

1       4. The number of persons who are laid off as a result of a closing, or  
2 may be laid off as a result of announced plant closings, under subd. 3.

3       5. The percentage of the workforce made up of individuals who are, or may  
4 be, laid off under subd. 4.

5       (c) The department shall give greatest emphasis to the factors in par.  
6 (b) 3 to 5 when it designates the 2 counties under par. (b). The department  
7 shall base its consideration of the factors in par. (b) on the most recent  
8 information available to it.

9       (3) LOCAL SERVICE AGENCIES. (a) The department shall request proposals  
10 for the administration of the Wisconsin job opportunity business subsidy pro-  
11 gram from organizations described in pars. (c) and (d) and job service offices  
12 located in an eligible county. A proposal submitted by a job service office  
13 shall be submitted jointly with an organization described in par. (c) or (d).  
14 A proposal shall include an estimate of the cost of administering the  
15 Wisconsin job opportunity business subsidy program and a plan for at least the  
16 following activities:

17       1. Marketing and promoting the Wisconsin job opportunity business subsidy  
18 program, including recruiting participation from qualified businesses.

19       2. Coordinating with a county social services agency to meet the guide-  
20 lines under sub. (10) (c).

21       3. Any other activities the department considers relevant.

22       (b) After reviewing the proposals submitted under par. (a), the depart-  
23 ment shall, by September 1, 1988, designate a local service agency for an  
24 eligible county from among the organizations submitting proposals. The  
25 department shall give emphasized consideration to cost estimates when review-  
26 ing proposals submitted under par. (a). The department may select a job ser-  
27 vice office in an eligible county to provide administrative services together  
28 with the designated local service agency.

1 (c) A nonprofit organization may be designated a local service agency if  
2 the nonprofit organization is organized primarily to do one or more of the  
3 following:

- 4 1. Recruit low-income clients for participation in employment and train-  
5 ing programs.
- 6 2. Vocational counseling or training.
- 7 3. Job training or development.
- 8 4. Any other activity the department considers appropriate.

9 (d) The department may designate an organization which is a private  
10 industry council under the federal job training partnership act, 29 USC 1501  
11 to 1781, as a local service agency.

12 (4) ALLOCATION AMONG COUNTIES. (a) Subject to par. (b), the department  
13 shall distribute funds to local service agencies in eligible counties as  
14 follows:

15 1. Fifty percent of the amount appropriated under s. 20.445 (1) (e) in  
16 each year to the local service agency for the county described in sub. (2) (a)  
17 to create at least 300 new jobs.

18 2. Thirty-three percent of the amount appropriated under s. 20.445 (1)  
19 (e) in each year to the local service agency in the urban county designate  
20 under sub. (2) (b) to create at least 200 new jobs.

21 3. Seventeen percent of the amount appropriated under s. 20.445 (1) (e)  
22 in each year to the local service agency in the rural county designated under  
23 sub. (2) (b) to create at least 100 new jobs.

24 (b) 1. The department shall provide to each local service agency not less  
25 than 17% of the funds allocated to the local service agency under par. (a) on  
26 September 1, 1988, and on July 1 of each subsequent year.

1       2. When the funds provided under subd. 1 have been fully expended or  
2 encumbered, the local service agency may apply to the department for addi-  
3 tional funds, on a monthly basis, in a manner established by the department.

4       (c) If a local service agency in any eligible county has not fully  
5 expended, encumbered or otherwise committed the funds allocated to it under  
6 par. (b) by March 31 of any year, the department may reallocate the funds  
7 among the local service agencies in the other eligible counties.

8       (d) A local service agency may retain not more than 10% of the funds  
9 distributed to it under this subsection for administrative expenses associated  
10 with the Wisconsin job opportunity business subsidy program.

11       (5) WAGE AND FRINGE BENEFITS SUBSIDIES. A local service agency may sub-  
12 sidize wages and fringe benefits paid to an eligible job applicant by a  
13 business, as provided under sub. (6).

14       (6) CONDITIONS OF SUBSIDY. A local service agency may subsidize wages  
15 and fringe benefits under sub. (5) if all of the following apply:

16       (a) The wage and fringe benefits subsidy is for an eligible job applicant  
17 hired for a position described in sub. (8) by a business that qualifies under  
18 sub. (7).

19       (b) 1. Except as provided in subd. 2, the amount of the subsidy for a  
20 wage does not exceed \$4 per hour.

21       2. For an eligible job applicant in the urban county designated under  
22 sub. (2) (b) who receives aid to families with dependent children and par-  
23 ticipates in grant diversion under s. 49.50 (7g) (em), the amount of the sub-  
24 sidy for a wage does not exceed \$6 per hour.

25       (c) The amount of the subsidy for fringe benefits does not exceed \$1 per  
26 hour.

27       (d) 1. Except as provided in subd. 2, the subsidy is paid for a period  
28 not to exceed 26 weeks and for not more than 1,040 hours.

1           2. If the eligible job applicant is enrolled in a job training program,  
2 the subsidy is paid for a period not to exceed 52 weeks and for not more than  
3 1,040 hours.

4           (e) The local service agency evaluates and approves the plan submitted  
5 under sub. (7) (a).

6           (7) QUALIFIED BUSINESSES. A local service agency may determine that a  
7 business is a qualified business for the purposes of sub. (6) (a) if all of  
8 the following apply:

9           (a) The business submits to the local service agency a plan containing  
10 all of the following:

11           1. A description of the duties of and wages and fringe benefits paid for  
12 each position that the business intends to fill with an eligible job  
13 applicant.

14           2. A description of how the wage and fringe benefits subsidy will help  
15 the business succeed and lead to the continued employment of the eligible job  
16 applicant.

17           (b) The business enters into a contract with the local service agency and  
18 agrees to do all of the following:

19           1. Use any funds received for wages and fringe benefits subsidies exclu-  
20 sively for wages and fringe benefits paid to eligible job applicants who fill  
21 positions described in sub. (8).

22           2. Provide eligible job applicants whose wages and fringe benefits are  
23 subsidized under this section with wages and fringe benefits equal to those  
24 paid to employes of the business who perform the same duties.

25           3. Cooperate with the local service agency in collecting data to assess  
26 the result of Wisconsin job opportunity business subsidy program.

27           4. Repay funds received under this section as required in sub. (11).

1 (c) The business certifies to the local service agency that the business  
2 would not have created a position subsidized under this section without a wage  
3 and fringe benefit subsidy.

4 (8) NATURE OF SUBSIDIZED POSITION. The local service agency may subsidi-  
5 dize wages and fringe benefits paid to an eligible job applicant who fills a  
6 position with a business qualified under sub. (7) if all of the following  
7 apply:

8 (a) The position is a new position and results in an increase in the  
9 number of jobs provided by the business.

10 (b) The position does not displace a current employe or reduce the number  
11 of hours, other than overtime, worked by or available to a current employe.

12 (c) The position does not include duties which are the same as, or sub-  
13 stantially similar to, the duties of any employe who the business has laid  
14 off.

15 (9) ELIGIBLE JOB APPLICANT. The local service agency shall determine  
16 that an individual is an eligible job applicant if all of the following apply:

17 (a) The individual has been a resident of this state for at least one  
18 month.

19 (b) The individual is unemployed.

20 (c) The local service agency determines that the individual will likely  
21 be available to fill a position with a business qualified under sub. (7) for  
22 the duration of the position, or at least 12 months after the subsidy ends,  
23 whichever is longer.

24 (10) PRIORITIES. (a) When allocating funds among businesses qualified  
25 for wage and fringe benefits subsidies under sub. (7), a local service agency  
26 shall give priority to a business if the local service agency determines any  
27 of the following:

28 1. That the business is an existing business with low employe turnover.

1       2. That the business is a small business with a high potential for  
2 growth.

3       3. That the positions for which the business is seeking a subsidy are  
4 likely to be long-term.

5       4. That the business is at least 51% owned, controlled and actively man-  
6 aged by a woman or women.

7       5. That the business is a minority business.

8       6. That the position for which the business is seeking a subsidy will pay  
9 at least \$4 per hour and provide fringe benefits.

10       (b) A local service agency shall expend at least 80% of the funds allo-  
11 cated to it under sub. (4) for wage and fringe benefits subsidies to eligible  
12 job applicants to whom any of the following applies:

13       1. The eligible job applicant lives in a household with no source of  
14 earned income.

15       2. The eligible job applicant is eligible for general relief administered  
16 under s. 49.02.

17       3. The eligible job applicant is eligible for aid to families with  
18 dependent children under s. 49.19.

19       4. The person lives in a farm household and demonstrates severe financial  
20 need under a standard promulgated by the department by rule.

21       (c) A local service agency shall try to obtain grant diversion funding  
22 under s. 49.50 (7g) for at least 30% of the individuals whose wages and fringe  
23 benefits it subsidizes under this section.

24       (d) A local service agency shall emphasize subsidizing wages and fringe  
25 benefits for positions in areas of an eligible county with the greatest  
26 unemployment.

27       (11) REPAYMENT. (a) If an eligible job applicant leaves the employ of a  
28 business that received funds to subsidize the wages and fringe benefits of the

1 eligible job applicant under sub. (5), the business shall repay the following  
2 percentage of the funds:

3 1. If the eligible job applicant leaves while the position is subsidized,  
4 70%.

5 2. If the eligible job applicant leaves less than 12 months after the  
6 subsidy ended, a percentage between 70% and 0%, decreasing proportionally to  
7 0% 12 months after the subsidy has ended.

8 3. If the eligible job applicant leaves 12 months or more after the sub-  
9 sidy ended, 0%.

10 (b) A business need not repay funds under par. (a) if the business  
11 replaces the departing eligible job applicant with another eligible job  
12 applicant who remains employed with the business for at least 12 months after  
13 the subsidy paid to the departing eligible job applicant would have ended.

14 (c) The secretary may waive all or part of a repayment required under  
15 par. (a) if the secretary determines that waiving the repayment is in the best  
16 interests of the state.

17 (d) The local service agency shall use the amounts repaid under this  
18 subsection for additional wages and fringe benefits subsidies.

19 (12) ANNUAL REPORT. On or before April 1 of each year, beginning in  
20 1989, the department shall submit a report concerning the Wisconsin job  
21 opportunity business subsidy program to the chief clerk of each house of the  
22 legislature for distribution to the legislature under s. 13.172 (2). The  
23 report shall include all of the following information for the period covered  
24 by the report:

25 (a) The average wage paid to an eligible job applicant when hired and 60  
26 days after the subsidy for the eligible job applicant ends.

27 (b) The number of qualified businesses and eligible job applicants  
28 participating in each eligible county.

1 (c) The age, education level, family status, gender, race and work  
2 experience of each eligible job applicant.

