

1973 Assembly Bill 1045

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CHAPTER 190, Laws of 1973

AN ACT to amend 121.07 (6) (a) and 160.01 (3); and to create 20.255 (1) (ff) and 115.345 of the statutes, relating to establishment of a program for nutritional improvement for the elderly, granting rule-making authority and making an appropriation.

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

SECTION 1. Legislative intent. The legislature finds that many elderly citizens of the state do not eat adequately because: 1) they cannot afford to do so; 2) they lack the skills to select and prepare nourishing and well-balanced meals; 3) they have

limited mobility which may impair their capacity to shop and cook for themselves; and 4) they have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone. These and other psychological, physiological, social and economic changes that occur with aging result in a pattern of living which causes malnutrition and further physical and mental deterioration. This act is designed to provide the opportunity for elderly persons to obtain nourishing meals at reasonable cost under pleasant conditions such that malnutrition and collateral problems among the elderly citizens of the state may be alleviated.

SECTION 2. 20.255 (1) (ff) of the statutes is created to read:

20.255 (1) (ff) *Nutritional improvement for elderly.* A sum sufficient for the payment of aids to school districts for programs established pursuant to s. 115.345 for nutritional improvement for the elderly.

SECTION 3. 115.345 of the statutes is created to read:

115.345 Nutritional improvement for elderly. (1) Any school district approved by the superintendent may establish a system to provide the opportunity for authorized elderly persons to participate in its school lunch program. If a school board desires to establish such a service, it shall develop a plan for the provision of food services for elderly persons and submit the plan to the superintendent. Upon petition of 5% of the voters in the school district who voted in the last school board election, the school board shall formulate a food services plan, provided that hot food service facilities are available to school children in the district.

(2) Each plan shall provide at least one meal per day for each day that school is in regular session. The school board may provide additional service at other times in its discretion, if the number of eligible persons in the district or adjacent districts is of sufficient size, in the opinion of the superintendent, so that unwarranted production expense is not incurred.

(3) Any school board which operates a food services plan for elderly persons under this section shall make facilities available for service to elderly persons at every high school and junior high school in the district which provides hot food service to its students. Upon application, the superintendent may grant exceptions from compliance with this subsection for reasons of safety, convenience or insufficient interest in a given neighborhood. The school board may, in addition, provide service at elementary schools if desired.

(4) Meals may be served at schools where they are served to students or at any site more convenient to the majority of authorized elderly persons interested in the service. Food may be transported to authorized elderly persons who are unable to leave their homes or distributed to nonprofit organizations for such purposes. However, no state funds under this section may be used for food delivery to individual homes. The superintendent may require consolidation of programs between districts and between schools if such a procedure will be convenient and economical.

(5) Authorized elderly persons may be required to contribute toward the expense of food and production at a rate up to \$.65 per meal. The school board may file a claim with the department for reimbursement for reasonable expenses incurred in excess of this amount, excluding capital equipment costs, but not to exceed \$.20 per meal. Any cost in excess of \$.85 per meal may also be charged to participants. If the department approves the claim, it shall certify that payment is due and the state treasurer shall pay the claim.

(6) All meals served must meet the approval of the superintendent who shall establish minimum nutritional standards not inconsistent with federal standards and

reasonable expenditure limits such that the average cost per meal is not excessive. The superintendent shall give special consideration to dietary problems of elderly persons in formulating a nutritional plan. However, no school board shall be required to provide special foods for individual persons with allergies or medical disorders.

(7) Participants in a program under this section may be required to document their Wisconsin residency in a manner approved by the department. The superintendent may issue identification cards to such persons if necessary.

(8) The superintendent shall adopt reasonable rules necessary to implement this section.

(9) In this section, "authorized elderly person" means any resident of the state who is 60 years of age or more, or the spouse of any such person. A school board may admit nonresident persons who would otherwise qualify into its program except that no state funds under this section may be used to subsidize any portion of the meals served to such persons.

SECTION 4. 121.07 (6) (a) of the statutes, as affected by chapter 90, laws of 1973, is amended to read:

121.07 (6) (a) "Shared cost" is the cost of operation, minus the operational receipts and amounts received under s. 79.04 (1) (c), plus the principal and interest payments on long-term indebtedness and annual capital outlay, for the current school year. The sum of the principal and interest payments on long-term indebtedness and annual capital outlay included in shared cost shall not exceed \$100 per pupil. Any amounts contributed by the school district to provide food service programs for the elderly shall not be included.

SECTION 5. 160.01 (3) of the statutes is amended to read:

160.01 (3) "Restaurant" means and includes any building, room or place wherein meals or lunches are prepared or served or sold to transients or the general public, and all places used in connection therewith. "Meals or lunches" shall not include soft drinks, ice cream, milk, milk drinks, ices and confections. The serving in taverns of free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter shall not constitute such taverns to be restaurants. The term "restaurant" does not apply to churches, religious, fraternal, youths' or patriotic organizations, service clubs and civic organizations which occasionally prepare or serve or sell meals or lunches to transients or the general public nor shall it include any public school lunchroom or private individual selling foods from a movable or temporary stand at public farm sales.

SECTION 6. **Applicability.** This act shall have no effect upon school districts which are carrying on food services programs for the elderly on the effective date of

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this act. However, the superintendent shall approve such programs before state aid may be disbursed under this act. No retroactive payments may be made.
