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Senate Bill 1

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* Section 991.11, Wisconsin Statutes : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

2021 WISCONSIN ACT 4

An Act ***to amend*** 108.04 (3) (b), 108.062 (20) (intro.), 108.07 (5) (bm) 1. and 108.07 (5) (bm) 2. a.; and ***to create*** 16.75 (6) (em), 108.07 (5) (bm) 1m., 108.14 (27) and 895.476 of the statutes; **relating to:** the unemployment insurance program and immunity from liability related to COVID-19 exposure.

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

Section 1. 16.75 (6) (em) of the statutes is created to read:

16.75 **(6)** (em) The governor may waive any requirement of this subchapter, except s. 16.705 (1r), for the purpose of expediting the information technology systems project under s. 108.14 (27) if the governor finds the waiver is necessary to timely complete the project. The governor shall require the award of each contract under this paragraph to be made with such competition as is practicable under the circumstances. The governor shall file with the department a statement of facts constituting the necessity for each waiver issued under this paragraph and a statement of the basis for selection of each contractor under this procedure. This paragraph does not apply to the requirement specified in sub. (7).

Section 2. 108.04 (3) (b) of the statutes is amended to read:

108.04 **(3)** (b) Paragraph (a) does not apply with respect to benefit years that begin after March 12, 2020, and before ~~February 7~~ March 14, 2021. The department shall seek the maximum amount of federal reimbursement for benefits that are, during the time period specified in this paragraph, payable for the first week of a claimant's benefit year as a result of the application of this paragraph.

Section 3. 108.062 (20) (intro.) of the statutes is amended to read:

108.062 **(20)** Suspensions of certain provisions. (intro.) Notwithstanding sub. (2), this subsection, and not sub. (2), applies to work-share plans submitted on or after April 17, 2020, and before ~~December 31, 2020~~ the conclusion of a national emergency declared by the U.S. president under 50 USC 1621 in response to the 2019 novel coronavirus or July 4, 2021, whichever is earlier, subject to sub. (19). During that period, prior to implementing a work-share program, an employer shall submit a work-share plan for the approval of the department. In its submittal, the employer shall certify that its plan is in compliance with all requirements under this section. Each plan shall:

Section 4. 108.07 (5) (bm) 1. of the statutes is amended to read:

108.07 **(5)** (bm) 1. ~~The~~ Subject to subd. 1m., the department shall, when processing initial claims for regular benefits, determine

whether a claim or plan is related to the public health emergency declared on March 12, 2020, by executive order 72. If a claim is so related, the regular benefits for that claim shall, except as provided in subd. 2., be paid as provided in subd. 3.

Section 5. 108.07 (5) (bm) 1m. of the statutes is created to read:

108.07 **(5)** (bm) 1m. For purposes of this paragraph, the department shall presume that an initial claim for benefit years beginning on or after March 15, 2020, through March 13, 2021, relates to the public health emergency declared on March 12, 2020, by Executive Order 72 unless the claimant's most recent separation from employment is due to a labor dispute, voluntary termination of work, discharge for misconduct, or discharge for substantial fault. An employer is not required to submit a request for charging relief under this paragraph for initial claims described in this subdivision.

Section 6. 108.07 (5) (bm) 2. a. of the statutes is amended to read:

108.07 **(5)** (bm) 2. a. Subdivision 1. applies only with respect to benefits payable for weeks beginning after March 12, 2020, and beginning before ~~December 31, 2020~~ March 14, 2021.

Section 7. 108.14 (27) of the statutes is created to read:

108.14 **(27)** (a) 1. The department of workforce development shall, in cooperation with the department of administration as required under subch. VII of ch. 16, undertake a project to update its information technology systems used for processing and paying claims for benefits. The department shall seek and exhaust any federal funding available to use for the project, including any funding made available by federal COVID-19 relief legislation.

