

**2001-02
Wisconsin State Budget**

Drafting File For:
Enrolled SB-55

Part **H**

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RC

1 103.50 (6m) RECORDS; INSPECTION. Each contractor, subcontractor, or
 2 contractor's or subcontractor's agent performing work on a project that is subject to
 3 this section shall keep full and accurate records clearly indicating the name and
 4 trade or occupation of every person performing the work described in sub. (2m) and
 5 an accurate record of the number of hours worked by each of those persons and the
 6 actual wages paid for the hours worked. If requested by any person, a contractor,
 7 subcontractor, or contractor's or subcontractor's agent performing work on a project
 8 that is subject to this section shall permit that person to inspect and copy any of those
 9 records to the same extent as if the record were maintained by the department,
 10 except that s. 19.36 (3) does not limit the duty of a subcontractor or a contractor's or
 11 subcontractor's agent to permit inspection and copying of a record under this
 12 subsection. Before permitting the inspection and copying of a record under this
 13 subsection, a contractor, subcontractor, or contractor's or subcontractor's agent shall
 14 delete from the record any personally identifiable information, as defined in s. 19.62
 15 (5), contained in the record about any person performing the work described in sub.
 16 (2m).

17 SECTION 2559g. 103.64 (1m) of the statutes is created to read:

18 103.64 (1m) "Farming" has the meaning given in s. 102.04 (3).

19 SECTION 2559j. 103.67 (2) (e) of the statutes is amended to read:

20 103.67 (2) (e) Minors 12 years of age or older may be employed in agricultural
 21 pursuits farming.

22 SECTION 2559k. 103.67 (2) (j) of the statutes is amended to read:

23 103.67 (2) (j) Minors under 14 years of age may be employed as participants
 24 in a restitution project under s. 938.245 (2) (a) 5., 938.32 (1t) (a), 938.34 (5), or 938.345
 25 or, in a supervised work program or other community service work under s. 938.245

(G)
(H)

1 (2) (a) 6., 938.32 (1t) (b), 938.34 (5g), 938.343 (3), or 938.345, or in the community
2 service component of a youth report center program under s. 938.245 (2) (a) 9m.,
3 938.32 (1p), 938.34 (7j), 938.342 (1d) (c) or (1g) (k), 938.343 (3m), 938.344 (2g) (a) 5.,
4 938.345, or 938.355 (6) (d) 5. or (6m) (a) 4.

5 **SECTION 2559m.** 103.70 (1) of the statutes is amended to read:

6 103.70 (1) Except as otherwise provided in sub. (2) and in ss. 103.21 to 103.31,
7 103.78, 938.245 (2) (a) 5. b., 938.32 (1t) (a) 2. and 938.34 (5) (b) and (5g) (c), and as
8 may be provided under s. 103.79, a minor, unless indentured as an apprentice in
9 accordance with s. 106.01, or unless 12 years and over and engaged in agricultural
10 pursuits farming, or unless 14 years and over and enrolled in a youth apprenticeship
11 program under s. 106.13, shall not be employed or permitted to work at any gainful
12 occupation or employment unless there is first obtained from the department or a
13 permit officer a written permit authorizing the employment of the minor within
14 those periods of time stated in the permit, which shall not exceed the maximum hours
15 prescribed by law.

16 **SECTION 2560r.** 106.01 (11) of the statutes is created to read:

17 106.01 (11) From the appropriation under s. 20.445 (1) (kt), the department
18 shall provide a trade masters pilot program to recognize advanced training and
19 postapprenticeship achievements in 3 trades, crafts, or businesses, one of which
20 shall be in the industrial sector, one in the construction sector, and one in the service
21 sector of the economy. By July 1, 2010, the department shall submit to the legislature
22 under s. 13.172 (2) an evaluation of the effectiveness of the program.

23 **SECTION 2562.** 106.12 (4) of the statutes is created to read:

24 106.12 (4) PUBLICATIONS AND SEMINARS. The board may provide publications
25 and seminars relating to the employment and education programs administered by

1 the board and may establish a schedule of fees for those publications and seminars.
2 Fees established under this subsection for publications and seminars provided by the
3 board may not exceed the actual cost incurred in providing those publications and
4 seminars. The fees collected under this subsection shall be credited to the
5 appropriation account under s. 20.445 (7) (ga).

6 **SECTION 2562m.** 106.13 (1) (a) of the statutes is amended to read:

7 106.13 (1) (a) A youth apprenticeship program that includes the grant
8 programs under subs. ~~(3)~~ (3m) and (4).

9 **SECTION 2564.** 106.13 (3m) (a) of the statutes is amended to read:

10 106.13 **(3m)** (a) In this subsection, “local partnership” means one or more
11 school districts, or any combination of one or more school districts, other public
12 agencies, as defined in sub. (4) (a) 2., nonprofit organizations, as defined in sub. (4)
13 (a) ~~1.~~ 1r., individuals or other persons, who have agreed to be responsible for
14 implementing and coordinating a local youth apprenticeship program.

15 **SECTION 2564m.** 106.13 (3m) (b) (intro.) of the statutes is amended to read:

16 106.13 **(3m)** (b) (intro.) From the appropriation under s. 20.445 (7) (b), the
17 board shall award grants to applying local partnerships for the implementation and
18 coordination of local youth apprenticeship programs. A local partnership shall
19 include in its grant application the identity of each public agency, nonprofit
20 organization, individual, and other person who is a participant in the local
21 partnership, a plan to accomplish the implementation and coordination activities
22 specified in subs. 1. to 6., and the identity of a fiscal agent who shall be responsible
23 for receiving, managing, and accounting for the grant moneys received under this
24 paragraph. ~~A Subject to par. (c), a local partnership that is awarded a grant under~~

1 this paragraph may use the grant moneys awarded for any of the following
2 implementation and coordination activities:

3 **SECTION 2564p.** 106.13 (3m) (c) of the statutes is created to read:

4 106.13 (3m) (c) A local partnership that is awarded a grant under par. (b) may
5 not use any of the grant moneys awarded to provide funding to a business that is
6 operated for profit or to a nonprofit organization that represents business interests.

7 **SECTION 2565.** 106.13 (4) (a) 1. of the statutes is renumbered 106.13 (4) (a) 1r.

8 **SECTION 2566.** 106.13 (4) (a) 1d. of the statutes is created to read:

9 106.13 (4) (a) 1d. “Eligible employer” means an employer that is eligible to
10 receive a grant under this subsection according to the criteria established by the
11 board under par. (d).

12 **SECTION 2567.** 106.13 (4) (b) of the statutes is amended to read:

13 106.13 (4) (b) From the appropriation under s. 20.445 (7) (em), the board may
14 award a grant to a public agency or a nonprofit organization, or to an eligible
15 employer that is responsible for the on-the-job training and supervision of a youth
16 apprentice. A public agency or ~~non-profit~~ nonprofit organization that receives a
17 grant under this subsection shall use the funds awarded under the grant to award
18 training grants to eligible employers that provide on-the-job training and
19 supervision for youth apprentices. Subject to par. (c), a training grant provided
20 under this subsection may be awarded to an eligible employer for each youth
21 apprentice who receives at least 180 hours of paid on-the-job training from the
22 eligible employer during a school year, as defined in s. 115.001 (13). The amount of
23 a training grant may not exceed \$500 per youth apprentice per school year. A
24 training grant may not be awarded for any specific youth apprentice for more than
25 2 school years.

1 **SECTION 2568.** 106.13 (4) (c) of the statutes is amended to read:

2 106.13 (4) (c) Notwithstanding par. (b), the board may award a training grant
3 under this subsection to an eligible employer that provides less than 180 hours of
4 paid on-the-job training for a youth apprentice during a school year, as defined in
5 s. 115.001 (13), if the board determines that it would be beneficial for the youth
6 apprentice to receive on-the-job training from more than one eligible employer.

7 **SECTION 2569.** 106.13 (4) (d) of the statutes is created to read:

8 106.13 (4) (d) The board shall establish eligibility criteria for a grant under this
9 subsection. That criteria shall specify that eligibility for a grant shall be limited to
10 small employers, as determined by the board, and to employers providing on-the-job
11 training in employment areas determined by the board. Notwithstanding sub. (5),
12 those criteria need not be promulgated as rules.

13 **SECTION 2570.** 106.14 (1) of the statutes is renumbered 106.14 and amended
14 to read:

15 **106.14 Job centers and career counseling centers.** The department shall
16 provide a job center network throughout the state through which job seekers may
17 receive comprehensive career planning, job placement, and job training information.
18 ~~As part of the job center network, the department shall provide career counseling~~
19 ~~centers at which youths may receive the services specified in sub. (2).~~

20 **SECTION 2571d.** 106.14 (2) of the statutes is repealed.

21 **SECTION 2575.** 106.215 (1) (e) of the statutes is amended to read:

22 106.215 (1) (e) “Local unit of government” means the governing body of any city,
23 town, village, county, county utility district, town sanitary district, public inland lake
24 protection and rehabilitation district, metropolitan sewerage district or school

1 district, the ~~Fox-Winnebago regional management commission~~ or the elected tribal
2 governing body of a federally recognized American Indian tribe or band.

3 **SECTION 2585t.** ✓ 106.215 (7) (am) of the statutes is amended to read:

4 106.215 (7) (am) *Human services activities; appropriations.* Moneys
5 appropriated under s. 20.445 (6) ~~(b)~~, (j) and (m) may be utilized for human services
6 activities as authorized under those appropriations.

7 **SECTION 2586r.** ✓ 106.215 (7) (c) of the statutes is repealed.

8 **SECTION 2593.** 106.215 (10) (fm) 1. of the statutes is amended to read:

9 106.215 (10) (fm) 1. Corps enrollees who have been crew leaders, regional crew
10 leaders or a combination thereof for at least ~~2-years~~ 6 months.

11 **SECTION 2599.** ✓ 106.215 (10) (g) 3. of the statutes is amended to read:

12 106.215 (10) (g) 3. The education voucher is valid for ~~3~~ 4 years after the date
13 of issuance for the payment of tuition and required program activity fees at any
14 institution of higher education, as defined under s. ~~39.32 (1) (a)~~, which in 20 USC
15 1002, that accepts the voucher, and the board shall authorize payment to the
16 institution of face value of the voucher upon presentment.

17 **SECTION 2599m.** 110.07 (1) (a) 1. of the statutes is amended to read:

18 110.07 (1) (a) 1. Enforce and assist in the administration of this chapter and
19 chs. 166, 194, 218, 341 to 349, and 351, and ss. 23.33, 125.07 (4) (b), 125.085 (3) (b),
20 167.10 (3) (a), 167.31 (2) (b) to (d), and 287.81 and ch. 350 where applicable to
21 highways, or orders or rules issued pursuant thereto.

22 **SECTION 2599mg.** ✓ 110.07 (1) (b) of the statutes is amended to read:

23 110.07 (1) (b) All municipal judges, judges, district attorneys, and law
24 enforcement officers shall assist in enforcing this chapter, ss. 167.10 (3) (a), 167.31
25 (2) (b) to (d), and 287.81 and chs. 194, 218, and 341 to 351, and orders or rules issued

1 pursuant thereto and shall report to the department the disposition of every uniform
2 traffic citation issued for cases involving those chapters.

3 **SECTION 2605.** 110.20 (6) (a) 1. of the statutes is amended to read:

4 110.20 (6) (a) 1. For a nonexempt vehicle required to be registered on an annual
5 or other periodic basis in this state, within 90 days the period of time specified by the
6 department under sub. (9) (d) prior to renewal of registration in the 2nd year after
7 the nonexempt vehicle's model year and every 2 years thereafter, except as provided
8 in sub. (9) (j).

9 **SECTION 2606.** 110.20 (9) (d) of the statutes is amended to read:

10 110.20 (9) (d) Specify a period of time during which an emissions inspection
11 must be performed for a nonexempt vehicle subject to sub. (6) (a) 1. or 2.

12 **SECTION 2609j.** 111.70 (1) (j) of the statutes is amended to read:

13 111.70 (1) (j) "Municipal employer" means any city, county, village, town,
14 metropolitan sewerage district, school district, family care district, or any other
15 political subdivision of the state, or instrumentality of one or more political
16 subdivisions of the state, that engages the services of an employee and includes any
17 person acting on behalf of a municipal employer within the scope of the person's
18 authority, express or implied, but specifically does not include a local cultural arts
19 district created under subch. V of ch. 229.

