and that it was nice. Thanks again for connecting me with your bosses over the weekend.

Gov. Evers' team said this weekend they would move forward with many pieces of the first relief bill after Sen. Fitzgerald and Speaker Vos said the bill would not be taken up. Could you share with me more details about legislation the GOP leaders are looking at, and what the time table is? Do they support Gov. Evers making hires and policy changes included in the bill via EO instead of legislation?

Thanks,
Molly

—
Molly Beck
Milwaukee Journal Sentinel
(608) 287-8412
@mollybeck

Romportl, Dan

From: Romportl, Dan
Sent: Monday, March 30, 2020 8:57 AM
To: Ottman, Tad
Subject: member asks

FYI – just so you have these

Members Asks:

Jacque/Wanggaard – suspension of job search requirement & one-week UI waiting period

Wanggaard – one-year suspension of days-of-school instruction mandate

Petrowski – food banks (similar to SB490) - \$6.2m

Petrowski – public defender pay – identical to bill

Fitzgerald – enforcement of bus contracts

Kooyenga:

1. Temporary suspension of minimum markup law (unfair sales tax) during a State of Emergency declared by either the Governor of Wisconsin or the President of the United States
2. Suspend minimum markup law on medical supplies and pharmaceuticals
3. Temporarily allow the Governor to expand the scope of practice requirements for any medical professional upon written request and authorization from a supervising medical provider during a public health emergency declared by the Governor of Wisconsin or POTUS
4. Waive the collaboration requirement for advanced practice nurses during a public health emergency
5. Remote learning funding
 - a. Provide a maximum \$250 voucher for remote learning hardware OR
 - b. Provide a maximum \$500 voucher for teacher costs related to delivering curriculum or supplies to students at their homes
6. **Direct school districts to pay transportation companies contracted amounts less the fuel savings realized during a public health emergency**
7. Grant a one-time tax deferment to July 2021 without penalty and interest for companies and businesses for taxes owed the DOR for 2019
8. Ensure the extended filing deadline for individual filers mirrors the extended filing deadline of the IRS
9. Provide an interest free loan to local tourism businesses with approval from WEDC from hotel taxes collected in 2020
10. Allow municipal governments to modify the dates by which property tax installments are due by waiving the statutory requirement 74.12(1)(a) that only allows a municipality to make a change to its tax due dates if enacted by August 15 of the preceding year

Jacque:

- Co-Sponsorship of LRB 5942/1, relating to: coverage of telehealth services
- Co-Sponsorship of LRB 5922/1, relating to: reciprocal credentials and granting rule-making authority.
- Co-Sponsorship of LRB 5929/1, relating to: Postponing the annual town meeting and the meeting of the boards of review
- Co-Sponsorship of LRB 5928/1, relating to: Meetings of governing bodies of political subdivisions during a state of emergency
- Co-Sponsorship of LRB 5919/1, relating to: Suspension of the waiting period for collection of unemployment insurance benefits.
- Co-Sponsorship of LRB 5932/1, relating to: Application of prescription drug payments for health coverage.

- Co-Sponsorship of LRB 5924/1, relating to: Allowing certain rehired annuitants to elect to not become new participants in the Wisconsin Retirement System for a defined period.

Romportl, Dan

From: Romportl, Dan
Sent: Sunday, March 29, 2020 5:11 PM
To: Ottman, Tad
Subject: RE: please review
Attachments: WMC COVID-19 Relief-Recovery Agenda_FINAL.pdf

Thanks – also check out WMC’s wish list – the one I thought was a good idea, and coincidentally was one that Manley brought up when we talked with him, was easing the WorkShare requirements

From: Ottman, Tad <Tad.Ottman@legis.wisconsin.gov>
Sent: Sunday, March 29, 2020 4:50 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: RE: please review

I think DOA #7 is questionable.

I think we should consider all the DSPS stuff. He’s already done it through EO mostly but if it’s of dubious legality we can allow it.

DPI #1 should be off the table. School district employees can’t be the only ones in the state we protect from being laid off.

From: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Sent: Sunday, March 29, 2020 3:46 PM
To: Ottman, Tad <Tad.Ottman@legis.wisconsin.gov>
Subject: please review

Working off of the Governor’s first bill, I split these provisions out into two categories – let me know if you have different feelings on any them:

NOT NEEDED / NOT DOING

LRB5904/1 – SJR extending PHE declared by Evers indefinitely
DOA #1-4 – DOA sum sufficient (\$200m) , grants to health care providers (\$100m), aid to locals (\$20m), printing services
Elections Commission #1-3 – election administration changes
General Provisions #3 – landlord/tenant
DHS #1-3 – unlimited sum sufficient, local health dept aids (\$17m), Division of Public Health positions (64.0 FTE)
DHS #5 – suspension of legislative oversight of waiver requests
Insurance #1-7
Military Affairs #1 – sum sufficient (\$300m)
DOR #1 – tax deadlines
DSPS #1-4
Shared Revenue #1
WEDC #1

UNDER CONSIDERATION

DOA #5-8 – employee treatment changes (no fiscal)

Building Commission #1 – bond refinancing
DCF #1 – economic support programs (\$25m GPR, \$100m FED)
ETF #1-2 – annuitants treatment (no fiscal)
General Provisions #1-2 – governmental deadlines (no fiscal)
DHS #4 – FMAP / 1135 waiver
DPI #1-3
DWD #1-2 – one week waiting period

WMC COVID-19 Relief & Recovery Agenda

Economic Continuity

Ensure Critical Business Operations May Continue

Our economy must be allowed to function during times of emergency, especially businesses and workers in the areas of health care delivery, and the manufacturing and distribution of food, medicine, medical equipment, energy, and other critical products that supply those industries and their distribution chains. Our statutes must, at a minimum, specifically ensure that any state or federal emergency order maintain the availability of employers and workers to remain operational in the areas referenced in the Department of Homeland Security "Guidance on the Essential Critical Infrastructure Workforce." WMC believes all manufacturing, its suppliers and distribution must be deemed essential.

Business Liquidity

The economic downturn has resulted in many businesses, both large and small, in a difficult cash flow situation that makes it hard or even impossible to meet payroll and pay vendors. The following measures would provide immediate relief to employers, making it easier to keep employees on the payroll.

Allow Businesses to Temporarily Defer Paying 2020 State Taxes

Allow businesses to defer making payments on income and franchise taxes, the economic development surcharge, the sales tax imposed on retailers, and other relevant state taxes in 2020. This action would increase liquidity for businesses and delay compliance costs associated with filing tax returns.

Defer Sales Tax Payments and Pause Audits

The Legislature should statutorily defer sales tax payments from businesses to the Department of Revenue (DOR) until the emergency order is lifted, including deferral of interest on payments not made during this time. Also, require the DOR to pause all sales tax audits, which are incredibly disruptive to business operations, until after the emergency is lifted.

Property Tax Payment Extension

Provide businesses with a 90-day extension on their next property tax payment installment.

~ continued on next page ~



WMC
WISCONSIN MANUFACTURERS
& COMMERCE

FOR MORE INFORMATION CONTACT:

Scott Manley
WMC Executive Vice President
of Government Relations
Phone: 608.258.3400
Email: smanley@wmc.org

WMC COVID-19 Relief & Recovery Agenda

WMC
WISCONSIN MANUFACTURERS
& COMMERCE

Business Liquidity (cont'd)

Agricultural Building Tax Credit

The agricultural sector is responsible for keeping grocery store shelves stocked in these uncertain times. However, the last few years have been a challenging time for many members of Wisconsin agriculture due to low commodity prices and trade uncertainty. Enacting AB 873/SB 818 would provide up to \$7,500 per producer – in the form of an income tax credit that would offset property taxes paid on buildings used for agricultural production – which would allow farmers to reinvest in their business, pay their employees, and make ends meet. The bill passed unanimously in the state assembly and has bipartisan support in the state senate. The state senate should pass and the governor should sign this legislation into law.

Make Research & Development Tax Credit Refundable

COVID-19 has shown that the United States is overly reliant on foreign manufacturing for a wide variety of medical supply chains. To ensure that research, development, and production of innovative new products happen in the United States – and Wisconsin in particular – Wisconsin's Research Tax Credit should be made fully-refundable.

Self-Insured Medical Expense Assistance

Provide financial relief to employers providing self-insured medical benefits for employees to defray the cost of medical expenses from treatment of employees with COVID-19 illness.

Unemployment Account Experience Rating

Prohibit unemployment benefit withdrawals made during the COVID-19 emergency declaration from counting against an employer's experience rating for unemployment tax calculations.

Employee Assistance

Emergency Leave for One-Time Medical Events or Emergencies

COVID-19 has shown that the United States is overly reliant on foreign manufacturing for a wide variety of medical supply chains. To ensure that research, development, and production of innovative new products happen in the United States – and Wisconsin in particular – Wisconsin's Research Tax Credit should be made fully-refundable.

COVID-19 Leave Assistance for Death

COVID-19 has shown that the United States is overly reliant on foreign manufacturing for a wide variety of medical supply chains. To ensure that research, development, and production of innovative new products happen in the United States – and Wisconsin in particular – Wisconsin's Research Tax Credit should be made fully-refundable.

COVID-19 Leave Assistance for Illness

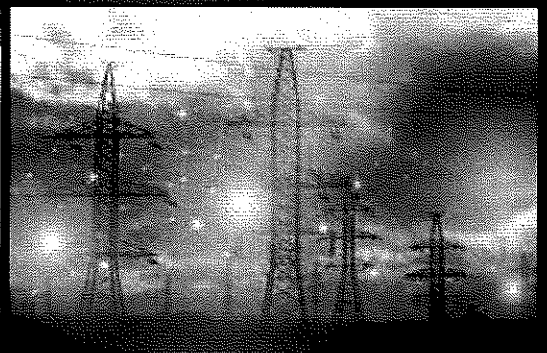
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COVID-19 Leave Assistance for Care

COVID-19 has shown that the United States is overly reliant on foreign manufacturing for a wide variety of medical supply chains. To ensure that research, development, and production of innovative new products happen in the United States – and Wisconsin in particular – Wisconsin's Research Tax Credit should be made fully-refundable.

COVID-19 Leave Assistance for Death

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AMERICAN
OVERSIGHT

WMC COVID-19 Relief & Recovery Agenda



Regulatory & Liability Relief

Temporarily Waive All Continuing Education Requirements for Regulated Professions

Continuing education requirements for professions licensed or otherwise regulated by the state may be important in normal times, but should be temporarily waived. These educational requirements are often costly for employees, require in-person contact, and require time away from work. The State should not be forcing employees to incur additional costs and potentially expose themselves to infected individuals in a time of public health crisis.