2. The project under this paragraph shall be undertaken no later than June 30, 2021, except that if the departments are unable to undertake the project by that date, the department may request from the joint committee on finance an extension not to exceed 90 days in a written submission that includes a report on the progress on the project and the reason an extension is needed. If the cochairpersons of the joint committee on finance do not notify the department within 14 working days after the date of the request for an extension under this subdivision that the committee has scheduled a meeting for the purpose of reviewing the extension request, the extension is considered granted. If, within 14 working days after the date of the request for an extension under this subdivision, the cochairpersons of the committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the extension request, the department may consider the extension granted only upon approval by the committee.

(b) A request for proposals for the project under par. (a) shall be issued no later than the 30th day after the effective date of this paragraph.... [LRB inserts date]. The department of workforce development and the department of administration shall report to the joint committee on finance and the joint committee on information policy and technology on the results of the request for proposals.

(c) The department may submit to the joint committee on finance one or more requests to make supplementations or transfers under s. 13.101 (3) or (4) for the purpose of obtaining funding for the project under par. (a). If the joint committee on finance approves a request in whole or in part, the committee may transfer moneys without making any of the findings required under s. 13.101 (3) or (4).

(d) The department may finance the project under par. (a) under a master lease entered into as provided in s. 16.76 (4).

(e) 1. The department of workforce development and the department of administration shall report to the joint committee on finance and the joint committee on information policy and technology on the project under par. (a) as provided in subd. 2. Each report prepared under this paragraph shall include all of the following:

a. An overview of the project.

b. The status of the project, including targeted implementation dates.

c. An analysis of the cost of the project, how the project is being funded, and all resources being used to implement the project.

2. The department shall submit an initial report under subd. 1. no later than the 60th day after the effective date of this subdivision.... [LRB inserts date]. The department shall make additional reports each quarter, which shall be submitted no later than the end of the month following each such quarter, for each succeeding quarter ending after the date of the initial report.

3. Subdivision 1. does not apply beginning on the date that the project is considered complete, as determined by the joint committee on finance.

Section 8. 895.476 of the statutes is created to read:

895.476 Civil liability exemption; exposure to the novel coronavirus SARS-CoV-2 or COVID-19. (1) In this section:

(a) "COVID-19" means the infection caused by the novel coronavirus SARS-CoV-2 or by any viral strain originating from SARS-CoV-2, and conditions associated with the infection.

(b) "Entity" means a partnership, corporation, association, governmental entity, tribal government, tribal entity, or other legal entity,

including a school, institution of higher education, or nonprofit organization. "Entity" includes an employer or business owner, employee, agent, or independent contractor of the entity, regardless of whether the person is paid or an unpaid volunteer. "Entity" includes an employer covered under ch. 108.

(2) Beginning March 1, 2020, an entity is immune from civil liability for the death of or injury to any individual or damages caused by an act or omission resulting in or relating to exposure, directly or indirectly, to the novel coronavirus identified as SARS-CoV-2 or COVID-19 in the course of or through the performance or provision of the entity's functions or services.

(3) Subsection (2) does not apply if the act or omission involves reckless or wanton conduct or intentional misconduct.

(4) Immunity under this section is in addition to, not in lieu of, other immunity granted by law, and nothing in this section limits immunity granted under any other provision of law, including immunity granted under s. 893.80 (4).

Section 9. Nonstatutory provisions.

(1) Civil liability exemption for certain entities. The immunity and limitation on recovery of damages under s. 895.476 applies retroactively to all claims, except that it does not apply to actions filed before the effective date of this subsection.

(2) Federal extended unemployment benefits.

(a) *Definitions.* In this subsection, the definitions in s. 108.141 (1) apply.

(b) *Secretary may waive compliance.* Notwithstanding s. 108.141 (1) (c) 1. b., the secretary of workforce development may waive the prohibition under s. 108.141 (1) (c) 1. b. that no extended benefit period may begin by reason of a Wisconsin "on" indicator before the 14th week following the end of a prior extended benefit period that was in effect with respect to Wisconsin.

(c) *Effective period.* This subsection does not apply after June 30, 2021.

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