

TO: County Board Executive Committee
FROM: Carrie Springer
RE: State Legislative Session Summary as of 7/21/21

Bills of interest signed by the Governor

Governor Evers has signed 73 bills into law so far this session. There were numerous bills that dealt with minor changes to hunting and a few that helped with the COVID response by allowing more people to administer vaccines, allowing out-of-state health care workers to practice in WI if they are licensed in another state, and allowing for extended unemployment benefits.

There was also a bill signed into law supported by the Dane County legislative agenda. **Act 7** allows for merit-based pay increases greater than 10 percent in a single fiscal year in order to help retain more public defenders. From March 2020 to February 2021 the State Public Defenders Office lost 78 staff members to other jobs.

Act 9 created a number of new requirements for pharmacy benefit managers (PBM), health plans, and pharmacies aimed at reducing the cost of prescription drugs. Some of the requirements include better price transparency, better notification on drug coverage changes, and getting rid of the “gag rule” option that allowed PBMs to stop pharmacists from telling customers about cheaper options.

Act 24 creates a consumer advocate to be funded by investor-owned energy utilities through the Citizen’s Utility Board.

Act 33 requires local clerks to publish a public notice on their website that an incumbent local elected official is not seeking election starting with the 2022 spring election.

The governor also signed four bills that stem from the work done by the Speakers Task on Racial Disparities – in particular the Subcommittee on Law Enforcement Policies and Standards. That subcommittee released a [report](#) in April of this year with numerous recommendations. The four bills signed into law on June 22nd (**Acts 48-51**) include banning choke holds in use of force policies, requiring use of force policies to be posted on police websites, requiring use of force data collection and an annual report on them from DOJ, and creating a grant program at DOJ to fund more community-oriented policing programs. The governor included a signing statement with the bills noting more work needs to be done in this area.

Governor Evers signed **Act 57**, a bill that governs how the state will deal with the opioid settlement funds from the multidistrict litigation against opioid manufacturers. Dane County is one of the four original counties involved in the

litigation and this bill helps make sure we can receive the maximum amount allowed by any settlement. It achieves this by closing off any more lawsuits in Wisconsin by other parties so that the state is settled and considered closed. The bill does require the settlement to be approved by the Joint Finance Committee, something of concern to numerous parties. NOTE: The news is reporting today that the opioid manufacturers have a settlement agreements and AG Kaul estimates the state will receive about \$400 million from the settlement. Act 57 requires that 70 percent of that funding goes to local governments. The funds must be spent addressing the opioid epidemic.

He also recently signed **Act 72**, a bill limiting placements for children if they need to be removed from their home. Many children's advocates were concerned about the broad nature of who would be eliminated from possible placements and numerous tribes initially had concerns, but the bill was amended and made better during committee. Our county team provided information to Senate committee members so they had the information needed to make some of those changes.

Vetoed bills

Governor Evers has vetoed 27 bills so far this session and partially vetoed the state budget earlier this month.

He vetoed the very first bill introduced, AB 1, which was a COVID response bill from the legislature that **tried to limit DHS and local public health departments ability to control large gatherings and stop employers from requiring a COVID vaccine**. He also vetoed AB 23 and AB 24, which would have prevented DHS and local health departments from requiring COVID vaccines and stop them both from taking action to limit gatherings in places of worship in order to stop an outbreak or epidemic.

In April he vetoed 11 bills dictating how the governor should spend the federal **American Rescue Plan Act (ARPA) funding for the state**. In March he vetoed SB 38, which attempted to force the governor to bring all state employees back to their offices. He also vetoed a bill that required him to submit a plan to the Joint Finance Committee on how his administration planned to spend the federal ARPA funds.

On Jun 30th he vetoed AB 173, which **would have banned clerks from applying for or receiving private grants** to help run elections.

He also recently vetoed AB 191, a bill passed at the end of June to **eliminate the personal property on business** furniture and equipment. The Legislative Fiscal Bureau recently noted that the bill could cost \$45 million more a year than the original estimate. The governor noted that he left funding in the state budget to be

able to eliminate the personal property tax in a better way that doesn't cause unintended problems down the road.

On July 9th he vetoed AB 369, a bill that would **make changes to local redistricting after we receive the new census data**. Dane County registered against this bill and I sent a message to our delegation noting that we do not support the WCA position on this bill. Both WCA and the WI Towns Association registered in support of the bill. The Municipal Clerks are against the bill. This bill makes changes to the timeline for the redistricting process and while the dates do need to change because of the delay in the data necessary to do redistricting, this bill goes beyond just changing the dates and sets up a top-down process from the state that could ignore local input and the work done on local redistricting. The process outlined in this bill could also cause additional work for clerks, confusion for voters, and municipalities to be unnecessarily divided into multiple districts.