20 **SECTION 2606m.** 111.335 (1) (cv) of the statutes is created to read:

21 111.335 (1) (cv) Notwithstanding s. 111.322, it is not employment
22 discrimination because of conviction record to refuse to employ in a position in the
23 classified service, in a position described in s. 230.08 (2) (k), or as a corps enrollee with
24 the Wisconsin conservation corps under s. 106.215 (1) (c) a person who has been

1 convicted under 50 USC, Appendix, section 462 for refusing to register with the
2 selective service system and who has not been pardoned.

3 **SECTION 2607c.** 111.70 (1) (nc) 1. d. of the statutes is created to read:

4 111.70 (1) (nc) 1. d. A proposal to maintain all conditions of employment as the
5 conditions existed on the 90th day prior to the expiration of the previous collective
6 bargaining agreement between the parties or the 90th day prior to commencement
7 of negotiations if there is no previous collective bargaining agreement between the
8 parties.

9 **SECTION 2607h.** 111.70 (1) (nc) 1. e. of the statutes is created to read:

10 111.70 (1) (nc) 1. e. A proposal to maintain any provision relating to a subject
11 of collective bargaining on which the municipal employer was not required to bargain
12 that existed in the previous collective bargaining agreement between the parties or
13 that existed on the 90th day prior to the expiration of the previous collective
14 bargaining agreement between the parties.

15 **SECTION 2607p.** 111.70 (4) (cm) 5s. of the statutes is amended to read:

16 111.70 (4) (cm) 5s. 'Issues subject to arbitration.' In a collective bargaining unit
17 consisting of school district professional employees, the municipal employer or the
18 labor organization may petition the commission to determine whether the municipal
19 employer has submitted a timely qualified economic offer. The commission shall
20 appoint an investigator for that purpose. If the investigator, using the methodology
21 prescribed under subd. 8t., finds that the municipal employer has submitted a timely
22 qualified economic offer, the investigator shall determine whether a deadlock exists
23 between the parties with respect to all economic issues. If the municipal employer
24 submits a timely qualified economic offer applicable to any period beginning on or
25 after July 1, 1993, no economic issues are subject to interest arbitration under subd.

1 6. for that period, except that only the impact of contracting out or subcontracting
2 work that would otherwise be performed by municipal employees in the collective
3 bargaining unit is subject to interest arbitration under subd. 6. In such a collective
4 bargaining unit, economic issues concerning the wages, hours or conditions of
5 employment of the school district professional employees in the unit for any period
6 prior to July 1, 1993, are subject to interest arbitration under subd. 6. for that period.
7 In such a collective bargaining unit, noneconomic issues applicable to any period on
8 or after July 1, 1993, are subject to interest arbitration after the parties have
9 reached agreement and stipulate to agreement on all economic issues concerning the
10 wages, hours or conditions of employment of the school district professional
11 employees in the unit for that period. In such a collective bargaining unit, if the
12 commission's investigator finds that the municipal employer has submitted a timely
13 qualified economic offer and that a deadlock exists between the parties with respect
14 to all economic issues, the municipal employer may implement the qualified
15 economic offer. On the 90th day prior to expiration of the period included within the
16 qualified economic offer, if no agreement exists on that day, the parties are deemed
17 to have stipulated to the inclusion in a new or revised collective bargaining
18 agreement of all provisions of any predecessor collective bargaining agreement
19 concerning economic issues, or of all provisions of any existing collective bargaining
20 agreement concerning economic issues if the parties have reopened negotiations
21 under an existing agreement, as modified by the terms of the qualified economic offer
22 and as otherwise modified by the parties. In such a collective bargaining unit, on and
23 after that 90th day, a municipal employer that refuses to bargain collectively with
24 respect to the terms of that stipulation, applicable to the 90-day period prior to
25 expiration of the period included within the qualified economic offer, does not violate

1 sub. (3) (a) 4. Any such unilateral implementation after August 11, 1993, during the
2 90-day period prior to expiration of the period included within a qualified economic
3 offer, operates as a full, final and complete settlement of all economic issues between
4 the parties for the period included within the qualified economic offer. The failure
5 of a labor organization to recognize the validity of such a lawful qualified economic
6 offer does not affect the obligation of the municipal employer to submit economic
7 issues to arbitration under subd. 6. If the investigator determines that the municipal
8 employer has not submitted a timely qualified economic offer, either the municipal
9 employer or the labor organization may petition for arbitration under subd. 6. to
10 resolve any dispute relating to economic issues.

11 **SECTION 2607t.** ✓ 111.70 (4) (cm) 8t. of the statutes is created to read:

12 111.70 (4) (cm) 8t. 'Methodology for determining qualified economic offers.' The
13 commission shall prescribe by rule a methodology to be used in determining whether
14 a collective bargaining proposal submitted by a municipal employer to a labor
15 organization constitutes a qualified economic offer and whether such an offer is
16 timely.

17 **SECTION 2610.** 111.70 (4) (jm) 4. k. of the statutes is created to read:

18 111.70 (4) (jm) 4. k. Establish a system for conducting interrogations of
19 members of the police department that is limited to the hours between 7 a.m. and 5
20 p.m. on working days, as defined in s. 227.01 (14), if the interrogations could lead to
21 disciplinary action, demotion, or dismissal, but one that does not apply if the
22 interrogation is part of a criminal investigation.

23 **SECTION 2615f.** ✓ 111.93 (3) of the statutes is amended to read:

24 111.93 (3) Except as provided in ss. 7.33(4), 40.05, 40.80 (3), 111.91 (1) (cm),
25 230.35 (2d), 230.35 (3) (e) 6., and 230.88 (2) (b), if a collective bargaining agreement

1 exists between the employer and a labor organization representing employees in a
2 collective bargaining unit, the provisions of that agreement shall supersede the
3 provisions of civil service and other applicable statutes, as well as rules and policies
4 of the board of regents of the University of Wisconsin System, related to wages, fringe
5 benefits, hours, and conditions of employment whether or not the matters contained
6 in those statutes, rules, and policies are set forth in the collective bargaining
7 agreement.

8 **SECTION 2615ag.** 111.81 (7) (f) of the statutes is created to read:

9 111.81 (7) (f) Instructional staff employed by the board of regents of the
10 University of Wisconsin System who provide services for a charter school established
11 by contract under s. 118.40 (2r) (cm).

12 **SECTION 2615b.** 111.81 (9m) of the statutes is created to read:

13 111.81 (9m) "Instructional staff" has the meaning given in rules promulgated
14 by the department of public instruction under s. 121.02 (1) (a) 2.

15 **SECTION 2615bm.** 111.815 (1) of the statutes is amended to read:

16 111.815 (1) In the furtherance of this subchapter, the state shall be considered
17 as a single employer and employment relations policies and practices throughout the
18 state service shall be as consistent as practicable. The department shall negotiate
19 and administer collective bargaining agreements. To coordinate the employer
20 position in the negotiation of agreements, the department shall maintain close
21 liaison with the legislature relative to the negotiation of agreements and the fiscal
22 ramifications thereof. Except with respect to the collective bargaining units
23 specified in s. 111.825 (1m) and (2) (f), the department is responsible for the employer
24 functions of the executive branch under this subchapter, and shall coordinate its
25 collective bargaining activities with operating state agencies on matters of agency

1 concern. The legislative branch shall act upon those portions of tentative
2 agreements negotiated by the department which require legislative action. With
3 respect to the collective bargaining units specified in s. 111.825 (1m), the University
4 of Wisconsin Hospitals and Clinics Board is responsible for the employer functions
5 under this subchapter. With respect to the collective bargaining unit specified in s.
6 111.825 (2) (f), the governing board of the charter school established by contract
7 under s. 118.40 (2r) (cm) 1. is responsible for the employer functions under this
8 subchapter.

9 **SECTION 2615h.** 111.815 (2) of the statutes is amended to read:

10 111.815 (2) In the furtherance of the policy under s. 111.80 (4), the secretary
11 of the department shall establish a collective bargaining capability within the
12 department outside of the division of merit recruitment and selection and shall,
13 together with the appointing authorities or their representatives, represent the state
14 in its responsibility as an employer under this subchapter except with respect to
15 negotiations in the collective bargaining units specified in s. 111.825 (1m) and (2) (f).
16 The secretary of the department shall establish and maintain, wherever practicable,
17 consistent employment relations policies and practices throughout the state service.

18 **SECTION 2615j.** 111.825 (2) (f) of the statutes is created to read:

19 111.825 (2) (f) Instructional staff employed by the board of regents of the
20 University of Wisconsin System who provide services for a charter school established
21 by contract under s. 118.40 (2r) (cm).

22 **SECTION 2615L.** 111.84 (2) (c) of the statutes is amended to read:

23 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91
24 (1) with the duly authorized officer or agent of the employer which is the recognized
25 or certified exclusive collective bargaining representative of employees specified in

1 s. 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified
2 exclusive collective bargaining representative of employees specified in s. 111.81 (7)
3 (b) ~~or (e)~~ to (f) in an appropriate collective bargaining unit. Such refusal to bargain
4 shall include, but not be limited to, the refusal to execute a collective bargaining
5 agreement previously orally agreed upon.

6 **SECTION 2615n.** ✓ 111.91 (4) of the statutes is amended to read:

7 111.91 (4) The secretary of the department, in connection with the development
8 of tentative collective bargaining agreements to be submitted under s. 111.92 (1) (a),
9 shall endeavor to obtain tentative agreements with each recognized or certified labor
10 organization representing employees or supervisors of employees specified in s.
11 111.81 (7) (a) and with each certified labor organization representing employees
12 specified in s. 111.81 (7) (b) ~~or (e)~~ to (e) which do not contain any provision for the
13 payment to any employee of a cumulative or noncumulative amount of compensation
14 in recognition of or based on the period of time an employee has been employed by
15 the state.

16 **SECTION 2615p.** ↓ 111.92 (1) (a) of the statutes is amended to read:

17 111.92 (1) (a) Any tentative agreement reached between the department,
18 acting for the state, and any labor organization representing a collective bargaining
19 unit specified in s. 111.825 (1) or (2) (a) to (e) shall, after official ratification by the
20 labor organization, be submitted by the department to the joint committee on
21 employment relations, which shall hold a public hearing before determining its
22 approval or disapproval. If the committee approves the tentative agreement, it shall
23 introduce in a bill or companion bills, to be put on the calendar or referred to the
24 appropriate scheduling committee of each house, that portion of the tentative
25 agreement which requires legislative action for implementation, such as salary and

1 wage adjustments, changes in fringe benefits, and any proposed amendments,
2 deletions or additions to existing law. Such bill or companion bills are not subject to
3 ss. 13.093 (1), 13.50 (6) (a) and (b) and 16.47 (2). The committee may, however, submit
4 suitable portions of the tentative agreement to appropriate legislative committees
5 for advisory recommendations on the proposed terms. The committee shall
6 accompany the introduction of such proposed legislation with a message that informs
7 the legislature of the committee's concurrence with the matters under consideration
8 and which recommends the passage of such legislation without change. If the joint
9 committee on employment relations does not approve the tentative agreement, it
10 shall be returned to the parties for renegotiation. If the legislature does not adopt
11 without change that portion of the tentative agreement introduced by the joint
12 committee on employment relations, the tentative agreement shall be returned to
13 the parties for renegotiation.

14 **SECTION 2615r.** 111.92 (1) (c) of the statutes is created to read:

15 111.92 (1) (c) Any tentative agreement reached between the governing board
16 of the charter school established by contract under s. 118.40 (2r) (cm), acting for the
17 state, and any labor organization representing a collective bargaining unit specified
18 in s. 111.825 (2) (f) shall, after official ratification by the labor organization and
19 approval by the chancellor of the University of Wisconsin–Parkside, be executed by
20 the parties.

21 **SECTION 2615t.** 111.93 (2) of the statutes is amended to read:

22 111.93 (2) All civil service and other applicable statutes concerning wages,
23 fringe benefits, hours and conditions of employment apply to employees specified in
24 s. 111.81 (7) (a) who are not included in collective bargaining units for which a
25 representative is recognized or certified and to employees specified in s. 111.81 (7)

1 (b) ~~or (e)~~ to (f) who are not included in a collective bargaining unit for which a
2 representative is certified.

