

2019
LRB-2229

Master
Analysis

→ 2nd Run



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-2229/P1
ALL:all

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** state finances and appropriations, constituting the
2 executive budget act of the 2019 legislature.

Analysis by the Legislative Reference Bureau

INTRODUCTION

This bill is the executive budget bill under section 16.47 (1) of the statutes. It contains the governor's recommendations for appropriations for the 2019-21 fiscal biennium.

The bill sets the appropriation levels in chapter 20 of the statutes for the 2019-21 fiscal biennium. The descriptions that follow in this analysis relate to the most significant changes in the law that are proposed in the bill.

For additional information concerning the bill, see the Department of Administration's publication *Budget in Brief* and the executive budget books, the Legislative Fiscal Bureau's summary document, and the Legislative Reference Bureau's drafting files, which contain separate drafts on each policy item.

GUIDE TO THE BILL

The budget bill is organized like other bills. First, treatments of statutes appear in ascending numerical order of the statute affected. Next, any treatments of prior session laws appear ordered by the year of original enactment and then by act number (for instance, a treatment of 2015 Wisconsin Act 15 would precede a treatment of 2017 Wisconsin Act 6).

The remaining sections of the budget bill are organized by type of provision and, within each type, alphabetically by state agency. The first two digits of the four-digit

section number indicate the type of provision:

- 91XX Nonstatutory provisions.**
- 92XX Fiscal changes.**
- 93XX Initial applicability.**
- 94XX Effective dates.**

The remaining two digits indicate the state agency or subject area to which the provision relates:

- XX01 Administration.**
- XX02 Agriculture, Trade and Consumer Protection.**
- XX03 Arts Board.**
- XX04 Building Commission.**
- XX05 Child Abuse and Neglect Prevention Board.**
- XX06 Children and Families.**
- XX07 Circuit Courts.**
- XX08 Corrections.**
- XX09 Court of Appeals.**
- XX10 District Attorneys.**
- XX11 Educational Communications Board.**
- XX12 Elections Commission.**
- XX13 Employee Trust Funds.**
- XX14 Employment Relations Commission.**
- XX15 Ethics Commission.**
- XX16 Financial Institutions.**
- XX17 Governor.**
- XX18 Health and Educational Facilities Authority.**
- XX19 Health Services.**
- XX20 Higher Educational Aids Board.**
- XX21 Historical Society.**
- XX22 Housing and Economic Development Authority.**
- XX23 Insurance.**
- XX24 Investment Board.**
- XX25 Joint Committee on Finance.**
- XX26 Judicial Commission.**
- XX27 Justice.**
- XX28 Legislature.**
- XX29 Lieutenant Governor.**
- XX30 Local Government.**
- XX31 Military Affairs.**
- XX32 Natural Resources.**
- XX33 Public Defender Board.**
- XX34 Public Instruction.**
- XX35 Public Lands, Board of Commissioners of.**
- XX36 Public Service Commission.**

- XX37 Revenue.**
- XX38 Safety and Professional Services.**
- XX39 Secretary of State.**
- XX40 State Fair Park Board.**
- XX41 Supreme Court.**
- XX42 Technical College System.**
- XX43 Tourism.**
- XX44 Transportation.**
- XX45 Treasurer.**
- XX46 University of Wisconsin Hospitals and Clinics Authority;
Medical College of Wisconsin.**
- XX47 University of Wisconsin System.**
- XX48 Veterans Affairs.**
- XX49 Wisconsin Economic Development Corporation.**
- XX50 Workforce Development.**
- XX51 Other.**

For example, for general nonstatutory provisions relating to the State Historical Society, see SECTION 9121. For any agency not assigned a two-digit identification number or any provision that does not relate to the functions of a particular agency, see number 51 (**Other**) within each type of provision. Separate section numbers and headings appear for each type of provision and for each state agency, even if there are no provisions included in that section number and heading.

Following is a list of the most commonly used abbreviations appearing in the analysis:

DATCP ... Department of Agriculture, Trade and Consumer Protection
 DCF Department of Children and Families
 DETF Department of Employee Trust Funds
 DFI Department of Financial Institutions
 DHS Department of Health Services
 DMA Department of Military Affairs
 DNR Department of Natural Resources
 DOA Department of Administration
 DOC Department of Corrections
 DOJ Department of Justice
 DOR Department of Revenue
 DOT Department of Transportation
 DPI Department of Public Instruction
 DSPS Department of Safety and Professional Services
 DVA Department of Veterans Affairs
 DWD Department of Workforce Development
 JCF Joint Committee on Finance
 LRB Legislative Reference Bureau
 OCI Office of the Commissioner of Insurance
 PSC Public Service Commission

- SHS State Historical Society
- TCS Technical College System
- UW University of Wisconsin
- WEDC Wisconsin Economic Development Corporation
- WHEDA .. Wisconsin Housing and Economic Development Authority
- WHEFA... Wisconsin Health and Educational Facilities Authority

AGRICULTURE

1. Mental health assistance for farmers

This bill authorizes DATCP to provide mental health assistance to farmers and farm families and creates an appropriation for that purpose.

2. Grants to local organizations that coordinate grazing

Under current law, DATCP promotes the growth of the dairy industry by making grants and loans to dairy producers, making grants to dairy processing plants, and through research, planning, and assistance. This bill requires DATCP to promote the dairy industry by providing grants to local organizations that coordinate grazing.

3. Preference for grants to small dairy processing plants

This bill requires DATCP, in awarding grants to dairy processing plants, to give preference to small dairy processing plants.

4. Preference for farm to school grants to certain districts

Current law requires DATCP to promote farm to school programs, which connect schools with nearby farms to provide children with locally produced foods in school meals. This bill requires DATCP, in awarding grants under the farm to school program, to give preference to school districts that have a high percentage of students who are eligible for free or reduced-price lunches under federal law.

5. Bonding authority for soil and water conservation grants

This bill increases the general obligation bonding authority for the Soil and Water Resource Management Program by \$10,000,000. The program, which is administered by DATCP, awards grants to counties to help fund their land and water conservation activities. The total amount of debt that may now be obligated for this purpose is \$78,075,000.

6. Type of appropriation for regulating food, lodging, and recreation

This bill converts a DATCP appropriation for regulation of food, lodging, and recreation from annual to continuing. *An annual appropriation is expendable only*

COMMERCE AND ECONOMIC DEVELOPMENT

COMMERCE

1. Minimum markup for motor vehicle fuel

Under current law, the Unfair Sales Act a) prohibits below-cost sales of any merchandise if the sale is intended to induce the purchase of other merchandise or divert trade unfairly from a competitor; and b) requires a "minimum markup" (a specified amount over the cost of the merchandise to the seller) to be added to sales

in the fiscal year for which the appropriation is made.

A continuing appropriation may be expended until fully depleted.

of motor vehicle fuel, tobacco products, fermented malt beverages, liquor, or wine. The required minimum markup for motor vehicle fuel is 3, 6, or 9.18 percent of the cost of the fuel to the seller, depending on whether the fuel is sold by a retailer or a wholesaler and whether the fuel is sold from a retail station. This bill exempts sales of motor vehicle fuel from the minimum markup requirement under the Unfair Sales Act.

ECONOMIC DEVELOPMENT

1. Cap on enterprise zones

This bill provides that WEDC may designate up to 35 enterprise zones under the enterprise zone tax credit program. The bill also repeals the requirement that WEDC receive approval from JCF prior to designating an enterprise zone. Under current law, WEDC may designate an unlimited number of enterprise zones, with each designation subject to approval by JCF under passive review.

2. WEDC grants to regional economic development organizations

This bill requires that WEDC annually award at least \$1,000,000 in grants to regional economic development organizations to be spent on economic development activities, including marketing activities. Under current law, WEDC is required to provide grants to these organizations, but there is no minimum level of grants that must be awarded and the grants may be used only to fund marketing activities.

3. Energy efficiency and use of renewable resources in certain building projects

Subject to certain limitations, current law authorizes WEDC to award tax credits to a person making an investment in a building project in this state. The award may equal up to 5 percent of the investment. Under this bill, WEDC may award additional tax credits to such a person if the project satisfies certain requirements under current law and the investment is made for purposes of energy efficiency or the generation of energy from renewable resources.

4. WEDC board membership

Under the law prior to 2017 Wisconsin Act 369, the board of directors of WEDC consisted of 12 voting members as follows:

a. Six members appointed by the governor, subject to senate confirmation, to serve at the pleasure of the governor.

b. Three members appointed by the speaker of the assembly, consisting of one majority and one minority party representative to the assembly and one person employed in the private sector, all of whom serve at the speaker's pleasure.

c. Three members appointed by the senate majority leader, consisting of one majority and one minority party senator and one person employed in the private sector, all of whom serve at the majority leader's pleasure.

Act 369 provides for two compositions of the WEDC board, one to be in effect until September 1, 2019, and the second to be in effect after that date. After September 1, 2019, the act provides for a 16-voting member board, consisting of six members nominated by the governor; four members appointed by the assembly speaker; four members appointed by the senate majority leader; one member

appointed by the assembly minority leader; and one member appointed by the senate minority leader. All of the members appointed by legislators serve four-year terms.

