

1 to verify the eligibility of the applicant to participate in the program under this
2 section on the basis of family income.

3 **SECTION 1624.** 118.60 (3) (c) of the statutes is amended to read:

4 118.60 (3) (c) If a participating private school rejects an applicant who resides
5 in a school district, other than an eligible school district or a 1st class city school
6 district, because the private school has too few available spaces, the applicant may
7 transfer his or her application to a participating private school that has space
8 available. An applicant who is rejected under this paragraph or an applicant who
9 is on the a waiting list under ~~sub. (3) par. (ar)~~ 4. a. or b. may, subject to sub. (2) (be)
10 and (bh) 2. b., be admitted to a private school participating in the program under this
11 section for the following school year, provided that the applicant continues to reside
12 in a school district, other than an eligible school district or a 1st class city school
13 district. The department may not require, in that following school year, the private
14 school to submit financial information regarding the applicant or to verify the
15 eligibility of the applicant to participate in the program under this section on the
16 basis of family income.

17 **SECTION 1625.** 118.60 (3m) (a) 2. of the statutes is amended to read:

18 118.60 (3m) (a) 2. The pupil is enrolled in a grade from 9 to 12 and the family
19 income of the pupil, as determined under sub. (2) (a) 1., does not exceed an amount
20 equal to 2.2 times the poverty level ~~determined in accordance with criteria~~
21 ~~established by the director of the federal office of management and budget line, as~~
22 defined in 42 USC 9902 (2).

23 **SECTION 1626.** 118.60 (3m) (b) 2. of the statutes is amended to read:

24 118.60 (3m) (b) 2. The family income of the pupil, as determined under sub. (2)
25 (a) 1., exceeds an amount equal to 2.2 times the poverty level ~~determined in~~

1 ~~accordance with criteria established by the director of the federal office of~~
2 ~~management and budget line, as defined in 42 USC 9902 (2).~~

3 **SECTION 1627.** 118.60 (4) (bg) 3. of the statutes is amended to read:

4 118.60 (4) (bg) 3. In the 2015-16, 2016-17, 2017-18, and 2018-19 school year
5 ~~and in each school year thereafter~~ years, upon receipt from the pupil's parent or
6 guardian of proof of the pupil's enrollment in the private school during a school term,
7 except as provided in subd. 5., the state superintendent shall pay to the private
8 school in which the pupil is enrolled on behalf of the pupil's parent or guardian, from
9 the appropriation under s. 20.255 (2) (fr), an amount equal to the sum of the
10 maximum amount per pupil the state superintendent paid a private school under
11 this section in the previous school year for the grade in which the pupil is enrolled;
12 the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the current
13 school year, if positive; and the change in the amount of statewide categorical aid per
14 pupil between the previous school year and the current school year, as determined
15 under s. 118.40 (2r) (e) 2p., if positive.

16 **SECTION 1628.** 118.60 (4) (bg) 6. of the statutes is created to read:

17 118.60 (4) (bg) 6. Beginning in the 2019-20 school year and in each school year
18 thereafter, upon receipt from the pupil's parent or guardian of proof of the pupil's
19 enrollment in the private school during a school term, except as provided in subd. 7.,
20 the state superintendent shall pay to the private school in which the pupil is enrolled
21 on behalf of the pupil's parent or guardian, from the appropriation under s. 20.255
22 (2) (fr), an amount equal to the sum of the maximum amount per pupil the state
23 superintendent paid a private school under this section in the previous school year
24 for the grade in which the pupil is enrolled; the amount of the per pupil revenue
25 adjustment under s. 121.91 (2m) for the current school year, if positive; and the

1 change in the per pupil amount under s. 115.437 (2) (a) between the previous school
2 year and the current school year, if positive.

3 **SECTION 1629.** 118.60 (4) (bg) 7. of the statutes is created to read:

4 118.60 (4) (bg) 7. If the pupil described in subd. 6. is enrolled in a private school
5 that enrolls pupils under the program in any grade between kindergarten to 8 and
6 also in any grade between 9 to 12, the state superintendent shall substitute for the
7 amount described in subd. 6. the amount determined under subd. 4. a. to d., with the
8 following modifications:

9 a. Multiply the number of pupils participating in the program who are enrolled
10 in the private school in any grade between kindergarten to 8 by the sum of the
11 maximum amount per pupil the state superintendent paid a private school under
12 this section in the previous school year for the grade in which the pupil is enrolled;
13 the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the current
14 school year, if positive; and the change in the per pupil amount under s. 115.437 (2)
15 (a) between the previous school year and the current school year, if positive.

16 b. Multiply the number of pupils participating in the program who are enrolled
17 in the private school in any grade between 9 to 12 by the sum of the maximum amount
18 per pupil the state superintendent paid a private school under this section in the
19 previous school year for the grade in which the pupil is enrolled; the amount of the
20 per pupil revenue adjustment under s. 121.91 (2m) for the current school year, if
21 positive; and the change in the per pupil amount under s. 115.437 (2) (a) between the
22 previous school year and the current school year, if positive.

23 **SECTION 1630.** 118.60 (4v) (b) of the statutes is amended to read:

24 118.60 (4v) (b) If the department considers a pupil as a resident of an eligible
25 school district under par. (a) for a school year, the department shall ensure that the

1 pupil is not counted for that school year for purposes of determining whether a school
2 district has exceeded its pupil participation limit under sub. (2) (be) and that the
3 pupil is not counted for that school year for purposes of determining whether a
4 program cap under sub. (2) (bh) 2. a. or b. has been exceeded.

5 **SECTION 1631.** 118.60 (4v) (c) and (d) of the statutes are created to read:

6 118.60 (4v) (c) The department may consider a pupil enrolled in a private
7 school participating in the program under this section who satisfies all of the
8 following as a resident of a school district, other than an eligible school district or a
9 1st class city school district, who is enrolled in the private school under this section:

10 1. The pupil was a resident of an eligible school district when the pupil applied
11 to participate in the program under this section.

12 2. The pupil accepted a space at a private school participating in the program
13 under this section as a resident of an eligible school district.

14 3. The pupil resides in a school district, other than an eligible school district
15 or a 1st class city school district, on the 3rd Friday in September.

16 4. The private school the pupil is attending under this section accepts
17 applications under this section from pupils who reside in school districts, other than
18 an eligible school district or a 1st class city school district.

19 (d) If the department considers a pupil as a resident of a school district, other
20 than an eligible school district or a 1st class city school district, under par. (c) for a
21 school year, the department shall ensure that the pupil is not counted for that school
22 year for purposes of determining whether the school district has exceeded its pupil
23 participation limit under sub. (2) (be) and that the pupil is not counted for that school
24 year for purposes of determining whether a program cap under sub. (2) (bh) 2. a. or
25 b. has been exceeded.

1 **SECTION 1632.** 118.60 (7) (ad) 1. of the statutes is amended to read:

2 118.60 (7) (ad) 1. If a private school participating in the program under this
3 section or s. 119.23 and accredited under sub. (2) (a) 7. to offer instruction in any
4 elementary grade, but not any high school grade, seeks to offer instruction in any
5 high school grade, the private school shall apply for ~~and achieve accreditation by an~~
6 accrediting entity to offer instruction in the additional grades ~~in the manner~~
7 established under sub. (2) (a) 7. e by December 31 of the first school year in which the
8 private school begins offering instruction in the additional grades and shall obtain
9 accreditation by an accrediting entity by December 31 of the 3rd school year following
10 the first school year in which the private school begins offering instruction in the
11 additional grades.

12 **SECTION 1633.** 118.60 (7) (ad) 2. of the statutes is amended to read:

13 118.60 (7) (ad) 2. If a private school participating in the program under this
14 section or s. 119.23 and accredited under sub. (2) (a) 7. to offer instruction in any high
15 school grade, but not any elementary grade, seeks to offer instruction in any
16 elementary grade, the private school shall apply for ~~and achieve accreditation by an~~
17 accrediting entity to offer instruction in the additional grades ~~in the manner~~
18 established under sub. (2) (a) 7. e by December 31 of the first school year in which the
19 private school begins offering instruction in the additional grades and shall obtain
20 accreditation by an accrediting entity by December 31 of the 3rd school year following
21 the first school year in which the private school begins offering instruction in the
22 additional grades.

23 **SECTION 1634.** Subchapter I (title) of chapter 119 [precedes 119.01] of the
24 statutes is repealed.

25 **SECTION 1635.** 119.02 (1) of the statutes is amended to read:

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

4 **SECTION 1636.** 119.02 (2g) of the statutes is repealed.

5 **SECTION 1637.** 119.02 (4) of the statutes is repealed.

6 **SECTION 1638.** 119.04 (1) of the statutes is amended to read:

7 119.04 (1) Subchapters IV, V, and VII of ch. 115, ch. 121, and ss. 66.0235 (3) (c),
8 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
9 115.345, 115.363, 115.364, 115.365 (3), 115.367, 115.38 (2), 115.415, 115.445, 115.447,
10 115.448, 115.449, 115.457, 115.458, 118.001 to 118.04, 118.045, 118.06, 118.07,
11 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153,
12 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.196, 118.20, 118.223, 118.225,
13 118.237, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.25, 118.255, 118.258,
14 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.50, 118.51, 118.52, 118.53,
15 118.55, 118.56, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to
16 (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.137, 120.14, 120.20,
17 120.21 (3), and 120.25 are applicable to a 1st class city school district and board ~~but~~
18 ~~not, unless explicitly provided in this chapter or in the terms of a contract, to the~~
19 ~~commissioner or to any school transferred to an opportunity schools and partnership~~
20 ~~program.~~

21 **SECTION 1639.** 119.04 (1) of the statutes, as affected by 2019 Wisconsin Act
22 (this act), is amended to read:

23 119.04 (1) Subchapters IV, V, and ~~VII~~ VIII of ch. 115, ch. 121 and ss. 66.0235
24 (3) (c), 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
25 115.345, 115.363, 115.364, 115.365 (3), 115.367, 115.38 (2), 115.415, 115.445, 115.447,

1 115.448, 115.449, 115.457, 115.458, 118.001 to 118.04, 118.045, 118.06, 118.07,
2 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4), 118.15, 118.153,
3 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.196, 118.20, 118.223, 118.225,
4 118.237, 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.245, 118.25, 118.255, 118.258,
5 118.291, 118.292, 118.293, 118.30 to 118.43, 118.46, 118.50, 118.51, 118.52, 118.53,
6 118.56, 120.12 (2m), (4m), (5), and (15) to (27), 120.125, 120.13 (1), (2) (b) to (g), (3),
7 (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.137, 120.14, 120.20, 120.21
8 (3), and 120.25 are applicable to a 1st class city school district and board.

