



## 2009 ASSEMBLY BILL 5

January 26, 2009 - Introduced by Representatives SINICKI, SHERIDAN, NELSON, SEIDEL, STASKUNAS, BARCA, COLON, VAN AKKEREN, JORGENSEN, TOLES, PARISI and HONADEL, cosponsored by Senators COGGS, DECKER, MILLER, HANSEN, LEHMAN and WIRCH. Referred to Joint Committee on Finance.

1     **AN ACT to amend** 108.141 (1) (e) (intro.), 108.141 (1m), 108.142 (1) (c) (intro.) and  
2             108.142 (1m) of the statutes; **relating to:** payment of Wisconsin supplemental  
3             and extended unemployment insurance benefits in this state.

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### *Analysis by the Legislative Reference Bureau*

Under current law, qualified claimants who have exhausted their regular unemployment insurance benefits may potentially receive additional weeks of benefits specified by law if a Wisconsin supplemental benefit period or a federal/state extended benefit period is in effect. Both Wisconsin supplemental and federal/state extended benefits are paid for in whole or in part by employers in this state. Recently, the federal government has made available additional federally funded unemployment insurance benefits to claimants in this state who have exhausted their regular benefits. These additional benefits have been and may in the future be funded by the federal government directly with little or no cost to employers in this state. Current law permits the governor to suspend payment of either Wisconsin supplemental or federal/state extended benefits in this state in order to allow for payment of additional federally funded benefits.

This bill provides that no Wisconsin supplemental benefits may be paid for any week of unemployment ending after January 27, 2009, during which additional federally funded benefits are payable in this state unless the governor suspends this suspension to permit resumption of Wisconsin supplemental benefit payments. The bill also provides that no federal/state extended benefits may be paid for any week of unemployment ending after January 27, 2009, unless federal/state extended

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benefits are payable in this state for that week under federal law. The bill permits the governor to suspend this suspension to permit resumption of federal/state extended benefit payments.

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

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

1           **SECTION 1.** 108.141 (1) (e) (intro.) of the statutes is amended to read:

2           108.141 (1) (e) (intro.) ~~Except as provided in sub. (1m), there~~ There is a  
3 Wisconsin “off” indicator for a week if the department determines, in accordance with  
4 the regulations of the U.S. secretary of labor, that, for the period consisting of such  
5 week and the immediately preceding 12 weeks, the Wisconsin rate of insured  
6 unemployment (not seasonally adjusted):

7           **SECTION 2.** 108.141 (1m) of the statutes is amended to read:

8           108.141 (1m) ~~ADDITIONAL FEDERALLY FUNDED~~ SUSPENSION OF EXTENDED BENEFITS.  
9 The Notwithstanding sub. (1), no extended benefits may be paid for any week of  
10 unemployment ending after January 27, 2009, unless benefits are payable for that  
11 week under P.L. 91-373, as amended, in this state. The governor may, by executive  
12 order, elect to establish a Wisconsin “off” indicator suspend the application of this  
13 subsection in order to allow for the payment of additional federally funded extended  
14 benefits in lieu of extended benefits as provided in this section during a period  
15 specified in the order, if such an election is permitted by federal law. Any such  
16 indicator is suspension shall be effective at the beginning of the week in which  
17 additional federally funded benefits are initially payable or the beginning of the 4th  
18 week after the week in which specified by the governor issues in the order, whichever

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1 ~~is later and may be rescinded by similar order, which shall be effective at the~~  
2 ~~beginning of the week specified by the governor in that order.~~

3 **SECTION 3.** 108.142 (1) (c) (intro.) of the statutes is amended to read:

4 108.142 (1) (c) (intro.) ~~Except as provided in sub. (1m), there~~ There is a  
5 Wisconsin “off” indicator under this section for a week if the department determines  
6 that, for the period consisting of that week and the immediately preceding 12 weeks,  
7 the Wisconsin rate of insured unemployment (not seasonally adjusted):

8 **SECTION 4.** 108.142 (1m) of the statutes is amended to read:

9 108.142 (1m) ~~ADDITIONAL FEDERALLY FUNDED~~ SUSPENSION OF WISCONSIN  
10 SUPPLEMENTAL BENEFITS. ~~The~~ Notwithstanding sub. (1), no Wisconsin supplemental  
11 benefits may be paid for any week of unemployment ending after January 27, 2009,  
12 during which additional federally funded benefits are payable in this state, unless  
13 the governor may, by executive order, elect to establish a Wisconsin “off” indicator in  
14 order to allow for the payment of additional federally funded benefits in lieu of  
15 Wisconsin supplemental benefits during a period specified in the order, if such an  
16 election is permitted by federal law. Any such indicator is suspends the application  
17 of this subsection to allow payment of Wisconsin supplemental benefits as provided  
18 in this section during a period specified in the order. Any such suspension shall be  
19 effective at the beginning of the week in which additional federally funded benefits  
20 are initially payable or the beginning of the 4th week after the week in which  
21 specified by the governor issues in the order, whichever is later and may be rescinded  
22 by similar order, which shall be effective at the beginning of the week specified by  
23 the governor in that order.

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(END)