Before September 1, 2019, the act authorizes the assembly speaker and the senate majority leader to each appoint one additional board member, resulting in a board with 18 voting members until that date.

This bill restores prior law with respect to the membership of the WEDC board.

5. *WEDC CEO*

Under the law prior to 2017 Wisconsin Act 369, the chief executive officer of WEDC was nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. Under Act 369, the chief executive officer of WEDC is appointed by the board of directors of WEDC until September 1, 2019, at which point the governor again nominates the chief executive officer. This bill repeals that provision in Act 369.

6. *WEDC contracting requirements*

This bill creates certain requirements for contracts between WEDC and recipients of grants, loans, or tax credits awarded by WEDC. Under the bill, WEDC may not enter into a contract for a grant, loan, or tax credit before all of the following occur:

a. WEDC verifies the applicant's number of full-time employees through payroll or other business records.

b. WEDC's underwriting staff completes a review of the application for the grant, loan, or tax credit, including an evaluation of all statutory requirements and all requirements under WEDC's policies and procedures that apply to the grant, loan, or tax credit.

The bill also requires that all terms of each contract WEDC executes must, at the time the contract is executed, be in compliance with all applicable state laws and all applicable WEDC policies and procedures.

Finally, the bill specifies that each contract WEDC executes must require the award recipient to submit payroll records, or other business records WEDC deems sufficient, to WEDC for the purpose of accounting for jobs created or retained.

7. *Disclosure of WEDC contracts; material changes to contracts or projects*

Under this bill, any WEDC contract under which a taxpayer may be eligible to claim total tax benefits in excess of \$5,000,000 must require the taxpayer to notify WEDC of any material change to the project and the effect of the material change on the contract's performance goals or requirements. The bill requires WEDC to notify JCF of these material changes and any other material change to such a contract that is due to an amendment to the contract. The bill also requires that WEDC's Internet site contain a searchable database of all final contracts, including amendments, that provide a grant, loan, or tax credit.

8. *Reports to WEDC concerning job elimination or relocation*

This bill requires that a recipient of a grant, loan, or tax credit from WEDC report certain job losses or job relocations outside Wisconsin to WEDC within seven business days after the jobs are eliminated or relocated. If the recipient shows that extenuating circumstances prevent meeting the seven-day requirement, the

recipient may submit the report within 30 days. The bill further requires that no grant, loan, or tax credit from WEDC may be used to relocate jobs outside Wisconsin or to reduce net employment in Wisconsin.

9. *WEDC reporting on job creation and retention*

This bill requires that WEDC, when reporting on jobs created or retained in the state as a result of an economic development program administered by WEDC, include only those jobs that meet the criteria for receiving a grant, loan award, or tax credit under the program.

10. *Repayment of tax credits*

Under this bill, no later than seven days after WEDC receives a repayment of tax credits, WEDC must remit the full amount of the payment to the secretary of administration for deposit in the general fund.

11. *Information sharing between WEDC and DOR*

This bill allows WEDC and DOR to enter into an agreement under which WEDC may obtain copies of tax returns and related documents from DOR. The bill requires that WEDC keep the records confidential. The bill also authorizes WEDC to examine tax returns and related documents held by DOR to the extent necessary to administer WEDC's economic development programs. Under current law, WEDC's examination authority is limited to the development zone tax credit program.

12. *Modifications to WEDC reporting requirements*

This bill modifies WEDC's reporting requirements to the legislature and DOR. First, the bill alters the requirement that WEDC, prior to the beginning of each calendar year, report to the legislature on the economic development projects it intends to develop and implement during the year. Under the bill, the reporting period is the fiscal year not the calendar year. Second, the bill repeals the requirement that WEDC report to the legislature on the economic development tax credit program. This program ended in 2015, and taxable year 2019 is the final year for which taxpayers may claim the credit under contracts with WEDC. Third, the bill modifies the requirement that WEDC's quarterly reports to DOR include the amount of tax credits claimed by a person whose certification to claim credits has been revoked. Under the bill, WEDC must report the amount of tax credits that WEDC determined the person was eligible to claim, rather than the amount of credits already claimed.

13. *Economic development liaison project position*

Under current law, WEDC has the authority to appoint and supervise an economic development liaison project position in DOA. DOA had that authority when the position was first created. This bill returns that authority to DOA.

14. *WEDC appropriation adjustments*

This bill adjusts the calculation used to determine the amount of WEDC's general purpose revenue appropriation. The bill does not raise the cap on that appropriation, which is \$16,512,500 per fiscal year.

TOURISM**1. Art in state buildings program**

This bill establishes a program administered by the Arts Board for the acquisition and display of works of art in and on the grounds of state buildings open to the general public. Under the bill, for building projects costing at least \$250,000, at least two-tenths of 1 percent of the appropriation for the construction, reconstruction, remodeling of, or addition to a state building must be used to acquire one or more works of art to be incorporated into the building or displayed in or on the grounds of the building. The Arts Board must appoint an advisory committee for each building project and, after reviewing the committee's recommendations, must select one or more works of art for the project. The bill contains specific contract requirements for the Arts Board's acquisition of works of art, including vesting ownership of the works of art in the state but reserving certain rights to the artists. Under the bill, the Arts Board is required to ensure that selected works of art represent a wide variety of art forms and artists, except that preference must be given to Wisconsin artists, and that each work of art is maintained and displayed for at least 25 years, unless earlier removal is in the public interest.

HOUSING**1. Housing quality standards grants**

This bill requires DOA to award grants to owners of rental housing units in Wisconsin for purposes of satisfying applicable housing quality standards.

2. Increased bonding authorization

This bill increases from \$600,000,000 to \$1,000,000,000 WHEDA's bonding limit for most of its programs, including housing programs for individuals and families of low or moderate income.

CORRECTIONAL SYSTEM**1. Age of juvenile court jurisdiction**

Under current law, a person 17 years of age or older who is alleged to have violated a criminal law is subject to the procedures specified in the Criminal Procedure Code and, on conviction, is subject to sentencing under the Criminal Code, which may include a sentence of imprisonment in the Wisconsin state prisons. Currently, subject to certain exceptions, a person under 17 years of age who is alleged to have violated a criminal law is subject to the procedures specified in the Juvenile Justice Code and, on being adjudicated delinquent, is subject to an array of dispositions under that code including placement in a juvenile correctional facility. This bill raises from 17 to 18 the age at which a person who is alleged to have violated a criminal law is subject to the procedures specified in the Criminal Procedure Code and, on conviction, to sentencing under the Criminal Code.

Similarly, under current law, a person 17 years of age or older who is alleged to have violated a civil law or municipal ordinance is subject to the jurisdiction and procedures of the circuit court or, if applicable, the municipal court, while a person under 17 years of age who is alleged to have violated a civil law or municipal ordinance, subject to certain exceptions, is subject to the jurisdiction and procedures

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of the court assigned to exercise jurisdiction under the Juvenile Justice Code. This bill raises from 17 to 18 the age at which a person who is alleged to have violated a civil law or municipal ordinance is subject to the jurisdiction and procedures of the circuit court or, if applicable, the municipal court.

2. Closing Lincoln Hills and Copper Lake schools

This bill makes certain changes to the grant program for the design and construction of new secured residential care centers for children and youth (SRCCCYs) under 2017 Wisconsin Act 185. Act 185 created a grant program for counties to construct new SRCCCYs for the purpose of holding in secure custody juveniles who are adjudicated delinquent and given a correctional placement under the Juvenile Justice Code. Act 185 formed a juvenile corrections grant committee for the purpose of awarding the grants, including three members appointed from each house of the legislature. This bill requires that one member appointed from each house is appointed by the appropriate minority party leader. Under Act 185, grant applications are due by March 31, 2019, and plan recommendations must be submitted by the grant committee to the Joint Committee on Finance by July 1, 2019. This bill extends the grant program deadlines by three months, so that applications are due by June 30, 2019, and plan recommendations are due to the Joint Committee on Finance by October 1, 2019.

JCF

Act 185 also required the current juvenile correctional facility owned and operated by DOC (Lincoln Hills and Copper Lake schools) to be closed no later than January 1, 2021, or when all of the juveniles that are held there are transferred to the new county-run SRCCCYs or a new state-run juvenile correctional facility, also funded by and required under Act 185. This bill removes the deadline for closing Lincoln Hills and Copper Lake schools and for constructing the new SRCCCYs and new state-run juvenile correctional facility.

3. Mendota Juvenile ^{Treatment} Detention Center

Under Act 185, a juvenile under the supervision of a county at an SRCCCY may be transferred to the Mendota Juvenile Treatment Center (MJTC), which is a Type 1 facility operated by DHS, on the recommendation of DHS and after a court hearing. Under this bill, a court may place such a juvenile at MJTC only if DHS approves. In addition, only the Mendota Mental Health Institute director or his or her designee may make decisions regarding the admission of juveniles to and the treatment of juveniles at MJTC and the release and return of juveniles to the appropriate state or county facility.