Study Making Regulations Waived During the Emergency Permanent

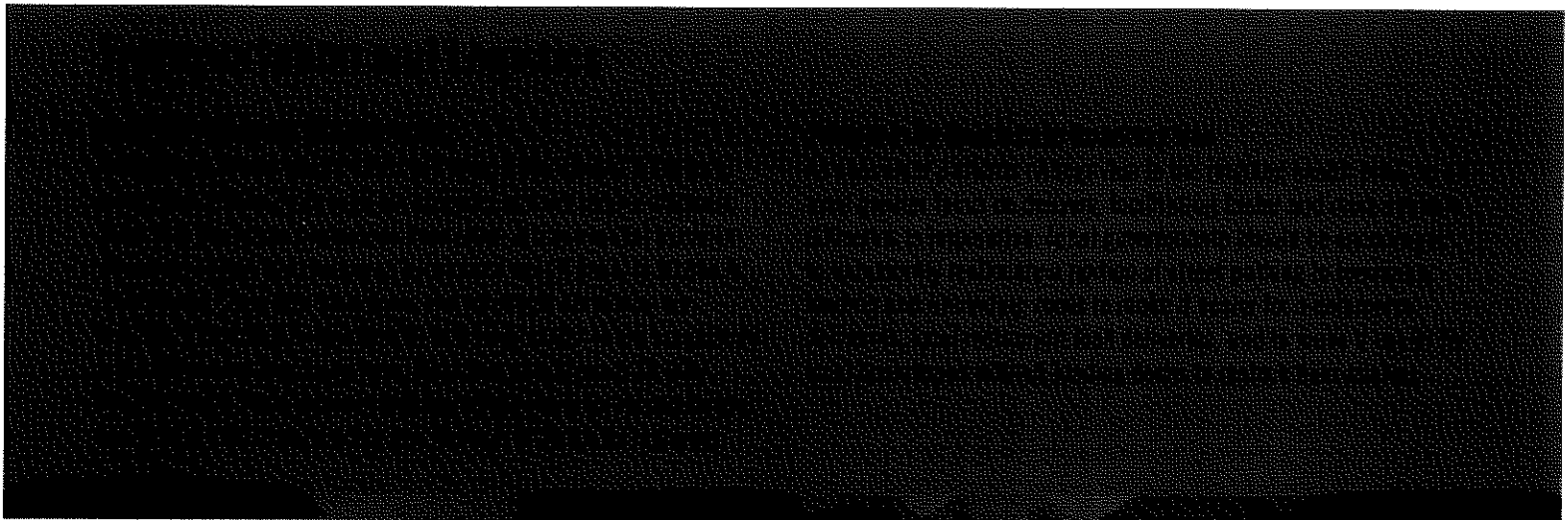
The state's power to regulate is one of the most intrusive powers of government. Regulation often comes at the cost of limiting economic prosperity and liberty of Wisconsinites. If regulations are being waived to increase public health, safety, and welfare during a public health crisis, then these regulations may have not been necessary in the first place, and the Legislature should review and repeal unnecessary regulations.

Protect Employers from Liability for Keeping Their Workers & Workplaces Safe

The legislature should enact liability protections, including a temporary exception to the Wisconsin Fair Employment Act, which allow businesses to screen their employees and other visitors (e.g. temperature scan) for illness prior to entrance of the employer's facility. Further, provide liability protections for employers who require employees to engage in proper hygiene procedures.

Limit Liability for Medical Mask Manufacturers

Enact liability protections for manufacturers of all types of respirator masks and face shields certified by the National Institute for Occupational Safety and Welfare.



WMC COVID-19 Relief & Recovery Agenda



Health Care Priorities

Flexible Licensing for Health Care Workers

Grant retired health care professionals like nurses and doctors a temporary license to practice in the state in response to COVID-19. Allow health care workers licensed in other states to practice in Wisconsin in response to COVID-19.

COVID-19 Testing

As the capacity to test increases, employees working in essential industries like health care, manufacturing and energy should be a priority for testing to ensure COVID-19 doesn't spread throughout a vital workforce.

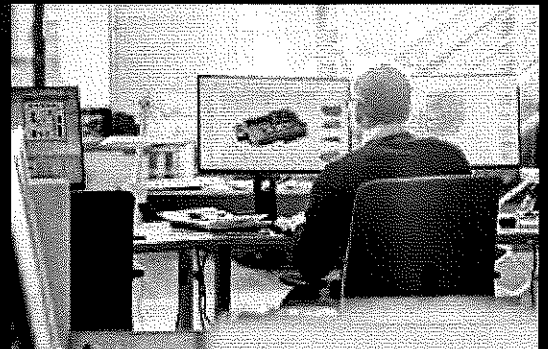
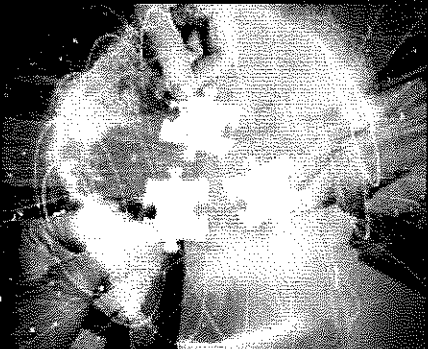
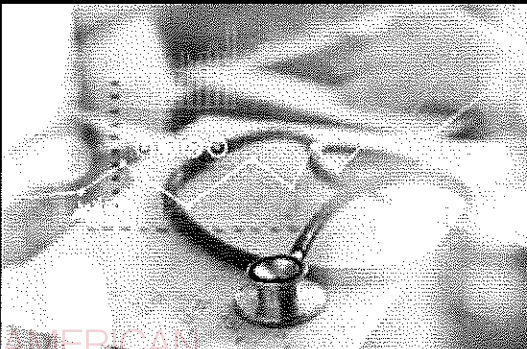
Bring Medical Supplies to Wisconsin

Wisconsin should do all it can to encourage the federal government to release reagents and other supplies to Wisconsin hospitals and other facilities.

Remove Regulatory Obstacles to Ramping up Production of Personal Protective Equipment

Health care workers are in desperate need of Personal Protective Equipment (PPE), and the need only grows each day. As manufacturers look to ramp up production, or switch production to producing PPE, state and federal government regulations and approvals should be relaxed.

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& COMMERCE



Romportl, Dan

From: Romportl, Dan
Sent: Sunday, March 29, 2020 3:58 PM
To: Dye, Jenni N - GOV
Subject: RE: contact info

Thanks for the call, sorry I missed it - that sounds great, let's talk tomorrow. -Dan

From: Dye, Jenni N - GOV <jenni.dye@wisconsin.gov>
Sent: Sunday, March 29, 2020 12:42 PM
To: Romportl, Dan <Dan.Romportl@legis.wisconsin.gov>
Subject: Re: contact info

Hi Dan:

Just left you a voicemail. My team is working on details today with the State Budget Office and agencies, but should be in a position to have a more detailed discussion tomorrow or happy to talk about topline today. I would greatly appreciate the chance to talk so that we have as collaborative an approach as possible to getting a response package done together.

My cell is 608-279-6762.

Best,

Jenni Dye
Policy Director
Office of Governor Tony Evers
Email: jenni.dye@wisconsin.gov
Phone: 608-264-6329 (office)
[Like Governor Tony Evers on Facebook](#) | [Follow Governor Tony Evers on Twitter](#)

From: Romportl, Dan - LEGIS <Dan.Romportl@legis.wisconsin.gov>
Sent: Sunday, March 29, 2020 12:24 PM
To: Dye, Jenni N - GOV <jenni.dye@wisconsin.gov>
Subject: contact info

Hi Jenni,

I wanted to pass along my cell # – if a call is helpful today to discuss the policy doc(s) that you are planning to send our way, please let me know, happy to talk.

Thanks,

Dan Romportl // Fitzgerald office
Cell 608-386-4867

Romportl, Dan

From: Romportl, Dan
Sent: Sunday, March 29, 2020 3:46 PM
To: Ottman, Tad
Subject: please review
Attachments: 24 Fitzgerald Vos Hintz Shilling BL LRB 5920 P2.pdf

Working off of the Governor's first bill, I split these provisions out into two categories – let me know if you have different feelings on any them:

NOT NEEDED / NOT DOING

LRB5904/1 – SJR extending PHE declared by Evers indefinitely
DOA #1-4 – DOA sum sufficient (\$200m) , grants to health care providers (\$100m), aid to locals (\$20m), printing services
Elections Commission #1-3 – election administration changes
General Provisions #3 – landlord/tenant
DHS #1-3 – unlimited sum sufficient, local health dept aids (\$17m), Division of Public Health positions (64.0 FTE)
DHS #5 – suspension of legislative oversight of waiver requests
Insurance #1-7
Military Affairs #1 – sum sufficient (\$300m)
DOR #1 – tax deadlines
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Shared Revenue #1
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UNDER CONSIDERATION

DOA #5-8 – employee treatment changes (no fiscal)
Building Commission #1 – bond refinancing
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General Provisions #1-2 – governmental deadlines (no fiscal)
DHS #4 – FMAP / 1135 waiver
DPI #1-3
DWD #1-2 – one week waiting period



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873
Email: fiscal.bureau@legis.wisconsin.gov • Website: <http://legis.wisconsin.gov/lfb>

March 24, 2020

TO: Senators Fitzgerald and Shilling
Representatives Vos and Hintz
State Capitol

FROM: Bob Lang, Director

SUBJECT: Summary of Provisions of LRB 5904/1 and LRB 5920/P2

LRB 5904/1 is a Senate Joint Resolution which would indefinitely extend the state of public health emergency declared by the Governor on March 12, 2020, until it is revoked by a subsequent executive order of the Governor or a subsequent joint resolution of the Legislature. Under current law, such a state of emergency declared by the Governor cannot exceed 60 days unless it is extended by joint resolution of the Legislature.

LRB 5920/P2 is a bill which addresses issues related to the state's public health emergency. The attached document summarizes the provisions of the bill.

In total, various provisions in the bill would increase general fund appropriations by up to \$706,231,800 GPR for the 2019-21 biennium. In addition, the bill would create an unlimited GPR sum sufficient appropriation under the Department of Health Services for funding related to the public health emergency.

The document is organized by each affected state agency. The items contain the fiscal effect, if any, of each provision and identify the bill sections of LRB 5920/P2.

Note that LRB 5920/P2 has not been introduced and is therefore, subject to change.