9 **SECTION 1640.** 119.16 (1n) of the statutes is repealed.

10 **SECTION 1641.** 119.16 (2) of the statutes is amended to read:

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

17 **SECTION 1642.** 119.16 (8) (a) of the statutes is amended to read:

18 119.16 (8) (a) Annually before adopting its budget for the ensuing school year
19 and at least 5 days before transmitting its completed budget under par. (b), the board
20 shall hold a public hearing on the proposed school budget at a time and place fixed
21 by the board. At least 45 days before the public hearing, the board shall notify the
22 superintendent of schools ~~and the commissioner~~ of the date, time, and place of the
23 hearing. At least one week before the public hearing, the board shall publish a class
24 1 notice, under ch. 985, of the public hearing.

25 **SECTION 1643.** 119.16 (8) (b) of the statutes is amended to read:

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1 119.16 (8) (b) The board shall transmit its completed budget to the common
2 council on or before the first Monday in August of each year on forms furnished by
3 the auditing officer of the city, and shall include in the budget the information
4 specified under s. 119.46 (1) for all public schools in the city under this chapter,
5 ~~including the schools transferred to the opportunity schools and partnership~~
6 ~~programs under s. 119.33 and subch. II. The board shall itemize those portions of the~~
7 ~~budget allocated to schools transferred to the opportunity schools and partnership~~
8 ~~programs under s. 119.33 and subch. II. Such completed budget shall be published~~
9 with the budget summary under s. 65.04 (2) or 65.20 and budget under s. 65.05 (7).

10 **SECTION 1644.** 119.16 (9) of the statutes is amended to read:

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

15 **SECTION 1645.** 119.16 (15) of the statutes is repealed.

16 **SECTION 1646.** 119.23 (2) (a) (intro.) of the statutes is amended to read:

17 119.23 (2) (a) (intro.) Subject to pars. (ag) and, (ar), and (b), any pupil in grades
18 kindergarten to 12 who resides within the city may attend any private school if all
19 of the following apply:

20 **SECTION 1647.** 119.23 (2) (a) 1. a. of the statutes is amended to read:

21 119.23 (2) (a) 1. a. The pupil is a member of a family that has a total family
22 income that does not exceed an amount equal to 3.0 times the poverty level
23 ~~determined in accordance with criteria established by the director of the federal~~
24 ~~office of management and budget line, as defined in 42 USC 9902 (2).~~ In this
25 subdivision and sub. (3m), family income includes income of the pupil's parents or

1 legal guardians. Except as provided in subd. 1. d., the family income of the pupil shall
2 be verified as provided in subd. 1. b. A pupil attending a private school under this
3 section whose family income increases, including a pupil who attended a private
4 school under this section in the 2010-11 school year and whose family income has
5 increased, may continue to attend a private school under this section.

6 **SECTION 1648.** 119.23 (2) (a) 6. a. of the statutes is amended to read:

7 119.23 (2) (a) 6. a. Except as provided in subd. 6. c., all of the private school's
8 teachers have a teaching license issued by the department or a bachelor's degree or
9 a degree or educational credential higher than a bachelor's degree, including a
10 masters or doctorate, from a nationally or regionally accredited institution of higher
11 education. This subd. 6. a. does not apply after June 30, 2022.

12 **SECTION 1649.** 119.23 (2) (a) 6m. of the statutes is created to read:

13 119.23 (2) (a) 6m. a. Except as provided in subd. 6m. b., beginning on July 1,
14 2022, all of the private school's teachers have a teaching license or permit issued by
15 the department.

16 b. Any teacher employed by the private school on July 1, 2022, who has been
17 teaching for at least the 5 consecutive years immediately preceding July 1, 2022, and
18 who does not satisfy the requirements under subd. 6m. a. on July 1, 2022, applies to
19 the department on a form prepared by the department for a temporary,
20 nonrenewable waiver from the requirements under subd. 6m. a. The department
21 shall promulgate rules to implement this subd. 6m. b., including the form of the
22 application and the process by which the waiver application will be reviewed. The
23 application form shall require the applicant to submit a plan for satisfying the
24 requirements under subd. 6m. a. No waiver granted under this subd. 6m. b. is valid
25 after July 1, 2027.

1 **SECTION 1650.** 119.23 (2) (a) 7. bg. of the statutes is amended to read:

2 119.23 (2) (a) 7. bg. Each ~~Each~~ If the private school that begins participation in the
3 program under this section on or after April 10, 2014, and before the 2021-22 school
4 year, and that the private school is not accredited by an accrediting entity, shall
5 ~~obtain the private school obtains~~ preaccreditation by a preaccrediting entity by
6 August 1 before the first school term in which the private school begins participation
7 in the program under this section, or by May 1 if the private school begins
8 participating in the program during summer school. In any school year, a private
9 school to which this subd. 7. bg. applies may apply for and seek to obtain
10 preaccreditation from only one preaccrediting entity. A private school to which this
11 subd. 7. bg. applies that fails to obtain preaccreditation as required under this subd.
12 7. bg. may not participate in the program under this section or under s. 118.60 until
13 preaccreditation has been obtained, but the private school may apply for and seek
14 to obtain preaccreditation from a preaccrediting entity for the following school year.

15 **SECTION 1651.** 119.23 (2) (a) 7. br. of the statutes is amended to read:

16 119.23 (2) (a) 7. br. ~~A private school to which~~ If subd. 7. bg. applies ~~shall apply~~
17 to the private school, the private school applies for accreditation by an accrediting
18 entity by December 31 of the first school year that begins after April 10, 2014, in
19 which the private school begins participation in the program under this section, and
20 ~~shall achieve~~ obtains accreditation by an accrediting entity by December 31 of the
21 3rd school year following the school year in which the private school begins
22 participation in the program under this section. If the private school is accredited
23 under this subd. 7. br., the private school is not required to obtain preaccreditation
24 as a prerequisite to providing instruction under this section in additional grades or
25 in an additional or new school.

1 **SECTION 1652.** 119.23 (2) (a) 7. f. of the statutes is created to read:

2 119.23 (2) (a) 7. f. If the private school begins participation in the program
3 under this section in the 2021-22 school year or in any school year thereafter, the
4 private school is accredited by an accrediting entity by August 1 of the school year
5 in which the private school begins participation in the program under this section.

6 **SECTION 1653.** 119.23 (2) (ag) 4. of the statutes is amended to read:

7 119.23 (2) (ag) 4. Notwithstanding If the new private school begins
8 participation in the program under this section before the 2021-22 school year,
9 notwithstanding the deadline to obtain preaccreditation under ~~sub. (2) par.~~ (a) 7. bg.,
10 by December 15 of the school year immediately preceding the school year in which
11 the new private school intends to participate in the program under this section,
12 obtain preaccreditation from a preaccrediting entity. If the new private school begins
13 participation in the program under this section in the 2021-22 school year or in any
14 school year thereafter, the new private school shall comply with the requirement
15 under par. (a) 7. f.

16 **SECTION 1654.** 119.23 (2) (b) of the statutes is created to read:

17 119.23 (2) (b) 1. In this paragraph, “program cap” means the total number of
18 pupils residing in the city who attended a private school under this section in the
19 2019-20 school year.

20 2. Beginning with the 2020-21 school year, the total number of pupils residing
21 in the city who may attend a private school under this section during a school year
22 may not exceed the program cap.

23 **SECTION 1655.** 119.23 (2) (c) 3. of the statutes is created to read:

24 119.23 (2) (c) 3. Notwithstanding par. (a) 6m., a teacher employed by a private
25 school participating in the program under this section who teaches only courses in

1 rabbinical studies is not required to hold a license or permit to teach issued by the
2 department.

3 **SECTION 1656.** 119.23 (3) (a) (intro.) of the statutes is amended to read:

4 119.23 (3) (a) (intro.) The pupil or the pupil's parent or guardian shall submit
5 an application, on a form provided by the state superintendent, to the participating
6 private school that the pupil wishes to attend. If more than one pupil from the same
7 family applies to attend the same private school, the pupils may use a single
8 application. No later than 60 days after the end of the application period during
9 which an application is received and subject to par. (ar), the private school shall
10 notify each applicant, in writing, whether his or her application has been accepted.
11 If the private school rejects an application, the notice shall include the reason. ~~A~~
12 Subject to par. (ar), a private school may reject an applicant only if ~~it~~ the private
13 school has reached its maximum general capacity or seating capacity. ~~The~~ Except
14 as provided in par. (ar), ~~the~~ state superintendent shall ensure that the private school
15 determines which pupils to accept on a random basis, except that the private school
16 may give preference to the following in accepting applications, in order of preference
17 listed:

18 **SECTION 1657.** 119.23 (3) (ar) of the statutes is created to read:

19 119.23 (3) (ar) All of the following apply to applications to attend a private
20 school under this section submitted by pupils who reside in the city:

21 1. A private school that has submitted a notice of intent to participate under
22 sub. (2) (a) 3. may accept applications for a school year during application periods
23 determined by the department from pupils who reside in the city. For each school
24 year, the department shall establish one or more application periods under this
25 subdivision, the first of which begins no later than February 1 of the school year

1 before the applicable school year, and the last of which ends no later than September
2 14 of the applicable school year.

3 2. Each private school that received applications under subd. 1. shall report to
4 the department the number of pupils who applied under subd. 1. to attend the private
5 school under this section and the names of those applicants who have siblings who
6 also applied under subd. 1. to attend the private school under this section. The
7 private school shall submit the report no later than 10 days after each application
8 period described under subd. 1. during which the private school received
9 applications.

10 3. After the end of each application period described under subd. 1, upon receipt
11 of the information under subd. 2., the department shall determine the sum of all
12 applicants for pupils residing in the city. In determining the sum, the department
13 shall count a pupil who has applied to attend more than one private school under the
14 program only once. If, after the end of an application period described under subd.
15 1., the sum of all applicants for pupils residing in the city exceeds the program cap
16 under sub. (2) (b), the department shall determine which applications submitted
17 during the application period to accept on a random basis, except that the
18 department shall give preference to the applications of pupils described in par. (a)
19 1. to 5., in the order of preference listed in that paragraph.

20 4. If the sum under subd. 3. exceeds the program cap under sub. (2) (b), the
21 department shall establish a waiting list in accordance with the preferences required
22 under subd. 3.