3 (d) The number of eligible job applicants meeting the criteria in subs.  
4 (10) (b) and (c).

5 (e) Any other information the department considers relevant.

6 (13) FINAL REPORT. On or before September 1, 1991, the department shall  
7 submit a final report concerning the Wisconsin job opportunity business sub-  
8 sidy program to the chief clerk of each house of the legislature for distri-  
9 bution to the legislature under s. 13.172 (2). The report shall include all  
10 of the following information for the period covered by the report:

11 (a) The average wage paid to an eligible job applicant at the following  
12 times:

13 1. When hired.

14 2. Sixty days after the subsidy for the eligible job applicant ends.

15 3. Fourteen months after the subsidy for the eligible job applicant ends.

16 (b) The number of qualified businesses and eligible job applicants that  
17 participated in each eligible county.

18 (c) The age, education level, family status, gender, race and work  
19 experience of each eligible job applicant.

20 (d) The number of eligible job applicants who met the criteria in sub.  
21 (10) (b) and (c).

22 (e) Any other information the department considers relevant.

23 (14) SUNSET. Subsections (1) to (12) do not apply after June 30, 1991.

24 ••87b3409/2••SECTION 368db. 101.575 (3) (a) of the statutes is repealed  
25 and recreated to read:

26 101.575 (3) (a) No city, village or town may receive fire department dues  
27 under this section unless it has a fire department which satisfies all of the  
28 following requirements:

1       1. Is organized to provide continuous fire protection in that city,  
2 village or town and has a designated chief.

3       2. Singly, or in combination with another fire department under a mutual  
4 aid agreement, has a total active membership of at least 22 fire fighters and  
5 can ensure the response of at least 4 fire fighters, none of whom are the  
6 chief, to a first alarm for a building.

7       3. Provides at least 4 hours of training per month for each active member  
8 of the department with fire fighting duties.

9       4. Provides facilities capable, without delay, of receiving an alarm and  
10 dispatching fire fighters and apparatus.

11       5. Maintains written records as prescribed by the department by rule, in  
12 consultation with the fire prevention council.

13       6. Maintains at least one piece of apparatus which conforms to the gen-  
14 eral criteria of National Fire Protection Association standard NFPA 1901,  
15 automotive fire apparatus. The apparatus shall have a permanently mounted  
16 pump capable of delivering 500 gallons per minute or more at 150 pounds per  
17 square inch and a water tank with at least a 300-gallon capacity.

18       7. Maintains any other apparatus or equipment required by the department  
19 by rule, in consultation with the fire prevention council.

20       8. Provides for a building to house the apparatus and equipment required  
21 under subds. 6 and 7 which will protect the apparatus and equipment from the  
22 weather.

23       ••87b3581/2••SECTION 368dbt. 103.155 (2) (b) 1 of the statutes, as  
24 created by 1987 Wisconsin Act .... (Assembly Bill 247), is repealed and re-  
25 created to read:

26       103.155 (2) (b) 1. a. Before July 1, 1990, a laboratory certified by the  
27 department of health and social services under s. 146.25 (1).

1       b. After June 30, 1990, a laboratory certified by the department of  
2 health and social services under s. 146.25 (1m).

3       ••87b3629/1••SECTION 368dxc. 111.70 (1) (a) of the statutes, as affected  
4 by 1987 Wisconsin Act 153, is amended to read:

5       111.70 (1) (a) "Collective bargaining" means the performance of the  
6 mutual obligation of a municipal employer, through its officers and agents,  
7 and the representatives of its employes, to meet and confer at reasonable  
8 times, in good faith, with the intention of reaching an agreement, or to  
9 resolve questions arising under such an agreement, with respect to wages,  
10 hours and conditions of employment, and with respect to a requirement of the  
11 municipal employer for a municipal employe to perform law enforcement and  
12 firefighting services under s. 61.66, except as provided in s. 40.81 (3) and  
13 except that a municipal employer shall not meet and confer with respect to any  
14 proposal to diminish or abridge the rights guaranteed to municipal employes  
15 under ch. 164. The duty to bargain, however, does not compel either party to  
16 agree to a proposal or require the making of a concession. Collective bar-  
17 gaining includes the reduction of any agreement reached to a written and  
18 signed document. The employer shall not be required to bargain on subjects  
19 reserved to management and direction of the governmental unit except insofar  
20 as the manner of exercise of such functions affects the wages, hours and  
21 conditions of employment of the employes. In creating this subchapter the  
22 legislature recognizes that the public employer must exercise its powers and  
23 responsibilities to act for the government and good order of the municipality,  
24 its commercial benefit and the health, safety and welfare of the public to  
25 assure orderly operations and functions within its jurisdiction, subject to  
26 those rights secured to public employes by the constitutions of this state and  
27 of the United States and by this subchapter.

1       ••87b3371/1••SECTION 368d xp. 111.81 (7) (c) of the statutes is created to  
2 read:

3       111.81 (7) (c) Assistant district attorneys, except supervisors, manage-  
4 ment employes and individuals who are privy to confidential matters affecting  
5 the employer-employe relationship.

6       ••87b3371/1••SECTION 368d xr. 111.815 (3) of the statutes is created to  
7 read:

8       111.815 (3) With regard to collective bargaining activities involving  
9 employes who are assistant district attorneys, the secretary of the department  
10 shall maintain close liason with the prosecutors council.

11       ••87b2926/1••SECTION 368egc. 111.825 (1) (intro.) of the statutes is  
12 amended to read:

13       111.825 (1) (intro.) It is the legislative intent that in order to foster  
14 meaningful collective bargaining, units must be structured in such a way as to  
15 avoid excessive fragmentation whenever possible. In accordance with this  
16 policy, collective bargaining units for employes in the classified service of  
17 the state are structured on a statewide basis with one collective bargaining  
18 unit for each of the following occupational groups:

19       ••87b3371/1••SECTION 368egd. 111.825 (1) (intro.) of the statutes, as  
20 affected by 1987 Wisconsin Act .... (this act), is amended to read:

21       111.825 (1) (intro.) It is the legislative intent that in order to foster  
22 meaningful collective bargaining, units must be structured in such a way as to  
23 avoid excessive fragmentation whenever possible. ~~In accordance with this~~  
24 policy Except in the collective bargaining unit specified in par. (f) 3 and  
25 except as authorized under s. 111.83 (7), collective bargaining units for  
26 employes in the classified service of the state are limited to employes in the  
27 classified service and are structured on a statewide basis with one collective  
28 bargaining unit for each of the following groups:

1       ••87b2926/1••SECTION 368ege. 111.825 (1) (f) 3 of the statutes is amended  
2 to read:

3       111.825 (1) (f) 3. Legal, except attorneys employed by the office of the  
4 state public defender.

5       ••87b2926/1••SECTION 368egg. 111.825 (1) (f) 3m of the statutes is  
6 created to read:

7       111.825 (1) (f) 3m. Attorneys employed by the office of the state public  
8 defender.

9       ••87b3371/1••SECTION 368em. 111.825 (2) (d) of the statutes is created to  
10 read:

11       111.825 (2) (d) Assistant district attorneys, if the assistant district  
12 attorneys elect to form a separate collective bargaining unit under s. 111.83  
13 (7).

14       ••87b3371/1••SECTION 368en. 111.825 (3) of the statutes is amended to  
15 read:

16       111.825 (3) The Except as provided in s. 111.83 (7), the commission shall  
17 assign employes to the appropriate collective bargaining units set forth in  
18 subs. (1) and (2).

19       ••87b3371/1••SECTION 368eo. 111.825 (4) of the statutes is amended to  
20 read:

21       111.825 (4) Any labor organization may petition for recognition as the  
22 exclusive representative of a collective bargaining unit specified in sub. (1)  
23 or (2) (a) to (c), or the collective bargaining unit specified in sub. (2) (d)  
24 if that collective bargaining is formed under s. 111.83 (7), the petition  
25 shall be filed in accordance with the election procedures set forth in s.  
26 111.83, ~~provided the petition is~~ and shall be accompanied by a 30% showing of  
27 interest in the form of signed authorization cards. Each additional labor  
28 organization seeking to appear on the ballot shall file petitions within 60

1 days of the date of filing of the original petition and prove, through signed  
2 authorization cards, that at least 10% of the employees in the collective bar-  
3 gaining unit want it to be their representative.

4 ••87b3371/1••SECTION 368ep. 111.83 (7) of the statutes is created to  
5 read:

6 111.83 (7) (a) Upon petition of at least 30% of all employees who are  
7 assistant district attorneys, the commission shall hold an election limited to  
8 those employees concerning whether the employees desire to be represented in a  
9 separate collective bargaining unit under s. 111.825 (2) (d), or to remain  
10 represented in the collective bargaining unit specified in s. 111.825 (1) (f)  
11 3. Upon petition of at least 30% of the employees who are assistant district  
12 attorneys, the name of a proposed representative for the separate collective  
13 bargaining unit shall appear on the ballot. The ballot shall be limited to  
14 one question. Once the employees who serve as assistant district attorneys  
15 elect to form a separate collective bargaining unit under this paragraph, they  
16 are not covered by any collective bargaining agreement covering the collective  
17 bargaining unit specified in s. 111.825 (1) (f) 3 and may not elect to remerge  
18 with that collective bargaining unit.

19 ••87b3371/1••SECTION 368er. 111.84 (2) (c) of the statutes is amended to  
20 read:

21 111.84 (2) (c) To refuse to bargain collectively on matters set forth in  
22 s. 111.91 (1) with the duly authorized officer or agent of the employer which  
23 is the recognized or certified exclusive collective bargaining representative  
24 of employees specified in s. 111.81 (7) (a) in an appropriate collective bar-  
25 gaining unit or with the certified exclusive collective bargaining repre-  
26 sentative of employees specified in s. 111.81 (7) (b) or (c) in an appropriate  
27 collective bargaining unit. Such refusal to bargain shall include, but not be

1 limited to, the refusal to execute a collective bargaining agreement previ-  
2 ously orally agreed upon.

3 ••87b3371/1••SECTION 368es. 111.90 (2) of the statutes is amended to  
4 read:

5 111.90 (2) Manage the employes of the agency; hire, promote, transfer,  
6 assign or retain employes in positions within the agency, except as provided  
7 in s. 111.91 (1) (f); and in that regard establish reasonable work rules.

8 ••87b3371/1••SECTION 368et. 111.91 (1) (a) of the statutes is amended to  
9 read:

10 111.91 (1) (a) Except as provided in pars. (b) to (e), matters subject to  
11 collective bargaining to the point of impasse are wage rates, as related to  
12 general salary scheduled adjustments consistent with sub. (2), and salary  
13 adjustments upon temporary assignment of classified employes to duties of a  
14 higher classification or downward reallocations of ~~an~~ a classified employe's  
15 position; fringe benefits; hours and conditions of employment.

