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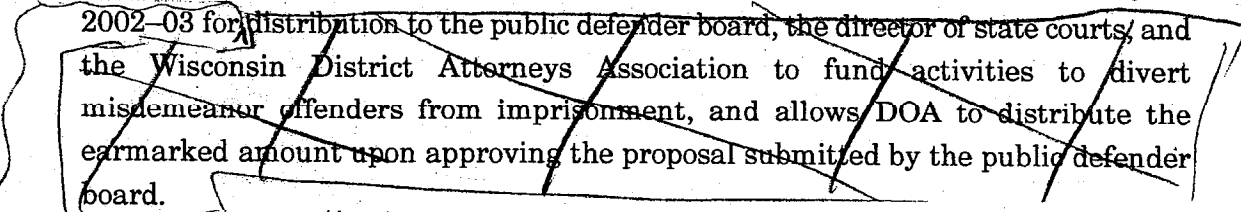
legal services or assign an attorney to a child in a juvenile case if the child is not in custody and is not yet subject to a proceeding under the Children's Code or the Juvenile Justice Code in which an attorney must or may be appointed. ~~This~~ ^{The} bill eliminates both of those prohibitions.

*** ANALYSIS FROM -1792/2 ***

~~COURTS AND PROCEDURE~~

~~PUBLIC DEFENDER~~

Under current law, judges may sentence misdemeanor offenders to pay a fine not to exceed \$10,000 or to serve up to nine months in jail, or both, for each criminal violation classified as a misdemeanor. ~~This~~ ^{The} bill directs the public defender board, in conjunction with the director of state courts and the Wisconsin District Attorneys Association, to submit a proposal recommending alternative charging and sentencing options for misdemeanor offenders, to DOA by July 1, 2002, and, if DOA approves the proposal, to implement the portions of the proposal that do not require changes to state law. The bill directs DOA to earmark up to \$2,000,000 in fiscal year 2002-03 for ~~distribution to the public defender board, the director of state courts, and the Wisconsin District Attorneys Association to fund activities to divert misdemeanor offenders from imprisonment, and allows DOA to distribute the earmarked amount upon approving the proposal submitted by the public defender board.~~



implementation of portions of the proposal approved by DOA

*** ANALYSIS FROM -0094/5 ***

~~COURTS AND PROCEDURE~~

~~CIRCUIT COURTS~~

certain persons, including those

Under current law, if a court knows that ~~anyone~~ ^{those} charged with a crime, ~~a parent or child~~ ^{or subject to} subject to juvenile court proceedings ~~as a person subject to~~ ^{or subject to} mental health ~~or protective service proceedings, or a witness to one of those~~ proceedings, is unable to communicate and understand English because of a language difficulty or a disability, the court ~~is required to~~ ^{must} tell the person that he or she has the right to an interpreter. If the person ~~cannot afford to pay for an interpreter,~~ ^{is indigent} current law requires the court to provide an interpreter at the public's expense. Current law ~~allows courts to~~ ^{also} ~~authorize the~~ use of interpreters in other court proceedings, ~~and administrative agencies are authorized under current law~~ ^{and allows} to use interpreters in contested cases.

RPN

Currently, the expenses of furnishing an interpreter in ~~the supreme court, court of appeals, or circuit~~ court is paid by the director of state courts. If the state public defender needs an interpreter to ~~assist in preparing an indigent for~~ ^{the public defender with a client in} a court

the court must provide

to those persons ALL all:all who are eligible for an interpreter. The bill defines a "qualified interpreter" as one who is

proceedings, ~~current law~~ requires the state public defender ~~to pay~~ the expenses. In municipal court and before administrative agencies, the unit of government involved is required to pay the interpreter expenses. ~~Current law~~ limits the amount of fees for interpreters before a municipal court or an agency to \$10 per 0.5 day or higher fees established by the unit of government and \$35 per 0.5 day before a court of record or when assisting the state public defender. ~~Current law also requires the payment of mileage at the rate of 20 cents per mile.~~ This bill does not change these amounts.

Under the bill, a qualified interpreter ~~must be~~ able to readily communicate with the person, transfer the meaning of statements to and from English in the court-related proceedings, and accurately interpret, in a manner that conserves the meaning, tone, and style of the original statement. ~~The bill also allows~~ the clerk of court ~~to~~ ^{may} provide a qualified interpreter to assist a person with limited English proficiency when that person asks the court for assistance regarding a legal proceeding, such as how to bring an action to obtain a domestic abuse injunction.

KPN

The bill allows a person with limited English proficiency to waive the appointment of an interpreter if the court determines on the record that the waiver has been made knowingly, intelligently, and voluntarily, and allows the person to retract that waiver at any time during the court proceedings for good cause.

The bill requires the supreme court to adopt policies and procedures for the recruitment, training, testing, and retention of qualified interpreters, and requests that the supreme court cooperate with the technical college system in the training and testing of those interpreters.

*** ANALYSIS FROM -0638/3 ***

COURTS AND PROCEDURE

Circuit Courts

Currently, a special prosecution fee of \$2 is collected by the Milwaukee County clerk of circuit court whenever a circuit court fee is imposed in civil actions, ~~including garnishment actions, small and large claim actions, and forfeiture actions.~~ This fee is used to pay the costs of clerks in Milwaukee County ⁱⁿ necessary for the prosecution of violent crime cases and cases involving felony drug violations. This bill deletes ~~the \$2 special prosecution fee and the state's responsibility to provide funding for the clerk positions in Milwaukee County necessary for the prosecution of violent crime cases and cases involving felony drug violations.~~ *this fee*

KPN

*** ANALYSIS FROM -1895/2 ***

see over

*This goes somewhere else!
JFK took care of this*



STATE GOVERNMENT

OTHER STATE GOVERNMENT

This bill requests that the Joint Committee on Legislative Organization review the report issued by the Commission on State-Local Partnerships for the 21st Century (Kettl Commission) as it relates to the state aid to counties for human services and justice services. The bill further requests that the committee make recommendations to the legislature regarding the provision and funding of human services and justice services based on its review of the Kettl Commission report.

RPN



*** ANALYSIS FROM -0363/5 ***

~~COURTS AND PROCEDURE~~

OTHER COURTS AND PROCEDURE

Under current law, DNR may characterize a solid waste as a special waste available for beneficial use in a public works project and must maintain a list of those characterized solid wastes in a format that is available to the public. Currently, a contracting agency in a public works project may only require the use of those special wastes in a public works project. Current law grants immunity from liability to any person for his or her acts or omissions while using those special wastes in a public works project if those acts or omissions occurred while performing work under the contract for the public works project, the contract permitted or required the use of those special wastes, and the acts or omissions conformed to the contract provisions. Current law makes the immunity inapplicable to acts or omissions that involve reckless, wanton, or intentional misconduct or that result in the death or injury of an individual resulted from the use.

RPN

Under current law, as a way to encourage new ways to recycle solid waste, DNR may grant a research waiver or an exemption from the requirements regarding the disposal or recycling of high-volume industrial wastes and certain other solid wastes. Under this bill, solid wastes that DNR has exempted from the normal disposal requirement are considered special wastes and may be characterized by DNR as suitable for beneficial use in public works projects. This bill requires DNR to maintain a list of those special wastes that are suitable for use in specified types of public works projects. The list may include conditions under which the wastes may be used in public works projects. Under the bill, the current provisions regarding immunity from liability apply to the use of those listed special wastes in public works projects if the conditions established by DNR for their use are met. In addition, the

current law provisions prohibiting immunity for acts of reckless, wanton, or intentional misconduct or that result in the death or injury of an individual apply.

***** ANALYSIS FROM -1695/4 *****

STATE GOVERNMENT

PUBLIC UTILITY REGULATION

This bill requires DOA to award grants to operators of dairy, beef, or swine farms for eliminating stray voltage concerns and sources or replacing electrical wiring. The bill creates a farm rewiring fund from which the grants are made. In fiscal year 2001-02, \$1,500,000 is deposited into the farm rewiring fund from contributions that certain gas and electric utilities make under current law to the PSC. In fiscal year 2002-03, \$2,500,000 is deposited into the farm rewiring fund from the contributions. In both fiscal years, the remaining amount that is contributed is deposited into the utility public benefits fund. Under current law, all of the contributions are deposited into the utility public benefits fund.

A farm operator is not eligible for grants under the bill unless the public utility that provides electric service to the farm has conducted tests to determine the sources of stray voltage on the farm. The bill also requires DOA to promulgate rules establishing criteria and procedures for awarding the grants, including procedures for assuring that any work is completed according to acceptable practices.

COURTS AND PROCEDURE

OTHER COURTS AND PROCEDURE

This bill creates immunity from liability for public utilities for stray voltage. Under the bill, a public utility is immune from liability for any damage caused by or resulting from stray voltage contributed by the public utility if the stray voltage is below the level of concern established by the PSC ~~that is in effect at the time of measurement~~. In addition, the stray voltage must be determined using the PSC's principles and guidelines regarding stray voltage screening and diagnostic procedures ~~that are in effect at the time of measurement~~. Upon the request of any party to an action for damages for stray voltage, the PSC must evaluate and testify as to whether its applicable order was followed in calculating the amount of stray voltage. ~~Finally, current law provides that, under certain circumstances, a public utility may be liable for~~ **treble damages for injuries resulting from the willful, wanton, or reckless acts or omissions of the public utility's directors, officers, employees, or agents.** This bill provides that damages from stray voltage are not

subject to ~~the current~~ ^{the current} provisions that allows

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***** ANALYSIS FROM -0310/1 *****

COURTS AND PROCEDURE

OTHER COURTS AND PROCEDURE

Current law prohibits trial, conviction, and sentencing of a person accused of committing an offense if the person lacks sufficient mental capacity to understand the proceeding and to assist in his or her own defense. If there is reason to doubt a person's mental capacity, the court presiding over the proceeding must appoint a mental health expert to examine the defendant. Current law requires that DHFS provide \$484,300 annually from general purpose revenue, to a county with a population of 500,000 or more (Milwaukee County) to pay for competency examinations in that county.

This bill eliminates the designation of Milwaukee County as the recipient agency of DHFS funding for competency examinations, leaving DHFS discretion to select the recipient agency or agencies. The bill also removes the specification of a dollar amount that DHFS must provide for competency examinations in Milwaukee County. The bill appropriates funds for the competency examinations from the general purpose revenue appropriation that funds treatment and services for people on conditional or supervised release from DHFS mental health institutions.

*Pursuant
81-PJK*

***** ANALYSIS FROM -0454/3 *****

COURTS AND PROCEDURE

OTHER COURTS AND PROCEDURE

Under current law, DATCP administers, investigates, and enforces certain consumer protection and trade practice laws and prosecutes violations of these laws. These laws include laws prohibiting or regulating methods of competition, fraudulent representations, fraudulent drug advertising, prize notices, mail-order sales, purchases of vegetables and dairy products from farmers, and advertising of telecommunications services. A person found to have violated one of these laws is subject to a forfeiture or a fine.

Under current law, a person is subject to a forfeiture if he or she violates a law relating to weights and measures. These include laws against obstructing or hindering a state or local inspector of weights or measures, causing any weight or measure used in the buying or selling of a commodity to be incorrect, and removing an official weights and measures inspector's tag from a commodity. If the violation is intentional, the person is subject to a fine.

Current law requires a court to impose an assessment equal to 15% of the fine or forfeiture if the court imposes a fine or forfeiture for a violation of any of these laws or local ordinances enacted pursuant to these laws. The bill raises the assessment to 25% of the fine or forfeiture. The assessments that are collected are deposited into an appropriation to DATCP to pay for providing consumers with information and education. The amount deposited into this appropriation in a fiscal year is limited to \$85,000, with the balance remaining in the general fund. This bill expands the purpose for which these assessments may be used to include all other consumer protection activities conducted by DATCP and increases the limit for the deposit into the appropriation to \$185,000.

***** ANALYSIS FROM -1855/2 *****

CORRECTIONAL SYSTEM

ADULT CORRECTIONAL SYSTEM

Revocation of extended supervision

Under current law, if a person violates a requirement of parole or extended supervision, DOC may return the person to prison. Current law also permits DOC to take a person into custody if it alleges that the person has violated a condition or rule relating to parole. This bill specifies that DOC may also take a person under extended supervision into custody if it alleges that the person has violated a condition or rule relating to extended supervision. In addition, the bill specifies how to calculate the amount of time remaining on a bifurcated sentence, for purposes of determining the maximum amount of time for which a person may be returned to prison after a violation of extended supervision and the length of the term of extended supervision that the person must serve thereafter.

CRIMES

CRIMINAL SENTENCES

The structure of felony sentences under current law

Current law sets maximum terms of imprisonment for all crimes. It also specifies how a term of imprisonment is structured. Under current law, if a person committing a felony before December 31, 1999, is sentenced to prison for a term of years, the person receives an indeterminate sentence, which typically consists of a term of confinement followed by parole. The person's term of confinement is not fixed when the sentence is imposed. He or she may be released on parole after serving as little as one-fourth of the sentence, as much as two-thirds of it (or more, if the crime

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and use the next page #82

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COURTS AND PROCEDURE

OTHER COURTS AND PROCEDURE

Under current law, if there are no heirs of a decedent in an intestate estate (an estate in which the decedent did not leave a will), or if a legacy or distributive share in an estate cannot be paid to the distributee or is not claimed by the distributee within 120 days after entry of the final judgment, the property escheats to the state and is paid or delivered to the state treasurer (treasurer). The treasurer must publish notice in the official state newspaper with ~~such~~ information ~~on the name of the decedent, the time and place of death, the amount paid to the treasurer, and how a person may make a claim against~~ the escheated property. Within ten years after the notice is published, a person may make a claim against the escheated property by filing a petition with the probate court that settled the estate and ~~by~~ sending copies of the petition to DOR and the attorney general. If the person establishes his or her claim in a court hearing, the court certifies the claim to DOA, which audits the claim; issues an order for any death tax due; and issues an order distributing the estate. The treasurer pays the claim.

concerning the estate and

The bill changes this procedure somewhat. The treasurer must publish a notice regarding escheated property at least annually (current law specifies no time requirement); a person filing a petition with the probate court must send a copy of the petition to the treasurer, instead of to DOR; the court is no longer required to certify a claim to DOA, which is no longer required to audit claims; and the court is no longer required to issue an order for any death tax due.

