



# Executive Partial Veto of Assembly Bill 56



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# EXECUTIVE PARTIAL VETO OF ASSEMBLY BILL 56

## Executive Budget Bill Passed by the 2019 Wisconsin Legislature

### (2019 Wisconsin Act 9)

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## I. INTRODUCTION

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This report contains the veto message of Governor Tony Evers for the partial veto of 2019 Assembly Bill 56 (2019 Wisconsin Act 9), the executive budget bill passed by the 2019 Wisconsin Legislature. A subsequent edition of *LRB Reports* will cover the messages for other gubernatorial vetoes or partial vetoes relating to 2019 legislation.

### *Format*

This report provides the following information:

1. Background material on the veto process, including legislative review of vetoes, use of the partial veto, and judicial interpretation of the governor's veto power.
  2. The legislative action for 2019 Assembly Bill 56, including the vote for final passage in each house and the page number of the loose-leaf journals in each house referring to the vote. ("S.J." stands for Senate Journal; "A.J." stands for Assembly Journal.)
  3. The text of the governor's veto message.
  4. The text of each segment of the governor's veto message keyed to the corresponding partially vetoed sections of 2019 Assembly Bill 56. The vetoed material is indicated by gray shading, and each write-down—a reduced appropriation amount written in by the governor—is indicated by reverse shading of white numerals on a black background.
  5. The index (page 71).
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## II. THE VETO PROCESS

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### *History*

Wisconsin governors have had the constitutional power to veto bills in their entirety since the ratification of the Wisconsin Constitution in 1848. In November 1930, the people of Wisconsin approved a constitutional amendment granting the governor the additional power to veto appropriation bills in part. This new partial veto authority was used immediately beginning with the 1931 session (see following table).

## PARTIAL VETOES OF EXECUTIVE BUDGET BILLS 1931-2019<sup>1</sup>

Session	Bill	Law	Number of Vetoes <sup>2</sup>	Senate/Assembly Journal Page <sup>3</sup>	Session	Bill	Law	Number of Vetoes <sup>2</sup>	Senate/Assembly Journal Page <sup>3</sup>
1931	AB-107	Ch. 67	12	A.J. p. 1134	1983	SB-83	Act 27	70	S.J. p. 276
1933	SB-64	Ch. 140	12	S.J. p. 1195	1985	AB-85	Act 29	78	A.J. p. 293
1935	AB-17	Ch. 535	0	—	1987	SB-100	Act 27	290	S.J. p. 277
1937	AB-74	Ch. 181	0	—		AB-850 <sup>8</sup>	Act 399	118	A.J. p. 1052
1939	AB-194	Ch. 142	1	A.J. p. 1462	1989	SB-31	Act 31	208	S.J. p. 325
1941	AB-35	Ch. 49	1	A.J. p. 770		SB-542 <sup>9</sup>	Act 336	73	S.J. p. 957
1943	AB-61	Ch. 132	0	—	1991	AB-91	Act 39	457	A.J. p. 404
1945	AB-1	Ch. 293	1	A.J. p. 1383		SB-483 <sup>10</sup>	Act 269	161	S.J. p. 896
1947	AB-198	Ch. 332	4 <sup>4</sup>	A.J. p. 1653	1993	SB-44	Act 16	78	S.J. p. 362
1949	AB-24	Ch. 360	0	—		AB-1126 <sup>8</sup>	Act 437	11	A.J. p. 960
1951	AB-174	Ch. 319	0	—	1995	AB-150	Act 27	112	A.J. p. 383
1953	AB-139	Ch. 251	2	A.J. p. 1419		AB-557 <sup>11</sup>	Act 113	11	A.J. p. 689
1955	AB-73	Ch. 204	0	—		SB-565 <sup>12</sup>	Act 216	3	S.J. p. 770
1957	AB-77	Ch. 259	2	A.J. p. 2088	1997	AB-100	Act 27	152	A.J. p. 322
1959	AB-106	Ch. 135	0	—		AB-768 <sup>13</sup>	Act 237	20	A.J. p. 927
1961	AB-111	Ch. 191	2	A.J. p. 1461	1999	AB-133	Act 9	255	A.J. p. 405
1963	SB-615	Ch. 224	0	—	2001	SB-55	Act 16	315	S.J. p. 282
1965	AB-903	Ch. 163	1	A.J. p. 1902		AB-1 <sup>14</sup>	Act 109	72	A.J. p. 894
1967	AB-99	Ch. 43	0	—	2003	SB-1 <sup>15</sup>	Act 1	0	S.J. p. 111
1969	SB-95	Ch. 154	27	A.J. p. 2615		SB-44	Act 33	131	S.J. p. 277
1971	SB-805	Ch. 125	12 <sup>5</sup>	S.J. p. 2162	2005	AB-100	Act 25	139	A.J. p. 373
	AB-1610 <sup>6</sup>	Ch. 215	8	A.J. p. 4529	2007	SB-40	Act 20	33	S.J. p. 373
1973	AB-300	Ch. 90	38	A.J. p. 2409		AB-1 <sup>16</sup>	Act 226	8	A.J. p. 792
	AB-1 <sup>7</sup>	Ch. 333	19	A.J. p. 310	2009	AB-75	Act 28	81	A.J. p. 297
1975	AB-222	Ch. 39	42	A.J. p. 1521	2011	AB-11 <sup>17</sup>	Act 10	0	A.J. p. 105
	SB-755 <sup>6</sup>	Ch. 224	31	S.J. p. 2257		AB-40	Act 32	50	A.J. p. 413
1977	SB-77	Ch. 29	67	S.J. p. 853	2013	AB-40	Act 20	57	A.J. p. 48
	AB-1220 <sup>6</sup>	Ch. 418	44	A.J. p. 4345	2015	SB-21	Act 55	104	S.J. p. 329
1979	SB-79	Ch. 34	45	S.J. p. 617	2017	AB-64	Act 59	98	A.J. p. 421
	AB-1180 <sup>6</sup>	Ch. 221	58	A.J. p. 3420	2019	AB-56	Act 9	78	A.J. p. 216
1981	AB-66	Ch. 20	121	A.J. p. 895					

<sup>1</sup>A constitutional amendment giving the governor authority to veto appropriation bills in part was ratified by the electorate in November 1930.

<sup>2</sup>As listed in the respective governor's veto message.

<sup>3</sup>Beginning journal page reference. A.J.—Assembly Journal; S.J.—Senate Journal.

<sup>4</sup>All 4 partial vetoes involved the Conservation Fund.

<sup>5</sup>Numerous "technical changes" made by the governor are counted as one partial veto.

<sup>6</sup>Budget Review Bills.

<sup>7</sup>Budget Review Bill considered in April 1974 Special Session.

<sup>8</sup>1988 Annual Budget Bill.

<sup>9</sup>1990 Agency Adjustment Bill.

<sup>10</sup>1992 Budget Adjustment Bill.

<sup>11</sup>1995-97 Transportation Budget Bill.

<sup>12</sup>1996 Budget Adjustment Bill.

<sup>13</sup>1998 Budget Adjustment Bill.

<sup>14</sup>2002 Budget Adjustment Bill, January 2002 Special Session.

<sup>15</sup>2003 Budget Repair Bill, January 2003 Special Session.

<sup>16</sup>2007 Budget Adjustment Bill, March 2008 Special Session.

<sup>17</sup>2011 Budget Repair Bill, January 2011 Special Session.

Source: Senate and Assembly Journals.

Article V, section 10, of the Wisconsin Constitution grants the veto power to the governor and reads as follows:

**WISCONSIN CONSTITUTION [Article V] Governor to approve or veto bills; proceedings on veto. Section 10. (1)** (a) Every bill which shall have passed the legislature shall, before it becomes a law, be presented to the governor.

(b) If the governor approves and signs the bill, the bill shall become law. Appropriation bills may be approved in whole or in part by the governor, and the part approved shall become law.

(c) In approving an appropriation bill in part, the governor may not create a new word by rejecting individual letters in the words of the enrolled bill, and may not create a new sentence by combining parts of 2 or more sentences of the enrolled bill.

(2) (a) If the governor rejects the bill, the governor shall return the bill, together with the objections in writing, to the house in which the bill originated. The house of origin shall enter the objections at large upon the journal and proceed to reconsider the bill. If, after such reconsideration, two-thirds of the members present agree to pass the bill notwithstanding the objections of the governor, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present it shall become law.

(b) The rejected part of an appropriation bill, together with the governor's objections in writing, shall be returned to the house in which the bill originated. The house of origin shall enter the objections at large upon the journal and proceed to reconsider the rejected part of the appropriation bill. If, after such reconsideration, two-thirds of the members present agree to approve the rejected part notwithstanding the objections of the governor, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of the members present the rejected part shall become law.

(c) In all such cases the votes of both houses shall be determined by ayes and noes, and the names of the members voting for or against passage of the bill or the rejected part of the bill notwithstanding the objections of the governor shall be entered on the journal of each house respectively.

(3) Any bill not returned by the governor within 6 days (Sundays excepted) after it shall have been presented to the governor shall be law unless the legislature, by final adjournment, prevents the bill's return, in which case it shall not be law.

### ***Wisconsin Supreme Court Cases***

The constitutional provision granting the governor the authority to veto bills in part has come under the scrutiny of the Wisconsin Supreme Court in 8 cases: *State ex rel. Wisconsin Telephone Co. v. Henry*, 218 Wis. 302 (1935); *State ex rel. Finnegan v. Dammann*, 220 Wis. 143 (1936); *State ex rel. Martin v. Zimmerman*, 233 Wis. 442 (1940); *State ex rel. Sundby v. Adamany*, 71 Wis. 2d 118 (1976); *State ex rel. Kleczka v. Conta*, 82 Wis. 2d 679 (1978); *State ex rel. Wisconsin Senate v. Thompson*, 144 Wis. 2d 429 (1988); *Citizens Utility Board v. Klauser*, 194 Wis. 2d 484 (1995); and *Risser v. Klauser*, 207 Wis. 2d 558 (1997). With two exceptions, the opinions have broadened the power of the governor to veto parts of appropriation bills.

In the *Henry* case, the court held that the authority granted to the governor in the Wisconsin Constitution to veto a "part" is broader than the authority of other governors to veto an "item"; that the governor could disapprove nonappropriation parts of an appropriation bill; that the parts approved after the veto must constitute a complete, entire, and workable law; and that the governor's power to disapprove separable pieces of an appropriation bill is as broad as the legislature's power to join the pieces into a single bill.

The *Finnegan* case held that, in order for the governor to exercise the partial veto, the body of the bill itself must contain an appropriation of public money not merely have an indirect bearing upon an appropriation; and that an increase in revenues that has the effect of increasing expenditures under an existing appropriation does not create an appropriation.

The *Martin* case stated that the purpose of the partial veto was to prevent, if possible, the adoption of omnibus appropriation bills "with riders of objectionable legislation attached" which would "force the governor to veto the entire bill and thus stop the wheels of government or approve the obnoxious act." The court held in *Martin* that 1) the governor may effect policy changes through the partial veto and 2) the veto is sustainable if the approved parts, taken as a whole, still provide a complete, workable law.

In the *Sundby* case, the court recognized that the governor may effect an affirmative change as well as negate legislative action through the veto, and it reiterated that the veto may be applied to nonappropriation language.

In the *Kleczka* case, the court rejected any implication in the earlier cases that a legislative proviso or condition on an appropriation was inseverable from the appropriation and thus could be vetoed only if the appropriation itself was vetoed.

In the *Thompson* case, decided prior to the 1990 constitutional amendment (which prohibited the governor from using his partial veto authority to create new words by rejecting individual letters), the court reiterated that the governor's

authority to veto appropriation bills in part is very broad, that the governor may exercise the partial veto authority on conditions or provisos attached to appropriations, that a partial veto may be affirmative as well as negative in effect, and that the material remaining after the veto must be a complete and workable law. The court let stand vetoes that created new words and sentences by striking words, letters and punctuation. It held that the governor may reduce dollar amounts by striking individual digits and that any text remaining after the governor's use of the partial veto must be "germane to the topic or subject matter of the vetoed provisions" contained in the enrolled bill.

In *Citizens Utility Board*, the court held that the governor may exercise the partial veto power by striking a numerical sum in an appropriation and writing in a different smaller number as the appropriated sum.

The *Risser* court held that the governor's write-down may be exercised only on a monetary figure which is an appropriation amount.

### ***Federal Cases***

The federal courts have also addressed the Wisconsin veto process. Following *State ex rel. Wisconsin Senate v. Thompson*, 144 Wis. 2d 429 (1988), the governor's veto power was upheld by both the United States District Court for the Western District of Wisconsin (No. 90 C 215) and the United States District Court of Appeals for the Seventh Circuit in *Fred A. Risser and David M. Travis v. Tommy G. Thompson*, 930 F.2d 549 (7th Cir. 1991). The U.S. Court of Appeals concluded that "Wisconsin's partial veto provision as interpreted by the state's highest court is a rational measure for altering the balance of power between the branches. That it is unusual, even quirky, does not make it unconstitutional. It violates no federal constitutional provision because the federal Constitution does not fix the balance of power between branches of state government." In October 1991, the U.S. Supreme Court refused to review the decision of the U.S. Court of Appeals. *Risser v. Thompson*, 502 U.S. 860 (1991).

### ***Constitutional Amendment Ratified in 2008***

In 2008, the voters ratified an amendment to article V, section 10, of the Wisconsin Constitution, the first modification to the governor's partial veto authority since 1990. The amendment prohibits the governor from creating a new sentence by combining parts of two or more sentences in an appropriation bill.

### ***Legislative Action and Publication of Law Supplements***

Since 1973 each act vetoed in part has originally been published to show the parts approved by the governor as clear text and the parts objected to by the governor as overlaid text and beginning in 1995 as shaded text (*this is shaded text*). If the legislature overrides a partial veto, only the new law text resulting from the veto override is published. The new text is identified as a supplement to the act originally published. An explanation is published with each supplement, and it would read as follows for a 2019 act:

2019 \*BILL\* was approved by the governor in part and has become 2019 WISCONSIN ACT \*NUMBER\*. The parts objected to by the governor (partial veto) were reviewed by the senate on \*DATE\* and by the assembly on \*DATE\*. This supplement to 2019 WISCONSIN ACT \*NUMBER\* contains those parts of that act which had been vetoed by the governor but which have become law as the result of their approval, by two-thirds of the members of each house, notwithstanding the objections of the governor.

The supplement identifies the changes in 2019 WISCONSIN ACT \*NUMBER\* as follows:

1. LAW IN EXISTENCE ON \*DATE\*. All text of statute law or session law which was in effect on the day preceding legislative action on the vetoes contained in 2019 \*BILL\*, and which is shown in this supplement as part of a SECTION of 2019 WISCONSIN ACT \*NUMBER\*, in which a veto override occurred, is shown as plain text (*this is plain text*).

2. PREEXISTING LAW DELETED BY VETO OVERRIDE. In some instances, the legislature, in passing 2019 \*BILL\*, had proposed to delete certain words contained in existing law. These deletions could not take effect with the publication of 2019 WISCONSIN ACT \*NUMBER\*, as the result of a veto by the governor, but they take effect now because the veto was overridden by legislative action. Such text is shown as shaded text.

3. NEW TEXT CREATED BY VETO OVERRIDE. All text that comes into being for the first time as the result of the veto override is shown in italic type (*this is italic type*).

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### III. LEGISLATIVE ACTION ON THE PASSAGE OF 2019 ASSEMBLY BILL 56

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#### **2019 Wisconsin Act 9 (Assembly Bill 56): State finances and appropriations, constituting the executive budget act of the 2019 legislature**

On June 25, 2019, the assembly adopted Assembly Substitute Amendment 1 (as amended by Assembly Amendment 1 [as amended by Assembly Amendments 1 and 2]) to Assembly Bill 56 by a vote of 63 to 36, A.J. 06/25/19, p. 208, and passed Assembly Bill 56, as amended, by a vote of 60 to 39, A.J. 06/25/19, p. 209.

On June 26, 2019, the senate concurred in Assembly Bill 56, as amended, by a vote of 17 to 16, S.J. 06/26/19, p. 285.

On June 27, 2019, the assembly received from the senate and concurred in Assembly Bill 56, as amended, A.J. 06/27/19, p. 212.

On July 3, 2019, the governor approved in part and vetoed in part Assembly Bill 56, and the part approved became 2019 Wisconsin Act 9, A.J. 07/03/19, p. 216. The date of enactment is July 3, 2019, and the date of publication is July 4, 2019, and, as provided in section 991.11, Wisconsin Statutes, the effective date of all provisions of the act is July 5, 2019, except those provisions for which the act expressly provides a different date.

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### IV. TEXT OF THE GOVERNOR'S VETO MESSAGE

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July 3, 2019

To the Honorable Members of the Assembly:

I have approved Assembly Bill 56 as 2019 Wisconsin Act 9 and deposited it in the Office of the Secretary of State.

This past January, I delivered my first State of the State address. I noted then—and have repeated many times since—a phrase that is inscribed on the ceiling in the Governor's conference room: "The will of the people is the law of the land."

It was in the spirit of these words that we crafted a budget—The People's Budget—that represents the will of the people of Wisconsin. Our proposal, written by and with the people of our state, fully funded our schools and provided the largest-ever increase in funding for special education, expanded Medicaid and infused our healthcare system with millions of dollars to improve healthcare for all Wisconsinites by drawing down \$1.6 billion in new federal funds, and offered a sustainable, long-term solution on transportation that ensured Wisconsinites would not have to foot the entire bill for fixing our roads.

Unfortunately, this budget that I have now signed is, in many ways, insufficient.

This is, in large part, due to the unfortunate lack of interest by some Republicans in the Legislature to work together and engage in constructive, bipartisan dialogue, and instead devoting far too much time to huffing and puffing. I met with 125 out of 132 legislators during the budget process, including 75 Republicans, and my administration has been ready, willing, and available to work together to find common ground, make changes, and work toward solutions. I believe the people of our state would have been better off in this budget if we could have found more common ground, even if it meant each of us not getting everything we wanted. But Republican leadership often chose political allegiance and scoring political points over the people of our state, and that is reflected in the budget that arrived on my desk.

Consequently, in recent weeks, I strongly considered vetoing the Legislature's entire budget because it did not do enough to ensure that our kids and schools have the resources they need to be successful. I believe it falls short of the proposal we offered. I believe the people of Wisconsin deserve more. And I believe we could do better.

But when I ran for this office, I said it was time for a change, and I made promises to the people of Wisconsin. I promised I would put politics aside to get things done. I promised I would lead with kindness, compassion, civility, and respect. And I promised I would put people first.

In the Governor’s conference room, opposite the inscription about the will of the people, there is another inscription that reads, “The progress of a state is born in temperance, justice, and prudence.”

When I took the oath of office just a few months ago, I incurred two important obligations as the Governor of our state. The first is an obligation to remember for whom I work—to ensure that the will of the people is the law of the land. And the second is an obligation to remember that progress is not beget by political pettiness, but by finding common ground.

Vetoing this budget in its entirety would have been more of the same divisiveness and petty, political theatrics that the people of Wisconsin have had to put up with for far too long.

And vetoing this budget in its entirety would have meant failing to acknowledge that because of the budget we—the people of Wisconsin and I—proposed together, Republicans finally took a step forward in making the investments required for progress to occur.

Thus, I am exercising my broad constitutional authority to reshape this budget, to address areas where the Legislature failed to do the right thing or padded the budget with earmarks to buy votes, and to align it more closely with the budget we put together with the people of Wisconsin. This budget is a down payment on The People’s Budget and the priorities of the people of Wisconsin. Today I am signing a better version of the Legislature’s budget with the understanding that we are nowhere near where we need to be, and there is more work for us to do.

I have always said that there is more that unites us than divides us, so I will begin on the areas we were able to find common ground.

Our administration was able to both set and shape the parameters of this budget to ensure it was fiscally responsible while still making investments in many areas on which we can all agree and adding a record nearly \$300 million to our budget stabilization (“rainy day”) fund.

This budget makes good on my promise to deliver a 10 percent tax cut for working families. I vetoed a previous attempt by the Legislature to pass a middle-class tax cut similar to the one I promised because the decision needed to be made in the full context of the budget. Because of the bipartisan work that occurred at the end of the Joint Committee on Finance process, we now have a proposal that achieves the tax relief I promised. That is why I am proud this budget and Assembly Bill 251, together, include \$500 million in overall tax cuts targeted not for those at the top of the income spectrum, but toward working, middle-class Wisconsinites across our state. This tax cut exemplifies what can happen when Republicans and Democrats work together to do what is best for the people of our state.

Similarly, this budget also accepts some of the strong investments included in The People’s Budget and builds on the work my administration has done administratively and through executive action. Following my efforts to establish a Caregivers Taskforce, this budget includes a much-needed pay increase I have supported for the personal care workers and direct caregivers who toil day and night to take care of our most vulnerable and in-need Wisconsinites. In addition, because of my leadership counties are getting the largest-ever increase, \$30.5 million over the biennium, in Children and Family Aids to support the child welfare system.

This budget also invests in our workers. Whether they are reviewing license applications or tax filings, helping people access life-saving services, working to protect wildlife and our environment, or ensuring folks can reenter our communities with the skills they need to be successful, their work matters, and they have earned the pay increase that is part of our budget. I also look forward to elevating employee voices and continuing to look for ways to support their service to our state.

And because I declared 2019 as the Year of Clean Drinking Water in Wisconsin, this budget invests more than \$32.65 million in improving water quality throughout our state. These investments are important, but they do not go far enough to address the serious issues impacting our communities. Through my role as the Chair of the Great Lakes St. Lawrence Governors and Premiers, I will continue to lead with my colleagues throughout the region to address water contaminants like lead and polyfluoroalkyl substances (PFAS). I will also continue to work with legislators in both parties to make progress legislatively. In the meantime, I have directed my administration to connect the dots on improving water quality. More than two-thirds of Wisconsin residents use groundwater for their drinking water, whether through a private well or public water system. Working collaboratively, the leaders at the Department of Natural Resources, Department of Health Services, and Department of Agriculture, Trade, and Consumer Protection developed evidence-based statewide groundwater standards to protect and ensure clean groundwater resources. The standards we have set are among the most comprehensive in the nation and are used for regulating facilities, practices and activities that can affect groundwater. They apply to bottled water, approved agricultural chemicals, contamination site cleanup, regulation of solid waste landfills and more, including PFAS compounds.



The budget I am signing invests roughly \$570 million more in our K–12 students, which includes nearly \$100 million more in per pupil aid for our schools compared to the budget passed by the Legislature that I have added through the veto process. This budget also includes the first significant increase in revenue limit authority in a decade, and includes my recommendation to provide our lowest–spending districts with a little more funding without having to go to referendum. It remains critically important that our state address the underfunding of our public school system, and while the increases in this budget are important, they are not enough.

Our transportation system has been neglected for much of the past decade and is in desperate need of sustainable investments. I promised the people of Wisconsin that I would provide the leadership it took to fix our roads and bring people together to find a long–term solution on which everyone could agree. For too long, Republicans punted on difficult decisions and allowed our infrastructure to crumble because they lacked the principled leadership it takes to increase revenues when it is needed. Putting projects on the state’s credit card isn’t sustainable. I am pleased that Republicans followed my lead in working toward paying for our infrastructure, something they were unwilling to do over the last eight years. My budget proposal set the standard for investment and the Legislature joined me in supporting more than \$465 million in new funding for our highways, local roads, and transit aids. Notably, just as I recommended in my budget in February, \$320 million of this critical revenue, will go directly for state highway rehabilitation. In addition, we will finally finish projects like the Zoo Interchange in Milwaukee County and make significant investments in initiatives that I support, including both passenger and freight rail. This budget also mirrors my 10 percent increase in general transportation aids, paratransit aid, and the tribal elderly transportation grant program, while also providing an inflationary bump to mass transit aids for the first time in years. We will also invest in our harbors, railroads and air traffic control system, all while keeping bonding at the lowest level in 20 years. Perhaps most importantly, this transportation budget recognizes the importance of increasing funding for local transportation and transit projects to ensure that local elected officials are able to respond to the needs of Wisconsin communities.

The Legislature also followed my lead on many other initiatives that were included in The People’s Budget. That includes critical investments that make our communities healthier and safer, move us forward on comprehensive criminal justice reform, protect our natural resources, strengthen our workforce and promote economic development, and support our farmers.

### **Healthy Communities**

- Protects the state’s vital safety net programs including BadgerCare, FoodShare, the SeniorCare pharmacy benefit program, and the Supplemental Security Income and Caretaker supplements.
- In recognition of the direct care workforce shortages in the state, this budget provides over \$230 million to support workers who provide direct care to Wisconsin’s most vulnerable citizens in Family Care, nursing homes, and individuals receiving personal care services.
- Improves mental health treatment in our state by: (1) funding a portion of the non–federal share of the Medicaid Crisis Intervention benefit with \$13.3 million; (2) allowing the Crisis Program Enhancement grants to be used to establish or expand a crisis program; (3) providing \$500,000 for the Child Psychiatry Consultation Program; (4) providing \$100,000 for suicide prevention activities; (5) expanding the definition of crisis to include any crisis not just a mental health crisis; and (6) increases reimbursement levels by providing \$500,000 for mental health professions related to clinical consultations.
- Fully funds the Wisconsin Healthcare Stability Plan to stabilize the individual healthcare market and lower premiums for Wisconsinites by providing \$200 million to reinsure high–cost individuals across all healthcare exchanges.
- Makes significant investments into treatment for Wisconsin’s youth by providing an additional \$44 million to expand the Mendota Juvenile Treatment Center by 50 beds.
- Addresses long–standing safety issues at the Winnebago Mental Health Institute by providing 51 additional positions and \$11.3 million over the biennium to better manage the intake process at the facility.
- Makes important investments in Wisconsin’s rural healthcare providers by increasing funding by \$9.9 million for the Rural Critical Care Hospital Supplement.
- Streamlines the application process for children’s long–term care supports programs for children with intellectual or physical disabilities by implementing a statewide contract for intake, application, and screening functions.
- Provides \$2.5 million over the biennium to increase reimbursement rates for dental services that are provided under Medicaid to individuals with intellectual or physical disabilities.