3 **SECTION 2615t.** 114.31 (3) (b) of the statutes is amended to read:

4 114.31 (3) (b) From the appropriation under s. 20.395 (2) (ds), the department
5 shall administer an aviation career education program to provide training and
6 apprenticeship opportunities associated with aviation careers for socially and
7 economically disadvantaged youth. If there are interested and eligible participants
8 for the program in the city of Green Bay, the department shall offer the program in
9 the city of Green Bay.

10 **SECTION 2622.** 115.28 (27) of the statutes is repealed.

11 **SECTION 2623g.** 115.28 (30) (title), (a), and (b) (intro.) of the statutes are
12 amended to read:

13 115.28 (30) (title) VOCATIONAL CAREER AND TECHNICAL STUDENT ORGANIZATIONS.

14 (a) Give priority to assisting school boards to operate vocational career and technical
15 student organizations for pupils pursuing related instruction and related career and
16 technical education programs.

17 (b) (intro.) Provide in the department administrative leadership for career and
18 technical student organizations and the following vocational education consultants
19 and administrative, leadership and vocational career and technical student
20 organization educational consultants:

21 **SECTION 2623i.** 115.28 (30) (b) 3. of the statutes is amended to read:

22 115.28 (30) (b) 3. Two full time consultants in ~~technical~~ technology education.

23 **SECTION 2623k.** 115.28 (30) (b) 4. of the statutes is amended to read:

24 115.28 (30) (b) 4. Two full-time consultants in family and consumer sciences
25 education.

1 **SECTION 2623m.** 115.28 (30) (b) 5. of the statutes is amended to read:

2 115.28 (30) (b) 5. ~~One~~ Two full-time consultant and ~~one half-time consultant~~
3 consultants in marketing education.

4 **SECTION 2623p.** 115.28 (30) (b) 6. of the statutes is created to read:

5 115.28 (30) (b) 6. One full-time consultant in health science education.

6 **SECTION 2623r.** 115.28 (30) (d) of the statutes is amended to read:

7 115.28 (30) (d) Provide in the department, ~~within the integrated and applied~~
8 ~~curricula team,~~ a vocational career and technical education and ~~vocational career~~
9 and technical student organizations ~~subteam team~~ team consisting of those educational
10 consultants specified in par. (b).

11 **SECTION 2625.** 115.28 (42) of the statutes is created to read:

12 115.28 (42) WISCONSIN GEOGRAPHIC EDUCATION PROGRAM. Enter into an
13 agreement with the National Geographic Society Education Foundation to establish
14 a geographical education program in this state. The agreement shall require each
15 of the following:

16 (a) That the National Geographic Society Education Foundation shall
17 establish and manage a trust fund consisting of any grant made under 2001
18 Wisconsin Act ... (this act), section 9101 (10) (b), and \$500,000 in matching funds
19 provided by the Foundation.

20 (b) That, from the trust fund established under par. (a) and any income thereon,
21 the National Geographic Society Education Foundation shall award grants and
22 support programs for improving geographical education in this state, with an
23 emphasis on improving student use of geographic information systems technology.

24 (c) That the National Geographic Society Education Foundation annually
25 submit to the department an audited financial statement of the trust fund

1 established under par. (a) that is prepared by an independent auditor and a report
2 listing the names of grant recipients and the amounts and purposes of awards and
3 other expenditures made from the trust fund.

4 (d) That, if the trust fund established under par. (a) is dissolved, the National
5 Geographic Society Education Foundation shall return to the department the grant
6 made under 2001 Wisconsin Act (this act), section 9101 (10) (b), and unexpended
7 income thereon.

8 (e) That the agreement is not effective unless the secretary of administration
9 determines that the transfer between the appropriation accounts described under
10 2001 Wisconsin Act (this act), section 9101 (10) (b), has occurred and that the
11 National Geographic Society Education Foundation has provided the matching
12 funds described in par. (a).

13 **SECTION 2625m.** 115.28 (45) of the statutes is created to read:

14 115.28 (45) SPECIAL COUNSELOR GRANTS. From the appropriation under s. 20.255
15 (2) (kL), award grants to school districts, cooperative educational service agencies,
16 consortia consisting of 2 or more school districts or cooperative educational service
17 agencies, or an educational organization that serves pupils in any grade from
18 kindergarten to 12, if the school district, cooperative educational service agency, or
19 educational organization serves American Indian pupils or borders on an American
20 Indian reservation, for the purpose of employing counselors to help American Indian
21 pupils adjust to the school districts in which they are enrolled.

22 **SECTION 2625w.** 115.28 (47) of the statutes is created to read:

23 115.28 (47) GRANT TO BELOIT COLLEGE. Annually award the amount
24 appropriated under s. 20.255 (2) (kj) to Beloit College to educate children and adults
25 in southern Wisconsin about Native American cultures.

1 **SECTION 2630g.** 115.343 (title) and (1) of the statutes are amended to read:

2 **115.343 (title) Wisconsin morning school day milk program.** (1) The
3 department shall establish a ~~morning~~ school day milk program. A school
4 participating in the program shall offer each eligible child ~~a~~ one half-pint of
5 Wisconsin-produced whole milk, 2% milk, 1.5% milk, one percent milk, 0.5% milk,
6 skim milk or chocolate milk on each day in which school is in session. If a child is
7 allergic to milk or has metabolic disorders or other conditions which prohibit him or
8 her from drinking milk, the child shall be offered juice as a substitute. Any school
9 that participates in the program is encouraged to consider bids from local milk
10 suppliers. The school shall keep all information related to the identity of the pupils
11 who receive a beverage under the program confidential. In this subsection,
12 “Wisconsin-produced” means that all or part of the raw milk used by the milk
13 processor was produced in this state.

14 **SECTION 2630h.** 115.343 (2) (c) of the statutes is created to read:

15 **115.343 (2) (c)** The child does not receive the beverage during the school’s
16 breakfast or lunch period.

17 **SECTION 2635m.** 115.28 (49) of the statutes is created to read:

18 **115.28 (49) CHARTER SCHOOL REPORT.** Annually report to the legislature, in the
19 manner provided under s. 13.172 (2), on the status of existing charter schools, the
20 number of petitions for new charter schools, and school board and departmental
21 action on petitions for new charter schools.

22 **SECTION 2638m.** 115.28 (50) of the statutes is created to read:

23 **115.28 (50) SPECIAL EDUCATION STUDY.** Distribute a summary of study under s.
24 36.11 (49) to each school district.

25 **SECTION 2635L.** 115.28 (48) of the statutes is created to read:

1 115.28 (48) VETERANS. Encourage school boards to invite armed forces veterans
2 to school to discuss their experiences as veterans.

3 **SECTION 2630m.** ✓ 115.31 (1) (b) of the statutes is amended to read:

4 115.31 (1) (b) “Educational agency” means a school district, cooperative
5 educational service agency, state correctional institution under s. 302.01, secured
6 correctional facility, as defined in s. 938.02 (15m), secured child caring institution,
7 as defined in s. 938.02 (15g), the Wisconsin Center for the Blind and Visually
8 Impaired, the Wisconsin ~~School~~ Educational Services Program for the Deaf and Hard
9 of Hearing, the Mendota mental health institute, the Winnebago mental health
10 institute, a state center for the developmentally disabled, a private school, or a
11 private, nonprofit, nonsectarian agency under contract with a school board under s.
12 118.153 (3) (c).

13 **SECTION 2641m.** ✓ 115.38 (2) of the statutes is amended to read:

14 115.38 (2) ~~By January 1, 1993, and annually thereafter~~ Annually by January
15 1, each school board shall distribute to the parent or guardian of each pupil enrolled
16 in the school district, including pupils enrolled in charter schools located in the school
17 district, or give to each pupil to bring home to his or her parent or guardian, a school
18 and school district performance report that includes the information specified by the
19 state superintendent under sub. (1). The report shall also include a comparison of
20 the school district’s performance under sub. (1) (a) and (b) with the performance of
21 other school districts in the same athletic conference under sub. (1) (a) and (b).

22 **SECTION 2649.** 115.42 (1) (a) 3. of the statutes is repealed.

23 **SECTION 2650.** 115.42 (1) (b) of the statutes is amended to read:

24 115.42 (1) (b) The grant under this subsection shall be an amount equal to the
25 costs of obtaining certification under par. (a) 1. that are borne by the person, not to

1 exceed \$2,000. The department shall award the grant under this subsection in the
2 school year in which the person is certified under par. (a) 1., ~~except that if the person~~
3 ~~becomes certified under par. (a) 1. while he or she is not a resident of this state, the~~
4 ~~department shall award the grant under this subsection~~ in the first school year in
5 which the person meets the requirements under par. (a).

6 **SECTION 2651.** 115.42 (2) (intro.) of the statutes is renumbered 115.42 (2) (a)
7 (intro.) and amended to read:

8 115.42 (2) (a) (intro.) The department shall award ~~a~~ 9 grants of \$2,500 grant
9 each to each person who received a grant under sub. (1) ~~in each of the 9 school years~~
10 ~~following the school year in which he or she received the grant~~ if the person satisfies
11 all of the following requirements:

12 **SECTION 2652.** 115.42 (2) (a) and (b) of the statutes are renumbered 115.42 (2)
13 (a) 1. and 2.

14 **SECTION 2653.** 115.42 (2) (bL) of the statutes is created to read:

15 115.42 (2) (bL) The department shall award the grants under this subsection
16 annually, one grant in each of the school years following the school year in which the
17 grant under sub. (1) was awarded and in which the person satisfies the requirements
18 under par. (a).

19 **SECTION 2654.** 115.42 (2) (c) of the statutes is repealed.

20 **SECTION 2655.** 115.42 (2) (d) of the statutes is renumbered 115.42 (2) (a) 4.

21 **SECTION 2657m.** 115.435 (1) (c) of the statutes is amended to read:

22 115.435 (1) (c) At least ~~65%~~ 80% of the real property in the school district is
23 exempt from taxation under s. 70.11, taxed as forest croplands under subch. I of ch.
24 77, owned by or held in trust for a federally recognized American Indian tribe, or
25 owned by the federal government.

1 (2) GOVERNANCE. The state superintendent shall maintain and govern the
2 program's facilities. The state superintendent shall appoint an individual who has
3 training and experience in educating pupils who are hearing impaired to serve as the
4 director of the program.

5 (3) SERVICES. The program shall provide services that benefit children
6 throughout the state who are hearing impaired.

7 (a) *School*. 1. 'Residents 3 to 20 years old.' The program shall operate a school
8 at which any resident of this state 3 to 20 years old who is hearing impaired, and for
9 the duration of a school term any resident of this state who is hearing impaired and
10 becomes 21 years old during that school term, shall be received and taught free of
11 charge if the individualized education program for the resident under s. 115.787 and
12 the educational placement under s. 115.79 specify the school operated by the
13 program as the appropriate placement.

14 2. 'Residents 21 years old or older' The state superintendent may admit to the
15 school operated by the program a resident of the state who is hearing impaired and
16 is 21 years of age or older prior to the beginning of a school term upon the payment
17 of fees fixed by the state superintendent and upon the recommendation of the
18 secretary of health and family services, the director of the technical college system,
19 or the director of the program.

20 3. 'Nonresidents.' A nonresident of this state, who is hearing impaired, who
21 either is 3 to 20 years old or becomes 21 years old during a school term, whose
22 individualized education program under 20 USC 1414 (d) and educational placement
23 specify the school operated by the program as the appropriate placement, and who
24 is capable of receiving instruction may be received at the school upon payment in

1 advance of the fees fixed by the state superintendent, but no nonresident may be
2 received to the exclusion of a resident pupil.

3 4. 'Pupil use of residential facilities.' Except as provided in sub. (4), the director
4 of the program shall make the residential facilities of the program available to all
5 pupils received at the school operated by the program.

6 5. 'School term.' The state superintendent shall fix the period of the school term
7 at the school operated by the program at not less than 38 weeks, prescribe the school
8 sessions, and confer diplomas upon meritorious pupils who have completed the
9 prescribed curriculum. Pursuant to a pupil's individualized education program
10 under s. 115.787, a pupil may be placed at the school for less than a school term.

