

Record of Committee Proceedings

Joint Committee for Review of Administrative Rules

EmR 2106

Relating to: work search waivers, availability for work, and work available for people filing claims with the unemployment insurance program during the Covid-19 pandemic (DWD).

May 19, 2021

Public Hearing Held

Present: (10) Senator Nass; Representative Neylon; Senators Stroebel, Bradley, Roys and Larson; Representatives August, Spiros, Subeck and Hebl.

Absent: (0) None.

Excused: (0) None.

Appearances For

- Brian Dake - Wisconsin Independent Businesses, Inc.
- Bill Smith - National Federation of Independent Business (NFIB)

Appearances Against

- None.

Appearances for Information Only

- Secretary-designee Amy Pechacek - DWD
- Janell Knutson - DWD

Registrations For

- Chris Reader - WMC

Registrations Against

- None.

Registrations for Information Only

- None.

May 19, 2021

Executive Session Held

Present: (10) Senator Nass; Representative Neylon; Senators Stroebel, Bradley, Roys and Larson;

Representatives August, Spiros, Subeck and Hebl.

Absent: (0) None.

Excused: (0) None.

Moved by Senator Nass, seconded by Representative Neylon that the Joint Committee for Review of Administrative Rules, pursuant to s. 227.26 (2) (d), Stats., suspend Emergency Rule 2106, relating to work search waivers, availability for work, and work available for people filing claims with the unemployment insurance program during the COVID-19 pandemic, on the grounds that the emergency rule fails to comply with legislative intent and conflicts with state law, as it duplicates certain effects of Emergency Rule 2006 in violation of the maximum duration of an emergency rule specified under s. 227.24 (1) (c) and (2), Stats., and further, that there has been a change in circumstances since enactment of the earliest law upon which the proposed rule is based.

Ayes: (6) Senator Nass; Representative Neylon; Senators Stroebel and Bradley; Representatives August and Spiros.

Noes: (4) Senators Roys and Larson; Representatives Subeck and Hebl.

MOTION, THAT THE JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES, PURSUANT TO S. 227.26 (2) (D), STATS., SUSPEND EMERGENCY RULE 2106, RELATING TO WORK SEARCH WAIVERS, AVAILABILITY FOR WORK, AND WORK AVAILABLE FOR PEOPLE FILING CLAIMS WITH THE UNEMPLOYMENT INSURANCE PROGRAM DURING THE COVID-19 PANDEMIC, ON THE GROUNDS THAT THE EMERGENCY RULE FAILS TO COMPLY WITH LEGISLATIVE INTENT AND CONFLICTS WITH STATE LAW, AS IT DUPLICATES CERTAIN EFFECTS OF EMERGENCY RULE 2006 IN VIOLATION OF THE MAXIMUM DURATION OF AN EMERGENCY RULE SPECIFIED UNDER S. 227.24 (1) (C) AND (2), STATS., AND FURTHER, THAT THERE HAS BEEN A CHANGE IN CIRCUMSTANCES SINCE ENACTMENT OF THE EARLIEST LAW UPON WHICH THE PROPOSED RULE IS BASED PASSED, Ayes 6, Noes 4

Moved by Senator Nass, seconded by Representative Neylon that the Joint Committee for Review of Administrative Rules, pursuant to s. 227.26 (2) (f), Stats., introduce LRB-3406 and LRB-3512 in the Senate and Assembly, relating to work search requirements for

unemployment insurance and the suspension of a rule of the Department of Workforce Development (DWD), in support of the committee's May 19, 2021, suspension of Emergency Rule 2106 (Department of Workforce Development), and issue its report on the bills.

Ayes: (6) Senator Nass; Representative Neylon;
Senators Stroebel and Bradley;
Representatives August and Spiros.

Noes: (4) Senators Roys and Larson; Representatives
Subeck and Hebl.

MOTION, THAT THE JOINT COMMITTEE FOR REVIEW OF ADMINISTRATIVE RULES, PURSUANT TO S. 227.26 (2) (F), STATS., INTRODUCE LRB-3406 AND LRB-3512 IN THE SENATE AND ASSEMBLY, RELATING TO WORK SEARCH REQUIREMENTS FOR UNEMPLOYMENT INSURANCE AND THE SUSPENSION OF A RULE OF THE DEPARTMENT OF WORKFORCE DEVELOPMENT (DWD), IN SUPPORT OF THE COMMITTEE'S MAY 19, 2021, SUSPENSION OF EMERGENCY RULE 2106 (DEPARTMENT OF WORKFORCE DEVELOPMENT), AND ISSUE ITS REPORT ON THE BILLS PASSES, Ayes 6, Noes 4

Adam Field
Committee Clerk