- Expands dental access, provides additional coverage option, and increases funding levels for the Seal–A–Smile program by providing \$2 million over the biennium.
- Invests \$14.2 million in lead testing and abatement and begins to address the issue of childhood lead poisoning.
- Provides \$1.7 million over the biennium for 8 additional dementia care specialists and 1 tribal dementia care specialist in Aging and Disability Resource Centers.
- Increases funding by nearly 5 percent annually for health screening services through the Wisconsin Well Woman Program.
- Provides \$1 million over the biennium for grants to free and charitable clinics and community health centers.
- Invests in the ombudsman program in the Wisconsin Board on Aging and Long–Term Care to address the increasing caseload of persons age 60 and older who are consumers of Wisconsin long–term care programs.
- Increases funding by \$1.5 million over the biennium for the Wisconsin Veterans Home at King and the Wisconsin Veterans Home at Union Grove to provide supplemental nursing resources to the homes that care for Wisconsin veterans who need a nursing home level of care.
- Provides nearly \$30 million, the largest state–funded increase ever, to support programs for Wisconsin veterans.
- Permanently supports the Veterans Outreach and Recovery Program, which connects veterans to community services and provides case management and support to veterans who have a mental health condition or substance abuse disorder.
- Provides \$1.8 million over the biennium to fully fund a peer–run respite center for veterans, which will provide peer support services and hospital diversion services at no cost to veterans struggling with a mental health or substance abuse disorder.
- Provides \$3.9 million over the biennium to fully fund a youth crisis stabilization facility that will provide residential mental health services to children whose needs are greater than what is available in their community but not severe enough to warrant commitment to an institution.
- Provides \$100,000 for a science–based public outreach effort related to vaccinations.
- Invests \$2 million to expand the family medicine residency program of the Medical College of Wisconsin to support new faculty positions to increase the number of residents in the program, and ultimately retain more physicians in the state.
- Continues our commitment to the Medical College of Wisconsin by providing \$10 million in bonding authority for a new cancer research center that will allow the college to hire additional researchers, develop new therapies, and expand and consolidate laboratories, with the goal of bringing cancer cures to Wisconsin residents.
- Provides \$7.5 million over the biennium to support programming that will directly reduce homelessness across the state.
- Provides \$640,000 of tribal gaming revenue to fund architectural plans for a 36–bed residential facility to treat addiction in youth, primarily youth in Wisconsin tribes, which is being developed by the Stockbridge–Munsee and the Great Lakes Inter–Tribal Council.

### **Safe and Just Communities**

- Increases the private bar rate for the Office of the State Public Defender, for the first time since 1992, from \$40 per hour to \$70 per hour to provide our citizens with prompt representation and save our counties money.
- Provides over 60 new full–time assistant district attorneys across the state, which is the first time the state has created any new full–time GPR–funded positions since 2007.
- Invests in the State Crime Lab at the Department of Justice by providing it with 7.4 FTE positions to address long–standing backlogs that were previously ignored.
- Provides \$1.5 million in additional funding for our successful Treatment Alternatives and Diversion (TAD) program, taking it to its highest funding level ever at over \$13 million over the biennium.
- Increases funding for our Opening Avenues to Reentry Success (OARS) program to expand it to 51 counties and by an additional 50 individuals.
- Invests in our correctional facilities to ensure they have the staffing necessary to carry out their duties to adequately staff newly created programs and reduce overtime.

- Provides funding to work towards meeting the state's obligations to close Lincoln Hills and Copper Lake schools and moving youth into the least restrictive appropriate setting as soon as practicable.

### **What's Best for Kids**

- Doubles state support for school mental health programs over the biennium to provide increased access to professionals to assist children in our schools in need.
- Provides nearly \$330 million, the largest nominal dollar increase in state general aid since the 2005–07 biennium.
- Increases state special education categorical aid funding for the first time since 2008–09 by providing over \$95 million over the biennium in additional state support.
- Provides over a quarter of our lower–spending school districts the ability to increase their revenues if they choose without having to go to referendum.
- Provides the largest revenue limit adjustment for all school districts in a decade, which, over the biennium, provides districts with an increase in spending flexibility that is larger than all revenue limit increases over the prior eight years combined.
- Through my vetoes this budget will increase per pupil state categorical aids by nearly \$100 million over the biennium.
- Increases the state share of the school day milk program for the first time in more than a decade, which reimburses school districts for serving milk to students daily.
- Doubles state support for robotics league participation grants, which helped 180 middle school and high school teams across the state offset the cost of fees, kits and supplies necessary to participate in robotics competitions, to \$500,000 annually.
- Provides \$1.4 million over the biennium for the Wisconsin Reading Corps, which provides one–on–one reading tutoring to our youngest students, particularly in Milwaukee, where achievement gaps persist.
- Increases high cost transportation aid for rural districts by \$1.6 million over the biennium to raise reimbursement rates to 90 percent of eligible costs.
- Enhances our rural teacher talent program, which provided placements, stipends and/or travel reimbursement to approximately 700 student teachers last year, by providing \$2 million in additional funding over the biennium.
- Further increases school library aids by \$5.7 million over the biennium, which will help school districts purchase books, instructional materials, library computers and software.
- Increases state aid for our Very Special Arts and Special Olympics programs by 33 percent over their existing funding levels.
- Invests \$5.5 million over the biennium to support work–based learning for high school students, where demand for our local youth apprenticeship program continues to grow – the number of participating students has increased 94 percent over the past five years.
- Doubles state support by providing \$3 million annually for school districts to continue to increase offerings for career and technical education as the number of claims for these grants more than doubled from 2014 to 2018.
- Provides \$1 million over the biennium to assist school districts in purchasing equipment for advanced manufacturing classes and programs.
- Increases funding for county–run child welfare programs by more than \$30 million over the biennium, the largest increase in history.
- Provides over \$85 million over the biennium to support increases to the Wisconsin Shares child care program.
- Provides \$1.4 million in targeted investment over the biennium for improved child care options in the poorest zip code of the state, 53206 in Milwaukee.
- More than doubles the amount of funding to the Boys and Girls Clubs to expand the BE GREAT: Graduate program by providing \$2.7 million in each year to help more Wisconsin students graduate.
- Provides an increase of \$2.25 million over the biennium to support county child support agencies in their work to establish and enforce child support orders.

### **Higher Education and Workforce**

- Increases state general aid for the Wisconsin Technical College System by \$25 million, the largest nominal increase since at least 1993.
- Trains offenders for reentry and employment by providing funding from Wisconsin Fast Forward to the Department of Corrections that could be used for institutional job centers and mobile classrooms.
- Commits over \$1 billion in bonding authority, the largest nominal increase ever, to modernize aging University of Wisconsin buildings and improve learning environments, which will help the system attract and retain students, faculty, and researchers.
- Provides \$45 million over the biennium to the University of Wisconsin (UW) System for capacity building initiatives, while continuing to freeze resident undergraduate tuition to keep higher education affordable and mitigate student debt. Additionally, this investment in the UW will help the system use innovative programs to enroll more students and produce more graduates in high-demand fields.
- Continues to support worker training activities to boost Wisconsin's economy through our Fast Forward program and investing in Project SEARCH, which supports collaboration among school districts and local businesses that provide training and education youth with disabilities need to obtain employment.

### **Agriculture, Tourism and Economic Development**

- Provides \$48 million throughout the biennium, the largest amount ever, to expand the Broadband Expansion Grant program to reach more underserved areas of the state.
- Recognizes that the dairy industry is a critical part of our state's economy, which is why this budget invests \$8.8 million over the biennium in a Dairy Innovation Hub at the University of Wisconsin System. This investment will draw top dairy farming researchers to our state, and ultimately help our dairy farmers grow their businesses.
- Provides \$750,000 annually for farmers to engage in best management practices under the producer led watershed protection grant program.
- Provides additional staffing and equipment to the Department of Agriculture, Trade and Consumer Protection to speed up the approval process for growers of industrial hemp.
- Provides an additional \$200,000 for the successful Buy Local, Buy Wisconsin grant program to continue to promote the sale of Wisconsin foods to local buyers.
- Invests \$100,000 to further research on chronic wasting disease in our state.
- Creates an automatic license renewal option for hunters and anglers.
- Creates a new Office of Outdoor Recreation at the Department of Tourism, which will enhance our state's outdoor economy by promoting outdoor activities and building partnerships with outdoor-related businesses.
- Provides \$1.6 million over the biennium for the Department of Tourism to conduct marketing and directs resources to tourism video production, which is critical in raising our profile as a tourism destination; tourism had a \$21.6 billion impact on our economy in 2018.

### **Transportation**

- Provides more than \$465 million overall for transportation projects across the state, mirroring the vast majority of my proposals, and makes significant progress towards sustainable funding for transportation with the largest dedication of new, ongoing revenue to the transportation fund in a generation.
- Invests more ongoing revenue than ever before in our transportation infrastructure, while at the same time maintaining bonding at our lowest level in the last 20 years. Commitment of new, ongoing revenue will allow more dollars to go to roadway users instead of bond holders.
- Invests \$320 million in additional funding for our State Highway Rehabilitation program, as I proposed, to continue maintaining this critical piece of our infrastructure.
- Provides \$75 million in flexible funding for transportation and transit projects that best meet local needs.
- Provides an historic 10 percent increase (\$66 million over the biennium) in available funding for general transportation aids, paid to counties, towns, villages, and cities.

- Invests in badly needed state support for our tribal transit aids, paratransit aids, seniors with disability aids, and mass transit aids at significantly higher levels than in recent years.
- Enumerates two important interstate highway projects in the southeastern and northeastern portions of our state.
- Finishes off the Zoo Interchange project as it was designed.
- Provides additional necessary bonding authority for passenger and freight rail preservation along with additional funding to repair railway crossings in our state.
- Continues to invest in our harbor assistance and aeronautics air traffic control system to fund harbor and airport improvements.

### **Tax Fairness**

- Along with AB 251, a bipartisan proposal, provides \$518 million in individual income tax relief in the form of income tax rate reductions targeting lower and middle income earners.
- Provides a meaningful, progressive shift in the state’s individual income tax structure that we will seek to build upon in the future. Overall, approximately 92 percent of these income tax cuts for non–married filers will go to filers with adjusted gross income below \$100,000 annually and 76 percent of tax cuts for married–joint filers will go to filers with adjusted gross income below \$150,000.
- Typical middle class single filers will see an income tax reduction of approximately \$136 annually while middle class married–joint filers will see a reduction of \$182 annually when the tax rate reductions are fully implemented in tax year 2020.
- Keeps property taxes affordable for Wisconsin homeowners by aligning changes with estimated inflation.

### **Clean Communities**

- Enhances science staffing at the Department of Natural Resources by providing an additional 2.0 FTE SEG science positions to research water and sources of contamination.
- Further enhances our work on addressing PFAS by providing \$150,000 to develop a model to identify and prioritize sites with likely PFAS contamination.
- Provides \$50,000 to conduct a survey of local and state emergency responders on the use of PFAS–containing firefighting foam.
- Authorizes \$6.5 million in bonding authority for the Targeted Runoff Management (TRM) program, which provides municipalities with financial assistance for infrastructure projects to reduce nonpoint source pollution.
- Authorizes \$4 million in bonding authority in the urban nonpoint source and storm water grant program, and the municipal flood control program.
- Authorizes \$4 million in bonding authority for dam safety grants for the repair or removal of dams.
- Issues revenue bonds to fund the state match requirements and additional loans in the Safe Drinking Water Loan Program, which will result in future increased loan capacity for more drinking water projects and a reduction in general obligation debt service, and also extends the maximum loan period under the Safe Drinking Water Loan program from 20 to 30 years.
- Extends the Knowles–Nelson Stewardship program.
- Allocates up to \$10 million of the remaining \$25 million in Volkswagen emissions settlement funds for an electric vehicle charging station grant program administered by the Department of Administration and at least \$15 million for the replacement of public transit vehicles.

### **Good Government**

- Recognizes the value of our state workforce in serving the people of Wisconsin by providing almost \$80 million in state funds to fund 2 percent annual general wage adjustments for most state employees.
- Provides nearly \$36 million in state funds over the biennium to institute an hourly wage increase and pay progression for certain correctional officers and youth counselor positions, effective January 1, 2020.
- Provides over \$1 million in state funds over the biennium for long–term service awards for Department of Corrections and Department of Health Services protective service positions, effective January 1, 2020.

- Directs emergency funding of \$2 million to the Washington Island Electrical Cooperative to construct a more permanent solution in response to the natural disaster which damaged the utility lines that bring power to the island.
- Enhances customer service at the Department of Safety and Professional Services by providing \$5 million to support ongoing information technology projects that will improve online services and processing times.

While the Joint Committee on Finance first began voting on individual items in the budget, the Legislature was told there was an anticipated \$753 million increase in revenues above and beyond what I had to work with in my budget in January largely due to a one-time change in federal law. Clearly, this was an opportunity for us to talk about the most responsible way to use these new projected funds, though again there was little to no apparent interest by Republican legislative leadership to work collaboratively in doing so. With these funds, I directed the Department of Administration to retire \$56.2 million in additional state debt incurred in prior years that will save Wisconsin citizens \$57.2 million over the next decade. Finally, my vetoes will also increase the state general fund ending balance over what the Legislature left going forward.

While this budget makes critical investments in areas that were included in The People's Budget, this is a down payment on the progress we must make in the next biennial budget. In the meantime, I will not stop fighting for items that Republican leadership took out of The People's Budget.

Wisconsin residents look to us as elected officials to be fiscally responsible and invest tax dollars wisely in our health, our schools, our natural resources, our roads, and our local governments that directly provide services to our communities. The budget I submitted earlier this year did each of those things. That is why I cannot begin to understand why Republicans in the Legislature are refusing to expand Medicaid and choosing to send \$2 billion of Wisconsinites' hard-earned federal tax dollars to pay for Medicaid expansion in other states like New Jersey and Illinois.

Healthcare is the number one issue I hear about around the state. And 70 percent of Wisconsin citizens support expanding Medicaid because they understand it will allow us to expand coverage to more than 80,000 Wisconsinites, save \$324 million in state tax dollars, and bring in \$1.6 billion in new federal investment into our healthcare system in Wisconsin, allowing us to invest in healthcare initiatives that would improve the health and wellness of all Wisconsinites, and make healthcare more affordable by lowering premiums for folks who have private insurance.

Expanding Medicaid saves Wisconsin taxpayers money, and we all know that there are other important priorities that need investments, like our roads and our schools. Achieving better outcomes for everyone through Medicaid expansion is just common sense. We can't keep sending \$1 billion per year of our residents' hard-earned federal tax dollars to subsidize Medicaid expansion in other states. These are our dollars. We should bring them home.

When we bring those dollars back to Wisconsin, that money can help support our efforts like cleaning up our water and addressing lead poisoning around the state. We know we have work to do. There are 176,000 lead lines that need to be replaced across the state. These pipes carry contaminated water to Wisconsin families and lead to long-term developmental problems for our children. That is why my budget provided \$40 million under the Safe Drinking Water Loan program to help communities fund lead service line replacement. Tackling this crisis is not cheap, but the cost of doing nothing is far greater—the health and well-being of our kids is at stake. By accepting federal funds and expanding Medicaid, we can increase workforce training for lead abatement workers, offer incentives for providers to ensure that children are tested for lead poisoning twice by age two, and expand the Birth to 3 Program to provide services to more children.

I kept my promise to the people of Wisconsin to withdraw our state from the Republican-led attack on the Affordable Care Act, but that was only one step in our fight for affordable, accessible healthcare for all Wisconsinites. Republicans are not listening to the will of the people who are asking us to expand Medicaid in Wisconsin. I am. That is why I will continue to fight for Medicaid expansion through separate legislation, future budget bills, and otherwise through every executive power I am afforded.

I have always said that what's best for our kids is best for our state. That is why I am glad that this budget includes a \$97 million increase in funding for special education—the largest ever—as well as a \$330 million investment in general school aids—the biggest increase in more than a decade. This budget also increases funding for those seeking access to mental health services, kids participating in our school day milk program and our rural schools incurring the highest transportation costs. But this progress does not go far enough. That is why I used my broad veto authority to add nearly \$100 million more in per pupil aid for our schools compared to the budget passed by the Legislature. I will not stop fighting for our kids, meaningful investments in our schools, and school finance reform that I have sought for more than a decade.

This proposal has about a third of The People's Budget's \$1.4 billion investment in our kids, educators, and schools, and Republicans failed to keep their promise that their own Blue Ribbon Commission recommended to get to two-thirds

funding for our schools. I proposed a larger but appropriate investment, particularly in special education, because we cannot continue asking folks to tax themselves at the local level to pay for priorities the state should fund.

More than one million Wisconsinites have voted to raise their own property taxes to support their schools in recent years because Republicans have failed to fully fund public education, and according to the Wisconsin Policy Forum, voters approved more than \$2 billion in debt and revenue increases for local schools in 2018 alone. This is not sustainable, and more districts like the Palmyra–Eagle Area School district will continue to have to make unfair, difficult decisions, or potentially even dissolve due to lack of funding because we are not making the necessary investments. That means we have work to do. My door remains open to any legislator from either side of the aisle who wants to get serious about achieving two-thirds funding, investing more in special education, and ensuring that rural and urban schools alike have the resources they need to provide every kid, no matter their zip code, with access to high-quality public education.

We also need to do more to make sure that higher education is affordable and accessible. The Republican Legislature's unwillingness to move an inch on addressing our student loan debt crisis is inexplicable. Student loan debt has significant effects on young and middle-aged adults and, as a result, on our state economy. These effects worsen each day, which is why we need to find a way to allow borrowers to refinance student loans, just like we can do with our mortgages or many other debts. I put forward a thoughtful first step for us to work together to address this issue and will continue to seek the assistance of those interested in doing so.

Although we are implementing significant middle class tax relief in this budget, I will continue my efforts to index our homestead tax credit to where it should be and provide relief to hard-working families with children through the Earned Income Tax Credit (EITC) to address the reductions in these credits that occurred under the prior administration. The EITC has historically earned bipartisan support at the state and federal level and remains an effective anti-poverty measure that puts more money back into the pockets of working families. Those dollars are then reinvested in our local economies, making it a win-win.

Finally, I am going to bring the fight for a nonpartisan redistricting process to the Legislature. The reason I am signing a budget that does not go far enough to fund our schools, that fails to accept federal funds to expand Medicaid, and leaves behind important priorities is because we have a comfortable Republican majority who consolidated power for themselves long before I took office, leaving minimal accountability for failing to listen to the people of Wisconsin. They got to pick their voters and draw their districts, and as a result, are able to ignore the 70 percent of Wisconsinites who support Medicaid expansion, the 74 percent of Wisconsinites who want to see a significant increase in special education funding, and the 83 percent of Wisconsinites who believe medical marijuana should be legal.

While many see the conclusion of our work on the budget as an ending, this budget is just the first step on the road ahead. There is much work to do and many Wisconsinites who are counting on us to work together to get things done.

As I was preparing this message, my office received a packet of letters from a class of fourth graders. While all the letters were thoughtful and creative, there was one that stood out. It said, "Please look outside and examine how cracked the roads are . . . I really believe that the roads need to be fixed because horrific accidents could happen . . . So please, fix our roads."

"Maybe, just maybe, you could pay the schools more?" the student asked, because "the janitors, the teachers, the nurses and every other worker at a school work hard. They deserve a bit more money." And "a bit more money for healthcare" she said, because "so many children fall ill with the flu and some families cannot afford the medication."

Our kids understand what is important. And overall, this budget delivers on many of the important promises I made to the people of Wisconsin and makes progress toward fixing our roads, supporting schools, increasing funding for healthcare, and cutting taxes for working families. It is a budget that I hope will help countless families, businesses, and communities across Wisconsin. I remain optimistic about the future of our state. And I remain committed to working together to ensure that we do not let opportunities, like Medicaid expansion, pass us by. There is too much at stake to put politics first. We have much more work to do to ensure our state and our kids' success in the future.

Respectfully submitted,

*TONY EVERS*

Governor

V. VETOED ITEMS

A. JUSTICE, ENVIRONMENT AND AGRICULTURE

1. Establishment of a Correctional Facility

Governor’s written objections

Sections 9104 (1) (c) 1. c. and 9104 (7)

This provision requires the Department of Administration to expend funds for land acquisition, utility extensions and a request for proposals for a new maximum security correctional facility to replace the Green Bay Correctional Institution. Under the provision, land acquisition shall occur no later than December 1, 2020, and utility extensions shall occur no later than October 1, 2021.

I am partially vetoing this provision because I object to building a new maximum security correctional facility as we continue to explore needed criminal justice reform in Wisconsin. The current population pressures facing the Department of Corrections are being experienced primarily in minimum and medium security facilities, and while I am supportive of finding a solution to these pressures, I am not supportive of the insertion of a project for the construction of a new maximum security correctional facility late in the budget process and without the opportunity for more robust public input. By partially vetoing this provision, I am providing the Department of Corrections the flexibility to utilize these funds for higher priority institutional needs.

Cited segments of 2019 Assembly Bill 56:

SECTION 9104. Nonstatutory provisions; Building Commission.

(1) AUTHORIZED STATE BUILDING PROGRAM.

(c) DEPARTMENT OF CORRECTIONS

1. Projects financed by general fund supported borrowing:

c. Correctional facility — construction of a new maximum security correctional facility

5,000,000

Vetoed In Part

(7) ESTABLISHMENT OF CORRECTIONAL FACILITY.

2021.

Vetoed In Part

(a) The amount specified under sub. (1) (c) 1. c. as of the effective date of this paragraph shall be expended for land acquisition, utility extensions, and a request for proposal for a new maximum security correctional facility to replace the Green Bay Correctional Institution . Land acquisition shall occur no later than December 1, 2020. Utility extensions shall occur no later than October 1,

(b) The building commission shall include in its recommendations under s. 13.48 (7) for the 2021–23 fiscal biennium a recommendation to authorize a specific amount of additional general fund supported borrowing sufficient to complete construction of the correctional facility enumerated under sub. (1) (c) 1. c. and to amend the dollar amount under sub. (1) (c) 1. c. accordingly.

Vetoed In Part

Vetoed In Part

Vetoed In Part

2. Type 1 Facility

Governor’s written objections

Section 9104 (6) (d)



This section reduces the amount authorized for the Type 1 juvenile correctional facilities from \$25,000,000 to \$0.

I am vetoing this section because I object to the Legislature defunding the replacement of Lincoln Hills School and Copper Lake School. In order for the Department of Corrections to close these facilities as soon as possible, funding must be provided to build replacement facilities. This section, if adopted, would leave the department without a facility in which to place juveniles. This veto will allow the Department of Corrections and Department of Administration to continue with the design and construction of a new Type 1 facility.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 9104. Nonstatutory provisions; Building Commission.**

(6) 2017-19 AUTHORIZED STATE BUILDING PROGRAM CHANGES.

(d) In 2017 Wisconsin Act 59, section 9104 (1) (c) 1. em., as created by 2017 Wisconsin Act 185, under

projects financed by general fund supported borrowing, the amount authorized for the project identified as "Type 1 juvenile correctional facilities — statewide" is decreased from \$25,000,000 to \$0 and the appropriate totals are adjusted accordingly.

**Vetoed In Part**

**Vetoed In Part**

**3. Construction Projects**

**Governor's written objections**

*Sections 26m, 125 [as it relates to Non-state local project grant program], 126 [as it relates to s. 20.867 (3) (cw)] 307n, 309t and 9104 (1) (b) 1. a.*

This provision creates a grant program for construction projects for nonstate organizations. The Building Commission may authorize up to \$25,000,000 in general fund supported borrowing. Each grant may not exceed \$5,000,000.

I am partially vetoing this provision because I object to providing scarce state resources in this manner when there are higher priorities for this bonding. Under this partial veto, the Building Commission may award up to \$25,000,000 in general fund supported borrowing for construction projects with a public purpose. As I am retaining the \$3,000,000 allocation for the Incentive Community Foundation economic and community hub, I am directing that \$22,000,000 of this funding support the construction of a new Type 1 facility for the Department of Corrections to replace Lincoln Hills School and plan to bring such a motion before the Building Commission to move this project forward. This will ensure that, as soon as possible, the state is able to provide housing for youth closer to their homes and in the least restrictive appropriate setting.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 26m.** 13.48 (20m) of the statutes is created to read:

13.48 (20m) **GRANTS FOR LOCAL PROJECTS.** (a) The building commission shall establish and operate a grant program under this subsection to assist nonstate organizations to carry out construction projects having a public purpose. The building commission cannot award a grant for a construction project under this subsection unless the building commission first determines that the project is in the public interest and serves one or more public purposes that are statewide responsibilities of statewide dimension.

(b) The building commission may award a grant to any nonstate organization for a construction project that satisfies par. (a). The municipality, as defined in s. 59.001 (3), or county in which the construction project is or will

be located shall apply to the building commission for the grant on behalf of the nonstate organization carrying out the construction project.

(c) The building commission may authorize up to \$25,000,000 in general fund supported borrowing for grants awarded under par. (b). Each grant award cannot exceed \$5,000,000. Before considering each grant application, the building commission shall determine that the organization carrying out the project has secured additional funding for the project from nonstate revenue sources in an amount that is equal to at least 50 percent of the total cost of the project.

(d) If the building commission awards a grant under par. (b), and if, for any reason, the space that is constructed with funds from the grant is not used for one or more public purposes determined by the building

**Vetoed In Part**

**Vetoed In Part**

**Vetoed In Part**

**Vetoed In Part**

**Vetoed In Part**

**Vetoed In Part**  
**Vetoed In Part**

<b>Vetoed In Part</b>	commission under par. (a), the state shall retain an ownership interest in the constructed space equal to the amount of the state's grant.	reviewed and approved plans for the construction project associated with the grant. Notwithstanding ss. 16.85 (1) and 16.855 (1m), the department of administration cannot supervise any services or work or let any contract for the project. Section 16.87 does not apply to the project.	<b>Vetoed In Part</b>
	(e) The building commission cannot award a grant under par. (b) unless the department of administration has		

**SECTION 125.** 20.005 (2) of the statutes is repealed and recreated to read:  
20.005 (2) STATE BORROWING PROGRAM SUMMARY.

Building Commission

Non-state local project grant program	25,000,000	<b>Vetoed In Part</b>
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**SECTION 126.** 20.005 (3) of the statutes is repealed and recreated to read:  
**20.867 Building Commission**

(3) STATE BUILDING PROGRAM

(cw) Principal repayment, interest, and rebates; grants for local projects	GPR	S	-0-	-0-	<b>Vetoed In Part</b>
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**SECTION 307n.** 20.866 (2) (zcw) of the statutes is created to read:

20.866 (2) (zcw) *Building commission; grants for local projects.* From the capital improvement fund, a sum sufficient for the building commission to award grants under s. 13.48 (20m). The state may contract public debt in an amount not to exceed \$25,000,000 for this purpose.

**SECTION 309t.** 20.867 (3) (cw) of the statutes is created to read:

20.867 (3) (cw) *Principal repayment, interest, and rebates; grants for local projects.* A sum sufficient to

(b) BUILDING COMMISSION

1. *Projects financed by general fund supported borrowing:*

a. Grants for local projects — statewide	\$	25,000,000	<b>Vetoed In Part</b>
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reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the construction of a project under s. 13.48 (20m), to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing the project, and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

**SECTION 9104. Nonstatutory provisions; Building Commission.**

(1) AUTHORIZED STATE BUILDING PROGRAM.

**Vetoed  
In Part**

**Vetoed  
In Part**

**Vetoed  
In Part**

**4. Center Bonding**

**Governor's written objections**

*Sections 26o, 125 [as it relates to Northern Wisconsin Regional Crisis Center], 126 [as it relates to s. 20.867 (3) (cx)], 307o, 309u, 9104 (1) (b) 1. b., and 9104 (10)*

This provision creates a grant program to a nonstate organization for the establishment of a northern Wisconsin regional crisis center. The Building Commission may authorize up to \$15,000,000 in general fund supported borrowing for this purpose. Prior to issuing a grant, the Building Commission must first determine that the project is in the public interest and serves one or more public purposes that are statewide responsibilities of statewide dimension.

