

Senate taking up scaled-back COVID-19 bill today

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Senate Org on a party-line 3-2 vote yesterday approved a scaled-back COVID-19 bill that GOP Majority Leader Devin LeMahieu plans to put on the floor today.

While the amended bill pulls out some provisions from an Assembly bill that were expected to draw opposition from Gov. Tony Evers, LeMahieu, R-Oostburg, acknowledged he wasn't sure the new version would win the gov's support.

A spokeswoman for Evers didn't immediately respond to a request for comment.

LeMahieu told the committee most of the provisions in the amended bill were extensions of the COVID-19 legislation that passed both houses last spring and was signed into law by the gov. He said another eight were also included in the bill that Evers released last month and portrayed as a compromise with GOP legislative leaders, though LeMahieu and Speaker Robin Vos, R-Rochester, disputed that.

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The amended Senate bill includes two provisions that LeMahieu said go "above and beyond" the gov's bill:

*One would allow the designation of an "essential visitor" for those who are in nursing homes and assisted living facilities to ensure someone could see them in person amid restrictions on visits during the pandemic.

*The second is a provision that would provide liability protections for schools, churches, non-profits, businesses and others.

Both provisions were also in the bill that cleared the Assembly last week.

“We need to make sure that they’re protected from frivolous lawsuits. That’s what we’re trying to solve with this,” LeMahieu said.

Senate Minority Leader Janet Bewley, D-Town of Mason, raised concerns the limits on liability would encourage businesses to ignore state and local restrictions designed to prevent the spread of the disease.

She also questioned why the bill was put before Senate Org after the Finance Committee was originally scheduled to hear public testimony and vote on the bill.

“We’ve had months and months of no action and suddenly now time is of the essence and we’re contouring Senate Org in order to have this come through,” Bewley said.

Under the bill, the immunity wouldn’t apply if the entity engaged in “reckless or wanton conduct or intentional misconduct.”

The bill states noncompliance with any national, state or local order requiring closure or limiting capacity doesn’t qualify as reckless or wanton conduct.

The protections would apply to claims beginning March 1, but wouldn’t be applied retroactively to those already filed before the bill became law.

The hearing led off with a string of speakers from business groups and others expressing support for the liability provision.

As the hearing continued, some urged the Senate to take up the Assembly bill, which includes a prohibition on requiring the COVID-19 vaccine as a requirement for employment.

Some of the provisions in the Assembly bill that didn’t make the Senate version include:

*barring schools from denying an open enrollment application for any reason during the 2020-21 and 2021-22 school years if the pupil’s parents and the nonresident school board agree the transfer would be in the student’s best interest.

*requiring a two-thirds vote by school boards before providing virtual instruction instead of in-person learning. The approval would be good for 14 days, when the board would have to reauthorize it with another two-thirds majority.

*restricting the powers of local health officials to close businesses due to a pandemic.

*banning state and local officials from closing or forbidding gatherings at places of worship to control the COVID-19 outbreak.

*authorizing dentists to administer the COVID-19 vaccine.

*requiring Evers to submit plans to spend federal funds related to COVID-19. Under the provision, the Joint Finance Committee would have oversight through the 14-day passive review process.

Vos, R-Rochester, last week expressed confidence the Assembly version of the bill would clear the Senate. After LeMahieu suggested there wasn't an agreement on the legislation, Vos said the situation was "bizarre."

A Vos spokeswoman didn't immediately return a call seeking comment on the Senate version of the bill.

Dems raised concerns over the procedure Republicans used to push the bill through committee so it can be on the floor Tuesday.

On Friday, the Senate announced plans for the Finance Committee to take up the bill and exec it. But yesterday morning, the legislation was moved to Org, which typically doesn't schedule public testimony on bills.

Senate Assistant Minority Leader Janis Ringhand, D-Evansville, said she didn't receive notice until shortly before 8 a.m. yesterday the committee would meet for the public hearing and exec.

LeMahieu said "logistical challenges" kept Finance from hearing the bill and he didn't want to cancel a hearing because the Senate won't be on the floor again until Jan. 26.

"You can blame the new majority leader for a little bit of a rocky start, but we really feel it's important to get this done in a timely fashion if we have that opportunity," LeMahieu said.

Read the substitute amendment [here](#).

See the Assembly bill [here](#).