11 6. 'Transportation.' The program may provide transportation for resident
12 pupils at the school operated by the program.

13 (b) *Other statewide services.* The program may do any of the following:

14 1. Provide evaluation services to assist local educational agencies, cooperative
15 educational service agencies, county children with disabilities education boards,
16 private schools, and others.

17 2. Provide technical assistance and consultation services to local educational
18 agencies, cooperative educational service agencies, county children with disabilities
19 education boards, private schools, and others.

20 3. Develop and disseminate curriculum and instructional materials.

21 4. Provide in-service and other training to teachers and other staff serving
22 pupils who are hearing impaired.

23 5. Provide training, technical assistance, and consultation services for parents
24 of children who are hearing impaired and for professionals who work with children
25 who are hearing impaired.

1 6. Provide access to educational materials to children who are hearing
2 impaired.

3 7. Loan books and other materials from the library described in par. (c) 2.

4 8. Serve as a clearinghouse for information about children who are hearing
5 impaired.

6 9. Teach American sign language, and teach other subjects using American
7 sign language, through the use of distance education technology.

8 10. Rent or lease technological materials and assistive technology devices, as
9 defined in s. 115.76 (1), to local educational agencies, cooperative educational service
10 agencies, county children with disabilities education boards, and private schools.

11 11. Facilitate the preparation of teachers of pupils who are hearing impaired
12 by providing assistance to teacher preparation programs.

13 12. Provide other statewide services that relate to the education of children who
14 are hearing impaired.

15 (c) *Additional services.* 1. 'Birth-to-3 services.' The program may provide
16 instruction or services, or both, for children who are under the age of 3 and are
17 hearing impaired and their parents. The instruction or services are subject to the
18 approval of, and shall comply with requirements established by, the department.

19 2. 'Library.' Educational media and materials acquired by the program
20 constitute a circulating collection for persons who are hearing impaired. The
21 collection shall be kept at the program's facility and be under the supervision of its
22 director. All school age children of the state who are hearing impaired may use the
23 media and materials upon compliance with criteria established by the director of the
24 program and approved by the state superintendent.

1 3. ‘Summer programs.’ The program shall provide summer programs each year
2 for children who are hearing impaired.

3 4. ‘Independent living skills.’ With the approval of the state superintendent,
4 the program may allow individuals to receive instruction in and practice
5 independent living skills in state-owned housing at the program’s facility in
6 Delavan.

7 (d) *Provision of services.* In addition to providing services at the program’s
8 facility in Delavan, the program may provide services at any location in the state and
9 may operate regional satellite facilities throughout the state to provide services.

10 (4) **NONDISCRIMINATION.** All pupils in the program may equally and freely enjoy
11 the benefits and privileges of the program, have the use of the library and books of
12 instruction, and receive board, lodging, and linens, without discrimination, except
13 that the director of the program may determine that board, lodging, and linens may
14 not be provided to an individual because appropriate services are not available for
15 that individual at the program’s residential facilities.

16 (5) **CHARGES.** The state superintendent may charge for meals, living quarters,
17 laundry, and other services furnished to employees of the program and their families.
18 The state superintendent may charge for services furnished to visitors to the
19 program’s facilities and participants in training programs and institutes.

20 (6) **LEASING OF SPACE.** The state superintendent may lease space at the
21 program’s facilities in Delavan that is not required by the program to any person if
22 the state superintendent determines that the use will not be inconsistent with the
23 operation of the program.

24 (7) **AUDIT.** In the 2004–05 fiscal year, the legislative audit bureau shall perform
25 a performance evaluation audit of the program. The bureau shall submit copies of

1 the audit report to the chief clerk of each house of the legislature for distribution to
2 the appropriate standing committees under s. 13.172 (3) by June 30, 2005.

3 **SECTION 2661m.** 115.53 (2) of the statutes is amended to read:

4 115.53 (2) Arrange for vocational, trade or academic training for any pupil in
5 either the school operated by the Wisconsin Center for the Blind and Visually
6 Impaired or the Wisconsin School Educational Services Program for the Deaf and
7 Hard of Hearing qualified to take such training advantageously, in either a public
8 school or technical college or a private business establishment in Janesville or
9 Delavan. The public school and the technical college shall be paid the regular tuition
10 for full-time attendance and proportionally for part-time attendance by the school
11 district responsible for the provision of a free appropriate public education under
12 subch. V.

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15 **SECTION 2661p.** 115.53 (3) (a) of the statutes is amended to read:

16 115.53 (3) (a) Arrange for otological or ophthalmic examination of any pupil or
17 prospective pupil of the Wisconsin School Educational Services Program for the Deaf
18 and Hard of Hearing. The examination shall be paid for from the appropriation in
19 s. 20.255 (1) (b), (gh) or (gs).

20 **SECTION 2661r.** 115.53 (4) of the statutes is amended to read:

21 115.53 (4) Apply to the board of directors of the University of Wisconsin
22 Hospitals and Clinics Authority for admission to the University of Wisconsin
23 Hospitals and Clinics of any pupil at the school operated by the Wisconsin School
24 Educational Services Program for the Deaf and Hard of Hearing or the school
operated by the Wisconsin Center for the Blind and Visually Impaired.

1 (a) The application shall be accompanied by the report of a physician appointed
2 by the ~~superintendent~~ director of the ~~Wisconsin School~~ Wisconsin School Educational Services
3 Program for the Deaf and Hard of Hearing or the director of the Wisconsin Center
4 for the Blind and Visually Impaired and shall be in the same form as reports of other
5 physicians for admission of patients to such hospital.

6 (b) The net cost of hospital treatment shall be at the rate established under s.
7 233.40 (1) and shall be paid from the appropriation under s. 20.255 (1) (b), (gh) or (gs)
8 if the patient is a pupil at the school operated by the Wisconsin School Educational
9 Services Program for the Deaf and Hard of Hearing or from the appropriation under
10 s. 20.255 (1) (b), (gh), (gL) or (gs) if the patient is a pupil at the school operated by the
11 Wisconsin Center for the Blind and Visually Impaired. The state superintendent
12 likewise may authorize payment for the expense of transporting patients to and from
13 the hospital. The state superintendent shall make payments for the treatment to the
14 University of Wisconsin Hospitals and Clinics Authority. Funds collected by the
15 state superintendent on account of the hospitalization shall be credited to the
16 appropriation under s. 20.255 (1) (gh) for the school or center concerned.

17 **SECTION 2661t.** 115.53 (5) of the statutes is amended to read:

18 115.53 (5) Arrange for visits by members of the staff of either the Wisconsin
19 School Educational Services Program for the Deaf and Hard of Hearing or the
20 Wisconsin Center for the Blind and Visually Impaired to other public schools or to
21 families of deaf children who are hearing impaired or children who are visually
22 impaired, whenever it appears to the state superintendent that such visits will be
23 of advantage to such children.

24 **SECTION 2662g.** 115.54 of the statutes is amended to read:

1 **115.54 Compulsory education.** If it appears, by affidavit, to any circuit
2 judge that any deaf child who is either hearing impaired or child who is visually
3 impaired and who is between the ages of 6 and 21 is deprived of a suitable education
4 by the failure of the person having the care and custody of the child to provide a
5 suitable education, the judge shall order the person to bring the child before the
6 judge. If the material allegations of the affidavit are denied, the judge shall subpoena
7 witnesses and hear testimony. If the allegations are admitted or established, the
8 judge may order the child sent to the school operated by the Wisconsin School
9 Educational Services Program for the Deaf and Hard of Hearing, the school operated
10 by the Wisconsin Center for the Blind and Visually Impaired or to some class or other
11 school for instruction, but the order may not make a direct charge for the class or
12 school against any county.

13 **SECTION 2667.** 115.88 (2) of the statutes is amended to read:

14 **115.88 (2) TRANSPORTATION AID.** If upon receipt of the plan under s. 115.77 (4)
15 the state superintendent is satisfied that the transportation of children with
16 disabilities has been maintained during the preceding year in accordance with the
17 law, the state superintendent shall certify to the department of administration in
18 favor of each county, cooperative educational service agency, or school district
19 transporting such pupils an amount equal to the amount expended for such
20 transportation as costs eligible for reimbursement from the appropriations
21 appropriation under s. 20.255 (2) (b) ~~and (br)~~. Pupils for whom aid is paid under this
22 subsection shall not be eligible for aid under s. 121.58 (2) or (4). This subsection
23 applies to any child with a disability who requires special assistance in
24 transportation, including any such child attending regular classes who requires
25 special or additional transportation. This subsection does not apply to any child with

1 a disability attending regular or special classes who does not require any special or
2 additional transportation.

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SECTION 2673m. 118.035 of the statutes is created to read:

5 **118.035 School uniforms.** (1) In this section, "school" means a public school
6 and includes a charter school other than a charter school under s. 118.40 (2r).

7 (2) A school board may adopt a policy that requires all pupils enrolled in school
8 in the school district, or all pupils enrolled in one or more schools in the school
9 district, to wear a uniform while in school or while under the supervision of a school
10 authority.

11 (3) If a school board adopts a policy under sub. (2), it shall do all of the following:

12 (a) Establish a method whereby the parent or guardian of a pupil enrolled in
13 a school in which the policy is in effect may exempt his or her child from complying
14 with the policy.

15 (b) Ensure that no pupil is penalized academically or otherwise discriminated
16 against because the pupil's parent or guardian has chosen to exempt the pupil from
17 complying with the policy.

18 (c) Notify each parent or guardian of a pupil enrolled in a school in which the
19 policy will be implemented of the policy at least 3 months before the school board
20 implements the policy.

21 (d) Assist economically disadvantaged pupils to obtain the uniforms.

22 (4) The requirements under sub. (3) do not apply to any school board that has
23 in effect on the effective date of this subsection ... [revisor inserts date], a school
24 uniform policy for pupils enrolled in a school in the school district and has had such
25 a policy in effect continuously since that date.

1 (5) By July 1, 2005, the department shall submit a report to the appropriate
2 standing committees of the legislature under s. 13.172 (3). The report shall address
3 all of the following issues relating to the imposition of school uniforms by school
4 boards:

5 (a) Methods of encouraging the involvement of the parents or guardians of
6 pupils enrolled in a school district in a school board's decision to require school
7 uniforms.

8 (b) The ability of pupils to obtain the uniforms.

9 (c) The effect of the imposition of the requirement on crime in the school,
10 including weapons possession, assault, battery, and vandalism, and on pupil
11 suspensions and expulsions.

12 (6) Nothing in this section affects the authority of a school board to require
13 pupils to wear uniforms for extracurricular activities, and the provisions of sub. (3)
14 do not apply to such a requirement.

15 **SECTION 2670m.** ✓ 118.019 (2) (intro.) of the statutes is amended to read:

16 118.019 (2) SUBJECTS. (intro.) A school board may provide an instructional
17 program in human growth and development in grades kindergarten to 12. If
18 provided, the program shall offer information and instruction appropriate to each
19 grade level and the age and level of maturity of the pupils. The Except as provided
20 in sub. (2m), the program may include instruction in any of the following areas:

21 **SECTION 2670p.** ✓ 118.019 (2) (e) of the statutes is amended to read:

22 118.019 (2) (e) Human sexuality; reproduction; family planning, as defined in
23 s. 253.07 (1) (a), including natural family planning; human immunodeficiency virus
24 and acquired immunodeficiency syndrome; prenatal development; childbirth;

1 adoption; available prenatal and postnatal support; and male and female
2 responsibility.

3 **SECTION 2670q.** ✓ 118.019 (2m) of the statutes is created to read:

4 118.019 (2m) MARRIAGE AND PARENTAL RESPONSIBILITY. If a school board provides
5 instruction in any of the areas under sub. (2) (e), the school board shall also provide
6 instruction in marriage and parental responsibility.

7 **SECTION 2671m.** ✓ 118.02 (2) of the statutes is amended to read:

8 118.02 (2) February 12, Abraham Lincoln's birthday.

9 **SECTION 2671n.** ✓ 118.02 (4) of the statutes is amended to read:

10 118.02 (4) February 22, George Washington's birthday.