I am partially vetoing this provision because I object to this project not following the normal enumeration process that has been established by the Building Commission. Under this partial veto, the Building Commission may award up to \$15,000,000 in general fund supported borrowing for a center. I am directing that this funding be used to support the expansion of the Mendota Juvenile Treatment Center by the Department of Health Services and plan to bring such a motion before the Building Commission to move this project forward. This will ensure that the state is able to provide appropriate mental health treatment for youth.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 260.** 13.48 (20s) of the statutes is created to read:

**Vetoed  
In Part**

13.48 (20s) **NORTHERN WISCONSIN REGIONAL CRISIS CENTER.** (a) The building commission may award a grant under this subsection to a nonstate organization for the establishment of a northern Wisconsin regional crisis center. The building commission cannot award a grant under this subsection unless the building commission first determines that the project is in the public interest and serves one or more public purposes that are statewide responsibilities of statewide dimension.

**Vetoed  
In Part**

(b) Subject to approval of the joint committee on finance, the building commission may authorize up to \$15,000,000 in general fund supported borrowing for a grant awarded under par. (a).

**Vetoed  
In Part**

**Vetoed  
In Part**

**Vetoed  
In Part**

(c) If the building commission awards a grant under par. (a), and if, for any reason, the space that is constructed with funds from the grant is not used for one or more public purposes determined by the building commission under par. (a), the state shall retain an ownership interest in the constructed space equal to the amount of the state's grant.

**SECTION 125.** 20.005 (2) of the statutes is repealed and recreated to read:

20.005 (2) STATE BORROWING PROGRAM SUMMARY.

Building Commission

Northern Wisconsin Regional Crisis Center	15,000,000
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**Vetoed  
In Part**

**SECTION 126.** 20.005 (3) of the statutes is repealed and recreated to read:

**20.867 Building Commission**

(3) STATE BUILDING PROGRAM

(cx) Principal repayment, interest, and rebates; northern Wisconsin regional crisis center

GPR	S	-0-	-0-
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**Vetoed  
In Part**

**SECTION 307o.** 20.866 (2) (zcx) of the statutes is created to read:

**Vetoed  
In Part**

**Vetoed  
In Part**

20.866 (2) (zcx) *Northern Wisconsin regional crisis center.* From the capital improvement fund, a sum sufficient for the building commission to award grants under s. 13.48 (20s). The state may contract public debt in an amount not to exceed \$15,000,000 for this purpose.

**SECTION 309u.** 20.867 (3) (cx) of the statutes is created to read:

**Vetoed  
In Part**

20.867 (3) (cx) *Principal repayment, interest, and rebates; northern Wisconsin regional crisis center.* A

(b) BUILDING COMMISSION

1. *Projects financed by general fund supported borrowing:*

b. Northern Wisconsin regional crisis center	15,000,000
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**Vetoed  
In Part**

**Vetoed  
In Part**

(10) **NORTHERN WISCONSIN REGIONAL CRISIS CENTER.** The building commission cannot make a grant to a nonstate organization for the establishment of a northern Wisconsin regional crisis center, as enumerated in sub.

sum sufficient to reimburse s. 20.866 (1) (u) for the payment of principal and interest costs incurred in financing the construction of a project under s. 13.48 (20s), to make the payments determined by the building commission under s. 13.488 (1) (m) that are attributable to the proceeds of obligations incurred in financing the project, and to make payments under an agreement or ancillary arrangement entered into under s. 18.06 (8) (a).

**SECTION 9104. Nonstatutory provisions; Building Commission.**

(1) AUTHORIZED STATE BUILDING PROGRAM.

(1) (b) 1. b., under s. 13.48 (20s), unless the department of administration has reviewed and approved plans for the project. Notwithstanding ss. 16.85 (1) and 16.855 (1m), the department of administration cannot supervise

**Vetoed  
In Part**

**Vetoed In Part** any services or work or let any contract for the project.  
Section 16.87 does not apply to the project.

**5. Corrections Bonding**

**Governor’s written objections**

*Sections 125 [as it relates to Correctional facilities], 306g and 306h*

This provision reduces the bonding authority for correctional facilities from \$951,679,900 to \$950,412,900.

I am vetoing this provision because I object to reducing bonding authority for correctional facilities at a time when the Department of Corrections is facing multiple infrastructure needs after years of neglect. The Legislature previously authorized \$951,679,900 in bonding authority for this purpose, and I believe that the bonding authority should be utilized for the department.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 125.** 20.005 (2) of the statutes is repealed and recreated to read:  
20.005 (2) STATE BORROWING PROGRAM SUMMARY.

Corrections

Correctional facilities	-1,267,000
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**Vetoed In Part**

**Vetoed In Part** **SECTION 306g.** 20.866 (2) (ux) of the statutes is renumbered 20.866 (2) (ux) 1.

20.866 (2) (ux) 2. On the effective date of this subdivision ... [LRB inserts date], the amount specified in subd. 1. is decreased by \$1,267,000.

**Vetoed In Part**

**SECTION 306h.** 20.866 (2) (ux) 2. of the statutes is created to read:

**6. Assistant District Attorney Position Distribution**

**Governor’s written objections**

*Section 9210 (1f)*

This section provides funding and position authority to increase the authorized FTE assistant district attorney positions by 34.85 FTE GPR positions beginning on October 1, 2019. The section also allocates the positions to 32 different counties.

I am partially vetoing this section because I object to earmarking the positions to certain counties instead of assigning them to where they are most needed. I am directing the Department of Administration to work with the State Prosecutors Office to allocate the positions to counties in a manner that considers need holistically, including staffing needs based on creation or expansion of treatment alternatives and diversion programs, meeting with victims prior to charging, addressing backlogs, and utilizing available workload analyses. I have heard from public safety professionals that an allocation that considers these factors will help reduce the incarceration of nonviolent offenders and enable the district attorneys to take a thoughtful approach to cases, including utilizing diversion programs and other alternatives to incarceration, while maintaining public safety.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 9210. Fiscal changes; District Attorneys.**  
(1f) ADDITIONAL ASSISTANT DISTRICT ATTORNEY POSITIONS. In the schedule under s. 20.005 (3) for the appro-

priation to the district attorneys under s. 20.475 (1) (d), the dollar amount for fiscal year 2019–20 is increased by \$1,430,000 to increase the authorized FTE assistant dis-

district attorney positions by 34.85 GPR positions beginning on October 1, 2019. In the schedule under s. 20.005 (3) for the appropriation to the district attorneys under s. 20.475 (1) (d), the dollar amount for fiscal year 2020–21 is increased by \$2,162,000 to provide funding for the positions authorized under this subsection. The assistant district attorney positions shall be apportioned as follows to the prosecutorial units for the following counties:

- (a) Ashland County shall receive 0.6 assistant district attorney position.
- (b) Brown County shall receive 2.0 assistant district attorney positions.
- (c) Calumet County shall receive 1.0 assistant district attorney position.
- (d) Chippewa County shall receive 1.0 assistant district attorney position.
- (e) Columbia County shall receive 1.0 assistant district attorney position.
- (f) Dane County shall receive 0.15 assistant district attorney position.
- (g) Dodge County shall receive 1.0 assistant district attorney position.
- (h) Douglas County shall receive 1.0 assistant district attorney position.
- (i) Dunn County shall receive 1.0 assistant district attorney position.
- (j) Eau Claire County shall receive 1.0 assistant district attorney position.
- (k) Fond du Lac County shall receive 2.0 assistant district attorney positions.
- (L) Green County shall receive 0.5 assistant district attorney position.
- (m) Jefferson County shall receive 0.7 assistant district attorney position.
- (n) Kenosha County shall receive 1.0 assistant district attorney position.

- (o) La Crosse County shall receive 1.0 assistant district attorney position.
- (p) Manitowoc County shall receive 1.0 assistant district attorney position.
- (q) Marathon County shall receive 2.0 assistant district attorney positions.
- (r) Marquette County shall receive 0.6 assistant district attorney position.
- (s) Monroe County shall receive 1.0 assistant district attorney position.
- (t) Outagamie County shall receive 1.0 assistant district attorney position.
- (u) Ozaukee County shall receive 0.7 assistant district attorney position.
- (v) Portage County shall receive 1.0 assistant district attorney position.
- (vm) Price County shall receive 0.5 assistant district attorney position.
- (w) Racine County shall receive 1.0 assistant district attorney position.
- (x) St. Croix County shall receive 1.0 assistant district attorney position.
- (y) Shawano and Menominee counties shall receive 1.0 assistant district attorney position.
- (z) Sheboygan County shall receive 1.5 assistant district attorney positions.
- (aa) Taylor County shall receive 0.5 assistant district attorney position.
- (ab) Walworth County shall receive 1.0 assistant district attorney position.
- (ac) Waukesha County shall receive 2.5 assistant district attorney positions.
- (ad) Waushara County shall receive 0.6 assistant district attorney position.
- (ae) Winnebago County shall receive 2.0 assistant district attorney positions.
- (af) Wood County shall receive 1.0 assistant district attorney position.

**Vetoed  
In Part**

**Vetoed  
In Part**

**Vetoed  
In Part**

**7. One Step Pay Progression**

**Governor’s written objections**

*Section 9210 (1e)*

This section provides \$1,246,600 GPR in fiscal year 2019–20 and \$2,231,300 GPR in fiscal year 2020–21 to provide a one step pay progression increase to eligible district attorneys on both July 1, 2019, and July 1, 2020.

I am partially vetoing this section because I object to appropriating funds that could not be spent as currently drafted. While state statute allows for pay progression for deputy district attorneys and assistant district attorneys, district attorneys are not eligible to receive pay progression steps because their salary is set by statute. Instead, I am correcting the statutory language by eliminating the requirement that the pay progression be paid to the district attorneys. This will allow the one step increase to be awarded to eligible deputy district attorneys and assistant district attorneys. While I understand that state law requires pay progression to be awarded entirely based on merit, it is my hope that each eligible assistant district attorney and deputy district attorney receive a pay progression increase that is no less than the 2 percent increase each year, as I proposed originally in this budget.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 9210. Fiscal changes; District Attorneys.**

(1e) ONE-STEP PAY PROGRESSION INCREASE. In the schedule under s. 20.005 (3) for the appropriation to the district attorneys under s. 20.475 (1) (em), the dollar amount for fiscal year 2019–20 is increased by \$1,246,600 to provide a one-step pay progression

increase to eligible district attorneys on July 1, 2019. In the schedule under s. 20.005 (3) for the appropriation to the district attorneys under s. 20.475 (1) (em), the dollar amount for fiscal year 2020–21 is increased by \$2,231,300 to provide a one-step pay progression increase to eligible district attorneys on July 1, 2020.

**Vetoed  
In Part**

**Vetoed  
In Part**

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**8. Diversion Pilot Program**

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**Governor’s written objections**

*Section 9127 (2)*

This provision continues the diversion pilot program for nonviolent offenders to be diverted to a treatment program. It also requires the Department of Justice to submit a report by September 1, 2020, to the Joint Committee on Finance describing the services, sites, capabilities and progress of the diversion pilot program for nonviolent offenders.

I am partially vetoing this provision to remove the reporting requirement. I object to a requirement that is unnecessary and administratively burdensome.

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**Cited segments of 2019 Assembly Bill 56:**

**SECTION 9127. Nonstatutory provisions; Justice.**

(2) DIVERSION PILOT PROGRAM. From s. 20.455 (2) (en), the department of justice shall establish a diversion pilot program for nonviolent offenders to be diverted to a treatment program. The department shall submit to the

joint committee on finance by September 1, 2020, a report describing the services, sites, capabilities, and progress of the pilot program.

**Vetoed  
In Part**

**Vetoed  
In Part**

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**9. Beat Patrol Program**

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**Governor’s written objections**

*Sections 232m, 1799m and 9427 (3p)*

This provision creates a new appropriation to fund law enforcement officer supplement grants with GPR for the 2019–21 biennium. The provision would also repeal the new GPR appropriation on July 1, 2021.

I am partially vetoing this provision to remove the July 1, 2021, repeal of the GPR appropriation because I object to removing the option to fund this program with GPR. The law enforcement officer supplement grant has historically been funded by the justice information fee. The justice information fee is frequently in deficit. Leaving the GPR appropriation in place would provide the Department of Justice with additional flexibility when making its budget request for law enforcement officer supplement grants for the 2021–23 biennium. Providing a stable funding source for this program is critical to ensuring public safety and giving our law enforcement officers the tools they need to safely protect our communities.

**Cited segments of 2019 Assembly Bill 56:**

**Vetoed  
In Part  
Vetoed  
In Part**

**SECTION 232m.** 20.455 (2) (bm) of the statutes, as created by 2019 Wisconsin Act .... (this act), is repealed.

**SECTION 1799m.** 165.986 (1) of the statutes, as affected by 2019 Wisconsin Act .... (this act), is amended to read:

165.986 (1) The department of justice shall provide grants from the ~~appropriations~~ appropriation under s. 20.455 (2) (bm) and (kb) to cities to employ additional uniformed law enforcement officers whose primary duty is beat patrolling. A city is eligible for a grant under this subsection in fiscal year 1994–95 if the city has a population of 25,000 or more. A city may receive a grant for a

calendar year if the city applies for a grant before September 1 of the preceding calendar year. Grants shall be awarded to the 10 eligible cities submitting an application for a grant that have the highest rates of violent crime index offenses in the most recent full calendar year for which data is available under the uniform crime reporting system of the federal bureau of investigation.

**SECTION 9427. Effective dates; Justice.**

(3p) **LAW ENFORCEMENT OFFICER SUPPLEMENT GRANTS.** The treatment of s. 165.986 (1) (by SECTION 1799m) and the repeal of s. 20.455 (2) (bm) take effect on July 1, 2021.

**Vetoed  
In Part**

**Vetoed  
In Part**

**10. Treatment Alternatives and Diversion**

**Governor’s written objections**

*Section 233*

This section creates a new appropriation to the alternatives to incarceration program in counties that currently do not participate in the alternatives to incarceration program.

To address concerns raised by the Attorney General, I am partially vetoing this section to remove the requirement that only counties that currently do not participate in the alternatives to incarceration program are eligible for funding from this appropriation. I object to limiting flexibility for the Department of Justice. This change will ensure all the funds are invested in treatment alternatives and diversion. Although I am allowing the department flexibility to utilize funds in this appropriation for counties that already participate in the alternatives to incarceration program when needed, I request that the Department of Justice prioritize the funds in this appropriation for counties that currently do not participate in the alternatives to incarceration program prior to expanding existing programs from this appropriation.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 233.** 20.455 (2) (ek) of the statutes is created to read:

20.455 (2) (ek) *Alternatives to incarceration grant program.* The amounts in the schedule to provide grants

under s. 165.95 (2) to counties that are not a recipient of a grant under the alternatives to incarceration grant program on the effective date of this paragraph ... [LRB inserts date] .

**Vetoed  
In Part**

**11. Chronic Wasting Disease Research**

**Governor’s written objections**

*Section 9132 (3y)*

This section provides \$100,000 in conservation SEG in fiscal year 2020–21 for research into genetic resistance to chronic wasting disease in farm raised deer. The research is to be conducted at a double-fenced deer farm in the southern part of the state that has tested positive for chronic wasting disease.

I am partially vetoing this section because I object to limiting the flexibility of the department to perform research on chronic wasting disease to only certain areas of the state. Instead, I am directing the Department of Natural Resources to study all available options and use the funds for scientific research on chronic wasting disease that is likely to lead to the most success in improving deer management practices in Wisconsin.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 9132. Nonstatutory provisions; Natural Resources**

(3y) CHRONIC WASTING DISEASE RESEARCH. The department of natural resources shall make a onetime expenditure of \$100,000 from s. 20.370 (1) (hx) to fund research into genetic resistance to chronic wasting dis-

ease in farm-raised deer. The department shall conduct the research at a double-fenced deer farm in the southern part of the state where chronic wasting disease was detected in a farm-raised deer in the spring of 2018.

**Vetoed  
In Part**

**Vetoed  
In Part**

**12. Repair of State Trails**

**Governor's written objections**

*Section 9132 (3x)*

This section directs the Department of Natural Resources to conduct necessary repairs to the portion of the 400 Trail between the village of La Valle in Sauk County and the village of Union Center in Juneau County and the portion of the Elroy-Sparta Trail between the city of Elroy in Juneau County and the village of Norwalk in Monroe County.

I am vetoing this section because I object to directing the department to repair specific trails. The flooding of 2018 caused damage throughout the state trails system, not just on these two trails. This veto would allow the department to prioritize repairs based on the best interests of the state and all trail users.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 9132. Nonstatutory provisions; Natural Resources**

(3x) REPAIR OF STATE TRAILS. In fiscal year 2019-20, from s. 20.370 (7) (hu), the department of natural resources shall conduct necessary repairs to the portion

of the 400 Trail between the village of La Valle in Sauk County and the village of Union Center in Juneau County and the portion of the Elroy-Sparta Trail between the city of Elroy in Juneau County and the village of Norwalk in Monroe County.

**Vetoed  
In Part**

**Vetoed  
In Part**

**13. Well Compensation Grant**

**Governor's written objections**

*Section 126 [as it relates to s. 20.865 (4) (u)]*

This provision provides \$400,000 SEG in each fiscal year in the appropriation under s. 20.865 (4) (u). The Department of Natural Resources could request the release of the funds under s. 13.10. The funds could be utilized for the well compensation grant program, although no provision in the bill would direct the funds to be expended on that program.

I am partially vetoing section 126 [as it relates to s. 20.865 (4) (u)] by lining out the amount under s. 20.865 (4) (u) and writing in a smaller amount that reduces the appropriation by \$400,000 SEG in each fiscal year because I object to appropriating funds that cannot be expended. The Department of Natural Resources is currently unable to expend its base level of funding for the well compensation program given the restrictive nature of current eligibility standards. Given that I have declared 2019 as the Year of Clean Drinking Water, I included programmatic changes in my budget recommendations that would have greatly expanded the eligibility of the well compensation program to additional Wisconsin residents and would have allowed the department to utilize these funds to address contaminated drinking water across the state. Without the needed programmatic changes to the well compensation program, I object to appropriating additional funds that the department would not be able to expend. I am requesting the Department of Administration secretary not to allot these funds.



**Cited segments of 2019 Assembly Bill 56:**

**SECTION 126.** 20.005 (3) of the statutes is repealed and recreated to read:

**20.865 Program Supplements**

(4)	JOINT COMMITTEE ON FINANCE SUPPLEMENTAL APPROPRIATIONS				
(u)	Segregated funds general program supplementation	SEG	S	400,000	400,000

**Vetoed  
In Part**

**14. Producer Led Watershed Grants**

**Governor’s written objections**

*Section 130m*

This section reduces the amount of money the Department of Agriculture, Trade and Consumer Protection can distribute to groups for producer led watershed protection grants from \$750,000 annually to \$500,000 annually.

I am partially vetoing this section because I object to reducing funding for producer led watershed protection grants. The producer led watershed protection grant program provides funding to projects that focus on ways to prevent and reduce runoff from farm fields. In fiscal year 2018–19, the department received \$869,800 in requests from producer led watershed protection groups and awarded \$750,000 in grants to 24 groups. Especially given that I have declared 2019 to be the Year of Clean Drinking Water, I do not support reducing the funding to \$500,000 annually, which would negatively impact water quality in the state.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 130m.** 20.115 (7) (qf) of the statutes is amended to read:

20.115 (7) (qf) *Soil and water management; aids.* From the environmental fund, the amounts in the schedule for cost-sharing grants and contracts under the soil and water resource management program under s. 92.14, but not for the support of local land conservation person-

nel, and for producer led watershed protection grants under s. 93.59. The department shall allocate funds, in an amount that does not exceed ~~\$750,000 in each fiscal year of the 2017–19 fiscal biennium and \$250,000~~ \$500,000 in each fiscal year thereafter, for the producer led watershed protection grants.

**Vetoed  
In Part**

**B. EDUCATION AND WORKFORCE DEVELOPMENT**

**15. Per Pupil Aid**

**Governor’s written objections**

*Section 1459*

This provision sets the per pupil aid payment at \$679 in fiscal year 2019–20 and \$704 in fiscal year 2020–21. This is an annual increase of \$25 per pupil in each year of the biennium.

I am partially vetoing this provision to increase the per pupil aid payment in each year after the 2018–19 school year to \$679 and \$63 for a total of \$742. I object to the continued drastic underfunding of Wisconsin’s public school children and believe that while the increases in this budget are important, they do not go far enough. Republicans failed to meet the recommendation of their own Blue Ribbon Commission to get to two-thirds funding for our schools. Based on the feedback I heard from the people of Wisconsin, my budget proposed a large but appropriate investment, particularly in special education, because we cannot continue asking folks to tax themselves at the local level to pay for priorities the

state should fund. As a result of this veto, school districts will receive immediate additional unrestricted resources to help every student in the state. Even with this change, there is still much more we need to do to ensure that our kids and schools have the resources they need.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 1459.** 115.437 (2) (a) of the statutes is amended to read:

115.437 (2) (a) Except as provided in par. (b), annually on the 4th Monday of March, the department shall pay to each school district an amount equal to the average of the number of pupils enrolled in the school district in the current and 2 preceding school years multiplied by

\$75 in the 2013–14 school year, by \$150 in the 2014–15 and 2015–16 school years, by \$250 in the 2016–17 school year, by \$450 in the 2017–18 school year, by \$654 in the 2018–19 school year, by \$679 in the subsequent school year, and by \$630 in each school year thereafter by \$704. The department shall make the payments from the appropriation under s. 20.255 (2) (aq).

**Vetoed  
In Part  
Vetoed  
In Part**

**16. Supplemental Per Pupil Aid**

**Governor’s written objections**

*Section 1464f*

This provision creates a grant program that provides \$2,800,000 in fiscal year 2019–20 and \$2,500,000 in fiscal year 2020–21 for supplemental per pupil aid. Districts would be eligible for this aid if the district’s net per pupil payment from the general school aids appropriation is less than the difference between \$1,000 and the per pupil categorical aid payment amount for that year (\$679 per pupil in the 2019–20 school year and \$704 per pupil in the 2020–21 school year). The payment for an eligible district would be equal to \$1,000 less the per pupil categorical aid payment amount for that year less the district’s net per pupil payment from the general school aids appropriation, multiplied by the enrollment used to calculate the district’s per pupil aid in that year.

I am partially vetoing this provision to expand eligibility for supplemental per pupil aid. I object to creating an appropriation that will have a disequalizing impact on our school finance system by benefitting only a small number of districts. Expanding the eligibility allows all districts to be eligible for aid. I believe that state support should be available to as many districts as possible. Given that the Legislature failed to provide sufficient funding for all school districts, these additional dollars should be allocated to help every student in the state. I am requesting the Department of Public Instruction to distribute this funding to all school districts.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 1464f.** 115.439 of the statutes is created to read:

**115.439 Supplemental per pupil aid. (1) DEFINITIONS.** In this section:

(a) “Membership” means the membership used by the department to calculate a school district’s aid under s. 121.08 in the current school year.

(b) “Number of pupils enrolled” has the meaning given in s. 115.437.

(c) “State aid” means aid under ss. 121.08, 121.09, and 121.105 and subch. VI, as calculated for the current school year on October 15 under s. 121.15 (4) and including adjustments made under s. 121.15 (4).

(2) **ELIGIBILITY.** (a) A school district is eligible for aid under this section if the amount calculated under par. (b) is less than the amount calculated under par. (c).

(b) Divide the school district’s state aid by the school district’s membership.

(c) Subtract the per pupil amount under s. 115.437 (2) (a) for the current school year from \$1,000.

(3) **AID PAYMENTS.** Beginning in the 2019–20 school year, annually on the 4th Monday of March, the department shall pay to each eligible school district an amount calculated as follows:

(a) Subtract the amount calculated for the eligible school district under sub. (2) (b) from the amount calculated under sub. (2) (c).

(b) Multiply the difference determined under par. (a) by the average of the number of pupils enrolled in the school district in the current and 2 preceding school years.

**Vetoed  
In Part**

**Vetoed  
In Part**

**Vetoed  
In Part**

**Vetoed  
In Part**

**Vetoed  
In Part  
Vetoed  
In Part**

**Vetoed  
In Part**

**17. Medical College of Wisconsin Cancer Research Facility**

**Governor’s written objections**

*Sections 27f and 9104 (1) (L) 1. a., 2. a. and 3.*

These provisions require the Medical College of Wisconsin to secure funding for the construction of a cancer research facility in Milwaukee County in the amount of \$85,000,000 from nonstate revenues before the Building Commission may approve any state funding commitment, with the total project cost amounting to \$95,000,000.

By using the digit veto, I am partially vetoing these provisions to require the Medical College of Wisconsin to secure \$8,500,000, rather than \$85,000,000, from nonstate revenues prior to receiving state funding. I am also vetoing the total project cost of \$95,000,000. I object to setting an unrealistic and unreasonable requirement for the Medical College of Wisconsin to receive state funding. I believe the lower amount represents a more reasonable requirement in the context of total project costs and timing. Setting a reasonable match requirement will ensure that this important project is able to move forward with state support.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 27f.** 13.48 (31) (f) of the statutes is created to read:

13.48 (31) (f) The building commission may authorize up to \$10,000,000 in general fund supported borrowing to assist the Medical College of Wisconsin, Inc., in the construction of a cancer research facility in Milwaukee County. The state funding commitment shall be in the form of a grant to the Medical College of Wisconsin, Inc. Before approving any state funding commitment for

the construction of the cancer research facility, the building commission shall determine that the Medical College of Wisconsin, Inc., has secured additional funding for the project of at least \$85,000,000 from nonstate revenue sources.

**SECTION 9104. Nonstatutory provisions; Building Commission.**

(1) AUTHORIZED STATE BUILDING PROGRAM.

**Vetoed  
In Part**

(L) MEDICAL COLLEGE OF WISCONSIN — CANCER RESEARCH FACILITY — MILWAUKEE

1. *Projects financed by general fund supported borrowing:*

a. Medical College of Wisconsin — Cancer Research Facility	\$	10,000,000
(Total project all funding sources \$95,000,000)		

2. *Projects financed by gifts, grants, and other receipts:*

a. Medical College of Wisconsin — Cancer Research Facility		85,000,000
(Total project all funding sources \$95,000,000)		

3. *Agency totals:*

Gifts, grants, and other receipts		85,000,000
Total — All sources of funds	\$	95,000,000

**Vetoed  
In Part**

**Vetoed  
In Part**

**Vetoed  
In Part**

**18. University of Wisconsin – Green Bay Cofrin Library Renovation**

**Governor’s written objections**

*Section 9104 (11) (a) 1.*

This provision provides \$500,000 of advanced planning funds for renovation of the Cofrin Library at the University of Wisconsin – Green Bay.

I am vetoing this provision to remove the advanced planning funds for renovation of the Cofrin Library at the University of Wisconsin – Green Bay because I object to spending funds when a preliminary use study is just getting under way. As such, project design is premature at this time.

Cited segments of 2019 Assembly Bill 56:

SECTION 9104. Nonstatutory provisions; Building Commission.

(11) ADVANCED PLANNING FOR UNIVERSITY OF WISCONSIN SYSTEM FACILITIES.

(a) From s. 20.867 (2) (r), the building commission

shall allocate moneys to develop preliminary plans and specifications for the construction of University of Wisconsin System facilities, as follows:

- 1. \$500,000 for renovation of the Cofrin Library at UW-Green Bay.