16 ••87b3371/1••SECTION 368eu. 111.91 (1) (f) of the statutes is created to  
17 read:

18 111.91 (1) (f) The transfer of employes who are assistant district  
19 attorneys is subject to collective bargaining to the point of impasse.

20 ••87b3371/1••SECTION 368ev. 111.91 (4) of the statutes is amended to  
21 read:

22 111.91 (4) The secretary of the department, in connection with the  
23 development of tentative collective bargaining agreements to be submitted  
24 under s. 111.92, shall endeavor to obtain tentative agreements with each  
25 recognized or certified labor organization representing employes or super-  
26 visors of employes specified in s. 111.81 (7) (a) and with each certified  
27 labor organization representing employes specified in s. 111.81 (7) (b) or (c)  
28 which do not contain any provision for the payment to any employe of a

1 cumulative or noncumulative amount of compensation in recognition of or based  
2 on the period of time an employe has been employed by the state.

3 ••87b3371/1••SECTION 368ew. 111.93 (2) of the statutes is amended to  
4 read:

5 111.93 (2) All civil service and other applicable statutes concerning  
6 wages, fringe benefits, hours and conditions of employment apply to employes  
7 specified in s. 111.81 (7) (a) who are not included in collective bargaining  
8 units for which a representative is recognized or certified and to employes  
9 specified in s. 111.81 (7) (b) or (c) who are not included in a collective  
10 bargaining unit for which a representative is certified.

11 ••87b3428/2••SECTION 368f. 114.31 (5m) of the statutes is created to  
12 read:

13 114.31 (5m) PROMOTION OF AIR SERVICES. In recognition of the importance  
14 of effective scheduled air service in the southeastern region of the state and  
15 the impact of that service on statewide economic development, the secretary  
16 shall, in cooperation with the appropriate airport governing bodies, promote  
17 expanded and improved air services, help provide information on available air  
18 services for potential users, develop efficient ground access to air services,  
19 monitor changes in air services and charges to passengers, and develop other  
20 programs as he or she considers advisable for the overall improvement of air  
21 services for residents of this state.

22 ••87b2679/3••SECTION 368g. 115.28 (7) (a) of the statutes is amended to  
23 read:

24 115.28 (7) (a) License ~~or certify~~ all teachers for the public schools of  
25 the state, make rules establishing standards of attainment and procedures for  
26 the ~~examination, licensing and certification~~ of teachers within the limits  
27 prescribed in ss. 118.19 (2) ~~and (3)~~ to (4) and 118.195, prescribe by rule  
28 standards and procedures for the approval of teacher preparatory programs

1 leading to ~~certification or licensure~~, file in his or her office all papers  
2 relating to state teachers' licenses and ~~certificates~~ and register each such  
3 license or ~~certificate~~.

4 ••87b2679/3••SECTION 368r. 115.28 (7) (c) of the statutes is amended to  
5 read:

6 115.28 (7) (c) License, ~~certify~~ and make rules for the ~~examination,~~  
7 ~~licensing and certification~~ of persons, including teachers, employed by spe-  
8 cial education programs as defined in s. 115.76 (10).

9 ••87b2274/2••SECTION 368u. 115.343 (1) of the statutes, as created by  
10 1987 Wisconsin Act 27, is amended to read:

11 115.343 (1) The department shall establish a morning milk program which  
12 shall provide for the payment under sub. (3) for beverages for all children  
13 who meet the criteria specified in sub. (2) and who are enrolled in a school  
14 in kindergarten to grade 5. The program shall offer each eligible child a  
15 ~~pint~~ half-pint of ~~Wisconsin-produced~~ Wisconsin-produced whole milk, 2% milk,  
16 one percent milk, skim milk or chocolate milk on each day in which school is  
17 in session. If a child is allergic to milk or has metabolic disorders or  
18 other conditions which prohibit him or her from drinking milk, the child shall  
19 be offered juice as a substitute. Any school which participates in the morn-  
20 ing milk program under this section is encouraged to consider bids from local  
21 milk ~~producers~~ suppliers. Any such school shall keep all information related  
22 to the identity of the pupils who receive a beverage under the morning milk  
23 program confidential. In this subsection, "Wisconsin-produced" means that all  
24 or part of the raw milk used by the milk processor was produced in this state.

25 ••87b2719/2••SECTION 368x. 115.38 of the statutes is created to read:

26 115.38 GRANTS FOR TUTORING PROGRAMS. (1) A school board or the gov-  
27 erning body of a private school, with the cooperation and support of a commu-  
28 nity-based organization, may apply to the state superintendent for a grant to

1 fund an after-school or summer school tutoring program operated by a communi-  
2 ty-based organization for pupils in grades 1 to 6 who are one or more years  
3 behind their age group in reading, writing or mathematics or who exhibit other  
4 significant academic difficulties, including poor school attendance or school  
5 work completion problems.

6 (2) The state superintendent may award a grant to a school board or gov-  
7 erning body of a private school under this section for a tutoring program  
8 operated by a community-based organization if all of the following apply:

9 (a) 1. Only persons appropriately licensed by the state superintendent  
10 under s. 115.28 (7) or employed as faculty of an institution of higher edu-  
11 cation tutor the pupils in the program; or

12 2. Only persons appropriately licensed by the state superintendent under  
13 s. 115.28 (7) or employed as faculty of an institution of higher education  
14 supervise the individuals tutoring the pupils in the program. If this sub-  
15 division applies, the program shall employ at least one tutor for every 3  
16 pupils.

17 (c) The school district or private school supplies the instructional  
18 materials.

19 (d) No more than 5% of the amount awarded will be used by the organiza-  
20 tion for program administration.

21 (2m) The school board or governing body of a private school receiving a  
22 grant under sub. (2) may not award more than \$30,000 to a community-based  
23 organization under this section in any school year and may not retain any of  
24 the funds received.

25 (3) The state superintendent shall:

26 (a) Ensure that grants are awarded on a geographically diverse basis.

27 (b) Annually evaluate the programs funded under this section and submit a  
28 report describing his or her conclusions and recommendations to the chief

1 clerk of each house of the legislature for distribution to the appropriate  
2 standing committees under s. 13.172 (3).

3 (c) Promulgate rules to implement and administer this section.

4 (4) No award may be made under this section after June 30, 1991.

5 ••87-5451/1••SECTION 369. 118.019 (6) (a) (intro.) of the statutes is  
6 amended to read:

7 118.019 (6) (a) (intro.) From the appropriation under s. 20.255 ~~(1)~~ (2)  
8 (fm), the department may award grants to any of the following:

9 ••87b2719/2••SECTION 369e. 118.15 (1) (c) of the statutes is repealed and  
10 recreated to read:

11 118.15 (1) (c) 1. Upon the child's request and with the written approval  
12 of the child's parent or guardian, any child who is 16 years of age may be  
13 excused by the school board from regular school attendance if the child and  
14 his or her parent or guardian agree, in writing, that the child will partici-  
15 pate in a program or curriculum modification under par. (b) or (d) leading to  
16 the child's high school graduation.

17 2. Upon the child's request and with the written approval of the child's  
18 parent or guardian, any child who is 17 years of age or over may be excused by  
19 the school board from regular school attendance if the child and his or her  
20 parent or guardian agree, in writing, that the child will participate in a  
21 program or curriculum modification under par. (b) or (d) leading to the  
22 child's high school graduation or leading to a high school equivalency diploma  
23 under s. 115.29 (4).

24 3. Prior to a child's admission to a program leading to the child's high  
25 school graduation or a high school equivalency program, the child, his or her  
26 parent or guardian, the school board and a representative of the high school  
27 equivalency program or program leading to the child's high school graduation  
28 shall enter into a written agreement. The written agreement shall state the

1 services to be provided, the time period needed to complete the high school  
2 equivalency program or program leading to the child's high school graduation  
3 and how the performance of the pupil will be monitored. The agreement shall  
4 be monitored by the school board on a regular basis, but in no case shall the  
5 agreement be monitored less frequently than once per semester. If the school  
6 board determines that a child is not complying with the agreement, the school  
7 board shall notify the child, his or her parent or guardian and the high  
8 school equivalency program or program leading to the child's high school  
9 graduation that the agreement may be modified or suspended in 30 days.

10 ••87b2679/3••SECTION 369m. 118.19 (4) of the statutes is created to read:

11 118.19 (4) The state superintendent may not require an applicant for a  
12 teacher's license to take any examination as a prerequisite for licensure, or  
13 require a teacher preparatory program to administer or require the taking of a  
14 standardized examination as a prerequisite for the approval of the program.

15 ••87b3674/1••SECTION 369n. 118.29 (1) (d) of the statutes is amended to  
16 read:

17 118.29 (1) (d) "High degree of negligence" means ~~conduct which demon-~~  
18 ~~strates ordinary negligence to a high degree, consisting of an act which the~~  
19 ~~person should realize creates a situation of unreasonable risk and high~~  
20 ~~probability of death or great bodily harm to another~~ criminal negligence, as  
21 defined in s. 939.25 (1).

22 ••87-5452/1 •• 87b2878/1••SECTION 369p. 118.30 (3) (c) 1 and 2 of the  
23 statutes are amended to read:

24 118.30 (3) (c) 1. The department shall ~~pay~~ reimburse the school district  
25 for the cost of printing the tests required under par. (a), but ~~payments~~ the  
26 reimbursement may not exceed the cost of printing the tests developed under s.  
27 115.28 (10) (b).

1       2. The department shall ~~pay~~ reimburse the school district for the cost of  
2 machine-scoring the tests required under par. (a) if the tests are constructed  
3 so that they may be machine-scored, but ~~payments~~ the reimbursement may not  
4 exceed the cost of machine-scoring the tests developed under s. 115.28 (10)  
5 (b).

6       ••87-5452/1 •• 87b2878/1••SECTION 369q. 118.30 (3) (d) of the statutes is  
7 created to read:

8       118.30 (3) (d) Costs of printing and scoring the tests under par. (c)  
9 shall be reimbursed from the appropriation under s. 20.255 (2) (f). If the  
10 amount in the appropriation in any year is insufficient to fully reimburse the  
11 costs, the amount shall be prorated among school districts entitled to  
12 reimbursement.

13       ••87b3453/1••SECTION 370r. 119.12 (6) of the statutes is amended to read:

14       119.12 (6) The city attorney of the city shall be the legal adviser of  
15 and attorney for the board, except that the board may retain an attorney to  
16 represent the board in any matter if the board determines that it requires  
17 specialized legal expertise not possessed by the city attorney, the city  
18 attorney does not have sufficient staff to adequately represent the interests  
19 of the board or a conflict of interest exists. The board shall provide the  
20 city attorney with reasonable notice of any board meeting at which the board  
21 will consider retention of an attorney. Legal costs incurred by the board in  
22 exercising its authority or responsibility under subch. IV of ch. 111 shall  
23 not be included in the district's shared cost under s. 121.07 (6).