The bill also provides a new, optional procedure for making a claim against escheated property. The new procedure is similar to a procedure under current law for claiming abandoned property by filing a claim with the treasurer, except that under the new procedure the value of the claimed escheated property may not exceed \$5,000. Rather than filing a petition with the probate court, a person claiming escheated property ~~of \$5,000 or less~~ may, within ten years after publication by the treasurer of notice regarding the estate and the escheated property, file a claim with the treasurer, ~~who must consider the claim within 90 days after filing.~~ If the treasurer allows the claim, the treasurer ~~must provide written notice to and obtain the written consent of the attorney general and file~~ written notice of the allowed claim, as well as ~~the~~ written consent of the attorney general, with the probate court, ~~which that settled the estate.~~ After the necessary filings, the probate court must issue an order requiring the treasurer to pay the claim. If the treasurer ~~does not act on a claim~~

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year that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued.

***** ANALYSIS FROM -0658/2 *****

COMMERCE AND ECONOMIC DEVELOPMENT

COMMERCE

Under Wisconsin's version of the Uniform Unclaimed Property Act (UUPA), certain types of property are presumed to be abandoned if the owner of the property fails to take steps to evidence ownership within a specified time period (dormancy period). For example, a stock or other intangible ownership interest in a business association is presumed to be abandoned if the business association pays out at least seven dividends or other sums as a result of the ownership interest during a seven-year period and the dividends or sums are unclaimed by the owner.

ignore this part ↓

With certain limited exceptions, the holder of property that is presumed to be abandoned must report the property to the state treasurer before May 1 of each even-numbered year. By September 20 following the report, the state treasurer must publish a list containing the names of persons appearing to be owners of abandoned property. By December 1, the holder must pay or deliver the reported property to the state treasurer, unless the owner has claimed the property or the presumption of abandonment is erroneous. The UUPA permits a person to enter into an abandoned property recovery contract, under which the person agrees to provide an owner of property, for a fee, with services toward the recovery of abandoned property. However, an abandoned property recovery contract is not enforceable if it is entered into within two years after the date by which the abandoned property is required to be delivered to the state treasurer.

This bill changes the time-line for reporting and delivering to the state treasurer property that is presumed to be abandoned. Under this bill, with certain limited exceptions, the holder of property that is presumed to be abandoned must report and deliver the property to the state treasurer before November 1 of each year. The state treasurer must publish a notice containing the names of apparent owners of abandoned property by July 1 of each year.

This bill also shortens to five years the dormancy period that applies to a stock or other intangible ownership interest in a business association. In addition, under the bill, an abandoned property recovery contract is not enforceable if it is entered into within one year, rather than two years, after the date by which the abandoned property is required to be delivered to the state treasurer.

ins, 81-PJK contd. 2072

within 90 days after ^{it} ~~the claim~~ is filed, ~~and if the treasurer disallows a claim,~~ the person ^{who} ~~files~~ ^{filed} the claim may file an action in the probate court that settled the estate to establish the claim.

(end of ins. 81-PJK)

*** ANALYSIS FROM -2025/2 ***

COMMERCE AND ECONOMIC DEVELOPMENT

COMMERCE

Currently, under this state's version of the Uniform Unclaimed Property Act (UUPA), all abandoned or unclaimed property must be delivered to the state treasurer. With certain limited exceptions, the treasurer must sell the property within three years after the date on which the treasurer receives the property. If the property is a security other than a stock (for example, a stock option or an interest in a limited partnership), the treasurer must hold the security for at least one year before selling it, unless it is in the best interest of the state to do otherwise. Except for amounts sufficient to cover possible claims and the treasurer's administrative expenses, the treasurer currently deposits the clear proceeds of the sale of delivered property in the school fund.

Persons claiming an interest in any abandoned or unclaimed property delivered to the treasurer may file a claim with the treasurer to obtain the property. If a claim is allowed, the treasurer generally must deliver the property to the claimant or pay the claimant the amount the treasurer actually received or the net proceeds of the sale of the property, plus certain amounts for dividends or interest accruing to the property. However, if the claim is for any property other than a stock and if the treasurer sold the property within three years after the date on which the treasurer received the property, the treasurer must pay the claimant the value of the property at the time the claim was filed or the net proceeds of the sale, whichever is greater. This alternate method of valuation also applies if the claim is for a stock that the treasurer sold within three years after the date of receipt, as long as the claim is filed within that three-year period.

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This bill establishes a single procedure that applies to the sale of all securities delivered to the treasurer under UUPA. Under this bill, the treasurer must hold all securities for at least one year before selling them, unless it is in the best interest of the state to do otherwise. In addition, this bill deletes the alternate method of valuation that applies to property, including stocks, sold within three years after the date on which the treasurer received the property. Thus, under this bill, the treasurer's liability for any claim is generally limited to delivery of the applicable

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81-PJK

abandoned or unclaimed property or payment of the amount the treasurer actually received or the net proceeds of the sale of the property, plus certain amounts for dividends or interest accruing to the property.

*** ANALYSIS FROM -0597/1 ***

COMMERCE AND ECONOMIC DEVELOPMENT

COMMERCE

With certain exceptions, current law prohibits a person from engaging in the business of banking without being organized and chartered as a national bank, state bank, or trust company bank. Certain agents who receive and hold money, pending investment in real estate or securities on behalf of the person who deposited the money, are not engaged in the business of banking, as that term is currently defined. However, this exemption from the definition of banking only applies if the agent keeps the money in a separate trust fund, does not mingle the money with the agent's own property, and does not agree to pay interest on the money other than to account for the actual income that is derived from the money while held pending investment.

This bill expands this exemption from the definition of banking. Under this bill, an agent who receives and holds money, pending investment in real estate or securities on behalf of the person who deposits the money, is not engaged in the business of banking, regardless of whether the money is separately kept and regardless of whether the agent agrees to pay interest on the money. Thus, under this bill, an agent may pay interest on money that the agent receives and holds, pending investment in real estate or securities on behalf of the person who deposited the money.

*** ANALYSIS FROM -0599/1 ***

COMMERCE AND ECONOMIC DEVELOPMENT

COMMERCE

Under current law, a transaction in which a consumer is granted credit in an amount of \$25,000 or less and which is entered into for personal, family, or household purposes (consumer credit transaction) is generally subject to the Wisconsin Consumer Act. The Wisconsin Consumer Act provides obligations, remedies, and penalties that current law generally does not require for other transactions.

With certain limited exceptions, any person who makes or solicits consumer credit transactions in this state must register with DFI. Current law requires the person to register within 30 days after commencing business and then annually thereafter. Among other things, the required registration statement must state the

NOT INVEST

ANALYSIS FROM -0599/1



DOA:.....Statz – Statute of limitations in sexual assault cases in which DNA evidence is available, and funding for district attorney activities related to DNA evidence

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

sub-sub
① Statute of limitations for sexual assault

BATMAN
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1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

CRIMES

OTHER CRIMINAL LAW

Current law provides time limits for commencing the prosecution of most crimes ~~including sexual assault~~. The state must initiate prosecution within the time limit or it is barred from prosecuting the offense. A prosecution is commenced when a court issues a summons or a warrant for arrest, when a grand jury issues an indictment, or when a district attorney files an information alleging that a person committed a specific crime. Time during which a defendant is either a nonresident of the state or is secretly a resident in concealment is not calculated as part of the time limit.

Under current law, the state must prosecute first and second degree sexual assault within six years of the date of the crime. The state must prosecute first and second degree sexual assault of a child, as well as repeated sexual assault of the same child, before the victim reaches the age of 31.

This bill creates an exception to the time limits for prosecuting the crimes of sexual assault, sexual assault of a child, and repeated sexual assault of the same child in certain circumstances if the state has deoxyribonucleic acid (DNA) evidence

Eds -- you may want to search for this term elsewhere in analysis + replace w/ "DNA"

related to the crime. If the state collects DNA evidence related to the crime before the time ~~limit~~ for prosecution expires and does not link the DNA evidence to an identified person until after ~~the time limit~~ expires, the state may initiate prosecution for the crime within one year of making the match.

STATE GOVERNMENT
DISTRICT ATTORNEYS

match

Under current law, a portion of the revenue generated from crime laboratories and drug law enforcement assessment and from the deoxyribonucleic acid surcharge is appropriated to DOJ for enforcement of drug laws, for prosecution of drug law violations, and to fund the state crime laboratories. This bill requires that a portion of the DOJ program revenue funds be transferred to a newly created appropriation in DOA for activities by district attorneys related to deoxyribonucleic acid evidence.

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

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

SECTION 1. 20.455 (2) (kd) of the statutes is amended to read:

20.455 (2) (kd) *Drug law enforcement and, crime laboratories, and genetic evidence activities.* The amounts in the schedule for activities relating to drug law enforcement, drug law violation prosecution assistance and, activities of the state and regional crime laboratories, and for transferring to the appropriation account under s. 20.475 (1) (km) the amounts in the schedule under s. 20.475 (1) (km). All moneys transferred from the appropriation account under par. (Lm) shall be credited to this appropriation account.

****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

SECTION 2. 20.475 (1) (km) of the statutes is created to read:

20.475 (1) (km) *Deoxyribonucleic acid evidence activities.* The amounts in the schedule for deoxyribonucleic acid evidence activities. All moneys transferred from s. 20.455 (2) (kd) for the purpose of this appropriation shall be credited to this appropriation.

mgd

***** ANALYSIS FROM -0310/1 *****

COURTS AND PROCEDURE

OTHER COURTS AND PROCEDURE

Current law prohibits trial, conviction, and sentencing of a person accused of committing an offense if the person lacks sufficient mental capacity to understand the proceeding and to assist in his or her own defense. If there is reason to doubt a person's mental capacity, the court presiding over the proceeding must appoint a mental health expert to examine the defendant. Current law requires that DHFS provide \$484,300 annually from general purpose revenue, to a county with a population of 500,000 or more (Milwaukee County) to pay for competency examinations in that county.

This bill eliminates the designation of Milwaukee County as the recipient agency of DHFS funding for competency examinations, leaving DHFS discretion to select the recipient agency or agencies. The bill also removes the specification of a dollar amount that DHFS must provide for competency examinations in Milwaukee County. The bill appropriates funds for the competency examinations from the general purpose revenue appropriation that funds treatment and services for people on conditional or supervised release from DHFS mental health institutions.

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***** ANALYSIS FROM -0454/3 *****

COURTS AND PROCEDURE

OTHER COURTS AND PROCEDURE

Under current law, DATCP administers, investigates, and enforces certain consumer protection and trade practice laws and prosecutes violations of these laws. These laws include laws prohibiting or regulating methods of competition, fraudulent representations, fraudulent drug advertising, prize notices, mail-order sales, purchases of vegetables and dairy products from farmers, and advertising of telecommunications services. A person found to have violated one of these laws is subject to a forfeiture or a fine.

Under current law, a person is subject to a forfeiture if he or she violates a law relating to weights and measures. These include laws against obstructing or hindering a state or local inspector of weights or measures, causing any weight or measure used in the buying or selling of a commodity to be incorrect, and removing an official weights and measures inspector's tag from a commodity. If the violation is intentional, the person is subject to a fine.

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certain consumer protection

Current law requires a court to impose an assessment equal to 15% of the fine or forfeiture if the court imposes a fine or forfeiture for a violation of any of these laws or local ordinances enacted pursuant to these laws. The bill raises the assessment to 25% of the fine or forfeiture. The assessments that are collected are deposited into an appropriation to DATCP to pay for providing consumers with information and education. The amount deposited into this appropriation in a fiscal year is limited to \$85,000, with the balance remaining in the general fund. This bill expands the purpose for which these assessments may be used to include all other consumer protection activities conducted by DATCP and increases the limit for the deposit into the appropriation to \$185,000.

or of certain laws relating to weights and

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End of MGG analysis

***** ANALYSIS FROM -1855/2 *****

CORRECTIONAL SYSTEM

ADULT CORRECTIONAL SYSTEM

Revocation of extended supervision

Under current law, if a person violates a requirement of parole or extended supervision, DOC may return the person to prison. Current law also permits DOC to take a person into custody if it alleges that the person has violated a condition or rule relating to parole. This bill specifies that DOC may also take a person under extended supervision into custody if it alleges that the person has violated a condition or rule relating to extended supervision. In addition, the bill specifies how to calculate the amount of time remaining on a bifurcated sentence, for purposes of determining the maximum amount of time for which a person may be returned to prison after a violation of extended supervision and the length of the term of extended supervision that the person must serve thereafter.

CRIMES

CRIMINAL SENTENCES

The structure of felony sentences under current law

Current law sets maximum terms of imprisonment for all crimes. It also specifies how a term of imprisonment is structured. Under current law, if a person committing a felony before December 31, 1999, is sentenced to prison for a term of years, the person receives an indeterminate sentence, which typically consists of a term of confinement followed by parole. The person's term of confinement is not fixed when the sentence is imposed. He or she may be released on parole after serving as little as one-fourth of the sentence, as much as two-thirds of it (or more, if the crime

Under which the offender initially serves

for which the person was sentenced is classified as a serious felony), ~~or some amount in between.~~

Current law provides a separate system for prison sentences for crimes committed on or after December 31, 1999. If a court chooses to sentence a felony offender to imprisonment in a state prison (other than through a life sentence) for a felony committed on or after December 31, 1999, the court must do so by imposing a bifurcated sentence. ~~For the first part of the bifurcated sentence, the court sentences the person to a fixed term of confinement in prison. The minimum term of confinement is one year.~~ The maximum term of confinement under a bifurcated sentence for felonies classified in the criminal code ranges from two to 40 years. If the person is being sentenced to prison for an unclassified felony, the term of confinement in prison portion of the sentence may not exceed 75% of the total length of the bifurcated sentence.

An offender is not eligible for parole under a bifurcated sentence. Instead, after serving the term of confinement portion of the bifurcated sentence, he or she serves a fixed term of extended supervision as the second part of the bifurcated sentence.

Concurrent and consecutive sentences

Under current law, a court may order any sentence to be served concurrent with or consecutive to any other sentence imposed at the same time or previously. This bill specifies how the person will serve the periods of confinement and the periods of extended supervision and parole under the sentences ~~as a result of the concurrent or consecutive nature of the sentences~~ under the following circumstances: 1) when the court requires a sentence under which the person may be placed on extended supervision (a “determinate sentence”) to be served concurrent with or consecutive to another determinate sentence; 2) when the court requires a determinate sentence to be served concurrent with or consecutive to an indeterminate sentence; or 3) when the court requires an indeterminate sentence to be served concurrent with or consecutive to a determinate sentence. The bill also requires that a person sentenced to consecutive indeterminate and determinate sentences serve the term of extended supervision under the determinate sentence before serving the period of parole under the indeterminate sentence, regardless of the order in which the crimes were committed or the sentences imposed.