Vetoed In Part

19. Health Professional Scholarship Program

Governor's written objections

Sections 126 [as it relates to ss. 20.235 (1) (dg) and 20.235 (1) (dr)], 135g, 135r and 392m [as it relates to s. 39.465 (1) (a), (b), (d), (e), (2), (3) (a) and (b), (4), and (5)]

These provisions create a new annual appropriation and provide \$800,000 GPR in fiscal year 2020-21 for the Higher Educational Aids Board to provide annual scholarships to no more than five first-year students, including a stipend, equal to \$40,000 for each year of a Marquette University School of Dentistry student's enrollment (but not exceeding four years). Recipients must agree to practice in a dental health shortage area, excluding Brown, Dane, Kenosha, Milwaukee and Waukesha counties. In addition, these provisions create a new biennial appropriation and provide \$350,000 GPR in the 2019-21 biennium for the board to make grants to the Marquette University School of Dentistry to defray the school's administrative costs related to the rural dentistry scholarship program.

I am vetoing section 135r in its entirety and partially vetoing sections 126, 135g and 392m. I am vetoing the requirement that the students commit to practice dentistry in a dental health shortage area because I object to limiting the funding to one health care practice area and I believe it is important to provide additional resources to support health care professionals practicing in all health care shortage areas across the state. I am vetoing the exclusion of counties for the same reason, as I believe health care professionals should be encouraged to practice where there is need and regardless of location. I am vetoing the limitation on the number of scholarships that can be provided annually and the dollar amount associated with each scholarship because I object to restricting the number of students that could receive awards if more than five first-year students commit to practicing in health shortage areas and there are sufficient resources to fund additional students. Finally, I am vetoing the appropriation for Marquette University School of Dentistry administrative costs related to the program because, as expanded, I object to earmarking funding to the dentistry school when it is unnecessary.

Cited segments of 2019 Assembly Bill 56:

SECTION 126. 20.005 (3) of the statutes is repealed and recreated to read:

20.235 Higher Educational Aids Board

(1) STUDENT SUPPORT ACTIVITIES

(dg) Rural dentistry scholarship program; scholarships

GPR A -0- 800,000

(dr) Rural dentistry scholarship program; administration

GPR B -0- 350,000

Vetoed In Part

Vetoed In Part

SECTION 135g. 20.235 (1) (dg) of the statutes is created to read:

20.235 (1) (dg) Rural dentistry scholarship program; scholarships. The amounts in schedule for scholarships under the program established under s. 39.465 (2).

20.235 (1) (dr) Rural dentistry scholarship program; administration. Biennially, the amounts in the schedule for grants under s. 39.465 (5).

Vetoed In Part

SECTION 392m. 39.465 of the statutes is created to read:

SECTION 135r. 20.235 (1) (dr) of the statutes is created to read:

39.465 Rural dentistry scholarship program. (1) DEFINITIONS. In this section:

Vetoed In Part

Vetoed In Part

Vetoed In Part

Vetoed  
In Part

(a) "Actual practice total" is the total number of months that a student upon graduation practices dentistry in a dental health shortage area in this state. For purposes of this paragraph, a fraction of a month is counted as one month.

Vetoed  
In Part

(b) "Dental health shortage area" has the meaning given in s. 36.60 (1) (ad), except that "dental health shortage area" does not include an area in the county of Brown, Dane, Kenosha, Milwaukee, or Waukesha.

Vetoed  
In Part

(d) "Required practice total" means the total number of months a student upon graduation is required under sub. (3) to practice dentistry in a dental health shortage area in this state.

Vetoed  
In Part

(e) "School" means the Marquette University School of Dentistry.

Vetoed  
In Part

(2) SCHOLARSHIPS. In consultation with the department of health services, the board shall establish a program for awarding to no more than 5 first-year students an annual scholarship, including a stipend, equal to \$40,000 for each year of a student's enrollment but not exceeding 4 years. The board shall pay the scholarships from the appropriation account under s. 20.235 (1) (dg).

(3) ELIGIBILITY; AGREEMENTS. (a) A student is not eligible for a scholarship under the program established

under sub. (2) unless he or she is a resident of the state and enters into an agreement with board in which he or she agrees upon graduation to practice dentistry in a dental health shortage area in this state for a period equal to 18 months multiplied by the number of annual scholarships the board awards to the student under the program.

(b) An agreement under par. (a) shall specify that if a student fails to practice dentistry in a dental health shortage area in this state for the period required under par. (a), he or she is liable to the state for an amount equal to the total dollar amount of annual scholarships awarded to the student multiplied by the student's repayment liability percentage.

(4) GEOGRAPHIC DIVERSITY. In cooperation with the school, the board shall make every effort to ensure that students who are awarded scholarships under the program established under sub. (2) practice dentistry upon graduation in geographically diverse dental health shortage areas in this state.

(5) ADMINISTRATIVE GRANTS. The board shall make grants from the appropriation account under s. 20.235 (1) (dr) to the school to defray the school's administrative costs related to the program established under sub. (2).

Vetoed  
In Part

Vetoed  
In Part

Vetoed  
In Part

Vetoed  
In Part

Vetoed  
In Part

**20. University of Wisconsin – Stevens Point Paper Science Program**

**Governor's written objections**

*Section 361*

This section requires the Board of Regents to create a 1.0 FTE position in the paper science program at the University of Wisconsin – Stevens Point.

I am partially vetoing this section because I object to the language which indicates that a position must be created as the position already exists. Instead, I am partially vetoing the section to make clear that a position must be maintained in the paper science program.

**Cited segments of 2019 Assembly Bill 56:**

SECTION 361. 36.25 (57) of the statutes is created to read:

36.25 (57) UNIVERSITY OF WISCONSIN-STEVENS POINT PAPER SCIENCE PROGRAM. The Board of Regents

shall ensure that at least 1.0 full-time equivalent position, funded from the appropriation under s. 20.285 (1) (qm), is created in the paper science program at the University of Wisconsin-Stevens Point.

Vetoed  
In Part

**21. Safety and Building Operations Transfer**

**Governor's written objections**

*Section 9238 (2t)*

This section requires the Department of Safety and Professional Services to transfer \$5,000,000 from the appropriation account under s. 20.165 (2) (j) to the general fund in fiscal year 2019-20. This appropriation funds the department's inspections and plan reviews for commercial buildings as well as other safety-related activities.

I am vetoing this section in its entirety as I object to this transfer of funds. Regulation of safety and building operations supports economic growth and stability while protecting the citizens of Wisconsin. These funds should be retained by the department to enhance service levels.

Cited segments of 2019 Assembly Bill 56:

SECTION 9238. Fiscal changes; Safety and Professional Services.  
(2t) SAFETY AND BUILDING OPERATIONS TRANSFER.

There is transferred from s. 20.165 (2) (j) to the general fund \$5,000,000 in the 2019-20 fiscal year.

Vetoed In Part

Vetoed In Part

22. Grants for Training in County Jails from Wisconsin Fast Forward

Governor's written objections

Sections 1325h and 1325p

These sections require the Department of Workforce Development to allocate to the Department of Corrections \$200,000 in fiscal year 2019-20 and \$320,000 in fiscal year 2020-21 for the creation and operation of mobile classrooms, and \$225,000 in fiscal year 2019-20 and \$262,500 in fiscal year 2020-21 for the creation and operation of institutional job centers at six eligible institutions in fiscal year 2019-20 and seven eligible institutions in fiscal year 2020-21.

I am partially vetoing these sections to eliminate the requirement that the department allocate grants in a specified amount in each fiscal year to a specific number of institutions as I object to such specific figures being determined by the Legislature without consultation with the Department of Workforce Development and Department of Corrections. This partial veto will provide greater flexibility to the Department of Workforce Development while maintaining support for job training at correctional facilities from the Wisconsin Fast Forward program. I am directing the Department of Workforce Development and the Department of Corrections to work collaboratively to provide job training opportunities at correctional institutions.

Cited segments of 2019 Assembly Bill 56:

SECTION 1325h. 106.27 (1j) (a) of the statutes is amended to read:

106.27 (1j) (a) Of the amounts appropriated under s. 20.445 (1) (b), the department shall allocate ~~up to \$1,000,000~~ \$200,000 in the 2019-20 fiscal year and \$320,000 in the 2020-21 fiscal year for grants to the department of corrections to fund the creation and operation of mobile classrooms.

SECTION 1325p. 106.27 (1j) (ad) of the statutes is created to read:

106.27 (1j) (ad) In this paragraph, "eligible institution" means a minimum security correctional institution

or a medium security prison. Of the amounts appropriated under s. 20.445 (1) (b), the department shall allocate \$225,000 in the 2019-20 fiscal year for grants to the department of corrections to fund the creation and operation of institutional job centers at 6 eligible institutions and \$262,500 in the 2020-21 fiscal year for grants to the department of corrections to fund the creation and operation of institutional job centers at 7 eligible institutions. The department of corrections cannot use a grant under this paragraph to fund the creation and operation of more than one institutional job center at any eligible institution.

Vetoed In Part

Vetoed In Part

Vetoed In Part

Vetoed In Part

23. Northcentral Technical College Earmark

Governor's written objections

Section 9150 (7i)

This section would require the Department of Workforce Development to award grants in the amounts of \$75,000 in fiscal years 2019-20 and 2020-21 to the Northcentral Technical College board for workforce training in county jail facilities.

I am partially vetoing this section because I object to earmarks for specific technical college districts and believe this earmark is overly restrictive and burdensome. This partial veto will give the department greater flexibility in allocating dollars for workforce training in county jail facilities across the entire state.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 9150. Nonstatutory provisions; Workforce Development.**

(7i) GRANTS TO NORTHCENTRAL TECHNICAL COLLEGE FOR WORKFORCE TRAINING IN COUNTY JAIL FACILITIES. The department of workforce development shall award grants under s. 106.27 (1), in the amount of \$75,000 in fiscal year 2019–20 and \$75,000 in fiscal year 2020–21, to the district board for Northcentral Technical College for workforce training in county jail facilities. Notwith-

standing s. 106.27 (1) and any rule promulgated under s. 106.27 (2g) (a) 1., the department cannot require any matching funds to be provided as a condition of receiving the grants and the department shall award the grants notwithstanding any otherwise applicable eligibility criteria. Notwithstanding s. 106.27 (2g) (a) 2., the district board for Northcentral Technical College is not required to make application for the grants under this subsection.

**Vetoed  
In Part**

**Vetoed  
In Part**

**Vetoed  
In Part**

**24. Grants for Personal Care Worker Training from Wisconsin Fast Forward**

**Governor’s written objections**

*Section 9150 (5i)*

This section would require the Department of Workforce Development to allocate Wisconsin Fast Forward funding for grants to attract and retain personal care workers.

I am vetoing this section in its entirety because I object to constraining the department in responding to worker training needs and demands, and I want to provide greater flexibility to the department. The department is able to award grants for personal care workers in the Wisconsin Fast Forward program without this requirement.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 9150. Nonstatutory provisions; Workforce Development.**

(5i) FAST FORWARD GRANTS FOR PERSONAL CARE WORKERS. Of the amounts appropriated under s. 20.445 (1) (b) in the 2019–21 fiscal biennium, the department of

workforce development shall allocate moneys for a grant program that promotes the attraction and retention of personal care workers who provide home-based care and community-based care and that focuses on providing quality care.

**Vetoed  
In Part**

**Vetoed  
In Part**

**25. Grants for Shipbuilders from Wisconsin Fast Forward**

**Governor’s written objections**

*Section 1326 [as it relates to the deadline for expenditures]*

This section would require the Department of Workforce Development to allocate Wisconsin Fast Forward funding of \$1,000,000 in each year of the biennium to shipbuilders and require that shipbuilders receiving grants from Wisconsin Fast Forward expend all grant moneys before July 1, 2021.

I am partially vetoing this section to remove the requirement that grant funds be expended by the close of the 2019–21 biennium because I object to unnecessarily constraining the department’s flexibility to use appropriated funds to bolster the state’s workforce and economy.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 1326.** 106.27 (1u) of the statutes is created to read:

106.27 (1u) SHIPBUILDERS; TRAINING GRANTS. From the appropriation under s. 20.445 (1) (b), in each year of the 2019–21 fiscal biennium, the department shall allo-

cate \$1,000,000 for grants to shipbuilders in this state to train new and current employees. A shipbuilder that receives a grant under this subsection shall expend all grant moneys before July 1, 2021, for purposes of training new and current employees.

**Vetoed  
In Part**

**26. Youth Summer Jobs Programs**

**Governor’s written objections**

*Sections 230m and 1325b*

These sections eliminate the statutory reference for the department to implement and operate youth summer job programs only in first class cities.

I am vetoing these sections in their entirety because I object to diverting funding away from successful existing youth summer jobs programs in Milwaukee that rely on the current funding levels provided. As a result of this veto, the program will continue to be available only in first class cities.

**Cited segments of 2019 Assembly Bill 56:**

**Vetoed  
In Part**

**SECTION 230m.** 20.445 (1) (fm) of the statutes is amended to read:

20.445 (1) (fm) *Youth summer jobs programs.* The amounts in the schedule for youth summer jobs programs in 1st class cities under s. 106.18.

**Vetoed  
In Part**

**SECTION 1325b.** 106.18 of the statutes is amended to read:

**106.18 Youth summer jobs programs in 1st class cities.** From the appropriation account under s. 20.445 (1) (fm), the department shall implement and operate youth summer jobs programs in 1st class cities this state.

**Vetoed  
In Part**

**27. Approval of the Wisconsin History Museum and Reporting Requirement**

**Governor’s written objections**

*Sections 9104 (8) and 9121 (1t)*

Section 9104 (8) specifies that bonds cannot be issued for the construction of the Wisconsin History Museum, as enumerated, without prior approval from the Joint Committee on Finance. The Wisconsin Historical Society must also demonstrate fundraising for the facility in the amount of \$30 million. Section 9121 (1t) requires the Wisconsin Historical Society and Department of Veteran Affairs to jointly submit, no later than June 30, 2021, a report to the Joint Committee on Finance concerning improvements to museum facilities in the city of Madison.

I am partially vetoing section 9104 (8) related to the restriction of bond issuance for the Wisconsin History Museum because I object to the creation of burdensome additional administrative hurdles. The Building Commission will provide appropriate project oversight and approval by the Joint Committee on Finance is duplicative and unnecessary. In addition, I am vetoing section 9121 (1t) in its entirety because I object to such a report being submitted to the Joint Committee on Finance as it is not the appropriate state entity to review proposals related to building projects. I am directing both the Wisconsin Historical Society and Department of Veteran Affairs to jointly submit a report to the Governor and Secretary of Administration, by July 1, 2020, that outlines the long-term vision and plans for current and future museum facilities in the city of Madison.



Finally, I object to the undemocratic increasing concentration of power in the Joint Committee on Finance. It is inconsistent with our constitution's requirements for a legislative quorum, bicameral passage, and presentment to the Governor contained in Article 4, § 7 and Article 5, § 10 of the Wisconsin Constitution.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 9104. Nonstatutory provisions; Building Commission.**

(8) WISCONSIN HISTORY MUSEUM. No bonds may be issued for construction of the Wisconsin History Museum enumerated under sub. (1) i. 1. a. without prior approval of the joint committee on finance. The building commission cannot authorize construction under s. 13.48 (10) (a) of the Wisconsin History Museum until after the state historical society certifies to the commission that it

has raised \$30,000,000 in gifts, grants, and other receipts for the project.

**SECTION 9121. Nonstatutory provisions; Historical Society.**

(1t) REPORT ON MUSEUM FACILITIES. No later than June 30, 2021, the state historical society and the department of veterans affairs shall jointly submit a report to the joint committee on finance concerning improvements to their museum facilities in the city of Madison.

Vetoed  
In Part

Vetoed  
In Part

**28. Grants to Lakeland STAR Schools**

**Governor's written objections**

*Sections 126 [as it relates to s. 20.255 (2) (fa)], 163s, 163t, 9134 (5p), 9134 (6p) and 9434 (8p)*

These sections provide \$250,000 in fiscal year 2019–20 in a newly–created biennial appropriation for grants to the Lakeland STAR School and the Lakeland STAR Academy. Specifically, they require the Department of Public Instruction to provide a grant of \$83,000 during the biennium to the Minocqua J1 School District for the Lakeland STAR School and a grant of \$167,000 during the biennium to the Lakeland UHS School District for the Lakeland STAR Academy. No payments could be made from this appropriation after June 30, 2021. The schools must demonstrate matching funds from private donors prior to receiving the funds and the school districts must provide a report to the Legislature and the State Superintendent.

I am vetoing these sections in their entirety to eliminate the grant program for Lakeland STAR Schools. I object to providing state grants to specific schools when the Legislature has continued to drastically underfund Wisconsin's public school system as a whole. I believe that every kid in Wisconsin should be able to get a great education in a public school regardless of what district they live in, and that state funding decisions should not pick winners and losers among our children. Further, I believe that the federal grant the schools were recently awarded should effectively support students attending Lakeland STAR Schools.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 126.** 20.005 (3) of the statutes is repealed and recreated to read:

**20.255 Public Instruction, Department of**

(2) AIDS FOR LOCAL EDUCATIONAL PROGRAMMING

(fa) Grants to Lakeland STAR school	GPR	B	250,000	-0-
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**SECTION 163s.** 20.255 (2) (fa) of the statutes is created to read:

**20.255 (2) (fa) Grants to Lakeland STAR schools.** Biennially, the amounts in the schedule for the grants under 2019 Wisconsin Act .... (this act), section 9134 (5p) and (6p).

**SECTION 163t.** 20.255 (2) (fa) of the statutes, as created by 2019 Wisconsin Act .... (this act), is repealed.

**SECTION 9134. Nonstatutory provisions; Public Instruction.**

(5p) GRANTS TO LAKELAND STAR SCHOOL. From s. 20.255 (2) (fa), the department of public instruction shall provide a grant of \$83,000 in the 2019–21 fiscal biennium to the Minocqua J1 school district for the Lakeland STAR School. The department shall provide the grant under this subsection only if the Minocqua J1 school

Vetoed  
In Part

Vetoed  
In Part  
Vetoed  
In Part

**Vetoed  
In Part**

district provides evidence of having received matching funds from nongovernmental sources in an amount equal to the amount of the grant award. No later than July 1, 2021, the Minocqua J1 school district shall provide to the legislature and the department a report in the manner provided under s. 13.172 (2) describing the use of grant moneys received under this subsection.

(6p) GRANTS TO LAKELAND STAR ACADEMY. From s. 20.255 (2) (fa), the department of public instruction shall provide a grant of \$167,000 in the 2019–21 fiscal biennium to the Lakeland Union High School school district for the Lakeland STAR Academy. The department

shall provide the grant under this subsection only if the Lakeland Union High School school district provides evidence of having received matching funds from nongovernmental sources in an amount equal to the amount of the grant award. No later than July 1, 2021, the Lakeland Union High School school district shall provide to the legislature and the department a report in the manner provided under s. 13.172 (2) describing the use of grant moneys received under this subsection.

**SECTION 9434. Effective dates; Public Instruction.**

(8p) GRANTS TO LAKELAND STAR SCHOOLS. The repeal of s. 20.255 (2) (fa) takes effect on July 1, 2021.

**Vetoed  
In Part**

**Vetoed  
In Part**

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**29. Personal Electronic Computing Devices Grant Program**

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**Governor’s written objections**

*Section 126 [as it relates to s. 20.255 (2) (aw)]*

This provision provides \$9,187,500 GPR in each year for a grant program for schools to purchase mobile devices and supporting software and curriculum.

I am partially vetoing section 126 [as it relates to s. 20.255 (2) (aw)] by lining out the amounts under s. 20.255 (2) (aw) and writing in smaller amounts that reduce the appropriation by \$9,187,500 GPR in each fiscal year. I object to providing funds to districts on a per student basis using a membership calculation that does not match students enrolled in ninth grade. In addition, I believe that districts may choose to invest in technology through flexibility provided by the revenue limit increase and through the existing TEACH program. Further, these funds could more effectively be spent on programs that close achievement gaps. By lining out the amounts under s. 20.255 (2) (aw) and writing in smaller amounts, I am vetoing the part of the bill that funds this provision. I am also requesting the Department of Administration secretary not to allot these funds.

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**Cited segments of 2019 Assembly Bill 56:**

**SECTION 126.** 20.005 (3) of the statutes is repealed and recreated to read:  
**20.255 Public Instruction, Department of**

(2) AIDS FOR LOCAL EDUCATIONAL PROGRAMMING

(aw) Personal electronic computing devices; grant program

GPR A

9,187,500

9,187,500

**Vetoed  
In Part**

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**30. Grants for Robot-Assisted Educational Programs for Pupils with Autism**

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**Governor’s written objections**

*Sections 126 [as it relates to s. 20.255 (2) (bi)], 146e and 1437p*

These sections create a grant program for robot-assisted educational program for pupils with autism. A cooperative educational service agency (CESA) could apply to the Department of Public Instruction for a grant to implement a program that uses all the following to teach social and behavioral skills to pupils with autism: (a) interactive, facially expressive, humanoid robots; (b) a curriculum with embedded evidence-based practices; (c) visual supports; (d) video modeling; (e) an automated data collection system; (f) a comprehensive curriculum facilitator; and (g) a pupil activity manual with extension activities. A CESA must include with its application to the department a proposal of how it plans to spend the grant moneys and an estimate of the number of students served. In addition, these sections require a CESA to use the funds to develop, implement and provide the program and to ensure that a licensed special education teacher is present at the location where the program is provided.

I am vetoing these sections in their entirety because I object to creating a grant that is insufficient to support the cost of acquired technology in a limited number of CESAs. In addition, because the Legislature failed to provide a sufficient increase for special education, this program will have limited effectiveness as the sections require that a licensed special education teacher is present at the location where the program is provided, and Wisconsin's current level of special education funding is insufficient to meet districts' and students' needs. Further, I am concerned there may only be one vendor that meets these grant requirements and I oppose earmarking funds.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 126.** 20.005 (3) of the statutes is repealed and recreated to read:

**20.255 Public Instruction, Department of**

(2) AIDS FOR LOCAL EDUCATIONAL PROGRAMMING

(bi) Grants for robot-assisted educational programs for pupils with autism

GPR	A	25,000	25,000
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**Vetoed In Part**

**Vetoed In Part**

**SECTION 146e.** 20.255 (2) (bi) of the statutes is created to read:

**20.255 (2) (bi)** *Grants for robot-assisted educational programs for pupils with autism.* The amounts in the schedule for the grants under s. 115.375.

(g) A pupil activity manual with extension activities.

(2) A cooperative educational service agency shall include with an application under sub. (1) a proposal outlining the intended use of grant moneys and an estimate of the number of pupils who will be served by the program described under sub. (1).

**Vetoed In Part**

**Vetoed In Part**

**SECTION 1437p.** 115.375 of the statutes is created to read:

**115.375 Grants for robot-assisted educational programs for pupils with autism.** (1) A cooperative educational service agency may apply to the department for a grant for the purpose of implementing a program that uses all of the following to teach social and behavioral skills to pupils with autism spectrum disorder:

- (a) Interactive, facially-expressive humanoid robots.
- (b) A curriculum with embedded evidence-based practices.
- (c) Visual supports.
- (d) Video modeling.
- (e) An automated data collection system.
- (f) A comprehensive curriculum facilitator.

(3) From the appropriation under s. 20.255 (2) (bi), the department shall award grants under sub. (1) to cooperative educational service agencies in amounts determined by the department.

(4) A cooperative educational service agency that receives a grant under this section shall use the grant moneys to develop, implement, and provide the program described under sub. (1) and to purchase robotic devices and curriculum with proven effectiveness for aiding in the academic, social, and emotional learning of pupils with autism spectrum disorder. The cooperative educational service agency shall ensure that a licensed special education teacher is present at the location where the program is provided.

## C. GENERAL GOVERNMENT, CHILDREN AND FAMILIES

### 31. Report on Capitol Security

#### Governor's written objections

*Section 9101 (1f)*

This provision requires the Department of Administration to study the security and safety of the State Capitol and Capitol grounds in consultation with the city of Madison Police Department. A report would then be submitted to the Governor and the Legislature by January 1, 2020, which would include recommendations for ensuring safety and security.

While I strongly support ensuring the safety of visitors and employees who come to the State Capitol, I object to releasing information about potential security vulnerabilities in a public report as it would negate the very efforts of this study. In addition, it is already the duty of the Division of Capitol Police to ensure the safety and security of all state employees, legislators and visitors to the State Capitol. I am, therefore, vetoing this provision, but am directing the Division of Capitol

Police to review and update, if necessary, its existing plans for the security and safety of the State Capitol, including input from the Madison Police Department.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 9101. Nonstatutory provisions; Administration.**

(1f) REPORT ON CAPITOL SECURITY. The department of administration shall, in consultation with the city of Madison Police Department, study the security and safety of the state capitol and the capitol grounds. The

department shall submit a report to the governor and the legislature by January 1, 2020. The report shall include recommendations for ensuring the safety and security of visitors to the capitol and the employees who work in the capitol, as well as safety and security for people attending and participating in events in or around the capitol.

**Vetoed  
In Part**

**Vetoed  
In Part**

**32. Capital Planning and Building Construction Balance Lapse**

**Governor's written objections**

*Section 9201 (1j)*

This provision requires the Department of Administration to lapse \$5,000,000 from the capital planning and building construction services appropriation to the general fund in fiscal year 2020–21.

I am vetoing this provision because I object to this lapse which, when coupled with the additional \$10,000,000 transfer of funds from the capital planning and building construction services appropriation to the building trust fund in fiscal year 2019–20 under section 9201 (1i), will leave an insufficient balance in the appropriation, which is used to manage and oversee the state building program. Collection of fees does not always coincide with the biennium in which the project is approved, particularly for larger, more complex building projects, which can create a cashflow problem.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 9201. Fiscal changes; Administration.**

(1j) LAPSE TO THE GENERAL FUND. Notwithstanding

s. 20.001 (3) (a), from s. 20.505 (1) (kc), there is lapsed to the general fund \$5,000,000 in fiscal year 2020–21.

**Vetoed  
In Part**

**Vetoed  
In Part**

**33. Discretionary Merit Compensation Awards for the Department of Corrections**

**Governor's written objections**

*Sections 315p, 1854d and 1854f*

This provision prohibits the administrator of the Division of Personnel Management within the Department of Administration from approving a request from the Department of Corrections for money from the appropriation under s. 20.865 (1) (dm) for discretionary merit compensation awards authorized under s. 20.928 (1f).

I am vetoing this provision because it encroaches on the authority of the Department of Administration to administer state employee compensation policy pursuant to the provisions of the compensation plan, as approved by the Joint Committee on Employment Relations. Furthermore, I object to this provision because it would prevent the Department of Corrections from receiving a general purpose revenue supplement for discretionary merit compensation awards provided to administrative and central office staff, which would be afforded to every other state agency. Considering the corrections workforce shortages that have increased over the past eight years, we need to have every tool available for recruiting and training employees for this important work.