BL/bh
Attachment

Summary of Provisions (LRB 5920/P2)

ADMINISTRATION

1. PUBLIC HEALTH EMERGENCY, STATE ASSISTANCE

GPR	\$200,000,000
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LRB 5920/P2: Create a sum sufficient GPR appropriation under the Department of Administration (DOA) for costs related to a public health emergency, with expenditures limited to \$200,000,000 per biennium (the provision is not limited to 2019-21 biennium). Authorize DOA to spend funds for the following activities related to a public health emergency declared by the Governor, as determined by the Secretary of DOA: (a) facilitating coordination between and among federal, state, local, and tribal agencies, social services agencies, and public and private health care entities; (b) awarding grants and entering into contracts; (c) supporting emergency operations, including investigation, education, and eradication; (d) information technology; (e) facilities expenditures; (f) personnel costs, including salary, fringe, overtime, and additional leave benefits, for any state agency; (g) state purchasing; (h) expenditures associated with continuity of state government; and (i) carrying out other activities as the Secretary of DOA determines applicable and appropriate. Define state agency as any office, department, agency, institution of higher education, association, society, or other body in state government that is created or authorized to be created by the Constitution or any law and is entitled to expend moneys appropriated by law, including any authority, but not including the Legislature or the Courts.

Authorize DOA to submit a request to the Joint Committee on Finance under s. 13.10 of the statutes to expend more than \$200,000,000 per biennium. The request would be approved if: (a) the Committee approves or modifies the request; (b) no member of the Committee objects to the request within 24 hours after the request is received; or (c) a member objects within 24 hours and the Committee does not reject, modify, or approve the request within 48 hours after the request is received. Specify that the Committee may vote on the request by mail ballot or by polling, and waive the requirement that a public hearing be held for the request.

Require DOA to report to the Committee on expenditures from the public health emergency appropriation no later than 75 days after first spending funds and no later than the end of each month after that in which DOA spends funds from the appropriation.

[Bill Sections: 7 and 12]

2. GRANTS TO HEALTH CARE PROVIDERS AND FOR ESTABLISHMENT OF TEMPORARY SITES

GPR	\$100,000,000
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LRB 5920/P2: Create a biennial GPR appropriation under DOA and provide \$50,000,000 annually for grants to health care providers to plan, prepare, or respond to an outbreak of COVID-19. Eligible providers would include: (a) a health system; (b) a health care clinic; (c) a partnership of health care providers, corporation or limited liability company of health care providers that provides health care services, cooperative health care association that directly provides services through salaried employees in its own facility, hospice licensed under Chapter 50 of the statutes, inpatient health care facility, community-based residential facility, rural medical center, or ambulance service provider; (d) a pharmacy licensed under Chapter 450 of the statutes; or (e) any other health care facility or long-term care facility or setting where assisted living services or health care services may be provided.

Grants could be used for one or more of the following purposes: (a) establishment and operation of temporary sites to provide testing services or treatment beds or to isolate or quarantine affected individuals; (b) temporary conversion of space for another purpose that, after a COVID-19 outbreak, will revert to its original use; (c) staff overtime and hiring staff; (d) staff training and orientation; (e) purchasing of consumable protective or treatment supplies and equipment to protect or treat staff, visitors, and patients; (f) development and implementation of COVID-19 screening and testing procedures; (g) patient outreach activities related to COVID-19; (h) emergency transportation of patients that exceeds usual capacity; (i) information technology and systems costs to support telehealth activities, patient triage, and COVID-19 screening; (j) purchasing replacement parts or filters that are necessary for the operation of medical equipment; (k) specialty cleaning supplies for facilities and equipment; (l) expenses related to the isolation and quarantine of staff, except for the payment of wages for the staff being isolated or quarantined; and (m) expenses that assist with planning or preparing for or responding to an outbreak of COVID-19 but that, in the determination of the DOA Secretary, cannot reasonably be expected to generate income for the recipient after the outbreak ends.

Direct the Secretary of DOA to do the following relating to grants: (a) determine the number of grants and the amount of each grant; (b) develop an application form and process for an eligible provider to apply and demonstrate an urgent or emergency need for a grant; and (c) establish conditions to which an eligible provider must agree in order to obtain a grant. Authorize the Secretary of DOA to immediately terminate any portions or all of the grant agreement, recover from the grant recipient any moneys paid and used for an unauthorized purpose, and pursue any other remedy available under the law if the Secretary determines that a grant recipient has used awarded moneys for a purpose not authorized or has otherwise violated the grant agreement. Specify that the grant application process and eligibility criteria need not be promulgated as administrative rules, are not a guidance document, and are not subject to statutory guidance document requirements.

Specify that, if no eligible provider is reasonably capable of establishing and operating temporary sites to provide testing services to test for COVID-19, to provide treatment beds for patients affected by a COVID-19 outbreak, or to isolate or quarantine individuals affected by a COVID-19 outbreak, then the Secretary of DOA may expend moneys from the appropriation for grants to establish and operate such temporary sites. Authorize the Secretary to direct local units of

government and eligible providers to operate a temporary site established for any of these purposes.

Require DOA to submit a report to the Legislature and the Governor no later than 12 months after the COVID-19 public health emergency is discontinued, including: (a) the number of grants awarded; (b) the number of temporary sites established and operated; (c) the amount of grants issued and amount of funds expended on temporary sites; and (d) for each grant recipient, the name of the recipient, the grant amount, the use of funds, and the amount spent on each use of funds.

[Bill Sections: 6, 8, and 13]

3. PUBLIC HEALTH EMERGENCY, LOCAL ASSISTANCE

GPR	\$20,000,000
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LRB 5920/P2: Provide \$20,000,000 GPR in 2019-20 in a continuing appropriation under Miscellaneous Appropriations for DOA to make payments to local units of government under a public health emergency local assistance program. Direct DOA to establish and administer a public health emergency local assistance program to reimburse local units of government for extraordinary operational costs related to protecting and improving public health during the COVID-19 public health emergency, including any extension by joint resolution of the Legislature. Eligible recipients would include counties, cities, villages, towns, or federally-recognized American Indian tribes or bands in the state. Require local units of government requesting reimbursement under the program to submit a claim using an application prescribed by DOA. Specify that DOA must do the following to implement the program: (a) establish an application period; (b) at the end of the application period, evaluate each reimbursement claim and determine whether to approve, deny, or disallow the claim in whole or in part; (c) for each approved claim, pay the reimbursement amount to the local unit of government, except that the amount would be prorated for each approved claim if the total amount of approved claims exceed the moneys in the appropriation account; and (d) establish procedures for processing applications and evaluating reimbursement claims. Ineligible costs would include capital acquisition costs, unless incurred directly in response to expanding medical treatment capacity for the COVID-19 public health emergency, and any cost reimbursed by another source. Specify that, if moneys remain in the appropriation account after the payment of reimbursement amounts approved in the initial application period, DOA must repeat the application process, establishing as many subsequent application periods as necessary until the funds are depleted.

[Bill Sections: 8, 16, 19, and 34]

4. PRINTING SERVICES FOR LOCAL GOVERNMENTS

LRB 5920/P2: Authorize DOA to provide printing services to counties, towns, villages, and cities. Create a continuing PR appropriation under DOA to support the cost of providing printing services.

[Bill Sections: 5 and 14]

5. EMPLOYEE TRANSFER AUTHORITY

LRB 5920/P2: Authorize the Secretary of DOA to transfer any employee from one executive branch agency to another executive branch agency to provide services for the receiving agency during the public health emergency declared on March 12, 2020, including any extension by joint resolution of the Legislature. Specify that the receiving agency must pay all salary and fringe benefit costs of the employee during the time he or she is providing services for the receiving agency. Further, specify that any transfer would remain in effect until rescinded by the Secretary of DOA. While an employee could only be transferred during the public health emergency, the transfer could be rescinded on a date occurring after the public health emergency has concluded.

[Bill Section: 75(11)]

6. LIMITED-TERM EMPLOYEE HOURS

LRB 5920/P2: Specify that the Director of the Bureau of Merit Recruitment and Selection in DOA's Division of Personnel Management may increase or suspend the number of hours for a limited-term appointment for the duration of a public health emergency declared by the Governor. Under current law, a limited-term appointment is a provisional appointment for less than 1,040 hours per year.

[Bill Section: 53(2)]

7. SABBATICAL LEAVE FOR CRITICAL SERVICES

LRB 5920/P2: Specify that the administrator of DOA's Division of Personnel Management may provide additional sabbatical leave to employees who provide critical services during a public health emergency declared by the Governor. Further, specify that the sabbatical leave provided for these employees would be in addition to any annual leave provided for under statute or the state employee compensation plan, and would not be subject to existing statutory limitations on sabbatical leave. The term "critical services" is not defined in the bill or under current law.

In a separate provision, the bill would require the head of each state agency and each local health department, based on guidance provided by the Secretary of the Department of Health Services, to determine which positions within the respective state agency or local government are critical when the Governor declares a public health emergency, for the purposes of administering provisions applicable to rehired annuitants.

[Bill Sections: 48 and 53(4)]

8. USE OF ANNUAL LEAVE

LRB 5920/P2: Specify that an employee may take annual leave within the first six months of the employee's probationary period upon initial appointment during a public health emergency

declared by the Governor.

[Bill Section: 53(3)]

9. STATE EMPLOYMENT FILINGS AND IN-PERSON MEETINGS

LRB 5920/P2: Specify that a state employee does not waive his or her right to appeal an adverse employment decision if the employee does not timely file a complaint or appeal during a public health emergency declared by the Governor. Further, specify that the tolling period for an employee to file such a complaint with the appointing authority would begin 14 days after the termination of the declared public health emergency or extension. In addition, specify that an appointing authority or his or her designee is not required to meet with a complainant in person when conducting an investigation related to such a complaint filed by an employee during a public health emergency declared by the Governor.

Under current law, to commence the grievance process for an adverse employment action, a state employee must file a complaint with the employee's appointing authority challenging the adverse employment decision against the employee no later than 14 days after the employee becomes aware of, or should have become aware of, the decision that is the subject of the complaint. Also under current law, an appointing authority or his or her designee who receives a timely complaint must conduct any investigation they consider necessary, meet with the employee in person, and issue a decision in writing no later than 14 days after the date on which the complaint is received.

[Bill Section: 53(5)]

BUILDING COMMISSION

1. GENERAL OBLIGATION BONDING REFUNDING AUTHORITY

LRB 5920/P2: Increase the bonding authorization for refunding of any outstanding tax-supported or self-amortizing state general obligation debt by \$725,000,000, from its current level of \$6,785,000,000 to \$7,510,000,000. These bonds could only be issued if the debt refinancing meets the current law requirement that the true interest costs of the state must be reduced. The authorization for this refunding bonding was last increased in 2017 Act 59 (the 2017-19 budget).