11 **SECTION 2671p.** ✓ 118.02 (12) of the statutes is amended to read:

12 118.02 (12) October 12, Christopher Columbus' birthday.

13 **SECTION 2671q.** ✓ 118.02 (13) of the statutes is amended to read:

14 118.02 (13) November 11, Veterans Day.

15 **SECTION 2671r.** ✓ 118.02 (17) of the statutes is created to read:

16 118.02 (17) April 19, Patriots' Day.

17 **SECTION 2673p.** ✓ 118.045 (3) of the statutes is amended to read:

18 118.045 (3) A school board may commence the school term before September
19 1 in any school year if ~~it holds a public hearing on the issue and adopts a resolution~~
20 ~~to that effect in that school year~~ the school board requests the department to allow
21 it to commence the school term before September 1 and the school board includes
22 reasons with its request. The department may grant a request only if it determines
23 that there are extraordinary reasons for granting it. The department shall
24 promulgate rules to implement and administer this subsection.

25 **SECTION 2674d.** ✓ 118.06 (title) of the statutes is amended to read:

1 **118.06 (title) Flag and, pledge of allegiance, and national anthem.**

2 **SECTION 2674j.** 118.06 (2) of the statutes is amended to read:

3 118.06 (2) Every public ~~and private~~ school shall offer the pledge of allegiance
4 or the national anthem in grades one to 8 ~~at the beginning of 12~~ each school at least
5 one day per week. Every private school shall offer the pledge of allegiance or the
6 national anthem in grades one to 12 each school day unless the governing body of the
7 private school determines that the requirement conflicts with the school's religious
8 doctrines. No pupil may be compelled, against the pupil's objections or those of the
9 pupil's parents or guardian, to recite the pledge or to sing the anthem.

10 **SECTION 2669m.** 118.025 of the statutes is amended to read:

11 **118.025 Arbor day observance.** A school principal may request one free tree
12 provided from state forest nurseries by the department of ~~natural resources~~ forestry
13 under s. 28.06 for each 4th grade pupil in the school for planting in conjunction with
14 an annual observance and celebration of arbor day.

15 **SECTION 2679m.** 118.135 of the statutes is created to read:

16 **118.135 Eye examinations and evaluations.** (1) Beginning in the 2002–03
17 school year, each school board and each charter school shall request each pupil
18 entering kindergarten to provide evidence that the pupil has had his or her eyes
19 examined by an optometrist) No ft

20 licensed under ch. 449 or evaluated by a physician licensed under ch. 448.

21 (2) A pupil who complies with a request under sub. (1) shall provide evidence
22 of an eye examination or evaluation by December 31 following the pupil's enrollment
23 in kindergarten. The school board or charter school shall provide pupils with the
24 form distributed by the department of regulation and licensing under s. 440.03 (16)
25 for that purpose.

1 (3) To the extent feasible, the medical examining board and the optometry
2 examining board shall encourage physicians and optometrists, for the purpose of this
3 section, to conduct free eye examinations or evaluations of pupils who are in financial
4 need and do not have insurance coverage for eye examinations or evaluations.

5 **SECTION 2695e.** 118.29 (2) (a) 2r. of the statutes is created to read:

6 118.29 (2) (a) 2r. Except for glucagon administered under subd. 2., may
7 administer glucagon to any pupil who appears to be experiencing a severe
8 hypoglycemic event if, as soon as practicable, the school bus operator, employee, or
9 volunteer reports the event to an emergency medical service provider.

10 **SECTION 2695m.** 118.29 (2) (a) 3. of the statutes is amended to read:

11 118.29 (2) (a) 3. Is immune from civil liability for his or her acts or omissions
12 in administering a drug or prescription drug to a pupil under subd. 1., 2. ~~or~~, 2m., or
13 2r. unless the act or omission constitutes a high degree of negligence. This
14 subdivision does not apply to health care professionals.

15 **SECTION 2679t.** 118.163 (1m) (c) of the statutes is created to read:

16 118.163 (1m) (c) An order for the person to report to a youth report center after
17 school, in the evening, on weekends, on other nonschool days, or at any other time
18 that the person is not under immediate adult supervision, for participation in the
19 social, behavioral, academic, community service, and other programming of the
20 center as described in s. 938.342 (1d) (c).

21 **SECTION 2679u.** 118.163 (2) (L) of the statutes is created to read:

22 118.163 (2) (L) An order for the person to report to a youth report center after
23 school, in the evening, on weekends, on other nonschool days, or at any other time
24 that the person is not under immediate adult supervision, for participation in the

1 social, behavioral, academic, community service, and other programming of the
2 center as described in s. 938.342 (1g) (k).

3 **SECTION 2700.** 118.30 (1m) (a) of the statutes is amended to read:

4 118.30 (1m) (a) 1. Except as provided in sub. (6), administer the 4th grade
5 examination adopted or approved by the state superintendent under sub. (1) to all
6 pupils enrolled in the school district, including pupils enrolled in charter schools
7 located in the school district, in the 4th grade. ~~Beginning on July 1, 2002, if the~~
8 ~~school board has not developed and adopted its own 4th grade examination, the~~
9 ~~school board shall provide a pupil with at least 2 opportunities to take the~~
10 ~~examination administered under this subdivision.~~

11 2. Beginning on July 1, 2002, if the school board has developed or adopted its
12 own 4th grade examination, administer that examination to all pupils enrolled in the
13 school district, including pupils enrolled in charter schools located in the school
14 district, in the 4th grade. ~~The school board shall provide a pupil with at least 2~~
15 ~~opportunities to take the examination administered under this subdivision.~~

16 **SECTION 2702.** 118.30 (1m) (am) of the statutes is amended to read:

17 118.30 (1m) (am) 1. Except as provided in sub. (6), administer the 8th grade
18 examination adopted or approved by the state superintendent under sub. (1) to all
19 pupils enrolled in the school district, including pupils enrolled in charter schools
20 located in the school district, in the 8th grade. ~~Beginning on July 1, 2002, if the~~
21 ~~school board has not developed and adopted its own 8th grade examination, the~~
22 ~~school board shall provide a pupil with at least 2 opportunities to take the~~
23 ~~examination administered under this subdivision.~~

24 2. Beginning on July 1, 2002, if the school board has developed or adopted its
25 own 8th grade examination, administer that examination to all pupils enrolled in the

1 school district, including pupils enrolled in charter schools located in the school
2 district, in the 8th grade. ~~The school board shall provide a pupil with at least 2~~
3 ~~opportunities to take the examination administered under this subdivision.~~

4 **SECTION 2703m.** ✓ 118.30 (1m) (d) of the statutes is amended to read:

5 118.30 (1m) (d) If the school board operates high school grades, beginning in
6 the ~~2002-03~~ 2004-05 school year administer the high school graduation
7 examination adopted by the school board under sub. (1g) (b) to all pupils enrolled in
8 the school district, including pupils enrolled in charter schools located in the school
9 district, in the 11th and 12th grades. The school board shall administer the
10 examination at least twice each school year and may administer the examination
11 only to pupils enrolled in the 11th and 12th grades.

12 **SECTION 2704.** 118.30 (1r) (a) of the statutes is amended to read:

13 118.30 (1r) (a) 1. Except as provided in sub. (6), administer the 4th grade
14 examination adopted or approved by the state superintendent under sub. (1) (a) to
15 all pupils enrolled in the charter school in the 4th grade. ~~Beginning on July 1, 2002,~~
16 ~~if the operator of the charter school has not developed or adopted its own 4th grade~~
17 ~~examination, the operator of the charter school shall provide a pupil with at least 2~~
18 ~~opportunities to take the examination administered under this subdivision.~~

19 2. Beginning on July 1, 2002, if the operator of the charter school has developed
20 or adopted its own 4th grade examination, administer that examination to all pupils
21 enrolled in the charter school in the 4th grade. ~~The operator of the charter school~~
22 ~~shall provide a pupil with at least 2 opportunities to take the examination~~
23 ~~administered under this subdivision.~~

24 **SECTION 2706.** 118.30 (1r) (am) of the statutes is amended to read:

1 118.30 (1r) (am) 1. Except as provided in sub. (6), administer the 8th grade
2 examination adopted or approved by the state superintendent under sub. (1) (a) to
3 all pupils enrolled in the charter school in the 8th grade. ~~Beginning on July 1, 2002,~~
4 ~~if the operator of the charter school has not developed and adopted its own 8th grade~~
5 ~~examination, the operator of the charter school shall provide a pupil with at least 2~~
6 ~~opportunities to take the examination administered under this subdivision.~~

7 2. Beginning on July 1, 2002, if the operator of the charter school has developed
8 or adopted its own 8th grade examination, administer that examination to all pupils
9 enrolled in the charter school in the 8th grade. ~~The operator of the charter school~~
10 ~~shall provide a pupil with at least 2 opportunities to take the examination~~
11 ~~administered under this subdivision.~~

12 **SECTION 2709m.** ✓ 118.30 (2) (f) of the statutes is created to read:

13 118.30 (2) (f) Each school board, and each operator of a charter school under
14 s. 118.40 (2r), shall ensure that no pupil uses a calculator while taking the 4th grade
15 examination under sub. (1m) or (1r).

16 **SECTION 2725m.** ✓ 118.38 (1) (a) 8. of the statutes is created to read:

17 118.38 (1) (a) 8. The commencement of the school term under s. 118.045.

18 **SECTION 2715p.** ✓ 118.40 (2r) (a) of the statutes is repealed and recreated to read:

19 118.40 (2r) (a) In this subsection, “instructional staff” has the meaning given
20 in the rules promulgated by the department under s. 121.02 (1) (a) 2.

21 **SECTION 2715q.** ✓ 118.40 (2r) (b) of the statutes is renumbered 118.40 (2r) (b) 1.
22 (intro.) and amended to read:

23 118.40 (2r) (b) 1. (intro.) ~~The common council of the city of Milwaukee, the~~
24 ~~chancellor of the University of Wisconsin-Milwaukee and the Milwaukee area~~
25 ~~technical college district board~~ All of the following entities may establish by charter

1 and operate a charter school or, on behalf of their respective entities, may initiate a
2 contract with an individual or group to operate a school as a charter school:

3 2. A charter shall include all of the provisions specified under sub. (1m) (b) 3.
4 to 14. A contract shall include all of the provisions specified under sub. (1m) (b) 1.
5 to 14. and shall specify the effect of the establishment of the charter school on the
6 liability of the contracting entity under this paragraph. The contract may include
7 other provisions agreed to by the parties. The chancellor of the University of
8 Wisconsin-Milwaukee or of the University of Wisconsin-Parkside may not establish
9 or enter into a contract for the establishment of a charter school under this
10 paragraph without the approval of the board of regents of the University of
11 Wisconsin System.

12 SECTION 2715qg. 118.40 (2r) (b) 1. a. to d. of the statutes are created to read:

- 13 118.40 (2r) (b) 1. a. The common council of the city of Milwaukee.
- 14 b. The chancellor of the University of Wisconsin-Milwaukee.
- 15 c. On a pilot basis, the chancellor of the University of Wisconsin-Parkside.
- 16 d. The Milwaukee area technical college district board.

17 *we delete extra line space*

18 SECTION 2715qL. 118.40 (2r) (b) 3. of the statutes is created to read:

19 118.40 (2r) (b) 3. If the chancellor of the University of Wisconsin-Parkside
20 contracts for the establishment of a charter school, the contract shall also provide
21 that the charter school must be operated by a governing board and that the
22 chancellor or his or her designee must be a member of the governing board. In
23 addition, if the contract provides that the instructional staff of the charter school
24 shall consist of employees of the board of regents of the University of Wisconsin
25 System, the contract shall also include provisions that do all of the following:

1 a. Delegate to the governing board of the charter school the board of regents'
2 authority to establish and adjust all compensation and fringe benefits of
3 instructional staff, subject to the terms of any collective bargaining agreement under
4 subch. V of ch. 111 that covers the instructional staff. In the absence of a collective
5 bargaining agreement, the governing board may establish and adjust all
6 compensation and fringe benefits of the instructional staff only with the approval of
7 the chancellor of the University of Wisconsin–Parkside.

