



State of Wisconsin
2015 - 2016 LEGISLATURE

LRBa2032/1
TKK:ahc

**ASSEMBLY AMENDMENT 7,
TO ASSEMBLY BILL 751**

February 9, 2016 - Offered by Representative POPE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 2, line 1: before that line insert:

3 “**SECTION 1b.** 13.94 (intro.) of the statutes, as affected by 2015 Wisconsin Acts
4 2 and 55, is amended to read:

5 **13.94 Legislative audit bureau.** (intro.) There is created a bureau to be
6 known as the “Legislative Audit Bureau,” headed by a chief known as the “State
7 Auditor.” The bureau shall be strictly nonpartisan and shall at all times observe the
8 confidential nature of any audit currently being performed. Subject to s. 230.35 (4)
9 (a) and (f), the state auditor or designated employees shall at all times with or
10 without notice have access to all departments and to any books, records or other
11 documents maintained by the departments and relating to their expenditures,
12 revenues, operations and structure, including specifically any such books, records,
13 or other documents that are confidential by law, except as provided in sub. (4) and

1 except that access to documents of counties, cities, villages, towns or school districts
2 is limited to work performed in connection with audits authorized under sub. (1) (m)
3 ~~and except that access to documents of the opportunity schools and partnership~~
4 ~~programs under s. 119.33, subch. IX of ch. 115, and subch. II of ch. 119 is limited to~~
5 ~~work performed in connection with audits authorized under sub. (1) (os). In the~~
6 discharge of any duty imposed by law, the state auditor may subpoena witnesses,
7 administer oaths and take testimony and cause the deposition of witnesses to be
8 taken as prescribed for taking depositions in civil actions in circuit courts.

9 **SECTION 1d.** 13.94 (1) (b) of the statutes, as affected by 2015 Wisconsin Act 55,
10 is amended to read:

11 13.94 (1) (b) At the state auditor's discretion or as the joint legislative audit
12 committee directs, audit the records of each department. Audits of the records of a
13 county, city, village, town, or school district may be performed only as provided in par.
14 (m). ~~Audits of the records of the opportunity schools and partnership programs~~
15 ~~under s. 119.33, subch. IX of ch. 115, and subch. II of ch. 119 may be performed only~~
16 ~~as provided in par. (os). After completion of any audit under this paragraph, the~~
17 bureau shall file with the chief clerk of each house of the legislature, the governor,
18 the department of administration, the legislative reference bureau, the joint
19 committee on finance, the legislative fiscal bureau, and the department audited, a
20 detailed report of the audit, including the bureau's recommendations for
21 improvement and efficiency and including specific instances, if any, of illegal or
22 improper expenditures. The chief clerks shall distribute the report to the joint
23 legislative audit committee, the appropriate standing committees of the legislature,
24 and the joint committee on legislative organization.

1 **SECTION 1f.** 13.94 (1) (e) of the statutes, as affected by 2015 Wisconsin Act 55,
2 is amended to read:

3 13.94 (1) (e) Make such special examinations of the accounts and financial
4 transactions of any department, agency or officer as the legislature, joint legislative
5 audit committee or joint committee on legislative organization directs.
6 Examinations of the accounts and transactions of a county, city, village, town, or,
7 ~~subject to par. (os), of a~~ school district, may be performed only as authorized in par.
8 (m).

9 **SECTION 1h.** 13.94 (1) (os) of the statutes, as created by 2015 Wisconsin Act 55,
10 is repealed.

11 **SECTION 1j.** 13.94 (1s) (a) of the statutes, as affected by 2015 Wisconsin Act 55,
12 is amended to read:

13 13.94 (1s) (a) Except as otherwise provided in par. (c), the legislative audit
14 bureau may charge any department for the reasonable cost of auditing services
15 performed at the request of a department or at the request of the federal government
16 that the bureau is not required to perform under sub. (1) (b) or (c) or any other law.
17 This paragraph does not apply to counties, cities, villages, towns, or school districts
18 ~~or to the opportunity schools and partnership programs under sub. (1) (os).~~

19 **SECTION 1L.** 20.255 (2) (fs) of the statutes, as created by 2015 Wisconsin Act
20 55, is repealed.

