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**Advocacy Digest | August 19, 2021**

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With fall right around the corner, the Wisconsin Legislature moves into the second half of their 2021-2022 legislative session. With split power between the parties in Wisconsin with the republicans controlling both houses of the legislature and democrat Tony Evers as governor, it was unclear to start the year how many items would be signed into law in 2021. News reports often focus on what the parties do not agree on – Bills that either die or are vetoed - but 2021 has seen positive progress on several policy items.

The first bill signed into law in February contained several updates to the tax code but the main provision that was added as an amendment, eliminated state income and franchise taxes from certain economic support programs funded through the Coronavirus Relief Fund created under the federal CARES Act. In other words, 2021 Wisconsin Act 1 would assure the tax treatment for PPP loans received by Wisconsin businesses would not be treated differently by the federal government and the State of Wisconsin.

Assuring that WBA members would not be open to frivolous lawsuits after taking steps to protect customers and employees from the pandemic was also a top priority to start this legislative session. Legislative leaders, most notably Senate President Chris Kapenga (R-Delafield), Senate Majority Leader Devin LeMahieu (R-Oostburg), Assembly Speaker Robin Vos (R-Rochester), and Representative Mark Born (R-Beaver Dam) worked with Governor Evers on this overwhelming bipartisan bill that is now 2021 Wisconsin Act 4.

Act 4 provides a civil liability exemption from COVID exposure claims for Wisconsin employers, governments, schools, and other entities as well as their employees, agents, and independent contractors. Entities cannot be held liable for ordinary negligence claims associated with a COVID infection; this civil immunity does not apply if an act or omission involves reckless or wanton conduct or intentional misconduct.

The WBA Advocacy agenda included a provision to fund additional positions at the Department of Safety and Professional Services (DSPS) to add two additional positions for review and approval of private onsite wastewater treatment systems (POWTS) applications. In early July, Governor Evers’ signed what is now 2021 Wisconsin Act 67 to provide additional staff at DSPS to review and process POWTS applications. After hearing that DSPS may have reservations about these added positions, WBA will continue to work with DSPS to assure these two new positions come online soon to address the delays in plan approvals.

Early on in the session, we were able to work with Senate Majority Leader Devin LeMahieu and Assembly Speaker Robin Vos on a provision to assure occupancy permits did not contain notes when inspectors used current administrative rules to allow projects to move forward without some final inspections. This provision came after hearing from members that inspectors’ notes on final inspection paperwork were delaying some occupancy permits from being issued. A provision to address this concern was included in 2021 Assembly Bill 1 but unfortunately that bill was vetoed by Governor Evers. WBA made additional attempts to address this issue in follow up legislation that was again opposed by Governor Evers and officials at DSPS.

Finally, in early July, Governor Evers signed the state budget sent to him after issuing several line-item vetoes. The recently signed state budget was the first bipartisan state budget since 2007 and has the most votes in favor since 2001.

Budget Highlights:

* $125M for the Rural Broadband Expansion Grant program
* A reduction in the third individual income tax bracket from 6.27& to 5.3%
* Provisions calling for an additional contractor registration, the return of prevailing wage on housing development infrastructure, and a 2% property tax increase were not included in the final budget

The republican controlled legislature and democrat Governor Tony Evers deserve credit for working together to start the 2021-2022 legislative session to address the above issues in a bipartisan effort.