8 b. Authorize the governing board of the charter school to perform specified
9 duties for the board of regents with respect to the instructional staff. This
10 authorization may include duties related to supervising the instructional staff,
11 taking disciplinary actions with respect to the instructional staff, recommending
12 new hires or layoffs, collective bargaining, claims, complaints, or benefits and
13 records administration.

14 **SECTION 2715r.** 118.40 (2r) (bm) of the statutes is created to read:

15 118.40 (2r) (bm) The common council of the city of Milwaukee, the chancellor
16 of the University of Wisconsin–Milwaukee, and the Milwaukee area technical college
17 district board may only establish or enter into a contract for the establishment of a
18 charter school located in the school district operating under ch. 119. The chancellor
19 of the University of Wisconsin–Parkside may only establish or enter into a contract
20 for the establishment of a charter school located in a unified school district that is
21 located in the county in which the University of Wisconsin–Parkside is situated or
22 in an adjacent county.

23 **SECTION 2715rg.** 118.40 (2r) (c) of the statutes is renumbered 118.40 (2r) (c) 2.,
24 and 118.40 (2r) (c) 2. (intro.), as renumbered, is amended to read:

1 118.40 (2r) (c) 2. (intro.) ~~An entity under par. (b) may not establish or enter into~~
2 ~~a contract for the establishment of a charter school located outside of the school~~
3 ~~district operating under ch. 119. A pupil residing within the school district operating~~
4 ~~under ch. 119 may attend a charter school established in the school district operating~~
5 ~~under ch. 119 under this subsection only if one of the following applies:~~

6 **SECTION 2715ri.** [✓] 118.40 (2r) (c) 1. of the statutes is created to read:

7 118.40 (2r) (c) 1. Only pupils who reside in the school district in which a charter
8 school established under this subsection is located may attend the charter school.

9 **SECTION 2715sk.** [✓] 118.40 (2r) (cm) of the statutes is created to read:

10 118.40 (2r) (cm) The chancellor of the University of Wisconsin–Parkside may
11 establish or enter into a contract for the establishment of only one charter school
12 under this subsection, which may not operate high school grades and which may not
13 accommodate more than 400 pupils.

14 **SECTION 2715sm.** [✓] 118.40 (2r) (e) of the statutes is renumbered 118.40 (2r) (e)
15 1. and amended to read:

16 118.40 (2r) (e) 1. From the appropriation under s. 20.255 (2) (fm), the
17 department shall pay to the operator of the charter school an amount equal to the
18 sum of the amount paid per pupil under this ~~paragraph~~ subdivision in the previous
19 school year and the amount of revenue increase per pupil allowed under subch. VII
20 of ch. 121 in the current school year, multiplied by the number of pupils attending
21 the charter school. The department shall pay 25% of the total amount in September,
22 25% in December, 25% in February, and 25% in June. The department shall send the
23 check to the operator of the charter school.

24 **SECTION 2715sn.** 118.40 (2r) (e) 2. of the statutes is created to read:

1 118.40 (2r) (e) 2. If the chancellor of the University of Wisconsin–Parkside
2 establishes or contracts for the establishment of a charter school under this
3 subsection, in March the department shall pay to the unified school district in which
4 the charter school is located, from the appropriation under s. 20.255 (2) (fm), an
5 amount equal to the amount of school aid per pupil to which the unified school district
6 is eligible in the current school year multiplied by the number of pupils attending the
7 charter school who were previously enrolled in the unified school district.

8 **SECTION 2715sp.** 118.40 (2r) (f) of the statutes is created to read:

9 118.40 (2r) (f) If the chancellor of the University of Wisconsin–Parkside
10 establishes or contracts for the establishment of a charter school under this
11 subsection, biennially the chancellor shall submit a report to the legislature under
12 s. 13.172 (2). The report shall include information on the academic performance of
13 the pupils who attend the charter school and on the success of the governance
14 structure of the charter school.

15 **SECTION 2715t.** 118.40 (7) (am) 2. of the statutes is amended to read:

16 118.40 (7) (am) 2. A charter school established under sub. (2r) or a private
17 school located in the school district operating under ch. 119 that is converted to a
18 charter school is not an instrumentality of the any school district operating under ch.
19 ~~119~~ and the no school board of that school district may not employ any personnel for
20 the charter school. If the chancellor of the University of Wisconsin–Parkside
21 contracts for the establishment of a charter school under sub. (2r), the board of
22 regents of the University of Wisconsin System may employ instructional staff for the
23 charter school.

24 **SECTION 2707m.** 118.30 (1r) (d) of the statutes is amended to read:

1 118.30 (1r) (d) If the charter school operates high school grades, beginning in
2 the ~~2002–03~~ 2004–05 school year, administer the high school graduation
3 examination adopted by the operator of the charter school under sub. (1g) (b) to all
4 pupils enrolled in the 11th and 12th grades in the charter school. The operator of the
5 charter school shall administer the examination at least twice each school year and
6 may administer the examination only to pupils enrolled in the 11th and 12th grades.

7 **SECTION 2718m.** 118.33 (1) (f) of the statutes is amended to read:

8 118.33 (1) (f) 1. By September 1, ~~2002~~ 2004, each school board operating high
9 school grades shall develop a written policy specifying criteria for granting a high
10 school diploma that are in addition to the requirements under par. (a). The criteria
11 shall include the pupil's score on the examination administered under s. 118.30 (1m)
12 (d), the pupil's academic performance and the recommendations of teachers. Except
13 as provided in subd. 2., the criteria apply to pupils enrolled in charter schools located
14 in the school district.

15 2. By September 1, ~~2002~~ 2004, each operator of a charter school under s. 118.40
16 (2r) that operates high school grades shall develop a policy specifying criteria for
17 granting a high school diploma. The criteria shall include the pupil's score on the
18 examination administered under s. 118.30 (1r) (d), the pupil's academic performance
19 and the recommendations of teachers.

20 3. Beginning September 1, ~~2003~~ 2005, neither a school board nor an operator
21 of a charter school under s. 118.40 (2r) may grant a high school diploma to any pupil
22 unless the pupil has satisfied the criteria specified in the school board's or charter
23 school's policy under subd. 1. or 2.

24 **SECTION 2712m.** 118.30 (3) of the statutes is renumbered 118.30 (3) (a) and
25 amended to read:

1 118.30 (3) (a) The state superintendent shall ~~make available upon request,~~
2 allow a person to view an examination required to be administered under this section
3 if the person submits to the state superintendent a written request to do so within
4 90 days after the date of administration, ~~any of the examination required to be~~
5 ~~administered under this section.~~ This subsection paragraph does not apply while the
6 an examination is being developed or validated.

7 **SECTION 2714m.** 118.30 (3) (b) of the statutes is created to read:

8 118.30 (3) (b) The state superintendent shall promulgate rules establishing
9 procedures to administer par. (a). To the extent feasible, the rules shall protect the
10 security and confidentiality of the examinations required to be administered under
11 this section.

12 **SECTION 2729.** 118.43 (2) (f) of the statutes is repealed.

13 **SECTION 2730.** 118.43 (2) (g) of the statutes is created to read:

14 118.43 (2) (g) The department may renew an achievement guarantee contract
15 under pars. (b), (bg), and (br) for one or more terms of 5 school years. As a condition
16 of receiving payments under a renewal of an achievement guarantee contract, a
17 school board shall maintain the reduction of class size achieved during the last school
18 year of the original achievement guarantee contract for the grades specified for the
19 last school year of the contract.

20 **SECTION 2734.** 118.43 (6) (b) 7. of the statutes is amended to read:

21 118.43 (6) (b) 7. In the 2001–02 and 2002–03 school years, \$2,000 multiplied
22 by the number of low-income pupils enrolled in grades eligible for funding in each
23 school in the school district covered by contracts under sub. (3) (am) and by renewals
24 of contracts under sub. (2) (g). After making these payments, the department shall
25 pay school districts on behalf of schools that are covered by contracts under sub. (3)

1 (ar), an amount equal to \$2,000 multiplied by the number of low-income pupils
2 enrolled in grades eligible for funding in each school in the school district covered by
3 contracts under sub. (3) (ar).

4 **SECTION 2735.** 118.43 (6) (b) 8. of the statutes is amended to read:

5 118.43 (6) (b) 8. In the 2003–04 and 2004–05 school years, \$2,000 multiplied
6 by the number of low-income pupils enrolled in grades eligible for funding in each
7 school in the school district covered by contracts under sub. (3) (ar) and by renewals
8 of contracts under sub. (2) (g).

9 **SECTION 2738.** 118.51 (3) (a) 2. of the statutes is amended to read:

10 118.51 (3) (a) 2. A nonresident school board may not act on any application
11 received under subd. 1. until after the 3rd Friday following the first Monday in
12 February. If a nonresident school board receives more applications for a particular
13 grade or program than there are spaces available in the grade or program, the
14 nonresident school board shall determine which pupils to accept on a random basis,
15 after giving preference to pupils and to siblings of pupils who are already attending
16 public school in the nonresident school district. If a nonresident school board
17 determines that space is not otherwise available for open enrollment pupils in the
18 grade or program to which an individual has applied, the school board may
19 nevertheless accept an applicant who is already attending school in the nonresident
20 school district or a sibling of the applicant.

21 **SECTION 2739.** 118.51 (4) (a) 3. of the statutes is amended to read:

22 118.51 (4) (a) 3. A statement of the preference required under sub. (5)-(e) (3) (a)
23 2.

24 **SECTION 2740.** 118.51 (5) (a) (intro.) of the statutes is amended to read:

1 118.51 (5) (a) *Permissible criteria.* (intro.) Except as provided in ~~par. (e) sub.~~
2 (3) (a) 2, the criteria for accepting and rejecting applications from nonresident pupils
3 under sub. (3) (a) may include only the following:

4 **SECTION 2741.** 118.51 (5) (a)' 1. of the statutes is amended to read:

5 118.51 (5) (a) 1. The availability of space in the schools, programs, classes, or
6 grades within the nonresident school district, ~~including any.~~ In determining the
7 availability of space, the nonresident school board may consider criteria such as class
8 size limits, pupil–teacher ratios, ~~pupils attending the school district for whom tuition~~
9 ~~is paid under s. 121.78 (1) (a) or enrollment projections established by the~~
10 nonresident school board and may include in its count of occupied spaces pupils
11 attending the school district for whom tuition is paid under s. 121.78 (1) (a) and
12 pupils and siblings of pupils who have applied under sub. (3) (a) and are already
13 attending public school in the nonresident school district.

14 **SECTION 2742.** 118.51 (5) (c) of the statutes is repealed.

15 **SECTION 2744.** 118.52 (11) (b) of the statutes is amended to read:

16 118.52 (11) (b) *Low-income assistance.* The parent of a pupil who is attending
17 a course in a public school in a nonresident school district under this section may
18 apply to the department for reimbursement of the costs incurred by the parent for
19 the transportation of the pupil to and from the pupil's residence or school in which
20 the pupil is enrolled and the school at which the pupil is attending the course if the
21 pupil and parent are unable to pay the cost of such transportation. The department
22 shall determine the reimbursement amount and shall pay the amount from the
23 appropriation under s. 20.255 (2) ~~(ew)~~ (cy). The department shall give preference
24 under this paragraph to those pupils who are eligible for a free or reduced–price
25 lunch under 42 USC 1758 (b).

1 **SECTION 2744m.** 119.04 (1) of the statutes is amended to read:

2 119.04 (1) Subchapters IV, V, and VII of ch. 115, ch. 121, and ss. 66.0235 (3) (c),
3 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38
4 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.12, 118.125 to
5 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164, 118.18,
6 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258, 118.291,
7 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to ~~(26)~~ (27), 120.125,
8 120.13 (1), (2) (b) to (g), (3), (14), (17) to (19), (26), (34), (35), and (37), 120.14, and
9 120.25 are applicable to a 1st class city school district and board.

10 **SECTION 2752r.** 119.23 (4m) of the statutes is amended to read:

11 119.23 (4m) ~~Beginning in the 1999–2000 school year, in~~ In addition to the
12 payment under sub. (4) the state superintendent shall pay to the parent or guardian
13 of each pupil enrolled in a private school under this section, in the manner described
14 in sub. (4) (c), an amount determined by multiplying 40% of the payment under sub.
15 (4) by the quotient determined by dividing the summer choice average daily
16 membership equivalent of the private school by the total number of pupils for whom
17 payments are being made under sub. (4).