Under current law, a county pays DOC a daily rate for each juvenile from that county placed at a Type 1 facility under DOC supervision. DOC may transfer juveniles from a Type 1 facility to MJTC, and DOC is required to transfer an amount specified by statute each fiscal year to DHS for services DHS provides for those juveniles. Under Act 185, if a juvenile is transferred from an SRCCCY to MJTC, the juvenile is under DOC supervision just as if the juvenile were at a DOC-operated Type 1 facility, and the county pays DOC a daily rate for that juvenile. Similarly, DOC reimburses DHS for the juvenile's care at MJTC the same way it pays for other juveniles under its supervision at MJTC. Under this bill, such a juvenile remains

(Type 1 facility)

Juvenile correctional

under the supervision of the county, and DHS may directly charge the county a rate that DHS sets for care provided to such juveniles at MJTC.

Act 185 requires DHS to construct an expansion of MJTC to accommodate no fewer than 29 additional juveniles, subject to the approval of JCF. This bill eliminates the requirement that DHS obtain approval of JCF before constructing the expansion.

4. *Costs for the placement of juveniles in a Type 1 juvenile correctional facility*

This bill updates the daily rate paid by counties to DOC for services provided to juveniles in a Type 1 juvenile correctional facility, and increases the amount transferred from DOC to DHS for the operation of the Mendota Juvenile Treatment Center (MJTC). Under the bill, the daily rate for care in a Type 1 juvenile correctional facility is \$501 for fiscal year 2019-20, \$513 for the first half of fiscal year 2020-21, and \$588 for the second half of fiscal year 2020-21. Under the bill, DOC is required to transfer \$3,224,100 to DHS for the operation of MJTC in fiscal year 2019-20, and \$5,878,100 in fiscal year 2020-21.

5. *Community youth and family aids*

Under current law relating to community youth and family aids, generally referred to as "youth aids," DCF is required to allocate to counties various state and federal moneys to pay for state-provided juvenile correctional services and local delinquency-related and juvenile justice services. This bill sets the amounts of youth aids that DCF must allocate to counties in the 2019-21 fiscal biennium.

The bill appropriates to DCF a sum sufficient for youth aids-related purposes but only to reimburse counties, beginning on January 1, 2021, for costs associated with juveniles who were alleged to have violated a state or federal criminal law or any civil law or municipal ordinance at age 17. The bill also provides funding and requires DCF to reimburse counties for one-time start-up costs incurred for youth aids-related purposes in establishing, alone or jointly with one or more counties, a secured residential care center for children and youth. The bill requires DCF to consult with county representatives to determine those expenses that are eligible for reimbursement and to evaluate modifications to the youth aids formula.

6. *Eliminating report on reduced sentences*

Current law requires DOC to submit a report to the legislature, upon request, regarding individuals who, since the previous report or during a date range specified in the request, were pardoned or released from imprisonment before completing their sentences. The report must identify each individual by name, include the crime for which he or she was convicted, and provide the name of the person who pardoned the individual or authorized the early release. This bill eliminates this report.

COURTS AND PROCEDURE

PUBLIC DEFENDER

1. *Public defender private attorney rate increase*

This bill changes the rate at which the public defender must pay a private local attorney to whom a case is assigned from \$40 per hour for time spent related to a case, excluding travel, to \$70 per hour for time spent related to a case, excluding travel,

with certain exceptions. Under the bill, the rate must be adjusted biennially by a percentage that correlates with the federal Department of Labor's consumer price index.

DOMESTIC RELATIONS

1. Elimination of birth cost recovery

This bill eliminates the requirement that a court include in a judgment or order relating to paternity an order for a father to pay for a portion of pregnancy and birth expenses. Under current law, a court is required to include in a paternity order an order for the father to repay a portion of pregnancy and birth expenses, taking into account the father's income and ability to pay. This bill eliminates orders relating to pregnancy and birth expenses. The bill also expressly prohibits the state from seeking recovery of birth expenses. Under current law, if the mother of a child was enrolled in a health maintenance organization or other prepaid health care plan under the Medical Assistance program at the time of the child's birth, the state could seek to recover from the father the birth expenses incurred by the health maintenance organization or other prepaid health care plan.

2. Child support custodial parent fee

This bill changes the annual fee collected from every individual receiving child support or family support payments from \$25 to \$35 in order to conform to applicable federal law, specifically changes enacted in the federal Bipartisan Budget Act of 2018.

GENERAL COURTS AND PROCEDURE

1. Qui tam actions for false claims

This bill restores a private individual's authority to bring a qui tam claim against a person who makes a false or fraudulent claim for medical assistance, which was eliminated in 2015 Wisconsin Act 55, and further expands qui tam actions to include any false or fraudulent claims to a state agency. A qui tam claim is a claim initiated by a private individual on his or her own behalf and on behalf of the state against a person who makes a false claim relating to medical assistance or other moneys from a state agency. The bill provides that, of moneys recovered as a result of a qui tam claim, a private individual may be awarded up to 30 percent of the amount recovered, depending upon the extent of the individual's contribution to the prosecution of the action. The individual may also be entitled to reasonable expenses incurred in bringing the action, as well as attorney fees. The bill also includes additional changes not included in the prior law to incorporate provisions enacted in the federal Deficit Reduction Act of 2005 and conform state law to the federal False Claims Act, including expanding provisions to facilitate qui tam actions and modifying the bases for liability to parallel the liability provisions under the federal False Claims Act. In addition to qui tam claims, DOJ has independent authority to bring a claim against a person for making a false claim for medical assistance. The bill modifies provisions relating to DOJ's authority to parallel the liability and penalty standards relating to qui tam claims and to parallel the forfeiture amounts provided under the federal False Claims Act.

CRIMES

1. Decriminalizing 25 grams or less of marijuana

Current law prohibits a person from possessing or attempting to possess; possessing with the intent to manufacture, distribute, or deliver; and manufacturing, distributing, or delivering marijuana. The penalties vary based on the amount of marijuana or plants involved or the number of previous controlled-substance convictions the person has. Current law also allows local governments to enact ordinances prohibiting the possession of marijuana.

This bill eliminates a) the penalty for possession of marijuana if the amount of marijuana involved is no more than 25 grams; b) the penalty for manufacturing or for possessing with the intent to manufacture, distribute, or deliver if the amount of marijuana involved is no more than 25 grams or the number of plants involved is no more than two; and c) the penalty for distributing or delivering marijuana if the amount of marijuana involved is no more than 25 grams or the number of plants involved is no more than two. The bill retains the current law penalty for distributing or delivering any amount of marijuana to a minor who is no more than 17 years of age by a person who is at least three years older than the minor. The bill limits local governments to enacting ordinances prohibiting only the possession of more than 25 grams of marijuana.

The bill also prohibits establishing probable cause that a person is violating the prohibition against possessing more than 25 grams of marijuana by an odor of marijuana or by the possession of not more than 25 grams of marijuana. Current law requires that, when determining the weight of controlled substances, the weight includes the weight of the controlled substance together with any compound, mixture, or other substance mixed or combined with the controlled substance. Under the bill, when determining the amount of tetrahydrocannabinols, only the weight of the marijuana may be considered. Finally, the bill creates a process for expunging or dismissing convictions involving less than 25 grams of marijuana that occurred before this bill takes effect.

EDUCATION

PRIMARY AND SECONDARY EDUCATION: SCHOOL DISTRICT FUNDING

1. School district funding; fair funding for our future

This bill makes a number of changes in the laws relating to public school financing, including the following:

a. Currently, the amount appropriated each fiscal year for general school aid is a sum set by law. Beginning in the 2020-21 school year, this bill directs DPI, DOA, and the Legislative Fiscal Bureau annually to jointly certify to JCF an estimate of the amount necessary to appropriate in the following school year to ensure that state school aids equal two-thirds of partial school revenues (in general, the sum of state school aids and school property taxes). Under the bill, JCF determines the amount appropriated as general school aids in each odd-numbered fiscal year and the amount is set by law in each even-numbered fiscal year.

b. For purposes of determining a school district's general school aid amount, this bill changes how a pupil enrolled in a four-year-old full-day kindergarten

program is counted for purposes of general school aid from 0.5 pupil to one pupil. Additionally, for purposes of the general school aid formula, the bill requires each pupil who is eligible for a free or reduced-price lunch to be counted as an additional 0.2 pupil solely for the purpose of determining a school district's property value per member.

c. Currently, if a school district would receive less in general state aid in any school year than 85 percent of the amount it received in the previous school year, its state aid for the current school year is increased to 85 percent of the aid received in the previous school year. This bill increases the percentage to 90 percent.

d. This bill provides that a school district's state aid in any school year may not be less than an amount equal to the school district's membership multiplied by \$3,000.

e. Under current law, there is no per pupil adjustment for purposes of calculating a school district's revenue limit. This bill provides a per pupil adjustment of \$200 per pupil for the 2019-20 school year and \$204 for the 2020-21 school year. Under the bill, in the 2021-22 school year and thereafter, the per pupil adjustment is the per pupil adjustment for the previous school year as adjusted for any increase in the consumer price index.