21 **SECTION 1n.** 40.03 (2) (x) of the statutes, as created by 2015 Wisconsin Act 55,
22 is repealed.

23 **SECTION 1p.** 59.17 (2) (b) 7. of the statutes, as created by 2015 Wisconsin Act
24 55, is repealed.

1 **SECTION 1r.** 59.796 of the statutes, as created by 2015 Wisconsin Act 55, is
2 repealed.

3 **SECTION 1t.** 62.53 of the statutes, as created by 2015 Wisconsin Act 55, is
4 repealed.

5 **SECTION 1u.** 63.23 (1) of the statutes, as affected by 2015 Wisconsin Act 55, is
6 amended to read:

7 63.23 (1) The city service commission shall classify all offices and positions in
8 the city service, excepting those subject to the exemptions of s. 63.27 and those
9 subject to an exclusion under s. 119.33 (2) (e) 1. or 119.9002 (5) (a), according to the
10 duties and responsibilities of each position. Classification shall be so arranged that
11 all positions which in the judgment of the commission are substantially the same
12 with respect to authority, responsibility and character of work are included in the
13 same class. From time to time the commission may reclassify positions upon a proper
14 showing that the position belongs to a different class.

15 **SECTION 1w.** 66.0301 (1) (a) of the statutes, as affected by 2015 Wisconsin Act
16 55, is amended to read:

17 66.0301 (1) (a) Except as provided in pars. (b) and (c), in this section
18 “municipality” means the state or any department or agency thereof, or any city,
19 village, town, county, or school district, ~~the opportunity schools and partnership~~
20 ~~programs under subch. IX of ch. 115 and subch. II of ch. 119, the superintendent of~~
21 ~~schools opportunity schools and partnership program under s. 119.33, or any public~~
22 library system, public inland lake protection and rehabilitation district, sanitary
23 district, farm drainage district, metropolitan sewerage district, sewer utility district,
24 solid waste management system created under s. 59.70 (2), local exposition district
25 created under subch. II of ch. 229, local professional baseball park district created

1 under subch. III of ch. 229, local professional football stadium district created under
2 subch. IV of ch. 229, local cultural arts district created under subch. V of ch. 229,
3 long-term care district under s. 46.2895, water utility district, mosquito control
4 district, municipal electric company, county or city transit commission, commission
5 created by contract under this section, taxation district, regional planning
6 commission, housing authority created under s. 66.1201, redevelopment authority
7 created under s. 66.1333, community development authority created under s.
8 66.1335, or city-county health department.

9 **SECTION 1x.** 115.28 (10m) of the statutes, as created by 2015 Wisconsin Act 55,
10 is repealed.

11 **SECTION 1y.** 115.28 (10o) of the statutes, as created by 2015 Wisconsin Act 55,
12 is repealed.

13 **SECTION 1z.** Subchapter IX of chapter 115 [precedes 115.999] of the statutes,
14 as created by 2015 Wisconsin Act 55, is repealed.”.

15 **2.** Page 7, line 15: after that line insert:

16 “**SECTION 19a.** 118.125 (4) of the statutes, as affected by Wisconsin Act 55, is
17 amended to read:

18 118.125 (4) TRANSFER OF RECORDS. Within 5 working days, a school district, and
19 a private school participating in the program under s. 118.60 or in the program under
20 s. 119.23, ~~and the governing body of a private school that, pursuant to s. 115.999 (3),~~
21 ~~119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general~~
22 ~~management of a school transferred to an opportunity schools and partnership~~
23 ~~program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 shall transfer~~
24 to another school, including a private or tribal school, or school district all pupil

1 records relating to a specific pupil if the transferring school district or private school
2 has received written notice from the pupil if he or she is an adult or his or her parent
3 or guardian if the pupil is a minor that the pupil intends to enroll in the other school
4 or school district or written notice from the other school or school district that the
5 pupil has enrolled or from a court that the pupil has been placed in a juvenile
6 correctional facility, as defined in s. 938.02 (10p), or a secured residential care center
7 for children and youth, as defined in s. 938.02 (15g). In this subsection, “school” and
8 “school district” include any juvenile correctional facility, secured residential care
9 center for children and youth, adult correctional institution, mental health institute,
10 or center for the developmentally disabled that provides an educational program for
11 its residents instead of or in addition to that which is provided by public, private, and
12 tribal schools.

