



2019 SENATE BILL 461

September 27, 2019 - Introduced by Senators TESTIN, WANGGAARD and BERNIER, cosponsored by Representatives TUSLER, MCGUIRE, BORN, BOWEN, EDMING, GOYKE, KURTZ, MURSAU, NEUBAUER, OLDENBURG, PETRYK, PRONSCHINSKE, SINICKI, TITTL, ZAMARRIPA, ZIMMERMAN, DITTRICH and VRUWINK. Referred to Committee on Insurance, Financial Services, Government Oversight and Courts.

1 **AN ACT relating to:** a Public Defender Board student loan payment pilot
2 program, providing an exemption from emergency rule procedures, and making
3 an appropriation.

Analysis by the Legislative Reference Bureau

This bill directs the Public Defender Board to establish a student loan payment pilot program for private bar attorneys who accept public defender appointments. The program would provide a payment to use to repay student loans of up to \$20,000 per year for attorneys in counties with a population of 25,000 or less or a population density of 55 or fewer persons per square mile who agree to accept at least 50 state public defender appointments per year. The bill provides \$250,000 GPR in each fiscal year of the 2019-21 biennium for the program.

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

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

4 **SECTION 1. Nonstatutory provisions.**

5 (1) STUDENT LOAN PAYMENT PILOT PROGRAM.

SENATE BILL 461**SECTION 1**

1 (a) The public defender board shall conduct a student loan payment pilot
2 program for private bar attorneys who accept public defender appointments. The
3 program shall provide up to \$20,000 per year, or the outstanding balance on the
4 attorney's student loans, whichever is less, to eligible attorneys to use to repay
5 student loans. To be eligible to receive a payment under this paragraph in any
6 calendar year, an attorney must meet all of the following criteria:

7 1. The attorney is licensed to practice law in Wisconsin.

8 2. The attorney is certified to accept state public defender appointments.

9 3. The attorney agrees to accept a minimum of 50 state public defender
10 appointments per year in a county with a population of 25,000 or fewer residents or
11 a population density of not more than 55 persons per square mile.

12 4. The attorney maintains a law practice that either is headquartered or
13 performs a demonstrated majority of its legal work in a county with a population of
14 25,000 or fewer residents or a population density of not more than 55 persons per
15 square mile.

16 5. The attorney has outstanding student loans that were incurred to obtain a
17 juris doctor degree from an accredited university.

18 (b) An attorney who will meet all of the criteria under par. (a) may apply for the
19 student loan payment pilot program beginning on January 1 of each year to qualify
20 to receive a payment at the end of that year. Applications will be accepted on a rolling
21 basis and all payments will be disbursed in the order that applications are received.
22 At the end of the year, the attorney must certify that he or she has met all of the
23 criteria for that year and must provide proof of his or her outstanding student loan
24 balance on January 1 of that year to determine the payment amount that he or she
25 is eligible to receive under the program.

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1 (c) The public defender board may promulgate emergency rules under s. 227.24
2 to implement the program under par. (a) for the period before the effective date of
3 permanent rules but not to exceed the period authorized under s. 227.24 (1) (c),
4 subject to extension under s. 227.24 (2). Notwithstanding s. 227.24 (1) (a), (2) (b), and
5 (3), the board is not required to provide evidence that promulgating a rule under this
6 paragraph as an emergency rule is necessary for the preservation of the public peace,
7 health, safety, or welfare and is not required to provide a finding of emergency for a
8 rule promulgated under this paragraph.

9 (d) By September 30, 2019, the public defender board shall submit to the
10 legislature for distribution under s. 13.172 (2) a report that evaluates the
11 effectiveness of the student loan payment pilot program, recommends whether to
12 continue the program, and if program continuation is recommended, provides
13 recommendations for improving the effectiveness of program.

SECTION 2. Fiscal changes.

14
15 (1) STUDENT LOAN PAYMENT PILOT PROGRAM. In the schedule under s. 20.005 (3)
16 for the appropriation to the public defender board under s. 20.550 (1) (a), the dollar
17 amount for fiscal year 2019-20 is increased by \$250,000 to conduct a student loan
18 payment pilot program under SECTION 1 (1) of this act for private bar attorneys who
19 accept public defender appointments and who meet certain additional criteria. In
20 the schedule under s. 20.005 (3) for the appropriation to the public defender board
21 under s. 20.550 (1) (a), the dollar amount for fiscal year 2020-21 is increased by
22 \$250,000 to conduct a student loan payment pilot program under SECTION 1 (1) of this
23 act for private bar attorneys who accept public defender appointments and who meet
24 certain additional criteria.

25 (END)