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STATE SENATOR • 17TH SENATE DISTRICT

Capitol Update

By Senator Howard Marklein

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New Law Prevents Frivolous COVID-19 Lawsuits

Last summer, I connected with all of the school districts in the 17th Senate District to discuss re-opening schools. The top issue for many of them was liability. They were worried about lawsuits that might be brought if they re-open and a teacher, staff member or student becomes ill from COVID-19.

This concern has been universal among schools, churches, employers, organizations and clubs statewide. While we all choose where we go and what we do, many of these entities were worried about the financial impact that a legal defense might cost them.

Thankfully, the Governor signed Act 4 into law on Thursday, February 25, 2021. This legislation creates a civil liability exemption for COVID-19 related claims. This is tremendous news for every school, church, employer, organization and entity in our communities.

What does this mean? This law says that an individual cannot bring a frivolous lawsuit against you, your school, your church, your business, your organization or your club for a vague COVID-19 related claim. It does not give anyone carte blanche to put people at risk, but it does protect those of us who are taking extraordinary steps to serve our students, customers, parishioners and members safely and within recommended guidelines. Reckless, wanton or intentional misconduct is not protected by this law.

I was very eager and proud to support this legislation. I am thrilled that the Governor signed the bill. I firmly believe that this is one of the best ways that our government can support you in your efforts to recover and re-open as the pandemic continues.

Around the country, several unscrupulous attorneys have started filing lawsuits against a variety of organizations and employers claiming liability for COVID-19 illnesses and seeking massive financial judgements. Whether or not these organizations are held liable, they have had to legally defend themselves at great financial cost. Our schools, churches, Main Street businesses and organizations should not have to worry about this kind of attack. This new law protects all of us and will help us to move forward.

It is my hope that schools, churches, employers and organizations will be relieved by this legislation and continue working to recover and re-open with confidence.

In addition to the liability exemption, Act 4 also directs the Governor and Department of Workforce Development (DWD) to immediately begin working on a plan to replace the DWD information technology system.

The legislature changed the Governor's bill slightly and directed the administration to bring a researched proposal to the Joint Committee on Finance (JFC) to seek funding. We want a clear, research-based estimate, rather than simply allocating \$80 million without knowing the actual cost. I guarantee that if we had allocated \$80 million, the IT system would have cost at least \$80 million.

This bill was in response to the Governor's call for a Special Session on Unemployment Insurance. While the Governor did not need the Legislature to make these changes to the UI system I'm proud we did after months of inaction from our executive branch. This is important legislation and I look forward to continuing our work to support all of our workers and communities in recovery and re-opening.

For more information and to connect with me, visit my website <http://legis.wisconsin.gov/senate/17/marklein> and subscribe to my weekly E-Update by sending an email to Sen.Marklein@legis.wisconsin.gov. Do not hesitate to call 800-978-8008 if you have any questions or need assistance with any state-related matters.