[Bill Section: 17]

CHILDREN AND FAMILIES

1. WISCONSIN WORKS, CHILD CARE, AND OTHER ECONOMIC SUPPORT PROGRAMS

GPR	\$25,000,000
FED	100,000,000
Total	\$125,000,000

LRB 5920/P2: Provide \$125,000,000 (\$25,000,000 GPR and \$100,000,000 FED) in 2019-20 to increase funding for several programs administered by the Department of Children and Families (DCF) to assist individuals affected by the public health emergency declared by the Governor on March 12, 2020, under Executive Order 72, including any extensions of the order. In addition, modify DCF programs, effective for the duration of the public health emergency, as follows.

Expanded W2 Cash Payments. During the public health emergency, authorize DCF to provide cash benefit payments of \$653 per month under the W2 program to an individual who is facing an immediate and discrete financial crisis due to the pandemic if: (a) the individual's place of employment closes, the individual is furloughed or temporarily laid off, or the individual misses work due to a lack of available child care as a result of the pandemic; (b) the individual meets the current nonfinancial eligibility criteria, except as described below; and (c) the individual is a member of a W2 group whose gross income, as defined under current law for the W2 program, is at or below 200 percent of the poverty line. Under current law, the income limitation for W2 eligibility is 115% of the federal poverty line.

The following nonfinancial eligibility requirements would not apply for individuals receiving these monthly cash payments during the public health emergency: (a) the requirement to make a good faith effort to obtain employment and to not have refused a bona fide offer of employment within the 180 days immediately preceding the W2 application; (b) for those that have applied in the previous 180 days, the requirement to have previously cooperated with the efforts of W2 agencies to obtain employment; (c) the 48-month time limit on participation in W2 (and the predecessor job opportunities and basic skills program); (d) the limitation on other W2 group members participating in a W2 employment position. Further, both custodial and noncustodial parents would be eligible for a cash benefit payment.

Expanded Job Access Loans. During the public health emergency, authorize DCF to provide job access loans of up to \$1,600 to an individual who is facing an immediate and discrete financial crisis due to the pandemic if all of the following apply: (a) the individual meets the W2 nonfinancial eligibility criteria under current law, except that both custodial and noncustodial parents would be eligible; (b) the individual is a member of a W2 group whose gross income, as defined under current law for the W2 program, is at or below 200 percent of the poverty line (rather than 115%, as under current law); and (c) the individual meets the additional job access eligibility criteria under current law (the individual is not a migrant worker and needs a loan to address immediate and discrete financial crisis in order to obtain or continue employment and the individual is not in default on any previous job access loan). Both custodial and noncustodial parents would be eligible for these loans. During the public health emergency, all payments on job access loans would be suspended.

Expanded Emergency Assistance. During the public health emergency, authorize DCF to provide emergency assistance payments of up to \$1,200 to an individual who suffers a loss of income due to the pandemic if the individual meets the criteria established in the current rules promulgated by DCF, except that: (a) persons between 18 and 24 years of age who are not parents or caretakers would also be eligible; and (b) individuals who are members of W2 groups whose gross income, as defined under current law for the W2 program, is at or below 200 percent of the poverty line (rather than 115% of the poverty line, as provided under current law) would be eligible for emergency assistance.

Currently the maximum emergency assistance payment amount is \$500 for an energy crises or otherwise \$258 per group member for a family of two, \$172 per group member for a family of three, \$129 per group member for a family of four or five, or \$110 per group member for larger families.

Specify that an individual would only be eligible to receive emergency assistance once in a 12-month period, except that an individual would be able to receive both emergency assistance under current law and under the expanded program in the same 12-month period.

Authorize DCF to establish streamlined eligibility verification procedures. Specify that the process need not be promulgated as an administrative rule, would not be considered to be a guidance document, and the requirements under the statutes relating to guidance documents under 227.122 of the statutes would not apply.

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.

Short-term Financial Assistance. Create a short-term financial assistance program to provide cash payments to eligible families for up to four months to pay for costs associated with housing, transportation, and other essential needs during the public health emergency.

Provide that an individual would be eligible for financial assistance under the program if the individual is financially affected by the pandemic and: (a) is a custodial or noncustodial parent; (b) has attained the age of 18; (c) is a U.S. citizen or a qualifying alien, as defined by DCF by rule; (d) has residence in this state; (e) has received any public benefits within the 12 months prior to the date of application; (f) is not receiving a W2 benefit on the date that the individual applies for short-term financial assistance.

Essential 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.

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

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, and child care providers contracted by or established by a school board 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 Criteria and Guidelines. Authorize DCF to establish eligibility criteria and guidelines for administering the short-term financial assistance, essential 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.

Reallocation of TANF Funds among Programs. Under current law, DCF is prohibited from reallocating funds between TANF-funded programs unless DCF first notifies the Joint Committee on Finance in writing of the proposed reallocation and the Co-Chairs of the Committee do not notify DCF within 14 working days after the date of the DCF notification that the Committee has scheduled a meeting to review the proposed reallocation. However, if within 14 working days after the DCF notification, the Co-Chairs notify DCF that the Committee has scheduled a meeting to review the proposed reallocation, then DCF may make the proposed reallocation only upon approval by the Committee.

The bill would specify that the reallocation procedure apply for the programs described above, but modified as follows. Without the approval of the Committee, DCF would be empowered to reallocate funding between the programs in the bill and to reallocate funding from another preexisting TANF program to one of these programs. DCF would not be able to reallocate funding from one of the programs described in the bill to another TANF program.

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.

Funding. Create a new appropriation and provide \$25,000,000 GPR in 2019-20 for child care grants under the essential workforce child care grant program and the child care hazard pay grant program. Further, provide \$20,000,000 FED TANF in 2019-20 for the costs of administering the expanded Wisconsin Works program, the expanded job access loans program, the expanded emergency assistance program, the expanded Wisconsin Shares program, the short-term financial assistance program, and the essential workforce child care grant program. Provide an additional \$80,000,000 FED TANF in 2019-20 for the costs of providing aid to individuals and organizations under these programs. Provide that any TANF funding unspent in 2019-20 would carryover to 2020-21 to be spent for the same purpose.

Effective Date. Unless otherwise noted above, these provisions would take effect on the day of publication.

[Bill Sections: 10, 75(12), and 76(3)]

ELECTIONS COMMISSION

1. ELECTRONIC VOTER REGISTRATION DURING A PUBLIC HEALTH EMERGENCY

GPR	\$1,000,000
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LRB 5920/P2: Provide \$1,000,000 in 2019-20 to the Commission's appropriation for general program operations for the purpose of updating the voter registration system to support the extended deadline for electronic voter registration. Specify that, during a public health emergency declared by the Governor or extended by joint resolution of the Legislature, the deadline for electronic registration would be 5:00 p.m. on the fifth day preceding the election, rather than the current law deadline of 11:59 pm on the third Wednesday preceding the election. Further, specify that all parts of the registration may be completed electronically.

On March 20, 2020, the U.S. District Court for the Western District of Wisconsin issued an order extending the online registration deadline to March 30 for the April 7 spring election only. The bill would extend the online registration deadline for the spring election to April 2, 2020, and would additionally extend the deadline to the fifth day preceding the election for any other election held during a public health emergency.

[Bill Sections: 2, 3, and 76(1)]

2. VOTER IDENTIFICATION DURING A PUBLIC HEALTH EMERGENCY

LRB 5920/P2: Specify that proof of identification is not required to vote in an election held during a public health emergency declared by the Governor or extended by joint resolution of the

Legislature.

[Bill Section: 1]

3. ABSENTEE VOTING DURING A PUBLIC HEALTH EMERGENCY

LRB 5920/P2: Require that all voting during a public health emergency declared by the Governor or extended by joint resolution of the Legislature be conducted by mail using absentee ballots. Specify that absentee ballots must be postmarked no later than the day of the election and a witness signature is not required for any such ballot.

[Bill Section: 4]

EMPLOYEE TRUST FUNDS

1. REHIRED ANNUITANTS IN CRITICAL POSITIONS

LRB 5920/P2: Specify that a Wisconsin Retirement System (WRS) participant who is hired by a participating employer during a public health emergency declared by the Governor may elect to not suspend his or her annuity for the duration of the public health emergency if: (a) at the time of terminating employment, the participant does not have an agreement with any participating employer to return to employment or enter into a contract to provide employee services; and (b) the position for which the annuitant is hired is a critical position. Further, specify that the current break-in-service requirement of 75 days would not apply to a participant who is hired for a critical position during the public health emergency if at least 15 days have elapsed between the termination of employment and becoming a participating employee. Require the head of each state agency and each local health department, based on guidance provided by the Secretary of the Department of Health Services, to determine which positions within the respective state agency or local government are critical when the Governor declares a public health emergency, for the purposes of administering the provisions applicable to rehired annuitants.

Under current law, any WRS participant who retires on or after July 2, 2013, must suspend their annuity and become a participating WRS employee if they are employed in covered employment, or enter into a contract with a WRS employer, and are expected to work at least two-thirds of what is considered full-time employment by the Department of Employee Trust Funds. Also under current law, any WRS participant who retires on or after July 2, 2013, has a break-in-service requirement of 75 days between termination of employment and becoming a participating employee with a WRS employer. This separation from WRS employment must occur for an individual who applied for an annuity or lump sum payment to continue to qualify for an annuity or to retain the lump sum payment.

[Bill Sections: 20 thru 28 and 48]

2. LEAVES OF ABSENCE AND HEALTH INSURANCE

LRB 5920/P2: Specify that, for the purposes of group health insurance coverage offered by the Group Insurance Board, an employee who returns from a leave of absence and who has not resumed active duty for at least 30 consecutive calendar days on the date that the Governor declares a public health emergency is deemed to have ended or interrupted the leave of absence on that date. The public health emergency related to COVID-19 was declared by the Governor on March 12, 2020.

Under current law, a leave of absence is not deemed ended or interrupted until the employee has resumed active performance of duty for 30 consecutive calendar days for at least 50 percent of what is considered the employee's normal work time with the employer. Also under current law, a state employer must continue to pay required employer contributions towards the health insurance premiums of an insured employee while the insured employee is on a leave of absence for the first three months of the leave of absence, or for the entire leave of absence if the insured employee is receiving temporary disability compensation. Under the bill, a state employee who returns from a leave of absence, and who was eligible to receive an employer contribution towards health insurance premiums prior to commencing the leave of absence, would be immediately eligible for the employer contribution towards the cost of health insurance premiums.