f. Current law provides a minimum per pupil revenue limit for school districts, known as the revenue limit ceiling. Under the bill, the revenue limit ceiling for school districts is \$9,700 in the 2019-20 school year and \$10,000 in the 2020-21 school year and each school year thereafter. Under current law, the revenue limit ceiling is \$9,500 in the 2019-20 school year, and increases by \$100 each school year until the ceiling reaches \$9,800 in the 2022-23 school year. Current law also provides that during the three school years following a school year in which an operating referendum fails in a school district, the school district's revenue limit ceiling is the revenue limit ceiling that applied in the school year during which the referendum was held. This bill eliminates this consequence for a failed operating referendum.

g. This bill creates a revenue limit adjustment for a school district that incurs costs to remediate lead contamination in drinking water in the school district, including costs to test for the presence of lead in drinking water, to provide safe drinking water, and to replace lead pipe water service lines to school buildings in the school district.

h. Currently, if at least 50 percent of a school district's enrollment is eligible for a free or reduced-price lunch under the federal school lunch program, the school district is eligible for a prorated share of the amount appropriated as high-poverty aid. This bill eliminates this aid beginning in the 2020-21 school year. The bill provides additional state aid for the 2020-21 school year to hold school districts harmless from the loss of high-poverty aid.

i. Currently, \$75,000,000 in general school aid payments is delayed until the following school year. Under the bill, there are no delayed payments in the 2019-20 school year. Beginning in the 2020-21 school year, this bill delays \$1,090,000,000 in general school aid payments until the following school year.

j. In the school district equalization aid formula, the guaranteed evaluations represent the amount of property tax base support that the state guarantees behind

each pupil. There are three guaranteed valuations used; each applies to a different level of expenditures. The first level is for expenditures up to the primary cost ceiling of \$1,000 per pupil. The second level is for costs per pupil that exceed \$1,000 but are less than the secondary cost ceiling, which is set at 90 percent of the prior school year statewide shared cost per pupil. This bill changes the secondary cost ceiling to 100 percent of the prior school year statewide shared cost per pupil.

k. The bill eliminates the school levy property tax credit and the first dollar property tax credit in 2021. *See Taxation—Property taxation.*

2. Per pupil aid

This bill provides that the amount of per pupil aid in the 2018-19 school year, which is \$654 per pupil, continues at that level for future school years. Under current law, the amount of per pupil aid decreases to \$630 per pupil in the 2019-20 school year and in each school year thereafter.

3. Special education funding

Additional special education aid. This bill increases the amount DPI pays to school boards, cooperative educational service agencies, county children with disabilities education boards, and operators of independent charter schools for costs incurred to provide special education and related services to a child with a disability that exceed \$30,000 in one school year from 90 percent of the costs that exceed \$30,000 to 100 percent of the costs that exceed \$30,000 (additional special education aid). Under current law, if the amount appropriated for additional special education aid is insufficient to pay the full amount to the eligible entities, DPI must prorate payments among all eligible entities. The bill converts the appropriation for the aid to a sum sufficient, eliminating the need to prorate aid due to an insufficient appropriation.

Supplemental special education aid. This bill eliminates supplemental special education aid on July 1, 2020. Under current law, DPI provides supplemental special education aid to a school district that in the previous year had revenue limit authority per pupil that was below the statewide average, that had expenditures for special education that were more than 16 percent of the school district's total expenditures, and that had a membership that was less than 2,000 pupils. Under current law, a school district may not receive both supplemental special education aid and additional special education aid in the same school year.

Special education transition grants. This bill changes the per individual amount for grants awarded to school districts and independent charter schools under the special education transition grant program. Under current law, a school district or independent charter school is awarded \$1,000 per qualifying individual. Under the bill, a school district or independent charter school is awarded the lesser of a) \$1,500 per qualifying individual or b) an amount per qualifying individual that is determined by dividing the amount appropriated for these grants in a school year by the total number of individuals who qualify for the grants in that school year.

4. Sparsity aid

This bill makes certain additional school districts eligible for sparsity aid. Under current law, a school district is eligible for sparsity aid in the amount of \$400 per pupil if the school district's membership in the previous school year did not

exceed 745 pupils and if the membership divided by the school district's area in square miles is less than ten. Also, under current law, a school district that was eligible to receive sparsity aid in the previous school year but that is not eligible to receive sparsity aid in the current school year because the school district's membership exceeded 745 pupils may receive up to 50 percent of the aid the school district received in the previous school year.

Under this bill, beginning in the 2020-21 school year, a school district with the same density of pupils per square mile and a membership that exceeds 745 pupils is eligible for sparsity aid in the amount of \$100 per pupil. The bill also provides that, beginning in the 2020-21 school year, a school district that is ineligible for sparsity aid because it no longer satisfies the pupils per square mile requirement may receive 50 percent of the aid the school district received in the previous school year.

5. *Transportation aid*

This bill increases the reimbursement rate to school districts and independent charter school operators, beginning in the 2019-20 school year, for transporting a pupil who lives more than 12 miles from the school the pupil attends from \$365 per school year to \$375 per school year. Under current law, a school district that provides transportation to pupils to and from summer classes may be reimbursed for certain transportation costs, but, if a pupil is transported fewer than 30 days, that aid is proportionately reduced. The bill eliminates the requirement that DPI reduce the amount of state aid a school district receives for transporting a pupil if the pupil is transported fewer than 30 days.

6. *High cost transportation aid*

Under current law, a school district that qualified for high cost transportation aid in the previous school year but did not qualify in the current school year is eligible to receive aid equal to 50 percent of the high cost transportation aid the school district received in the previous school year, commonly called a "stop-gap" payment. However, current law provides that, if the total amount of stop-gap payments to all school districts in a school year exceeds \$200,000, the state superintendent of public instruction must prorate the payments. This bill eliminates that cap and instead provides that, if the total amount of high cost transportation aid, including stop-gap payments, for a school year exceeds the amount appropriated for high cost transportation aid for the school year, all high cost transportation aid must be prorated.

7. *Bilingual-bicultural education; aid programs*

Limited-English pupils; targeted aid program. Beginning in the 2020-21 school year, this bill requires DPI to provide additional aid to school districts for limited-English proficient (LEP) pupils whose English proficiency is in one of the three lowest classifications. The amount of the additional aid is \$100 per eligible pupil, unless the amount appropriated for the aid program is insufficient, in which case DPI prorates the aid payments. Current law requires each school board to assess the language proficiency of each LEP pupil and to classify, among other things, the pupil's English language proficiency.

Bilingual-bicultural education supplemental aid. This bill creates a new bilingual-bicultural aid program for school districts. Under the bill, beginning in the

2020-21 school year, DPI must annually pay each school district an amount equal to \$100 times the number of LEP pupils enrolled in the school district in the previous school year for whom the school district was not required to provide a bilingual-bicultural education program. If there are insufficient funds to provide the total aid amount in any fiscal year, DPI must prorate the payments.

Under current law, a school district is required to provide a bilingual-bicultural education program to LEP pupils who attend a school in the school district if the school meets any of the following thresholds: a) within a language group, ten or more LEP pupils are enrolled in kindergarten to grade three; b) within a language group, 20 or more LEP pupils are enrolled in grades four to eight; or c) within a language group, 20 or more LEP pupils are enrolled in grades nine to twelve.

Bilingual-bicultural education program grants. This bill creates a grant program under which DPI may award grants beginning in the 2020-21 school year, in amounts determined by DPI, to school districts and independent charter schools to support bilingual-bicultural education programs or other educational programming for LEP pupils enrolled in the school district or independent charter school.

8. Driver education aid

This bill creates a new aid program for school boards, independent charter schools, and cooperative educational service agencies that offer a driver education program to pupils who meet the income eligibility standard for a free or reduced-price lunch in the federal school lunch program. To be eligible for this aid, a school board, independent charter school, or CESA must demonstrate to DPI that it reduced program participation fees for eligible pupils. Under the bill, DPI pays the school board, operator of the independent charter school, or CESA an amount equal to the number of eligible pupils who completed the driver education program in the previous school year multiplied by the lesser of \$200 or the amount by which it reduced its program participation fees.

PRIMARY AND SECONDARY EDUCATION: CHOICE, CHARTER, OPEN ENROLLMENT, AND OTHER RELATED PROGRAMS

1. Parental choice program caps

This bill caps the total number of pupils who may participate in the Milwaukee Parental Choice Program, the Racine Parental Choice Program, or the statewide parental choice program (parental choice program) at the number of pupils who attended a private school under the parental choice program in the 2019-20 school year. Under the bill, beginning in the 2020-21 school year, if the number of applications to participate in a parental choice program exceeds the program cap, DPI must determine which applications to accept on a random basis.

2. Teacher licensure in parental choice programs and the Special Needs Scholarship Program

With certain exceptions, the bill requires that, beginning on July 1, 2022, teachers at private schools participating in a parental choice program or in the Special Needs Scholarship Program must hold a license or permit issued by DPI. Under current law, teachers at choice schools must have at least a bachelor's degree

from a nationally or regionally accredited institution of higher education, but they are not required to be licensed by DPI. There are no current law requirements regarding who may teach at SNSP schools.