23 5. A private school that has accepted a pupil who resides in the city under this
24 paragraph shall notify the department whenever the private school determines that
25 a pupil will not attend the private school under this paragraph. If, upon receiving

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1 notice under this subdivision, the department determines that the number of pupils
2 attending private schools under this section falls below the program cap under sub.
3 (2) (b), the department shall fill any available slot with a pupil selected from the
4 waiting list established under subd. 4., if such a waiting list exists.

5 **SECTION 1658.** 119.23 (3) (b) of the statutes is amended to read:

6 119.23 (3) (b) If the private school rejects an applicant because ~~it~~ the private
7 school has too few available spaces, the applicant may transfer his or her application
8 to a participating private school that has space available. An applicant rejected
9 under this paragraph or an applicant who is on the waiting list under par. (a) 4. may,
10 subject to sub. (2) (b), be admitted to a private school participating in the program
11 under this section for the following school year, provided that the applicant continues
12 to reside within the city. The department may not require, in that following school
13 year, the private school to submit financial information regarding the applicant or
14 to verify the eligibility of the applicant to participate in the program under this
15 section on the basis of family income.

16 **SECTION 1659.** 119.23 (3m) (a) 2. of the statutes is amended to read:

17 119.23 (3m) (a) 2. The pupil is enrolled in a grade from 9 to 12 and the family
18 income of the pupil, as determined under sub. (2) (a) 1., does not exceed an amount
19 equal to 2.2 times the poverty level ~~determined in accordance with criteria~~
20 ~~established by the director of the federal office of management and budget line, as~~
21 defined in 42 USC 9902 (2).

22 **SECTION 1660.** 119.23 (3m) (b) 2. of the statutes is amended to read:

23 119.23 (3m) (b) 2. The family income of the pupil, as determined under sub. (2)
24 (a) 1., exceeds an amount equal to 2.2 times the poverty level ~~determined in~~

1 ~~accordance with criteria established by the director of the federal office of~~
2 ~~management and budget line, as defined in 42 USC 9902 (2).~~

3 **SECTION 1661.** 119.23 (4) (bg) 3. of the statutes is amended to read:

4 119.23 (4) (bg) 3. In the 2015-16, 2016-17, 2017-18, and 2018-19 school year
5 ~~and in each school year thereafter~~ years, upon receipt from the pupil's parent or
6 guardian of proof of the pupil's enrollment in the private school during a school term,
7 except as provided in subd. 5., the state superintendent shall pay to the private
8 school in which the pupil is enrolled on behalf of the pupil's parent or guardian, from
9 the appropriation under s. 20.255 (2) (fu), an amount equal to the sum of the
10 maximum amount per pupil the state superintendent paid a private school under
11 this section in the previous school year for the grade in which the pupil is enrolled;
12 the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the current
13 school year, if positive; and the change in the amount of statewide categorical aid per
14 pupil between the previous school year and the current school year, as determined
15 under s. 118.40 (2r) (e) 2p., if positive.

16 **SECTION 1662.** 119.23 (4) (bg) 6. of the statutes is created to read:

17 119.23 (4) (bg) 6. Beginning in the 2019-20 school year and in each school year
18 thereafter, upon receipt from the pupil's parent or guardian of proof of the pupil's
19 enrollment in the private school during a school term, except as provided in subd. 7.,
20 the state superintendent shall pay to the private school in which the pupil is enrolled
21 on behalf of the pupil's parent or guardian, from the appropriation under s. 20.255
22 (2) (fu), an amount equal to the sum of the maximum amount per pupil the state
23 superintendent paid a private school under this section in the previous school year
24 for the grade in which the pupil is enrolled; the amount of the per pupil revenue
25 adjustment under s. 121.91 (2m) for the current school year, if positive; and the

1 change in the per pupil amount under s. 115.437 (2) (a) between the previous school
2 year and the current school year, if positive.

3 **SECTION 1663.** 119.23 (4) (bg) 7. of the statutes is created to read:

4 119.23 (4) (bg) 7. If the pupil described in subd. 6. is enrolled in a private school
5 that enrolls pupils under the program in any grade between kindergarten to 8 and
6 also in any grade between 9 to 12, the state superintendent shall substitute for the
7 amount described in subd. 6. the amount determined under subd. 4. a. to d., with the
8 following modifications:

9 a. Multiply the number of pupils participating in the program who are enrolled
10 in the private school in any grade between kindergarten to 8 by the sum of the
11 maximum amount per pupil the state superintendent paid a private school under
12 this section in the previous school year for the grade in which the pupil is enrolled;
13 the amount of the per pupil revenue adjustment under s. 121.91 (2m) for the current
14 school year, if positive; and the change in the per pupil amount under s. 115.437 (2)
15 (a) between the previous school year and the current school year, if positive.

16 b. Multiply the number of pupils participating in the program who are enrolled
17 in the private school in any grade between 9 to 12 by the sum of the maximum amount
18 per pupil the state superintendent paid a private school under this section in the
19 previous school year for the grade in which the pupil is enrolled; the amount of the
20 per pupil revenue adjustment under s. 121.91 (2m) for the current school year, if
21 positive; and the change in the per pupil amount under s. 115.437 (2) (a) between the
22 previous school year and the current school year, if positive.

23 **SECTION 1664.** 119.23 (4v) (b) of the statutes is amended to read:

24 119.23 (4v) (b) If the department considers a pupil as a resident of the city
25 under par. (a) for a school year, the department shall ensure that the pupil is not

1 counted for that school year for purposes of determining whether a school district has
2 exceeded its pupil participation limit under s. 118.60 (2) (be) and that the pupil is not
3 counted for that school year for purposes of determining whether a program cap
4 under sub. (2) (b) or s. 118.60 (2) (bh) 2. a. or b. has been exceeded.

5 **SECTION 1665.** 119.23 (4v) (c), (d) and (e) of the statutes are created to read:

6 119.23 (4v) (c) The department may consider a pupil enrolled in a private
7 school participating in the program under this section who satisfies all of the
8 following as a resident of a school district, other than a 1st class city school district,
9 who is enrolled in the private school under this section:

10 1. The pupil was a resident of the city when the pupil applied to participate in
11 the program under this section.

12 2. The pupil accepted a space at a private school participating in the program
13 under this section as a resident of the city.

14 3. The pupil resides in a school district, other than a 1st class city school
15 district, on the 3rd Friday in September.

16 4. The private school at which the pupil accepted a space under this section is
17 participating in the program under s. 118.60.

18 (d) If the department considers a pupil as a resident of an eligible school
19 district, as defined in s. 118.60 (1) (am), under par. (c) for a school year, the
20 department shall ensure that the pupil is not counted for that school year for
21 purposes of determining whether a program cap under sub. (2) (b) or s. 118.60 (2) (bh)
22 2. a. has been exceeded.

23 (e) If the department considers a pupil as a resident of a school district, other
24 than an eligible school district, as defined in s. 118.60 (1) (am), or a 1st class city
25 school district, under par. (c) for a school year, the department shall ensure that the

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1 pupil is not counted for that school year for purposes of determining whether the
2 school district has exceeded its pupil participation limit under s. 118.60 (2) (be) and
3 that the pupil is not counted for that school year for purposes of determining whether
4 a program cap under sub. (2) (b) or s. 118.60 (2) (bh) 2. b. has been exceeded.

5 **SECTION 1666.** 119.23 (7) (ad) 1. of the statutes is amended to read:

6 119.23 (7) (ad) 1. If a private school participating in the program under this
7 section or s. 118.60 and accredited under sub. (2) (a) 7. to offer instruction in any
8 elementary grade, but not any high school grade, seeks to offer instruction in any
9 high school grade, the private school shall apply for ~~and achieve accreditation by an~~
10 accrediting entity to offer instruction in the additional grades ~~in the manner~~
11 ~~established under sub. (2) (a) 7. by~~ December 31 of the first school year in which
12 the private school begins offering instruction in the additional grades and shall
13 obtain accreditation by an accrediting entity by December 31 of the 3rd school year
14 following the first school year in which the private school begins offering instruction
15 in the additional grades.

16 **SECTION 1667.** 119.23 (7) (ad) 2. of the statutes is amended to read:

17 119.23 (7) (ad) 2. If a private school participating in the program under this
18 section or s. 118.60 and accredited under sub. (2) (a) 7. to offer instruction in any high
19 school grade, but not any elementary grade, seeks to offer instruction in any
20 elementary grade, the private school shall apply for ~~and achieve accreditation by an~~
21 accrediting entity to offer instruction in the additional grades ~~in the manner~~
22 ~~established under sub. (2) (a) 7. by~~ December 31 of the first school year in which
23 the private school begins offering instruction in the additional grades and shall
24 obtain accreditation by an accrediting entity by December 31 of the 3rd school year

1 following the first school year in which the private school begins offering instruction
2 in the additional grades.

3 **SECTION 1668.** 119.313 of the statutes is created to read:

4 **119.313 Mathematics Partnership. (1)** The board, in consultation with the
5 University of Wisconsin- Milwaukee, shall develop and implement a plan to improve
6 mathematics instruction in schools in the school district.

7 **(2)** Annually, beginning in the 2020-21 school year, from the appropriation
8 under s. 20.255 (2) (ah), the department shall award a grant to the board to develop
9 and implement the plan under sub. (1). The board may use grant proceeds for
10 personnel costs associated with developing and implementing the plan under sub.
11 (1).

12 **(3)** The department may promulgate rules to implement and administer this
13 section.

14 **SECTION 1669.** 119.33 of the statutes is repealed.

15 **SECTION 1670.** 119.44 (2) (a) 5. of the statutes is repealed.

16 **SECTION 1671.** 119.46 (1) of the statutes is amended to read:

17 119.46 (1) As part of the budget transmitted annually to the common council
18 under s. 119.16 (8) (b), the board shall report the amount of money required for the
19 ensuing school year to operate all public schools in the city under this chapter,
20 ~~including the schools transferred to the superintendent of schools opportunity~~
21 ~~schools and partnership program under s. 119.33 and to the opportunity schools and~~
22 ~~partnership program under subch. II, to repair and keep in order school buildings~~
23 ~~and equipment, including school buildings and equipment transferred to the~~
24 ~~superintendent of schools opportunity schools and partnership program under s.~~
25 ~~119.33 and to the opportunity schools and partnership program under subch. II, to~~

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

19 **SECTION 1672.** 119.49 (4) of the statutes is amended to read:

20 119.49 (4) The common council shall levy and collect a tax upon all taxable
21 property in the city, in the same manner and at the same time as other taxes are
22 levied and collected, ~~which~~ that shall be sufficient to pay the interest on all school
23 bonds issued under this subchapter ~~which~~ chapter that are outstanding and to pay
24 such part of the principal of such school bonds as becomes due during the ensuing
25 school year.