[Bill Section: 53(1)]

GENERAL PROVISIONS

1. GOVERNMENTAL DEADLINES DURING A PUBLIC HEALTH EMERGENCY

LRB 5920/P2: Specify that, notwithstanding any requirement to the contrary, each deadline any state agency, local governmental unit, or individual is required by state law to satisfy during an emergency period, including any tax filing deadline, is delayed until the last day of that deadline's lead period. State agency would not include the Courts or the Legislature. Define "emergency period" as the period covered by a public health emergency declared by the Governor, including any extension by joint resolution of the Legislature, plus 30 days. Under the bill, "lead period" would be defined as the period that begins on the first day after the emergency period and is equal to the period beginning on the first day of the emergency period, and ending on the date on which a deadline would otherwise have fallen. Specify that the provision does not apply to any deadline in a court proceeding or to any deadline imposed by a court, nor does it apply to any statute of limitations for commencing an action in any court. [Note that the bill does not specifically address the treatment of deadlines that occur between the date on which a public health emergency was declared and the date of enactment of the bill.]

[Bill Section: 52]

2. IN PERSON APPEARANCE WAIVER

LRB 5920/P2: Specify that the head or governing body of a state entity may waive a requirement imposed, administered, or enforced by the state entity that an individual appear in person during a public health emergency declared by the Governor if the head or governing body finds that the waiver assists in the state's response to the public health emergency or that enforcing the requirement may increase the public health risk. Define "state entity" to mean any state agency, institution of higher education, association, society, or other body in state government, created or authorized to be created by the Constitution or any law that is entitled to expend moneys appropriated by law, including the Legislature, the Courts, and any authority.

[Bill Section: 49]

3. TENANT PROTECTIONS

LRB 5920/P2: Provide that during any period of a public health emergency declared by the Governor (including any extension and during the 45 days following that period) a landlord may not: (a) issue a tenant in default of rent payment a notice to pay or vacate within at least five days; (b) issue a notice to vacate within at least 14 days; or (c) charge a late fee for late payment of rent. If a notice to pay or vacate was given prior to a declared public health emergency, the days during the public health emergency (including any extension and the 45 days following) are not counted in the five- or 14-day notice.

Create an exception for removal of a tenant on termination of tenancy to exclude tenants whose tenancy has terminated because of a failure to pay rent prior to a period covered by a public health emergency declared by the Governor, if the tenant has not yet been removed from the premises and a civil action of eviction has not yet been commenced. In this situation, a landlord may not commence a civil action of eviction based on a tenant's failure to pay rent during the period covered by a public health emergency declared by the Governor (including any extension and during the 45 days following that period). In addition, a landlord may not remove the tenant and recover damages for holding over after the expiration of a lease if a tenant's tenancy has terminated, but would not otherwise have expired, because of a failure to pay rent prior to a period covered by a public health emergency declared by the Governor, if the tenant has not yet been removed from the premises, and a civil action of eviction has not yet been commenced.

Under current law, if a tenant remains in possession without consent of the landlord after termination of the tenant's tenancy, the landlord may proceed in any manner permitted by law (including bringing an eviction action against a tenant whose tenancy has been terminated for failure to pay rent) to remove the tenant and recover damages for such holding over.

Provide that, under the above circumstances, no court may enter an order for judgement or order of eviction, and no court or sheriff may enter or execute or writ of restitution during a public health emergency declared by the Governor (including any extension and during the 45 days following that period).

[Bill Sections: 68 thru 74]

HEALTH SERVICES

1. DHS FUNDING AND AUTHORITY DURING PUBLIC HEALTH EMERGENCIES

GPR	Unlimited
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LRB 5920/P2: Create a GPR-funded sum sufficient appropriation in the Division of Public Health to fund the statutory public health emergency fund. (The sum sufficient appropriation would not be limited to the 2019-21 biennium.) Authorize DHS to use the public health emergency moneys during a declared public health emergency (PHE) for any of the following purposes:

- to facilitate coordination between and among federal, state, local, and tribal agencies, social services, and public and private health care entities that the state health officer determines may be affected by a PHE;
- to make grants, provide for awards, enter into contracts, and conduct supportive investigations pertaining to a PHE or potential PHE;
- to facilitate advanced research, purchase products, and develop security measures or pandemic or epidemic products that are applicable to the PHE or potential PHE;
- to strengthen biosurveillance capabilities and laboratory capacity to identify, collect, and analyze information regarding the PHE or potential PHE;
- to support emergency operations related to the PHE or potential PHE;
- to carry out other activities as the state health officer determines applicable and appropriate; and
- create a full-time equivalent (FTE) position or portion of a position during a declared PHE.

During a declared PHE, authorize DHS to create an FTE position or portion of a position funded from the sum sufficient appropriation. After the declared PHE has ended, permit DHS to abolish any FTE position or portion of a position funded from the appropriation.

Expenditure Report. Require DHS, within 12 months after the termination of a PHE, to submit to the Legislature and to the Governor a report on any moneys expended from the sum sufficient appropriation.

Under current law, if a PHE is declared and DHS is designated as the lead agency to respond to the PHE, DHS must, within 90 days after the termination of the PHE, submit to the Governor and Legislature a report on: (a) the emergency powers used by the public health authority and its agents in acting under the PHE; and (b) the expenses incurred by the public health authority and its agents in acting under the PHE. The bill would create an exception to the 90-day reporting requirement, as it relates to expenditures from the GPR sum-sufficient appropriation.

Modifications to Current DHS Authority during PHEs. Modify the Department's current authority during PHEs by authorizing DHS to possess all powers necessary to respond to a PHE, including: (a) the new authority specified in the bill; (b) the powers to expend public health emergency funds; and (c) to investigate the cause and extent of any declared PHE and issue orders necessary to protect public health.

In addition, modify the statutory definition of "public health emergency" to mean the occurrence or imminent threat of an illness or health condition that meets any of the following criteria: (a) is caused or suspected to be caused by a biological agent, toxin, bioterrorism, or other threat to health; or (b) poses a high probability of either: (1) a large number of deaths or serious or long-term disabilities among humans or (2) a significant risk of substantial future harm to a large number of people.

Under current law, a "public health emergency" is defined as the occurrence or imminent threat of an illness or health condition that meets all of the following criteria: (a) is believed to be caused by bioterrorism or a novel or previously controlled or eradicated biological agent; and (b) poses a high probability of either a large number of deaths or serious or long-term disabilities among humans, or a high probability of widespread exposure to a biological, chemical, or radiological agent that creates a significant risk of substantial future harm to a large number of people.

[Bill Sections: 9, 46, 47, and 50]

2. AID TO LOCAL HEALTH DEPARTMENTS

GPR	\$17,441,000
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LRB 5920/P2: Provide \$17,441,000 in 2019-20 in the Division of Public Health's general aids and local assistance appropriation to increase aid to local health departments. Authorize DHS to transfer moneys to, and expend this funding in, fiscal year 2020-21. Under 2019 Wisconsin Act 9 (the 2019-21 biennial budget act), \$543,600 GPR is budgeted in this annual appropriation that supports public health services and several grants for community programs.

[Bill Section: 75(2)]

3. DIVISION OF PUBLIC HEALTH POSITIONS

	Funding	Positions
GPR	\$10,350,000	64.0

LRB 5920/P2: Provide \$2,070,000 in 2019-20 and \$8,280,000 in 2020-21 to fund 64.0 positions, beginning in 2019-20, for the Division of Public Health.

In addition, provide that, during a state-declared public health emergency, or during a public health emergency declared by the Secretary of the U.S. Department of Health and Human Services, the DHS Secretary may request that the administrator of the Department of Administration's Division of Personnel Management waive any provisions of the state's civil service provisions, as necessary to expedite the recruitment and hiring by DHS of individuals for the 64.0 positions that would be created in the bill.

[Bill Sections: 75(1) and 76(2)]

4. TEMPORARY SUSPENSION OF MEDICAL ASSISTANCE PROVISIONS TO MEET CONDITIONS FOR ENHANCED FEDERAL MATCHING PERCENTAGE

LRB 5920/P2: Authorize the DHS to suspend compliance with any medical assistance (MA) program provisions as necessary to qualify for enhanced federal medical assistance percentage (FMAP) available during an emergency period declared in response to the novel coronavirus pandemic. Specify that such suspension applies to statutory requirements related to implementation of a federal waiver that establishes eligibility and program requirements for childless adults enrolled in MA, as well as any other provisions of MA that are in conflict with criteria for the enhanced FMAP. Authorize DHS to submit any request for a waiver of federal law or amendment to or suspension of a waiver, any state Medicaid plan amendment, or other federal approval necessary to obtain enhanced FMAP without complying with statutory provisions related to current law requirements and procedures applicable to waivers, plan amendments, or other federal approvals.

Temporary Increase to FMAP. The federal Family First Coronavirus Response Act (P.L. 116-127), which was signed into law on March 18, 2020, increases the federal Medicaid matching percentage by 6.2 percentage points, applicable during any calendar quarter during which a public health emergency related to COVID-19 is in effect. The U.S. Department of Health and Human Services (DHHS) Secretary declared a public health emergency, retroactive to January 27, 2020. Consequently, the enhanced FMAP applies, at a minimum, during the first quarter of 2020 (January to March of 2020), and will continue until the end of the calendar quarter during which the public health emergency declaration order expires. The FMAP is used to determine the share of total benefit costs incurred by state Medicaid programs that is paid with federal Medicaid funds. Currently, the state's FMAP is 59.36%, meaning the state pays 40.64% of eligible MA benefit costs. As a result of P.L. 116-117, the state's FMAP would increase to 65.56%, decreasing the state's share to 34.44%, provided the state meets the federal criteria. At current MA spending levels, this increase to the state's FMAP would shift approximately \$150 million of state GPR costs to federal funds for each quarter that the federal public health emergency is in effect.

State Eligibility for Enhanced FMAP. In order to qualify for the higher FMAP, P.L. 116-117 requires states to meet certain requirements related to enrollment eligibility standards and processes, applicable during the federal public health emergency. These provisions apply to beneficiaries whose coverage is either provided through the state Medicaid plan (standard eligibility and benefits) or through federal waivers.

First, a qualifying state may not adopt more restrictive eligibility standards, methodologies, or procedures for their Medicaid programs than were in effect on January 1, 2020. Second, the state may not charge a higher premium for any eligibility groups than was in effect on January 1, 2020. Third, the state must ensure that any person who was enrolled as of the date of enactment of the federal act or who enrolls during the public health emergency shall be considered eligible for benefits through the end of the month in which the public health emergency period ends, unless the person requests a voluntary termination of eligibility or the person ceases to be a resident of the state. Fourth, the state must provide coverage of COVID-19 testing and treatment for Medicaid beneficiaries without cost sharing.