13 **SECTION 19b.** 118.30 (1g) (a) 3. of the statutes, as affected by 2015 Wisconsin
14 Act 55, is amended to read:

15 118.30 (1g) (a) 3. The governing body of each private school participating in the
16 program under s. 119.23 ~~and the governing body of a private school that, pursuant~~
17 ~~to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation~~
18 ~~and general management of a school transferred to an opportunity schools and~~
19 ~~partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 shall~~
20 adopt pupil academic standards in mathematics, science, reading and writing,
21 geography, and history. The governing body of the private school may adopt the pupil
22 academic standards issued by the governor as executive order no. 326, dated January
23 13, 1998.

24 **SECTION 19c.** 118.30 (1s) (intro.) of the statutes, as affected by 2015 Wisconsin
25 Act 55, is amended to read:

1 118.30 (1s) (intro.) Annually, the governing body of each private school
2 participating in the program under s. 119.23, other than a private school at which
3 fewer than 20 pupils are attending the school under the program under s. 119.23, and
4 ~~the governing body of a private school that, pursuant to s. 115.999 (3), 119.33 (2) (c)~~
5 ~~3., or 119.9002 (3) (c), is responsible for the operation and general management of a~~
6 ~~school transferred to an opportunity schools and partnership program under s.~~
7 ~~119.33, subch. IX of ch. 115, or subch. II of ch. 119 shall do all of the following:~~

8 **SECTION 19d.** 118.33 (1) (f) 2. of the statutes, as affected by 2015 Wisconsin Act
9 55, is amended to read:

10 118.33 (1) (f) 2. The operator of a charter school under s. 118.40 (2r) or (2x) that
11 operates high school grades ~~and an individual or group or a person that, pursuant~~
12 ~~to s. 115.999 (3), 119.33 (2) (c) 1. or 2., or 119.9002 (3) (a) or (b), is responsible for the~~
13 ~~operation and general management of a school transferred to an opportunity schools~~
14 ~~and partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119~~
15 ~~and that operates high school grades shall develop and periodically review and revise~~
16 ~~a policy specifying criteria for granting a high school diploma. The criteria shall~~
17 ~~include the pupil's academic performance, successful completion of the civics test~~
18 ~~under sub. (1m) (a), and the recommendations of teachers.~~

19 **SECTION 19e.** 118.33 (1) (f) 2m. of the statutes, as affected by 2015 Wisconsin
20 Act 55, is amended to read:

21 118.33 (1) (f) 2m. The governing body of each private school participating in the
22 program under s. 119.23 ~~and the governing body of a private school that, pursuant~~
23 ~~to s. 115.999 (3), 119.33 (2) (c) 3., or 119.9002 (3) (c), is responsible for the operation~~
24 ~~and general management of a school transferred to an opportunity schools and~~
25 ~~partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 shall~~

1 develop and periodically review and revise a policy specifying criteria for granting
2 a high school diploma to pupils attending the private school under s. 119.23 ~~or the~~
3 ~~school transferred to an opportunity schools and partnership program under s.~~
4 ~~119.33, subch. IX of ch. 115, or subch. II of ch. 119.~~ The criteria shall include the
5 pupil's academic performance, successful completion of the civics test under sub.
6 (1m) (a), and the recommendations of teachers.