Cited segments of 2019 Assembly Bill 56:

Vetoed  
In Part

**SECTION 315p.** 20.928 (1f) of the statutes is amended to read:

20.928 (1f) Each state agency head shall certify to the administrator of the division of personnel management in the department of administration, at such time and in such manner as the administrator prescribes, the sum of money needed from the appropriations under s. 20.865 (1) (dm) for the state agency to make lump sum discretionary merit compensation awards to its classified employees. Upon receipt of the certifications together with such additional information as the administrator prescribes, the administrator shall determine the amounts required from the appropriation to supplement state agency budgets. The administrator may not approve an agency request for money from the appropriation under s. 20.865 (1) (dm) for a discretionary merit award that increases an employee’s base compensation. Beginning on the effective date of this subsection .... [LRB inserts

date], the administrator cannot approve a request under this subsection from the department of corrections.

**SECTION 1854d.** 230.04 (19) of the statutes is renumbered 230.04 (19) (a) and amended to read:

230.04 (19) (a) ~~The~~ Except as provided in par. (b), the administrator shall develop and implement a discretionary merit award program to distribute money under s. 20.928 (1f) to agencies for the purpose of providing lump sum monetary awards to classified employees whose job performance has exceeded agency expectations.

**SECTION 1854f.** 230.04 (19) (b) of the statutes is created to read:

230.04 (19) (b) Beginning on the effective date of this paragraph .... [LRB inserts date], the department of corrections cannot provide lump sum monetary awards to classified employees under the program developed and implemented under par. (a).

Vetoed  
In Part

Vetoed  
In Part

34. Volkswagen Settlement Funds

Governor’s written objections

Sections 55c and 9101 (2i)

These sections require the Department of Administration to establish a program to award \$3,000,000 in grants of Volkswagen settlement funds for the replacement of school buses owned and operated by school boards during the 2019–21 fiscal biennium. This is part of the total \$25,000,000 of remaining settlement funds appropriated under s. 20.855 (4) (h), with the rest to be used for additional a public transit vehicle replacement.

Related to the new grant program, I object to the narrow use of Volkswagen settlement funds only for school buses under this provision, given the limited number of school districts to which these provisions would apply. In addition, the state has a responsibility to be a leader in adopting and encouraging the use of alternative fuels as part of an overall strategy to address climate change. Therefore, I am partially vetoing section 55c to remove language directing the Department of Administration to establish a grant program that would award settlement funds to school boards for the replacement of school buses and require school boards to provide matching funds equal to the amount of the grant award, and vetoing section 9101 (2i) to remove the allocation of \$3 million for this purpose. As a result of the veto, the Department of Administration shall establish a more flexible grant program under s. 16.047 (4s) that will award Volkswagen settlement funds to advance the use of alternative fuels in accordance with the settlement guidelines. I am directing the Department of Administration to allocate up to \$10,000,000 of the settlement funds to this revised grant program for electric vehicle charging stations, and at least \$15,000,000 for the transit capital assistance grant program under s. 16.047 (4m).

Cited segments of 2019 Assembly Bill 56:

Vetoed  
In Part  
Vetoed  
In Part

**SECTION 55c.** 16.047 (4s) of the statutes is created to read:

16.047 (4s) SCHOOL BUS REPLACEMENT GRANTS. (a) In this subsection:

1. “School board” has the meaning given in s. 115.001 (7).

2. “School bus” has the meaning given in s. 121.51 (4).

(b) The department shall establish a program to award grants of settlement funds from the appropriation under s. 20.855 (4) (h) to school boards for the replacement of school buses owned and operated by the school

Vetoed  
In Part

Vetoed  
In Part

Vetoed  
In Part

**Vetoed In Part** boards with school buses that are energy efficient, including school buses that use alternative fuels. Any school board may apply for a grant under the program.

**Vetoed In Part** (c) As a condition of receiving a grant under this subsection, the school board shall provide matching funds equal to the amount of the grant award.

(d) A school board may use settlement funds awarded under this subsection only for the payment of costs incurred by the school board to replace school buses

in accordance with the settlement guidelines.

**SECTION 9101. Nonstatutory provisions; Administration.**

(2i) VOLKSWAGEN SETTLEMENT FUNDS. Of the settlement funds in s. 20.855 (4) (h), during the 2019–21 fiscal biennium, the department of administration shall allocate \$3,000,000 for grants under s. 16.047 (4s) for the replacement of school buses.

**Vetoed In Part**

**Vetoed In Part**

**35. Appropriation for Board of Commissioners of Public Lands Operations**

**Governor’s written objections**

*Sections 282j, 335g, 335h, 335i, 335j, 335k, 335L, 335m, 335n, 335p, 335q, 335r, 335s and 335t*

These sections remove the deposit of revenues from earnings associated with the Board of Commissioners of Public Lands’ management of the common school fund, normal school fund, university fund and agricultural college fund (trust funds) and other revenues associated with management of lands under the board’s jurisdiction to the board’s trust lands and investments – general program operations appropriation. The provisions also remove the board’s ability to deduct or make payments of expenses from these revenues.

I am partially vetoing section 282j and vetoing sections 335g, 335h, 335i, 335j, 335k, 335L, 335m, 335n, 335p, 335q, 335r, 335s and 335t because I object to limiting the board’s ability to utilize interest and other earnings for the management of the trust funds and lands. With this veto, I am restoring these provisions to ensure that the board may request additional expenditure authority if needed to effectively manage the trust funds and lands to maximize earnings that are distributed to support library services.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 282j.** 20.507 (1) (h) of the statutes is amended to read:

20.507 (1) (h) *Trust lands and investments — general program operations.* The amounts in the schedule for the general program operations of the board as provided under ss. 24.04, 24.09 (1) (bm), 24.53 and 24.62 (1). All amounts deducted from the gross receipts of the appropriate funds as provided under ss. 24.04, 24.09 (1) (bm), 24.53 and 24.62 (1) shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance at the end of each fiscal year shall be transferred to the trust funds, as defined under s. 24.60 (5). The amount transferred to each trust fund, as defined under s. 24.60 (5), shall bear the same proportion to the total amount transferred to the trust funds that the gross receipts of that trust fund bears to the total gross receipts credited to this appropriation account during that fiscal year.

**Vetoed In Part**

**Vetoed In Part**

**SECTION 335g.** 24.04 (title) of the statutes is amended to read:

**24.04 (title) Administrative receipts and disbursements.**

**SECTION 335h.** 24.04 (1) of the statutes is renumbered 24.04.

**SECTION 335i.** 24.04 (2) of the statutes is repealed.

**SECTION 335j.** 24.09 (1) (bm) of the statutes is amended to read:

24.09 (1) (bm) The board may exchange part or all of any parcel of public lands for any other land of approximately equal value if the board determines that the exchange will contribute to the consolidation or completion of a block of land, enhance conservation of lands or otherwise be in the public interest. Under this paragraph, an exchange is of “approximately equal value” if the difference in value between the more highly valued land and the less highly valued land does not exceed 10 percent of the value of the more highly valued land. All expenses necessarily incurred in making an exchange under this paragraph shall be deducted from the gross receipts of the fund to which the proceeds of the sale of the exchanged land will be added.

**SECTION 335k.** 24.53 of the statutes is amended to read:

**24.53 Investigate land claims; deduct expenses.**

The board of commissioners of public lands shall investigate the rights of the state to school lands, normal school lands, university lands, and agricultural college lands. The expenses incurred in making these investigations

**Vetoed In Part**

Vetoed  
In Part

and taking necessary steps to protect common school lands, normal school lands, university lands and agricultural college lands and timber on those lands, as well as the expense of necessary surveys, records, appraisals and sales, upon the approval of the board, shall be deducted from the gross receipts of the fund to which the proceeds from the sale of the land or timber will be added.

**SECTION 335L.** 24.605 of the statutes is amended to read:

**24.605 Accounts in trust funds for deposit of proceeds from sale of certain lands.** The board shall establish in each of the trust funds an account to which are credited the proceeds from the sale of any public lands, except sales under s. 24.09 (1) (bg), on or after May 3, 2006, that are required by law to be deposited in the funds. Moneys credited to the accounts in the funds may only be used to invest in land under s. 24.61 (2) (a) and for the payment of expenses necessarily related to investing in land under s. 24.61 (2) (a).

**SECTION 335m.** 24.62 (1) of the statutes is repealed.

**SECTION 335n.** 24.62 (2) of the statutes is amended to read:

24.62 (2) The board may charge its expenses incurred in the sale of a state trust fund loan or participation therein under s. 24.69 to the purchaser of the loan or participation, or may deduct the expenses from the gross receipts of the fund to which the interest and income of the loan or participation will be added, or both. If the board sells any state trust fund loan or participation therein under s. 24.69 in any fiscal year, the board shall, no later than October 1 following that fiscal year, prepare and file in its office a report which identifies in detail the board's expenses incurred during that fiscal year that are directly attributable to the sale of state trust fund loans and participations under s. 24.69.

**SECTION 335p.** 24.75 of the statutes is amended to read:

**24.75 Interest, how accounted for.** All money collected as interest upon any state trust fund loan shall be paid into the state treasury. All moneys collected as interest upon any trust fund loan are considered gross receipts and shall be credited to the income of the fund from which the loan was made except that expenses may be deducted as provided under s. 24.62 (1).

**SECTION 335q.** 24.77 of the statutes is amended to read:

**24.77 Common school fund income.** The common school fund income is constituted of the interest derived from the common school fund and from unpaid balances of purchase money on sales of common school lands; and all other revenues derived from the common school lands; but the common school fund income and interest

and revenues derived from the common school fund and from common school lands do not include expenses deducted from gross receipts permitted under ss. 24.04 (2), 24.53 and 24.62 (1).

**SECTION 335r.** 24.80 of the statutes is amended to read:

**24.80 Normal school fund.** The lands and moneys described in s. 24.79, not being granted for any other specified purpose, accrue to the school fund under article X, section 2, of the constitution; and having been found unnecessary for the support and maintenance of common schools, are appropriated to the support and maintenance of state universities and suitable libraries and apparatus therefor, and to that end are set apart and denominated the "Normal School Fund". All lands, moneys, loans, investments, and securities set apart to the normal school fund and all swamp lands and income and interest received on account of the capital of that fund constitute a separate and perpetual fund. Normal school fund income, interest and revenues do not include expenses deducted from gross receipts permitted under ss. 24.04 (2), 24.53 and 24.62 (1).

**SECTION 335s.** 24.81 of the statutes is amended to read:

**24.81 University fund.** All moneys accruing to the state under article X, section 6, of the constitution, and all other moneys paid into the state treasury on account of the capital of the university fund, constitute the university fund, which is a separate and perpetual fund. University fund income, interest and revenues do not include expenses deducted from gross receipts permitted under ss. 24.04 (2), 24.53 and 24.62 (1).

**SECTION 335t.** 24.82 of the statutes is amended to read:

**24.82 Agricultural college fund.** All moneys derived from the sale of the lands and land scrip accruing to the state by virtue of the act of congress approved July 2, 1862, entitled "an act donating public lands to the several states and territories which may provide colleges for the benefit of agricultural and the mechanic arts," and income and interest received on account of the capital of the agricultural college fund, constitute the agricultural college fund, which is a separate and perpetual fund and shall remain forever undiminished. Agricultural college fund income, interest and revenues do not include expenses deducted from gross receipts permitted under ss. 24.04 (2), 24.53 and 24.62 (1). If this fund is by any action or contingency impaired, a state tax is hereby levied sufficient to replace the same, to be collected with the state taxes for the next ensuing year and paid into this fund.

Vetoed  
In PartVetoed  
In Part

**36. Milwaukee County Shared Revenue Reduction for Child Welfare Services**

**Governor’s written objections**

*Section 522m*

This section modifies Milwaukee County’s financial contribution for child welfare services provided by the Department of Children and Families’ Division of Milwaukee Child Protective Services. The modification increases Milwaukee County’s total contribution from \$58,893,500 per fiscal year to the greater of that amount or the amount in the chapter 20 schedule for the child welfare services aids appropriation for Milwaukee County. As a result, Milwaukee County’s shared revenue payment would be reduced by an additional \$6,824,500 GPR in fiscal year 2020–21.

I am vetoing this section because I object to this reduction to Milwaukee County’s shared revenue payment, which does nothing to improve the lives of children and their families. The immediate and only result of this reduction in shared revenue will be cuts to vital government services provided by Milwaukee County, and this leaves the county little time to prepare for these cuts. Furthermore, the budget bill as written will not accomplish the legislative intent because the additional shared revenue funds from Milwaukee County would be deposited in a sum certain program revenue child welfare appropriation, which was not increased. As a result, the related GPR child welfare appropriation will be fully spent, and no lapse to the general fund will occur from that appropriation or the shared revenue appropriation.

**Cited segments of 2019 Assembly Bill 56:**

**Vetoed  
In Part**

**SECTION 522m.** 48.561 (3) (a) of the statutes is amended to read:

48.561 (3) (a) A county having a population of 750,000 or more shall contribute the greater of \$58,893,500 or the amount in the schedule for the appropriation under s. 20.437 (1) (cx) in each state fiscal year for the provision of child welfare services in that county by the department. That contribution shall be made as follows:

1. Through a reduction of \$37,209,200 from the

amounts distributed to that county under ss. 46.40 (2) and 48.563 (2) in each state fiscal year.

2. Through a reduction of \$1,583,000 from the amount distributed to that county under s. 46.40 (2m) (a) in each state fiscal year.

3. Through a deduction of \$20,101,300 the remainder of the payment after the county’s contribution under subs. 1. and 2. from any state payment due that county under s. 79.035, 79.04, or 79.08 as provided in par. (b).

**Vetoed  
In Part**

**37. Child Care YoungStar Bonuses**

**Governor’s written objections**

*Section 9106 (5f)*

This section directs the Department of Children and Families to increase YoungStar bonuses under the Wisconsin Shares child care program to 15 percent for four–star child care providers and to 30 percent for five–star child care providers for the duration of the 2019–21 biennium, after which the department would have the authority to set the amount of the YoungStar bonuses in the future.

I object to this section as it unnecessarily infringes upon the department’s management of this program. Therefore, I am vetoing this section to remove this requirement. The department has sufficient authority and funding under current law such that it has already announced that it increased YoungStar bonuses to these levels on July 1, 2019.



**Cited segments of 2019 Assembly Bill 56:**

**SECTION 9106. Nonstatutory provisions; Children and Families.**

(5f) CHILD CARE QUALITY RATING SYSTEM INCENTIVES. Notwithstanding the discretion granted to the department of children and families under s. 49.155 (6) (e) 3. d., for a child care provider who receives a 4-star rating under the child care quality rating system under s. 48.659, the department of children and families shall increase the maximum payment rate for that provider under s. 49.155 (6) by 15 percent for the period between the effective date

of this subsection and June 30, 2021. Notwithstanding the discretion granted to the department of children and families under s. 49.155 (6) (e) 3. e., for a child care provider who receives a 5-star rating under the child care quality rating system under s. 48.659, the department of children and families shall increase the maximum payment rate for that provider under s. 49.155 (6) by 30 percent for the period between the effective date of this subsection and June 30, 2021.

**Vetoed  
In Part**

**Vetoed  
In Part**

**38. Elections Commission Materials and Services Lapse**

**Governor's written objections**

*Section 9212 (1c)*

This section requires the Elections Commission to lapse \$9,700 from the program revenue appropriation under s. 20.510 (1) (h) to the general fund in fiscal year 2019-20.

I am vetoing this section because I object to reducing the balance in the Elections Commission's materials and services appropriation. This appropriation is meant to fund certain administrative processes, such as publications and mailings, and the commission can still make use of these funds in the manner for which they were intended.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 9212. Fiscal changes; Elections Commission.**  
(1c) MATERIALS AND SERVICES TRANSFER. Notwith-

standing s. 20.001 (3) (a), in fiscal year 2019-20, \$9,700 is lapsed to the general fund from s. 20.510 (1) (h).

**Vetoed  
In Part**

**Vetoed  
In Part**

**39. Wisconsin Employment Relations Commission Program Revenue Lapse**

**Governor's written objections**

*Section 9214 (1c)*

This section requires the Wisconsin Employment Relations Commission to lapse to the general fund any unencumbered balance exceeding 10 percent of annual expenditures from the program revenue appropriation under s. 20.425 (1) (i) at the end of each fiscal year during the 2019-21 biennium.

I am vetoing this section because it is administratively burdensome, and I object to reducing the commission's flexibility to spend program revenue on labor relations functions.

Cited segments of 2019 Assembly Bill 56:

Vetoed  
In Part

**SECTION 9214. Fiscal changes; Employment Relations Commission.**

(1c) UNSPENT PROGRAM REVENUE. Notwithstanding s. 20.001 (3) (a), at the end of each fiscal year in the

2019–21 fiscal biennium, there is lapsed to the general fund any unencumbered balance exceeding 10 percent of that fiscal year’s expenditures from s. 20.425 (1) (i).

Vetoed  
In Part

## D. HEALTH SERVICES AND INSURANCE

### 40. FoodShare Employment and Training for Able–Bodied Adults with Dependents

#### Governor’s written objections

*Section 126 [as it relates to s. 20.865 (4) (a)]*

This provision retains the requirement that able–bodied adults with school age dependents must meet a work requirement to receive FoodShare benefits. One way to meet that requirement is through participation in the FoodShare Employment and Training program. This provision provides funding in the Joint Committee on Finance GPR supplemental appropriation to fund the increased utilization of the FoodShare Employment and Training program.

I am partially vetoing section 126 [as it relates to s. 20.865 (4) (a)] by lining out the amounts under s. 20.865 (4) (a) and writing in smaller amounts that reduce the appropriation by \$4,893,300 GPR in fiscal year 2019–20 and by \$15,659,800 GPR in fiscal year 2020–21. I object to subjecting able–bodied adults with school age dependents to a work requirement, which does not appropriately balance the needs for parental involvement in children’s lives, the demands of the workforce and the costs of expenses like child care. The additional barriers that some parents face in meeting work requirements should be taken into account, and children’s health, safety and well–being should be our priority. Furthermore, if the Legislature believes this is a priority, it should budget the funding in the Department of Health Services in separate legislation. I am directing the Department of Health Services to maintain the FoodShare Employment and Training program for able–bodied adults without dependents with the funding appropriated under ss. 20.435 (4) (bp) and 20.435 (4) (np). I am further directing the Department of Health Services to exempt able–bodied adults with school age dependents from sanctions under the work requirement in s. 49.79 (9) (a) 1g., as allowed under 7 CFR 273.7 (d) (4) (v). This partial veto is part of a larger write–down of the Joint Committee on Finance GPR supplemental appropriation. I am requesting the Department of Administration secretary not to allot these funds.

Cited segments of 2019 Assembly Bill 56:

**SECTION 126.** 20.005 (3) of the statutes is repealed and recreated to read:

**20.865 Program Supplements**

(4) JOINT COMMITTEE ON FINANCE SUPPLEMENTAL APPROPRIATIONS

(a)	General purpose revenue funds				46,680,000	61,912,900
	general program supplementation	GPR	B		41,786,700	46,253,100

Vetoed  
In Part

### 41. FoodShare Employment and Training Drug Screening Funding

#### Governor’s written objections

*Section 126 [as it relates to ss. 20.435 (4) (b), 20.435 (4) (bn), 20.435 (4) (nn) and 20.435 (4) (o)]*

This provision retains the drug screening requirement for able–bodied adults without dependents, who intend to meet a work requirement through the FoodShare Employment and Training program.

I object to subjecting individuals receiving food assistance in the FoodShare program to drug screening as the costs of this type of program outweigh the benefits, and there is no reason to treat recipients of this type of state aid differently than Wisconsinites who use any other type of state program or assistance. I am, therefore, partially vetoing section 126 [as it relates to ss. 20.435 (4) (b), 20.435 (4) (bn), 20.435 (4) (nn) and 20.435 (4) (o)] by lining out the amounts under s. 20.435 (4) (b) and writing in smaller amounts that reduce the appropriation by \$23,700 GPR in fiscal year 2019–20 and \$31,400 GPR in fiscal year 2020–21; lining out the amounts under s. 20.435 (4) (bn) and writing in smaller amounts that reduce the appropriation by \$4,100 GPR in fiscal year 2019–20 and \$5,500 GPR in fiscal year 2020–21; by lining out the amounts under s. 20.435 (4) (nn) and writing in smaller amounts that reduce the appropriation by \$4,100 PR–F in fiscal year 2019–20 and \$5,400 PR–F in fiscal year 2020–21; and by lining out the amounts under s. 20.435 (4) (o) and writing in smaller amounts that reduce the appropriation by \$34,500 PR–F in fiscal year 2019–20 and \$46,200 PR–F in fiscal year 2020–21. This partial veto is part of a larger write-down of the Income Maintenance appropriations and the Medical Assistance appropriations. I am requesting the Department of Administration secretary not to allot these funds.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 126.** 20.005 (3) of the statutes is repealed and recreated to read:

**20.435 Health Services, Department of**

(4)	MEDICAID SERVICES						
(b)	Medical Assistance program benefits	GPR	B	3,265,138,100	3,471,720,900	Vetoed In Part	
				14,879,000	15,138,000	Vetoed In Part	
(bn)	Income maintenance	GPR	B	14,874,900	15,132,500	Vetoed In Part	
				59,804,900	60,372,400	Vetoed In Part	
(nn)	Federal aid; income maintenance	PR–F	C	59,800,800	60,367,000	Vetoed In Part	
				5,797,633,400	5,993,042,700	Vetoed In Part	
(o)	Federal aid; medical assistance	PR–F	C	5,797,598,900	5,992,996,500	Vetoed In Part	

**42. Disproportionate Share Hospital Payments**

**Governor’s written objections**

*Section 9119 (10p)*

This section requires the Department of Health Services to pay hospitals that serve a disproportionate share of low-income patients an additional \$30,000,000 GPR and associated federal match in each year of the 2019–21 biennium only for Disproportionate Share Hospital supplemental payments, and increases the maximum allotment any one hospital may receive under this program to \$9,600,000 in the 2019–21 biennium only.

While I am supportive of funding hospitals for uncompensated care, I object to using the Disproportionate Share Hospital supplemental payment mechanism as a primary way to do so without the infusion of federal tax dollars and resulting state savings from Medicaid expansion that would have allowed us to make these investments. Expanding Medicaid to individuals up to 138 percent of the poverty line not only ensures access to affordable, quality healthcare for Wisconsinites, it would have allowed a robust investment in our provider networks here in Wisconsin. However, in the absence of these critical federal dollars and resulting state savings, the Department of Health Services will need flexibility to prioritize the needs of patients.

I am, therefore, partially vetoing this section to allow an increase to the maximum per hospital payment under this program and broaden the language to allow the Department of Health Services the flexibility to determine the amount of additional funding under the Disproportionate Share Hospital supplemental payments to hospitals that serve low-income individuals. In addition, my partial veto will give the Department of Health Services additional flexibility in determining other potential supplemental payments to hospitals that serve low-income individuals as limited resources may allow. Further, I am directing the Department of Health Services to develop a methodology which ensures that after the new, higher cap is applied, eligible hospitals will receive no less under the Disproportionate Share Hospital supplemental formula than they would have under the current law cap.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 9119. Nonstatutory provisions; Health Services.**

(10p) DISPROPORTIONATE SHARE HOSPITAL PAYMENTS.

(a) In fiscal year 2019–20 only, the department of health services shall pay to hospitals that serve a disproportionate share of low-income patients an additional \$30,000,000 to the amount under s. 49.45 (3m) (a) (intro.), as the state share of Medical Assistance pay-

ments, and the matching federal share of payments. In fiscal year 2020–21 only, the department of health services shall pay to hospitals that serve a disproportionate share of low-income patients an additional \$30,000,000 to the amount under s. 49.45 (3m) (a) (intro.), as the state share of Medical Assistance payments, and the matching federal share of payments.

Vetoed  
In Part

Vetoed  
In Part

Vetoed  
In Part

Vetoed  
In Part

Vetoed  
In Part

**43. Mendota Juvenile Treatment Center**

**Governor’s written objections**

*Sections 9104 (6) (a) and 9319 (1)*

This provision increases authorized general fund supported borrowing for the project identified as “Expansion of the Mendota Juvenile Treatment Center — Madison” from \$15,000,000 to \$43,994,000.

I am partially vetoing this provision because I object to the Legislature not providing sufficient borrowing authority for the building of an appropriately-sized facility. The Department of Health Services has indicated the need for \$59 million to complete the project, and the Legislature’s proposal provides only \$44 million. Insufficient borrowing authority would result in a reduction in the number of beds the department is able to construct for juvenile treatment and impede the department’s ability to provide the Mendota Juvenile Treatment Center’s mental health treatment services by not providing adequate space to accommodate juveniles who are at different stages in their treatment progression. This veto results in total of \$58,994,000 of general fund supported borrowing being available for this project.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 9104. Nonstatutory provisions; Building Commission.**

(6) 2017–19 AUTHORIZED STATE BUILDING PROGRAM CHANGES.

(a) In 2017 Wisconsin Act 59, section 9104 (1) (d) 1. bh., as created by 2017 Wisconsin Act 185, under projects financed by general fund supported borrowing, the amount authorized for the project identified as “Expansion of the Mendota Juvenile Treatment Center — Madison” is increased from \$15,000,000 to \$43,994,000 and the appropriate totals are adjusted accordingly.

**SECTION 9319. Initial applicability; Health Services.**

(1) MENDOTA JUVENILE TREATMENT CENTER. The treatment of ss. 46.057 (1m) and 938.357 (3) (d), with respect to a county department’s supervision of a juvenile, first applies to a juvenile adjudicated delinquent by the court of the county and placed at that county’s secured residential care center for children and youth under s. 938.34 (4m) on the effective date of this subsection.

Vetoed  
In Part

Vetoed  
In Part

**44. Medicaid Reestimate**

**Governor’s written objections**

*Section 126 [as it relates to s. 20.435 (4) (b)]*

Broadly, this provision increases funding under the Medical Assistance program.

I am partially vetoing section 126 [as it relates to s. 20.435 (4) (b)] by lining out the amounts under s. 20.435 (4) (b) and writing in smaller amounts that reduce the appropriation by \$15,000,000 in each fiscal year.

I object to the appropriation of these funds as it is no longer necessary based upon updated expenditure projections from the Department of Health Services. This partial veto is part of a larger write-down of the department's Medical Assistance appropriation. I am requesting the Department of Administration secretary not to allot these funds.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 126.** 20.005 (3) of the statutes is repealed and recreated to read:  
**20.435 Health Services, Department of**

(4)	MEDICAID SERVICES				
(b)	Medical Assistance program benefits	GPR	B	3,250,161,500	3,456,752,300
				3,265,161,800	3,471,752,300

**Vetoed  
In Part**

**45. Physician and Behavioral Health Funding**

**Governor's written objections**

*Section 126 [as it relates to s. 20.865 (4) (a)]*

This provision increases funding in the Joint Committee on Finance GPR supplemental appropriation by \$5,000,000 GPR in both fiscal years for Medicaid reimbursement rate increases for physicians and behavioral health providers.

I am partially vetoing section 126 [as it relates to s. 20.865 (4) (a)] by lining out the amounts under s. 20.865 (4) (a) and writing in smaller amounts that reduce the appropriation by \$5,000,000 GPR in each fiscal year.