Under current state law, DHS is required to implement provisions of a federal waiver related to coverage and eligibility requirements for childless adults enrolled in MA. Some provisions of the waiver were implemented on February 1, 2020. These provisions include monthly premiums, an \$8 copayment for nonemergency use of a hospital emergency department, and a mandatory treatment needs questionnaire. The Department has been working with the federal Centers for Medicare and Medicaid Services to finalize implementation of another waiver provision, relating to a 48-month enrollment limit, applicable during any month that the enrollee does not satisfy community engagement criteria or qualify for an exemption. Since several of the waiver provisions conflict with the criteria for receiving the temporary increase to the state's FMAP, the state would not be eligible unless these provisions are suspended. This item would allow DHS to suspend implementation of those provisions during the period that the enhanced FMAP applies and request any necessary federal approval for such a suspension.

[Bill Section: 75(10)]

5. LEGISLATIVE OVERSIGHT OF DHS FEDERAL REQUESTS, MA STATE PLAN AMENDMENTS, AND MA PROVIDER REIMBURSEMENTS DURING PUBLIC HEALTH EMERGENCIES

LRB 5920/P2: Exempt DHS from compliance with 2017 Wisconsin Act 370 provisions that provide legislative oversight of certain requests to federal agencies, including federal waivers, state plan amendments under the medical assistance (MA) program, and changes to MA reimbursement rates. Specify that DHS is only exempt from complying with these requirements during a public health emergency declared by the Governor or by the Secretary of the U.S. Department of Health and Human Services (DHHS).

Generally, the Act 370 provisions: (a) prohibit DHS from submitting a request to a federal agency for a waiver or a renewal, modification, withdrawal, suspension, or termination of a waiver of federal law or rules or for authorization to implement a pilot program or demonstration project, unless legislation has been enacted specifically directing the submission of the request for a waiver, renewal, modification, withdrawal, suspension, termination or authorization; (b) establish new procedures that provide legislative oversight relating to requests for waivers or renewals, modifications, withdrawal, suspension, or termination of federal waivers or for authorization to implement a pilot project or demonstration, as required in legislation enacted on or after January 1, 2011; and (c) prohibit DHS from submitting an MA state plan amendment to DHHS or implementing a change to the reimbursement rate for, or make a supplemental payment to a provider under the MA program when the amendment, rate change, or payment has an expected fiscal effect of \$7,500,000 or more from all revenue sources over a 12-month period following implementation (unless the provider reimbursement change was specifically authorized in enacted legislation).

[Bill Sections: 18 and 31]

INSURANCE

1. NO COST SHARING FOR COVID-19 TESTING AND TREATMENT

LRB 5920/P2: Require any health insurance policy, state employee health plan, or self-insured health plan offered by a local government or school district that generally covers testing and treatment for infectious diseases to provide coverage of testing and treatment for COVID-19, including prescription drugs and administration of any vaccination developed to prevent COVID-19, without imposing any copayment or coinsurance on the individual covered under the policy or plan.

[Bill Sections: 61 and 66]

2. PROHIBIT COVERAGE DISCRIMINATION BASED ON COVID-19

LRB 5920/P2: Prohibit any insurer, pharmacy benefit manager, or self-insured health plan from using a current or past diagnosis, or suspected diagnosis, of COVID-19, as the basis for doing the following: (a) establishing rules, applicable to an individual or employer or other group, for eligibility for enrollment, continued eligibility to remain enrolled, or renewal of coverage; (b) canceling coverage during a contract term; (c) establishing rates for coverage; or (d) refusing to grant a grace period for the payment of premium, if a grace period for payment of premium would generally be granted under the plan.

[Bill Sections: 29, 30, 32, 44, 45, 60, 62, 63, and 64]

3. PROHIBIT POLICY CANCELLATION DURING PUBLIC HEALTH EMERGENCY FOR PREMIUM NONPAYMENT

LRB 5920/P2: Prohibit insurers from canceling any policy of insurance for nonpayment of premiums until at least 90 days after the unpaid premium was due during the period covered by the state of emergency related to public health declared by the Governor on March 12, 2020, under Executive Order 72.

[Bill Section: 75(3)]

4. TELEHEALTH COVERAGE PARITY

LRB 5920/P2: Prohibit any health insurance policy, state employee health plan, or self-insured health plan offered by a local government or school district from denying coverage of any treatment or service provided through telehealth if that treatment or service is covered by the policy or plan when provided in person by a health care provider. Specify that limited service health organizations, preferred provider plans, and defined network plans are subject to this provision.

Define "telehealth" as a practice of health care delivery, diagnosis, consultation, treatment,

or transfer of medically relevant data by means of audio, video, or data communications that are used either during a patient visit or consultation or are used to transfer medically relevant data about a patient. Authorize the Office of the Commissioner of Insurance (OCI) to promulgate any rules necessary to implement this provision.

[Bill Sections: 29, 30, 32, 44, 45, 58, and 65]

5. PRESCRIPTION DRUG LIMITS

LRB 5920/P2: Prohibit any health insurance policy, state employee health plan, or self-insured health plan offered by a local government or school district, or a pharmacy benefit manager acting on behalf of a policy or plan from doing the following during the period covered by the state of emergency related to public health declared by the Governor on March 12, 2020, under Executive Order 72: (a) requiring prior authorization for early refills of a prescription drug or otherwise restrict the period of time in which a prescription drug may be refilled; or (b) imposing a limit on the quantity of prescription drugs that may be obtained if the quantity is no more than a 90-day supply. Specify that these restrictions do not apply to a prescription drug that is classified as a controlled substance by the Controlled Substances Board.

[Bill Sections: 59 and 67]

6. LIABILITY INSURANCE FOR PHYSICIANS AND NURSE ANESTHETISTS

LRB 5920/P2: Specify that, during the public health emergency declared on March 12, 2020, under Executive Order 72, any physician or nurse anesthetist for whom Wisconsin is not a principal place of practice but who is authorized to practice in Wisconsin on a temporary basis, may fulfill the state's practice liability insurance requirements by filing with the Office of the Commissioner of Insurance a certificate of insurance for a policy of health care liability insurance issued by an insurer that is authorized in a jurisdiction accredited by the National Association of Insurance Commissioners. Specify that such a physician or nurse anesthetist may elect, in a manner specified by the Insurance Commissioner by rule, to be subject to the state's liability provisions and the state's injured patients and families compensation program.

Health care providers are generally required to obtain liability insurance coverage, issued by an insurer authorized to do business in Wisconsin, for \$1,000,000 per claim or occurrence and for \$3,000,000 for all claims or occurrences in a year. Liabilities in excess of those amounts are paid from the state's injured patients and families compensation program, which is funded from assessments collected on providers. This item would allow out-of-state physicians and nurse anesthetists who are authorized to practice in Wisconsin on a temporary basis during the declared public health emergency, to satisfy liability insurance requirements with a policy issued by an insurer authorized for business in another state or jurisdiction.

[Bill Section: 75(4)]

7. OUT-OF-NETWORK CHARGES AND PAYMENTS DURING A PUBLIC HEALTH EMERGENCY

LRB 5920/P2: Specify that, during a state of emergency related to public health declared by the Secretary of the U.S. Department of Health and Human Services or by the Governor, any defined network or preferred provider health plan may not require an enrollee to pay, including cost sharing, for a service, treatment, or supply rendered by a provider that is not in the plan's network more than the enrollee would pay if the service, treatment, or supply is rendered by an in-network provider, if the following apply: (a) the service, treatment, or supply is related to a diagnosis or treatment for the condition for which the public health emergency is declared; and (b) the service, treatment, or supply is rendered by an out-of-network provider because no in-network provider is available due to the public health emergency. Specify that, in these circumstances, the plan must reimburse the out-of-network provider at 250 percent of the rate the federal Medicare program reimburses the provider for the same or a similar service, treatment, or supply in the same geographic area.

Specify that, during a declared public health emergency, any health care provider or facility that renders a service, treatment, or supply to an enrollee of a defined network plan or preferred provider plan that does not include the health provider or facility in its network must accept as payment in full any payment that is at least 250 percent of the Medicare rate for a similar service, treatment, or supply in the same geographic area. Prohibit the provider from charging the enrollee an amount that exceeds the amount the provider or facility is reimbursed by the defined network plan or preferred provider plan.

Authorize the Insurance Commissioner to promulgate any rules necessary to implement these provisions.

[Bill Section: 57]

MILITARY AFFAIRS

1. APPROPRIATION FOR PUBLIC HEALTH EMERGENCY RESPONSE

GPR	\$300,000,000
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LRB 5920/P2: Create a sum sufficient GPR appropriation for public health emergencies with expenditures limited to \$300,000,000 per biennium (the provision is not limited to the 2019-21 biennium). Authorize the Department of Military Affairs (DMA) to expend funds during a public health emergency to: (a) facilitate coordination between and among federal, state, local, and tribal agencies, social service, and health care entities affected by the emergency; (b) make grants, provide for awards, enter into contracts, and conduct supportive investigations pertaining to the emergency or potential emergency; (c) support emergency operations related to the emergency, including investigation, education, and eradication; and (d) carry out other activities related to the emergency, as the State Health Officer or the Administrator of DMA's Division of Emergency Management determines applicable and appropriate.

Authorize DMA to submit a request to the Joint Committee on Finance under s. 13.10 of the statutes to expend more than \$300,000,000 per biennium. The request would be approved if: (a) the Committee approves or modifies the request; or (b) no member of the Committee objects to the request within 24 hours after the request is received. If a member objects within 24 hours, the Committee must reject, modify, or approve the request within 48 hours after the request is received, or the request would be approved as submitted. Specify that the Committee may vote on the request by mail ballot or by polling, and waive the requirement that a public hearing be held.

Require DMA to report to the Committee on expenditures under the public health emergency appropriation no later than 75 days after first spending funds and no later than the end of each month after that in which the Department spends funds from the appropriation.

[Bill Sections: 11 and 51]

PUBLIC INSTRUCTION

1. LAYOFFS OF SCHOOL EMPLOYEES UNDER PUBLIC HEALTH EMERGENCY

LRB 5920/P2: Prohibit a governing body from laying off a current employee during a period when schools are closed by the Department of Health Services to control an outbreak or epidemic. Additionally, require that the governing body continue to pay current employees for regularly scheduled hours at the employee's regular rate during such a period, regardless of whether the employee is required to report to work while schools are closed. Specify that the governing body could pay a current employee more than the required amount. These provisions would first apply to the period beginning on March 18, 2020, during which schools were closed by the Department of Health Services.