24       ••87b2762/1••SECTION 371b. 119.49 (title) of the statutes is amended to  
25 read:

26       119.49 (title) BOND ISSUES AND BORROWING ON PROMISSORY NOTES.

27       ••87b2762/1••SECTION 371c. 119.49 (6) of the statutes is created to read:

1       119.49 (6) (a) In addition to the authority granted to the board under  
2 sub. (1) (a), the board may adopt a resolution by a two-thirds vote of the  
3 members-elect to issue promissory notes as provided under s. 67.12 (12). The  
4 board shall send a communication to the common council, as part of the budget  
5 transmitted to the common council under s. 119.16 (8) (b), specifying the  
6 purposes and the amount of the promissory note, the instalments and rate of  
7 interest, and the direct annual irrevocable tax sufficient to pay each  
8 instalment, and the interest, as it becomes due and payable. Upon receipt of  
9 the communication, the common council shall levy and collect a tax upon all  
10 taxable property in the city, in the same manner and at the same time as other  
11 taxes are levied and collected, which shall be equal to the amounts required  
12 by the board to repay the note as it becomes due.

13       (b) Notwithstanding s. 67.12 (12) (e) 2, a petition for a referendum on a  
14 resolution adopted under par. (a) shall be signed by at least 5,000 electors  
15 of the district, or at least 20% of the number of the district electors voting  
16 for governor at the last general election as determined under s. 115.01 (13),  
17 whichever is less.

18       ••87b2691/2••SECTION 371d. 119.71 of the statutes is created to read:

19       119.71 FIVE-YEAR-OLD KINDERGARTEN PROGRAMS. (1) In this section,  
20 "full-day" has the meaning given in s. 121.004 (7) (c) 2.

21       (2) From the appropriation under s. 20.255 (2) (ec), the state super-  
22 intendent shall pay to the board \$2,400,000 in the 1988-89 school year.

23       (3) (a) The board shall use the funds received under sub. (2) to expand  
24 its half-day 5-year-old kindergarten program to a full-day program, as pro-  
25 vided under par. (b), and shall enroll in the expanded program only pupils who  
26 meet the income eligibility standards for a free lunch under 42 USC 1758 (b).  
27 The board shall select pupils for the expanded program based on the order in  
28 which the pupils register for the program.

1 (b) The board shall use the funds received under sub. (2) to pay the  
2 costs of teachers, aides and other support staff, transportation of staff to  
3 pupils' homes, in-service programs, parental involvement programs and  
4 instructional materials. The board may not use the funds to supplant or  
5 replace funding otherwise available for full-day 5-year-old kindergarten or to  
6 provide facilities to house the program or to pay pupil transportation or  
7 indirect administrative costs associated with the program.

8 ••87b2691/2••SECTION 371h. 119.72 of the statutes is created to read:

9 119.72 EARLY CHILDHOOD EDUCATION; CONTRACTS WITH DAY CARE CENTERS. (1)

10 The board shall contract with private, nonprofit, nonsectarian day care cen-  
11 ters located in the city to provide early childhood education to 4-year-olds  
12 and 5-year-olds who are residents of the city. The board may not contract  
13 with any day care center under this section unless the day care center:

14 (a) Is licensed under s. 48.65 or certified under s. 48.651.

15 (b) Offers developmental child day care and early childhood education  
16 through age 6 at least 10 hours each day for at least 260 days each year.

17 (c) Employs or utilizes only persons appropriately licensed by the state  
18 superintendent under s. 115.28 (7) for pupils in the program, or ensures that  
19 only such persons supervise the individuals providing instruction and support  
20 services to the pupils in the program.

21 (d) Maintains a pupil to staff ratio of no more than 12 to 1 for the  
22 pupils in the program.

23 (e) Offers opportunities for parental participation in the program,  
24 including:

25 1. Direct involvement in decision making in program planning and  
26 analysis.

27 2. Participation in classroom and program activities.

28 3. Participation in training sessions on child growth and development.

1 (f) Records and periodically reports to the board pupil attendance data  
2 and parental involvement activities under par. (e).

3 (g) Provides activities that support and enhance the parents' role as the  
4 principal influence in their child's education and development.

5 (2) The board shall ensure that at least 50% of the children participa-  
6 ting in each day care center's program under this section fall into one or  
7 more of the following categories:

8 (a) Children with a parent eligible for day care funds under s. 46.98 (4)  
9 (a) 1 to 3.

10 (b) Children with a parent in need of child care services under s. 46.98  
11 (4) (a) 4.

12 (c) Children with a parent who is a school age parent, as defined under  
13 s. 115.91 (1).

14 (d) Children who have language, psychomotor development, social, behav-  
15 ioral or educational problems that warrant intervention, as determined by the  
16 board, other than children with exceptional educational needs, as defined  
17 under s. 115.76 (3).

18 (3) The board shall pay each contracting day care center, for each full-  
19 time equivalent pupil served by the center under the contract, an amount equal  
20 to at least 80% of the average per pupil cost for kindergarten pupils enrolled  
21 in the school district, adjusted to a full-time equivalent basis.

22 (4) The board shall evaluate the success of the program under this  
23 section through the use of standardized basic educational skills tests and by  
24 collecting data on the appropriate placements for the pupils at the end of the  
25 first grade.

26 (5) (a) In this subsection, "state aid" means the amount determined by  
27 dividing the aid received by the board under ss. 121.08 and 121.085 by the  
28 district's membership, as defined in s. 121.004 (5), and multiplying the quo-

1    tient by the number of full-time equivalent pupils served by the day care  
2    centers under this section.

3           (b) From the appropriation under s. 20.255 (2) (ec), the state super-  
4    intendent annually shall pay to the board an amount equal to the amount paid  
5    by the board under sub. (3) less the amount of state aid received by the board  
6    in the same school year.

7           (c) The amount paid to the board under par. (b) shall not exceed \$600,000  
8    annually.

9           ••87b2691/2••SECTION 371m. 119.73 of the statutes is created to read:

10          119.73 KINDERGARTEN AND EARLY CHILDHOOD PROGRAMS. The board shall  
11    evaluate the effectiveness of the expanded 5-year-old kindergarten programs  
12    under s. 119.71 and the early childhood education programs under s. 119.72 in  
13    meeting the needs of disadvantaged children. By January 1, 1990, and annually  
14    thereafter by January 1, the board shall submit a report summarizing its  
15    findings to the state superintendent and to the chief clerk of each house of  
16    the legislature for distribution to the appropriate standing committees under  
17    s. 13.72 (3).

18          ••87b3011/1••SECTION 371mp. 119.74 of the statutes is created to read:

19          119.74 MENTOR PROGRAM FOR EDUCATIONALLY DISADVANTAGED PUPILS. (1) The  
20    board shall contract with a private, nonprofit, nonsectarian organization to  
21    provide volunteer mentors for economically or educationally disadvantaged 6th  
22    and 7th grade pupils. The mentors shall work with the pupils at least 2 hours  
23    each week to help them learn to read, write and express themselves and to  
24    develop self-discipline.

25          (2) The contract under sub. (1) shall be contingent upon approval by the  
26    state superintendent of the private organization's plan for selecting and  
27    training the mentors.

1 (3) The contract under sub. (1) shall provide for one program coordinator  
2 for each school in which pupils enrolled are participating in the program.  
3 The program coordinators shall:

4 (a) Link educationally disadvantaged 6th and 7th grade pupils with  
5 volunteer mentors.

6 (b) Monitor the attendance and academic performance of the pupils parti-  
7 cipating in the program.

8 (c) Actively seek the involvement of each pupil's parent or guardian in  
9 the formulation of educational goals for the pupil.

10 (d) Work with school personnel and the pupils's parent or guardian to  
11 resolve problems that are negatively affecting the pupil's school performance.

12 (e) Inform each pupil and the pupil's parent or guardian about special  
13 opportunities available to the pupil.

14 (f) Promote the program to neighborhood groups.

15 (g) Develop an after-school and weekend activity program for participa-  
16 ting pupils.

17 (4) If the state superintendent approves the training plan under sub.  
18 (2), he or she shall award a grant to the board for the mentor program in an  
19 amount equal to the amount of private contributions supporting the program,  
20 but not exceeding \$100,000 in any school year. Amounts shall be awarded from  
21 the appropriation under s. 20.255 (2) (ec).

22 ••87b3342/1••SECTION 371nd. 120.10 (6) of the statutes is amended to  
23 read:

24 120.10 (6) (title) TAX FOR SITES AND BUILDINGS. Vote a tax to purchase  
25 or lease suitable sites for school buildings, to build, rent, lease or pur-  
26 chase and furnish, and equip ~~and maintain~~ school district buildings. The tax  
27 may be spread over as many years as are required to pay any obligations

1 approved or authorized at the annual meeting including rental payments due in  
2 future years under an authorized lease.

3 ••87b3342/1••SECTION 371nh. 120.10 (8) of the statutes is amended to  
4 read:

5 120.10 (8) TAX FOR OPERATION. Vote a tax for the operation of the  
6 schools of the school district. This subsection does not apply to any school  
7 district located in whole or in part in a county encompassing a 1st class city  
8 school district if the school board by majority vote adopts a resolution to  
9 eliminate the authority of the annual meeting to vote a tax for the operation  
10 of the schools of the school district.

11 ••87b3342/1••SECTION 371np. 120.12 (3) (a) of the statutes is amended to  
12 read:

13 120.12 (3) (a) On or before the 3rd Monday in October, determine the  
14 amount necessary to be raised to operate and maintain the schools of the  
15 school district and public library facilities operated by the school district  
16 under s. 43.52, if the annual meeting is not authorized to or has not voted a  
17 tax sufficient for such purposes for the school year. On After the hearing  
18 under s. 65.90 has been held but on or before the last working day in October,  
19 the school district clerk shall certify the appropriate amount so determined  
20 to each appropriate municipal clerk who shall assess the amount certified and  
21 enter it on the tax rolls as other school district taxes are assessed and  
22 entered.

23 ••87b3342/1••SECTION 371nt. 120.12 (3) (c) of the statutes is amended to  
24 read:

25 120.12 (3) (c) If on or before the 3rd Monday in October the school board  
26 determines that the annual meeting, or the school board if the annual meeting  
27 is not authorized to vote a tax for the operation of the schools of the school  
28 district, has previously voted a tax greater than that needed to operate the

1 schools of the school district for the school year, the school board may lower  
2 the tax voted by ~~the annual meeting.~~ On upon previously. After the hearing  
3 under s. 65.90 has been held but on or before the last working day in October,  
4 the school district clerk shall certify the appropriate amount so determined  
5 to each appropriate municipal clerk who shall assess the amount certified to  
6 him or her and enter it on the tax rolls in lieu of the amount previously  
7 reported.