18 **SECTION 2748i.** 119.23 (2) (a) 3. of the statutes is amended to read:

19 119.23 (2) (a) 3. The private school notified the state superintendent of its
20 intent to participate in the program under this section by ~~May~~ February 1 of the
21 previous school year. The notice shall specify the number of pupils participating in
22 the program under this section for which the school has space.

23 **SECTION 2749m.** 119.23 (4) (bm) of the statutes is created to read:

24 119.23 (4) (bm) A pupil enrolled in a 4–year–old kindergarten program shall
25 be counted under par. (b) as provided in s. 121.004 (7) (c) and (cm).

1



2 SECTION 2760m. 120.12 (27) of the statutes is created to read:

3 120.12 (27) MINORITY CONTRACTING. If the school board adopts a policy that
4 authorizes preferences or set-asides to minority businesses in the awarding of a
5 public contract, as defined in s. 60.47 (1) (a), ensure that the policy requires that the
6 minority business be certified by the department of commerce under s. 560.036 (2) ².

7 SECTION 2760g. 120.14 (3) of the statutes is amended to read:

8 120.14 (3) The annual meeting may authorize and direct an audit of the school
9 district accounts by a licensed certified public accountant licensed or certified under
10 ch. 442.

11 SECTION 2760r. 120.18 (1) (gm) of the statutes is amended to read:

12 120.18 (1) (gm) Payroll and related benefit costs for all school district
13 employees in the previous school year. Costs for represented employees shall be
14 based upon the costs of any collective bargaining agreements covering such
15 employees for the previous school year. If, as of the time specified by the department
16 for filing the report, the school district has not entered into a collective bargaining
17 agreement for any portion of the previous school year with the recognized or certified
18 representative of any of its employees and the school district and the representative
19 have been required to submit final offers under s. 111.70 (4) (cm) 6., increased costs
20 limited to the lower of the school district's offer or the representative's offer shall be
21 reflected in the report. The school district shall amend the annual report to reflect
22 any change in such costs as a result of any award or settlement under s. 111.70 (4)
23 (cm) 6. between the date of filing the report and October 1. Any such amendment
24 shall be concurred in by the licensed certified public accountant licensed or certified
25 under ch. 442 certifying the school district audit.

1 **SECTION 2760k.** 120.08 (1) (a) of the statutes is amended to read:

2 120.08 (1) (a) Common school districts shall hold an annual meeting on the 4th
3 Monday in July at 8 p.m. and union high school districts shall hold an annual
4 meeting on the 3rd Monday in July at 8 p.m. unless the electors at one annual
5 meeting determine to thereafter hold the annual meeting on a different date or hour,
6 or authorize the school board to establish a different date or hour. No annual meeting
7 may be held before May 15 or after ~~September 30~~ October 31. The first school district
8 meeting in a common or union high school district created under s. 117.08, 117.09,
9 or 117.27 shall be considered an annual meeting.

10 **SECTION 2761.** 121.004 (6) of the statutes is amended to read:

11 121.004 (6) NET COST. The “net cost” of a fund means the gross cost of that fund
12 minus all nonduplicative revenues and other financing sources of that fund except
13 property taxes ~~and, general aid, and aid received under s. 79.095 (4)~~. In this
14 subsection, “nonduplicative revenues” includes federal financial assistance under 20
15 USC 236 to 245, to the extent permitted under federal law and regulations.

16 **SECTION 2761d.** 121.004 (7) (c) 1. c. of the statutes is created to read:

17 121.004 (7) (c) 1. c. A pupil enrolled in a 4-year-old kindergarten program who
18 is not a child with a disability, as defined in s. 115.76 (5), shall be counted as 0.3 pupil.

19 **SECTION 2761g.** 121.004 (7) (cm) of the statutes is amended to read:

20 121.004 (7) (cm) ~~A~~ Notwithstanding par. (c) (intro.) and 1. c., a pupil enrolled
21 in a 4-year-old kindergarten program that provides the required number of hours
22 of direct pupil instruction under s. 121.02 (1) (f) 2. shall be counted as 0.6 pupil if the
23 program and that annually provides at least 87.5 additional hours of outreach
24 activities shall be counted as 0.4 pupil if the child is not a child with a disability, as
25 defined in s. 115.76 (5), and as 0.6 pupil if the pupil is a child with a disability

1 **SECTION 2762.** 121.007 of the statutes is amended to read:

2 **121.007 Use of state aid; exemption from execution.** All moneys paid to
3 a school district under s. 20.255 (2) (ac), (bc), (cg), and (cr) ~~and (q)~~ shall be used by
4 the school district solely for the purposes for which paid. Such moneys are exempt
5 from execution, attachment, garnishment, or other process in favor of creditors,
6 except as to claims for salaries or wages of teachers and other school employees and
7 as to claims for school materials, supplies, fuel, and current repairs.

8 **SECTION 2762d.** 121.02 (1) (a) 2. of the statutes is amended to read:

9 121.02 (1) (a) 2. Ensure that all instructional staff of charter schools located
10 in the school district hold a license or permit to teach issued by the department. The
11 state superintendent shall promulgate rules defining “instructional staff” for
12 purposes of this subdivision ~~and s. 118.40 (2r) (d) 1.~~

13 **SECTION 2763m.** 121.02 (1) (o) of the statutes is amended to read:

14 121.02 (1) (o) ~~Annually distribute the performance disclosure report under~~
15 comply with the requirements of s. 115.38 (2). The school board may include
16 additional information in the report under s. 115.38 (2).

17 **SECTION 2764m.** ✓ 121.05 (1) (a) 8. of the statutes is amended to read:

18 121.05 (1) (a) 8. Pupils enrolled in the school operated by the Wisconsin School
19 Educational Services Program for the Deaf and Hard of Hearing or the school
20 operated by the Wisconsin Center for the Blind and Visually Impaired under subch.
21 III of ch. 115 for whom the school district is paying tuition under s. 115.53 (2)
22 determined by multiplying the total number of periods in each day in which the
23 pupils are enrolled in the local public school by the total number of days for which
24 the pupils are enrolled in the local public school and dividing the product by 1,080.

25 **SECTION 2764m.** ✓ 121.07 (6) (a) (intro.) of the statutes is amended to read:

1 121.07 (6) (a) (intro.) “Shared cost” is the sum of the net cost of the general fund
2 and the net cost of the debt service fund, except that “shared cost” excludes any costs,
3 including attorney fees, incurred by a school district as a result of its participation
4 in a lawsuit commenced against the state, beginning with such costs incurred in the
5 fiscal year in which the lawsuit is commenced, excludes any expenditures from a
6 capital improvement fund created under s. 120.135, excludes any expenditures made
7 as a result of the revenue limit increase under s. 121.91 (4) (L), and excludes the costs
8 of transporting those transfer pupils for whom the school district operating under ch.
9 119 does not receive intradistrict transfer aid under s. 121.85 (6) as a result of s.
10 121.85 (6) (am). In this paragraph, “net cost of the debt service fund” includes all of
11 the following amounts:

12 **SECTION 2765z.** 121.07 (6) (d) of the statutes is repealed and recreated to read:

13 121.07 (6) (d) The “secondary ceiling cost per member” in the 2001–02 school
14 year and in each school year thereafter is an amount determined by dividing the state
15 total shared cost in the previous school year by the state total membership in the
16 previous school year and multiplying the result by 0.90.

17 **SECTION 2767f.** 121.07 (7) (b) of the statutes is amended to read:

18 121.07 (7) (b) The “secondary guaranteed valuation per member” is an amount,
19 rounded to the next lower dollar, that, after subtraction of payments under ss. 121.09
20 and 121.85 (6) (b) 2. and 3. and (c), fully distributes an amount equal to the amount
21 remaining in the appropriation under s. 20.255 (2) (ac) plus ~~\$75,000,000 in the~~
22 ~~1997–98 school year and \$100,000,000 in the 1998–99~~ \$115,000,000 in the 2002–03
23 school year for payments under ss. 121.08, 121.105, 121.85 (6) (a) and (g) and 121.86.

24 **SECTION 2767h.** 121.08 (4) (a) 2. of the statutes is amended to read:

1 121.08 (4) (a) 2. Divide the sum under subd. 1. by the total amount of state aid
2 that all school districts are eligible to be paid from the appropriation under s. 20.255
3 (2) (ac), calculated as if the reduction under par. (e) (b) had not occurred.

4 **SECTION 2767j.** 121.08 (4) (a) 3. of the statutes is amended to read:

5 121.08 (4) (a) 3. Multiply the amount of state aid that the school district is
6 eligible to be paid from the appropriation under s. 20.255 (2) (ac), calculated as if the
7 reduction under par. (e) (b) had not occurred, by the quotient under subd. 2.

8 **SECTION 2767k.** 121.08 (4) (b) of the statutes is amended to read:

9 121.08 (4) (b) The amount of state aid that the school district operating under
10 ch. 119 is eligible to be paid from the appropriation under s. 20.255 (2) (ac) shall also
11 be reduced by ~~50%~~ 45% of the amounts paid under s. 119.23 (4) and (4m) in the
12 current school year.

13 **SECTION 2767L.** 121.08 (4) (c) of the statutes is repealed.

14 **SECTION 2767Lm.** 121.08 (4) (d) of the statutes is amended to read:

15 121.08 (4) (d) The state superintendent shall ensure that the total amount of
16 aid reduction under pars. (a) ~~to (e)~~ and (b) lapses to the general fund.

17 **SECTION 2767m.** 121.085 of the statutes is created to read:

18 **121.085 Interest on delayed payment.** Beginning in 2003, annually on the
19 3rd Monday in June, from the appropriation under s. 20.255 (2) (am), the department
20 shall pay to each school district an amount equal to the interest that the school
21 district would have earned on its portion of the delayed school aid payment under s.
22 121.15 (1m) (a) 4. if the school aid payment had been made on the 3rd Monday in June
23 instead of on the 4th Monday in July. Interest shall be calculated using the
24 annualized rate of return on investments in the state investment fund for April.

25 **SECTION 2768.** 121.09 (1) of the statutes is amended to read:

1 121.09 (1) If, on or after July 1, 1980, the tax appeals commission or a court
2 makes a final redetermination on the assessment of property subject to taxation
3 under s. 70.995 that is lower than the previous assessment, or if, on or after January
4 1, 1982, the state board of assessors makes a final redetermination on the
5 assessment of property subject to taxation under s. 70.995 that is lower than the
6 previous assessment, the school board of the school district in which the property is
7 located may, within 4 years after the date of the determination, decision, or
8 judgment, file the determination of the state board of assessors, the decision of the
9 tax appeals commission, or the judgment of the court with the state superintendent,
10 requesting an adjustment in state aid to the school district. If the state
11 superintendent determines that the determination, decision, or judgment is final
12 and that it has been filed within the 4-year period, the state shall pay to the school
13 district in the subsequent fiscal year, from the ~~appropriations~~ appropriation under
14 s. 20.255 (2) (ac) ~~and (q)~~, an amount equal to the difference between the state aid
15 computed under s. 121.08 for the school year commencing after the year subject to
16 the valuation recertification, using the school district's equalized valuation as
17 originally certified, and the state aid computed under s. 121.08 for that school year
18 using the school district's equalized valuation as recertified under s. 70.57 (2).

19 **SECTION 2769.** 121.105 (2) (a) 1. of the statutes is renumbered 121.105 (2) (am)
20 and amended to read:

21 121.105 (2) (am) If a school district would receive less in state aid in the current
22 year before any adjustment is made under s. 121.15 (4) (b) than an amount equal to
23 85% of the sum of the state aid that it received in the previous school year and the
24 adjustment, if any, made under s. 121.15 (4) (b) in the current school year, its state

1 aid for the current school year shall be increased to an amount equal to 85% of the
2 state aid received in the previous school year.

3 **SECTION 2770.** 121.105 (2) (a) 2. of the statutes is repealed.

4 **SECTION 2771.** 121.105 (2) (a) 3. of the statutes is repealed.