3. Accreditation in parental choice programs

The bill requires that a private school that begins participation in a parental choice program in the 2021-22 school year or in any school year thereafter must be accredited by August 1 of the school year in which the private school begins participation in the parental choice program. Under current law, a private school must do all of the following:

a. Obtain preaccreditation by a preaccrediting entity by August 1 (December 15 for new private schools) before the first school term in which the private school begins participation in the parental choice program, or by May 1 if the private school begins participating in the parental choice program during summer school.

b. Apply for accreditation by an accrediting entity by December 31 of the first school year in which the private school begins participation in the parental choice program.

c. Obtain accreditation by an accrediting entity by December 31 of the third school year following the first school year in which the private school begins participation in the parental choice program.

4. Changes to SNSP *the Special Needs Scholarship Program*

Under current law, a child with a disability who meets certain eligibility criteria may receive a scholarship to attend a private school participating in the SNSP. This bill makes the following changes to the SNSP:

a. The bill provides that, beginning in the 2020-21 school year, DPI may not provide an SNSP scholarship to a child to attend a private school unless the child was attending a private school under the SNSP in the 2019-20 school year. In addition, if the child does not attend a private school under an SNSP scholarship in any school year after the 2019-20 school year, DPI may not provide an SNSP scholarship to the child for any subsequent school year.

b. 2017 Wisconsin Act 59, the 2017 biennial budget act, created a process that allows the scholarship amount under the SNSP to be determined based on the actual costs to educate the child in the previous school year, as reported by the private school. The first SNSP scholarship payments based on the actual costs will be paid in the 2019-20 school year based on the actual costs reported for the 2018-19 school year. The bill eliminates the process for determining SNSP scholarships based on actual costs and reinstates the scholarship amount under the SNSP that existed prior to the 2017 biennial budget act. Under the bill, the SNSP scholarship amount is the same for all pupils and is determined by law. For the 2018-19 school year, the amount is \$12,431.

c. The bill provides that, with certain exceptions explained below, a private school participating in the SNSP may participate only if the private school also participates in a parental choice program. Under current law, a private school may participate in the SNSP if the private school is accredited or if the private school's educational program meets certain criteria.

The bill provides that, if a private school that is participating in the SNSP in the 2019-20 school year does not participate in a parental choice program, the private school must, if the private school is not accredited by August 1, 2019, do all of the following: i) obtain preaccreditation by August 1, 2020; ii) apply for accreditation by December 31, 2020; and iii) obtain accreditation by December 31, 2023. In addition, a private school that does not participate in a parental choice program must, after obtaining accreditation, comply with other requirements relating to accreditation, including maintaining accreditation and providing information to DPI regarding the private school's accreditation status. A private school that meets the accreditation requirement may continue to participate under that requirement for so long as the private school continuously participates in the SNSP.

d. The bill provides that, beginning in the 2020-21 school year, a private school participating in the SNSP may not charge a child receiving an SNSP scholarship tuition, in addition to the payments the private school receives under the SNSP, if i) the child is enrolled in a grade from kindergarten to eight; or ii) the child's family income does not exceed 220 percent of the federal poverty line. The bill also provides that, beginning in the 2020-21 school year, a private school participating in the SNSP may recover reasonable fees from a child receiving an SNSP scholarship for certain enumerated items and services the school provides to the child but may not expel or discipline a child for failing to pay those fees.

e. The bill provides that a private school participating in the SNSP must allow a child attending the private school under the SNSP to refrain from participating in any religious activity if the child's parent submits to the child's teacher or the private school's principal a written request that the child be exempt from such activities.

5. Authorization of new independent charter schools

This bill provides that, beginning on the effective date of the bill and ending on July 1, 2023, an authorizer of an independent charter school generally may not enter into a contract with a person to operate a charter school that was not operating on the effective date of the bill. Under current law, an independent charter school may be authorized by the director of the Office of Educational Opportunity in the UW System, the common council of the city of Milwaukee, the chancellor of any institution in the UW System, any technical college district board, the College of Menominee Nation, the Lac Courte Oreilles Ojibwa Community College, or the county executive of Waukesha County.

6. Eliminate Open Enrollment transfer amount based on actual costs

This bill eliminates the process for determining a full-time Open Enrollment transfer amount for a child with a disability based on the actual cost to educate the child in the previous year and reinstates the OEP transfer amount for a child with a disability that existed prior to the 2017 biennial budget act. Under the bill, the OEP transfer amount for a child with disability is the same for all children and is determined by law. In the 2018-19 school year, the amount is \$12,431. This change is similar to the elimination of the process for determining the SNSP scholarship amount based on actual costs, as described in item 4.

2017 Wisconsin Act 59, the 2017 biennial budget act, created a process that allows the transfer amount for a child with a disability in the full-time OEP to be determined based on the actual costs to educate the child in the previous school year, as reported by the nonresident school district. The maximum OEP transfer amount based on actual costs is \$30,000. Under current law, an OEP transfer amount based on actual costs will first be transferred in the 2019-20 school year.

7. *Payment Indexing: parental choice programs, the SNSP, independent charter schools, full-time open enrollment program, and whole grade sharing agreements*

Under current law, the per pupil payment amounts under the parental choice programs and the SNSP, the per pupil payment amount to independent charter schools, the transfer amounts under the full-time open enrollment program, and the required transfer amount for a child with a disability in a whole grade sharing agreement (collectively, per pupil payments) are adjusted annually. The annual adjustment for per pupil payments is an amount equal to the sum of any per member revenue limit increase that applies to school districts in that school year and any per member increase in categorical aids between the current school year and the previous school year. Under the bill, beginning in the 2019-20 school year, the annual adjustment for per pupil payments is the sum of the per member revenue limit increase that applies to school districts in that school year, if any, and the increase, if any, in the per member amount of per pupil aid paid to school districts between the previous school year and the current school year.

8. *The Early College Credit and Dual Enrollment Programs*

This bill eliminates the Early College Credit Program. Under the ECCP, a high school pupil, including a high school pupil attending a private school, may enroll in an institution of higher education for the purpose of taking one or more courses to earn high school credit or postsecondary credit or both. An institution of higher education is defined to mean an institution within the UW System, a tribally controlled college, or a private, nonprofit institution of higher education located in this state. The cost of tuition for each course is divided among the state, the school board of the pupil's school or the governing body of the private school the pupil attends, and the pupil. The share that each responsible party pays is dependent on whether the course is taken for high school credit or postsecondary credit and whether a course similar to the course taken at the institution of higher education is comparable to a course offered by the school district or private school.

The bill replaces the ECCP with a requirement that the UW System implement a program to provide tuition-free courses to high school students. *See Higher education.*

This bill also eliminates a program under which high school students may take courses at technical colleges. Under this program, a public school pupil who satisfies certain criteria, including providing timely notice to the pupil's school district, may apply to attend a technical college for the purpose of taking one or more courses. With an exception, the technical college district board must admit the pupil to the technical college if the pupil meets course prerequisites and there is space available in the course. The pupil is eligible to receive both high school and technical college

credit for courses successfully completed at the technical college. If the course is not comparable to courses offered in the school district, the school district must pay to the technical college the pupil's tuition and fees for each course taken for high school credit, and the pupil is not responsible for any portion of the tuition and fees for the course.

The bill replaces this program with a requirement that the technical college districts implement a program to provide tuition-free courses to high school students. *See Higher education.*

9. *Eliminate Opportunity Schools and Partnership Programs*

This bill eliminates the Opportunity Schools and Partnership Programs. Under current law, there are three OSPPs: a first class city OSPP applicable only to Milwaukee Public Schools; the MPS superintendent of schools OSPP; and the OSPP for certain eligible school districts. Current law provides that the first class city OSPP and each eligible school district OSPP are under the supervision of a commissioner appointed by the county executive of the county in which the school district is located. Currently, under each OSPP, either the commissioner or the MPS superintendent of schools grants supervision over the operation and general management of each eligible school in the school district to an entity other than the school board. Those entities include a person that operates a charter school and the governing body of a nonsectarian private school participating in a parental choice program. Under current law, an eligible school is a school that was assigned to the lowest performance category on the most recent accountability report published for the school.

10. *Milwaukee Parental Choice Program state aid reduction*

Under current law, the estimated cost of the payments made to private schools participating in the Milwaukee Parental Choice Program is partially offset by two reductions in the general school aid otherwise paid to the Milwaukee Public Schools. For the 2010-11 school year and in each school year thereafter, one of the reductions to MPS is an amount equal to 6.6 percent of the cost of payments made to private schools participating in the MPCP. Current law requires DPI to pay an amount equal to that reduction amount to the City of Milwaukee and requires the City of Milwaukee to pay that amount to the board of school directors of MPS. This bill eliminates the 6.6 percent aid reduction and the requirements that the reduction amount be paid by DPI to the city and by the city to the board. The bill does not make any changes to other state aid reduction. *See Taxation—Property taxation.*

PRIMARY AND SECONDARY EDUCATION: GRANT PROGRAMS

1. *Urban school districts; grant programs*

This bill provides various grant opportunities for urban school districts. Under the bill, an "urban school district" is a school district in which at least 18,000 pupils were enrolled in the 2018-19 school year (Green Bay Area Public School District, Madison Metropolitan School District, Milwaukee Public Schools, Kenosha Unified School District, and Racine Unified School District) and, in future school years, any other school district in which at least 18,000 pupils were enrolled in the previous school year.