8 ••87b3453/1••SECTION 371nv. 120.13 (9m) of the statutes is amended to  
9 read:

10 120.13 (9m) LEGAL SERVICES. Retain an attorney or attorneys to represent  
11 the board or school district in any action or proceeding brought for or  
12 against the board or district and provide for any other legal service for the  
13 welfare of the school district. Legal costs incurred by a school district in  
14 exercising its authority or responsibility under subch. IV of ch. 111 shall  
15 not be included in the school district's shared cost under s. 121.07 (6).

16 ••87-5458/6 •• 87b2691/2••SECTION 371p. 121.004 (7) (a) of the statutes  
17 is amended to read:

18 121.004 (7) (a) "Pupils enrolled" is the total number of pupils, as  
19 expressed by official enrollments, in all schools of the school district,  
20 except as provided in pars. (b) to ~~(d)~~ (e). If such total contains a  
21 fraction, it shall be expressed as the nearest whole number. The same method  
22 shall be used in computing the number of pupils enrolled for resident pupils,  
23 nonresident pupils or both.

24 ••87b2558/2••SECTION 371r. 121.004 (7) (c) 1. a and b and 2 of the stat-  
25 utes are amended to read:

26 121.004 (7) (c) 1. a. A pupil enrolled in a ~~5-year-old~~ kindergarten pro-  
27 gram requiring full-day attendance for 5 days a week for an entire school year  
28 shall be counted as one pupil.

1       b. A pupil enrolled in a ~~5-year-old~~ kindergarten program requiring  
2 full-day attendance for less than 5 days a week for an entire school year  
3 shall be counted as the result obtained by multiplying the number of hours in  
4 each day in which the pupil is enrolled by the total number of days for which  
5 the pupil is enrolled, and dividing the result by the product of the number of  
6 hours of attendance per day required of first grade pupils in the school dis-  
7 trict multiplied by 180.

8       2. In subd. 1. a and b, "full-day" means the length of the school day for  
9 pupils in the first grade of the school district operating the ~~5-year-old~~  
10 kindergarten program.

11       ••87-5458/6 •• 87b2691/2••SECTION 371t. 121.004 (7) (e) of the statutes  
12 is created to read:

13       121.004 (7) (e) A pupil enrolled in a day care center under s. 119.72  
14 shall be counted as a kindergarten pupil under par. (c).

15       ••87b2678/2••SECTION 371v. 121.02 (1m) of the statutes is created to  
16 read:

17       121.02 (1m) A school district may provide for scoring the test adminis-  
18 tered under sub. (1) (r) or have it scored by the department. If the school  
19 district provides for scoring the test, the department shall reimburse the  
20 school district for the cost of scoring the test, not exceeding what the  
21 department's cost would be to score the test. Costs of scoring the tests and  
22 reimbursing school districts for scoring the tests shall be paid from the  
23 appropriation under s. 20.255 (1) (a).

24       ••87-5455/1••SECTION 372. 121.05 (1) (a) 8 of the statutes is amended to  
25 read:

26       121.05 (1) (a) 8. Pupils enrolled in a residential school operated by the  
27 state under subch. III of ch. 115 for whom the school district is paying  
28 tuition under s. 115.53 (2) determined by multiplying the total number of

1 periods in each day in which the pupils are enrolled in the local public  
2 school by the total number of days for which the pupils are enrolled in the  
3 local public school and dividing the product by 1,080.

4 ••87-5281/1••SECTION 373. 121.08 (3) (a) of the statutes, as created by  
5 1987 Wisconsin Act 27, is repealed.

6 ••87-5281/1••SECTION 374. 121.08 (3) (b) of the statutes, as created by  
7 1987 Wisconsin Act 27, is renumbered 121.08 (3).

8 ••87b2558/2••SECTION 374g. 121.85 (6) (f) of the statutes is amended to  
9 read:

10 121.85 (6) (f) Exception. A pupil enrolled in a ~~4-year-old~~ kindergarten  
11 program or in a preschool program under subch. V of ch. 115 shall be counted  
12 under par. (a) ~~and (b) 1~~ as a number equal to the result obtained by multi-  
13 plying 1.325 by the appropriate fraction under s. 121.004 (7) (c) or (d), and  
14 under par. (b) 1 as a number equal to the result obtained by multiplying 1.0  
15 by the appropriate fraction under s. 121.004 (7) (c) or (d).

16 ••87b2688/2••SECTION 374h. 121.85 (6) (g) 1. a of the statutes is amended  
17 to read:

18 121.85 (6) (g) 1. a. "Base year enrollment" means the number of pupils  
19 enrolled in the nonspecialty public schools located in minority census tracts  
20 in the 1984-85 school year.

21 ••87b2558/2••SECTION 374j. 121.86 (3) of the statutes is amended to read:  
22 121.86 (3) STATE AID EXCEPTION. Pupils under sub. (2) who are enrolled  
23 in a ~~4-year-old~~ kindergarten program or in a preschool program under subch. V  
24 of ch. 115 shall be counted under sub. (2) as a number equal to the result  
25 obtained by multiplying 1.325 by the appropriate fraction under s. 121.004 (7)  
26 (c) or (d).

27 ••87b3043/1••SECTION 374jm. 125.04 (3) (g) (intro.) of the statutes is  
28 amended to read:

1           125.04 (3) (g) Publication of intoxicating liquor application. (intro.)  
2 The municipal clerk shall publish each application for a "Class B" license ~~to~~  
3 ~~sell intoxicating liquor, except temporary "Class B" licenses under s. 125.51~~  
4 ~~(4m)~~, prior to its issuance in a newspaper according to the following  
5 conditions:

6           ••87b2418/2••SECTION 374k. 125.06 (5) of the statutes is amended to read:  
7           125.06 (5) RAILROADS, AIRCRAFT. The sale of alcohol beverages on any  
8 railroad dining, buffet or cafe car or aircraft, while in transit. ~~Alcohol~~  
9 Except as authorized under s. 125.26 (3m) or 125.51 (3) (dm), alcohol bever-  
10 ages may be consumed in a railroad dining, buffet or cafe car or aircraft only  
11 while it is in transit.

12           ••87b2418/2••SECTION 374m. 125.26 (3m) of the statutes is created to  
13 read:

14           125.26 (3m) A municipality may issue a Class "B" license authorizing  
15 retail sales of fermented malt beverages on a railroad car while the railroad  
16 car is standing in a specified location in the municipality.

17           ••87b3043/1••SECTION 374p. 125.26 (6) of the statutes is amended to read:

18           125.26 (6) ~~Class Temporary class~~ "B" licenses may ~~also~~ be issued to bona  
19 fide clubs, to state, county or local fair associations or agricultural  
20 societies, to churches, lodges or societies that have been in existence for at  
21 least 6 months before the date of application and to posts of veterans' orga-  
22 nizations authorizing the sale of fermented malt beverages and wine containing  
23 not more than 6% alcohol by volume at a particular picnic or similar  
24 gathering, at a meeting of the post, or during a fair conducted by the fair  
25 association or agricultural society. The amount of the fee for the license  
26 shall be determined by the municipal governing body issuing the license but  
27 may not exceed \$10. A license issued to the state fair or to a county or  
28 district fair licenses the entire fairgrounds where the fair is being con-

1 ducted and all persons engaging in retail sales of fermented malt beverages or  
2 wine containing not more than 6% alcohol by volume from leased stands on the  
3 fairgrounds. The state fair or county or district fair to which the license  
4 is issued may lease stands on the fairgrounds to persons who may engage in  
5 retail sales of fermented malt beverages or wine containing not more than 6%  
6 alcohol by volume from the stands while the fair is being held. No such  
7 person is required to obtain an operator's license in order to engage in  
8 retail sales of fermented malt beverages or wine containing not more than 6%  
9 alcohol by volume on the grounds of the state fair or other fairs receiving  
10 state aid.

11 ••87b2418/2••SECTION 374s. 125.51 (3) (dm) of the statutes is created to  
12 read:

13 125.51 (3) (dm) A municipality may issue a "Class B" license authorizing  
14 retail sales of intoxicating liquor on a railroad car while the railroad car  
15 is standing in a specified location in the municipality.

16 ••87b3014/1••SECTION 374tc. 125.51 (4) (a) 2 and (b) 1 and 3 of the  
17 statutes are amended to read:

18 125.51 (4) (a) 2. "Population" means the number of inhabitants in the  
19 previous year determined by the ~~last decennial federal census or special~~  
20 ~~census conducted under contract with the U.S. bureau of the census, or, in the~~  
21 ~~case of newly incorporated cities or villages, determined under s. 66.013 (2)~~  
22 ~~(b), less, in either case, inmates of charitable, mental and penal insti-~~  
23 ~~tutions in the municipality~~ department of administration under s. 16.96 (2)  
24 for purposes of revenue sharing distribution.

25 (b) 1. One license per 500 population or fraction thereof. A  
26 municipality's population, ~~for purposes of determining its quota, may be~~  
27 ~~adjusted on the basis of a special census only once during the period between~~  
28 ~~decennial censuses.~~

1           3. The number of licenses lawfully issued and in force within the  
2 municipality in the previous year of ~~the decennial federal census immediately~~  
3 ~~prior to the most recent decennial federal census.~~

4           ••87b3014/1••SECTION 374tg. 125.51 (4) (e) of the statutes is repealed.

5           ••87b2867/1••SECTION 374tj. 125.51 (4) (r) of the statutes is created to  
6 read:

7           125.51 (4) (r) Notwithstanding its quota, a village may issue a license  
8 to a post of a veteran's organization for a building that was rebuilt after  
9 being destroyed by a tornado.

10          ••87b3043/1••SECTION 374tm. 125.51 (4m) of the statutes is repealed.

11          ••87b2910/1••SECTION 374vd. 125.58 (title) and (1) of the statutes are  
12 amended to read:

13          125.58 (title) OUT-OF-STATE SHIPPERS' PERMIT; EXCEPTION TO REQUIREMENT.

14          (1) The department shall issue out-of-state shippers' permits which authorize  
15 persons located outside this state to sell or ship intoxicating liquor into  
16 this state. ~~Intoxicating~~ Except as provided under sub. (4), intoxicating  
17 liquor may be shipped into this state only to a person holding a  
18 manufacturer's, rectifier's, wholesaler's, industrial alcohol or medicinal  
19 alcohol permit. A Except as provided under sub. (4), a separate out-of-state  
20 shipper's permit is required for each location from which any intoxicating  
21 liquor is sold or shipped into this state, including the location from which  
22 the invoices are issued for the sales or shipments. Any person holding an  
23 out-of-state shipper's permit issued under this section may solicit orders for  
24 sales or shipments by the permittee without obtaining the sales solicitation  
25 permit required by s. 125.65, but every agent, salesperson or other repre-  
26 sentative who solicits orders for sales or shipments by an out-of-state  
27 shipper shall first obtain a permit for soliciting orders under s. 125.65.