1 **SECTION 1673.** 119.61 (2) (b) of the statutes is amended to read:

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

5 **SECTION 1674.** 119.61 (2) (c) of the statutes is amended to read:

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

10 **SECTION 1675.** 119.61 (3) (a) of the statutes is amended to read:

11 119.61 (3) (a) If, within 60 days after receipt of the inventory required under
12 sub. (2) (a) or of a notice under sub. (2) (c), ~~either the commissioner or the~~
13 superintendent of schools submits a letter of interest regarding an eligible school
14 building, the common council shall immediately proceed to add ~~the commissioner or~~
15 the superintendent of schools, ~~respectively~~, as an agent of the board on any existing
16 lease for the eligible school building between the common council and the board.

17 **SECTION 1676.** 119.61 (3) (b) of the statutes is amended to read:

18 119.61 (3) (b) If, no more than 60 days after providing ~~the commissioner and~~
19 the superintendent of schools with a copy of the inventory under sub. (2) (a) or of a
20 notice under sub. (2) (c), ~~neither the commissioner nor the superintendent of schools~~
21 has not submitted a letter of interest under par. (a), the city clerk shall post a public
22 notice on the city's Internet site. The city clerk shall include in the public notice
23 under this subsection the address of and the information specified under sub. (2) (a)
24 1. and 8. for each school building identified on the inventory under sub. (2) (a), or on
25 the notice under sub. (2) (c), that is an eligible school building. The city clerk shall

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

3 **SECTION 1677.** 119.66 of the statutes is amended to read:

4 **119.66 Interest in contracts forbidden.** During the term for which elected
5 or appointed and for 2 years after the expiration of the term, no member of the board
6 may be employed by the board or by the department of employee trust funds in any
7 capacity for which a salary or emolument is provided by the board or the department
8 of employee trust funds. No board member, superintendent of schools, assistant
9 superintendent, other assistant, teacher or other employee of the board may have
10 any interest in the purchase or sale of property by the city for the use or convenience
11 of the schools. No contract made in violation of this section is valid. Any
12 consideration paid by the city for a purchase or sale prohibited by this section may
13 be recovered in an action at law in the name of the city. Any person violating this
14 section shall be removed from any position held under this ~~subchapter~~ chapter.

15 **SECTION 1678.** Subchapter II (title) of chapter 119 [precedes 119.9000] of the
16 statutes is repealed.

17 **SECTION 1679.** 119.9000 of the statutes is repealed.

18 **SECTION 1680.** 119.9001 of the statutes is repealed.

19 **SECTION 1681.** 119.9002 of the statutes is repealed.

20 **SECTION 1682.** 119.9003 of the statutes is repealed.

21 **SECTION 1683.** 119.9004 of the statutes is repealed.

22 **SECTION 1684.** 119.9005 of the statutes is repealed.

23 **SECTION 1685.** 120.12 (17) of the statutes is repealed.

24 **SECTION 1686.** 120.13 (2) (g) of the statutes is amended to read:

1 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.
2 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.728, 632.746 (1) and (10) (a) 2. and (b)
3 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.867, 632.87 (4) to (6), 632.885,
4 632.89, 632.895 (9) (8) to (17), 632.896, and 767.513 (4).

5 **SECTION 1687.** 120.13 (14) (b) 1. of the statutes is amended to read:

6 120.13 (14) (b) 1. If a person ~~who has contracted under par. (a) to provide a child~~
7 ~~care program is convicted of a serious crime, as defined in s. 48.686 (1) (c), or if a~~
8 ~~caregiver specified in s. 48.686 (1) (ag) 1. or a nonclient resident, as defined in s.~~
9 ~~48.686 (1) (bm), of the subject to a background check under s. 48.686 (2) who operates,~~
10 ~~works at, or resides at a child care program contracted for under par. (a), is convicted~~
11 ~~or adjudicated delinquent for committing a serious crime on or after his or her 10th~~
12 ~~birthday, as defined under s. 48.686 (1) (c), the school board shall rescind the contract~~
13 ~~of the contractor for the child care program immediately upon providing written~~
14 ~~notice of the rescission and the grounds for the rescission and an explanation of the~~
15 ~~process for appealing the rescission.~~

16 **SECTION 1688.** 120.13 (14) (b) 2. of the statutes is amended to read:

17 120.13 (14) (b) 2. If a person ~~who has contracted under par. (a) to provide a child~~
18 ~~care program is the subject of a pending criminal charge alleging that the person has~~
19 ~~committed a serious crime, as defined in s. 48.686 (1) (c), or if a caregiver specified~~
20 ~~in s. 48.686 (1) (ag) 1. or a nonclient resident, as defined in s. 48.686 (1) (bm), of the~~
21 ~~subject to a background check under s. 48.686 (2) who operates, works at, or resides~~
22 ~~at a child care program contracted for under par. (a) is the subject of a pending~~
23 ~~criminal charge or delinquency petition alleging that the person has committed a~~
24 ~~serious crime on or after his or her 10th birthday, as defined in s. 48.686 (1) (c), the~~
25 ~~school board shall immediately suspend the contract of the contractor for the child~~

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1 care program until the school board obtains information regarding the final
2 disposition of the charge or delinquency petition indicating that the person is not
3 ineligible to ~~provide~~ operate, work at, or reside at a child care program under this
4 subsection.

5 **SECTION 1689.** 120.18 (1) (o) of the statutes is repealed.

6 **SECTION 1690.** 121.004 (7) (c) 1. a. of the statutes is amended to read:

7 121.004 (7) (c) 1. a. A pupil enrolled in a ~~5-year-old~~ kindergarten program that
8 requires full-day attendance by the pupil for 5 days a week, but not on any day of
9 the week that pupils enrolled in other grades in the school do not attend school, for
10 an entire school term shall be counted as one pupil.

11 **SECTION 1691.** 121.004 (7) (c) 2. of the statutes is amended to read:

12 121.004 (7) (c) 2. In subd. 1. a. and b., “full-day” means the length of the school
13 day for pupils in the first grade of the school district operating the 4-year-old or
14 5-year-old kindergarten program.

15 **SECTION 1692.** 121.004 (7) (cm) of the statutes is amended to read:

16 121.004 (7) (cm) A pupil enrolled in a 4-year-old kindergarten program,
17 including a 4-year-old kindergarten program being phased in under s. 118.14 (3) (b),
18 that provides the required number of hours of direct pupil instruction under s. 121.02
19 (1) (f) but requires less than full-day attendance by the pupil for 5 days a week shall
20 be counted as 0.6 pupil if the program annually provides at least 87.5 additional
21 hours of outreach activities. In this paragraph, “full-day” has the meaning given in
22 par. (c) 2.

23 **SECTION 1693.** 121.05 (1) (a) 5. of the statutes is amended to read:

24 121.05 (1) (a) 5. Pupils attending a technical college under s. 118.15 (1) (b) and
25 ~~pupils attending an institution of higher education under s. 118.55.~~

1 **SECTION 1694.** 121.07 (2) (intro.) of the statutes is amended to read:

2 121.07 (2) **MEMBERSHIP.** (intro.) For the purposes of ss. 121.08, 121.09, 121.095,
3 and 121.105, and ~~121.137~~, a school district's membership is the sum of all of the
4 following:

5 **SECTION 1695.** 121.07 (6) (d) of the statutes is amended to read:

6 121.07 (6) (d) The "secondary ceiling cost per member" ~~in the 2001-02 school~~
7 ~~year and in each school year thereafter~~ is an amount determined by dividing the state
8 total shared cost in the previous school year by the state total membership in the
9 previous school year ~~and multiplying the result by 0.90.~~

10 **SECTION 1696.** 121.07 (8) of the statutes is renumbered 121.07 (8) (intro.) and
11 amended to read:

12 121.07 (8) **GUARANTEED VALUATION.** (intro.) A school district's primary,
13 secondary and tertiary guaranteed valuations are determined by multiplying the
14 amounts in sub. (7) by the sum of the school district's membership, and an amount
15 calculated as follows:

16 **SECTION 1697.** 121.07 (8) (a) of the statutes is created to read:

17 121.07 (8) (a) Determine the number of pupils residing in the school district
18 who satisfy the income eligibility criteria for a free or reduced-price lunch under 42
19 USC 1758 (b) (1).

20 **SECTION 1698.** 121.07 (8) (b) of the statutes is created to read:

21 121.07 (8) (b) Multiply the number of pupils under par. (a) by 0.2.

22 **SECTION 1699.** 121.08 (4) (b) (intro.) and 1. of the statutes are consolidated,
23 renumbered 121.08 (4) (b) and amended to read:

24 121.08 (4) (b) The amount of state aid that the school district operating under
25 ch. 119 is eligible to be paid from the appropriation under s. 20.255 (2) (ac) shall also

1 be reduced by the amount calculated as follows: ~~1. Multiply the amounts paid under~~
2 ~~s. 119.23 (4) and (4m) in the 2009-10 school year by 41.6 percent, and multiply by~~
3 ~~multiplying~~ the amounts paid under s. 119.23 (4) and (4m) in the 2010-11 to 2012-13
4 school years by 38.4 percent. Beginning in the 2013-14 school year, multiply the
5 amounts paid under s. 119.23 (4) and (4m) in the current school year by a percentage
6 determined by subtracting 3.2 percentage points from the percentage that was
7 applied under this ~~subdivision~~ paragraph in the previous school year. This
8 ~~subdivision~~ paragraph does not apply after the 2024-25 school year.

9 **SECTION 1700.** 121.08 (4) (b) 2. and 3. of the statutes are repealed.

10 **SECTION 1701.** 121.10 of the statutes is created to read:

11 **121.10 Hold harmless aid.** (1) In this section, "state aid" means the sum of
12 the following:

13 (a) The payments made to a school district under ss. 121.08 and 121.105 and
14 subch. VI.

15 (b) The payments that would be made to a school district under s. 121.136 if s.
16 121.136 were still applicable.

17 (c) The amount that would be received by a school district under s. 79.10 (4) and
18 (5m) if s. 79.10 (4) and (5m) were still applicable.