Penalties for criminal attempts

Current law specifies that the maximum ~~term of imprisonment~~ ^{penalty} for an attempt to commit a felony (other than certain felonies having separate penalties for

of at least

length of the bifurcated sentence

attempts) is one-half of the maximum ~~term of imprisonment~~^{penalty} for the completed crime. This bill specifies that the maximum term of confinement under a bifurcated sentence imposed for an attempt to commit a classified felony is one-half of the maximum term of confinement for the completed crime. The bill also specifies that the maximum term of confinement under a bifurcated sentence imposed for an attempt to commit an unclassified felony is 75% of the maximum ~~term of imprisonment~~ for the attempt.

Other changes ^{sentencing}

court, through a misdemeanor

1. This bill specifies that, if a ~~misdemeanor offender may be sentenced to prison~~^{person} because of the application of one or more sentence enhancers ~~and the court decides to sentence the person to prison~~, the court must impose a bifurcated sentence. In ~~sentencing a person to prison~~ in such a case, the term of confinement in prison ~~portion of the sentence~~, may not constitute more than 75% of the bifurcated sentence.

sentence length

2. Under current law, the maximum term of probation for a misdemeanor is two years, and the maximum term of probation for a felony is the maximum ~~term of imprisonment~~^{term of} for the crime or three years, whichever is greater. Under this bill, the maximum term of probation for a felony or for a misdemeanor for which a court may impose a bifurcated sentence is the maximum term of confinement in prison for the crime or three years, whichever is greater.

3. Under current law, if a person is found not guilty of a crime by reason of mental disease or mental defect and the crime is not punishable by life imprisonment, the maximum term for which the person may be committed to the department of health and family services is two-thirds of the maximum ~~term of imprisonment~~^{term of} for the crime. Under this bill, the maximum term of commitment for a felony other than one punishable by life imprisonment or for a misdemeanor for which a court may impose a bifurcated sentence is the maximum term of confinement that could be imposed on a person convicted of the crime.

SUB: OTHER CRIMINAL LAW ^{CS} *** ANALYSIS FROM -0795/2 ***
CRIMES

Crimes related to computers

Under current law no person may willfully, knowingly, and without authorization modify, destroy, copy, take possession of, or access computer data, computer programs, or supporting documentation of a computer system. A person who violates this prohibition may generally be fined not more than \$10,000, imprisoned for not more than nine months, or both. ~~If the violation occurs under~~

Penalties for violating this prohibition are the same as those applicable to the computer crime described above

certain circumstances, the maximum fine remains the same, but the person may face a longer term of confinement. Specifically, if the person committed the violation in order to defraud another or obtain the property of another a court may impose on the person a bifurcated sentence, consisting of confinement in prison and extended supervision, not to exceed five years. If the violation causes more than \$2,500 of damage or if it causes an interruption or impairment of governmental operations, public communication, transportation, or a supply of water, gas, or other public service, a court may impose on the person a bifurcated sentence, consisting of confinement in prison and extended supervision, not to exceed ten years. Finally, if the violation creates a substantial and unreasonable risk of death or great bodily harm to another, a court may impose upon the person a bifurcated sentence, consisting of confinement in prison and extended supervision, not to exceed 15 years.

This bill prohibits an additional activity related to computers, intentionally interrupting computer service by sending to a computer, computer program, computer system, or computer network a message that is too complex, or multiple messages that are too voluminous, for the computer, computer program, computer system, or computer network to process. The penalty for intentionally interrupting computer service is a fine not to exceed \$10,000, imprisonment for more than nine months, or both. The penalty may be increased if the crime is committed under a circumstance permitting an increased penalty.

The bill also increases the penalties for violations of crimes related to computers that occur under specified circumstances. If the violation results in damage valued at more than \$1,000 but not more than \$2,500, the penalty is increased to a fine not to exceed \$10,000 or a bifurcated sentence, consisting of confinement in prison and extended supervision, not to exceed five years, or both a fine and a bifurcated sentence. If the violation results in damage caused at more than \$2,500, the penalty is increased to a fine not to exceed \$10,000 or a bifurcated sentence not to exceed 15 years, or both a fine and a bifurcated sentence. If the violation results in an interruption or impairment of governmental operations, public communication, transportation, or a supply of water, gas, or other public service, the penalty is increased to a fine not to exceed \$10,000 or a bifurcated sentence not to exceed 15 years, or both a fine and a bifurcated sentence.

The bill authorizes courts to enhance the penalties for violations of crimes related to computers if the person committing the violation disguises the identity or location of the computer at which he or she is working by accessing another person's

court may impose

in damage

in damage

these prohibitions

described above

the prohibitions

violation

In addition ↑

computer to commit the violation with the intent to make it less likely that ~~he or she~~ ^{the offender} will be identified with the crime. For a misdemeanor, ~~which is an offense punishable by confinement in jail,~~ the court may increase the fine by up to \$1,000 and increase the maximum term of imprisonment to a total of 12 months. For a felony, ~~which is an offense punishable by confinement in state prison,~~ the court may increase the fine by up to \$2,500 and increase the ~~term~~ ^{length} of the bifurcated sentence by up to two years.

Crimes Prohibitions related to images depicting nudity

Current law prohibits production^{ing}, possession^{ing}, ~~and~~ ^{or} distribution^{ing} of a photograph, motion picture, videotape, or other visual representation or reproduction that depicts nudity if the person depicted nude did not consent to the representation or reproduction and if the person who makes, possesses, or distributes the representation or reproduction knows or should know that the person depicted nude did not consent to the nude depiction. Current law exempts from criminal liability parents, guardians, and legal custodians who make or possess visual representations depicting their children nude, or who distribute the representations for other than commercial purposes.

~~The Wisconsin supreme court recently~~ ^{has} found ~~the state statute~~ ^{this} prohibiting ~~an~~ ^{an} nude representations unconstitutional, because it prohibits all depictions of nudity made without consent, including artistic, political, or newsworthy depictions that are protected by the First Amendment. *State v. Stevenson*, 236 Wis. 2d 86 (2000).

This bill narrows the scope of the prohibition against making an original representation that depicts nudity by requiring that, at the time the representation is made, the subject of the depiction be both nude and in a place and circumstance in which he or she can reasonably expect privacy. ~~The bill applies the prohibition against making a reproduction that depicts nudity only to the act of reproducing an original representation that the reproducer knows or should know was made in violation of the prohibition against making an original representation, although the bill exempts a reproducer from criminal liability if the subject of the representation does consent to the reproduction even if he or she did not consent to the original representation.~~ The bill treats the prohibitions against possessing and distributing representations depicting nudity similarly to the prohibition against making reproductions. ~~The bill prohibits possessing or distributing a representation that is unlawfully made, unless the subject of the representation consents to the possession or distribution even if he or she did not consent to the making of the representation.~~

without the subject's consent

Reproducing such an original is also prohibited if

was unlawfully made

that the original

^① relating to
Crimes against providing and describing harmful material to children

Current law ^{prohibits} criminalizes the acts of providing and describing harmful material to a child and ^{the} criminalizes ^{possessing} possession of harmful material with intent to transfer the harmful material to a child. Harmful material includes nudity, sexually explicit images, and images of torture and brutality. Current law does not require that the state prove that the defendant knows or should know that the recipient of the materials is a child. The law ^{does} ~~does~~, however, establish ^{es} an affirmative defense under which the defendant may avoid criminal liability by proving that he or she reasonably believed that the recipient was 18 years of age or older. In order to prove that he or she reasonably believed the recipient was 18 years of age or older, the defendant must show that the recipient provided the defendant some form of identification documentation purporting to establish that the recipient was at least 18 years of age.

The Wisconsin supreme court ^{has} recently ruled that the statute that prohibits exposure of a child to harmful materials is unconstitutional ^{in cases} as applied to a defendant ~~who sent harmful material over the Internet to a 17-year-old, and to other instances~~ in which the defendant does not have face-to-face contact with the recipient. *State v. Weidner*, 235 Wis. 2d 306 (2000). The supreme court found the statute unconstitutional as applied in this case because knowledge of the recipient's age is not an element of the crime. The supreme court distinguished the case at issue in *Weidner* (transmitting harmful material over the Internet) from instances in which the defendant meets the recipient face-to-face. The supreme court did not disturb a lower court ruling that found the statute constitutional as applied to instances in which the defendant meets the recipient face-to-face, because the face-to-face meeting provides the defendant opportunity to assess the recipient's age.

This ~~The~~ bill makes knowledge of the recipient's status as a child an element of the crime if the defendant does not have a face-to-face contact with the child. The bill does not add the knowledge-of-age element for cases in which the defendant has face-to-face contact with the recipient. ~~Instead, in instances in which the defendant does have face-to-face contact with the recipient, the bill maintains~~ the affirmative defense ^{is} that requires the defendant to prove that he or she reasonably believed that the recipient was at least 18 years of age ~~by showing that the recipient provided~~ documentation of age.

based its decision on the chilling effect that the prohibition would have on communication protected by the First Amendment

maintaining for those cases

(see ① Crimes related to images depicting nudity)

①

and current law crimes

Inclusion of computer images in prohibitions related to certain images

Several criminal laws prohibit activities related to images of nudity, or images and sounds of obscenity or of children engaged in sexually explicit conduct. Those crimes are: 1) making, possessing, reproducing or distributing images of nudity; 2) importing, printing, selling, transferring, exhibiting, or possessing for publication, sale, exhibition, or transfer, obscene material; 3) photographing, filming, videotaping, or making a sound recording of a child engaged in sexually explicit conduct, or enticing a child to go into a secluded place in order to take a picture of make a sound recording of the child engaged in sexually explicit conduct; 4) exposing a child to harmful images and sounds; and 5) producing, performing in, profiting from, importing, possessing, and other activities related to child pornography. These prohibitions do not specifically apply to computer-generated images, sounds, or the stored data version of images or sounds.

(see ① Crimes relating to providing and describing harmful material to children)

The bill expands the prohibitions related to images of nudity, and images or sounds of obscenity or of children engaged in sexual conduct, to include images and sounds recorded using digital technology as well as the data that represents an image or a sound.

in any manner

sexually explicit

(not) In addition, these prohibitions do not uniformly cover digital or magnetic tape recordings.

New crime related to obscene e-mail

The bill makes it a crime to send an unsolicited e-mail message that contains obscenity or ^{depicts} sexually explicit conduct, if the person sending the e-mail message does not label the e-mail message as "Adult advertisement" in the subject line. The penalty for violating the prohibition against obscene e-mail is a fine not to exceed \$10,000 or imprisonment not to exceed nine months, or both.

BATMAN insert immediately following page 5

*** ANALYSIS FROM -1719/P1 ***

This is a preliminary draft. An analysis will be provided in a later version.

*** ANALYSIS FROM -0991/P1 ***

CRIMES

Current law ^{places restrictions on} prohibits manufacturing, distributing, delivering, or possessing with intent to manufacture, distribute, or deliver, many drugs, ~~except that the prohibitions do not apply to certain people who are exempted by federal or state law.~~ The penalty for some drug law violations is based on the amount of ^{the} drug ~~that a person manufactures, distributes, delivers, or possesses with intent to manufacture, distribute, or deliver.~~

sub-sub ① Club drugs

②

This bill prohibits manufacturing, distributing, delivering, or possessing with intent to manufacture, distribute, or deliver, 4-methylthioamphetamine (4-MTA or

With certain limited exceptions,

of counterfeit versions of 4-MTA

violating this prohibition

flatliner) ~~unless~~ a person is exempted from the prohibition by federal or state law. The bill assigns the same penalties for unlawfully manufacturing, distributing, delivering, or possessing with intent to manufacture, distribute, or deliver, 4-MTA as are currently assigned to violations involving phencyclidine (PCP). The penalties range from a mandatory fine of \$1,000 to \$200,000 and ~~the possibility of imprisonment for not more than~~ ^{up to} seven years and six months for a violation involving three grams or less of the drug, to a mandatory fine of \$1,000 to \$500,000 and ~~mandatory imprisonment for~~ not less than ten years nor more than 45 years for a violation involving more than 400 grams of the drug.

a bifurcated sentence of

The bill ^{also} increases the penalties for unlawfully manufacturing, distributing, delivering, and possessing with intent to manufacture, distribute, or deliver, Gamma-hydroxybutyric acid (GHB), gamma-butyrolactone (GBL), 3,4-methylenedioxymethamphetamine (MDMA or ecstasy), 4-bromo-2,5-dimethoxy-beta-phenylethylamine (2-CB or Nexus), ketamine, and flunitrazepam ~~(marketed under the name Rohypnol)~~ to the penalty levels for PCP. The bill ~~also~~ increases the penalties for unlawfully manufacturing, distributing, delivering, and possessing with intent to manufacture, distribute, or deliver, counterfeit versions of PCP, lysergic acid diethylamide (LSD), methamphetamine, GHB, GBL, ecstasy, nexus, ~~MTA~~, ketamine, and flunitrazepam to the same level as violations involving the genuine drugs.

In addition,

subsub (I) Theft of rented or leased motor vehicle

***** ANALYSIS FROM -0857/1 *****

CRIMES

Under current law, a theft occurs when a person intentionally fails to return rented or leased personal property within ten days after the written rental agreement or lease agreement ends. The penalty for the theft of property worth more than \$2,500 is a fine of not more than \$10,000 or ~~imprisonment for~~ not more than ten years or both.

a bifurcated sentence of

This bill provides that with respect to a rented or leased motor vehicle a theft occurs when a person intentionally fails to return the rented or leased property at any time after the written rental agreement or lease agreement ends.