Early childhood education grants. This bill creates an annual grant program under which DPI must award grants to urban school districts to develop, implement, and administer new or expanded early childhood education programs to enhance learning opportunities for young children residing in the urban school district and to prepare those children for entry into the elementary grades. Under the grant program, DPI must, with certain exceptions, award grants in the amount of \$1,000 per eligible child who attends an urban school district's early childhood education program in the current school year. An "eligible child" is a child who resides in the urban school district and who is a) three years old on or before September 1 in the relevant school year, or b) less than three years old but eligible to attend the early childhood education program under the urban school district's early admission standards.

Summer school grants. Under current law, DPI must award a grant to a first class city school district (currently, only MPS) for the purpose of developing, redesigning, or implementing a summer school program. This bill expands eligibility for these summer school grants to include all urban school districts. Under the bill, DPI must annually allocate \$2,000,000 in summer school grant funding to MPS and must allocate the remaining funding equally among the other urban school districts.

Grants for national teacher certification or master educator licensure. Under current law, DPI awards annual grants of \$5,000 each to an individual who is certified by the National Board for Professional Teaching Standards or licensed by DPI as a master educator and who works in a high poverty school. This bill increases the amount of these grants to \$15,000, if the individual works at a high poverty school located in an urban school district, and to \$10,000, if the individual works at a high poverty school located in a school district that is not an urban school district.

Community engagement grants. Under the bill, DPI must award grants to urban school districts for the purpose of supporting projects that include collaboration with a nonprofit corporation, a cooperative educational service agency, a UW System institution, a technical college district board, or a local unit of government and that are intended to improve academic achievement, the well-being of pupils and their families, or relationships between pupils, school staff, and the community.

Principal training grants. Under the bill, DPI must annually award a grant to a nonprofit organization or an urban school district for the purpose of providing training, coaching, and professional support to principals who work in urban school districts.

2. Mental health programs; aid for pupil services professionals

Under current law, DPI must make payments to school districts, independent charter schools, and private schools participating in a parental choice program that increased the amount they spent to employ, hire, or retain social workers during the two previous school years (eligible local education agency). Under current law, DPI first pays each eligible local education agency 50 percent of the amount by which the eligible local education agency increased its expenditures for social workers over the previous two school years. If, after making these payments, there is money remaining in the appropriation for this aid program, DPI makes additional

payments to eligible local education agencies. The amount of these additional payments is determined based on the amount remaining in the appropriation and the amount spent by eligible local education agencies to employ, hire, and retain social workers during the previous school year.

This bill expands eligibility for the first round of payments under this aid program to include increased spending on school counselors, school social workers, school psychologists, or school nurses, or any combination thereof (pupil services professionals), during the previous two school years. Additionally, the bill expands eligibility for the second round of payments to any school district, independent charter school, or private school participating in a parental choice program that made expenditures to employ, hire, or retain pupil services professionals during the previous school year. In other words, for the second round of payments, the bill eliminates the requirement that a school district, independent charter school, or private school increased its expenditures on pupil services professionals.

3. Mental health and school climates; training and grants

Under current law, DPI must provide training to school districts and independent charter schools on three specific evidence-based strategies to address student mental health: Screening, Brief Interventions, and Referral to Treatment; Trauma Sensitive Schools; and Youth Mental Health First Aid. Under the bill, DPI must provide training on mental health, school safety, and improving school climate, including training on the three evidence-based strategies listed above. In addition, the bill requires DPI to award grants to the Wisconsin Safe and Healthy Schools Training and Technical Assistance Center, Wisconsin Family Ties, Inc., and the Center for Suicide Awareness.

4. After-school program grants

This bill creates a grant program under which DPI must award grants to support high-quality after-school programs and out-of-school-time programs to organizations that provide services to school-age children.

5. Grants to support gifted and talented pupils

This bill changes the purposes for which DPI awards grants to support gifted and talented pupils. Under current law, DPI must award the grants for the purpose of providing services and activities to gifted and talented pupils that will allow the pupils to fully develop their capabilities. Under the bill, DPI must award the grants for the purposes of providing such services and activities to underrepresented gifted and talented pupils, specifically gifted and talented pupils who are minority pupils, economically disadvantaged pupils, children with disabilities, or LEP pupils; and for providing teachers with professional development and training related to identifying and educating all gifted and talented pupils.

6. Milwaukee mathematics partnership grant

Under this bill, beginning in the 2020-21 school year, DPI must award a grant to the school board of a first class city school district (currently, only MPS) to develop and implement a plan to improve mathematics instruction in the school district. The bill requires the school board to work with UW-Milwaukee to develop and implement the plan.

7. Grant program to recruit minority teachers

This bill creates a minority teacher grant program under which DPI awards grants to school districts for the purpose of recruiting minorities to teach in the school district. Under the bill, a minority is defined as a Black American, an American Indian, an individual of any race whose ancestors originated in Mexico, Puerto Rico, Cuba, Central America, or South America or whose culture or origin is Spanish, or an individual admitted to the United States after December 31, 1975, who is either a former citizen of Laos, Vietnam, or Cambodia or whose ancestor was or is a citizen of Laos, Vietnam, or Cambodia. The bill requires DPI to award half of the moneys appropriated for these grants to a first class city school district (currently, only MPS). DPI must award the other half of the moneys appropriated for these grants to school districts other than MPS and give a preference to school districts that have a high percentage of minority pupils. Under the bill, this grant program replaces the minority teacher loan program administered by HEAB. *See Higher education.*

8. Tribal language revitalization grants

Under current law, a school board, cooperative educational service agency, or Head Start agency (applicant) may apply to DPI for a grant to support instruction in one or more American Indian languages. Under this bill, beginning in the 2020-21 school year, an applicant also may apply to DPI for a two-year grant to develop, implement, and provide American Indian heritage, language, and cultural instruction programs for children participating in Head Start programs and for pupils in grades kindergarten to two.

The bill also authorizes DPI to contract with the Great Lakes Inter-Tribal Council, Inc., to implement and administer those grant programs.

9. Grants for water bottle filling stations

This bill requires DPI to award grants to school districts to purchase water bottle filling stations that provide filtered drinking water.

10. Eliminate personal electronic computing devices grant program

The bill eliminates the personal electronic computing devices grant program after the 2019-20 school year. Under the personal electronic devices grant program, DPI awards grants to public, private, and tribal schools to purchase personal electronic computing devices, software for personal electronic computing devices, and curricula that is accessible on personal electronic computing devices. The grants may also be used to train professional staff on the effective use of personal electronic devices in an educational setting. For a grant awarded to a school district in the 2019-20 school year, the bill specifies that the grant amount is based on the number of pupils enrolled in the school district in the current school year. Under current law, a grant to a school district is calculated based on the school district's membership in the previous school year.

11. Eliminate school performance improvement grants

This bill eliminates school performance improvement grants on July 1, 2020. Under current law, beginning in the 2018-19 school year, DPI must award a school performance improvement grant to an eligible school located in a first class city school district (currently, only MPS) or in a school district that was in the lowest

category on the school and school district accountability report (report card) if the eligible school develops a written school improvement plan to improve pupil performance and receives a higher score on the report card than it did in the previous school year.

12. *Eliminate information technology education grants*

This bill eliminates a grant program under which DPI awarded grants in the 2017-18 and 2018-19 school years to certain entities to provide information technology education opportunities to public school pupils in grades 6 to 12, technical college district students, and patrons of public libraries.

13. *Transfer teacher development, training, and recruitment grant program to DPI*

Under current law, DWD must award the following grants:

a. Grants to nonprofit organizations that operate programs to recruit and prepare individuals to teach in public or private schools located in low-income or urban school districts in this state.

b. Grants to school boards, governing bodies of private schools, and charter management organizations that have partnered with an educator preparation program approved by DPI and headquartered in this state to design and implement teacher development programs.

This bill combines the grant programs and transfers from DWD to DPI the authority and obligation to award the grants. Under the combined grant program, DPI may award grants only to school boards, governing bodies of private schools, and charter management organizations.

14. *Transfer career and technical education incentive grant and completion award program to DPI*

This bill transfers from DWD to DPI the authority and obligation to award career and technical education (CTE) incentive grants and completion awards. Under current law, DWD approves industry-recognized certification programs designed to a) mitigate workforce shortages; and b) prepare individuals for occupations as fire fighters, emergency medical responders, and emergency medical services practitioners (public safety occupations). Currently, DWD must award CTE incentive grants to school districts that have programs approved by DWD, and the amount of each grant depends on the number of pupils who complete the school district's programs. DWD also must award CTE completion awards to pupils for each DWD-approved program the pupil completes that is related to public safety occupations. The bill also transfers program approval authority from DWD to DPI.

15. *Transfer technical education equipment grant program to DPI*

This bill transfers from DWD to DPI the authority to award technical education equipment grants to school districts for the acquisition of equipment that is used in advanced manufacturing fields in the workplace.

16. *Wisconsin Reading Corps grant*

Under current law, DPI must, in the 2017-18 and 2018-19 school years, distribute to Wisconsin Reading Corps to provide one-on-one tutoring to pupils all

amounts appropriated to DPI for that purpose. This bill requires DPI to continue annually making the distribution to Wisconsin Reading Corps going forward.