19 **(2)** (a) Except as provided in par. (b), in the 2020-21 school year, if a school
20 district would receive less in equalization aid under s. 121.08 in the current school
21 year before any adjustment is made under s. 121.15 (4) (b) than it would have
22 received in state aid in the current school year, the department shall pay to the school
23 district the amount equal to the difference.

24 (b) If a school district from which territory was detached to create a new school
25 district under s. 117.105 would receive in equalization aid under s. 121.08 in the

1 school year beginning on the first July 1 following the effective date of the
2 reorganization less than the amount determined as follows, the department shall
3 pay to the school district the difference between the former amount and the amount
4 determined as follows:

5 1. Divide the school district's membership in the preceding school year by the
6 school district's membership in the 2nd preceding school year.

7 2. Multiply the amount of state aid that would have been received by the school
8 district in the preceding school year, as adjusted under s. 121.15 (4) (b) in the current
9 school year, by the quotient under subd. 1.

10 (3) In the school year in which a school district consolidation takes effect under
11 s. 117.08 or 117.09 and in each of the subsequent 4 school years, if the consolidated
12 school district's equalization aid is less than the aggregate state aid to which the
13 consolidating school districts would have been eligible in the school year prior to the
14 school year in which the consolidation takes effect, the department shall pay the
15 difference to the consolidated school district.

16 (4) Additional aid under this section shall be paid from the appropriation under
17 s. 20.255 (2) (ag). No aid may be paid under this section after the 2020-21 school year.

18 **SECTION 1702.** 121.105 (1) of the statutes is amended to read:

19 121.105 (1) ~~In~~ Except as provided in sub. (5), in this section "state aid" means
20 the sum of the payments provided to a school district under this section and ss.
21 121.08, 121.85 and 121.86.

22 **SECTION 1703.** 121.105 (2) (am) 1. of the statutes is amended to read:

23 121.105 (2) (am) 1. Except as provided in subd. 2., if a school district would
24 receive less in state aid in the current school year before any adjustment is made
25 under s. 121.15 (4) (b) than an amount equal to ~~85~~ 90 percent of the amount of state

1 aid that it received in the previous school year, as adjusted under s. 121.15 (4) (b) in
2 the current school year, its state aid for the current school year shall be increased to
3 an amount equal to ~~85~~ 90 percent of the state aid received in the previous school year.

4 **SECTION 1704.** 121.105 (2) (am) 2. (intro.) of the statutes is amended to read:

5 121.105 (2) (am) 2. (intro.) If a school district from which territory was detached
6 to create a new school district under s. 117.105 would receive in state aid in the school
7 year beginning on the first July 1 following the effective date of the reorganization
8 less than ~~85~~ 90 percent of the amount determined as follows, its state aid in the school
9 year beginning on the first July 1 following the effective date of the reorganization
10 shall be increased to an amount equal to ~~85~~ 90 percent of the amount determined as
11 follows:

12 **SECTION 1705.** 121.105 (5) of the statutes is created to read:

13 121.105 (5) (a) In this subsection, "state aid" means the sum of the payments
14 provided to a school district under this section and s. 121.08.

15 (b) If, after making the adjustments under subs. (2), (3), and (4), a school
16 district would receive less in state aid in the current school year before any
17 adjustment is made under s. 121.15 (4) (b) than an amount equal to \$3,000 multiplied
18 by the school district's membership, the school district's state aid shall be increased
19 to an amount equal to \$3,000 multiplied by the school district's membership.

20 **SECTION 1706.** 121.136 (3) of the statutes is created to read:

21 121.136 (3) No aid may be paid under this section after June 30, 2020.

22 **SECTION 1707.** 121.137 of the statutes is repealed.

23 **SECTION 1708.** 121.15 (1m) (a) 3. of the statutes is amended to read:

24 121.15 (1m) (a) 3. Beginning in the 1999-2000 school year and ending in the
25 2018-19 school year, annually the state shall pay to school districts, from the

1 appropriation under s. 20.255 (2) (ac), \$75,000,000 on the 4th Monday in July of the
2 following school year.

3 **SECTION 1709.** 121.15 (1m) (a) 4. of the statutes is created to read:

4 121.15 (1m) (a) 4. Beginning in the 2020-2021 school year, annually the state
5 shall pay to school districts, from the appropriation under s. 20.255 (2) (ac),
6 \$1,090,000,000 on the 4th Monday in July of the following school year.

7 **SECTION 1710.** 121.15 (3m) of the statutes is created to read:

8 121.15 (3m) (a) In this subsection:

9 1. "Partial school revenues" means the sum of state school aids, property taxes
10 levied for school districts, and aid paid to school districts under s. 79.095 (4), less all
11 of the following:

12 a. The amount of any revenue limit increase under s. 121.91 (4) (a) 2. due to a
13 school board's increasing the services that it provides by adding responsibility for
14 providing a service transferred to it from another school board.

15 b. The amount of any revenue limit increase under s. 121.91 (4) (a) 3.

16 c. The amount of any revenue limit increase under s. 121.91 (4) (h).

17 d. The amount of any property taxes levied for the purpose of s. 120.13 (19).

18 e. An amount equal to the amount estimated to be paid under s. 119.23 (4) and
19 (4m) multiplied by the sum of the applicable percentages specified in s. 121.08 (4) (b)
20 1. and 2.

21 f. The amount by which the property tax levy for debt service on debt that has
22 been approved by a referendum exceeds \$490,000,000.

23 2. "State school aids" means the amounts appropriated under s. 20.255 (1) (b)
24 and (2), other than s. 20.255 (2) (az), (bb), (fm), (fp), (fq), (fr), (fu), (fv), (k), and (m),
25 the amount appropriated under s. 20.505 (4) (es), and the amount, as determined by

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1 the secretary of administration, of the appropriation under s. 20.505 (4) (s) allocated
2 for payments to telecommunications providers under contracts with school districts
3 and cooperative educational service agencies under s. 16.971 (13), and to make
4 information technology infrastructure grants under s. 16.9945.

5 (b) By May 15, 2021, and annually by May 15 thereafter, the department, the
6 department of administration, and the legislative fiscal bureau shall jointly certify
7 to the joint committee on finance an estimate of the amount necessary to appropriate
8 under s. 20.255 (2) (ac) in the following school year to ensure that state school aids
9 equal two-thirds of partial school revenues.

10 (c) By June 30, 2020, and biennially by June 30 thereafter, the joint committee
11 on finance shall determine the amount appropriated under s. 20.255 (2) (ac) in the
12 following school year.

13 **SECTION 1711.** 121.41 of the statutes is amended to read:

14 **121.41 Driver education programs; fees.** A school board, operator of a
15 charter school authorized under s. 118.40 (2r) or (2x), cooperative educational service
16 agency, or the technical college system board may establish and collect reasonable
17 fees for any driver education program or part of a program which is neither required
18 for nor credited toward graduation. The school board, operator of a charter school
19 authorized under s. 118.40 (2r) or (2x), cooperative educational service agency, or ~~the~~
20 technical college system board may waive any fee established under this subsection
21 for any indigent pupil.

22 **SECTION 1712.** 121.42 of the statutes is created to read:

23 **121.42 Driver education programs; state aid.** (1) In this section:

1 (a) "Driver education program" means an instructional program in driver
2 education approved by the department and operated by a qualified driver education
3 provider.

4 (b) "Eligible pupil" means a pupil who met the income eligibility standard for
5 a free or reduced-price lunch in the federal school lunch program under 42 USC 1758
6 (b) (1) in the previous school year.

7 (c) "Qualified driver education provider" means a school board, the operator of
8 a charter school authorized under s. 118.40 (2r) or (2x), or a cooperative educational
9 service agency.

10 (2) Beginning in the 2020-21 school year, from the appropriation under s.
11 20.255 (2) (cv) and subject to sub. (4), the department shall pay to each qualified
12 driver education provider the amount determined under sub. (3) if all of the following
13 apply:

14 (a) The qualified driver education provider demonstrates to the department
15 that for eligible pupils the qualified driver education provider reduced the fees the
16 qualified driver education provider otherwise charges pupils to enroll in and
17 complete the driver education program.

18 (b) By October 1, 2020, and annually thereafter, the qualified driver education
19 provider reports to the department the number of eligible pupils who enrolled in and
20 successfully completed a driver education program operated by qualified driver
21 education in the previous school year.

22 (3) The department shall calculate the amount paid to a qualified driver
23 education provider under sub. (2) by multiplying the number of eligible pupils
24 reported under sub. (2) (b) by the lesser of the following:

25 (a) Two hundred dollars.

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1 (b) The amount by which the qualified driver education provider reduced fees
2 under sub. (2) (a) in the previous school year.

3 (4) If the appropriation under s. 20.255 (2) (cv) in any fiscal year is insufficient
4 to pay the full amount of aid under sub. (2), the department shall prorate the aid
5 payments among the entitled qualified driver education providers.

6 (5) The department may promulgate rules to implement and administer this
7 section.

8 **SECTION 1713.** 121.58 (2) (a) 4. of the statutes is amended to read:

9 121.58 (2) (a) 4. For each pupil so transported whose residence is more than
10 12 miles from the school attended, ~~\$300~~ \$365 per school year in the ~~2016-17~~ 2018-19
11 school year and ~~\$365~~ \$375 per school year thereafter.

12 **SECTION 1714.** 121.58 (4) of the statutes is amended to read:

13 121.58 (4) STATE AID FOR SUMMER CLASS TRANSPORTATION. Annually on or before
14 October 1 of the year in which transportation is provided under s. 118.50 (3) (b) or
15 121.54 (4), or under s. 121.54 (10) if the transportation is provided by the nonresident
16 school district that a pupil attends under s. 118.51 or 121.84 (4), the school district
17 clerk shall file with the department a report, containing such information as the
18 department requires, on transportation provided by the school board to and from
19 summer classes. Upon receipt of such report and if the summer classes meet the
20 requirements of s. 121.14 (1) (a) 1. or 2., state aid shall be paid for such
21 transportation. A school district ~~which~~ that provides such transportation shall be
22 paid state aid for such transportation at the rate of \$10 per pupil transported to and
23 from public school whose residence is at least 2 miles and not more than 5 miles by
24 the nearest traveled route from the public school attended, and \$20 per pupil
25 transported to and from public school whose residence is more than 5 miles by the

1 nearest traveled route from the public school attended, if the pupil is transported 30
2 days or more. ~~The state aid shall be reduced proportionately if the pupil is~~
3 ~~transported less than 30 days.~~

4 **SECTION 1715.** 121.59 (2) (intro.) of the statutes is amended to read:

5 121.59 (2) (intro.) Annually the department shall, subject to sub. (3), pay to
6 each eligible school district the amount determined as follows:

7 **SECTION 1716.** 121.59 (2m) (a) (intro.), 1. and 2. of the statutes are renumbered
8 121.59 (2m) (intro.), (am) and (bm), and 121.59 (2m) (intro.) and (bm), as
9 renumbered, are amended to read:

10 121.59 (2m) (intro.) ~~Beginning in the 2017-18 school year and in any school~~
11 ~~year thereafter, if a~~ If an eligible school district was eligible to receive aid under sub.
12 (2) in the immediately preceding school year but is ineligible to receive aid in the
13 current school year because the number under sub. (2) (d) is not a positive number,
14 the state superintendent shall, subject to ~~par. (b)~~ sub. (3), pay to that eligible school
15 district the amount determined as follows:

16 (bm) Multiply the amount under ~~subd. 1. par. (am)~~ by 0.5.

