



2023 ASSEMBLY BILL 631

November 8, 2023 - Introduced by Representatives VINING, SNODGRASS, CONLEY, J. ANDERSON, BALDEH, BARE, CONSIDINE, EMERSON, HONG, JOERS, MOORE OMOKUNDE, MYERS, OHNSTAD, PALMERI, RATCLIFF, SHELTON, SINICKI, STUBBS, SUBECK, DRAKE, JACOBSON, CLANCY and MADISON, cosponsored by Senators AGARD, CARPENTER, HESSELBEIN, L. JOHNSON, LARSON, ROYS, SMITH, SPREITZER and TAYLOR. Referred to Committee on State Affairs.

1 **AN ACT** *to amend* 121.91 (7); and *to create* 16.84 (5m), 66.0146, 118.40 (2r) (b)
2 2. m., 118.40 (2x) (b) 2. m., 118.60 (6m) (e), 119.23 (6m) (e), 121.02 (1) (im) and
3 121.91 (4) (m) of the statutes; **relating to:** the provision of menstrual products
4 in state and local buildings and school buildings and a school district revenue
5 limit adjustment for costs of providing those products.

Analysis by the Legislative Reference Bureau

This bill requires each school district, operator of an independent charter school, and governing body of a private school participating in a parental choice program to provide free tampons and sanitary napkins in all restroom facilities in buildings owned, leased, or occupied by the school board, operator, or governing body.

The bill creates a revenue limit adjustment for a school district that incurs costs to comply with the bill. Current law generally limits the total amount of revenue per pupil that a school district may receive from general school aids and property taxes in a school year to the amount of revenue allowed per pupil in the previous school year plus a per pupil increase, if any, as provided by law. However, current law also includes several adjustments to the general revenue limit.

Under the bill, if a school board adopts a resolution, the school district's revenue limit is increased by the amount the school district spends in a school year to make tampons and sanitary napkins available in school buildings.

In addition, the bill requires that restroom facilities in buildings owned, leased, or occupied by the state or a political subdivision have available tampons and sanitary napkins at no charge.

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

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

1 **SECTION 1.** 16.84 (5m) of the statutes is created to read:

2 16.84 **(5m)** Ensure that, in any part of a building owned, leased, or occupied
3 by the state, tampons and sanitary napkins are available in all of the restroom
4 facilities at no charge.

5 **SECTION 2.** 66.0146 of the statutes is created to read:

6 **66.0146 Supply of buildings.** (1) In this section, “political subdivision”
7 means a city, village, town, or county.

8 (2) A political subdivision shall ensure that, in any part of a building owned,
9 leased, or occupied by the political subdivision, tampons and sanitary napkins are
10 available in all of the restroom facilities at no charge.

11 **SECTION 3.** 118.40 (2r) (b) 2. m. of the statutes is created to read:

12 118.40 **(2r)** (b) 2. m. A requirement that the charter school governing board
13 make tampons and sanitary napkins available at no charge in all of the restroom
14 facilities in any building in which direct instruction is provided to pupils enrolled in
15 the charter school and that is owned, leased, or occupied by the charter school
16 governing board for the operation of the charter school.

17 **SECTION 4.** 118.40 (2x) (b) 2. m. of the statutes is created to read:

18 118.40 **(2x)** (b) 2. m. A requirement that the charter school governing board
19 make tampons and sanitary napkins available at no charge in all of the restroom
20 facilities in any building in which direct instruction is provided to pupils enrolled in

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1 the charter school and that is owned, leased, or occupied by the charter school
2 governing board for the operation of the charter school.

3 **SECTION 5.** 118.60 (6m) (e) of the statutes is created to read:

4 118.60 **(6m)** (e) Make tampons and sanitary napkins available at no charge in
5 all of the restroom facilities in any building in which direct instruction is provided
6 to pupils enrolled in the private school and that is owned, leased, or occupied by the
7 governing body of the private school.

8 **SECTION 6.** 119.23 (6m) (e) of the statutes is created to read:

9 119.23 **(6m)** (e) Make tampons and sanitary napkins available at no charge in
10 all of the restroom facilities in any building in which direct instruction is provided
11 to pupils enrolled in the private school and that is owned, leased, or occupied by the
12 governing body of the private school.

13 **SECTION 7.** 121.02 (1) (im) of the statutes is created to read:

14 121.02 **(1)** (im) Ensure that, in any building owned, leased, or occupied by the
15 the school board, tampons and sanitary napkins are available in all of the restroom
16 facilities at no charge.

17 **SECTION 8.** 121.91 (4) (m) of the statutes is created to read:

18 121.91 **(4)** (m) 1. If a school board adopts a resolution to do so, the limit
19 otherwise applicable to a school district under sub. (2m) in any school year is
20 increased by the amount spent by the school district in that school year to make
21 tampons and sanitary napkins available as required under s. 121.02 (1) (im).

22 2. Any additional revenue received by a school district under this paragraph
23 shall not be included in the base for determining the school district's limit under sub.
24 (2m) for the following school year.

25 **SECTION 9.** 121.91 (7) of the statutes is amended to read:

ASSEMBLY BILL 631**SECTION 9**

1 121.91 (7) Except as provided in subs. (4) (f) 2. and ~~(n) (m)~~ to (qe) and (8), if an
2 excess revenue is approved under sub. (3) for a recurring purpose or allowed under
3 sub. (4), the excess revenue shall be included in the base for determining the limit
4 for the next school year for purposes of this section. If an excess revenue is approved
5 under sub. (3) for a nonrecurring purpose, the excess revenue shall not be included
6 in the base for determining the limit for the next school year for purposes of this
7 section.

SECTION 10. Initial applicability.

8 (1) INDEPENDENT CHARTER SCHOOLS. The treatment of s. 118.40 (2r) (b) 2. m. and
9 (2x) (b) 2. m. first applies to a contract that is entered into, renewed, or modified on
10 the effective date of this subsection.
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12 (2) REVENUE LIMIT ADJUSTMENT. The treatment of s. 121.91 (4) (m) first applies
13 to the calculation of a school district's revenue limit for the school year beginning
14 after the effective date of this subsection.
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(END)