17. *Bullying prevention grants*

This bill requires DPI to annually award a bullying prevention grant to the nonprofit organization that received the grant in the 2017-18 and 2018-19 school years.

18. *Robotics league participation grants*

This bill clarifies that DPI may award a robotics league participation grant to an eligible team to participate in more than one robotics competition.

PRIMARY AND SECONDARY EDUCATION: OTHER

1. *Eliminate restriction on the number of school district referenda in a calendar year*

Under current law, if a school board wants to borrow money through a bond issue or exceed the revenue limit otherwise applicable to the school district, the school board must obtain the approval of the school district's electors at a referendum. Under current law, a school board may submit a resolution to borrow money or exceed the revenue limit to electors for approval or rejection no more than two times in any calendar year. The bill eliminates that restriction.

2. *Eliminate teacher licensure based on an alternative teacher certification program*

This bill eliminates the requirement that DPI issue an initial teaching license to an individual who completes an alternative teacher certification program operated by a provider that is a nonprofit organization and that meets all of the following criteria: a) the organization operates in at least five states; b) the organization has been operating an alternative teacher certification program for at least ten years; and c) the organization requires candidates for certification to pass a subject area exam and the pedagogy exam known as the Professional Teaching Knowledge exam.

3. *Teacher planning time*

This bill requires school boards to provide teachers with at least 45 minutes or the equivalent of one class period, whichever is longer, of paid planning time each day.

4. *School breakfast program*

This bill expands who is eligible for reimbursement under the school breakfast program to include operators of independent charter schools, the director of the Wisconsin Educational Services Program for the Deaf and Hard of Hearing, the director of the Wisconsin Center for the Blind and Visually Impaired, and operators of residential care centers for children and youth. This bill also prohibits DPI from making reimbursements under the school breakfast program for breakfasts served in the prior school year if the school ceased operations during the prior school year. This prohibition does not apply to reimbursements to a school district.

5. *Licensing fees*

Under the bill, all fees collected by DPI for the certification or licensure of school and public library personnel are credited back to DPI to fund DPI's administrative

costs related to licensure. Under current law, 90 percent of the fees are credited back to DPI and the remaining 10 percent are deposited into the general fund.

6. *Digital archiving projects in public libraries*

Under current law, DPI must develop and maintain an online resource, called WISElearn, to provide educational resources for parents, teachers, and pupils; offer online learning opportunities; provide regional technical support centers; provide professional development for teachers; and enable video conferencing. This bill expands WISElearn to include supporting digital archiving projects in public libraries.

HIGHER EDUCATION

1. *Resident undergraduate tuition freeze*

The bill prohibits the Board of Regents of the UW System from charging resident undergraduate academic fees in the 2019-20 and 2020-21 academic years that are more than the fees charged in the 2018-19 academic year.

2. *Nonresident tuition exemption for undocumented individuals*

The bill creates a nonresident tuition exemption for certain technical college and UW System students.

Current law allows the Board of Regents to charge different tuition rates to resident and nonresident students. Current law also includes nonresident tuition exemptions, under which certain nonresident students pay resident tuition rates. This bill creates an additional exemption for an alien who is not a legal permanent resident of the United States and who: a) graduated from a Wisconsin high school or received a declaration of equivalency of high school graduation from Wisconsin; b) was continuously present in Wisconsin for at least three years following the first day of attending a Wisconsin high school or immediately preceding receipt of a declaration of equivalency of high school graduation; and c) enrolls in a UW System institution and provides the institution with an affidavit stating that he or she has filed or will file an application for permanent residency with U.S. Citizenship and Immigration Services as soon as the person is eligible to do so.

The bill also provides that an alien described above is considered a resident of this state for purposes of admission to and payment of fees at a technical college.

3. *Technical college revenue limits*

Under the bill, with certain exceptions, a technical college district board's revenue, defined as the sum of its tax levy for operations and the amount of aid it receives for property tax relief and tax-exempt personal property, in a school year may not exceed its revenue in the previous school year increased by 2 percent, or the district's valuation factor, whichever is greater. A district's valuation factor is the percentage change in the district's equalized value due to new construction, less improvements removed. Current law limits the increase to a district's valuation factor.

4. *Dual enrollment at UW schools and technical colleges*

The bill requires the Board of Regents and technical college district boards to establish policies and implement programs under which students attending high school in this state are admitted, respectively, to the UW System or technical colleges

as nondegree students and may enroll in courses offered for credit at a UW System school or technical college. The student must meet the requirements and prerequisites of the course and there must be space available in the course. In establishing the policies and implementing the program, the Board of Regents or technical college district board must consult with DPI and coordinate with the school districts and the governing bodies of private schools where the high school students are enrolled. The Board of Regents and technical college district boards may not charge tuition or fees to any high school student, or to the school district or private school in which the student is enrolled, in connection with the student's participation in the program or the student's enrollment in any course under this program. The UW school or technical college in which the student is enrolled must award postsecondary credit for any course successfully completed. The student must notify the school board of the public high school he or she attends, or the governing body of the private school he or she attends, of the student's intention to enroll in a UW school or technical college and of any course to be taken. If the student will be taking the course for high school credit, the school board or private school governing body must determine whether the course satisfies high school graduation requirements and the number of high school credits to award the student for the course, if any, and notify the student of these determinations. These programs replace the existing Early College Credit Program and dual enrollment program in technical colleges. *See Primary and secondary education.*

5. Student Loan Refinancing Study Committee

The bill creates the Student Loan Refinancing Study Committee consisting of the secretary of financial institutions, the state treasurer, and the executive secretary of HEAB. The committee's purpose is to study the creation and administration of a bonding authority for the refinancing of student loans to ease the student loan debt burden. The committee must submit a report to the governor and the legislature that includes a) recommendations regarding the corporate and legal structure of the refinancing entity, including governance; b) a profile of the loan portfolio, projected costs, estimated staffing needs, underwriting requirements, and other information pertinent to the creation of a financing entity that offers interest rate savings to student loan debtors; and c) an assessment of the feasibility of and options for offering borrower protections similar to those under federal student loan programs.

6. Student success and attainment

The bill requires the Board of Regents to allocate \$20,000,000 of its general program operations appropriation in fiscal year 2019-20 and \$25,000,000 of that appropriation in fiscal year 2020-21 to advance student success and attainment.

7. Additional funding for UW Colleges

The bill requires the Board of Regents to allocate at least \$2,500,000 each year from its general program operations appropriation to provide additional funding to the UW Colleges for student support services.

8. Supplemental talent incentive grants

The bill allows HEAB to award supplemental grants in a fiscal biennium to students to whom HEAB has awarded talent incentive grants in that biennium. Under current law, HEAB awards talent incentive grants to uniquely needy students enrolled at public and private nonprofit institutions of higher education in this state. Current law limits the amount of a talent incentive grant to \$1,800 for an academic year. The bill allows HEAB to award the supplemental grants from funding that is available after HEAB makes all of the talent incentive grants in a fiscal biennium. Supplemental grants are not subject to the \$1,800 limit.

9. UW System supplemental pay plans

The bill allows the Board of Regents and the chancellor of the UW-Madison to provide supplemental pay plans for their employees during the 2019-21 fiscal biennium. The chancellor must submit his or her plan to the Board of Regents for approval. Current law requires the Board of Regents to annually allocate \$26,250,000 of its general program operations funding to UW institutions in accordance with ~~an outcomes-based~~ ^{a performance} funding formula. In the 2019-21 fiscal biennium, this bill allows the Board of Regents to allocate all or a portion of that amount to fund the pay plans allowed under the bill, instead of in accordance with that formula. If the Board of Regents allocates a portion, the remainder must be allocated in accordance with the formula.

described below

10. Rural dentist educational loan repayment

The bill allows dentists who agree to practice in rural areas under an educational loan repayment assistance program to receive the same amount of assistance as physicians. The program is administered by the Board of Regents. Under current law, dentists and physicians who agree to practice at least 32 clinic hours per week for three years in areas with shortages of dental or primary care professionals may receive up to \$50,000 in assistance under the program. In addition, a physician who agrees to practice for the same duration in a rural area may receive up to \$100,000 in assistance under the program. However, dentists who agree to practice for the same duration in a rural area are eligible for up to \$50,000 in assistance. This bill makes dentists who agree to practice for the same duration in rural areas eligible for up to \$100,000 in assistance.

11. Nurse educators

The bill requires the Board of Regents to establish a program that provides a) fellowships to students who enroll in certain advanced nursing degree programs; b) postdoctoral fellowships to recruit faculty for UW System nursing programs; and c) educational loan repayment assistance to recruit and retain faculty for UW System nursing programs. In addition, the program must require individuals who receive fellowships or educational assistance to make a three-year commitment to teaching in a UW System nursing program.

12. Minority teacher loan program

The bill prohibits HEAB from making a loan under the minority teacher loan program after the date on which the bill becomes law. Under the bill, HEAB

continues to administer the repayment and loan forgiveness of all minority teacher loans made on or before the date the bill becomes law.