A governing body would be defined as one of the following: (a) a school board; (b) an operator, governing board, or authorizer of an independent charter school; (c) the operator or governing board of a charter school that is not an instrumentality of a school district; or (d) the governing body of a private school participating in a private school choice program or the special needs scholarship program. A current employee would be defined as one who was employed by the governing body on the date on which schools were closed.

The bill includes a statement of legislative intent that indicates that the intent of the Legislature is that all schools that receive public funds continue to employ and pay all employees who were employed on March 18, 2020, for the entirety of the period during which schools are closed by order of DHS as a result of the public health emergency declared on March 12, 2020, by Executive Order 72.

[Bill Sections: 41, 75(13), and 77(1)]

2. ADDITIONAL WAIVER AUTHORITY FOR THE DEPARTMENT OF PUBLIC INSTRUCTION UNDER PUBLIC HEALTH EMERGENCY

LRB 5920/P2: Provide that if the Department of Health Services closes schools to control an outbreak or epidemic, the Department of Public Instruction (DPI) could waive any requirement in statute or administrative rules promulgated by DPI applying to school boards, school districts, private schools (including those participating in a choice program or the special needs scholarship program), or independent charter schools. Additionally, specify that if DPI is not required to publish school or school district accountability reports for a school year, DPI could waive any requirement related to the publication of those reports. (A separate section of the bill would specify that DPI would not be required to publish school and school district accountability reports for the 2019-20 school year.) These provisions would first apply to an order to close schools issued in the 2019-20 school year.

Under current law, DPI has the authority to waive certain requirements for school districts and school boards, but cannot waive requirements related to the following: (a) the health or safety of pupils; (b) pupil discrimination on the basis of sex, race, religion, national origin, ancestry, creed, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional or learning disability.; (c) assessments; (d) pupil records; (e) the collection of data by DPI; (f) the uniform financial fund accounting system and audits of school district accounts; (g) teacher licensure or certification; (h) the school start date; or (i) the requirements for contracts under the achievement gap reduction program. Current law does not provide authority for DPI to waive requirements for private schools or independent charter schools.

[Bill Sections: 42, 43, and 77(3)]

3. SCHOOL AND SCHOOL DISTRICT ACCOUNTABILITY REPORTS

LRB 5920/P2: Specify that the Department of Public Instruction would not be required to publish school and school district accountability reports for the 2019-20 school year.

Under current law, DPI is required to publish accountability reports annually no later than November 30. The report cards issued each fall are based on data from assessments administered the previous spring.

[Bill Sections: 39 and 40]

REVENUE

1. GOVERNMENTAL DEADLINES DURING A PUBLIC HEALTH EMERGENCY

LRB 5920/P2: Specify that, notwithstanding any requirement to the contrary, each tax filing

deadline is delayed until the last day of that deadline's lead period. Define "emergency period" as the period covered by a public health emergency, including any extension, plus 30 days. Under the bill, "lead period" would be defined as the period that begins on the first day after the emergency period and is equal to the period beginning on the first day of the emergency period, and ending on the date on which a deadline would otherwise have fallen. [Note that the bill does not specifically address deadlines that occur between the date on which a public health emergency was declared and the date of enactment of the bill.]

Beginning on March 12, 2020, Governor Evers declared an emergency period of 60 days covered by a public health emergency. The emergency period will end on May 11, 2020, unless the Legislature extends the emergency period by joint resolution beyond 60 days.

The Treasury Department and Internal Revenue Service announced on March 21, 2020, that the deadline for filing federal income tax returns is extended from April 15, 2020, to July 15, 2020. Taxpayers who make estimated income tax payments that would otherwise be due on April 15 can make such payments by July 15 without incurring any interest or penalties. The provisions apply regardless of amounts owed by a taxpayer. A taxpayer need not file any additional forms in order to qualify for this extended due date under federal law.

In Wisconsin, the Department of Revenue has indicated it will automatically adopt similar guidelines as those at the federal level (described above). State taxpayers will have until July 15, 2020, to file their state income or franchise tax returns or make estimated payments without interest, penalty, or underpayment interest between April 15, 2020, and July 15, 2020. Because this filing deadline for Wisconsin income and franchise tax filers falls outside the emergency period, the July 15, 2020, deadline would apply unless the Legislature, by joint resolution, were to extend the emergency period beyond July 15, 2020.

[Bill Section: 52]

SAFETY AND PROFESSIONAL SERVICES

1. HEALTH CARE PROVIDER CREDENTIAL RENEWALS

LRB 5920/P2: Specify that a health care provider credential, as defined below, is not subject to renewal, or any other conditions for renewal, including continuing education, and remains valid during the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension, and continuing until further specified by the applicable credentialing board. Specify that these changes are notwithstanding the Department's general statutory authority and requirements relating to notice of renewals; renewal dates, fees, and applications; and late renewals, as well as the applicable statutory provisions for the health care provider credentials, but subject to any professional discipline imposed on the credential.

Specify that a renewal that occurs subsequent to the public health emergency declared on

March 12, 2020, by Executive Order 72, including any extension, is not subject to the statutory late renewal fee if the application to renew the credential is received before the next applicable renewal date. Notwithstanding the applicable statutory provisions for the health care provider credentials, the applicable credentialing board may, for that next applicable renewal date, provide an exemption from, or reduction of, continuing education or other conditions for renewal.

Definition. For these purposes, define a "health care provider credential" to mean any credential issued under the following state statutory chapters: Board of Nursing (ch. 441); Dentistry Examining Board (ch. 447); Medical Practices (ch. 448); Pharmacy Examining Board (ch. 450); Psychology Examining Board (ch. 455); Massage Therapy and Bodywork Therapy (ch. 460); or Radiographers and Limited X-Ray Machine Operators (ch. 462).

[Bill Section: 54]

2. TEMPORARY CREDENTIALS FOR FORMER HEALTH CARE PROVIDERS DURING THE CURRENT PUBLIC HEALTH EMERGENCY

LRB 5920/P2: Authorize the Department of Safety and Professional Services (DSPS) to grant temporary credentials to certain former health care providers during the state public health emergency declared on March 12, 2020 under Executive Order 72, as follows.

Issuance of Temporary Credentials. Require DSPS to grant a temporary credential to a health care provider if all of the following apply: (a) the health care provider submits an application to DSPS; and (b) DSPS determines that the health care provider satisfies the eligibility requirements for the credential and is fit to practice after conducting an investigation of the health care provider's arrest or conviction record and record of professional discipline. Require DSPS to notify the health care provider if DSPS denies the provider's application for a temporary emergency credential.

Specify that, notwithstanding statutory prohibitions on practicing as a nurse, nurse-midwife, dentist, dental hygienist, physician, physician assistant, perfusionist, respiratory care practitioner, or pharmacist, unless credentialed under the appropriate statutory section, a health care provider granted a temporary credential under these provisions may provide services for which the health care provider has been licensed or certified.

Require any health care provider who provides services authorized by a temporary credential under these provisions to maintain malpractice insurance that satisfies the requirements of the profession for which the health care provider has been licensed or certified.

Duration of Credential. Specify that a temporary credential granted under this provision expires 90 days after the conclusion of the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension.

Authority to Waive Credential Fees. Provide that, during the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension, DSPS may waive fees for applications for an initial credential and renewal of a credential for registered nurses, licensed practical nurses, nurse-midwives, dentists, physicians, physician

assistants, perfusionists, respiratory care practitioners, pharmacists, psychologists, clinical social workers, independent social workers, social workers, marriage and family therapists, professional counselors, and clinical substance abuse counselors.

Definitions. For these purposes, define "health care provider" to mean an individual who was at any time within the previous five years, but is not currently, any of the following, if the individual's credential was never revoked, limited, suspended, or denied renewal: (a) licensed as a registered nurse, licensed practical nurse, or nurse-midwife under ch. 441 of the Wisconsin state statutes; (b) licensed as a dentist under ch. 447 of the Wisconsin state statutes; (c) licensed as a physician, physician assistant, or perfusionist under ch. 448 or certified as a respiratory care practitioner under ch. 448 of the Wisconsin state statutes; (d) licensed as a pharmacist under ch. 450 of the Wisconsin state statutes; (e) licensed as a psychologist under ch. 455 of the Wisconsin state statutes; (f) 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 of the Wisconsin state statutes; (g) a clinical substance abuse counselor certified under s. 440.88 of the Wisconsin state statutes; or (h) any practitioner holding a credential to practice a profession that is identified by the Department of Health Services during the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension of the public health emergency.

Define: (a) "credential" to mean license or certificate; and (b) "department" to mean DSPS.

[Bill Sections: 75(5) and (6)]

3. TEMPORARY CREDENTIALS FOR HEALTH CARE PROVIDERS FROM OTHER STATES

LRB 5920/P2: Authorize DSPS to grant temporary credentials to certain health care providers from other states during the period covered by the public health emergency declared on March 12, 2020 under Executive Order 72, including any extension of the public health emergency, as follows.

Temporary Credentials. Require DSPS to grant a temporary credential to a health care provider, as defined below, if all of the following apply: (a) the health care provider submits an application to DSPS, and (b) DSPS determines that the health care provider satisfies the eligibility requirements for the credential and is fit to practice after conducting an investigation of the health care provider's arrest or conviction record and record of professional discipline. Authorize DSPS to determine the appropriate scope of review of the background of a health care provider who applies for a temporary credential under this paragraph. Require that if DSPS denies a health care provider's application for a temporary credential under this section, DSPS must notify the health care provider of the reason for the denial.

Specify that, notwithstanding statutory prohibitions on practicing as a nurse, nurse-midwife, dentist, dental hygienist, physician, physician assistant, perfusionist, respiratory care practitioner, or pharmacist, unless credentialed under the appropriate statutory section, a health care provider granted a temporary credential under this paragraph may provide services for which the health care

Require that a health care provider who provides services authorized by a temporary credential granted under these provisions, must maintain malpractice insurance that satisfies the requirements of the profession for which the health care provider has been licensed or certified.

Duration of the Temporary Credential. Specify that a temporary credential granted under this paragraph expires 90 days after the conclusion of the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension.

Fee Waiver. Notwithstanding the Department's authority to require standard fees for initial credentialing and examinations and the applicable fee provisions in state statute, during the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension, authorize DSPS to waive fees for applications for an initial credential and renewal of a credential for: registered nurses, licensed practical nurses, nurse-midwives, dentists, physicians, physician assistants, perfusionists, respiratory care practitioners, pharmacists, psychologists, clinical social workers, independent social workers, social workers, marriage and family therapists, professional counselors, and clinical substance abuse counselors.