7 **SECTION 19f.** 118.33 (1) (f) 3. of the statutes, as affected by 2015 Wisconsin Act
8 55, is amended to read:

9 118.33 (1) (f) 3. Neither a school board nor an operator of a charter school under
10 s. 118.40 (2r) or (2x) ~~nor an individual or group or person that, pursuant to s. 115.999~~
11 ~~(3), 119.33 (2) (c) 1. or 2., or 119.9002 (3) (a) or (b), is responsible for the operation and~~
12 ~~general management of a school transferred to an opportunity schools and~~
13 ~~partnership program under s. 119.33, subch. IX of ch. 115, or subch. II of ch. 119 may~~
14 grant a high school diploma to any pupil unless the pupil has satisfied the criteria
15 specified in the school board's or charter school's policy under subd. 1. or 2. Neither
16 ~~the~~ The governing body of a private school participating in the program under s.
17 119.23 ~~nor a governing body of a private school that, pursuant to s. 115.999 (3), 119.33~~
18 ~~(2) (c) 3., or 119.9002 (3) (c), is responsible for the operation and general management~~
19 ~~of a school transferred to an opportunity schools and partnership program under s.~~
20 ~~119.33, subch. IX of ch. 115, or subch. II of ch. 119 may not grant a high school diploma~~
21 to any pupil attending the private school under s. 119.23 ~~or the school transferred~~
22 ~~to an opportunity schools and partnership program under s. 119.33, subch. IX of ch.~~
23 ~~115, or subch. II of ch. 119 unless the pupil has satisfied the criteria specified in the~~
24 governing body's policy under subd. 2m. The governing body of a private school
25 participating in the program under s. 118.60 may not grant a high school diploma to

1 any pupil attending the private school under s. 118.60 unless the pupil has satisfied
2 the criteria specified in the governing body's policy under subd. 2r.

3 **SECTION 19g.** 119.02 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
4 is amended to read:

5 119.02 (1) "Board" means the board of school directors in charge of the public
6 schools of a city of the 1st class ~~other than those public schools transferred to the~~
7 ~~opportunity schools and partnership programs under s. 119.33 or subch. II.~~

8 **SECTION 19h.** 119.02 (2g) of the statutes, as created by 2015 Wisconsin Act 55,
9 is repealed.

10 **SECTION 19i.** 119.02 (4) of the statutes, as created by 2015 Wisconsin Act 55,
11 is repealed.

12 **SECTION 19j.** 119.04 (1) of the statutes, as affected by 2015 Wisconsin Acts 55
13 and 92, is amended to read:

14 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
15 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
16 115.345, 115.363, 115.365 (3), 115.38 (2), 115.415, 115.445, 118.001 to 118.04,
17 118.045, 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145
18 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20,
19 118.223, 118.225, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.255, 118.258,
20 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.50, 118.51, 118.52, 118.53,
21 118.55, 118.56, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to
22 (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.137, 120.14, 120.20,
23 120.21 (3), and 120.25 are applicable to a 1st class city school district and board ~~but~~
24 ~~not, unless explicitly provided in this chapter or in the terms of a contract, to the~~

1 ~~commissioner or to any school transferred to an opportunity schools and partnership~~
2 ~~program.~~

3 **SECTION 19k.** 119.16 (1n) of the statutes, as created by 2015 Wisconsin Act 55,
4 is repealed.

5 **SECTION 19L.** 119.16 (2) of the statutes, as affected by 2015 Wisconsin Act 55,
6 is amended to read:

7 119.16 (2) ESTABLISH SCHOOLS AND DISTRICTS. The board shall maintain the
8 public schools in the city, ~~other than those public schools transferred to the~~
9 ~~opportunity schools and partnership programs under s. 119.33 and subch. II, and~~
10 shall establish, organize and maintain such schools as the board determines are
11 necessary to accommodate the children entitled to instruction therein. The board
12 shall divide the city into attendance districts for such schools.