WPKK

***** ANALYSIS FROM -1693/7 *****

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill requires DPI to designate school districts ~~that meet the following~~ ~~eligibility criteria~~ as school districts with expanded flexibility ~~for the preceding~~

~~if their~~ ~~where~~ ~~pupils~~ ~~scores~~ ~~on~~

~~two school years, the percentage of pupils enrolled in the school district who took~~
~~each of the fourth, eighth, and tenth grade assessments, and the third grade reading~~
~~test, and whose score on each of the fourth, eighth, and tenth grade assessments and~~
~~the third grade reading test was at the proficient level or above was at least equal~~
~~to the statewide average; (2) beginning in the 2004-05 school year, for the preceding~~
~~two school years, the percentage of pupils enrolled in the school district who took and~~
~~passed the high school graduation examination equaled or exceeded the statewide~~
~~average, and for the two preceding school years, the school district's high school~~
~~graduation rate at least equaled the statewide average high school graduation rate,~~
~~and the school district's attendance rate at least equaled the statewide average~~
~~attendance rate.~~

④ ~~a~~ school district with expanded flexibility must allocate 85% of all school district revenues for use by principals at their respective schools; ensure that at least 95% of the school district's pupils who are eligible takes the fourth, eighth, and tenth grade assessments and the high school graduation examination; ~~if there are at least two schools that offer the appropriate grade, permit the pupil's parents to choose the school;~~ and ensure that each school in the school district prepares an annual plan that includes performance goals for all pupils, for minority group pupils, for low-income pupils, and for teachers, ~~and submit to DPI a written policy specifying how the school districts will comply with some of these requirements.~~ ~~In return,~~ a school district with expanded flexibility is free from many of the requirements that apply to regular school districts, may create school governance councils to advise principals, and may reassign staff members without regard to seniority. Such a reassignment is a prohibited subject of collective bargaining. ~~In return,~~ a ~~No~~

Finally, DPI must award grants on a competitive basis to school districts with expanded flexibility to help implement school district decentralization plans and to train principals to be effective administrators in a decentralized school district.

*** ANALYSIS FROM -0957/4 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, school boards may enter into contracts with individuals, groups, businesses, or governmental bodies to establish charter schools, which operate with fewer constraints than traditional public schools. Current law also permits the UW-Milwaukee, the Milwaukee area technical college, and the city of Milwaukee to operate charter schools (Milwaukee charter schools) directly or to

contract for the operation of charter schools. These Milwaukee charter schools must be located within the Milwaukee Public Schools ~~district~~ ^(MPS) and only pupils who reside in ^{the} MPS ^{district} may attend the charter schools. The operators of the Milwaukee charter schools receive ~~state aid for each pupil attending the charter school.~~ Employees of the Milwaukee charter schools may not be employed by MPS and are thus not eligible to participate in the state's retirement system.

This bill allows any four-year UW-System institution, state technical college, or cooperative educational service agency (CESA) (an agency that facilitates the provision of services to school districts) to operate charter schools (new charter schools) directly or to contract for their operation. The bill also allows the new charter schools and the Milwaukee charter schools to be located in any school district in the state. Only pupils who reside in a school district in which a new charter school is located may attend the new charter school, unless the charter school is established or operated by a CESA, in which case pupils who reside in a school district served by the CESA may attend the charter school. Operators of the new charter schools receive the same amount of state aid per pupil as do the operators of the Milwaukee charter schools. Employees of the new charter schools may not be employed by any school district and are thus not eligible to participate in the state's retirement system.

both for the regular school term and for summer school

***** ANALYSIS FROM -1704/1 *****
EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill directs DPI to make loans to school districts to support the development of charter schools. The funds may be used for costs associated with the start-up of a charter school established by a school district.

LPS: Please leave in analysis #

***** ANALYSIS FROM -0960/2 *****
EDUCATION
PRIMARY AND SECONDARY EDUCATION

as opposed to

~~Under current law, the UW-Milwaukee, the Milwaukee area technical college, and the city of Milwaukee may sponsor charter schools for pupils residing in Milwaukee. The operators of these charter schools receive aid for the regular school term based on the number of pupils attending the charter schools. School districts, however, are entitled to receive state aid for both the regular school term and for summer school.~~

move to P. 91
INS A
This bill requires state aid to be paid to be operators of the Milwaukee charter schools for summer school.

*** ANALYSIS FROM -2358/4 ***
EDUCATION

PRIMARY AND SECONDARY EDUCATION

Current law requires each school board and each Milwaukee charter school ~~charter school operated by or under contract with the city of Milwaukee, the University of Wisconsin-Milwaukee, or Milwaukee Area Technical College~~ to adopt either its own academic standards or the academic standards contained in the governor's executive order issued January 18, 1998, and to administer standardized examinations to fourth, eighth, and tenth grade pupils enrolled in the school district, including pupils enrolled in charter schools (other than Milwaukee charter schools) located in the school district. Beginning in the 2002-03 school year, each school board must also administer a high school graduation examination that is designed to measure whether pupils have met the academic standards adopted by the school board. A school board may either adopt the examinations developed by DPI or develop its own examinations. Identical provisions exist under current law for Milwaukee charter schools. DPI provides the examinations that are adopted, approved, or developed by DPI, and scores those examinations, free of charge.

Under current law, each school board must administer to all pupils enrolled in the school district in the third grade, including pupils enrolled in charter schools (other than Milwaukee charter schools) located in the school district, a standardized reading test developed by DPI. The Milwaukee charter schools are required to administer this test to their third grade pupils. ~~Private schools participating in the MPCP are not required to administer this test.~~

Under current law, the third grade reading test, the fourth, eighth, and tenth grade examinations, and the high school graduation examination are not required to be administered to pupils participating in the Milwaukee parental choice program (MPCP), under which certain low-income pupils who reside in the city of Milwaukee may attend participating private schools in Milwaukee at state expense.

Beginning in the 2002-03 school year, this bill allows a private school participating in the MPCP to choose to administer the grade examinations (the third grade reading test and the fourth, eighth, and tenth grade examinations) or the high school graduation examination, or both, to the pupils attending the private school under the MPCP.

MJL PB

generally

The bill requires that DPI provide all of the examinations administered to MPCP pupils, and score the examinations, free of charge. The bill also prohibits DPI from disclosing the results of the examinations administered to MPCP pupils, ~~except that DPI must publish the aggregate results and must report each pupil's scores to the pupil's parent or guardian.~~

Under current law, beginning on July 1, 2002, each pupil must be given at least two opportunities to take the fourth and eighth grade examinations. This bill eliminates the requirement that each pupil be given two opportunities to take each examination; the bill requires only that the examinations be administered to all pupils in the appropriate grades.

Current law directs the state superintendent of public instruction (state superintendent) to make available upon request, within 90 days after the date of administration, any of the required pupil assessments.

n F This bill requires the person to submit the request in writing and provides that the person may view the examination but not receive a copy. The bill also directs the state superintendent to promulgate rules that, to the extent feasible, protect the security and confidentiality of the examinations.

Currently, the state superintendent annually must identify those school districts that are low in performance and those schools in which there are pupils who do not meet the state minimum performance standards.

n F This bill requires DPI to publish and report a list of the school districts and schools to the governor and the legislature. The bill also requires the identified school districts to develop improvement plans.

~~~~~>

Under current law, school boards may enter into achievement guarantee (SAGE) contracts with DPI to decrease class size and improve academic achievement in grades kindergarten to three. DPI must arrange for an annual evaluation of the SAGE program ~~for which DPI must allocate \$250,000 from the SAGE appropriation.~~

n F This bill requires DPI to select the evaluator of the SAGE program by using a competitive process that ensures impartiality. ~~The bill also reduces the amount that DPI must allocate for the evaluation to \$125,000.~~

~~~~~>

This bill creates a five-member board on education evaluation and accountability (BEEA) attached to DOA and headed by an executive director. On July 1, 2002, the bill transfers the pupil assessment program, the school performance report program, and the responsibility for arranging an evaluation of the SAGE

PG
program from DPI to BEEA. The bill also authorizes BEEA to conduct a study of MPCP if BEEA receives sufficient funds from private sources. *the*

Under current law, DPI has two separate appropriations related to pupil assessments. This bill consolidates these appropriations into one appropriation.

*** ANALYSIS FROM -0887/4 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

↓ This bill makes a number of changes to the Milwaukee parental choice program (MPCP), under which certain low-income pupils are allowed to attend participating private schools at state expense, including the following:

1. Currently, a private school must notify DPI of the school's intent to participate in the MPCP by May 1 of the previous school year. This bill changes the date to February 1.
2. The bill directs DPI to notify the private school by March 1 whether the private school is eligible to participate in the program. If DPI determines that the school is ineligible, the notice must include an explanation. The bill allows a private school 14 days to appeal a negative determination to DPI and requires DPI to decide the appeal within ~~7~~^{seven} days.
3. The bill requires DPI annually by May 15 to publish a list of the private schools that are eligible to participate in the MPCP in the succeeding school year.

*** ANALYSIS FROM -1697/3 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

4. Under current law, a pupil is eligible to participate in the Milwaukee parental choice program (MPCP) if he or she is a member of a family that has a total family income that does not exceed 175% of the federal poverty level. This bill raises that threshold to 185% and provides that a pupil who participates in the MPCP may continue to participate in subsequent years even if the pupil's family income rises above the threshold.

5. Under current law, only private schools located in the city of Milwaukee may participate in the MPCP. This bill provides that a private school located outside the city that is situated on property any portion of which is located in the city may also participate in the MPCP.

*** ANALYSIS FROM -1151/4 ***

MJL

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, a person must hold a license to teach granted by DPI in order to be employed as a teacher in a public school in this state. In general, licensure requires completion of a professional education program approved by DPI, including completion of a certain number of credits in specified subjects, student teaching, a criminal background investigation, and payment of a fee.

This bill directs DPI, upon the request of a school board, to grant a temporary initial teaching license to any person who satisfies all of the requirements for an initial license other than the educational requirements if the school board making the request intends to employ the person as a teacher and the school board determines that the person has a bachelor's degree, or at least five years of practical experience, in a field that is related to the subject that he or she will be teaching, or served at least five years in the U.S. armed forces and has practical or teaching experience in a field related to the subject he or she will be teaching. The temporary license is valid for two years and may not be renewed. ^{UNIT 33} However, ~~if~~ the licensee completes an alternative teacher training program during the two-year period, ^{in which case} DPI must grant a five-year, renewable, initial teaching license to the person that is considered retroactively effective to the date that the temporary license was granted.

Recent administrative rules promulgated by DPI establish three levels of teacher licensure: initial educator, professional educator, and master educator. This bill directs DPI to grant an initial license to teach to any person who holds a valid license as a teacher issued by another state. ^{and} This bill also directs DPI to grant the highest level of license (currently, the master educator license) to any person who holds a valid license as a teacher issued by another state and is certified by the National Board for Professional Teaching Standards.

With certain exceptions, current law authorizes DPI, upon the request of a school board, to waive any school district requirements in the statutes or rules governing elementary and secondary education. One of the requirements that DPI is not authorized to waive is the requirement that all teachers in the public schools hold a license to teach granted by DPI. This bill allows DPI to waive this requirement.

DPI's administrative rules establishing three levels of licensure require each school district to provide a mentor to each teacher employed by the school district who holds an initial educator license. The requirement first applies in the 2004-05

school year. This bill directs DPI to submit to DOA and the legislative fiscal bureau, by July 1, 2003, an estimate of the costs of imposing the mentor requirement.

Under current law, DPI awards grants to Wisconsin residents who are licensed by DPI and employed as teachers in Wisconsin and who are certified by the National Board for Professional Teaching Standards. This bill ~~repeals~~ the grant program's residency requirement. *eliminates*

*** ANALYSIS FROM -1903/1 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Current law requires the state superintendent of ~~public instruction~~ ~~(state superintendent)~~ to revoke, without a hearing, a license granted by the state superintendent if the licensee is convicted of any of a number of specified crimes. In addition, the state superintendent may revoke a license, with a hearing, if the licensee is incompetent or behaves immorally. This bill requires the state superintendent to revoke a license ~~(including a permit)~~, without a hearing, if the licensee is convicted of a crime in another state or another country that is substantially similar to one of the specified crimes and allows the state superintendent to impose conditions or restrictions on a license or suspend a license, with a hearing, if the licensee is incompetent or behaves immorally.

Current law prohibits the state superintendent from granting a license to a person convicted of a number of specified crimes or of crime in another country or state that is equivalent to one of the specified crimes. This bill prohibits the state superintendent from granting a license ~~including a permit~~ to a person convicted of a number of specified crimes or of a crime in another state or country that is substantially similar to one of the specified crimes.

Under the common law, a court may deny public inspection of a record created or maintained by a public entity if the custodian of the record demonstrates that the public interest in nondisclosure of the information contained in the record outweighs the strong public interest in disclosure. This bill requires an educational agency (in general, a school district or a ^{(Solid) CESA} ~~cooperative educational service agency~~) to release to the state superintendent all records relating to an employee or former employee of the educational agency who is licensed by the state superintendent if the state superintendent has commenced an investigation to determine whether to initiate license limitation, suspension, or revocation proceedings. The bill also requires the state superintendent to keep this released information confidential.

DOJ

Current law generally prohibits the disclosure of the results of criminal background investigations conducted by the ~~department of justice~~ or the federal bureau of investigation for the state superintendent. This bill requires the state superintendent to disclose the results of criminal background investigations to an educational agency if the subject of the criminal background investigation is employed by or applying for employment with the educational agency and if the educational agency requests the information and the employee or applicant consents. The bill also requires the educational agency to keep this released information confidential.

*** ANALYSIS FROM -0885/3 ***

EDUCATION

Milwaukee

PRIMARY AND SECONDARY EDUCATION

Under current law, school districts, ~~cooperative educational service agencies~~ ~~CESAs~~, counties, and operators of charter schools established by the University of Wisconsin-Milwaukee, Milwaukee Area Technical College, and the city of Milwaukee (~~Milwaukee charter school operators~~) are eligible to receive aid to reimburse them for certain costs of providing special education (regular special education costs), such as the cost of salaries of special education teachers and the cost of transporting special education pupils to school. When distributing special education aid, DPI must first distribute aid for the full cost of special education for children in hospitals and convalescent homes for orthopedically disabled children. If the remaining sum of money appropriated to reimburse other special education costs is insufficient, DPI must prorate the remaining aid, leaving some eligible entities with unreimbursed special education costs.

Beginning in the 2002-03 school year, this bill ^{also} provides supplemental special education aid to school districts, CESAs, counties, and Milwaukee charter school operators, if their special education costs per pupil equals or exceeds \$50,000. The amount of this supplemental aid for a "high-cost" special education pupil equals 50% of the difference between \$50,000 and the unreimbursed special education costs. In addition, DPI must first distribute the supplemental aid, along with the aid for children in hospitals and convalescent homes, before distributing aid for other special education services.

This bill [INS B]
from p. 98

STET
*** ANALYSIS FROM -1690/3 ***

(local educational agencies
or LEAs)

LEAs may also use regular special education aid for ~~the~~ purposes specified under federal law for federal purposes.

PLC
The M. Lawrence

EDUCATION

PRIMARY AND SECONDARY EDUCATION

~~This bill~~ provides that a portion of the aid paid to school districts and independent charter schools for handicapped education is based on the number of pupils enrolled in the school district or charter school, and a portion is based upon the number of pupils enrolled in the school district or charter school who are eligible for a free or reduced-price lunch under federal law. ~~Currently, all state aid for handicapped education is distributed based on costs.~~

INS
B

*** ANALYSIS FROM -1828/1 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill makes various changes to the statutes pertaining to children with disabilities, including the following:

MOVE
to p. 97

41 ~~41~~ The bill allows state aid for special education to be used by local educational agencies (LEAs) for certain purposes that are specified under federal law for federal aid, including school-based improvement plans.