17 **SECTION 1717.** 121.59 (2m) (b) of the statutes is repealed.

18 **SECTION 1718.** 121.59 (3) of the statutes is amended to read:

19 121.59 (3) Aid under this section shall be is paid from the appropriation under
20 s. 20.255 (2) (cq). If the appropriation under s. 20.255 (2) (cq) is insufficient to pay
21 the full amount of aid under subs. (2) and (2m), the state superintendent shall
22 prorate the payments among the eligible school districts entitled to receive aid under
23 this section.

24 **SECTION 1719.** 121.84 (4) (b) of the statutes is amended to read:

1 121.84 (4) (b) If a pupil attends school in a school district outside the pupil's
2 school district of residence under par. (a), s. 118.51 (12) ~~(b)~~, (14), (16), and (17) apply
3 to the pupil as if the pupil were attending school in a nonresident school district
4 under s. 118.51. If the pupil is rejected as a result of s. 118.51 (12) ~~(b)~~, s. 118.51 (9)
5 applies.

6 **SECTION 1720.** 121.90 (2) (am) 1. of the statutes is amended to read:

7 121.90 (2) (am) 1. Aid under ss. 121.08, 121.09, 121.10, 121.105, and 121.136
8 and subch. VI, as calculated for the current school year on October 15 under s. 121.15
9 (4) and including adjustments made under s. 121.15 (4).

10 **SECTION 1721.** 121.90 (2) (am) 4. of the statutes is repealed.

11 **SECTION 1722.** 121.905 (1) (a) of the statutes is renumbered 121.905 (1) and
12 amended to read:

13 121.905 (1) ~~Except as provided in par. (b), in~~ In this section, "revenue ceiling"
14 means ~~\$9,100 in the 2017-18 school year, \$9,400 in the 2018-19 school year, \$9,500~~
15 \$9,700 in the 2019-20 school year, ~~\$9,600 and \$10,000~~ and \$10,000 in the 2020-21 school year,
16 ~~\$9,700 in the 2021-22 school year, and \$9,800 in the 2022-23 school year and in any~~
17 subsequent each school year thereafter.

18 **SECTION 1723.** 121.905 (1) (b) of the statutes is repealed.

19 **SECTION 1724.** 121.905 (3) (c) 6. of the statutes is amended to read:

20 121.905 (3) (c) 6. For the limit for the 2015-16, 2016-17, 2017-18, and 2018-19
21 ~~school year or any school year thereafter~~ years, make no adjustment to the result
22 under par. (b).

23 **SECTION 1725.** 121.905 (3) (c) 7. of the statutes is created to read:

24 121.905 (3) (c) 7. For the limit for the 2019-20 school year, add \$200 to the
25 result under par. (b).

1 **SECTION 1726.** 121.905 (3) (c) 8. of the statutes is created to read:

2 121.905 (3) (c) 8. For the limit for the 2020-21 school year, add \$204 to the
3 result under par. (b).

4 **SECTION 1727.** 121.905 (3) (c) 9. of the statutes is created to read:

5 121.905 (3) (c) 9. For the limit for the 2021-22 school year and any school year
6 thereafter, add the result under s. 121.91 (2m) (k) 2. to the result under par. (b).

7 **SECTION 1728.** 121.91 (2m) (i) (intro.) of the statutes is amended to read:

8 121.91 (2m) (i) (intro.) Except as provided in subs. (3), (4), and (8), no school
9 district may increase its revenues for the 2015-16, 2016-17, 2017-18, and 2018-19
10 ~~school year or for any school year thereafter~~ years to an amount that exceeds the
11 amount calculated as follows:

12 **SECTION 1729.** 121.91 (2m) (im) of the statutes is created to read:

13 121.91 (2m) (im) Except as provided in subs. (3), (4), and (8), no school district
14 may increase its revenues for the 2019-20 school year to an amount that exceeds the
15 amount calculated as follows:

16 1. Divide the sum of the amount of state aid received in the previous school year
17 and property taxes levied for the previous school year, excluding property taxes
18 levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4)
19 (c), by the average of the number of pupils enrolled in the 3 previous school years.

20 2. Add \$200 to the result under subd. 1.

21 3. Multiply the result under subd. 2. by the average of the number of pupils
22 enrolled in the current school year and the 2 preceding school years.

23 **SECTION 1730.** 121.91 (2m) (j) of the statutes is created to read:

1 121.91 (2m) (j) Except as provided in subs. (3), (4), and (8), no school district
2 may increase its revenues for the 2020-21 school year to an amount that exceeds the
3 amount calculated as follows:

4 1. Divide the sum of the amount of state aid received in the previous school year
5 and property taxes levied for the previous school year, excluding property taxes
6 levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4)
7 (c), by the average of the number of pupils enrolled in the 3 previous school years.

8 2. Add \$204 to the result under subd. 1.

9 3. Multiply the result under subd. 2. by the average of the number of pupils
10 enrolled in the current school year and the 2 preceding school years.

11 **SECTION 1731.** 121.91 (2m) (k) of the statutes is created to read:

12 121.91 (2m) (k) Except as provided in subs. (3), (4), and (8), no school district
13 may increase its revenues for the 2021-22 school year or for any school year
14 thereafter to an amount that exceeds the amount calculated as follows:

15 1. Divide the sum of the amount of state aid received in the previous school year
16 and property taxes levied for the previous school year, excluding property taxes
17 levied for the purpose of s. 120.13 (19) and excluding funds described under sub. (4)
18 (c), by the average of the number of pupils enrolled in the 3 previous school years.

19 2. Multiply the amount of the revenue increase per pupil allowed under this
20 subsection for the previous school year by the sum of 1.0 plus the allowable rate of
21 increase under s. 73.0305 expressed as a decimal.

22 3. Add the result under subd. 1. to the result under subd. 2.

23 4. Multiply the result under subd. 3. by the average of the number of pupils
24 enrolled in the current and the 2 preceding school years.

25 **SECTION 1732.** 121.91 (2m) (r) 1. (intro.) of the statutes is amended to read:

1 121.91 (2m) (r) 1. (intro.) Notwithstanding pars. ~~(e) to (i)~~ (im) to (k), if a school
2 district is created under s. 117.105, its revenue limit under this section for the school
3 year beginning with the effective date of the reorganization shall be determined as
4 follows except as provided under subs. (3) and (4):

5 **SECTION 1733.** 121.91 (2m) (r) 1. b. of the statutes is amended to read:

6 121.91 (2m) (r) 1. b. Add an amount equal to the amount of revenue increase
7 per pupil allowed under this subsection for the previous school year multiplied by the
8 sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal
9 to the result under subd. 1. a., except that in calculating the limit for ~~the 2013-14~~
10 ~~school year and the 2014-15 school year, add \$75 to the result under subd. 1. a., and~~
11 ~~in calculating the limit for the 2015-16 school year and any school year thereafter,~~
12 ~~make no adjustment to the result under subd. 1. a. the 2019-20 school year, add \$200~~
13 ~~to the result under subd. 1. a., in calculating the limit for the 2020-21 school year,~~
14 ~~add \$204 to the result under subd. 1. a., and in calculating the limit for the 2021-22~~
15 ~~school year and any school year thereafter, add the amount calculated under par. (k)~~
16 ~~3. for that school year to the result under subd. 1. a.~~

17 **SECTION 1734.** 121.91 (2m) (r) 2. (intro.) of the statutes is amended to read:

18 121.91 (2m) (r) 2. (intro.) If a school district is created under s. 117.105, the
19 following adjustments to the calculations under pars. ~~(e) to (h)~~ (im) to (k) apply for
20 the 2 school years beginning on the July 1 following the effective date of the
21 reorganization:

22 **SECTION 1735.** 121.91 (2m) (r) 2. a. of the statutes is amended to read:

23 121.91 (2m) (r) 2. a. For the school year beginning on the first July 1 following
24 the effective date of the reorganization the number of pupils in the previous school
25 year shall be used under pars. ~~(e)~~ (im) 1., ~~(d)~~ (j) 1. and ~~(e)~~ (k) 1. instead of the average

1 of the number of pupils in the 3 previous school years, and for the school year
2 beginning on the 2nd July 1 following the effective date of the reorganization the
3 average of the number of pupils in the 2 previous school years shall be used under
4 pars. ~~(e)~~ (im) 1., ~~(d)~~ (j) 1. and ~~(e)~~ (k) 1. instead of the average of the number of pupils
5 in the 3 previous school years.

6 **SECTION 1736.** 121.91 (2m) (r) 2. b. of the statutes is amended to read:

7 121.91 **(2m)** (r) 2. b. For the school year beginning on the first July 1 following
8 the effective date of the reorganization the average of the number of pupils in the
9 current and the previous school years shall be used under ~~par. (e)~~ pars. (j) 3. and (k)
10 4. instead of the average of the number of pupils in the current and the 2 preceding
11 school years.