Definitions. Define "health care provider" to mean an individual who holds a valid, unexpired license, certificate, or registration granted by another state or territory that authorizes or qualifies the individual to perform acts that are substantially the same as the acts that any of the following are licensed or certified to perform: (a) a registered nurse, licensed practical nurse, or nurse-midwife under ch. 441 of the Wisconsin state statutes; (b) a dentist licensed under ch. 447 of the Wisconsin state statutes; (c) a physician, physician assistant, or perfusionist licensed under ch. 448 or a respiratory care practitioner certified under ch. 448 of the Wisconsin state statutes; (d) a pharmacist licensed under ch. 450 of the Wisconsin state statutes; (e) a psychologist licensed under ch. 455 of the Wisconsin state statutes; (f) 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 of the Wisconsin state statutes; (g) a clinical substance abuse counselor certified under s. 440.88 of the Wisconsin state statutes; or (h) any practitioner holding a credential to practice a profession that is identified by the Department of Health Services during the period covered by the public health emergency declared on March 12, 2020, by Executive Order 72, including any extension of the public health emergency.

In addition define: (a) "credential" to mean license or certificate and (b) "department" to mean the Department of Safety and Professional Services (DSPS).

[Bill Sections: 75(7) and (8)]

4. PRESCRIPTION ORDER EXTENSIONS DURING PUBLIC HEALTH EMERGENCIES

LRB 5920/P2: Expand the manner in which a pharmacist can extend a prescription order. Specify that if a pharmacist receives a request for a prescription to be refilled and the prescription cannot be refilled under current state statutes governing initial fills and refills, the pharmacist may, subject to certain statutory conditions, extend the existing prescription order and dispense the drug to the patient, if the pharmacist has not received and is not aware of written or oral instructions

from the prescribing practitioner prohibiting further dispensing pursuant to or extension of the prescription order.

Prohibit a pharmacist from extending a prescription order under this section if: (a) a prescribing practitioner has indicated, by writing on the face of the prescription order or, with respect to a prescription order transmitted electronically, by designating in electronic format the phrase "No extensions," or words of similar meaning; (b) the prescription is for a drug that is a controlled substance; or (c) if a prescription order was previously extended for that particular patient during the period covered by a public health emergency declared by the Governor, including any extension of that public health emergency.

Further, prohibit a pharmacist acting under this provision from extending a prescription order to dispense more than a 30-day supply of the prescribed drug, except that if the drug is typically packaged in a form that requires a pharmacist to dispense the drug in a quantity greater than a 30-day supply, the pharmacist may extend the prescription order as necessary to dispense the drug in the smallest quantity in which it is typically packaged.

Require that a pharmacist, at the earliest reasonable time after acting under this provision, notify the prescribing practitioner or his or her office. However, specify that the pharmacist is not required to attempt to procure a new prescription order or refill authorization for the drug by contacting the prescribing practitioner or his or her office prior to acting under this provision. Authorize the pharmacist, after acting under this provision, to notify the patient or other individual that any further refills will require the authorization of a prescribing practitioner.

Specify that the authority granted under this provision applies only during the period covered by a public health emergency declared by the governor, including any extension. During that time, clarify that this paragraph supersedes existing circumstances under which a pharmacist may extend a prescription order to the extent of any conflict.

[Bill Sections: 55 and 56]

SHARED REVENUE AND PROPERTY TAX RELIEF

1. COUNTY AND MUNICIPAL AID -- PUBLIC HEALTH EMERGENCY SUPPLEMENT

GPR	\$7,440,800
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LRB 5920/P2: Provide each county and municipality a one-time aid payment in 2020, equal to 1% of their 2020 county and municipal aid payment, as calculated under current law. Create a sum-sufficient GPR appropriation to make the payments. Estimate the cost of the payments at \$7,440,800 GPR in 2020-21. Require the Department of Administration, upon certification by the Department of Revenue, to make the payments to counties and municipalities by the first Monday in May, 2020, or at a later date in 2020, as determined by the Secretary of Revenue. Specify that the payments would be considered local funds to be paid into the separate accounts of all local

governments established in the local government pooled-investment fund.

[Bill Sections: 15, 19, and 33]

WISCONSIN ECONOMIC DEVELOPMENT CORPORATION

1. MODIFICATION TO WEDC'S GPR APPROPRIATION FOR OPERATIONS AND PROGRAMS

GPR	\$25,000,000
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LRB 5920/P2: Under current law, funding for the Wisconsin Economic Development Corporation's (WEDC) operations and programs is provided in an amount of GPR equal to \$41,550,700 minus the amounts WEDC expends from the economic development fund and environmental fund. However, WEDC's sum sufficient GPR appropriation is currently capped at \$16,512,500 in any year. The bill would increase the above figures by \$25,000,000 in 2019-20, thereby providing additional funding of \$25,000,000 GPR in 2019-20 for WEDC's operations and programs.

[Bill Section: 75(9)]

WORKFORCE DEVELOPMENT

1. UNEMPLOYMENT INSURANCE WAITING WEEK REPEAL

LRB 5920/P2: Repeal the one-week waiting period requirement for unemployment insurance (UI) benefits. Under this provision, a claimant for UI benefits would start receiving benefit payments beginning with the individual's first week of eligibility. The repeal of the one-week waiting period would result in an undetermined cost to the state's UI trust fund due to increased UI benefit payments.

Under current law, the claimant's waiting period is the first week of a claimant's benefit year for which the claimant is otherwise eligible for regular benefits. During a claimant's waiting period, no benefits are payable to the claimant. The waiting period does not affect a claimant's maximum benefit amount, which is 26 weeks of regular state benefits. However, claimants who do not reach the state's 26-week limit effectively receive one less week of benefits due to the waiting week requirement. A claimant must serve one waiting week per benefit year.

The effective date of this provision would be the first Sunday after publication of the bill. This provision would first apply to a claimant benefit year beginning on that effective date.

[Bill Sections: 36 thru 38, 77(2), and 78(1)]

2. EMPLOYEE RECORDS DURING PUBLIC HEALTH EMERGENCY

LRB 5920/P2: Provide that during the period covered by a state of emergency related to a public health emergency declared by the Governor, an employer is not required to provide an employee's personnel records within seven working days after an employee makes a request to inspect his or her personnel records, and an employer is not required to provide the inspection at a location reasonably near the employee's place of employment during normal working hours.

[Bill Section: 35]

Romportl, Dan

From: Romportl, Dan
Sent: Sunday, March 29, 2020 12:25 PM
To: Dye, Jenni N - GOV
Subject: contact info

Hi Jenni,

I wanted to pass along my cell # – if a call is helpful today to discuss the policy doc(s) that you are planning to send our way, please let me know, happy to talk.

Thanks,

Dan Romportl // Fitzgerald office
Cell 608-386-4867

Romportl, Dan

From: Romportl, Dan
Sent: Sunday, March 29, 2020 12:37 AM
To: Rettinger, Nik; Mugnaini, Jason; Lonergan, Sandy; Ponio, Jerry; Summerfield, Craig; Mikalsen, Mike; Esser, Jennifer; Zantow, Jenna; Prange, Katy; Lakin, Tim; Henkel, Matt; Soper, John; Kelly, Scott; Duerkop, Nathan; Emerson, James; Gibbs, Adam; Fiocchi, Tim; Koenen, Kyle
Subject: FW: ALERT! Evers proposes \$800 million package to address COVID-19 pandemic
Importance: High

Chiefs,

Just for clarification, this “bill” was a wish-list from the Evers administration shared with legislative leadership one week ago. It was released yesterday by the Governor’s office as part of an open records request fulfillment.

The draft contained many non-starters – for example:

- multiple sum-sufficient agency budgets, one of which would last in perpetuity, which would be impossible to fund under our general fund’s current projected balance
- an extension of Gov. Evers emergency powers, even though we are still in the early days of the pandemic and do not know what the environment will be like weeks from now
- various election administration changes, asked for while the Democratic Party and their allies simultaneously filed four separate lawsuits seeking to overturn current election-related statutes

Also, the “bill”, now a week old, included policy asks that have since been addressed through Executive Order edicts, such as the landlord provisions and the flexibilities sought to recruit more retired and out-of-state health care workers.

Finally, now that the feds have acted and are sending the Executive Branch nearly \$2 billion to spend on the coronavirus response, many of the fiscal asks contained within the proposal are no longer relevant.

Moving forward, we intend to develop legislation incorporating ideas from caucus members and reasonable policy asks from the Executive Branch, to present to the full caucus for feedback this coming week.

For further clarification, please don’t hesitate to give me a call. I just wanted to provide some context to this as some outlets are presenting this “bill” as “breaking news”, and/or a negotiated “deal,” both of which are inaccurate.

Thanks,
Dan

From: WisPolitics-Publishing <info@wispolitics.com>
Sent: Saturday, March 28, 2020 9:26 PM
To: WisPolitics Notification Services <WisPolitics-Notifications@legis.wisconsin.gov>
Subject: ALERT! Evers proposes \$800 million package to address COVID-19 pandemic



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WisPolitics Alert -- 28 March 2020

Exclusively for WisPolitics Subscribers - DO NOT FORWARD

From WisPolitics.com ...

-- Gov. Tony Evers is asking for more than \$800 million to address the COVID-19 pandemic in a sweeping bill that would also halt enforcement of voter ID, ban evictions, and prevent the layoffs of school employees during a public health emergency.

The proposal, which the Evers administration released late Saturday, also would give the Department of Health Services unlimited spending and position authority during a public health emergency.

GOP legislative leaders indicated in a letter earlier today the "current general fund balance can't support" the proposal.

They also urged the Evers administration to move quickly to use the state's share of an estimated \$2.3 billion coming to Wisconsin as part of the federal relief package to buy needed personal protection equipment.

The proposal also calls for a host of provisions to address the impact on state residents amid a ban on nonessential travel and an order that has forced many businesses to close.

Along with suspending the voter ID requirement during a public health emergency, the bill calls for allowing voting by mail and a longer window to register online. The bill also calls for pushing back the deadline for receipt of an absentee ballot. It would have to be postmarked by Election Day rather than received by 8 p.m. on Election Day as currently required.

The bill also would allow the Department of Administration to print absentee ballots for local governments.

The biggest pieces of the package include: up to \$300 million for the Department of Military Affairs; up to \$200 million for the Department of Administration; \$100 million to expand programs for the working poor; and \$100 million in grants to health care providers.

The package also would provide local governments with a 1 percent increase in aids for 2020, a boost of about \$7.5 million.

See more:

<https://www.wispolitics.com/?p=87411&preview=true>

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