Some of the bills still pending that I am currently monitoring:

Election Changes

There are **numerous other bills pending on elections that are potentially very problematic** including ones that limit the number of drop boxes, change absentee voting rules, and prohibit clerks from filling in missing information on absentee ballots. Some of the bills making changes to the election process have passed both chambers already, but the legislature has not sent them to the governor yet.

Those bill include:

- **SB 212** – This bill would prevent clerks from filling in missing information on absentee ballot certificates like the zip code for the city that is listed as the voter's address. This bill passed both chambers in June.
- **SB 203** – This bill creates new restrictions on who can return absentee ballots, which creates obstacles for those in residential care facilities, and limits how many sites can be set up as ballot collection sites. It also makes it a felony to return an absentee ballot if you are not an "immediate family" member or legal guardian of that person.

- **SB 204** – This bill makes numerous changes to the absentee voting process and creates many new tasks for clerks. Voters would have to request an absentee ballot for each election and provide an ID for each election rather than the current practice that allows voters to request ballots for the whole year and upload their ID once to the clerk to keep on file. It would also prohibit clerks from using the envelope for the absentee ballot as the official request for the ballot when voters do in-person absentee voting. The city of Madison currently does this. This bill passed both chambers in June as well.

As mentioned above, the governor already vetoed AB 173, which would have barred election officials from receiving grants to help pay for election costs. However there are still other bills on the election process moving through the system such as SB 209, which limits a city the size of Madison to only three drop boxes beyond one at the clerk's office. This bill passed the Senate in June, but hasn't had a hearing yet in the Assembly.

Bills dealing with election changes will likely be a focus again now that the budget is done. The Legislative Audit Bureau is working on a report on the 2020 election and the Speaker has hired two retired police officers and former Justice Gableman to review the 2020 election so it is very likely that more bills on this topic will get introduced this session.

PFAS

The legislature stripped most of the governor's PFAS initiatives from the state budget. Gov. Evers' budget proposed increasing the staff at the DNR focused on PFAS in order to implement their PFAS Action [Plan](#). He also included a grant program for PFAS testing and remediation as well as a program to help collect all of the firefighting foam around the state with PFAS. The latter is the only item the legislature included in the final budget sent to the governor. He had a minor veto in this section that simply modified the title so that program was signed into law.

In June a new bill about PFAS was introduced by Rep. Behnke (R-Oconto). The bill would create a new annual \$10 million grant program for local governments to apply to for assistance cleaning up PFAS. However, in order to receive a grant the municipality would have to give up the right to sue the manufacturers of PFAS. It also doesn't set this up as a program with a long-term funding source because it directs the governor to use ARPA funds to pay for it. The bill has already passed the Assembly on a partisan vote, but seems likely to be vetoed if the Senate passes it too.

Others

- The state budget set aside funding for the state to take over **Subsidized Guardianship payments for counties**. The legislature tried to limit policy language in the state budget so a trailer bill is now being circulated for co-sponsorship to set up this new state payment system. This would be welcome relief to counties. Subsidized guardianships are used when reunification and adoption are not the best options available for children in foster care.
- **AB 69, the bill to allow some expungements of records**, passed the Assembly on 6/16 and is waiting to be taken up by the Senate. The Senate version passed out of committee with a bipartisan vote on 6/2. The Assembly added an amendment right before it passed out of committee that is not in the Senate version so the Senate could just decide to take up the Assembly version when they come back into session later this year. The Assembly amendment adds more crimes that cannot be expunged.
- **SB 119, a bill that cuts shared revenue payments to any municipality that reduces funding for law enforcement**. This bill has passed both chambers, but has not been sent to the governor yet. Once it is sent, it starts the seven-day clock on when the governor has to either sign or veto. Both the WCA and the League of WI Municipalities oppose the bill.
- **AB 25, a bill to prohibit employers from requiring a COVID vaccine**. This passed the Assembly a while back and was sent to the Senate for consideration. The Senate version passed out of committee, but has not had a floor vote. It remains to be seen if they will send this to the governor again as a separate bill as he already vetoed it as part of AB 1, the Legislature's first COVID response package.
- **AB 210, a bill to provide suicide prevention grants**. Counties would be eligible to apply for grants from DHS for suicide prevention programming as long as they provided a 20 percent match. The bill has bipartisan support and passed the committee unanimously in May. The Senate version had a committee hearing in early June, but has not been voted out yet. NOTE: all bills that spend money outside of the budget process have the added new wrinkle that the Speaker recently said he will have to think twice about spending new money because if they do, the legislature also needs to spend more money on education at the same time. This is the required "maintenance of effort" for federal funds related to the COVID response.
- **AB 21, a bill that would provide additional funding for clerks for some special elections**. This bill and the Senate version were introduced in January, but stalled for some time even though it has strong support

from local governments and bipartisan support. The Assemble committee recently started to move on it though and had a hearing in June so we may see this move as part of whatever election package of bills the legislature moves later on in the session.