12 **SECTION 1737.** 121.91 (2m) (s) 1. (intro.) of the statutes is amended to read:

13 121.91 **(2m)** (s) 1. (intro.) Notwithstanding pars. ~~(e) to (i)~~ (im) to (k), if territory
14 is detached from a school district to create a new school district under s. 117.105, the
15 revenue limit under this section of the school district from which territory is detached
16 for the school year beginning with the effective date of the reorganization shall be
17 determined as follows except as provided in subs. (3) and (4):

18 **SECTION 1738.** 121.91 (2m) (s) 1. b. of the statutes is amended to read:

19 121.91 **(2m)** (s) 1. b. Add an amount equal to the amount of revenue increase
20 per pupil allowed under this subsection for the previous school year multiplied by the
21 sum of 1.0 plus the allowable rate of increase under s. 73.0305 expressed as a decimal
22 to the result under subd. 1. a., except that in calculating the limit for ~~the 2013-14~~
23 ~~school year and the 2014-15 school year, add \$75 to the result under subd. 1. a., and~~
24 ~~in calculating the limit for the 2015-16 school year and any school year thereafter,~~
25 ~~make no adjustment to the result under subd. 1. a. the 2019-20 school year, add \$200~~

1 to the result under subd. 1. a., in calculating the limit for the 2020-21 school year,
2 add \$204 to the result under subd. 1. a., and in calculating the limit for the 2021-22
3 school year and any school year thereafter, add the amount calculated under par. (k)
4 3. for that school year to the result under subd. 1. a.

5 **SECTION 1739.** 121.91 (2m) (s) 2. (intro.) of the statutes is amended to read:

6 121.91 (2m) (s) 2. (intro.) If territory is detached from a school district to create
7 a new school district under s. 117.105, the following adjustments to the calculations
8 under pars. ~~(e) to (h)~~ (im) to (k) apply to the school district from which territory is
9 detached for the 2 school years beginning on the July 1 following the effective date
10 of the reorganization:

11 **SECTION 1740.** 121.91 (2m) (s) 2. a. of the statutes is amended to read:

12 121.91 (2m) (s) 2. a. For the school year beginning on the first July 1 following
13 the effective date of the reorganization, the number of pupils in the previous school
14 year shall be used under ~~par. (e)~~ pars. (im) 1., (j) 1. and (k) 1. instead of the average
15 of the number of pupils in the 3 previous school years; and for the school year
16 beginning on the 2nd July 1 following the effective date of the reorganization, the
17 average of the number of pupils in the 2 previous school years shall be used under
18 ~~par. (e)~~ pars. (im) 1., (j) 1. and (k) 1. instead of the average of the number of pupils
19 in the 3 previous school years.

20 **SECTION 1741.** 121.91 (2m) (s) 2. b. of the statutes is amended to read:

21 121.91 (2m) (s) 2. b. For the school year beginning on the first July 1 following
22 the effective date of the reorganization the average of the number of pupils in the
23 current and the previous school year shall be used under ~~par. (e)~~ pars. (j) 3. and (k)
24 4. instead of the average of the number of pupils in the current and the 2 preceding
25 school years.

1 **SECTION 1742.** 121.91 (2m) (t) 1. (intro.) of the statutes is amended to read:

2 121.91 **(2m)** (t) 1. (intro.) If 2 or more school districts are consolidated under
3 s. 117.08 or 117.09, ~~except as follows, in the 2013-14 school year and the 2014-15~~
4 2019-20 school year, the consolidated school district's revenue limit shall be
5 determined as provided under par. ~~(hm)~~, and ~~(im)~~, in the ~~2015-16~~ 2020-21 school
6 year, the consolidated school district's revenue limit shall be determined as provided
7 under par. (j), and in each school year thereafter, the consolidated school district's
8 revenue limit shall be determined as provided under par. ~~(i)~~ (k), except as follows:

9 **SECTION 1743.** 121.91 (3) (a) 1. of the statutes is amended to read:

10 121.91 **(3)** (a) 1. If a school board wishes to exceed the limit under sub. (2m)
11 otherwise applicable to the school district in any school year, it shall promptly adopt
12 a resolution supporting inclusion in the final school district budget of an amount
13 equal to the proposed excess revenue. The resolution shall specify whether the
14 proposed excess revenue is for a recurring or nonrecurring purpose, or, if the
15 proposed excess revenue is for both recurring and nonrecurring purposes, the
16 amount of the proposed excess revenue for each purpose. The resolution shall be filed
17 as provided in s. 8.37. Within 10 days after adopting the resolution, the school board
18 shall notify the department that it will schedule a referendum for the purpose of
19 submitting the resolution to the electors of the school district for approval or rejection
20 and shall submit a copy of the resolution to the department. Except as provided in
21 subd. 2., the school board shall schedule the referendum to be held at the next
22 regularly scheduled spring primary or election or partisan primary or general
23 election, provided such election is to be held not sooner than 70 days after the filing
24 of the resolution of the school board. ~~A school board may proceed under this~~
25 ~~subdivision and under s. 67.05 (6a) 2. a. no more than 2 times in any calendar year.~~

1 The school district clerk shall certify the results of the referendum to the department
2 within 10 days after the referendum is held.

3 **SECTION 1744.** 121.91 (4) (om) of the statutes is created to read:

4 121.91 (4) (om) 1. Beginning in the 2020-21 school year, if a school board adopts
5 a resolution to do so, the limit otherwise applicable to a school district under sub.
6 (2m) in any school year is increased by the amount spent by the school district in that
7 school year on a project, including the payment of debt service on a bond or note
8 issued or a state trust fund loan obtained to finance the project, to remediate lead
9 contamination in drinking water in the school district. In this paragraph, the
10 amount spent by the school district includes costs incurred by the school district to
11 test for the presence of lead in drinking water, to provide safe drinking water to
12 affected school buildings during remediation, and, if necessary, to replace lead pipe
13 water service lines to school buildings in the school district. The term of a bond or
14 note issued or state trust fund loan obtained to finance the project under this
15 subdivision may not exceed 20 years. If a school board issues a bond or note or obtains
16 a state trust fund loan to finance a project described in this subdivision, a resolution
17 adopted by a school board under this subdivision is valid for each school year in which
18 the school board pays debt service on the bond, note, or state trust fund loan.

19 2. Any additional revenue received by a school district under this paragraph
20 shall not be included in the base for determining the school district's limit under sub.
21 (2m) for the following school year.

22 **SECTION 1745.** 121.91 (4) (p) 1. of the statutes is amended to read:

23 121.91 (4) (p) 1. The limit otherwise applicable to a school district under sub.
24 (2m) in any school year is increased by the amount of any reduction to that school
25 district's state aid payment made under s. 118.51 (16) (b) 2. and (c) or (17) (c) 2. or

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1 (~~em~~) 2. in the previous school year for a pupil who was not included in the calculation
2 of the number of pupils enrolled in that school district in the previous school year.

3 **SECTION 1746.** 125.07 (4) (d) of the statutes is amended to read:

4 125.07 (4) (d) A person who is ~~under 17 years of age~~ a minor on the date of
5 disposition is subject to s. 938.344 unless proceedings have been instituted against
6 the person in a court of civil or criminal jurisdiction after dismissal of the citation
7 under s. 938.344 (3).

8 **SECTION 1747.** 125.07 (4) (e) 1. of the statutes is amended to read:

9 125.07 (4) (e) 1. In this paragraph, "defendant" means a person found guilty
10 of violating par. (a) or (b) who is ~~17, 18, 19 or 20~~ an adult under 21 years of age.

11 **SECTION 1748.** 125.085 (3) (bt) of the statutes is amended to read:

12 125.085 (3) (bt) A person who is ~~under 17 years of age~~ a minor on the date of
13 disposition is subject to s. 938.344 unless proceedings have been instituted against
14 the person in a court of civil or criminal jurisdiction after dismissal of the citation
15 under s. 938.344 (3).

16 **SECTION 1749.** 139.44 (4) of the statutes is amended to read:

17 139.44 (4) Any person who refuses to permit the examination or inspection
18 authorized in s. 139.39 (2) or 139.83 (1) may be fined not more than \$500 or
19 imprisoned not more than 90 days or both. Such refusal shall be cause for immediate
20 suspension or revocation of permit by the secretary.

21 **SECTION 1750.** 139.75 (1m) of the statutes is created to read:

22 139.75 (1m) "Cigar" means a roll, of any size or shape, of tobacco for smoking
23 that is made wholly or in part of tobacco, regardless of whether the tobacco is pure,
24 flavored, adulterated, or mixed with an ingredient if the roll has a wrapper made
25 wholly or in part of tobacco.

1 **SECTION 1751.** 139.75 (4t) of the statutes is created to read:

2 139.75 (4t) "Little cigar" means a cigar that has an integrated cellulose acetate
3 filter and is wrapped in a substance containing tobacco.

4 **SECTION 1752.** 139.75 (5b) of the statutes is created to read:

5 139.75 (5b) "Manufacturer's list price" means the total price of tobacco
6 products charged by the manufacturer or other seller to an unrelated distributor.
7 The total price shall include all charges by the manufacturer or other seller that are
8 necessary to complete the sale. The total price may not be reduced by any cost or
9 expense, regardless of whether the cost or expense is separately stated on an invoice,
10 that is incurred by the manufacturer or other seller, including fees, delivery, freight,
11 transportation, packaging, handling, marketing, federal excise taxes, and import
12 fees or duties. The total price may not be reduced by the value or cost of discounts
13 or free promotional or sample products. For purposes of this subsection, a
14 manufacturer or other seller is related to a distributor if the two parties have
15 significant common purposes and substantial common membership or, directly or
16 indirectly, substantial common direction or control.

17 **SECTION 1753.** 139.75 (12) of the statutes is amended to read:

18 139.75 (12) "Tobacco products" means cigars; little cigars; cheroots; stogies;
19 periques; granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco;
20 vapor products; snuff, including moist snuff; snuff flour; cavendish; plug and twist
21 tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings,
22 cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in
23 such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both
24 for chewing and smoking; but "tobacco products" does not include cigarettes, as
25 defined under s. 139.30 (1m).

1 **SECTION 1754.** 139.75 (14) of the statutes is created to read:

2 139.75 (14) (a) "Vapor product" means any noncombustible product, which may
3 or may not contain nicotine, that employs a heating element, power source, electronic
4 circuit, or other electronic, chemical, or mechanical means, regardless of shape or
5 size, that can be used to produce vapor from a solution or other substance.

6 (b) "Vapor product" includes all of the following:

7 1. An electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe,
8 or similar product or device.

9 2. Any cartridge or other container of a solution or other substance, which may
10 or may not contain nicotine, that is intended to be used with or in an electronic
11 cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or
12 device.

13 (c) "Vapor product" does not include a product regulated as a drug or device
14 under sections 501 to 524A of the federal Food, Drug, and Cosmetic Act, 21 USC 351
15 to 360n-1.