Wisconsin is facing a behavioral health provider shortage, and I object to the removal of funding from the Department of Health Services to address this issue while the Legislature retains the funding to potentially use for other purposes. I am directing the department to proceed as soon as is practical with vital rate increases for physicians and behavioral health professionals from its base level resources.

This partial veto is part of larger write-down of the Joint Committee on Finance GPR supplemental appropriation. I am requesting the Department of Administration secretary not to allot these funds.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 126.** 20.005 (3) of the statutes is repealed and recreated to read:  
**20.865 Program Supplements**

(4)	JOINT COMMITTEE ON FINANCE SUPPLEMENTAL APPROPRIATIONS				
(a)	General purpose revenue funds general program supplementation	GPR	B	41,680,000	56,912,900
				46,680,000	61,912,900

**Vetoed  
In Part**

**46. Crisis Intervention Services**

**Governor's written objections**

*Section 681*

This provision allows the Department of Health Services to reimburse counties for crisis intervention services provided to Medical Assistance recipients, if the county delivers crisis intervention services on a regional basis and provides a maintenance of effort payment. This provision defines crisis intervention services as services for the treatment of mental illness, intellectual disability, substance abuse and dementia. Under the provision, counties are required to maintain a maintenance of effort equal to 75 percent of the annual average of the county's expenditures for crisis intervention services in calendar years 2016, 2017 and 2018.

I am partially vetoing this provision to remove the reference to calendar years 2016, 2017 and 2018. I object to specifying the maintenance of effort calculation in statute, and I am directing the Department of Health Services to set the county maintenance of effort for crisis intervention services in a manner it determines is appropriate and equitable.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 681.** 49.45 (41) (c) of the statutes is created to read:  
49.45 (41) (c)  
1. After January 1, 2020, the department shall require the county to annually contribute for the crisis interven-

tion services an amount equal to 75 percent of the annual average of the county's expenditures for crisis intervention services under this subsection in calendar years 2016, 2017, and 2018, as determined by the department.

**Vetoed  
In Part**

**47. Qualified Treatment Trainee Grants**

**Governor's written objections**

*Sections 126 [as it relates to s. 20.435 (1) (be)], 187m and 1763m*

This provision requires the Department of Health Services to distribute a total of \$500,000 GPR in each fiscal year to a hospital, or affiliate of a hospital, or an entity qualified under 42 USC 1395x (aa) (4) that establishes and maintains a qualified treatment trainee program. A qualified treatment trainee program must provide clinically supervised practice for qualified graduate students seeking licensure or certification as a social worker, counselor, marriage and family therapist, or psychologist. The grant recipient must match the grant amount. The grant recipient shall use the awarded funding for clinical supervision, training, and salaries and benefits for trainees and clinical supervisors.

I am partially vetoing this provision to remove the overly prescriptive requirements for these funds. I am broadly supportive of measures to increase qualified health care providers in the state. However, I object to the specificity outlined in the provision. I am directing the Department of Health Services to develop grant criteria, seek applicants and award the grants.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 126.** 20.005 (3) of the statutes is repealed and recreated to read:  
**20.435 Health Services, Department of**

- (1) PUBLIC HEALTH SERVICES PLANNING, REGULATION AND DELIVERY
- (be) **Qualified** treatment **trainee** program grants

GPR	A	500,000	500,000
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**SECTION 187m.** 20.435 (1) (be) of the statutes is created to read:  
20.435 (1) (be) *Qualified treatment trainee program grants.* The amounts in the schedule for grants under s. 146.618.

licensure or certification as a marriage and family therapist, or licensure as a psychologist.

(2) From s. 20.435 (1) (be), the department shall distribute a total of \$500,000 in grants in each fiscal year to support qualified treatment trainee programs. A grantee under this subsection shall establish and maintain a child, adolescent, and family qualified treatment trainee program that provides qualified treatment trainees an opportunity to complete clinically supervised practice requirements in order to become credentialed and to obtain specialized training in mental and behavioral health in children, youth, and families. A grantee shall be a hospital or affiliate of a hospital or be qualified under 42 USC 1395x (aa) (4). A grantee shall match the grant amount.

(3) Grant recipients shall use moneys awarded under this section for clinical supervision, training, and

**Vetoed  
In Part**

**Vetoed  
In Part**

**SECTION 1763m.** 146.618 of the statutes is created to read:  
**146.618 Qualified treatment trainee program grants.** (1) In this section, "qualified treatment trainee" means an individual who has a graduate degree from an accredited institution and course work in psychology, counseling, marriage and family therapy, social work, nursing, or a closely related field who has not yet completed the applicable supervised practice requirements for licensure as a clinical social worker, certification as a social worker, licensure as a professional counselor,

**Vetoed  
In Part**

**Vetoed  
In Part**

**Vetoed  
In Part**

**Vetoed  
In Part**

**Vetoed  
In Part**

**Vetoed  
In Part**

resources, including salaries, benefits, and other related costs for trainees and clinical supervisors.

**48. Telehealth Expansion**

**Governor’s written objections**

*Section 126 [as it relates to s. 20.865 (4) (a)]*

This provision increases funding in the Joint Committee on Finance GPR supplemental appropriation by \$1,088,200 GPR in fiscal year 2019–20 and \$1,692,900 GPR in fiscal year 2020–21 to fund anticipated increases in the use of Medicaid services rendered through telehealth technology.

I am partially vetoing section 126 [as it relates to s. 20.865 (4) (a)] by lining out the amounts under s. 20.865 (4) (a) and writing in smaller amounts that reduce the appropriation by \$1,088,200 GPR in fiscal year 2019–20 and by \$1,692,900 GPR in fiscal year 2020–21. I object to the Legislature placing this funding in the Joint Committee on Finance’s supplemental appropriation and thereby delaying progress in moving forward with this important improvement in health service delivery. This partial veto is part of a larger write–down of the Joint Committee on Finance GPR supplemental appropriation. I am requesting the Department of Administration secretary not to allot these funds, and I am directing the Department of Health Services to move forward with investments in telehealth from existing resources.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 126.** 20.005 (3) of the statutes is repealed and recreated to read:  
**20.865 Program Supplements**

(4)	JOINT COMMITTEE ON FINANCE SUPPLEMENTAL APPROPRIATIONS					
(a)	General purpose revenue funds				46,680,000	61,912,900
	general program supplementation	GPR	B		45,591,800	60,220,000

**Vetoed  
In Part**

**49. Physical Health Service Provider Reimbursement**

**Governor’s written objections**

*Section 126 [as it relates to s. 20.865 (4) (a)]*

This provision increases funding in the Joint Committee on Finance GPR supplemental appropriation by \$500,000 GPR in both fiscal years for Medicaid reimbursement rate increases for physical health providers.

I am partially vetoing section 126 [as it relates to s. 20.865 (4) (a)] by lining out the amounts under s. 20.865 (4) (a) and writing in smaller amounts that reduce the appropriation by \$500,000 GPR in each fiscal year. I object to the appropriation of these funds without the infusion of federal tax dollars and resulting state savings from Medicaid expansion that would have allowed us to make investments like this. Expanding Medicaid to individuals up to 138 percent of the poverty line not only ensures access to affordable, quality coverage for Wisconsinites, it would have allowed a robust investment in our providers in Wisconsin. However, in absence of these critical federal dollars and resulting state savings, the limited resources that remain must be invested in expanding patient care first before we can increase payments to health providers. This partial veto is part of a larger write–down of the Joint Committee on Finance GPR supplemental appropriation. I am requesting the Department of Administration secretary not to allot these funds.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 126.** 20.005 (3) of the statutes is repealed and recreated to read:

**20.865 Program Supplements**

(4)	JOINT COMMITTEE ON FINANCE SUPPLEMENTAL APPROPRIATIONS					
(a)	General purpose revenue funds				46,680,000	61,912,900
	general program supplementation	GPR	B		46,180,000	61,412,900

**Vetoed  
In Part**

**50. Hub-and-Spoke Mental Health and Substance Abuse Treatment Model**

**Governor’s written objections**

*Section 126 [as it relates to s. 20.865 (4) (a)]*

This provision requires the Department of Health Services to develop a hub-and-spoke treatment model for substance abuse using the Medicaid home health benefit. However, the funding was placed in the Joint Committee on Finance GPR supplemental appropriation and the Department of Health Services must request the funding under s. 13.10.

I am partially vetoing section 126 [as it relates to s. 20.865 (4) (a)] by lining out the amount under s. 20.865 (4) (a) and writing in a smaller amount that reduces the appropriation by \$89,900 GPR in fiscal year 2020–21. I object to the Joint Committee on Finance restricting the use of these funds. I am directing the Department of Health Services to develop a hub-and-spoke treatment model for substance abuse using the Medicaid home health benefit with \$89,900 GPR of existing funds. The crisis facing many Wisconsin families because of substance use disorders is too important to delay with an additional step in the process to be able to move forward with this critical program. This partial veto is part of a larger write-down of the Joint Committee on Finance GPR supplemental appropriation. I am requesting the Department of Administration secretary not to allot these funds.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 126.** 20.005 (3) of the statutes is repealed and recreated to read:

**20.865 Program Supplements**

(4)	JOINT COMMITTEE ON FINANCE SUPPLEMENTAL APPROPRIATIONS					
(a)	General purpose revenue funds				46,680,000	61,912,900
	general program supplementation	GPR	B		46,680,000	61,823,000

**Vetoed  
In Part**

**51. Racine County Nursing Home Labor Region**

**Governor’s written objections**

*Section 664r*

This provision would move Racine County from its current labor region to the Milwaukee labor region, which includes Milwaukee, Ozaukee, Washington and Waukesha counties, for purposes of calculating Medical Assistance reimbursement to nursing homes. It would require the Department of Health Services to adjust Medical Assistance payments to nursing homes so that the direct care cost targets of facilities in Milwaukee, Ozaukee, Washington and Waukesha counties are not reduced as a result of including facilities in Racine County in this labor region.

I am vetoing this provision in its entirety because I object to including a provision that would result in reductions in direct care funding to nursing homes in all other labor regions in the state. The department has worked with nursing home providers across the state to develop a labor region methodology and will continue to review labor regions and recommend changes when necessary.



**Cited segments of 2019 Assembly Bill 56:**

**Vetoed  
In Part**

**SECTION 664r.** 49.45 (6m) (ar) 1. a. of the statutes is amended to read:

49.45 (6m) (ar) 1. a. The department shall establish standards for payment of allowable direct care costs under par. (am) 1. bm., for facilities that do not primarily serve the developmentally disabled, that take into account direct care costs for a sample of all of those facilities in this state and separate standards for payment of allowable direct care costs, for facilities that primarily serve the developmentally disabled, that take into account direct care costs for a sample of all of those facilities in this state. The standards shall be adjusted by the department for regional labor cost variations. The department shall in the single labor region that is composed of Milwaukee, Ozaukee, Washington, and Waukesha counties include Racine County and shall adjust

payment so that the direct care cost targets of facilities in Milwaukee, Ozaukee, Washington, and Waukesha counties are not reduced as a result of including facilities in Racine County in this labor region. The department shall treat as a single labor region the counties of Dane, Dodge, Iowa, Columbia, Richland, Sauk, and Rock and shall adjust payment so that the direct care cost targets of facilities in Dane, Iowa, Columbia, and Sauk counties are not reduced as a result of including facilities in Dodge, Richland, and Rock Counties in this labor region. For facilities in Douglas, Dunn, Pierce, and St. Croix counties, the department shall perform the adjustment by use of the wage index that is used by the federal department of health and human services for hospital reimbursement under 42 USC 1395 to 1395ggg.

**Vetoed  
In Part**

**52. Suicide Prevention Grant**

**Governor's written objections**

*Section 9119 (6f)*

This provision requires the Department of Health Services to award a one-time grant of \$100,000 GPR in fiscal year 2019-20 to the Wisconsin United Coalition of Mutual Assistance Association, Inc., to support suicide prevention activities conducted by the coalition.

I am partially vetoing this provision to remove the Wisconsin United Coalition of Mutual Assistance Association, Inc., as the recipient because I object to the Legislature earmarking a specific recipient. The experts at the Department of Health Services are best positioned to develop a grant program and ensure that recipients provide evidence-based care and treatment. I am directing the Department of Health Services to seek applicants for this grant and award funding to the most qualified applicant.

**Cited segments of 2019 Assembly Bill 56:**

**Vetoed  
In Part**

**SECTION 9119. Nonstatutory provisions; Health Services.**

(6f) SUICIDE PREVENTION GRANT. From s. 20.435 (5) (bc), the department of health services shall award to the Wisconsin United Coalition of Mutual Assistance Asso-

ciation, Inc., a onetime grant in the amount of \$100,000 in fiscal year 2019-20 to support suicide prevention activities conducted by the coalition in the 2019-2021 fiscal biennium.

**Vetoed  
In Part**

**53. FoodShare Employment and Training Administrative Funds**

**Governor's written objections**

*Section 126 [as it relates to ss. 20.435 (4) (bn) and 20.435 (4) (nn)]*

This provision increases funding available for the FoodShare Employment and Training program and Medicaid administration of eligibility requirements. Specifically, it includes income maintenance funding related to the FoodShare

Employment and Training drug screening requirement, the work requirement for able-bodied adults with school age dependents, provisions of the Medicaid childless adult waiver and the Medicaid health savings account.

I am partially vetoing this provision because I object to the burdensome requirements the Legislature has imposed on the state’s low-income individuals. In addition, in so imposing these requirements, the Legislature has set unrealistic timelines for implementation of these provisions and does not give the Department of Health Services sufficient time to complete the required systems changes.

I am, therefore, partially vetoing section 126 [as it relates to ss. 20.435 (4) (bn) and 20.435 (4) (nn)] in the following ways: by lining out the amount under s. 20.435 (4) (bn) and writing in a smaller amount that reduces the appropriation by \$547,800 GPR in fiscal year 2019–20; and by lining out the amount under s. 20.435 (4) (nn) and writing in a smaller amount that reduces the appropriation by \$1,229,600 PR–F in fiscal year 2019–20.

This partial veto is part of a larger write-down of the Income Maintenance appropriations. I am requesting the Department of Administration secretary not to allot these funds.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 126.** 20.005 (3) of the statutes is repealed and recreated to read:

**20.435 Health Services, Department of**

(4) MEDICAID SERVICES

				14,879,000		
(bn)	Income maintenance	GPR	B	<del>14,331,200</del>	15,138,000	
				59,804,900		
(nn)	Federal aid; income maintenance	PR–F	C	<del>58,575,300</del>	60,372,400	

**Vetoed  
In Part**

**Vetoed  
In Part**

**54. FoodShare Employment and Training Cost-to-Continue**

**Governor’s written objections**

*Section 126 [as it relates to s. 20.435 (4) (bp)]*

This provision increases funding available for FoodShare Employment and Training program services for childless adults in the Medicaid program.

I am partially vetoing section 126 [as it relates to s. 20.435 (4) (bp)] by lining out the amounts under s. 20.435 (4) (bp) and writing in smaller amounts that reduce the appropriation by \$1,000,000 GPR in both fiscal years. I object to burdensome requirements imposed on Medicaid recipients in order to receive health insurance. I am requesting the Department of Administration secretary not to allot these funds.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 126.** 20.005 (3) of the statutes is repealed and recreated to read:

**20.435 Health Services, Department of**

(4) MEDICAID SERVICES

(bp)	Food stamp employment and training program administration	GPR	C	<del>15,212,700</del>	<del>15,623,800</del>	
				<del>14,212,700</del>	<del>14,623,800</del>	

**Vetoed  
In Part**

**55. Authority to Reallocate Positions**

**Governor’s written objections**

*Section 9119 (10)*

This provision directs the Department of Health Services to utilize 5.0 FTE existing positions to create an infant mortality prevention program. The department shall report the reallocation of these positions in its 2021–23 budget request.

I object to the Legislature directing the reallocation without accounting for the need for staffing of other priority health programs, such as oral health. I am partially vetoing this provision to allow the department to reallocate positions to create the infant mortality prevention program and provide positions to the oral health program. I am directing the department to reallocate from existing positions sufficient FTE position authority to create and staff an infant mortality prevention program, sufficient FTE position authority to expand services provided by the oral health program, and sufficient FTE position authority to staff other programs within the department. I am directing the Department of Health Services to submit a plan for any reallocations under this section to the Department of Administration for review and approval prior to implementing any reallocation.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 9119. Nonstatutory provisions; Health Services.**

(10) **INFANT MORTALITY PREVENTION PROGRAM.** The department of health services shall allocate **5.0 FTE** positions that are authorized for the department of health ser-

vices to staff an **infant mortality prevention** program. The department of health services shall report in its 2021–23 budget request any necessary budget adjustments to reflect this allocation of positions.

**Vetoed  
In Part**

**Vetoed  
In Part**

**56. Birth to 3 Program**

**Governor’s written objections**

*Section 9219 (1p)*

This section requires the Department of Health Services to transfer \$2,250,000 GPR allocated to the Children’s Community Options Program to the Birth to 3 Program in fiscal year 2019–20. This section also requires a transfer of \$2,250,000 GPR from the Community Options Program to the children’s Community Options Program in fiscal year 2019–20.

I am partially vetoing this section to eliminate the \$2,250,000 GPR transfer from the Community Options Program to the Children’s Community Options Program because I object to it as unnecessary. I am directing the Department of Health Services and Department of Administration to utilize the authority of s. 20.435 (7) (bt) as a continuing appropriation to split the \$2,250,000 GPR transfer over both years of the biennium. This will avoid violating the federal maintenance of effort requirement that requires states to maintain the same level of state support compared to the prior year. I am also directing the Department of Health Services to request an annual increase of \$1,125,000 GPR in the Birth to 3 Program appropriation in its 2021–23 agency biennial budget request.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 9219. Fiscal changes; Health Services.**

(1p) **CHILDREN’S COMMUNITY OPTION PROGRAM AND BIRTH TO 3 PROGRAM TRANSFERS.**

(a) In fiscal year 2019–20, there is transferred from s. 20.435 (4) (bd) from the amounts allocated to the children’s community options program under s. 46.272 to s. 20.435 (7) (bt) \$2,250,000.

(b) In fiscal year 2019–20, there is transferred from s. 20.435 (4) (b), (im), or (in) from the amounts allocated to the community options program under s. 46.27, 2017 stats., to s. 20.435 (4) (bd) \$2,250,000 to be allocated to the children’s community options program under s. 46.272.

**Vetoed  
In Part**

**Vetoed  
In Part**

**57. Nitrate Testing for Private Wells**

**Governor’s written objections**

*Section 126 [as it relates to ss. 20.435 (1) (ec) and 20.865 (4) (a)]*

This provision increases funding in the Joint Committee on Finance GPR supplemental appropriation by \$3,000,000 GPR in fiscal year 2019–20. Initially the Joint Committee on Finance created language related to nitrate testing for private wells, which the Assembly later removed. The Assembly did not remove the funding.

I am partially vetoing section 126 [as it relates to ss. 20.435 (1) (ec) and 20.865 (4) (a)] by removing s. 20.435 (1) (ec) and by lining out the amount under s. 20.865 (4) (a) and writing in a smaller amount that reduces the appropriation by \$3,000,000 GPR in fiscal year 2019–20. I object to the removal of programmatic language for critical testing efforts in the state while the Legislature retains the funding to potentially use for other purposes. These programs should be authorized and funded together, and the department should not have to go back to the Joint Committee on Finance to request release of the funds. In addition, the Legislature intended to remove s. 20.435 (1) (ec) from the Chapter 20 appropriation schedule, but it was erroneously included. This partial veto is part of a larger write-down of the Joint Committee on Finance GPR supplemental appropriation. I am requesting the Department of Administration secretary not to allot these funds.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 126.** 20.005 (3) of the statutes is repealed and recreated to read:

**20.435 Health Services, Department of**

(1) PUBLIC HEALTH SERVICES PLANNING, REGULATION AND DELIVERY

(ec) Nitrate testing grant program	GPR	C	-0-	-0-
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**Vetoed  
In Part**

**20.865 Program Supplements**

(4) JOINT COMMITTEE ON FINANCE SUPPLEMENTAL APPROPRIATIONS

(a) General purpose revenue funds			46,680,000	
general program supplementation	GPR	B	43,680,000	61,912,900

**Vetoed  
In Part**

**58. Wisconsin Statewide Public Safety and Interoperable Communications System**

**Governor’s written objections**

*Section 9144 (3)*

This provision requires the Department of Transportation to issue a request for proposals for the Wisconsin Statewide Public Safety Interoperable Communications System (WISCOM) by June 30, 2020, in collaboration with the Department of Military Affairs, and it authorizes the Department of Transportation to spend up to \$500,000 for related professional consulting services.

I am vetoing this provision in its entirety because I object to having the WISCOM program in the Department of Military Affairs while having the Department of Transportation issue a request for proposals related to the system. The Department of Administration has statutory authority over procurement in the state. This provision is legislative overreach into the procurement process.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 9144. Nonstatutory provisions; Transportation.**

(3) STATEWIDE PUBLIC SAFETY INTEROPERABLE COMMUNICATIONS SYSTEM. No later than June 30, 2020, the

department of transportation, in collaboration with the department of military affairs, shall issue a request for proposals for a statewide public safety interoperable communications system to be deployed on existing tower

**Vetoed  
In Part**

**Vetoed  
In Part**

**Vetoed  
In Part**

sites. The department of transportation may expend not more than \$500,000 to enter into a contract with an organization to provide professional consulting services

related to development of bidder qualifications and technical requirements for the request for proposals issued under this subsection.

**Vetoed  
In Part**

## **E. TRANSPORTATION, TAX, LOCAL GOVERNMENT AND ECONOMIC DEVELOPMENT**

### **59. Expansion of Auditing Activity**

#### **Governor’s written objections**

*Section 9137 (1p)*

This section advances the termination date of 38.0 FTE GPR audit and compliance project positions that were provided to the Department of Revenue under 2017 Wisconsin Act 59, to an effective date of September 30, 2023.

I am partially vetoing the effective date language in section 9137 (1p) to extend the termination date of these positions to encompass the full 2023–25 biennium because I object to the early elimination of these positions that are needed to ensure tax fairness and equality. The new effective termination date will be June 30, 2025. This will allow the Department of Revenue to continue its tax enforcement and auditing activities without interruption.

#### **Cited segments of 2019 Assembly Bill 56:**

**SECTION 9137. Nonstatutory provisions; Revenue.**  
(1p) EXPANSION OF AUDITING ACTIVITY. Notwithstanding s. 230.27 (1), the termination date of 38.0 GPR audit and compliance project positions provided to the

department of revenue under 2017 Wisconsin Act 59 is the first September 30 occurring in the 2nd fiscal biennium beginning after the effective date of this subsection.

**Vetoed  
In Part**

### **60. Defining Vapor Products**

#### **Governor’s written objections**

*Section 1754*

This section defines a “vapor product” and the bill imposes an excise tax and inventory tax of 5 cents per milliliter on vapor fluids. The bill further amends current law regulating the sale and taxation of tobacco products to include vapor products.

I am partially vetoing the definition of “vapor product” in section 1754 because I object to the ambiguous language in the definition. Specifically, the language could be erroneously construed to exclude liquids or other substances that are used in electronic cigarettes, electronic cigars, electronic pipes or similar devices. Such an interpretation would be contrary to intent.

As a result of my partial veto of this definition, the vapor products tax will clearly apply to any device containing vapor fluid and to vapor fluid sold separately.

#### **Cited segments of 2019 Assembly Bill 56:**

**SECTION 1754.** 139.75 (14) of the statutes is created to read:  
139.75 (14) “Vapor product” means a noncombustible product that produces vapor or aerosol for

inhalation from the application of a heating element to a liquid or other substance that is depleted as the product is used , regardless of whether the liquid or other substance contains nicotine.

**Vetoed  
In Part**

**61. Tolling and Mileage-based Fee Study**

**Governor's written objections**

*Section 1082m*

This section requires the Department of Transportation to spend not more than \$2,500,000 to study tolling and mileage-based fees. It further requires the department to submit a report on its findings and include its recommendations in the department's next biennial budget request.

I am vetoing this section because I object to the financing of another study that will show, yet again, that the motor fuel tax is the most effective way to approximate a user fee of roadway use and the most cost-effective way to collect revenue. The Legislature has had more than enough evidence and enough time to study the issue. It is time for the Legislature to stop stalling and act to secure a long-term transportation funding solution.

**Cited segments of 2019 Assembly Bill 56:**

**Vetoed  
In Part**

**SECTION 1082m.** 85.0203 of the statutes is created to read:

**85.0203 Mileage-based fees and tolling.** (1) The department shall expend not more than \$2,500,000 to enter into a contract with a firm for the study of, and preparation of a report regarding, the policies, procedures, and operations needed to implement mileage-based fees and tolling and for the preparation of a traffic and revenue analysis associated with these fees and tolls.

No later than December 1, 2022, the firm conducting the study and preparing the analysis under this subsection shall report its findings to the department and the legislature under s. 13.172 (2).

(2) The department shall, in its next subsequent biennial budget request under s. 16.42 following submission of the report under sub. (1), include a recommendation regarding mileage-based fees and tolling.

**Vetoed  
In Part**

**62. Registration Fees by Weight Classification**

**Governor's written objections**

*Section 1988b*

This section requires the Department of Transportation to charge truck owners the same registration fee of \$100 per vehicle to register all trucks that weigh not more than 10,000 pounds.

I am partially vetoing this section to continue to charge owners of trucks that weigh more than 6,000 pounds but not more than 8,000 pounds and trucks that weigh more than 8,000 pounds but not more than 10,000 pounds their current, respective, registration fees of \$106 and \$155 because I object to owners of lighter vehicles unfairly being charged the same fees as those for heavier trucks. Heavier trucks do more damage to roadways and therefore should be charged more than lighter trucks. This action retains the uniform \$100 registration fee for vehicles that weigh not more than 6,000 pounds. As a result of this partial veto, revenue to the transportation fund is estimated to increase by \$3,027,600 in fiscal year 2019-20 and \$4,157,200 in fiscal year 2020-21.

**Cited segments of 2019 Assembly Bill 56:**

**Vetoed  
In Part**

**SECTION 1988b.** 341.25 (2) (a) to (cm) of the statutes are amended to read:  
341.25 (2)

(c) Not more than 8,000 . . . . . ~~106.00~~ 100.00  
(cm) Not more than 10,000 . . . . . ~~155.00~~ 100.00

**Vetoed  
In Part**

**63. Discretionary Supplement**

**Governor’s written objections**

*Sections 126 [as it relates to s. 20.395 (2) (fc)], 184s and 1095m*

These provisions require the Department of Transportation to expend \$90,000,000 GPR on local road projects with \$32,003,200 directed to county projects, \$22,847,400 directed to village and city projects, and \$35,149,400 directed for town projects.

I am partially vetoing section 126 [as it relates to s. 20.395 (2) (fc)] by lining out the amount under s. 20.395 (2) (fc) in fiscal year 2019–20 and writing in a smaller amount that reduces the appropriation by \$15,000,000 GPR because I object to the magnitude of general fund dollars being utilized for transportation purposes in this budget. The result of this action is to reduce the amount appropriated in fiscal year 2019–20 under this appropriation from \$90,000,000 to \$75,000,000. I am also requesting the Department of Administration secretary not to allot these funds. While additional investment in our local transportation needs is welcome, this provision creates yet another one–time subsidy to the transportation fund and illustrates the missed opportunity to provide a sustainable funding solution that would allow this program to be an ongoing investment in local communities without using the general fund to pay for transportation projects.