1       ••87b2910/1••SECTION 374vh. 125.58 (4) of the statutes is created to  
2 read:

3       125.58 (4) A person located outside of this state may ship wine into this  
4 state to an individual who does not hold a license or permit issued under this  
5 chapter as provided under s. 125.68 (10) (bm) if the person is located in a  
6 state which has a reciprocal agreement with this state under s. 139.035. An  
7 out-of-state shipper's permit is not required for shipments into this state  
8 under this subsection.

9       ••87b2910/1••SECTION 374vp. 125.68 (10) (a) and (b) of the statutes are  
10 amended to read:

11       125.68 (10) (a) ~~No~~ Except as provided in par. (bm), no intoxicating liq-  
12 uor may be shipped into this state unless consigned to a person holding a  
13 permit for the sale of intoxicating liquor, other than a retail "Class B"  
14 permit.

15       (b) ~~No~~ Except as provided in par. (bm), no common carrier or other person  
16 may transport into and deliver within this state any intoxicating liquor  
17 unless it is consigned to a person holding a permit for the sale of intoxi-  
18 cating liquor, other than a retail "Class B" permit. Any common carrier vio-  
19 lating this paragraph shall forfeit \$100 for each violation.

20       ••87b2910/1••SECTION 374vt. 125.68 (10) (bm) and (bs) of the statutes are  
21 created to read:

22       125.68 (10) (bm) A person may ship wine into this state from a state  
23 which has a reciprocal agreement with this state under s. 139.035 to an indi-  
24 vidual who does not hold a license or permit under this chapter for consump-  
25 tion at the individual's residence by the individual or his or her family or  
26 guests if the shipping container is clearly labeled to indicate that the  
27 package may not be delivered to an underage person or to an intoxicated  
28 person.

1 (bs) No individual may resell wine received under par. (bm) or receive  
2 more than 9 liters of wine annually under par. (bm).

3 ••87b3330/1••SECTION 374vu. 125.69 (2) (b) of the statutes is repealed  
4 and recreated to read:

5 125.69 (2) (b) Notwithstanding par. (a), a manufacturer, rectifier or  
6 wholesaler may give a sign, clock, menu board or other thing of value to a  
7 campus or "Class B" licensee or permittee, to the extent permitted by 27 USC  
8 205 (b) and regulations adopted under that provision.

9 ••87b2608/1••SECTION 374w. 134.345 of the statutes is created to read:

10 134.345 FORM RETENTION AND DISPOSAL. (1) In this section:

11 (a) "Customer" means any person who causes a molder to make a form or to  
12 use a form to make a product.

13 (b) "Form" means an object in or around which material is placed to make  
14 a mold for pouring plastic or casting metal, and includes a mold, die or  
15 pattern.

16 (c) "Molder" means any person who makes a form or who uses a form to make  
17 a product.

18 (2) Unless a customer and a molder otherwise agree in writing a molder  
19 may, as provided in sub. (3), dispose of a form possessed by a customer if the  
20 customer does not take from the molder physical custody of the form within 3  
21 years after the molder's last prior use of the form.

22 (3) A molder who wishes to dispose of a form shall send written notice by  
23 registered mail with return receipt requested to the customer's last-known  
24 address and to any address set forth in the agreement under which the molder  
25 obtained physical custody of the form. The notice shall state that the molder  
26 intends to dispose of the form. The molder may dispose of the form without  
27 liability to the customer if, within 120 days after the molder receives the  
28 return receipt of the notice or within 120 days after the molder sends notice

1 if no return receipt is received within that period, the customer does not  
2 take physical custody of the form or enter into an agreement with the molder  
3 for taking possession or physical custody of the form.

4 ••87b3710/3••SECTION 374wm. 134.43 (3) of the statutes is amended to  
5 read:

6 134.43 (3) Any person who is the victim of an intrusion of privacy under  
7 this section is entitled to relief under s. 895.50 (1) and (4) unless the act  
8 is permissible under ss. 968.27 to ~~968.33~~ 968.37.

9 ••87b2814/1••SECTION 374x. 134.85 (title) of the statutes, as created by  
10 1987 Wisconsin Act 95, is amended to read:

11 134.85 (title) MOTOR FUEL DEALERSHIPS; RIGHTS OF SURVIVORSHIP; HOURS OF  
12 BUSINESS.

13 ••87b2814/1••SECTION 374xg. 134.85 (3) (a) of the statutes, as created by  
14 1987 Wisconsin Act 95, is amended to read:

15 134.85 (3) (a) The department of justice on behalf of the state or any  
16 person who claims injury as a result of a violation of ~~this section~~ sub. (2)  
17 may bring an action for temporary or permanent injunctive relief in any cir-  
18 cuit court ~~for any violation of this section~~. It is no defense to an action  
19 under this paragraph that an adequate remedy exists at law.

20 ••87b2814/1••SECTION 374xr. 134.85 (4) of the statutes is created to  
21 read:

22 134.85 (4) HOURS OF BUSINESS. (a) No motor vehicle fuel grantor may  
23 require a motor vehicle fuel dealer, who has a dealership with the motor  
24 vehicle fuel grantor on the effective date of this paragraph .... [revisor  
25 inserts datel, to keep his or her business open for more than 16 hours per  
26 day.

1 (b) Paragraph (a) applies to a motor fuel dealer after he or she renews  
2 or extends a motor fuel dealership agreement with a motor fuel grantor on or  
3 after the effective date of this paragraph .... [revisor inserts date].

4 ••87b3348/1••SECTION 374xs. 139.03 (2m) of the statutes is amended to  
5 read:

6 139.03 (2m) The rate of that tax is 85.86 cents per liter on intoxicating  
7 liquor, except wine containing not in excess of 21% of alcohol by volume and  
8 ~~intoxicating liquor taxed under sub. (2t)~~, containing 0.5% or more of alcohol  
9 by volume. The department of revenue may, by rule, set the amount of the  
10 taxes imposed under this section for various sizes of containers if the  
11 amounts set are in the same proportion to the size of the containers as the  
12 rate per liter under this subsection.

13 ••87b3348/1••SECTION 374xt. 139.03 (2t) of the statutes is repealed.

14 ••87b2910/1••SECTION 374y. 139.035 of the statutes is created to read:

15 139.035 RECIPROCAL AGREEMENTS. The department shall negotiate and, if  
16 possible, enter into reciprocal agreements with the appropriate officials of  
17 other states concerning the shipping of wine to individuals in this state  
18 under ss. 125.58 (4) and 125.68 (10) (bm). The purpose of the agreements  
19 shall be to permit those shipments while ensuring that the fiscal impact of  
20 shipments of wine to individuals in this state from other states, and from  
21 this state to individuals in other states, is fair to this state. An agree-  
22 ment under this section may include the provision that this state will tax  
23 wine shipped from this state to individuals in another state and the other  
24 state will tax wine shipped to individuals in this state.

25 ••87-5349/1••SECTION 375. 139.05 (6) of the statutes is repealed.

26 ••87-5349/1••SECTION 376. 139.05 (7) (e) of the statutes is amended to  
27 read:

1       139.05 (7) (e) The conditions and requirements of this subsection are in  
2 addition to<sub>2</sub> and not in lieu of<sub>2</sub> the conditions and requirements of subs. (1)  
3 to ~~(6)~~ (4).

4       ••87b3348/1••SECTION 376b. 139.06 (1) (a) and (b) of the statutes are  
5 amended to read:

6       139.06 (1) (a) The taxes imposed under s. 139.03 (intro.) on intoxicating  
7 liquor at the rates under s. 139.03 (2m) ~~or (2t)~~ shall be paid 4 times annu-  
8 ally on an estimated basis. The estimated payment shall be made, and a return  
9 filed, on February 15, May 15, August 15 and November 15 for calendar quarters  
10 beginning on the first day of the month before the month during which the  
11 payment is due. The estimated payment shall be based on the expected actual  
12 tax liability for the calendar quarter for which the payment is made. An  
13 administrative fee of 3 cents per gallon on intoxicating liquor taxed at the  
14 rates under s. 139.03 (2m) ~~or (2t)~~ is imposed, shall be paid along with esti-  
15 mated taxes and shall be deposited in the appropriation under s. 20.566 (1)  
16 (ha). The taxpayer shall adjust the amount of each payment to reflect the  
17 amount by which the payment for the previous quarter is greater than or less  
18 than the actual tax liability and administrative fee liability for that pre-  
19 vious quarter.

20       (b) Liability for taxes at the rates under s. 139.03 (2m) ~~or (2t)~~ on  
21 intoxicating liquor is incurred by a shipper when intoxicating liquor is  
22 shipped into this state, except that liability on liquor produced or bottled  
23 in this state or imported directly from a foreign country into this state by a  
24 Wisconsin permittee is incurred at the time of the first sale in this state  
25 and except that liability for liquor under sub. (3) or (4) is incurred when a  
26 Wisconsin permittee receives that liquor.

27       ••87b3348/1••SECTION 376d. 139.06 (2) (c) of the statutes is amended to  
28 read:

1       139.06 (2) (c) Further to secure the payment of the taxes at the rates  
2 under s. 139.03 (2m) and ~~(2t)~~ on intoxicating liquor, the department shall  
3 require all persons liable for the return and payment of such taxes in either  
4 of the 2 previous fiscal years to maintain a deposit of the department's  
5 estimate of tax liabilities in an amount equal to 20% of the estimated tax  
6 liability for fiscal year 1985-86 or an amount specified by the department.  
7 Such deposit payment shall be paid to the department on July 15, 1986, or  
8 according to an arrangement specified by the department. This deposit shall  
9 be deposited in the general fund. On August 15, 1987, the department shall  
10 credit 25% of the deposit against taxes due for the quarter beginning on the  
11 first day of the month before the month when the taxes are due or a later  
12 quarter. At the end of each succeeding 12-month period the department shall  
13 credit 25% of the original deposit until 100% of each deposit has been  
14 refunded. If any permittee has an unpaid tax liability at the time that a  
15 credit would be allowed the permittee, the department shall not allow the  
16 credit until the liability is paid in full.

17       ••87-5349/1••SECTION 377. 139.07 of the statutes is repealed.