41 ~~32~~ The bill provides that the individualized education program team, appointed by an LEA to evaluate a child to determine whether the child is disabled and to develop an individualized education program for a child with a disability, is not responsible for determining the appropriate special education placement for the child. Under the bill, the LEA is responsible for determining the child's placement. ~~Current law directs the LEA to ensure that the child's parents participate in that determination.~~

*** ANALYSIS FROM -1700/1 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

~~This~~ bill directs the state superintendent of public instruction to ensure, to the extent practicable, that all rules promulgated by DPI that relate to special education are identical to federal regulations that relate to special education.

*** ANALYSIS FROM -0956/6 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, a school board may enter into a five-year, achievement guarantee (SAGE) contract with DPI. In exchange for reducing class size and meeting certain performance criteria designed to improve academic achievement in

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grades kindergarten to three, a school board receives \$2,000 for each low-income pupil enrolled in a school participating in the SAGE program.

This bill allows DPI to renew a SAGE contract for one or more terms of five years. The bill also provides that a school board that entered into a SAGE contract in the 2000-01 school year on behalf of a school with a low-income enrollment of less than 50% is required to maintain the reduced class size in kindergarten and first grade, as opposed to reducing class size in grades kindergarten to three.

*** ANALYSIS FROM -2057/1 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Current law generally limits the increase in the total amount of revenue per pupil that a school district may receive from general school aids and property taxes in a school year to the amount of revenue increase allowed per pupil in the previous school year increased by the percentage change in the consumer price index.

This bill eliminates the inflation adjustment beginning in the 2001-02 school year. ^{and} ~~The bill~~ sets the amount at \$220.29 per pupil for the 2001-02 school year and for each subsequent school year.

*** ANALYSIS FROM -0935/4 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Current law limits the amount of revenue that a school district may raise through the combination of general school aids and the property tax levy to approximately \$220 per pupil. Several exceptions to this revenue limit exist, including an exception for a school district with a per pupil base revenue for the previous school year that is less than the statutorily prescribed revenue ceiling of \$6,500 per pupil. Such a school district is allowed to increase its per pupil revenue up to this ceiling without holding a referendum.

~~This bill~~ changes the revenue ceiling to \$6,700 per pupil for the 2001-02 school year and to \$6,900 per pupil in subsequent school years.

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*** ANALYSIS FROM -1395/3 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Current law guarantees that a school district will receive in "special adjustment aid" at least 85% of its prior year's payment of general school aid. In addition, each fall DPI calculates the total amount of state aid that each school

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grades kindergarten to three, a school board receives \$2,000 for each low-income pupil enrolled in a school participating in the SAGE program.

This bill allows DPI to renew a SAGE contract for one or more terms of five years. The bill also provides that a school board that entered into a SAGE contract in the 2000-01 school year on behalf of a school with a low income enrollment of less than 50% is required to maintain the reduced class size in kindergarten and first grade, as opposed to reducing class size in grades kindergarten to three.

***** ANALYSIS FROM -2057/1 *****

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Current law generally limits the increase in the total amount of revenue per pupil that a school district may receive from general school aids and property taxes in a school year to the amount of revenue increase allowed per pupil in the previous school year increased by the percentage change in the consumer price index.

This bill eliminates the inflation adjustment beginning in the 2001-02 school year. ^{and} ~~The bill~~ sets the amount at \$220.29 per pupil for the 2001-02 school year and for each subsequent school year.

***** ANALYSIS FROM -0935/4 *****

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Current law limits the amount of revenue that a school district may raise through the combination of general school aids and the property tax levy to approximately \$220 per pupil. Several exceptions to this revenue limit exist, including an exception for a school district with a per pupil base revenue for the previous school year that is less than the statutorily prescribed revenue ceiling of \$6,500 per pupil. Such a school district is allowed to increase its per pupil revenue up to this ceiling without holding a referendum.

~~This bill~~ changes the revenue ceiling to \$6,700 per pupil for the 2001-02 school year and to \$6,900 per pupil in subsequent school years.

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***** ANALYSIS FROM -1395/3 *****

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Current law guarantees that a school district will receive in "special adjustment aid" at least 85% of its prior year's payment of general school aid. In addition, each fall DPI calculates the total amount of state aid that each school

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p. 101*

district will receive in the current school year and makes any necessary adjustments to that calculation by increasing or decreasing state aid paid in the following September. This bill provides that DPI may not consider the amount of this adjustment of state aid in calculating special adjustment aid.

***** ANALYSIS FROM -0890/1 *****

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, if a school district exceeds its revenue limit, the state superintendent of public instruction must deduct from the district's state aid payments an amount equal to the excess revenue. If the amount is insufficient to cover the excess revenue, the statutes direct the state superintendent to order the school board to reduce the property tax obligations of its taxpayers by an amount that represents the remainder of the excess revenue.

Under article XI, section 3 (3), of the Wisconsin Constitution, however, when a school district borrows money it must levy an irrevocable tax sufficient to pay the principal of and interest on the debt.

This bill provides that the state superintendent's order to reduce the property tax obligations of a school district's taxpayers does not apply to property taxes levied for the purpose of paying the principal and interest on debt validly issued by the school board.

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***** ANALYSIS FROM -0941/2 *****

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, 40% of a school district's summer enrollment is included in its enrollment count when the school district's revenue limit is calculated. This bill reduces this percentage to 25% by the 2003-04 school year.

***** ANALYSIS FROM -1513/2 *****

EDUCATION

PRIMARY AND SECONDARY EDUCATION

~~Current law limits the total amount of revenue that a school district may receive in general school aid and property taxes. Despite this "revenue limit," if a school district's revenue is less than its revenue limit, it may carry over 75% of its unused revenue-limit authority to the next school year. In addition, each fall DPI calculates the total amount of state aid that each school district will receive in the~~

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current school year and makes any necessary adjustments to that calculation by increasing or decreasing state aid paid in the following September.

This bill provides that a school district whose aid is increased by DPI in September of the following school year and whose aid increase is less than its unused revenue-limit authority may carry over as unused revenue-limit authority an amount equal to the amount of the additional September aid plus an amount calculated by: 1) determining its unused revenue-limit authority; and 2) multiplying the difference between the remainder and the amount of additional September aid by 0.75.

If the school districts increase in aid is equal to or greater than its unused revenue-limit authority, the bill provides that the school district may carry over 100% of its unused revenue-limit authority.

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*** ANALYSIS FROM -1631/1 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Currently, the general school aid formula provides three tiers of state support for the public schools. The second tier of support is for costs per student between \$1,000 and the secondary cost ceiling. Currently, the secondary cost ceiling per pupil is the prior year's secondary cost ceiling per pupil adjusted by the rate of inflation. This bill sets the secondary cost ceiling per pupil at \$6,900 in the 2001-02 school year and \$7,300 in the 2002-03 school year. Thereafter, the secondary cost ceiling per pupil is the prior year's cost ceiling adjusted for inflation.

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*** ANALYSIS FROM -1598/1 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, referenda are required or authorized to be held by school districts in order to incur debt or exceed state revenue limits, or to exceed the levy rate limit for a school construction fund that is applicable only to the Milwaukee Public Schools (MPS). ~~Currently~~ these referenda are required or authorized to be held at special elections when no offices appear on the ballot.

This bill provides that ~~such~~ ^{the} referenda must be held concurrently with the spring election (held in each year) or the general election (held in each even-numbered year), or on the Tuesday after the first Monday in November in an odd-numbered year.

*** ANALYSIS FROM -1392/3 ***

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EDUCATION**PRIMARY AND SECONDARY EDUCATION**

Under current law, a public school may not begin the school term until September 1 unless it holds a public hearing on the issue and adopts a resolution. The hearing must be held no earlier than the preceding July 1.

Beginning in the 2002-03 school year, this bill allows the hearing to be held as early as the preceding May 1. The bill also prohibits classes from being held on August 30, 2001, and August 31, 2002.

Under current law, a school district is required to bargain collectively in good faith with the majority representative of its employees in a collective bargaining unit concerning the wages, hours, and conditions of employment of the employees. Among the subjects that are mandatory subjects of collective bargaining is any school calendaring proposal that is *primarily related to* wages, hours, and conditions of employment. ~~*Beloit Ed. Assn. v. WERC, 73 Wis. 2d 43, 61-62 (1976)*~~

This bill provides that a school district may not bargain collectively with respect to the establishment of the school calendar, but expressly requires that a school district must bargain collectively with respect to the *impact* of any school calendar decision on wages, hours, and conditions of employment.

Finally, the bill creates a nine-member committee, appointed by the governor, to study the educational and economic effects of prohibiting school districts from beginning the school term until September 1. The committee must report its findings and recommendations to the governor and the legislature by December 1, 2002.

***** ANALYSIS FROM -1590/3 *******EDUCATION****PRIMARY AND SECONDARY EDUCATION**

Current law authorizes the Milwaukee Public Schools (MPS) board to contract with any nonsectarian private school located in the city to provide educational programs for pupils enrolled in the school district (educational services statute). The MPS board may also close any school that it determines is low in performance (school closing statute). If the MPS board closes a school or reopens a school that has been closed, the superintendent of schools may reassign the school's staff without regard to seniority in service. In addition, the MPS board is prohibited from bargaining collectively with respect to: 1) the board's decision to contract with a private nonsectarian school or private nonsectarian agency in the city to provide educational programs to pupils, or the impact of any such decision on the wages, hours, or

conditions of employment of the employees who perform those services; or 2) the reassignment of employees who perform services for the board, with or without regard to seniority, as the result of a decision of the board to close or reopen a school or to contract with an individual to operate a charter school or to convert a school to a charter school, or the impact of any such reassignment on the wages, hours, or conditions of employment of the employees who perform those services (collective bargaining statute).

This bill extends the educational services, school closing, and collective bargaining statutes to cover all school boards.

***** ANALYSIS FROM -1613/1 *****

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Current law allows two or more school districts to consolidate. On the effective date of the consolidation, employees of the consolidating school districts become employees of the new consolidated school district.

This bill authorizes the school district administrator of the new consolidated school district, for 60 days after the effective date of the consolidation, to lay off or reassign school district employees without regard to seniority in service. In addition, the bill provides that any such layoff or reassignment of school district employees is a prohibited subject of collective bargaining.

***** ANALYSIS FROM -1775/4 *****

EDUCATION

PRIMARY AND SECONDARY EDUCATION

The bill directs DPI to award grants to up to six school boards on behalf of schools that demonstrate improved academic performance and to promulgate rules to implement the grant program that include, as performance criteria, dropout rates, improvement in pupils' performance and in teachers' knowledge and skills, graduation rates, and the number of teachers who have received national board certification. DPI must ensure that the grants do not exceed \$2,000 multiplied by the number of employees in all schools in the school district that meet the performance criteria contained in DPI's rules. The bill also creates a school performance committee, consisting of three members from DPI and three members appointed by the governor, to propose performance criteria for DPI to consider in promulgating its rules.

Under current law, a school district may not provide to its professional employees who are not in collective bargaining units an average increase in compensation and fringe benefits that has an average cost per employee exceeding 3.8% of the average total cost per employee of compensation and fringe benefits provided by the school district to such employees for the preceding 12-month period ending on June 30 or the average total percentage increased cost per employee of compensation and fringe benefits provided to its professional employees who are in collective bargaining units during the 12-month period ending on June 30 preceding the date that the increase becomes effective, whichever is greater. The bill provides that any compensation received by professional employees who are not in collective bargaining units from school performance grants is not subject to this limitation on compensation and fringe benefit costs.

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***** ANALYSIS FROM -0656/1 *****
EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

This bill directs the technology for educational achievements in Wisconsin board to award grants to school districts in the 2001-03 fiscal biennium to train pupils to provide educational technology support services.

***** ANALYSIS FROM -1396/1 *****
EDUCATION

PRIMARY AND SECONDARY EDUCATION

Current law exempts computers from property taxation. This bill provides that the amounts received by school districts to compensate them for the reduction in their tax base due to the property tax exemption for computers is included in their shared cost for the purpose of computing general aid.

***** ANALYSIS FROM -1623/2 *****
EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill directs DPI to award grants to ~~cooperative educational service agencies~~ to fund the development, for school districts, of education services that are unrelated to instruction. The bill also directs DPI to award grants to two or more school districts that are considering consolidating or coordinating the provision of educational services for the purpose of studying the feasibility of the consolidation or coordination.

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***** ANALYSIS FROM -1703/4 *****

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

This bill creates an 11-member committee, appointed by the governor, to review and make recommendations for modifying DPI's administrative rules. The committee must identify those rules that are outmoded, impede innovation, cause inefficiencies, or fail to promote academic achievement, and those rules that should not apply to school districts that are granted extended flexibility status. DPI must review the committee's recommendations and propose modifications to its rules based on those recommendations.

***** ANALYSIS FROM -1705/4 *****

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

This bill directs DPI to submit to the governor and to DOA a plan for the reorganization of the division for learning support and instructional services in DPI. The plan must provide for the creation of a bureau for school improvement to provide on-site, technical assistance to schools and school districts, especially schools and school districts that are low in performance. If the plan is approved by the governor, the bureau must consist of school performance teams, each of which must include one licensed teacher employed by a school district and assigned to DPI under an interagency exchange agreement.

***** ANALYSIS FROM -1699/2 *****

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

This bill prohibits the state superintendent of public instruction from promulgating a rule that relates to distance education without the approval of the secretary of administration, the technical college system board, and the technology for educational achievement in Wisconsin board.

***** ANALYSIS FROM -1601/2 *****

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

This bill directs the state superintendent of public instruction to distribute to school districts the maximum amount of federal aid that is allowed under federal law, except for those funds provided for administrative purposes.

***** ANALYSIS FROM -1602/1 *****

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

This bill directs the state superintendent of public instruction to ensure that the vocational education consultants employed by DPI coordinate their activities with the staff of the governor's work-based learning board.

*** ANALYSIS FROM -0947/1 ***

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

Under the open enrollment program, a pupil may attend any public school located outside his or her school district of residence, if the pupil's parent complies with certain application procedures. A school board may, however, deny an open enrollment application if the school district does not have enough space for the pupil. In determining the availability of space, a school board may consider class size limits, pupil-teacher ratios, nonresident pupils whose school district of residence pays tuition to the nonresident school district, and enrollment projections. If the school board receives more open enrollment applications than it has spaces, the school board must select pupils randomly. A school board must also give preference in accepting open enrollment applications to pupils already attending school (continuing pupils) and their siblings.