I am also partially vetoing these sections to remove the limitations placed on the use of the general fund monies because I object to the restrictions that these constraints place on the department to fund grants to the most needed projects throughout the state. Law enforcement and firefighters across Wisconsin have called on the Legislature to address poor road conditions that are putting Wisconsinites’ safety at risk. The effect of this partial veto will be to allow the department to prioritize the most critical transit and transportation needs.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 126.** 20.005 (3) of the statutes is repealed and recreated to read:

**20.395 Transportation, Department of**

(2) LOCAL TRANSPORTATION ASSISTANCE

(fc) Local roads improvement discretionary supplement

GPR

C

90,000,000  
75,000,000

-0-

**Vetoed  
In Part**

**SECTION 184s.** 20.395 (2) (fc) of the statutes is created to read:

20.395 (2) (fc) *Local roads improvement discretionary supplement.* From the general fund, as a continuing appropriation, the amounts in the schedule for the local roads improvement discretionary supplemental grant program under s. 86.31 (3s) .

**SECTION 1095m.** 86.31 (3s) of the statutes is created to read:

**86.31 (3s) DISCRETIONARY SUPPLEMENTAL GRANTS.**  
(a) Funds provided under s. 20.395 (2) (fc) shall be distributed under this subsection as discretionary grants to reimburse political subdivisions for improvements. The department shall solicit and provide discretionary grants

under this subsection until all funds appropriated under s. 20.395 (2) (fc) have been expended.

(b) 1. From the appropriation under s. 20.395 (2) (fc), the department shall allocate \$32,003,200 in fiscal year 2019–20, to fund county trunk highway improvements.

2. From the appropriation under s. 20.395 (2) (fc), the department shall allocate \$35,149,400 in fiscal year 2019–20, to fund town road improvements.

3. From the appropriation under s. 20.395 (2) (fc), the department shall allocate \$22,847,400 in fiscal year 2019–20, to fund municipal street improvement projects.

(c) Notwithstanding sub. (4), a political subdivision may apply to the department under this subsection for reimbursement of not more than 90 percent of eligible costs of an improvement.

**Vetoed  
In Part**

**Vetoed  
In Part**

**Vetoed  
In Part**

**Vetoed  
In Part**

64. Fuel Suppliers Administrative Allowance

Governor’s written objections

Section 9437 (5f)

This section specifies that the bill’s reduction in the fuel suppliers administration allowance will take effect on the first day of the year that occurs four years after the signing of the bill. This section, consequently, creates an effective date of January 1, 2023, for rate reductions in the fuel suppliers administrative allowance. The bill reduces the fuel suppliers administrative allowance rates from 0.0125 and 0.001 to 0.00625 and 0.0005, respectively.

I am partially vetoing the effective date in section 9437 (5f) to advance the effective date to January 1, 2020, because I object to the protracted length of time provided to implement the rate changes. The new implementation date of January 1, 2020, will provide sufficient time for businesses to adapt to the change in tax allowances.

As a result of this partial veto, transportation fund tax revenue is estimated to increase by \$2,800,000 in fiscal year 2019–20 and \$5,700,000 in fiscal year 2020–21.

Cited segments of 2019 Assembly Bill 56:

SECTION 9437. Effective dates; Revenue. (5f) FUEL SUPPLIERS ADMINISTRATIVE ALLOWANCE. The treatment of s. 78.12 (4) (a) 2., 3., and 4. and (5) takes

effect on the first day of the year that occurs 4 years after the effective date of this subsection.

Vetoed In Part

65. Quarry Local Zoning Preemption

Governor’s written objections

Sections 760c, 760g, 760k, 760p, 760t, 760w, 760y, 761c, 761e, 761g, 761k, 761p, 766c, 766g, 766n, 766r, 766w, 777m and 1103m

These sections limit the authority of political subdivisions to place conditions or limits on the operations of quarries.

I am vetoing these sections because I object to this change to local authority occurring without the opportunity for public debate outside of the budget process. I recognize the upward cost pressures on road building caused by trucking aggregate long distances and the cost savings that could be realized, but these concerns must be weighed against the need for local control of land use. As such, I am vetoing this provision to allow for further public debate.

Cited segments of 2019 Assembly Bill 56:

Vetoed In Part

SECTION 760c. 59.69 (10) (ab) of the statutes is renumbered 59.69 (10) (ab) (intro.) and amended to read:

59.69 (10) (ab) (intro.) In this subsection “nonconforming use”:

3. “Nonconforming use” means a use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with the use restrictions in the current ordinance.

SECTION 760g. 59.69 (10) (ab) 1. of the statutes is created to read:

59.69 (10) (ab) 1. “Contiguous” means sharing a common boundary or being separated only by a water-

way, section line, public road, private road, transportation right-of-way, or utility right-of-way.

SECTION 760k. 59.69 (10) (ab) 1m. of the statutes is created to read:

59.69 (10) (ab) 1m. “Contiguous parcel” means any parcel of land, up to a cumulative limit of 80 acres, that, as of January 1, 2001, is contiguous to and is located in the same political subdivision as land on which a quarry existed lawfully before the quarry became a nonconforming use, is under the common ownership, leasehold, or control of the person who owns, leases, or controls the land on which the quarry is located, and is shown to have been intended for quarry operations prior to the effective

Vetoed In Part



Vetoed  
In Part

date of the ordinance that rendered the use nonconforming. For purposes of this subdivision, if the contiguous parcel of land was commonly owned, leased, or controlled on January 1, 2001, there is a presumption that the contiguous parcel of land was intended for quarry operations prior to the effective date of the ordinance that rendered the use nonconforming.

**SECTION 760p.** 59.69 (10) (ab) 2. of the statutes is created to read:

59.69 (10) (ab) 2. “Nonconforming quarry site” means land on which a quarry existed lawfully before the quarry became a nonconforming use, including any contiguous parcel. The nonconforming status of any contiguous parcel shall be subject to the requirement that, on a 5 year rolling average, 75 percent of the quarry materials extracted from the contiguous parcel shall be used for infrastructure-related projects, as determined by the quarry operator. If this 75 percent requirement is not met as to any contiguous parcel, the nonconforming status of the contiguous parcel may be suspended. A determination that a particular parcel of land is nonconforming under subd. 3. or common law is cumulative of this definition.

**SECTION 760t.** 59.69 (10) (ab) 4. of the statutes is created to read:

59.69 (10) (ab) 4. “Quarry” has the meaning given in s. 66.04135 (2) (c).

**SECTION 760w.** 59.69 (10) (ab) 5. of the statutes is created to read:

59.69 (10) (ab) 5. “Quarry operations” has the meaning given in s. 66.04135 (2) (d).

**SECTION 760y.** 59.69 (10) (ap) of the statutes is created to read:

59.69 (10) (ap) Notwithstanding par. (am), an ordinance enacted under this section cannot prohibit the continued operation of a quarry at a nonconforming quarry site. For purposes of this paragraph, the continued operation of a quarry includes conducting quarry operations in an undisturbed area of a nonconforming quarry site. Nothing in this section shall be construed as modifying or limiting an operator’s reclamation obligations under a reclamation permit.

**SECTION 761c.** 60.61 (5) (ab) of the statutes is renumbered 60.61 (5) (ab) (intro.) and amended to read:

60.61 (5) (ab) (intro.) In this subsection “~~nonconforming use~~”:

2. “Nonconforming use” means a use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with the use restrictions in the current ordinance.

**SECTION 761e.** 60.61 (5) (ab) 1. of the statutes is created to read:

60.61 (5) (ab) 1. “Nonconforming quarry site” has the meaning given in s. 59.69 (10) (ab) 2.

**SECTION 761g.** 60.61 (5) (ab) 3. of the statutes is created to read:

60.61 (5) (ab) 3. “Quarry” has the meaning given in s. 66.04135 (2) (c).

**SECTION 761k.** 60.61 (5) (ab) 4. of the statutes is created to read:

60.61 (5) (ab) 4. “Quarry operations” has the meaning given in s. 66.04135 (2) (d).

**SECTION 761p.** 60.61 (5) (as) of the statutes is created to read:

60.61 (5) (as) Notwithstanding par. (am), an ordinance enacted under this section cannot prohibit the continued operation of a quarry at a nonconforming quarry site. For purposes of this paragraph, the continued operation of a quarry includes conducting quarry operations in an undisturbed area of a nonconforming quarry site. Nothing in this section shall be construed as modifying or limiting an operator’s reclamation obligations under a reclamation permit.

**SECTION 766c.** 62.23 (7) (ab) of the statutes is renumbered 62.23 (7) (ab) (intro.) and amended to read:

62.23 (7) (ab) *Definition Definitions.* (intro.) In this subsection “nonconforming use”:

2. “Nonconforming use” means a use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with the use restrictions in the current ordinance.

**SECTION 766g.** 62.23 (7) (ab) 1. of the statutes is created to read:

62.23 (7) (ab) 1. “Nonconforming quarry site” has the meaning given in s. 59.69 (10) (ab) 2.

**SECTION 766n.** 62.23 (7) (ab) 3. of the statutes is created to read:

62.23 (7) (ab) 3. “Quarry” has the meaning given in s. 66.04135 (2) (c).

**SECTION 766r.** 62.23 (7) (ab) 4. of the statutes is created to read:

62.23 (7) (ab) 4. “Quarry operations” has the meaning given in s. 66.04135 (2) (d).

**SECTION 766w.** 62.23 (7) (hd) of the statutes is created to read:

62.23 (7) (hd) *Nonconforming quarry sites.* Notwithstanding par. (h), an ordinance enacted under this section cannot prohibit the continued operation of a quarry at a nonconforming quarry site. For purposes of this paragraph, the continued operation of a quarry includes conducting quarry operations in an undisturbed area of a nonconforming quarry site. Nothing in this section shall be construed as modifying or limiting an operator’s reclamation obligations under a reclamation permit.

**SECTION 777m.** 66.04135 of the statutes is created to read:

**66.04135 Quarries extracting certain nonmetallic minerals.** (1) CONSTRUCTION. (a) Nothing in this sec-

Vetoed  
In Part

Vetoed  
In Part

tion may be construed to affect the authority of a political subdivision to regulate land use for a purpose other than quarry operations.

(b) Nothing in this section may be construed to exempt a quarry from a regulation of general applicability placed by a political subdivision that applies to other property in the political subdivision that is not a quarry unless the regulation is inconsistent with this section.

(2) DEFINITIONS. In this section:

(a) "Permit" means a form of approval granted by a political subdivision for the operation of a quarry.

(b) "Political subdivision" means a city, village, town, or county.

(c) "Quarry" means the surface area from which non-metallic minerals, including soil, clay, sand, gravel, and construction aggregate, that are used primarily for a public works project or a private construction or transportation project are extracted and processed.

(d) "Quarry operations" means the extraction and processing of minerals at a quarry and all related activities, including blasting, vehicle and equipment access to the quarry, and loading and hauling of material to and from the quarry.

(3) LIMITATIONS ON LOCAL REGULATION. (a) *Permits.*

1. Consistent with the requirements and limitations in this subsection, except as provided in subd. 2., a political subdivision may require a quarry operator to obtain a zoning or nonzoning permit to conduct quarry operations.

2. A political subdivision cannot require a quarry operator to obtain a zoning or nonzoning permit to conduct quarry operations unless prior to the establishment of quarry operations the political subdivision enacts an ordinance that requires the permit. A political subdivision cannot require a quarry operator to obtain a nonzoning permit to conduct quarry operations if the quarry operation operates under a previously issued zoning permit.

(b) *Applicability of local limit.* If a political subdivision enacts a nonzoning ordinance regulating the operation of a quarry that was not in effect when quarry operations began at a quarry, the limit cannot be applied to that quarry or to land that is contiguous, as defined in s. 59.69 (10) (ab) 1., to the land on which the quarry is located, is under the common ownership, leasehold, or control of the person who owns, leases, or controls the land on which the quarry is located, and is located in the same political subdivision.

(c) *Blasting.* 1. In this paragraph, "affected area" means an area within a certain radius of a blasting site that may be affected by a blasting operation, as determined using a formula established by the department of safety and professional services by rule that takes into account a scaled-distance factor and the weight of explosives to be used.

2. Except as provided under subs. 3. and 4., a political subdivision cannot limit blasting at a quarry.

3. A political subdivision may require the operator of a quarry to do any of the following:

a. Before beginning a blasting operation at the quarry, provide notice of the blasting operation to each political subdivision in which any part of the quarry is located and to owners of dwellings or other structures within the affected area.

b. Before beginning a blasting operation at the quarry, cause a 3rd party to conduct a building survey of any dwellings or other structures within the affected area.

c. Before beginning a blasting operation at the quarry, cause a 3rd party to conduct a survey of and test any wells within the affected area.

d. Provide evidence of insurance to each political subdivision in which any part of the quarry is located.

e. Provide copies of blasting logs to each political subdivision in which any part of the quarry is located.

f. Provide maps of the affected area to each political subdivision in which any part of the quarry is located.

g. Provide copies of any reports submitted to the department of safety and professional services relating to blasting at the quarry.

4. A political subdivision may suspend a permit for a violation of the requirements under s. 101.15 relating to blasting and rules promulgated by the department of safety and professional services under s. 101.15 (2) (e) relating to blasting only if the department of safety and professional services determines that a violation of the requirements or rules has occurred and only for the duration of the violation as determined by the department of safety and professional services.

(d) *Water quality or quantity.* 1. Except as provided under subs. 2. to 5., a political subdivision cannot do any of the following with respect to the operation of a quarry:

a. Establish or enforce a water quality standard.

b. Issue permits, including permits for discharges to the waters of the state, or any other form of approval related to water quality or quantity.

c. Impose any restriction related to water quality or quantity.

d. Impose any requirements related to monitoring of water quality or quantity.

2. A political subdivision may take actions related to water quality that are specifically required or authorized by state law.

3. A political subdivision may require the operator of a quarry to conduct and provide water quality and quantity baseline testing and ongoing quality testing, to occur not more frequently than annually, of all wells within 1,000 feet of the perimeter of a quarry site when a new high capacity well is added to an existing quarry site or a new quarry site is established. A testing requirement under this subdivision cannot impose any standard that is

Vetoed  
In Part

**Vetoed  
In Part**

more stringent than the standards for groundwater quality required by rules promulgated by the department of natural resources. The political subdivision may request a report of well testing results within 30 days of the completion of testing, and the quarry operator shall provide the results within that time. Any person offered the opportunity to have a well tested under this subdivision but who knowingly refuses testing waives any claim against a quarry operator related to the condition of the well if, within 90 days of the offer, the quarry operator records with the register of deeds for the county in which the well is located a written and sworn certification that the person refused the offer.

4. A political subdivision that imposes a requirement to conduct any ongoing water quality or quantity testing of wells adjacent to an existing quarry prior to the effective date of this subdivision .... [LRB inserts date], may continue to do so.

5. In addition to the ability to enforce properly adopted local regulations as allowed by this section, a political subdivision may suspend a permit authorizing the operation of a quarry for a violation of state law or rules promulgated by the department of natural resources relating to water quality or quantity only if the department of natural resources determines that a violation of state law or rules has occurred and only for the duration of the violation, as determined by the department of natural resources.

(e) *Air quality.* 1. Notwithstanding s. 285.73, and except as provided under subsds. 2. to 4., a political subdivision cannot do any of the following with respect to the operation of a quarry:

a. Establish or enforce an ambient air quality standard, standard of performance for new stationary sources, or other emission limitation related to air quality.

b. Issue permits or any other form of approval related to air quality.

c. Impose any restriction related to air quality.

d. Impose any requirement related to monitoring air quality.

2. A political subdivision may require the operator of a quarry to use best management practices to limit off-site fugitive dust and may enforce properly adopted fugitive dust regulations.

3. A political subdivision may take actions related to air quality that are specifically required or authorized by state law.

4. In addition to the ability to enforce properly adopted local regulations as allowed by this section, a political subdivision may suspend a permit authorizing the operation of a quarry for a violation of state law or rules promulgated by the department of natural resources

relating to air quality only if the department of natural resources determines that a violation of state law or rules has occurred and only for the duration of the violation, as determined by the department of natural resources.

(f) *Quarry permit requirements.* 1. A political subdivision cannot add a condition to a permit during the duration of the permit unless the permit holder consents.

2. If a political subdivision requires a quarry to comply with another political subdivision's ordinance as a condition for obtaining a permit, the political subdivision that grants the permit cannot require the quarry operator to comply with a provision of the other political subdivision's ordinance that is enacted after the permit is granted and while the permit is in effect.

3. a. A town cannot require, as a condition for granting a permit to a quarry operator, that the quarry operator satisfy a condition that a county requires in order to grant a permit that is imposed by a county ordinance enacted after the county grants a permit to the quarry operator.

b. A county cannot require, as a condition for granting a permit to a quarry operator, that the quarry operator satisfy a condition that a town requires in order to grant a permit that is imposed by a town ordinance enacted after the town grants a permit to the quarry operator.

**SECTION 1103m.** 101.02 (7y) of the statutes is created to read:

101.02 (7y) (a) In this subsection, "quarry" has the meaning given in s. 66.04135 (2) (c).

(b) Notwithstanding sub. (7) (a), and except as provided in this subsection and s. 66.04135 (3) (c), a city, village, town, or county cannot make or enforce a local order that limits blasting at a quarry.

(c) A city, village, town, or county may petition the department for an order granting the city, village, town, or county the authority to impose additional restrictions and requirements related to blasting on the operator of a quarry. If a city, village, town, or county submits a petition under this paragraph because of concerns regarding the potential impact of blasting on a qualified historic building, as defined in s. 101.121 (2) (c), the department may require the operator of the quarry to pay the costs of an impact study related to the qualified historic building.

(d) If the department issues an order under this subsection, the order may grant the city, village, town, or county the authority to impose restrictions and requirements related to blasting at the quarry that are more restrictive than the requirements under s. 101.15 related to blasting and rules promulgated by the department under s. 101.15 (2) (e) related to blasting.

(e) The department cannot charge a fee to a city, village, town, or county in connection with a petition submitted under par. (c).

**Vetoed  
In Part**

**Vetoed  
In Part**

**66. Supplemental Transportation Aids**

**Governor’s written objections**

*Section 1091m*

This section requires the Department of Transportation to pay a supplemental general transportation aids payment to qualifying towns.

I am partially vetoing this section because I object to the date the aid payments must be calculated by because information needed to accurately calculate the payments will not available by the specified date.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 1091m.** 86.30 (3) of the statutes is created to read:

86.30 (3) SUPPLEMENTAL TRANSPORTATION AIDS. (a) *Amount of aids payments.* Notwithstanding sub. (2) and subject to pars. (b) and (c), for a town for which the amount of aid determined under sub. (2) (a) 2. is limited by sub. (2) (d), the amount of aid under this subsection is calculated by dividing \$2,500,000 by the total mileage of

town roads in towns eligible to receive aid under this subsection and then multiplying that amount by the total mileage of town roads in the town receiving aid. The department shall determine the amount of aid payable under this paragraph **no later than October 1 of the year** prior to the calender year in which the aid would be payable.

**Vetoed  
In Part**

**67. Wheel Tax Fee Increase**

**Governor’s written objections**

*Section 1988m*

This section requires the Department of Transportation to charge at least 27 cents per vehicle registration application for municipal or county vehicle registration fees.

I am vetoing this section because I object to statutorily establishing higher fees upon the municipalities and counties that have had to adopt or increase local registration fees to improve their roads after eight years of underfunding by the Legislature.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 1988m.** 341.35 (6m) of the statutes is amended to read:

341.35 (6m) ADMINISTRATIVE COSTS. The department shall retain a portion of the moneys collected under this section equal to the actual administrative costs

related to the collection of these fees **but not less than 27 cents per vehicle application.** The department shall establish the method for computing the administrative costs by rule and review the methodology annually to ensure full reimbursement of its expenses.

**Vetoed  
In Part**

**68. Lieutenant Governor Security**

**Governor’s written objections**

*Section 9144 (4o)*

This provision puts a limit on the amount that the Department of Transportation is allowed to spend on the security and safety of the Lieutenant Governor.

**Vetoed  
In Part**

I am vetoing this provision because I object to limiting cost expenditures in this manner because it undercuts the judgment of law enforcement. Inadequate security measures put the brave men and women of law enforcement, the Lieutenant Governor, his staff, and the general public at large in danger. This provision is politically driven and is intended to undermine the Office of the Lieutenant Governor and the valuable work he performs across the state.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 9144. Nonstatutory provisions; Transportation.**

(4o) LIEUTENANT GOVERNOR SECURITY AND SAFETY. The amount that the department of transportation expends during the 2019–21 fiscal biennium for the secu-

...rity and safety of the lieutenant governor cannot exceed the amount expended by the department of transportation during the 2017–19 fiscal biennium for the same purpose.

**Vetoed  
In Part**

**Vetoed  
In Part**

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**69. Required Interchange for I–41 in Brown and Outagamie Counties**

**Governor’s written objections**

*Section 1078d*

This section requires the Department of Transportation to expand I–41 from two to three lanes over 23 miles between Brown and Outagamie counties. It further requires an interchange to be constructed at Southbridge Road, French Road and Creamery Road in Brown County.

I am partially vetoing this section to delete the specified interchange because I object to dictating specific design elements for congestion and safety improvements without obtaining the input of professional highway engineers. While the Department of Transportation may decide that the specified interchange is merited, this determination should be left to the department. This veto ensures that Wisconsin’s highways will be designed to best fit the needs of its highway users.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 1078d.** 84.013 (3) (b) of the statutes is created to read:

84.013 (3) (b) I 41 extending approximately 23 miles between STH 96 in the town of Grand Chute and CTH “F” in the town of Lawrence, in Brown and Outagamie counties, including all interchanges, and including work

...on local roads as necessary for the completion of the project. As a component of this project, the department shall construct an interchange of I 41 and local highways near the intersection of Southbridge Road/French Road and Creamery Road in Brown County.

**Vetoed  
In Part**

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**70. Initial Applicability of Registration Fee Increases**

**Governor’s written objections**

*Sections 9344 (1) and 9344 (4o)*

These sections specify that the changes to automobile and truck registrations initially apply to applications received by the Department of Transportation on October 1, 2019.

I am partially vetoing these sections because I object to the confusion that will be created by linking the amount of the fee owed to when the application is received by the Department of Transportation. By vetoing the reference to when the application is received, my partial veto eliminates the potential of two individuals with the same date of application being charged different fees simply because of when the application is received. My partial veto will also avoid circumstances where an individual will mail a registration renewal prior to October 1, 2019, but then require the same individual to submit an additional amount later because of when the application is received by the department. As a result of my partial veto, the registration fee changes will apply to applications starting on October 1, 2019.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 9344. Initial applicability; Transportation.**

(1) REGISTRATION FEES BASED ON GROSS WEIGHT. The treatment of s. 341.25 (2) (a) to (cm) first applies to an application for registration received by the department of

transportation on the effective date of this subsection.

(4o) AUTOMOBILE REGISTRATION FEE. The treatment of s. 341.25 (1) (a) first applies to applications for original or renewal vehicle registration received by the department of transportation on October 1, 2019.

**Vetoed  
In Part**

**Vetoed  
In Part**

**Vetoed  
In Part**

**71. Noise Barrier in Milwaukee County**

**Governor's written objections**

*Section 9144 (4e)*

This provision requires the Department of Transportation to install a noise barrier along the east side of I-41 adjacent to 112th Street, between Clarke Street and Center Street, in Milwaukee County by the end of the 2019-21 fiscal biennium.

I am vetoing this provision because this project is already on the Department of Transportation's project calendar and is thus unnecessary. I also object to legislatively determined deadlines for individual components of large highway projects.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 9144. Nonstatutory provisions; Transportation.**

(4e) NOISE BARRIER ON I 41. The department of transportation, during the 2019-21 fiscal biennium, shall

install a noise barrier along the east side of I 41 adjacent to 112th Street, between Clarke Street and Center Street, in Milwaukee County.

**Vetoed  
In Part**

**Vetoed  
In Part**

**72. Passenger Rail**

**Governor's written objections**

*Section 1082p*

This section requires the Department of Transportation to submit a request for approval to the Joint Committee on Finance to use expenditure authority provided under a newly-created appropriation for passenger rail development.

I am vetoing this section because I object to needless oversight requirements that could cripple the operations of a vital transportation option in southeastern Wisconsin.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 1082p.** 85.061 (3) (b) of the statutes is amended to read:

85.061 (3) (b) The department may not use any proceeds from the bond issue authorized under s. 20.866 (2) (up) or the moneys appropriated under s. 20.395 (2) (br) unless the joint committee on finance approves the use of the proceeds or moneys and, with respect to a route under

par. (a) 1. or 2., the department submits evidence to the joint committee on finance that Amtrak or the applicable railroad has agreed to provide rail passenger service on that route. The department may contract with Amtrak, railroads or other persons to perform the activities under the program.

**Vetoed  
In Part**

**Vetoed  
In Part**

73. Direct Sale of Motor Vehicles from Manufacturer

Governor's written objections

Sections 1826g, 1826m and 1826s

This provision allows for the sale of motor vehicles directly by a dealership owned by a manufacturer if that manufacturer only makes electric powered cars.

I am vetoing this provision as I object to significant changes to existing motor vehicle dealership law and the consumer protections they provide to Wisconsin occurring late in the state budget process and without the opportunity for adequate public input and debate.

Cited segments of 2019 Assembly Bill 56:

Vetoed In Part

SECTION 1826g. 218.0116 (1) (n) of the statutes is amended to read:

218.0116 (1) (n) The selling of new motor vehicles for which the dealer is not franchised or otherwise authorized to sell.

SECTION 1826m. 218.0116 (1) (w) 3. of the statutes is created to read:

218.0116 (1) (w) 3. In this subdivision, "subsidiary" means a manufacturer that is controlled by another manufacturer. Subdivision 1. does not apply to a manufacturer that manufactures only motor vehicles that are propelled solely by electric power, that is not a subsidiary, and that, before the effective date of this subdivision ... [LRB inserts date], has not entered into franchise agreements

with dealers or distributors to act as dealers or distributors of the manufacturer's motor vehicles.

SECTION 1826s. 218.0121 (3m) (e) of the statutes is created to read:

218.0121 (3m) (e) In this paragraph, "subsidiary" means a manufacturer that is controlled by another manufacturer. The ownership, operation, or control of a dealership by a manufacturer that manufactures only motor vehicles that are propelled solely by electric power, that is not a subsidiary, and that, before the effective date of this paragraph ... [LRB inserts date], has not entered into franchise agreements with dealers or distributors to act as dealers or distributors of the manufacturer's motor vehicles.

Vetoed In Part

74. City of Kaukauna Bridge

Governor's written objections

Sections 184o and 9144 (4x)

These sections require the Department of Transportation to fund the repair of the Veterans Memorial Bridge in the city of Kaukauna on Catharine Street from the appropriation under s. 20.395 (2) (eq).