16 **SECTION 1755.** 139.76 (1) of the statutes is amended to read:

17 139.76 (1) An excise tax is imposed upon the sale, offering or exposing for sale,
18 possession with intent to sell or removal for consumption or sale or other disposition
19 for any purpose of tobacco products by any person engaged as a distributor of them
20 at the rate, for tobacco products, not including moist snuff and little cigars, of 71
21 percent of the manufacturer's established list price to distributors ~~without~~
22 ~~diminution by volume or other discounts on domestic products~~ and, for moist snuff,
23 at the rate of 100 percent of the manufacturer's established list price to distributors
24 ~~without diminution by volume or other discounts on domestic products~~. The tax
25 imposed under this subsection on cigars, except little cigars, shall not exceed an

1 amount equal to 50 cents for each cigar. ~~On products imported from another country,~~
2 ~~not including moist snuff, the rate of tax is 71 percent of the amount obtained by~~
3 ~~adding the manufacturer's list price to the federal tax, duties and transportation~~
4 ~~costs to the United States. On moist snuff imported from another country, the rate~~
5 ~~of the tax is 100 percent of the amount obtained by adding the manufacturer's list~~
6 ~~price to the federal tax, duties, and transportation costs to the United States. The~~
7 ~~tax attaches at the time the tobacco products are received by the distributor in this~~
8 ~~state. The tax shall be passed on to the ultimate consumer of the tobacco products.~~
9 All tobacco products received in this state for sale or distribution within this state,
10 except tobacco products actually sold as provided in sub. (2), shall be subject to such
11 tax.

12 **SECTION 1756.** 139.76 (1m) of the statutes is created to read:

13 139.76 (1m) The tax under sub. (1) is imposed on little cigars at the following
14 rates:

15 (a) On little cigars weighing not more than 3 pounds per thousand, 126 mills
16 on each little cigar.

17 (b) On little cigars weighing more than 3 pounds per thousand, 252 mills on
18 each little cigar.

19 **SECTION 1757.** 139.78 (1) of the statutes is amended to read:

20 139.78 (1) A tax is imposed upon the use or storage by consumers of tobacco
21 products in this state at the rate, for tobacco products, not including moist snuff and
22 little cigars, of 71 percent of the ~~cost~~ manufacturer's list price of the tobacco products
23 and, for moist snuff, at the rate of 100 percent of the manufacturer's established list
24 price to distributors ~~without diminution by volume or other discounts on domestic~~
25 ~~products.~~ The tax imposed under this subsection on cigars, except little cigars, shall

1 not exceed an amount equal to 50 cents for each cigar. The tax does not apply if the
2 tax imposed by s. 139.76 (1) on the tobacco products has been paid or if the tobacco
3 products are exempt from the tobacco products tax under s. 139.76 (2).

4 **SECTION 1758.** 139.78 (1m) of the statutes is created to read:

5 139.78 (1m) The tax under sub. (1) is imposed on little cigars at the following
6 rates:

7 (a) On little cigars weighing not more than 3 pounds per thousand, 126 mills
8 on each little cigar.

9 (b) On little cigars weighing more than 3 pounds per thousand, 252 mills on
10 each little cigar.

11 **SECTION 1759.** 139.83 of the statutes is renumbered 139.83 (1).

12 **SECTION 1760.** 139.83 (2) of the statutes is created to read:

13 139.83 (2) Sections 139.315, 139.32, 139.321, and 139.44 (8), as they apply to
14 the tax under subch. II, apply to the administration and enforcement of this
15 subchapter for little cigars.

16 **SECTION 1761.** Subchapter IV of chapter 139 [precedes 139.97] of the statutes
17 is created to read:

18 **CHAPTER 139**

19 **SUBCHAPTER IV**

20 **DISPENSARY SURCHARGE**

21 **139.97 Definitions.** In this subchapter:

22 (1) "Department" means the department of revenue.

23 (2) "Dispensary" has the meaning given in s. 94.57 (1) (a).

24 **139.971 Imposition.** (1) A surcharge is imposed on a dispensary at the rate
25 of 10 percent of the total price of cannabis and tetrahydrocannabinols sold or

1 otherwise dispensed to an unrelated person, including any charge by the dispensary
2 that is necessary to complete the sale. For purposes of this subsection, the total price
3 of cannabis and tetrahydrocannabinols shall not be reduced by costs or expenses
4 incurred by the dispensary, such as fees, delivery, freight, transportation, packaging,
5 handling, marketing, taxes, and import fees or duties, regardless of whether such
6 costs or expenses are separately stated on the invoice. The total price also shall not
7 be reduced by the value or cost of discounts or free promotional or sample products.
8 For purposes of this subsection, a dispensary is considered related to another person
9 if the 2 entities have significant common purposes and substantial common
10 membership or, directly or indirectly, substantial common direction or control.

11 (2) A dispensary shall not separately state the surcharge on an invoice or other
12 similar document given to the purchaser or recipient of the cannabis and
13 tetrahydrocannabinols.

14 (3) No dispensary may sell or otherwise dispense cannabis and
15 tetrahydrocannabinols without first obtaining a business tax registration certificate
16 as prescribed under s. 73.03 (50).

17 **139.972 Records, returns.** (1) Every dispensary shall keep accurate and
18 complete records, in the manner prescribed by the department, of all transactions
19 involving the sale or disposition of cannabis and tetrahydrocannabinols. A
20 dispensary shall preserve the records on the premises described in its business tax
21 registration certificate in such a manner as to ensure permanency and accessibility
22 for inspection at reasonable hours by authorized personnel of the department.

23 (2) Every dispensary shall render a true and correct invoice of every sale and
24 disposition of cannabis and tetrahydrocannabinols and shall on or before the 15th

1 day of each calendar month file electronically a verified report of all such sales and
2 dispositions during the preceding calendar month.

3 (3) The department shall prescribe reasonable and uniform methods of keeping
4 records and making reports and shall prescribe and furnish the necessary report
5 forms.

6 (4) If the department finds that the records of any dispensary are not kept in
7 the prescribed form or are in such condition that an unusual amount of time is
8 required to determine from them the amount of surcharge due, the department shall
9 give notice of such fact to that dispensary and require that the records be revised and
10 kept in the prescribed form. If the dispensary fails to comply within 30 days, the
11 dispensary shall pay the expenses reasonably attributable to a proper examination
12 and surcharge determination at the rate of \$30 per day for each auditor. The
13 department shall send a bill for expenses, and the dispensary shall pay the amount
14 of the bill within 10 days.

15 (5) If any dispensary fails to file a report when due, the dispensary shall be
16 required to pay a late filing fee of \$50.

17 (6) Sections 71.78 (1), (1m), and (4) to (9) and 71.83 (2) (a) 3. and 3m., relating
18 to confidentiality of income and franchise tax returns, apply to any information
19 obtained from any person on a dispensary surcharge return, report, schedule,
20 exhibit, or other document or from an audit report pertaining to the return, report,
21 schedule, exhibit, or document, except that the department shall publish on its
22 Internet site, at least quarterly, a current list of business tax registration certificates
23 issued to dispensaries under s. 73.03 (50) and include on the list the name and
24 address of the certificate holder and the date on which the department issued the
25 certificate.

1 (7) The department may inspect the business records of any dispensary doing
2 business on a reservation or on an Indian tribe's trust land.

3 (8) Each dispensary shall collect and remit the surcharge imposed under this
4 subchapter with the reports required to be filed under this section.

5 **139.973 Administration and enforcement.** (1) Sections 139.355, 139.365,
6 139.39, and 139.40, as they apply to the tax under subch. II, apply to the
7 administration and enforcement of this subchapter.

8 (2) If a dispensary fails to pay the surcharge under this subchapter, authorized
9 personnel of the department, with the assistance of any law enforcement officer
10 within his or her jurisdiction, may search the premises of the dispensary to seize any
11 personal property or cash for payment of the unpaid surcharge.

12 **139.974 Police powers.** The duly authorized employees of the department
13 have all necessary police powers to prevent violations of this subchapter.

14 **139.975 Timely filing.** The provisions on timely filing under s. 71.80 (18)
15 apply to the surcharge under this subchapter.

16 **139.976 Bonds.** Section 78.11, as it applies to suppliers of motor vehicle fuel,
17 applies to persons liable for the surcharge under this subchapter.

18 **139.977 Interest and penalties.** (1) The interest and penalties under s.
19 139.44 (2) to (7) and (9) to (12) apply to this subchapter. In addition, a person who
20 violates s. 139.972 (8) may be fined not more than \$10,000 or imprisoned for not more
21 than 9 months or both.

22 (2) If a person fails to file any return or report required under s. 139.972 by the
23 due date, unless the person shows that that failure was due to reasonable cause and
24 not due to neglect, the department shall add to the amount of surcharge required to
25 be shown on that return 5 percent of the amount of the surcharge if the failure is for

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1 not more than one month, and an additional 5 percent of the surcharge for each
2 additional month or fraction of a month during which the failure continues, but not
3 more than 25 percent of the surcharge. For purposes of this subsection, the amount
4 of the surcharge required to be shown on the return shall be reduced by the amount
5 of surcharge that is paid on or before the due date and by the amount of any credit
6 against the surcharge that may be claimed on the return.

7 **139.978 Personal liability.** Any officer, employee, fiduciary, or agent who is
8 responsible for paying the surcharge, interest, penalties, or other charges under this
9 subchapter incurred by another person, as defined in s. 77.51 (10), is personally
10 liable for the surcharge, interest, penalties, or other charges. Sections 71.88 (1) (a)
11 and (2) (a), 71.89, and 71.90, as they apply to appeals of income or franchise tax
12 assessments, apply to appeals of assessments under this subchapter.

13 **139.9785 Prosecutions by attorney general.** Upon request by the secretary
14 of revenue, the attorney general may represent this state or assist a district attorney
15 in prosecuting any case arising under this subchapter.

16 **139.979 Rule-making authority.** (1) The department shall promulgate any
17 rules necessary for the administration of this subchapter.

18 (2) Using the procedure under s. 227.24, the department may promulgate the
19 rules required under sub. (1). Notwithstanding s. 227.24 (1) (c) and (2), emergency
20 rules promulgated under this subsection remain in effect until January 1, 2023, or
21 the date on which permanent rules take effect, whichever is sooner.
22 Notwithstanding s. 227.24 (1) (a) and (3), the department is not required to provide
23 evidence that promulgating a rule under this subsection as an emergency rule is
24 necessary for the preservation of the public peace, health, safety, or welfare and is