In *McMorrow v. State Superintendent of Public Instruction, John T. Benson*, No. 99-1288 (July 25, 2000), the Wisconsin Court of Appeals held that the requirement that a school board give preference in accepting open enrollment applications to continuing pupils and their siblings applies only when there are spaces available in the first place; when there are more applicants than available spaces, the pupils accepted must be determined randomly. The court also held that a school board may not include continuing pupils in its space determination.

This bill permits a school board to adopt policies that include continuing pupils and their siblings in space determinations and allows a school board to give preference in accepting the open enrollment applications of continuing pupils and their siblings, even if the school board determines that it does not have space for the pupils.

*** ANALYSIS FROM -1632/3 ***

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ANALYSIS FROM - 1703/4
EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill creates an 11-member committee, appointed by the governor, to review and make recommendations for modifying DPI's administrative rules. The committee must identify those rules that are outmoded, impede innovation, cause inefficiencies, or fail to promote academic achievement, and those rules that should not apply to school districts that are granted extended flexibility status. DPI must review the committee's recommendations and propose modifications to its rules based on those recommendations.

***** ANALYSIS FROM -1705/4 *****
EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill directs DPI to submit to the governor and to DOA a plan for the reorganization of the division for learning support and instructional services in DPI. The plan must provide for the creation of a bureau for school improvement to provide on-site, technical assistance to schools and school districts, especially schools and school districts that are low in performance. If the plan is approved by the governor, the bureau must consist of school performance teams, each of which must include one licensed teacher employed by a school district and assigned to DPI under an interagency exchange agreement.

***** ANALYSIS FROM -1699/2 *****
EDUCATION

PRIMARY AND SECONDARY EDUCATION

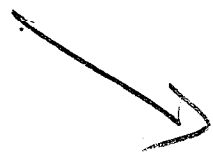
This bill prohibits the state superintendent of ~~public instruction~~ from promulgating a rule that relates to distance education without the approval of the secretary of administration, the technical college system board, and the technology for educational achievement in Wisconsin board.

***** ANALYSIS FROM -1601/2 *****
EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill directs the state superintendent of ~~public instruction~~ to distribute to school districts the maximum amount of federal aid that is allowed under federal law, except for those funds provided for administrative purposes.

***** ANALYSIS FROM -1602/1 *****



INS. D (continued)

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

This bill directs the state superintendent of ~~public instruction~~ to ensure that the vocational education consultants employed by DPI coordinate their activities with the staff of the governor's work-based learning board.

*** ANALYSIS FROM -0947/1 ***

EDUCATION**PRIMARY AND SECONDARY EDUCATION**

Under the open enrollment program, a pupil may attend any public school located outside his or her school district of residence, if the pupil's parent complies with certain application procedures. A school board may, however, deny an open enrollment application if the school district does not have enough space for the pupil. In determining the availability of space, a school board may consider class size limits, pupil-teacher ratios, nonresident pupils whose school district of residence pays tuition to the nonresident school district, and enrollment projections. If the school board receives more open enrollment applications than it has spaces, the school board must select pupils randomly. A school board must also give preference in accepting open enrollment applications to pupils already attending school (continuing pupils) and their siblings.

In *McMorrow v. State Superintendent of Public Instruction, John T. Benson*, No. 99-1288 (July 25, 2000), the Wisconsin Court of Appeals held that the requirement that a school board give preference in accepting open enrollment applications to continuing pupils and their siblings applies only when there are spaces available in the first place; when there are more applicants than available spaces, the pupils accepted must be determined randomly. The court also held that a school board may not include continuing pupils in its space determination.

This bill permits a school board to adopt policies that include continuing pupils and their siblings in space determinations and allows a school board to give preference in accepting the open enrollment applications of continuing pupils and their siblings, even if the school board determines that it does not have space for the pupils.

*** ANALYSIS FROM -1632/3 ***

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EDUCATION

PRIMARY AND SECONDARY EDUCATION

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the open
enrollment
program. DPE

~~Under the current open enrollment program, a pupil may attend a public school outside of his or her school district of residence under certain conditions. Annually, DPE~~ adjusts each school district's share of state aid depending upon whether the district has more or fewer nonresidents attending the district than it has residents attending other districts. The per pupil adjustment is based upon the statewide average per pupil cost for regular instruction, cocurricular activities, instructional support services, and pupil support services. This bill bases the adjustment on two-thirds of the total statewide average per pupil cost.

Currently, with certain exceptions, if a pupil attends a public school outside the school district in which the pupil resides, the pupil's parent or guardian pays tuition. Tuition is currently the statewide average per pupil cost for regular instruction, cocurricular activities, instructional support services, and pupil support services. Under this bill, beginning in the 2002-03 school year, tuition is two-thirds of the total statewide average per pupil cost.

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*** ANALYSIS FROM -0892/1 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under certain circumstances, the state currently pays the transportation costs of pupils who are attending school in another school district under either the full-time or part-time open enrollment program and of pupils who are attending an institution of higher education or a technical college under the youth options program. Payment for transportation costs under the youth options program and the part-time open enrollment program are made from one appropriation; payment for transportation costs under the full-time open enrollment program are made from another appropriation.

This bill provides that all payments for open enrollment transportation costs are made from the same appropriation.

*** ANALYSIS FROM -0940/4 ***

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Currently, the state pays public school tuition for any pupil in a foster home, treatment foster home, or group home if the home is located outside the school

district in which the pupil's parent or guardian resides and the home is exempt from property taxation.

Under this bill, the state also pays public school tuition for any pupil who resides in a foster home, treatment foster home, or group home if the home is located outside the school district in which the pupil's parent or guardian resides and the pupil receives special education, even if the home is subject to property taxation, if at least 4% of the school district's enrollment resides in such homes that are subject to property taxation.

***** ANALYSIS FROM -1701/1 *****

EDUCATION

PRIMARY AND SECONDARY EDUCATION

With certain exceptions, current law requires that bilingual-bicultural education programs be taught by bilingual teachers. This bill eliminates this requirement for programs in grades kindergarten to eight.

***** ANALYSIS FROM -1723/2 *****

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, DPI must annually notify school districts in January of the amount of school library aid (derived from the common school fund income) that they will receive. This bill clarifies that the amount in the notice is an estimate. The bill provides that the actual amounts distributed are based on the amount of common school fund income available on April 15. The bill also changes the aid payment date from June 30 to May 1.

***** ANALYSIS FROM -1860/1 *****

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, towns, villages, cities, counties, public inland protection and rehabilitation districts, town sanitary districts, metropolitan sewerage districts, joint sewerage systems, school districts, technical college districts, cooperative educational service agencies, and consortia of two or more school districts, technical college districts, counties, cities, villages, or towns may obtain state trust fund loans from the board of commissioners of public lands. Currently, a federated public library system whose territory lies within one county is considered to be an agency of that county and, therefore, may obtain a state trust fund loan through the county. This bill permits a federated public library system whose territory lies within two or

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more counties, which is a separate legal entity from the counties participating in that system, to obtain a state trust fund loan.

***** ANALYSIS FROM -0916/6 *****

EDUCATION

PRIMARY AND SECONDARY EDUCATION

This bill requires the state superintendent of public instruction to charge school districts a fee for the use of BadgerLink, which provides statewide access, through the Internet, to periodical and reference information databases.

***** ANALYSIS FROM -0850/1 *****

EDUCATION

PRIMARY AND SECONDARY EDUCATION

Under current law, DPI awards precollege scholarships to minority group students who, to improve the academic skills necessary for success in college, enroll in college classes. This bill requires each Wisconsin college and university to report annually to DPI the number of students who both enroll in the college's or university's precollege program and graduate from the college or university. The bill also requires DPI to report this information annually to the governor and the legislature.

***** ANALYSIS FROM -2330/1 *****

EDUCATION

HIGHER EDUCATION

Current law prohibits the UW board of regents (board) from increasing resident, undergraduate tuition beyond an amount that is sufficient to fund certain costs, such as compensation and fringe benefits for UW employees and the costs of nontraditional courses, but permits the board to spend ~~up to~~ the entire amount of tuition received. Beginning in the 2002-03 academic year, this bill eliminates the restrictions on increasing resident undergraduate tuition.

***** ANALYSIS FROM -1773/3 *****

EDUCATION

HIGHER EDUCATION

Under current law, the board of regents of the UW System (board) may not create or abolish any position funded with general purpose revenues (GPR) without legislative approval. This bill permits the board to create or abolish faculty and academic staff GPR-funded positions without legislative approval if it submits a

request to DOA containing a clear explanation of how the board will fill the requested position and if DOA approves the request.

***** ANALYSIS FROM -1774/1 *****

EDUCATION

HIGHER EDUCATION

Under current law, the board of regents of the UW System (board) may create or abolish certain positions funded with program revenue without legislative approval if it reports the number of positions created or abolished and the funding source to DOA and JCF. This bill allows the board to create positions funded from program revenue generated from courses for which nonresident and resident students pay the same tuition and for which the tuition charged equals 100% of the cost of offering the course. The bill also imposes the same reporting requirement for these new positions.

***** ANALYSIS FROM -1595/1 *****

EDUCATION

HIGHER EDUCATION

Under current law, the board of regents of the UW System (UW board) may, until the 2000–01 academic year, exempt from the payment of nonresident tuition a certain number of students enrolled at UW–Parkside and UW–Superior. This bill allows the UW board to continue to exempt these pupils after the 2000–01 academic year.

***** ANALYSIS FROM -1762/2 *****

EDUCATION

HIGHER EDUCATION

This bill directs the board of regents of the UW System and the technical college system board to jointly develop a common course numbering system for the two systems and to submit the proposed system to DOA by June 30, 2008.

***** ANALYSIS FROM -1776/4 *****

EDUCATION

HIGHER EDUCATION

Current law requires the board of regents of the UW System (board) to make all reasonable efforts to provide night courses. This bill instead requires the board to ensure that at least 15% of all UW System course sections that are offered for credit and that do not exclude undergraduate students are offered during the evenings and weekends or by electronic means.

*** ANALYSIS FROM -2263/2 ***

EDUCATION

HIGHER EDUCATION

Under current law, the ~~UW System~~ board of regents (board) must remit resident, undergraduate tuition for children or spouses of certain persons, such as police officers, who are killed in the line of duty. This bill directs the board to remit the resident, undergraduate tuition of the winner of the Wisconsin state science fair for up to five consecutive years. A winner who receives the fee remission, remains in good academic standing, and completes a bachelor's degree receives a two-year fee remission for a science-related graduate program.

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*** ANALYSIS FROM -1847/3 ***

EDUCATION

HIGHER EDUCATION

This bill makes several changes in the statutes pertaining to the technical college system (TCS), including all of the following:

1. Currently, the TCS board must approve the qualifications of educational personnel and the courses of study for each program offered in the district schools. This bill allows a district board to employ an instructor who is not certified by the TCS board if the instructor holds a valid industry certification recognized by the TCS board.
2. Current law prohibits the TCS board from considering any course of study for approval if the course has not first been approved by the district board. This bill eliminates this prohibition. The bill also requires the district board to offer any program or course of study that the TCS board directs the district board to offer, and to eliminate any program or course of study that the TCS board directs the board to eliminate.
3. Currently, a district board must hold a referendum if it intends to make a capital expenditure that exceeds \$500,000. Under certain conditions, that requirement does not apply to a capital expenditure to purchase or construct an applied technology center. One of the conditions is that the expenditure be made before January 1, 2002. This bill extends that date to July 1, 2003.
4. The TCS board currently awards incentive grants to district boards for a variety of purposes. This bill authorizes the TCS board to award a grant to a district board to assist in the statewide marketing and promotion of the TCS. The bill also

prohibits the TCS board from awarding any incentive grant to a district board without first reviewing and approving the district board's budget.

***** ANALYSIS FROM -1846/1 *****

EDUCATION

HIGHER EDUCATION

Current law authorizes the technical college system board (board) to establish and supervise training programs in fire prevention and protection. This bill allows the board to also establish and supervise training programs in emergency extrication.

***** ANALYSIS FROM -1728/1 *****

EDUCATION

HIGHER EDUCATION

Current law directs the secretary of administration to award grants to technical college district boards to develop or expand programs in occupational areas in which there is a high demand for workers and to make capital expenditures that are necessary for such development or expansion. This bill transfers this grant program to the technical college system board.

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***** ANALYSIS FROM -1761/1 *****

EDUCATION

HIGHER EDUCATION

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This bill directs the governor to appoint a committee to study the feasibility of consolidating the University of Wisconsin System two-year colleges and the technical college system and to report its findings to DOA by January 1, 2002.

***** ANALYSIS FROM -0985/8 *****

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, the educational communications board (ECB) is responsible for overseeing ~~the provision of~~ the provision of public broadcasting to this state. In addition, the board of regents of the UW System, as licensee, must manage, operate, and maintain a radio and television station and provide the ECB part-time use of equipment and space necessary for the operations of the state educational radio and television networks.

This bill creates a public broadcasting transitional board (transitional board) that is responsible for creating a nonstock, nonprofit educational broadcasting

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This analysis should be done analysis 0445/3 on page 116

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corporation (corporation). ~~The transitional board has 20 members: the secretary of administration, the UW System president, the state superintendent of public instruction, the technical college system director, the president of the Wisconsin Association of Independent Colleges and Universities, one member of each house of the legislature from the political party with the most members in each house, two members appointed by the governor who belong to the Wisconsin Public Radio Association; one member appointed by the governor who belongs to a "friends group" organized to raise funds for television station WHA; one member appointed by the governor who resides in this state outside the WHA viewing area; one member appointed by the governor who is a representative of public elementary and secondary school administrators; and eight members appointed by the governor who are employed in the private sector.~~

The bill directs the transitional board to draft and file articles of incorporation for a ~~nonstock, nonprofit educational broadcasting~~ corporation and to take all actions necessary to exempt the corporation from taxation under the Internal Revenue Code. In addition, the transitional board must provide in the articles of incorporation that the members of the transitional board are the initial directors of the corporate board.

Also, the transitional board must prepare an application for the corporate board to submit to the federal communications commission (FCC) to transfer all broadcasting licenses held by the ECB and the board of regents to the corporation, except licenses held by the board of regents for student radio; ~~draft bylaws for adoption by the corporate board;~~ negotiate an agreement with the Wisconsin Public Radio Association to transfer funds raised by the Wisconsin Public Radio Association to the corporation; and negotiate an agreement with each friends group to transfer funds raised by the friends group to the corporation.