I am vetoing these sections as I object to the placement of the project in the budget, particularly given the lack of additional funding provided to ensure that this earmark does not result in a delay for other needed repairs. At my direction, the Department of Transportation has already been reviewing options to move forward with the Kaukauna bridge project and will continue to do so.

Cited segments of 2019 Assembly Bill 56:

Vetoed In Part

SECTION 184o. 20.395 (2) (eq) of the statutes is amended to read:

20.395 (2) (eq) Highway and local bridge improvement assistance, state funds. As a continuing appropriation, the amounts in the schedule for bridge development, construction, and rehabilitation under s. 84.18, for the development and construction of bridges under ss. 84.12

and 84.17, for payments to local units of government for jurisdictional transfers under s. 84.16, for the improvement of the state trunk highway system under 1985 Wisconsin Act 341, section 6 (1), to provide for the payments specified under 2001 Wisconsin Act 16, section 9152 (3d), and for the payment required under 2015 Wisconsin Act 55, section 9145 (3f), and for the payment required

Vetoed In Part

**Vetoed In Part** under 2019 Wisconsin Act .... (this act), section 9144 (4x).

**SECTION 9144. Nonstatutory provisions; Transportation.**

**Vetoed In Part** (4x) CITY OF KAUKAUNA BRIDGE. Notwithstanding s. 84.18 (4) and (5), in the 2019–21 fiscal biennium, from s. 20.395 (2) (eq), the department of transportation shall provide funds to the city of Kaukauna for the rehabilitation of the Veterans Memorial Bridge on Catherine Street in the city of Kaukauna, including the repair or replace-

ment of the lifting mechanism of the bridge. The department shall provide the same percentage of the cost of the Veterans Memorial Bridge rehabilitation as the percent established under 23 USC 144 (f) (2). Notwithstanding s. 84.18 (6), the department cannot establish a limit on eligible funding amounts for the Veterans Memorial Bridge rehabilitation. The funds under this subsection shall be paid from amounts allocated under s. 20.395 (2) (eq) for bridge development, construction, and rehabilitation under s. 84.18.

**Vetoed In Part**

**75. Alternative Project Delivery**

**Governor’s written objections**

*Sections 46m, 1079m, 1089m, 9144 (4p) and 9144 (4q)*

These provisions require the Department of Transportation to establish an office of innovative program delivery, contract for six projects through a “design–build” contractual framework, evaluate potential bids with a technical committee, and submit reports to the Joint Committee on Finance.

I am partially vetoing these provisions because I object to the level of specificity that has been included in the statutes and the restrictions that have been placed on the department, which will make successful implementation of this alternative project delivery system difficult. As a result of my partial veto, the department will be able to implement a contracting model that has proven successful in accelerating transportation related project delivery at a reduced cost. In addition, the department will have the flexibility to implement this system on an ongoing basis without overly prescriptive statutory parameters.

**Cited segments of 2019 Assembly Bill 56:**

**Vetoed In Part** **SECTION 46m.** 15.463 of the statutes is created to read:

**15.463 Same; offices.** (1) OFFICE OF INNOVATIVE PROGRAM DELIVERY. There is created an office of innovative program delivery in the department of transportation. The director of the office shall be appointed by, and report directly to, the secretary of transportation.

**SECTION 1079m.** 84.062 of the statutes is created to read:

**84.062 Alternative project delivery.** (1) DEFINITIONS. In this section:

(d) “Design–builder” means a private legal entity, consortium, or joint venture that proposes to or executes a contract with the office to design, engineer, and construct a project under this section.

**Vetoed In Part**  
**Vetoed In Part** (f) “Design professional” means a person registered under s. 443.03 or 443.04 or a firm, partnership, or corporation registered under s. 443.08.

(g) “Director” means the director of the office of innovative program delivery attached to the department under s. 15.463 (1).

**Vetoed In Part** (h) “Fixed price variable scope design–build contract” means a design–build contract award made to the lowest qualified responsible bidder able to provide the

best qualitative scope of work at a price not to exceed a fixed price set by the office .

(j) “Member” means a private legal entity that is a member of a consortium or joint venture that is a design–builder.

(k) “Office” means the office of innovative program delivery attached to the department under s. 15.463 (1) .

(L) “Project” means a project involving a highway improvement, as defined in s. 84.06 (1) (a).

(m) “Qualified responsible bidder” means a design–builder responding to a request for qualifications and that is certified by the technical review committee .

(p) “Technical review committee” means the committee appointed under sub. (3).

(2) DESIGN–BUILD PROJECTS. (a) The department shall administer a pilot program under which not more than 6 contracts are awarded for design–build projects to be completed no later than December 31, 2025 . The director cannot designate a project as a design–build project unless the department is able to clearly define the scope of work.

(b) The department cannot expend more than \$250,000,000 for 6 design–build contracts designated as follows:

**Vetoed In Part**

**Vetoed In Part**

**Vetoed In Part**

**Vetoed In Part**

**Vetoed In Part**

**Vetoed In Part**

**Vetoed In Part**

**Vetoed In Part**

**Vetoed In Part**



**Vetoed  
In Part**

1. One low bid design–build contract for a project with an estimated value of not less than \$5,000,000 and not more than \$25,000,000.
  2. One best value design–build contract for a project with an estimated value of not less than \$25,000,000 and not more than \$75,000,000.
  3. One fixed price variable scope design–build contract with an estimated value of not less than \$25,000,000 and not more than \$75,000,000.
  4. Three contracts designated by the director with a total estimated value of not more than \$125,000,000. The department may enter into a low bid design–build contract, best value design–build contract or a fixed price variable scope design–build contract under this subdivision.
- (c) For each project designated as a design–build project under par. (a), the office shall prepare a written analysis supporting the office’s determination that it is the best interests of the state to make the designation. The written determination and supporting materials are subject to inspection under s. 19.35. The written analysis shall include all of the following:
1. The extent to which the department can adequately define the project requirements in a proposed scope of design and construction.
  2. The impact on the projected project schedule and completion date.
  3. The impact on the projected cost of the project.
  4. The impact on the quality factors of the project.
  5. The availability of contractors with experience with design–build projects or other innovative project delivery methods.
  6. The capability of the department to manage a design–build project with office employees and design consultants.
  7. The capability of the department to oversee a design–build project with a contractor with experience with design–build projects or other innovative project delivery methods.
  8. The availability of current department employees qualified to perform design and engineering services required for the design–build project.
  9. The original character of the product or the services.
  10. The statutory authority for the designation of the project as a design–build project and how the project furthers the department’s statutory duties.
  11. Whether the design–build project must comply with any federal rule or regulation or any U.S. department of transportation requirement and a statement that the design–build project is in compliance.
  12. Any other criteria the office determines is necessary.
- (d) For each project designated under par. (a), the office shall solicit requests for qualifications, requests for proposals, and cost proposals as provided in this section

- and, subject to sub. (7) (c) and (d), let each project by contract to a qualified responsible bidder.
- (e) No more than 6 months following the completion of a design–build project designated under this subsection, the office shall prepare a report, with input from the design–builder and the technical review committee, detailing the project, the decision to designate the project as a design–build project, the type of design–build contract let, and recommendations for statutory changes, if any. The office shall provide this report to the joint committee on finance and the senate and assembly standing committees having jurisdiction over transportation matters. The senate and assembly standing committees having jurisdiction over transportation matters shall schedule a hearing on the report not more than 30 days following distribution of the report by the chief clerks of the senate and the assembly. This paragraph does not apply to projects completed after December 31, 2025.
- (3) TECHNICAL REVIEW COMMITTEE.** (a) The secretary shall appoint 5 individuals to a technical review committee to evaluate proposals submitted under this section. The committee shall consist of the following:
1. An employee of the department representing a regional office of the department who has at least 5 years of experience in the transportation construction industry.
  2. Two employees of the department representing the division of the department responsible for transportation project development, each of whom have at least 5 years of experience in the transportation construction industry.
  3. One person representing a state association of architectural, engineering, or design companies.
  4. One person representing a state association of transportation construction companies.
- (b) The secretary cannot appoint to the technical review committee any person associated, as defined in s. 19.42 (2), with a design–builder. No person appointed to the technical review committee may review proposals under this section when the proposed project could benefit the appointee or the appointee’s immediate family, as defined in s. 19.42 (7).
- (c) A person appointed to the technical review committee is an agent of the department under s. 895.46.
- (d) Except as otherwise provided in this section, all records of the technical review committee are open to public inspection and copying under s. 19.35 (1).
- (4) BIDS.** The office shall solicit design–build proposals in 2 phases. In the first phase, the office shall solicit requests for qualifications under sub. (5) and requests for proposals under sub. (6). The technical review committee shall certify responsible bidders as provided in sub. (5) (c) and shall score technical proposals as provided in sub. (6) (b). In the 2nd phase, the office shall solicit cost proposals and the technical review committee shall evaluate cost proposals as provided in sub. (7).
- (5) REQUEST FOR QUALIFICATIONS.** (a) 1.

**Vetoed  
In Part**

a. The design and construction experience of the design-builder or member, personnel, and contractors who will manage the design, engineering, and construction aspects of the project. The office cannot require a level of experience that will unreasonably restrict competition.

Vetoed In Part

2.

d. If the department has previously contracted with the design-builder or a member, the design-builder or member has a record of satisfactorily completing projects. In making this determination, the technical review committee shall consider if the design-builder or the member has completed all contracts in accordance with drawings and specifications, diligently pursued execution of the work and completed contracts according to the time schedule, fulfilled guarantee requirements of contracts, and complied with applicable safety program requirements. The technical review committee cannot consider whether a design-builder or member exercised legal rights specified in statute or rule or under a contract with the department.

Vetoed In Part

f. The design-builder or a member has been in business for at least 12 months.

Vetoed In Part

g. The design-builder or a member has served as a prime contractor on no fewer than 5 projects administered by the department during the previous 5 calendar years.

Vetoed In Part

h. The design-builder can provide information to the technical review committee upon request about ownership, management, and control of the design-builder.

Vetoed In Part

j. The design-builder has not been disciplined under a professional license in any jurisdiction in the previous 10 years.

Vetoed In Part

(b) The office shall advertise the request for qualifications by publication of a class 1 notice, as defined in s. 985.07 (1), in the official state newspaper and on the department's Internet site. The office may place similar notices in publications likely to inform potential bidders of the project. The office shall issue a request for qualifications or provide information as to where the request for qualifications may be obtained to any person, without regard to the qualifications of the person. The office shall include in all advertisements under this paragraph the location and scope of work, the amount of bid guarantee required, the date, time, and place of bid or proposal opening, and the date when and place where plans will be available.

Vetoed In Part

Vetoed In Part

(c) The technical review committee shall certify at least 2 but not more than 4 design-builders as qualified responsible bidders. If the office does not receive at least 2 responses to the request for qualifications or if the technical review committee certifies only one design-builder as a qualified responsible bidder, the office may re-advertise or cancel the project.

Vetoed In Part

(6) REQUEST FOR PROPOSALS. (a)

13. A process for the technical review committee to review and accept alternative technical concepts and value engineering change proposals.

Vetoed In Part

14. A requirement that the design-builder perform not less than 30 percent of the construction services under the contract with labor provided by employees of the design-builder or member and equipment owned or rented by the design-builder or member.

Vetoed In Part

(b) The technical review committee shall evaluate each technical proposal, which may include a confidential interview, and shall assign points in accordance with the request for proposals and subject to all of the following:

Vetoed In Part

1. For a project that will be awarded as either a low bid design-build contract or a fixed price variable scope design-build contract, the technical review committee shall determine whether technical proposals are responsive to the request for proposals without ranking or scoring the proposals.

2. For a project that will be awarded as a best value design-build contract, the technical review committee shall determine whether technical proposals are responsive to the request for proposals and score each responsive technical proposal as required by the request for proposals. The technical review committee may award not more than 20 percent of the points awarded to a technical proposal based on the design-builder's qualifications and ability to design, contract, and deliver the project in accordance with any deadline established in the request for proposals. The technical review committee may award a technical proposal not more than 55 percent of the maximum number of combined points that may be awarded to a technical proposal and cost proposal.

(c) The office shall allow design-builders to include alternative technical concepts and value engineering changes in their proposals by describing the process for submission and evaluation of alternative technical concepts and value engineering changes in the request for proposals.

(d) The technical review committee cannot consider a proposal responsive unless the proposal includes a conceptual design, critical path method, bar schedule of the work to be performed or similar schematic, design plans and specifications, technical reports, and all other information required by the request for proposals. The technical review committee cannot consider any price or fee included in the technical proposal.

(e) The office shall notify the design-builder for each proposal that is determined to be responsive under par. (b) that the design-builder may submit a cost proposal under sub. (7). The office shall reject all proposals that are determined to be nonresponsive under par. (b).

(7) COST PROPOSALS. (a) Design-builders notified under sub. (6) (e) may submit a cost proposal and the proposal shall include a fixed cost of design, engineering,

**Vetoed  
In Part**

and construction services prepared by a design professional that contains all design, engineering, construction, and quality assurance and quality control costs of the project.

(b) The technical review committee may open cost proposals only after the technical proposals have been reviewed as provided in sub. (6). At the time and place specified in the request for proposals, the technical review committee shall open cost proposals, read the proposals aloud, and, for a project that will be awarded as a best value design-build contract, make public the committee's scoring of the technical proposals.

(c) Following a review of cost proposals, the department may issue a notice of intent to award a contract, subject to all of the following:

1. For a low bid design-build contract, the contract shall be awarded to the qualified responsible bidder that submitted a responsive technical proposal and also submitted the lowest responsive cost proposal.

2. For a fixed price variable scope design-build contract, the contract shall be awarded to the qualified responsible bidder that submitted a responsive technical proposal and that submitted a responsive cost proposal that provides the maximum amount of services for the maximum fixed price set by the office or for an amount that is less than the maximum fixed price.

3. For a best value design-build contract, the contract shall be awarded to the qualified responsible bidder with the highest adjusted score, which shall be calculated by adding the bidder's technical proposal score to the bidder's cost proposal score. The technical review committee shall award the lowest qualified responsible bidder the maximum number of points that may be awarded to a cost proposal under the request for proposals, but not less than 45 percent and not more than 75 percent of the maximum number of combined points that may be awarded to a technical proposal and cost proposal. For each remaining qualified responsible bidder, the technical review committee shall calculate the score for the cost proposal by reducing the maximum number of points that may be awarded to the cost proposal by at least 1 percent for each percentage point by which the cost proposal exceeds the lowest cost proposal.

(d) Following a review of cost proposals, the office may reject all proposals. If the office rejects all proposals or does not execute a contract after issuing an intent to award a contract under par. (c), the office may reissue the request for proposals and allow only the qualified responsible bidders originally notified under sub. (6) (e) to submit new proposals. The office may pay a reasonable stipulated fee to each design-builder that provides a responsive but unsuccessful proposal in response to the reissued request for proposals. If the reissued request for proposals specifies a maximum fixed price, the office cannot award a stipend to a design-builder whose proposal exceeds that price.

(e) Not less than 5 working days prior to executing a design-build contract, the department shall provide notice to each unsuccessful qualified responsible bidder that a notice of intent to award a contract has been issued.

(f) The department and the technical review committee shall maintain the confidentiality of information provided by design-builders as required by s. 84.01 (32).

**(8) CONTRACT AWARD.** (a) In this subsection:

1. "Construction services" means work necessary to construct a project, including trucking services and materials purchased regardless of whether the materials are installed by the design-builder.

2. "Specialty services" means work related to sanitary sewer systems, water main systems, staking, electrical, landscaping and erosion control, traffic control, signing, pavement marking, fencing, and other work identified by the office.

(b) No later than 10 days following the issuance of a notice of intent to award a design-build contract, the office shall verify that the design-builder will perform not less than 30 percent of the construction services under the contract with labor provided by employees of the design-builder or member and equipment owned or rented by the design-builder or member.

(c) The design-builder shall submit to the office in the form prescribed by the office documentation of the construction services the design-builder or members will perform and the dollar value of the services.

(d) The office shall calculate the percentage of total construction services identified in the contract to be performed by the design-builder or members by subtracting the value of specialty services to be performed from the total contract amount and dividing the dollar value of construction services to be performed by the design-builder or members by the difference. If the value of construction services to be performed by the design-builder or members is less than 30 percent of the value of all construction services required under the contract, the office shall cancel the contract award.

**(11) STIPULATED FEE.** (a) The department shall award a stipulated fee of not less than three-tenths of 1 percent of the department's estimated cost of design and construction as follows:

1. To each qualified responsible bidder that provides a responsive but unsuccessful proposal when the office issues a notice of intent to award a contract. If the request for proposals specifies a maximum fixed price, the office cannot award a fee to a proposal that exceeds the maximum fixed price.

2. To all qualified responsible bidders that provide a responsive proposal, if the office does not issue a notice of intent to award a contract.

3. To all qualified responsible bidders if the office cancels the solicitation before the technical review committee reviews technical proposals.

**Vetoed  
In Part**

**Vetoed  
In Part**

**Vetoed  
In Part**

**Vetoed  
In Part**

Vetoed  
In Part

(b) The department shall pay the fee to each qualified responsible bidder under par. (a) no later than 90 days after the department issues a notice of intent to award a contract, determines that it will not issue a notice of intent to award a contract, or cancels the solicitation.

(c) In consideration for paying the fee, the department may use work product contained in an unsuccessful proposal in connection with any proposed or awarded design-build project without making any additional compensation to the design-builder. If an unsuccessful design-builder waives the stipulated fee, the department cannot use work product in the design-builder's unsuccessful proposal.

Vetoed  
In Part

(13) APPEALS. (a) Any person aggrieved and directly affected by a decision of the office to issue a request for qualifications or a request for proposals under this section shall be entitled to judicial review of the decision as provided in chapter 227, subject to the procedural requirements of s. 227.53 (1). A person shall be considered a person aggrieved and directly affected by a decision of the office if any of the following apply to a request for qualifications or a request for proposals issued by the office under this section:

- 1. The request does not include qualifications, requirements, or other items required under this section.
- 2. The request does not comply with procedural requirements under this section.
- 3. The request contains material errors or omissions.
- 4. The request contains material discrepancies, deficiencies, or ambiguities that prevent a person from submitting a responsive proposal.
- 5. The request indicates a bias against or preference for a specific design-builder.
- 6. The request exceeds the department's authority.

(b) Any person aggrieved and directly affected by a decision of the office to issue a notice of intent to award a contract under this section shall be entitled to judicial review of the decision as provided in chapter 227, subject to the procedural requirements of s. 227.53 (1). A person shall be considered a person aggrieved and directly affected by a decision of the office if any of the following apply to a notice of intent to award a contract under this section:

- 1. The design-builder that received the notice of intent to award a contract was improperly certified as a qualified responsible bidder.
- 2. A mathematical error was made in scoring any of the proposals that resulted in an improper intent to award a contract.
- 3. There is evidence of collusion or fraud involving either the design-builder who received the notice of intent to award a contract or a member of the technical review committee.
- 4. There is evidence of bias of a member of the technical review committee.

5. There is evidence that a member of the technical review committee has a conflict of interest because the committee member, a member of his or her immediate family, as defined in s. 19.42 (7), or any organization or business with which the member is associated, as defined in s. 19.42 (2), may benefit from the intent to award a contract.

6. The technical proposal or cost proposal submitted by the design-builder who received the notice of intent to award a contract is not responsive to the request for proposals, contains conditions or qualifications not provided for in the request for proposals, or does not assign costs to all services identified in the technical proposal or is otherwise materially unbalanced.

(c) If the office prevails upon judicial review, following any protest and appellate court proceedings, the office shall be entitled to recover all costs and charges included in the final order or judgment, excluding attorney fees. Upon payment of costs and charges by the protester, the bond shall be returned. If the protesting party prevails, the protesting party shall be entitled to recover from the office all costs and charges included in the final order or judgment, excluding attorney fees. The entire amount of the bond shall be forfeited if the hearing officer determines that a protest was filed for a frivolous or improper purpose, including but not limited to the purpose of harassing, causing unnecessary delay, or causing needless cost for the office or parties.

(14) DELIVERABLES. (a) No later than 3 months after the effective date of this section ... [LRB inserts date], the office shall prepare a report that establishes a program structure for delivering projects as required under this subsection. The report shall specify the types of highway improvement projects to be considered and procedures and timelines for the bid process. The office cannot designate a highway improvement project as a design-build project prior to the completion of the report.

(b) No later than 6 months after the effective date of this section ... [LRB inserts date], the office shall prepare a design-build procurement manual that incorporates the requirements under this subsection and any applicable requirements under federal law. The manual shall be created by a committee that includes all of the following members:

- 1. The director.
- 2. Two employees of the department who represent the division of the department responsible for transportation project development and who each have not less than 5 years of experience in the transportation construction industry.
- 3. One person representing a state association of transportation architectural, engineering, or design companies to be nominated by the governor and appointed with the advice and consent of the senate.

Vetoed  
In Part

**Vetoed  
In Part**

4. One person representing a state association of transportation construction companies to be nominated by the governor and appointed with the advice and consent of the senate.

5. One person representing a national trade group with a design-build certification program and experience in assisting states with the implementation of a design-build program to be nominated by the governor and appointed with the advice and consent of the senate.

(c) No later than December 31, 2026, the office shall submit a report the joint committee on finance and the senate and assembly standing committees having jurisdiction over transportation matters summarizing observations of the process utilized for alternative project delivery methods and describing the effectiveness of the alternative project delivery methods contracting procedures. The report shall include discussion on scope of work, history of projects selected, evaluation criteria, selection process, contract administration, work progression, time and cost comparisons between the traditional contracting method and alternative delivery methods, claims, and changes.

(d) No later than 6 months after receipt of the report required under par. (c), the joint committee on finance shall determine whether the alternative project delivery pilot program was successful in providing the department with additional tools that allow innovation, reduced project completion time, cost certainty, or reduced cost or other advantages or benefits and shall make a recommendation to the legislature as to whether the pilot program should be made permanent.

**Vetoed  
In Part**

**SECTION 1089m.** 85.64 of the statutes is created to read:

**85.64 Office of innovative program delivery. (1)** In this section:

(a) "Director" means the director of the office of innovative program delivery attached to the department under s. 15.463 (1).

(b) "Office" means the office of innovative program delivery attached to the department under s. 15.463 (1).

(2) The secretary shall appoint a director who has no fewer than 5 years of experience in design-build project development and delivery specific to public transportation or public infrastructure construction.

(3) The director shall do all of the following:

(a) Perform the duties and functions required under s. 84.062.

(b) Employ, supervise, and train personnel assigned to the office by the secretary.

(c) Supervise all expenditures of the office.

(4) The office shall perform the duties and functions required under s. 84.062.

**SECTION 9144. Nonstatutory provisions; Transportation.**

(4p) EMERGENCY RULES RELATING TO ALTERNATIVE PROJECT DELIVERY. The department of transportation may use the procedure under s. 227.24 to promulgate emergency rules under s. 84.062 (5) to (7) for the period before the date on which permanent rules under s. 84.062 (5) to (7) take effect. Notwithstanding s. 227.24 (1) (c) and (2), emergency rules promulgated under this subsection remain in effect until the first day of the 25th month beginning after the effective date of the emergency rule, the date on which the permanent rules take effect, of the effective date of the repeal of the emergency rule, whichever is earlier. Notwithstanding s. 227.24 (1) (a) and (3), the department of transportation is not required to provide evidence that promulgating a rule under this subsection as emergency rules is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.

(4q) EMPLOYEES OF THE OFFICE OF INNOVATIVE PROGRAM DELIVERY. The secretary of the department of transportation shall assign from the department's existing position authority at least 1.0 FTE position to the office of innovative program delivery attached to the department of transportation.

**Vetoed  
In Part**

**Vetoed  
In Part**

**Vetoed  
In Part**

**76. Payments to Offset Reduction in Video Service Provider Fees**

**Governor's written objections**

*Section 1073g*

This section provides a state aid payment program for ten years to compensate each municipality losing revenue as a result of the bill's reductions to fees paid by video service providers.

I am partially vetoing this section to make the payments ongoing because I object to terminating the payments after ten years. As a result of my veto, the permanent reduction in video service fees will be accompanied by a continuing stream of payments to municipalities to offset this revenue loss. This partial veto has no fiscal effect in the 2019-21 biennium.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 1073g.** 79.097 of the statutes is created to read:

**79.097 State aid; video service provider fee. (1)**  
(c) Beginning in 2022 and ending in 2029, annually,

each municipality that assesses a fee under s. 66.0420 (7) shall receive a payment under this section equal the amount it received in 2021.

**Vetoed  
In Part**

**77. Economic Development Grant for Milwaukee 7 Economic Development Partnership**

**Governor’s written objections**

*Section 9149 (1i)*

This section creates nonstatutory language requiring the Wisconsin Economic Development Corporation to provide \$250,000 in fiscal year 2019–20 to the Milwaukee 7 Economic Development Partnership for supporting efforts to secure basing of KC–46 tanker aircraft with the 128th Air Refueling Wing of the Wisconsin air national guard.

I am vetoing this section because I object to a directive that is entirely unnecessary. If the Wisconsin Economic Development Corporation, working cooperatively with the Department of Military Affairs, believes that it is likely that a grant to the Milwaukee 7 Economic Development Partnership will help secure this basing, the corporation has sufficient flexibility in its current budget to provide such support.

**Cited segments of 2019 Assembly Bill 56:**

**SECTION 9149. Nonstatutory provisions; Wisconsin Economic Development Corporation.**

(1i) GRANT TO MILWAUKEE 7 ECONOMIC DEVELOPMENT PARTNERSHIP. From s. 20.192 (1) (r), the Wisconsin Economic Development Corporation shall grant

\$250,000 to the Milwaukee 7 Economic Development Partnership in the 2019–20 fiscal year for supporting efforts by the 128th Air Refueling Wing of the Wisconsin air national guard to secure basing of the U.S. air force’s KC–46 tanker aircraft.

**Vetoed  
In Part**

**Vetoed  
In Part**

**78. Fabrication Laboratories Grant Program**

**Governor’s written objections**

*Section 9149 (1g)*

This section creates nonstatutory language requiring the Wisconsin Economic Development Corporation to allocate at least \$500,000 in each year of the 2019–21 biennium for the purpose of awarding grants under a fabrication laboratory grant program substantially similar to the program originally created under 2015 Wisconsin Act 55.

I am vetoing this section because I object to the Legislature limiting the Wisconsin Economic Development Corporation’s authority. The fabrication laboratories program has been an innovative effort to expand the educational experiences of public school children across the state, but this is a policy more appropriately administered with other educational grant programs. If the corporation wishes to make such an allocation it can choose to do so on its own volition.

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**Cited segments of 2019 Assembly Bill 56:**

**SECTION 9149. Nonstatutory provisions; Wisconsin Economic Development Corporation.**

(1g) FABRICATION LABORATORY GRANT PROGRAM.  
From s. 20.192 (1) (r), the Wisconsin Economic Development Corporation shall allocate at least \$500,000 in

each fiscal year of the 2019–21 fiscal biennium for the purpose of awarding grants under a fabrication laboratory grant program that is substantially similar to the program under s. 238.145, 2015 stats.

**Vetoed  
In Part**

**Vetoed  
In Part**

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