13 **SECTION 19m.** 119.16 (8) of the statutes, as affected by 2015 Wisconsin Act 55,
14 is amended to read:

15 119.16 (8) BUDGET. (a) Annually before adopting its budget for the ensuing
16 school year and at least 5 days before transmitting its completed budget under par.
17 (b), the board shall hold a public hearing on the proposed school budget at a time and
18 place fixed by the board. At least 45 days before the public hearing, the board shall
19 notify the superintendent of schools ~~and the commissioner~~ of the date, time, and
20 place of the hearing. At least one week before the public hearing, the board shall
21 publish a class 1 notice, under ch. 985, of the public hearing.

22 (b) The board shall transmit its completed budget to the common council on or
23 before the first Monday in August of each year on forms furnished by the auditing
24 officer of the city, and shall include in the budget the information specified under s.
25 119.46 (1) for all public schools in the city under this chapter, ~~including the schools~~

1 ~~transferred to the opportunity schools and partnership programs under s. 119.33 and~~
2 ~~subch. II. The board shall itemize those portions of the budget allocated to schools~~
3 ~~transferred to the opportunity schools and partnership programs under s. 119.33 and~~
4 ~~subch. II. Such completed budget shall be published with the budget summary under~~
5 ~~s. 65.04 (2) or 65.20 and budget under s. 65.05 (7).~~

6 **SECTION 19n.** 119.16 (9) of the statutes, as affected by 2015 Wisconsin Act 55,
7 is amended to read:

8 119.16 (9) SCHOOL BUDGET. Annually, the board shall prepare a budget for each
9 school in the school district operating under this chapter, ~~other than the schools~~
10 ~~transferred to the opportunity schools and partnership programs under s. 119.33 and~~
11 ~~subch. II.~~

12 **SECTION 19o.** 119.16 (15) of the statutes, as created by 2015 Wisconsin Act 55,
13 is repealed.

14 **SECTION 19p.** 119.33 of the statutes, as created by 2015 Wisconsin Act 55, is
15 repealed.

16 **SECTION 19q.** 119.44 (2) (a) 5. of the statutes, as created by 2015 Wisconsin Act
17 55, is repealed.

18 **SECTION 19r.** 119.46 (1) of the statutes, as affected by 2015 Wisconsin Act 55,
19 is amended to read:

20 119.46 (1) As part of the budget transmitted annually to the common council
21 under s. 119.16 (8) (b), the board shall report the amount of money required for the
22 ensuing school year to operate all public schools in the city under this chapter,
23 ~~including the schools transferred to the superintendent of schools opportunity~~
24 ~~schools and partnership program under s. 119.33 and to the opportunity schools and~~
25 ~~partnership program under subch. II, to repair and keep in order school buildings~~

1 and equipment, ~~including school buildings and equipment transferred to the~~
2 ~~superintendent of schools opportunity schools and partnership program under s.~~
3 ~~119.33 and to the opportunity schools and partnership program under subch. II,~~ to
4 make material improvements to school property, and to purchase necessary
5 additions to school sites. The report shall specify the amount of net proceeds from
6 the sale or lease of city-owned property used for school purposes deposited in the
7 immediately preceding school year into the school operations fund as specified under
8 s. 119.60 (2m) (c) or (5) and the net proceeds from the sale of an eligible school
9 building deposited in the immediately preceding school year into the school
10 operations fund as specified under s. 119.61 (5). The amount included in the report
11 for the purpose of supporting the Milwaukee Parental Choice Program under s.
12 119.23 shall be reduced by the amount of aid received by the board under s. 121.136
13 and by the amount specified in the notice received by the board under s. 121.137 (2).
14 The common council shall levy and collect a tax upon all the property subject to
15 taxation in the city, which shall be equal to the amount of money required by the
16 board for the purposes set forth in this subsection, at the same time and in the same
17 manner as other taxes are levied and collected. Such taxes shall be in addition to all
18 other taxes which the city is authorized to levy. The taxes so levied and collected, any
19 other funds provided by law and placed at the disposal of the city for the same
20 purposes, and the moneys deposited in the school operations fund under ss. 119.60
21 (1), (2m) (c), and (5) and 119.61 (5) shall constitute the school operations fund.