If the FCC approves the transfer of all broadcasting licenses held by the ECB to the corporation, the ECB is eliminated on the effective date of the transfer. If the FCC approves the transfer of all broadcasting licenses held by the board of regents to the corporation, the corporation assumes the broadcasting activities of the board of regents.

The corporation is entitled to receive state aid for its operational expenses if the corporation, generally, maintains a state system of radio broadcasting for presenting educational, informational, and public service programs; maintains television channels for educational use; ~~leases, purchases, or constructs radio and television facilities for joint use with state and local agencies; provides educational~~

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P. 116

~~programming for elementary and secondary schools in this state, and enters into a contract with the board of regents for the services of the employees of the board of regents related to providing public broadcasting services.~~

~~The corporation is entitled to receive additional state aid for its operational expenses if the articles of incorporation state that the purpose of the corporation is to provide public broadcasting to this state and that, if the corporation dissolves or discontinues public broadcasting to this state, the corporation must, in good faith, take all reasonable measures to transfer or assign the corporation's assets, licenses, and rights to an entity whose purpose is to advance public broadcasting in this state. To receive state aid for its operational expenses, the corporation must also adopt the bylaws drafted by the transitional board; permit public access to its records to the same extent as required of a state agency; provide public notice of and permit public access to its meetings to the same extent as required of a state agency; provide the secretary of administration, the legislative audit bureau, and the legislative fiscal bureau access to all its records; fulfill any contract obligation of ECB related to providing public broadcasting, if the ECB broadcasting licenses are transferred to the corporation; and fulfill any contract obligation of the board of regents related to providing public broadcasting, if the broadcasting licenses of the board of regents are transferred to the corporation.~~

If the FCC approves the transfer of all broadcasting licenses held by the ECB to the corporation, ECB employees become DOA employees and those employees will provide broadcasting services to the corporation under a contract between DOA and the corporation. ~~The contract must provide that the employees providing such~~

~~services are supervised solely by the corporation. If the FCC approves the transfer of all broadcasting licenses held by the board of regents, the board of regents must enter into a contract with the corporation to provide the broadcasting services of the employees of the board of regents to the corporation. The contract must provide that the employees providing such services are supervised solely by the corporation.~~

***** ANALYSIS FROM -0616/P1 *****

EDUCATION

HIGHER EDUCATION

Under current law, the college tuition and expenses program (popularly known as "EdVest") allows a person to purchase "tuition units" that can later be used to pay college tuition, room, board, and related expenses on behalf of the purchaser himself or herself, the purchaser's child or legal guardian, or, if the purchaser is a trust, the

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beneficiary of the trust. The college savings program, designed to complement EdVest, allows a person, including a charitable organization, to make contributions to a college savings account to pay the college expenses of a named beneficiary or an unnamed, future recipient of a scholarship account established by the charitable organization.

EdVest is administered by the state treasurer, while the college savings program is administered by a college savings board (board) that must contract with a private vendor for the investment of the contributions to the college savings accounts. Both a college tuition and expenses or college savings account must be closed if the funds in the account are not used within ten years of the original projected date of the beneficiary's or recipient's enrollment.

This bill allows a person to purchase tuition units on behalf of any named beneficiary, allows a charitable organization to open an EdVest scholarship account for an unnamed, future recipient, and permits, but does not require, the state treasurer or the board to close a college tuition and expenses or college savings account if the account's funds are not used within ten years of the original projected date of the beneficiary's or recipient's enrollment. The bill also requires any revenue generated by either program (including contributions and distributions) to pass through the state treasury and permits revenues generated from EdVest or college savings program enrollment fees and fees paid by the college savings program vendor to be used to defray the administrative costs of either program. Finally, the bill makes some technical changes to improve accounting of EdVest and college savings program moneys.

*** ANALYSIS FROM -1950/1 ***

~~EDUCATION~~

~~HIGHER EDUCATION~~

Under current law, the higher education aids board (HEAB) distributes funds to private institutions of higher education for grants to retain minority undergraduates. This bill requires HEAB to report annually to DOA on the effectiveness of this grant program.

*** ANALYSIS FROM -0684/2 ***

~~EDUCATION~~

~~OTHER EDUCATION~~

Under current law, school districts, public library boards, and certain other educational agencies are eligible to receive grants and loans for educational

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TEACH

technology from the technology for educational achievement in Wisconsin board. This bill makes the University of Wisconsin-Milwaukee, Milwaukee Area Technical College, and the city of Milwaukee eligible to receive these grants and loans on behalf of charter schools that they sponsor.

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*** ANALYSIS FROM -0445/3 ***

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, school districts and other educational agencies are eligible to receive technology block grants (to be used for any purpose related to educational technology), educational technology training and technical assistance grants, loans to fund the installation and upgrading of computer network wiring, and subsidized access to new data lines and video links. This bill makes certain secured correctional facilities for juvenile delinquents eligible for the technology block grants, the educational technology training and technical assistances grants, and the subsidized access to new data lines and video links.

TEACH
board

*** ANALYSIS FROM -0705/3 ***

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, the technology for educational achievement in Wisconsin ~~board~~ TEACH board makes subsidized loans to school districts and public library boards that may be used only for upgrading and installing computer network wiring. In addition, certain educational agencies, such as school districts and public library systems, may participate in the educational telecommunications access program, which provides these agencies with access to data and video links.

This bill allows public library boards to use the loans to purchase hardware necessary for direct connection to the internet and to enter into shared services agreements concerning telecommunications access with local units of government. The bill also permits individual public library branches to participate in the educational telecommunications access program.

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*** ANALYSIS FROM -1888/3 ***

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

Under current law, WHEFA may issue bonds to finance certain projects undertaken for health or educational facilities. Projects that may be financed include, among others, the acquisition of a hospital, the construction or operation of an ambulatory surgery center or home health agency, and the construction, remodeling, furnishing, or equipping of a health or educational facility or related structure. An educational facility is defined as a regionally accredited, private, nonprofit postsecondary educational institution. The bill redefines an educational facility as a facility used for education by a regionally accredited, private, nonprofit institution so that the education-related projects for which WHEFA may issue bonds are not limited to facilities and related structures for postsecondary education purposes.

*** ANALYSIS FROM -2099/2 ***

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

The bill authorizes the department of commerce to advertise and promote products made in the state of timber produced in the state and provides funding from the conservation fund for this purpose.

*** ANALYSIS FROM -1694/11 ***

~~COMMERCE AND ECONOMIC DEVELOPMENT~~

~~ECONOMIC DEVELOPMENT~~

This bill provides that, if the Wisconsin Advanced Telecommunications Foundation (foundation) grants to DOA the unencumbered balances of its endowment fund and fast start fund, then moneys are transferred to the department of commerce to make grants for research on emerging technologies that promote industrial and economic development in southeastern Wisconsin. See

~~EDUCATION, OTHER EDUCATIONAL AND CULTURAL AGENCIES.~~

~~EDUCATION~~

~~HIGHER EDUCATION~~

This bill directs the technical college system (TCS) board to establish a system that allows a student enrolled in one technical college to enroll in a course offered

COMMERCE AND ECONOMIC DEVELOPMENT**ECONOMIC DEVELOPMENT**

WHEDA administers a number of loan guarantee programs under which WHEDA guarantees repayment of a percentage of the outstanding principal amounts of loans made by private lenders to qualified borrowers for various business and agricultural purposes. Under the small business development loan guarantee program, WHEDA may guarantee repayment of up to the lesser of \$200,000 or 80% of the principal of a loan made by a private lender to a small business (a business with 50 or fewer full-time employees) or the elected governing body of a federally recognized American Indian tribe or band in this state. The proceeds of a small business development loan may be used only for expenses associated with the expansion or acquisition of a business or with the start-up of a day care business. The bill adds to the eligible uses of a small business development loan expenses associated with the start-up of a small business in a vacant storefront in the downtown area of a rural community, which is defined in the bill as a city, town, or village with a population of less than 50,000.

***** ANALYSIS FROM -0782/P1 *****

COMMERCE AND ECONOMIC DEVELOPMENT**ECONOMIC DEVELOPMENT**

The department of tourism (department) administers the heritage tourism program in current law. In each fiscal biennium, the department may, upon application, select up to two areas of the state to participate in the program, which entitles an area to assistance in assessing its potential for heritage tourism (tourism that is based on historical or prehistorical resources) and in developing and implementing a plan to increase such tourism. Also under the program, the department must award grants for promoting heritage tourism in the selected areas to the persons that applied on behalf of the areas. Only one grant may be awarded to an applicant in a fiscal year, and grants may be awarded to an applicant only in two fiscal years.

The bill provides that the two grants that may be awarded to an applicant on behalf of a selected area may be awarded only in the two fiscal years of the fiscal biennium in which the area was selected. The bill also provides that, after the fiscal biennium in which an area was selected, the department may award grants of up to \$5,000 in a fiscal year to a nonprofit organization that is located in the area. A

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over the Internet by another technical college without paying additional fees to the technical college offering the course. The bill also directs the TCS board to assist technical colleges to develop Internet courses and to establish an Internet site that provides information on all such courses.

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~~The bill also~~ provides for the transfer of moneys to the board of regents of the UW System for various purposes if the Wisconsin Advanced Telecommunications Foundation grants to DOA the unencumbered balances of its endowment fund and fast start fund. See **OTHER EDUCATIONAL AND CULTURAL AGENCIES**.

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~~OTHER EDUCATIONAL AND CULTURAL AGENCIES~~

Under current law, the state has participated in the formation and operation of the Wisconsin Advanced Telecommunications Foundation (foundation), which is organized as a nonstock corporation. As required under current law, the foundation has established an endowment fund, which consists of a onetime \$500,000 contribution by the state and contributions by telecommunications providers. As also required under current law, the foundation has established a fast start fund, which consists of contributions by telecommunications providers. The foundation uses both funds to provide funding for advanced telecommunications technology applications projects and efforts to educate telecommunications users about advanced telecommunications services. Current law also provides that if the foundation substantially ceases operations, the state's unencumbered contribution to the endowment fund must be returned to the state.

This bill eliminates all provisions under current law regarding the foundation. In addition, the bill provides that, if the foundation grants the unencumbered balances of the endowment fund and the fast start fund to DOA in fiscal year 2001-02, including the contributions made by telecommunications providers, then \$2,000,000 of the moneys that are received are transferred to the TCS board for establishing an Internet site that lists all the Internet courses provided by the technical colleges and to assist technical colleges to develop Internet courses.

If the foundation makes the grant described above, the bill provides that the following moneys that are received are transferred to the technology for educational achievement in Wisconsin (TEACH) board for the following purposes: 1) \$136,200 for administrative and support services to resolve the outstanding business of the foundation and performing other duties specified by the secretary of the TEACH board; and 2) \$566,200 for closing out any existing grants made by the foundation.

In addition, if the foundation makes the grant described above, the bill provides that the following moneys that are received are transferred to the board of regents of the UW System for the following purposes: 1) \$250,000 for the UW Learning Innovations at UW-Extension to establish a nonprofit, tax-exempt corporation whose purpose is to establish distance education classrooms in Wisconsin trade offices abroad and offer UW System distance education courses from those classrooms; 2) \$3,000,000 for funding the activities of the UW Learning Innovations at UW-Extension; 3) \$500,000 for developing wireless networking systems that allow students to use laptop computers and docking stations to connect to the Internet; 4) \$2,000,000 for funding the UW System's project designated "Internet 2," which upgrades technology infrastructure on campuses for enhancing high-speed Internet activity; 5) \$500,000 for purchasing a digital mammography machine for the UW Medical School; and 6) \$1,000,000 for funding the Wisconsin advanced distributed co-laboratory, a computer laboratory located on the UW-Madison campus. If the last transfer is made, the UW System board of regents must submit a report to DOA by September 1, 2003, that shows how the money was used and describes any federal funding for the co-laboratory.

Also under the bill, if the foundation makes the grant described above, then the following moneys that are received are transferred to DPI for the following purposes: 1) \$579,000 for upgrading the Wisconsin Informational Network for School Success; 2) \$77,800 for upgrading the state school finance information system; 3) \$526,000 for completing a network upgrade and upgrading and replacing assistive technology devices and related software programs for the Wisconsin Center for the Blind and Visually Impaired; 4) \$161,600 for replacing the automated system at the Wisconsin Regional Library for the Blind and Physically Handicapped; and 5) \$500,000 for making a grant to the National Geographical Society Education Foundation for establishing a program for awarding grants and supporting programs for improving geographical education in the state, with an emphasis on student use of geographic information systems technology. The transfer of \$500,000 for making the grant to the National Geographical Society Education Foundation is contingent on that foundation's contribution of \$500,000 in matching funds for the program that is established.

The bill also provides that, if the foundation makes the grant described above, \$1,500,000 is transferred to the department of commerce to make grants, no later than June 30, 2003, to the University of Wisconsin-Milwaukee, the University of

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nonprofit organization is eligible for the new grants even if it previously received grants as the applicant on behalf of the area.

*** ANALYSIS FROM -1888/3 ***

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

Under current law, WHEFA may issue bonds to finance certain projects undertaken for health or educational facilities. Projects that may be financed include, among others, the acquisition of a hospital, the construction or operation of an ambulatory surgery center or home health agency, and the construction, remodeling, furnishing, or equipping of a health or educational facility or related structure. An educational facility is defined as a regionally accredited, private, nonprofit postsecondary educational institution. The bill redefines an educational facility as a facility used for education by a regionally accredited, private, nonprofit institution so that the education-related projects for which WHEFA may issue bonds are not limited to facilities and related structures for postsecondary education purposes.

*** ANALYSIS FROM -2099/2 ***

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

The bill authorizes the department of commerce to advertise and promote products made in the state of timber produced in the state and provides funding from the conservation fund for this purpose.