18       ••87-5349/1••SECTION 378. 139.08 (4) of the statutes is amended to read:

19       139.08 (4) INSPECTION FOR ENFORCEMENT. Duly authorized employes of the  
20 department of justice and the department of revenue and any sheriff, police  
21 officer, marshal or constable, within their respective jurisdictions, may at  
22 all reasonable hours enter any licensed premises, and examine the books,  
23 papers and records of any brewer, manufacturer, bottler, rectifier, wholesaler  
24 or retailer, for the purpose of inspecting the same and determining whether  
25 the tax and fee imposed by ss. 139.01 to 139.25 have been fully paid, and may  
26 inspect and examine, according to law, any premises where fermented malt  
27 beverages or intoxicating liquors are manufactured, sold, exposed for sale,  
28 possessed or stored, for the purpose of inspecting the same and determining

1 whether the tax imposed by ss. 139.01 to 139.25 has been fully paid, and  
2 whether ss. 139.01 to 139.25 and ch. 125 are being complied with. Any refusal  
3 to permit such examination of such premises is sufficient grounds under s.  
4 125.12 for revocation or suspension of any license or permit granted for the  
5 sale of any fermented malt beverages or intoxicating liquors and is punishable  
6 under s. 139.25 ~~(5)~~ (10).

7 ••87-5349/1••SECTION 379. 139.092 of the statutes is amended to read:  
8 139.092 (title) RIGHT TO ASSESS AND REFUND. The department shall exam-  
9 ine each return and correct it, if necessary, according to its best judgment  
10 and information. If within 4 years after a return is filed and reconciled on  
11 the next return filed the department finds that any amount of tax is due from  
12 the taxpayer and is unpaid, it shall notify the taxpayer of the deficiency,  
13 stating that it proposes to assess the amount due together with interest and  
14 penalties. The department also may allow refunds or credits for overpayments  
15 due to errors discovered during its examination of the return.

16 ••87-5349/1••SECTION 380. 139.098 of the statutes is repealed.

17 ••87-5349/1••SECTION 381. 139.25 (1) and (1m) of the statutes are created  
18 to read:

19 139.25 (1) INTEREST AND PENALTIES. Unpaid taxes bear interest at the  
20 rate of 12% per year from the due date of the return until paid or deposited  
21 with the department, and all refunded taxes bear interest at the rate of 9%  
22 per year from the due date of the return to the date on which the refund is  
23 certified on the refund rolls.

24 (1m) ORDER OF APPLICATION. All nondelinquent payments of additional  
25 amounts owed shall be applied in the following order: penalties, interest, tax  
26 principal.

27 ••87-5349/1••SECTION 382. 139.25 (2) and (3) of the statutes are repealed  
28 and recreated to read:

1       139.25 (2) DELINQUENT RETURNS. Delinquent beverage tax returns are  
2 subject to a \$10 late filing fee. Delinquent beverage taxes bear interest at  
3 the rate of 1.5% per month until paid. The taxes imposed by this subchapter  
4 shall become delinquent if not paid:

5       (a) In the case of a timely filed return, no return or a late return, on  
6 or before the due date of the return; or

7       (b) In the case of a deficiency determination of taxes, within 2 months  
8 after the date of demand.

9       (3) INCORRECT RETURN. If due to neglect an incorrect return is filed,  
10 the entire tax finally determined is subject to a penalty of 25% of the tax  
11 exclusive of interest or other penalty. A person filing an incorrect return  
12 has the burden of proving that the error or errors were due to good cause and  
13 not due to neglect.

14       ••87-5349/1••SECTION 383. 139.25 (4), (5) and (6) of the statutes are  
15 renumbered 139.25 (9), (10) and (11).

16       ••87-5349/1••SECTION 384. 139.25 (4) to (8) of the statutes are created  
17 to read:

18       139.25 (4) FAILURE TO FILE RETURN. In case of failure to file any return  
19 required under s. 139.05, 139.06 or 139.11 by the due date, unless it is shown  
20 that that failure was due to reasonable cause and not due to neglect, there  
21 shall be added to the amount required to be shown as tax on that return 5% of  
22 the amount of that tax if the failure is for not more than one month, and an  
23 additional 5% of the tax for each additional month or fraction thereof during  
24 which that failure continues, not exceeding 25% of the tax in the aggregate.  
25 For purposes of this subsection, the amount of tax required to be shown on the  
26 return shall be reduced by the amount of any part of the tax which is paid on  
27 or before the due date prescribed for payment of the tax and by the amount of  
28 any credit against the tax which may be claimed upon the return.

1 (5) FALSE OR FRAUDULENT RETURN. If a person fails to file a return when  
2 due or files a false or fraudulent return with intent in either case to defeat  
3 or evade the tax imposed by this subchapter, a penalty of 50% of the tax shall  
4 be added to the tax required to be paid, exclusive of interest and other  
5 penalties.

6 (6) FURNISH DATA OR RETURN. Any person who fails to furnish any return  
7 required to be made or who fails to furnish any data required by the depart-  
8 ment may be fined not more than \$500 or imprisoned for not more than 30 days  
9 or both.

10 (7) REPORT OR RETURN VERIFICATION. Any person, including an officer of a  
11 corporation, who is required to make, render, sign or verify any report or  
12 return required by this subchapter and who makes a false or fraudulent report  
13 or return or who fails to furnish a report or return when due with the intent,  
14 in either case, to defeat or evade the tax imposed by this subchapter may be  
15 fined not more than \$500 or imprisoned for not more than 30 days or both.

16 (8) ASSISTING FALSE OR FRAUDULENT RETURN. No person may aid, abet or  
17 assist another in making any false or fraudulent return or false statement in  
18 any return required by this subchapter, with intent to defraud the state or  
19 evade payment of the tax, or any part thereof, imposed by this subchapter.  
20 Anyone who violates this subsection may be fined not more than \$500 or  
21 imprisoned for not more than 30 days or both.

22 ••87-5349/1••SECTION 385. 139.32 (7) of the statutes is repealed.

23 ••87-5349/1••SECTION 386. 139.44 (title) of the statutes is amended to  
24 read:

25 139.44 (title) INTEREST AND PENALTIES.

26 ••87-5349/1••SECTION 387. 139.44 (9) to (12) of the statutes are created

to read:

1       139.44 (9) Unpaid taxes bear interest at the rate of 12% per year from  
2 the due date of the return until paid or deposited with the department, and  
3 all refunded taxes bear interest at the rate of 9% per year from the due date  
4 of the return to the date on which the refund is certified on the refund  
5 rolls.

6       (10) All nondelinquent payments of additional amounts owed shall be  
7 applied in the following order: penalties, interest, tax principal.

8       (11) Delinquent cigarette taxes bear interest at the rate of 1.5% per  
9 month until paid. The taxes imposed by this subchapter shall become delin-  
10 quent if not paid:

11       (a) In the case of a timely filed return, no return filed or a late  
12 return, on or before the due date of the return; or

13       (b) In the case of a deficiency determination of taxes, within 2 months  
14 after the date of demand.

15       (12) If due to neglect an incorrect return is filed, the entire tax  
16 finally determined is subject to a penalty of 25% of the tax exclusive of  
17 interest or other penalty. A person filing an incorrect return has the burden  
18 of proving that the error or errors were due to good cause and not due to  
19 neglect.

20       ••87-5349/1••SECTION 388. 139.77 (5) of the statutes is amended to read:

21       139.77 (5) All taxes are due not later than the 15th day of the month  
22 following the calendar month in which they were incurred, ~~and thereafter shall~~  
23 ~~bear interest at the annual rate of 12%. If the amount of tax due for a given~~  
24 ~~period is assessed without allocating it to any particular month, the interest~~  
25 ~~shall begin with the date of the assessment.~~

26       ••87-5349/1••SECTION 389. 139.77 (6) of the statutes is repealed.

27       ••87-5349/1••SECTION 390. 139.85 of the statutes is amended to read:

1        139.85 (title) INTEREST AND PENALTIES. The interest and penalties under  
2 s. 139.44 (2) to (7) and (9) to (12) apply to this subchapter.

3        ••87b2931/1••SECTION 390cb. 140.05 (16) (b) of the statutes is amended to  
4 read:

5        140.05 (16) (b) Any student admitted to any elementary, middle, junior or  
6 senior high school or into any day care center or nursery school shall present  
7 written evidence to the school of having completed the first immunization for  
8 each vaccine required for the student's grade and being on schedule for the  
9 remainder of the basic and recall (booster) immunization series for the  
10 diseases identified in par. (a) or shall present a written waiver under par.  
11 (c). The student shall present the written evidence or written waiver within  
12 30 school days after being admitted to school. ~~This subsection does not~~  
13 ~~require any female age 12 or over to be immunized against rubella.~~

14        ••87b2727/2••SECTION 390g. 140.53 (1) (h) of the statutes is created to  
15 read:

16        140.53 (1) (h) With respect to radon, do all of the following:

17        1. Develop and disseminate current radon information to the news media,  
18 builders, realtors and the general public.

19        2. Coordinate a program of measuring radon gas accumulation, including  
20 use of the radon canister counting system, in educational institutions, nurs-  
21 ing homes, low-income housing, public buildings, homes, private industries and  
22 public service organizations.

23        3. Work with staff of county, city-county or multiple-county health  
24 departments, county health committees or commissions or city, village or town  
25 boards of health under ch. 141; to perform home surveys and diagnostic mea-  
26 surements and develop mitigation strategies for homes with elevated radon gas  
27 levels.

1           4.   Develop training materials and conduct training of staff of county,  
2 city-county or multiple-county health departments, county health committees or  
3 commissions or city, village or town boards of health under ch. 141; building  
4 contractors; and others in radon diagnosis and mitigation methods.

5           ••87b2913/1••SECTION 309gm. 140.53 (4) of the statutes is created to  
6 read:

7           140.53 (4) From the appropriation under s. 20.435 (1) (ed), the depart-  
8 ment shall allocate funds to provide radon protection information dissemi-  
9 nation from regional radon centers in Marathon and Waukesha counties.

10          ••87b2727/2••SECTION 390r. 140.56 (3) (intro.) of the statutes is amended  
11 to read:

12          140.56 (3) (intro.) The council shall monitor the development and imple-  
13 mentation of private and local, state and federal government radiation-related  
14 policies and programs which may affect the health or well-being of the citi-  
15 zens of the state. These policies and programs include those involving ion-  
16 izing radiation from X-rays or radioactive materials; nonionizing radiation  
17 such as lasers and microwaves, radioactive waste handling and disposal, the  
18 transportation of radioactive materials, radioactive air and water pollutants,  
19 radiation emergency response planning, the contamination of drinking water  
20 supplies by radioactive materials and the environmental monitoring of radio-  
21 active materials and radon or its products of radioactive decay. As a result  
22 of monitoring these policies and programs, the council may:

23          ••87-5368/1••SECTION 391. 140.82 (1) (intro.) of the statutes is amended  
24 to read:

25          140.82 (1) (intro.) The department is designated the state health plan-  
26 ning and development agency ~~as provided under 42 USC 300k to 300n-5, in effect~~  
27 ~~on April 30, 1980,~~ and shall:

1       ••87-5368/1••SECTION 392. 140.82 (1) (a) of the statutes is amended to  
2 read:

3       140.82 (1) (a) Initiate, conduct and periodically evaluate a process for  
4 planning to use the resources of the state and meet the health needs of its  
5 residents and to implement in conjunction with other state agencies those  
6 parts of the state health plan ~~and plans of the health systems agencies~~ that  
7 relate to state government.