22 **SECTION 19s.** 119.61 (2) (b) of the statutes, as created by 2015 Wisconsin Act
23 55, is amended to read:

1 119.61 (2) (b) The board shall submit a copy of the inventory required under
2 par. (a) to the ~~commissioner~~, the superintendent of schools, the city clerk, the
3 department, and the joint committee on finance.

4 **SECTION 19t.** 119.61 (2) (c) of the statutes, as created by 2015 Wisconsin Act 55,
5 is amended to read:

6 119.61 (2) (c) In addition to the inventory required under par. (a), the board
7 shall annually notify the ~~commissioner~~, the superintendent of schools, the city clerk,
8 the department, and the joint committee on finance any time a change is made to the
9 use of a school building.

10 **SECTION 19u.** 119.61 (3) of the statutes, as created by 2015 Wisconsin Act 55,
11 is amended to read:

12 119.61 (3) (a) If, within 60 days after receipt of the inventory required under
13 sub. (2) (a) or of a notice under sub. (2) (c), ~~either the commissioner or the~~
14 superintendent of schools submits a letter of interest regarding an eligible school
15 building, the common council shall immediately proceed to add the ~~commissioner or~~
16 ~~the~~ superintendent of schools, ~~respectively~~, as an agent of the board on any existing
17 lease for the eligible school building between the common council and the board.

18 (b) If, no more than 60 days after providing the ~~commissioner and the~~
19 superintendent of schools with a copy of the inventory under sub. (2) (a) or of a notice
20 under sub. (2) (c), ~~neither the commissioner nor the superintendent of schools has~~ not
21 submitted a letter of interest under par. (a), the city clerk shall post a public notice
22 on the city's Internet site. The city clerk shall include in the public notice under this
23 subsection the address of and the information specified under sub. (2) (a) 1. and 8.
24 for each school building identified on the inventory under sub. (2) (a), or on the notice
25 under sub. (2) (c), that is an eligible school building. The city clerk shall include in

1 the public notice a request for and instructions for submitting letters of interest from
2 persons interested in purchasing an eligible school building.

3 **SECTION 19v.** Subchapter II of chapter 119 [precedes 119.9000] of the statutes,
4 as created by 2015 Wisconsin Act 55, is repealed.

5 **SECTION 19w.** 120.18 (1) (o) of the statutes, as created by 2015 Wisconsin Act
6 55, is repealed.

7 **SECTION 19x.** 146.89 (1) (d) 2. of the statutes, as affected by 2015 Wisconsin Act
8 55, is amended to read:

9 146.89 (1) (d) 2. A private school, as defined in s. 115.001 (3r), that participates
10 in the choice program under s. 118.60 or the Milwaukee Parental Choice Program
11 under s. 119.23 ~~or that, pursuant to s. 115.999 (3), 119.33 (2) (e) 3., or 119.9002 (3)~~
12 ~~(e), is responsible for the operation and general management of a school transferred~~
13 ~~to an opportunity schools and partnership program under s. 119.33, subch. IX of ch.~~
14 ~~115, or subch. II of ch. 119.~~

15 **SECTION 19y.** 146.89 (1) (g) 1. of the statutes, as affected by 2015 Wisconsin Act
16 55, is amended to read:

17 146.89 (1) (g) 1. A public elementary school, ~~including an elementary school~~
18 ~~transferred to an opportunity schools and partnership program under s. 119.33,~~
19 ~~subch. IX of ch. 115, or subch. II of ch. 119.~~

20 **SECTION 19z.** 938.49 (2) (b) of the statutes, as affected by 2015 Wisconsin Act
21 55, is amended to read:

22 938.49 (2) (b) Notify the juvenile's last school district or, if the juvenile was last
23 enrolled in a private school participating in the program under s. 118.60 or in the
24 program under s. 119.23 ~~or, pursuant to s. 115.999 (3), 119.33 (2) (e) 3., or 119.9002~~
25 ~~(3) (e), in a school under the operation and general management of the governing~~

1 ~~body of a private school, the private school or the governing body of a private school,~~
2 in writing of its obligation under s. 118.125 (4).”.

3 (END)