*** ANALYSIS FROM -1694/11 ***

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

This bill provides that, if the Wisconsin Advanced Telecommunications Foundation (foundation) grants to DOA the unencumbered balances of its endowment fund and fast start fund, then moneys are transferred to the department of commerce to make grants for research on emerging technologies that promote industrial and economic development in southeastern Wisconsin. See **EDUCATION, OTHER EDUCATIONAL AND CULTURAL AGENCIES.**

EDUCATION
HIGHER EDUCATION

This bill directs the technical college system (TCS) board to establish a system that allows a student enrolled in one technical college to enroll in a course offered

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

WHEDA administers a number of loan guarantee programs under which WHEDA guarantees repayment of a percentage of the outstanding principal amounts of loans made by private lenders to qualified borrowers for various business and agricultural purposes. Under the small business development loan guarantee program, WHEDA may guarantee repayment of up to the lesser of \$200,000 or 80% of the principal of a loan made by a private lender to a small business (a business with 50 or fewer full-time employees) or the elected governing body of a federally recognized American Indian tribe or band in this state. The proceeds of a small business development loan may be used only for expenses associated with the expansion or acquisition of a business or with the start-up of a day care business. The bill adds to the eligible uses of a small business development loan expenses associated with the start-up of a small business in a vacant storefront in the downtown area of a rural community, which is defined in the bill as a city, town, or village with a population of less than 50,000.

*** ANALYSIS FROM -0782/P1 ***

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

The department of tourism (department) administers the heritage tourism program in current law. In each fiscal biennium, the department may, upon application, select up to two areas of the state to participate in the program, which entitles an area to assistance in assessing its potential for heritage tourism (tourism that is based on historical or prehistorical resources) and in developing and implementing a plan to increase such tourism. Also under the program, the department must award grants for promoting heritage tourism in the selected areas to the persons that applied on behalf of the areas. Only one grant may be awarded to an applicant in a fiscal year, and grants may be awarded to an applicant only in two fiscal years.

The bill provides that the two grants that may be awarded to an applicant on behalf of a selected area may be awarded only in the two fiscal years of the fiscal biennium in which the area was selected. The bill also provides that, after the fiscal biennium in which an area was selected, the department may award grants of up to \$5,000 in a fiscal year to a nonprofit organization that is located in the area. A

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The bill also provides for the transfer of moneys to the board of regents of the UW System for various purposes if the Wisconsin Advanced Telecommunications Foundation grants to DOA the unencumbered balances of its endowment fund and fast start fund. See **OTHER EDUCATIONAL AND CULTURAL AGENCIES**

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, the state has participated in the formation and operation of the Wisconsin Advanced Telecommunications Foundation (foundation), which is organized as a nonstock corporation. As required under current law, the foundation has established an endowment fund, which consists of a onetime \$500,000 contribution by the state and contributions by telecommunications providers. As also required under current law, the foundation has established a fast start fund, which consists of contributions by telecommunications providers. The foundation uses both funds to provide funding for advanced telecommunications technology applications projects and efforts to educate telecommunications users about advanced telecommunications services. Current law also provides that if the foundation substantially ceases operations, the state's unencumbered contribution to the endowment fund must be returned to the state.

This bill eliminates all provisions under current law regarding the foundation. In addition, the bill provides that, if the foundation grants the unencumbered balances of the endowment fund and the fast start fund to DOA in fiscal year 2001-02, including the contributions made by telecommunications providers, then \$2,000,000 of the moneys that are received are transferred to the TCS board for establishing an Internet site that lists all the Internet courses provided by the technical colleges and to assist technical colleges to develop Internet courses.

If the foundation makes the grant described above, the bill provides that the following moneys that are received are transferred to the technology for educational achievement in Wisconsin (TEACH) board for the following purposes: 1) \$136,200 for administrative and support services to resolve the outstanding business of the foundation and performing other duties specified by the secretary of the TEACH board; and 2) \$566,200 for closing out any existing grants made by the foundation.

In addition, if the foundation makes the grant described above, the bill provides that the following moneys that are received are transferred to the board of regents of the UW System for the following purposes: 1) \$250,000 for the UW Learning Innovations at UW-Extension to establish a nonprofit, tax-exempt corporation whose purpose is to establish distance education classrooms in Wisconsin trade offices abroad and offer UW System distance education courses from those classrooms; 2) \$3,000,000 for funding the activities of the UW Learning Innovations at UW-Extension; 3) \$500,000 for developing wireless networking systems that allow students to use laptop computers and docking stations to connect to the Internet; 4) \$2,000,000 for funding the UW System's project designated "Internet 2," which upgrades technology infrastructure on campuses for enhancing high-speed Internet activity; 5) \$500,000 for purchasing a digital mammography machine for the UW Medical School; and 6) \$1,000,000 for funding the Wisconsin advanced distributed co-laboratory, a computer laboratory located on the UW-Madison campus. If the last transfer is made, the UW System board of regents must submit a report to DOA by September 1, 2003, that shows how the money was used and describes any federal funding for the co-laboratory.

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TEACH

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***** ANALYSIS FROM -0445/3 *****

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

Under current law, school districts and other educational agencies are eligible to receive technology block grants (to be used for any purpose related to educational technology), educational technology training and technical assistance grants, loans to fund the installation and upgrading of computer network wiring, and subsidized access to new data lines and video links. This bill makes certain secured correctional facilities for juvenile delinquents eligible for the technology block grants, the educational technology training and technical assistances grants, and the subsidized access to new data lines and video links.

TEACH
board

***** ANALYSIS FROM -0705/3 *****

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

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***** ANALYSIS FROM -0657/2 *****

EDUCATION

OTHER EDUCATIONAL AND CULTURAL AGENCIES

TEACH

This bill directs the technology for educational achievement in Wisconsin board to conduct approximately six pilot projects in the 2001-02 fiscal year for the purpose

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nonprofit organization is eligible for the new grants even if it previously received grants as the applicant on behalf of the area.

***** ANALYSIS FROM -1888/3 *****

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

Under current law, WHEFA may issue bonds to finance certain projects undertaken for health or educational facilities. Projects that may be financed include, among others, the acquisition of a hospital, the construction or operation of an ambulatory surgery center or home health agency, and the construction, remodeling, furnishing, or equipping of a health or educational facility or related structure. An educational facility is defined as a regionally accredited, private, nonprofit postsecondary educational institution. The bill redefines an educational facility as a facility used for education by a regionally accredited, private, nonprofit institution so that the education-related projects for which WHEFA may issue bonds are not limited to facilities and related structures for postsecondary education purposes.

***** ANALYSIS FROM -2099/2 *****

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

The bill authorizes the department of commerce to advertise and promote products made in the state of timber produced in the state and provides funding from the conservation fund for this purpose.

***** ANALYSIS FROM -1694/11 *****

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

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EDUCATION

HIGHER EDUCATION

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COMMERCE AND ECONOMIC DEVELOPMENT**ECONOMIC DEVELOPMENT**

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*** ANALYSIS FROM -0782/P1 ***

COMMERCE AND ECONOMIC DEVELOPMENT**ECONOMIC DEVELOPMENT**

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~~OTHER EDUCATIONAL AND CULTURAL AGENCIES~~

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If the foundation makes the grant described above, the bill provides that the following moneys that are received are transferred to the technology for educational achievement in Wisconsin (TEACH) board for the following purposes: 1) \$136,200 for administrative and support services to resolve the outstanding business of the foundation and performing other duties specified by the secretary of the TEACH board; and 2) \$566,200 for closing out any existing grants made by the foundation.

INSECT MDT-117 (continued)

In addition, if the foundation makes the grant described above, the bill provides that the following moneys that are received are transferred to the board of regents of the UW System for the following purposes: 1) \$250,000 for the UW Learning Innovations at UW-Extension to establish a nonprofit, tax-exempt corporation whose purpose is to establish distance education classrooms in Wisconsin trade offices abroad and offer UW System distance education courses from those classrooms; 2) \$3,000,000 for funding the activities of the UW Learning Innovations at UW-Extension; 3) \$500,000 for developing wireless networking systems that allow students to use laptop computers and docking stations to connect to the Internet; 4) \$2,000,000 for funding the UW System's project designated "Internet 2," which upgrades technology infrastructure on campuses for enhancing high-speed Internet activity; 5) \$500,000 for purchasing a digital mammography machine for the UW Medical School; and 6) \$1,000,000 for funding the Wisconsin advanced distributed co-laboratory, a computer laboratory located on the UW-Madison campus. If the last transfer is made, the UW System board of regents must submit a report to DOA by September 1, 2003, that shows how the money was used and describes any federal funding for the co-laboratory.

Also under the bill, if the foundation makes the grant described above, then the following moneys that are received are transferred to DPI for the following purposes: 1) \$579,000 for upgrading the Wisconsin Informational Network for School Success; 2) \$77,800 for upgrading the state school finance information system; 3) \$526,000 for completing a network upgrade and upgrading and replacing assistive technology devices and related software programs for the Wisconsin Center for the Blind and Visually Impaired; 4) \$161,600 for replacing the automated system at the Wisconsin Regional Library for the Blind and Physically Handicapped; and 5) \$500,000 for making a grant to the National Geographical Society Education Foundation for establishing a program for awarding grants and supporting programs for improving geographical education in the state, with an emphasis on student use of geographic information systems technology. The transfer of \$500,000 for making the grant to the National Geographical Society Education Foundation is contingent on that foundation's contribution of \$500,000 in matching funds for the program that is established.

The bill also provides that, if the foundation makes the grant described above, \$1,500,000 is transferred to the department of commerce to make grants, no later than June 30, 2003, to the University of Wisconsin-Milwaukee, the University of

INSERT MDIT-117 (continued)

Wisconsin-Parkside, Marquette University, the Milwaukee School of Engineering, and the Medical College of Wisconsin. The grants must be used for research related to emerging technologies that promote industrial and economic development in southeastern Wisconsin. The department of commerce and a grant recipient must enter into an agreement that specifies reporting and auditing requirements for the grant.

Finally, the bill provides that, if the foundation makes the grant described above, \$168,300 is transferred to the higher educational aids board for upgrading technology at the board.

END OF INSERT MDIT-117~~*** ANALYSIS FROM -0646/2 ***~~~~**COMMERCE AND ECONOMIC DEVELOPMENT**~~~~**ECONOMIC DEVELOPMENT**~~

~~Under the brownfields grant program in current law, the department of commerce makes grants to persons, municipalities, and local development corporations for redevelopment of brownfields and remediation activities associated with the redevelopment. Brownfields are abandoned, idle, or underused industrial or commercial facilities or sites that are adversely affected for expansion or redevelopment by actual or perceived environmental contamination. For purposes of grant eligibility, "person" is defined as an individual, partnership, corporation, or limited liability company; "municipality" is defined as a city, village, town, or county; and "local development corporation" is defined as a nonprofit corporation that promotes economic development within a specific geographic area and that demonstrates a commitment to or experience in the redevelopment of brownfields. The bill eliminates the definitions for "municipality" and "local development corporation"; provides that a "person" is eligible for a grant under the program; and defines "person" as an individual, partnership, limited liability company, corporation, nonprofit organization, city, village, town, county, or trustee, including a trustee in bankruptcy.~~

~~*** ANALYSIS FROM -1734/3 ***~~~~**COMMERCE AND ECONOMIC DEVELOPMENT**~~~~**ECONOMIC DEVELOPMENT**~~

~~Forward Wisconsin, Inc., is a private corporation formed to promote economic development in the state by encouraging business enterprises to locate in the state. A general purpose revenue appropriation to the department of commerce funds payments to Forward Wisconsin, Inc., for its advertising, marketing, and promotion~~

activities and for its salary, travel, and other expenses related to its economic development promotion activities. The corporation also receives private funds. The bill creates another appropriation to the department of commerce, funded with Indian gaming revenue, for payments to Forward Wisconsin, Inc., for its activities to recruit out-of-state businesses to locate in this state.

***** ANALYSIS FROM -1735/2 *****

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

Under current law, the department of commerce may award up to \$1,000,000 in grants per fiscal year, until June 30, 2001, to technology-based nonprofit organizations to provide support for manufacturing extension centers. The funding comes from repayments of loans made by the department of commerce for various business, manufacturing, and technology development purposes. The bill extends the manufacturing extension center grant program by removing the end date of June 30, 2001, and changes the funding source to Indian gaming revenue.

***** ANALYSIS FROM -1736/2 *****

COMMERCE AND ECONOMIC DEVELOPMENT

ECONOMIC DEVELOPMENT

Under current law, the department of commerce may award a grant of up to \$10,000 to a business with 25 or fewer employees, or with no more than \$2,500,000 in gross annual income in the preceding year, for the purpose of providing skills training or other education related to the needs of the business to current or prospective employees of the business. The statutes do not specify the appropriation from which the grants are to be paid. The bill provides that the grants are to be paid from an appropriation that is funded with Indian gaming revenue.

***** ANALYSIS FROM -1536/3 *****

COMMERCE AND ECONOMIC DEVELOPMENT

COMMERCE

In 1999, the National Conference of Commissioners on Uniform State Laws approved the Uniform Electronic Transactions Act (UETA) and recommended it for enactment in all the states. Generally, UETA establishes a legal framework that facilitates and validates certain electronic transactions. This bill enacts UETA in Wisconsin, with minor, nonsubstantive changes necessary to incorporate the act into the existing statutes.

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of studying emerging technology products, services, and applications for distance learning in primary and secondary schools.

INSERT MDK-117 →

Immediately following
pages

*** ANALYSIS FROM -0911/4 ***

EMPLOYMENT

Under the municipal employment relations act (MERA), the selection of any group health care benefits provider for municipal employees, including school district employees, is treated as a mandatory subject of collective bargaining if the selection of the provider primarily relates to the wages, hours, and working conditions of the employees. Generally, the selection of the provider is a mandatory subject of collective bargaining whenever the provider offers health care benefits coverage that differs in any way from that offered by other providers.

This bill provides that the selection of any group health care benefits provider for school district professional employees is treated as a permissive subject of collective bargaining under MERA (which means that the employer is not required to bargain with respect to the subject) if the provider offers health care benefits coverage that is "substantially similar" to that offered by other providers in bids submitted to school districts. Under the bill, OCI must promulgate rules that set out a standardized summary of health care benefits for use in determining whether coverage offered by different providers that submit bids to school districts is "substantially similar."

Under MERA, in local government employment other than law enforcement and fire fighting employment, if a dispute relating to the terms of a proposed collective bargaining agreement has not been settled after a reasonable period of negotiation and after mediation by the Wisconsin employment relations commission (WERC), either party, or the parties jointly, may petition WERC to initiate compulsory, final, and binding arbitration with respect to any dispute relating to wages, hours, and conditions of employment. If WERC determines that an impasse exists and that arbitration is required, WERC must submit to the parties a list of seven arbitrators, from which the parties alternately strike names until one arbitrator is left. As an alternative to a single arbitrator, WERC may provide for an arbitration panel that consists of one person selected by each party and one person selected by WERC. As a further alternative, WERC may also provide a process that allows for a random selection of a single arbitrator from a list of seven names submitted by WERC. Under current law, an arbitrator or arbitration panel must