8       ••87-5368/1••SECTION 393. 140.82 (1) (b) of the statutes is amended to  
9 read:

10       140.82 (1) (b) Prepare, review at least triennially and revise as neces-  
11 sary a preliminary state health plan that identifies health service and  
12 resource goals and priorities. ~~The department shall develop the plan from the~~  
13 ~~plans of the health systems agencies in the state as required under 42 USC~~  
14 ~~300k to 300n-5, in effect on April 30, 1980. The department shall submit the~~  
15 ~~preliminary plan to the health policy council for review under s. 14.25 (1)~~  
16 ~~(f).~~ In addition to coordinating the preparation of health-related federal  
17 plans, the department shall coordinate the preparation of public and private  
18 state health and health-related plans.

19       ••87-5368/1••SECTION 394. 140.82 (1) (e) of the statutes is repealed.

20       ••87-5368/1••SECTION 395. 140.82 (1) (f) of the statutes is repealed.

21       ••87-5368/1••SECTION 396. 140.82 (1) (i) of the statutes is amended to  
22 read:

23       140.82 (1) (i) Serve as the single state agency for federally assisted  
24 health facility modernization and construction and administer the regulation  
25 of health care institutions. ~~If the department acts under this paragraph, it~~  
26 ~~shall consider recommendations from health systems agencies as required under~~  
27 ~~42 USC 300m-2 (a) (4), in effect on April 30, 1980.~~

1       ••87-5368/1••SECTION 397. 140.82 (1) (k) of the statutes is amended to  
2 read:

3       140.82 (1) (k) Periodically review all institutional and home health  
4 services offered in the state for which the state plan establishes goals and  
5 publicize its findings, ~~after considering recommendations concerning the~~  
6 ~~appropriateness of the services from health systems agencies under 42 USC 300k~~  
7 ~~to 300n-5, in effect on April 30, 1980.~~ In reviewing the appropriateness of a  
8 health service under this paragraph, the department shall at least consider  
9 the need for the service, its accessibility, availability, financial viability  
10 and cost effectiveness and the quality of service provided.

11       ••87-5368/1••SECTION 398. 140.82 (1) (L) of the statutes is amended to  
12 read:

13       140.82 (1) ~~(k)~~ (L) Prepare an inventory of the health care facilities  
14 other than federal health care facilities located in the state. ~~The depart-~~  
15 ~~ment shall report the inventory to the health systems agencies within the~~  
16 ~~state to assist the agencies in performing their functions, as required under~~  
17 ~~42 USC 300L-2, in effect on April 30, 1980.~~

18       ••87b2674/2••SECTION 398b. 140.82 (1) (m) of the statutes is repealed.

19       ••87b2674/2••SECTION 398bm. 140.83 (title), (1) and (2) of the statutes  
20 are repealed.

21       ••87b2674/2••SECTION 398c. 140.83 (3) of the statutes is renumbered  
22 140.83, and 140.83 (title) and (1), as renumbered, are amended to read:

23       140.83 (title) EMERGENCY SERVICE CLASSIFICATION.

24       (1) Provide technical assistance ~~to the health systems agencies~~ in the  
25 development of emergency medical service plans.

26       ••87b2886/1••SECTION 398cab. 144.025 (2) (s) of the statutes is amended  
27 to read:

1       144.025 (2) (s) In cases of noncompliance with any order issued under  
2 par. (d) or (r), the department may take the action directed by the order, and  
3 collect the costs thereof from the owner to whom the order was directed. The  
4 department shall have all the necessary powers needed to carry out this para-  
5 graph including powers granted municipalities under ss. 66.076 and 66.20 to  
6 66.26. It shall also be eligible for financial assistance under ss. 144.21  
7 ~~and~~ 144.24 ~~and~~ 144.241.

8       ••87b3032/1••SECTION 398cac. 144.027 (1) (em) of the statutes is created  
9 to read:

10       144.027 (1) (em) "Principal residence" means a residence which is occu-  
11 pied at least 51% of the year by the owner.

12       ••87b3032/1••SECTION 398cam. 144.027 (1) (h) of the statutes is amended  
13 to read:

14       144.027 (1) (h) "Well" means an excavation or opening in the ground made  
15 by boring, drilling ~~or~~ driving or digging for the purpose of obtaining a  
16 supply of groundwater. ~~"Well" does not include dug wells.~~

17       ••87b3032/1••SECTION 398cb. 144.027 (2) (a) to (c) of the statutes are  
18 amended to read:

19       144.027 (2) (a) Establish by rule procedures for the submission, review  
20 and determination of ~~claims~~ applications under this section.

21       (b) Assist claimants applicants in submitting applications for compen-  
22 sation under this section.

23       (c) Issue ~~awards~~ grants under this section.

24       ••87b3032/1••SECTION 398cbm. 144.027 (3) of the statutes is repealed and  
25 recreated to read:

26       144.027 (3) WELLS FOR WHICH APPLICATION MAY BE SUBMITTED. An application  
27 may be submitted for a private water supply which:

28       (a) Is contaminated at the time of submitting the application; or

1 (b) Was contaminated before the application is submitted, if the appli-  
2 cation meets the requirements of sub. (10m).

3 ••87b3032/1••SECTION 398cc. 144.027 (4) (title) and (a) of the statutes  
4 are repealed and recreated to read:

5 144.027 (4) (title) WHO MAY SUBMIT AN APPLICATION. (a) Except as pro-  
6 vided in par. (b), any of the following persons may submit an application  
7 under this section:

8 1. The owner of a principal residence which is served by a residential  
9 water supply.

10 2. The owner of property which is served by a livestock water supply.

11 3. The spouse, dependent, heir, assign or legal representative of a  
12 person under subd. 1 or 2.

13 ••87b3032/1••SECTION 398ccm. 144.027 (4) (b) (intro.) of the statutes is  
14 amended to read:

15 144.027 (4) (b) (intro.) The following entities may not submit ~~a claim~~ an  
16 application:

17 ••87b3032/1••SECTION 398cd. 144.027 (5) (a), (b) (intro.) and 2, (c), (d)  
18 (intro.) and 1 and (e) to (g) of the statutes are amended to read:

19 144.027 (5) (a) ~~A claimant~~ An applicant shall submit ~~a claim~~ an applica-  
20 tion on forms provided by the department. The ~~claimant~~ applicant shall verify  
21 the claim application by affidavit.

22 (b) (intro.) The ~~claim~~ application shall contain:

23 2. Any information available to the ~~claimant~~ applicant regarding possible  
24 sources of contamination of the private water supply; and

25 (c) The department shall notify the ~~claimant~~ applicant if the ~~claim~~  
26 application is complete or specify the additional information which is  
27 required to be submitted. If the ~~claimant~~ applicant does not submit a com-

1 plete ~~claim~~ application, as determined by the department, the department may  
2 not proceed under this section until it receives a complete ~~claim~~ application.

3 (d) (intro.) ~~A claim~~ An application constitutes consent by the ~~claimant~~  
4 applicant to:

5 1. ~~Enter~~ Permit the department to enter the property where the private  
6 water supply is located during normal business hours and conduct any investi-  
7 gations or tests necessary to verify the ~~claim~~ application; and

8 (e) The department shall consolidate ~~claims~~ applications if more than one  
9 ~~claimant~~ applicant submits a ~~claim~~ an application for the same private water  
10 supply.

11 (f) The department shall allocate money for the payment of ~~claims~~ appli-  
12 cations according to the order in which completed ~~claims~~ applications are  
13 received. The department shall give priority to the payment of supplements  
14 under sub. (10) (b) over payment of new grants. The department may condi-  
15 tionally approve a completed ~~claim~~ application even if the appropriations  
16 under s. 20.370 (2) (eb) ~~and~~, (eg) ~~and~~ (eh) are insufficient to pay the ~~claim~~  
17 application. The department shall allocate money for the payment of a ~~claim~~  
18 an application which is conditionally approved as soon as funds become  
19 available.

20 (g) The department may deny a ~~claim~~ an application if, under s. 144.028,  
21 the department has issued a preliminary determination of eligibility or has  
22 issued a municipal grant ~~award~~ to the a municipality ~~in~~ which the ~~contaminated~~  
23 ~~private water supply is located, and the municipality~~ agrees to provide a  
24 municipal water supply to replace the contaminated private water supply. The  
25 department may delay the approval of a ~~claim~~ an application if the department  
26 determines that a municipal water supply may be the most feasible solution to  
27 the problem of contaminated private water supplies in the area.

1       ••87b3032/1••SECTION 398cdm. 144.027 (6) (c) of the statutes is amended  
2 to read:

3       144.027 (6) (c) The department, at its own expense, may test additional  
4 samples from any private water supply for which ~~a claim~~ an application is  
5 submitted.

6       ••87b3032/1••SECTION 398ce. 144.027 (6) (d) of the statutes is created to  
7 read:

8       144.027 (6) (d) The applicant and the department are not required to  
9 determine the source of the contamination in order for a grant to be issued  
10 under this section. The department may investigate the source of the con-  
11 tamination at any time and take action under subs. (18m) and (19) and s.  
12 144.028 (7) and (8), as appropriate.

13       ••87b3032/1••SECTION 398cem. 144.027 (7) (intro.), (a) and (d) of the  
14 statutes are amended to read:

15       144.027 (7) (title) PURPOSE AND AMOUNT OF GRANT. (intro.) If the  
16 department finds that the ~~claimant~~ applicant meets all the requirements of  
17 this section and rules promulgated under this section and that the private  
18 water supply is contaminated, the department shall issue ~~an award~~ a grant.  
19 The ~~award grant~~ grant may not pay more than 80% 60% of the eligible costs. The  
20 ~~award grant~~ grant may not pay any portion of eligible costs in excess of \$12,000.  
21 Eligible costs include the following items only:

22       (a) The cost of obtaining an alternate water supply beginning on the date  
23 that the department determines that the private water supply is contaminated  
24 under sub. (6), notwithstanding sub. (11) (a) 3;

25       (d) The cost of obtaining 2 tests to show that the private water supply  
26 was contaminated if the cost of those tests was originally paid by the ~~claim-~~  
27 ~~ant~~ applicant;