Under current law, HEAB administers a minority teacher loan program for minority students who meet certain eligibility criteria, including enrollment in a program of study leading to a teacher's license in a teacher shortage field. A minority student is defined as a student who is a Black American, an American Indian, a individual of any race whose ancestors originated in Mexico, Puerto Rico, Cuba, Central America, or South America or whose culture or origin is Spanish, or an individual admitted to the United States after December 31, 1975, who is either a former citizen of Laos, Vietnam, or Cambodia or whose ancestor was or is a citizen of Laos, Vietnam, or Cambodia. Under the program, HEAB may award, to an eligible minority student, a loan of up to \$10,000 annually for up to three years. HEAB must forgive 25 percent of the loan for each school year that the loan recipient a) is employed in the city of Milwaukee as a full-time elementary or secondary school teacher in a high-demand, teacher shortage field; and b) receives a teacher rating of proficient or distinguished.

The bill replaces the minority teacher loan program with a grant program under which DPI awards grants to school districts to recruit minority teachers. *See Primary and secondary education.*

13. *Mid-year changes to the Wisconsin grant formula*

The bill allows HEAB, under certain circumstances, to modify the formula used to award Wisconsin grants without JCF approval.

Under current law, HEAB administers the Wisconsin grant program, which provides grants to resident postsecondary students enrolled at least half time and registered as freshmen, sophomores, juniors, or seniors in UW System schools, technical colleges, private nonprofit colleges, and tribal colleges in this state. Each of these four types of higher education institutions must annually submit to HEAB a proposed formula for awarding Wisconsin grants to students enrolled in these institutions for the next year, and HEAB must then approve, modify, or disapprove these proposed formulas for awarding grants for the next year. If HEAB determines during the year that any formula approved during the prior year needs to be modified in order to expend the entire amount appropriated for grants to students at the applicable type of institution, HEAB must submit a modified formula to JCF and may implement the formula with JCF approval under a 14-day passive review process.

The bill eliminates the JCF submission and passive review process, allowing HEAB to implement modifications to the approved Wisconsin grant formula if HEAB determines during the year that any formula approved during the prior year needs to be modified in order to expend the entire amount appropriated for grants to students at the applicable type of institution.

14. *Environmental education grants*

The bill requires UW-Stevens Point to award grants, funded from the conservation fund, to nonprofit corporations and public agencies for the development, dissemination, and presentation of environmental education programs. To receive a grant, the grant recipient must match at least 25 percent of

the amount of the grant, which matching may include in-kind contributions. No more than one-third of the total amount of grants awarded each year may be awarded to state agencies.

15. *Distribution of performance-based funding for UW Schools*

The bill specifies the UW System institutions eligible to receive performance funding after the UW System's restructuring under the plan approved by the Higher Learning Commission on or about June 28, 2018.

Current law requires the Board of Regents to identify at least four metrics to measure a UW System institution's progress toward meeting each of the following goals: a) growing and ensuring student access; b) improving and excelling at student progress and completion; c) expanding contributions to the workforce; and d) enhancing operational efficiency and effectiveness. An institution includes the extension, but the Board of Regents may specify different metrics for the extension. The Board of Regents must develop a formula for distributing money to UW System institutions based on each institution's performance with respect to these metrics. The Board of Regents must submit this formula to JCF for approval before using the formula to distribute money. The amount of money allocated for distribution under the formula is \$26,250,000 in each fiscal year.

This bill modifies the definition of an institution for purposes of performance funding. Under the bill, an institution eligible to receive performance funding, based on the Board of Regents' metrics and distribution formula, is any of the following:

- a. A four-year UW System school, including any two-year UW System school associated with it as a branch campus under the UW System restructuring plan.
- b. Any operational unit of the UW-Madison assigned former functions of the UW-Extension as a result of the UW System restructuring.
- c. Any operational unit of the UW System administration assigned former functions of the UW-Extension as a result of the UW System restructuring.

16. *UW-Extension county-based agriculture positions*

The bill requires the Board of Regents to allocate \$1,500,000 in fiscal year 2019-20 and \$2,000,000 in each fiscal year thereafter for UW-Extension county-based agriculture positions.

17. *Funding for the Paper Science Program at UW-Stevens Point*

The bill requires the Board of Regents to fund at least 1.0 FTE position in the Paper Science Program at UW-Stevens Point from an appropriation from the conservation fund, replacing a provision of current law allocating \$78,000 annually from this appropriation for the program.

18. *Handicapped references*

The bill refers to impaired individuals or individuals with disabilities, instead of handicapped individuals, in statutes administered by HEAB and the TCS Board.

OTHER EDUCATIONAL AND CULTURAL AGENCIES

1. *Instructional material related to public radio and television programs*

This bill allows the Educational Communications Board to procure or publish instructional material related to state educational radio and television network programs and to impose a reasonable charge for providing this material.

ELECTIONS

1. Nonpartisan redistricting

This bill creates a new procedure for the preparation of legislative and congressional redistricting plans. The bill directs the LRB to draw redistricting plans based upon standards specified in the bill and establishes a Redistricting Advisory Commission to oversee the LRB's work in drawing redistricting plans and to perform certain tasks in the redistricting process. The commission consists of five members. The speaker and minority leader of the assembly and the majority and minority leaders of the senate must each appoint one person to serve on the commission. The four appointed commissioners then select a fifth commissioner to serve as chairperson. The bill prohibits all of the following individuals from being commission members: individuals who are not eligible electors of this state at the time of the appointment, individuals who hold partisan public office or political party office, and individuals who are a relative of or are employed by a member of the legislature or of Congress or are employed directly by the legislature or Congress.

If requested to do so by the LRB, the commission must provide direction to the LRB concerning any decision the LRB must make in preparing a redistricting plan. The bill permits the commission to establish policies limiting the information that the LRB may provide to persons outside of LRB staff concerning any redistricting plan. However, the bill also provides that any draft maps, along with the data sets used to create them, that the LRB produces in the course of preparing a redistricting plan must be open to the public and made available on the Internet site of the LRB as soon as they are produced. The bill further provides that in preparing a redistricting plan, the LRB must test the efficiency gap and competitiveness of each district and make the test results available to the public, including on its Internet site. The efficiency gap is, generally, a method that purports to test the fairness of a redistricting plan based on measuring the number of votes cast for a candidate beyond the number needed to be elected.

In preparing the plan, the LRB must be strictly nonpartisan. No district may be drawn for the purpose of favoring a political party, incumbent legislator or member of Congress, or other person or group, or, except to the extent necessary to meet the requirements of the Voting Rights Act, for the purpose of augmenting or diluting the voting strength of a language or racial minority group. The LRB may not use residence addresses of incumbent legislators or members of Congress, political affiliations of registered voters, previous election results, or, except as necessary to meet the requirements of the Voting Rights Act, demographic information.

After the LRB submits a plan to the legislature, the commission must hold public hearings on the plan and submit a report to the legislature summarizing information and testimony received at the hearings. The bill requires either the assembly or the senate to bring the redistricting plan to a vote expeditiously, but not less than seven days after the report of the commission is received and made available to the members of the legislature. That plan may not be amended. If the first plan fails to pass, the legislature must submit to the LRB the reasons for why the plan failed. The LRB then must submit a second plan that also may not be

amended. If the second plan fails, the LRB must produce a third plan. The third plan may be amended, but the plan and all amendments to it may be passed only with the approval of three-fourths of all the members elected in each house.

2. Automatic voter registration

This bill requires the Elections Commission to facilitate the registration of all eligible electors of this state and to maintain the registration of all eligible electors for so long as they remain eligible. The bill directs the commission and DOT to enter into an agreement so that DOT may transfer information in DOT's records to the commission. The bill requires the commission to maintain the confidentiality of any information it obtains under the agreement and allows a driver's license or identification card applicant to "opt out" of DOT's transfer of this information to the commission. Once the commission obtains all the information required under current law to complete an elector's registration, the commission adds the elector's name to the statewide registration list.

The bill also directs the Elections Commission to report to the appropriate standing committees of the legislature, no later than July 1, 2020, concerning its progress in implementing the registration system created by the bill. The report must contain an assessment of the feasibility of integrating registration information with information maintained by other agencies.

3. Voter identification

Current law allows an individual to use as voter identification an unexpired identification card issued by a technical college, college, or university in this state if the card meets certain criteria. The card must have an expiration date that is no later than two years after the date it was issued, and the individual must establish proof of enrollment. This bill eliminates the proof of enrollment requirement and allows the use of a card that expires no later than five years after the issuance date. The bill also eliminates the requirement that the card contain the student's signature. In addition, the bill requires each technical college in this state and each UW System institution to issue student identification cards that meet the criteria to be used as voter identification no later than August 1, 2019.

Current law also allows an individual to use as voter identification an identification card issued by DOT. DOT may issue a receipt as a temporary identification card to use for voting and other purposes to an individual who is waiting for the permanent card. The receipt expires in 60 days. The bill extends the expiration date to 180 days.

4. Voting absentee in person

Current law allows an individual to complete an absentee ballot in person no earlier than 14 days preceding the election and no later than the Sunday preceding the election. The bill eliminates the restriction on how soon a person may complete an absentee ballot in person and provides that a person must complete such a ballot no later than the Friday preceding the election.