5 **SECTION 2772.** 121.105 (3) of the statutes is amended to read:

6 121.105 (3) In the school year in which a school district consolidation takes
7 effect under s. 117.08 or 117.09 and in each of the subsequent 4 school years, the
8 consolidated school district's state aid shall be an amount that is not less than the
9 aggregate state aid received by the consolidating school districts in the school year
10 prior to the school year in which the consolidation takes effect. The additional state
11 aid shall be paid from the ~~appropriations~~ appropriation under s. 20.255 (2) (ac) and
12 ~~(g)~~.

13 **SECTION 2776.** 121.15 (1m) (a) 1. of the statutes is repealed.

14 **SECTION 2777.** 121.15 (1m) (a) 2. of the statutes is repealed.

15 **SECTION 2777g.** 121.15 (1m) (a) 4. of the statutes is created to read:

16 121.15 (1m) (a) 4. Beginning in the 2002–03 school year, from the
17 appropriation under s. 20.255 (2) (ac), annually the state shall pay to school districts
18 an amount determined as follows on the 4th Monday in July of the following school
19 year:

20 a. Subtract the amount transferred to the tax relief fund under s. 16. 518 (4)
21 from the amount calculated by the secretary of administration under s. 16.518 (4).

22 b. Subtract the remainder under subd. 4. a. [✓] from \$115,000,000.

23 **SECTION 2777r.** 121.15 (1m) (b) of the statutes is amended to read:

24 121.15 (1m) (b) The percentages under subs. (1) (a) and (1g) (a) shall be reduced
25 proportionally to reflect the payments made under par. (a) 3. The percentage for

1 June under subs. (1) (a) and (1g) (a) shall also be reduced to reflect the payment made
2 under par. (a) 4. School districts shall treat the payments made in July under par.
3 (a) as if they had been received in the previous school year.

4 **SECTION 2779.** 121.15 (3m) (a) 1. of the statutes is amended to read:

5 121.15 (3m) (a) 1. "Partial school revenues" means the sum of state school aids,
6 other than the amounts appropriated under s. 20.255 (2) ~~(bi)~~ (am) and ~~(cv)~~; property
7 taxes levied for school districts; and aid paid to school districts under s. 79.095 (4);
8 less the amount of any revenue limit increase under s. 121.91 (4) (L), less the amount
9 of any revenue limit increase under s. 121.91 (4) (a) 2. due to a school board's
10 increasing the services that it provides by adding responsibility for providing a
11 service transferred to it from another school board, less the amount of any revenue
12 limit increase under s. 121.91 (4) (a) 3. and, less the amount of any revenue limit
13 increase under s. 121.91 (4) (j) less the amount of any revenue limit increase under
14 s. 121.91 (4) (h), less the amount of any property taxes levied for the purpose of s.
15 120.13 (19), and less an amount equal to 45% of the amount estimated to be paid
16 under s. 119.23 (4) and (4m).

17 **SECTION 2779m.** 121.15 (3m) (a) 2. of the statutes is amended to read:

18 121.15 (3m) (a) 2. "State school aids" means those aids appropriated under s.
19 20.255 (1) (b) and (2), other than s. 20.255 (2) (am), (fm), (fu), (k), (kn), and (m), and
20 under ss. 20.275 (1) (d), (es), (et) and (f) and 20.285 (1) (ee), (r) and (rc) and those aids
21 appropriated under s. 20.275 (1) (s) that are used to provide grants or educational
22 telecommunications access to school districts under s. 44.73.

23 **SECTION 2779s.** 121.54 (3) of the statutes is amended to read:

24 121.54 (3) TRANSPORTATION FOR CHILDREN WITH DISABILITIES. Every school board
25 shall provide transportation for children with disabilities, as defined in s. 115.76 (5),

1 to any public or private elementary or high school, to the school operated by the
2 Wisconsin Center for the Blind and Visually Impaired or the school operated by the
3 Wisconsin School Educational Services Program for the Deaf and Hard of Hearing
4 or to any special education program for children with disabilities sponsored by a state
5 tax-supported institution of higher education, including a technical college,
6 regardless of distance, if the request for such transportation is approved by the state
7 superintendent. Approval shall be based on whether or not the child can walk to
8 school with safety and comfort. Section 121.53 shall apply to transportation provided
9 under this subsection.

10 **SECTION 2780.** 121.79 (1) (d) (intro.) of the statutes is amended to read:

11 121.79 (1) (d) (intro.) For pupils in foster homes, treatment foster homes, or
12 group homes, if the foster home, treatment foster home, or group home is located
13 outside the school district in which the pupil's parent or guardian resides and either
14 of the following applies:

15 **SECTION 2781.** 121.79 (1) (d) 1. of the statutes is repealed.

16 **SECTION 2782.** 121.79 (1) (d) 3. of the statutes is created to read:

17 121.79 (1) (d) 3. The pupil is a child with a disability, as defined in s. 115.76 (5),
18 and at least 4% of the pupils enrolled in the school district reside in foster homes,
19 treatment foster homes, or group homes that are not exempt under s. 70.11.
20 Notwithstanding s. 121.83 (1) (d), the annual tuition rate for pupils under this
21 subdivision is the special annual tuition rate only, as described in s. 121.83 (1) (c).

22 **SECTION 2783.** 121.85 (6) (e) of the statutes is amended to read:

23 121.85 (6) (e) *Sources of aid payments.* State aid under this section shall be
24 paid from the appropriations appropriation under s. 20.255 (2) (ac) and (q).

25 **SECTION 2784.** 121.85 (8) of the statutes is amended to read:

1 121.85 (8) TRANSFERRED PUPILS. Pupils transferring schools under this section
2 shall be subject to the same rules and regulations as resident pupils and shall have
3 the responsibilities, privileges, and rights of resident pupils in the school district or
4 attendance area. Subject to this subsection, a pupil transferring schools under either
5 sub. (3) (a) or (b) has the right to complete his or her education at the elementary,
6 middle, or high school to which he or she transfers so long as full funding therefor
7 is available under s. 20.255 (2) (ac) and (q).

8 **SECTION 2785.** 121.85 (9) (c) of the statutes is amended to read:

9 121.85 (9) (c) The obligation under par. (a) to organize planning councils shall
10 apply only with regard to school terms for which full pupil transfer aids are
11 appropriated under s. 20.255 (2) (ac) and (q) and planning council assistance funds
12 are appropriated under s. 20.255 (1) (a).

13 **SECTION 2788m.** ✓ 121.90 (1) (f) of the statutes is created to read:

14 121.90 (1) (f) In determining a school district's revenue limit for the 2002–03
15 school year or for any school year thereafter, the department shall calculate the
16 number of pupils enrolled in each school year prior to the 2002–03 school year under
17 s. 121.004 (7) (c) (intro.), s. 121.004 (7) (c) 1. c., as created by 2001 Wisconsin Act
18 (this act), and s. 121.004 (7) (cm), as affected by 2001 Wisconsin Act (this act).

19 **SECTION 2789.** 121.905 (1) of the statutes is amended to read:

20 121.905 (1) In this section, "revenue ceiling" means ~~\$6,300~~ \$6,700 in the
21 ~~1999–2000~~ 2001–02 school year and in any subsequent school year means ~~\$6,500~~
22 \$6,900.

23 **SECTION 2789m.** 121.905 (3) (a) 1. of the statutes is amended to read:

24 121.905 (3) (a) 1. Except as provided under subd. 2., calculate the sum of the
25 amount of state aid received in the previous school year and property taxes levied for

1 the previous school year, excluding property taxes levied for the purpose of s. 120.13
2 (19) and excluding funds described under s. 121.91 (4) (c), and the costs of the county
3 children with disabilities education board program, as defined in s. 121.135 (2) (a)
4 2., for pupils who were school district residents and solely enrolled in a special
5 education program provided by a county children with disabilities education board
6 in the previous school year.

7 **SECTION 2791m.** 121.91 (2m) (e) 1. of the statutes is amended to read:

8 121.91 (2m) (e) 1. Divide the sum of the amount of state aid received in the
9 previous school year and property taxes levied for the previous school year, excluding
10 property taxes levied for the purpose of s. 120.13 (19) and excluding funds described
11 under sub. (4) (c), by the average of the number of pupils enrolled in the 3 previous
12 school years.

13 **SECTION 2797.** 121.91 (4) (dg) of the statutes is created to read:

14 121.91 (4) (dg) Notwithstanding par. (d), if a school district's revenue in the
15 preceding school year was less than the limit under sub. (2m) in the preceding school
16 year, the school district received an increase in aid under s. 121.15 (4) (b) in the
17 current school year, and the increase in aid was less than the amount determined
18 under subd. 2., the limit otherwise applicable to the school district's revenue in the
19 current school year under sub. (2m) is increased by an amount determined as follows:

- 20 1. Determine the increase in aid under s. 121.15 (4) (b).
- 21 2. Subtract the school district's revenue in the preceding school year from the
22 school district's limit under sub. (2m) in the preceding school year.
- 23 3. Subtract from subd. 2. the amount determined under subd. 1. and multiply
24 the remainder by 0.75.
- 25 4. Add the results under subds. 1. and 3.

1 **SECTION 2798.** 121.91 (4) (dr) of the statutes is created to read:

2 121.91 (4) (dr) Notwithstanding par. (d), if a school district's revenue in the
3 preceding school year was less than the limit under sub. (2m) in the preceding school
4 year, the school district received an increase in aid under s. 121.15 (4) (b) in the
5 current school year, and the increase in aid was equal to or greater than the amount
6 determined under par. (dg) 2., the limit otherwise applicable to the school district's
7 revenue in the current school year under sub. (2m) is increased by the difference
8 between the amount of its revenue in the preceding school year and the amount of
9 the limit in the preceding school year under sub. (2m).

10 **SECTION 2798f.** 121.91 (4) (i) of the statutes is created to read:

11 121.91 (4) (i) The limit otherwise applicable to a school district under sub. (2m)
12 in any school year is increased by an amount equal to the amount of property taxes
13 levied for the purpose of s. 120.13 (19) for that school year.

14 **SECTION 2798w.** 121.91 (4) (k) of the statutes is created to read:

15 121.91 (4) (k) The limit otherwise applicable under sub. (2m) to a school district
16 that is at least 275 square miles in area and in which the number of pupils enrolled
17 in the 2000–01 school year was less than 450 is increased for the 2001–02 school year
18 by the following amount:

19 1. If the number of pupils enrolled in the school district declined between the
20 1996–97 school year and the 2000–01 school year, but the decline was less than 10%,
21 \$100,000.

22 2. If the decline in the number of pupils enrolled between the 1996–97 school
23 year and the 2000–01 school year was at least 10% but not more than 20%, \$175,000.

24 3. If the decline in the number of pupils enrolled between the 1996–97 school
25 year and the 2000–01 school year was more than 20%, \$250,000.

1 **SECTION 2798g.** 121.91 (4) (j) of the statutes is created to read:

2 121.91 (4) (j) If a school board implemented an intradistrict pupil transfer
3 program to reduce racial imbalance in the school district after June 30, 1993, but
4 before the effective date of this paragraph [revisor inserts date], the limit
5 otherwise applicable to the school district under sub. (2m) in the 2001–02, 2002–03,
6 and 2003–04 school years is increased by an amount equal to one-third of the amount
7 received in the 1994–95 school year under s. 121.85 as a result of implementing the
8 program.

9 **SECTION 2798s.** 121.91 (4) (m) of the statutes is created to read:

10 121.91 (4) (m) 1. In this paragraph, “equalized valuation per member” means
11 equalized valuation divided by membership, except as follows:

12 a. For a school district operating only high school grades, “equalized valuation
13 per member” means equalized valuation divided by the result obtained by
14 multiplying membership by 3.

15 b. For a school district operating only elementary grades, “equalized valuation
16 per member” means equalized valuation divided by the result obtained by
17 multiplying membership by 1.5.

18 2. The limit otherwise applicable to a school district under sub. (2m) in any
19 school year is increased by the amount calculated as follows if the school board adopts
20 a resolution approving the increase by a two-thirds vote of the members elect:

21 a. Multiply the statewide average allowable revenue per member in the
22 previous school year by 0.78.

23 b. Divide the statewide average equalized valuation per member by the school
24 district’s equalized valuation per member or by \$120,000, whichever is greater.

25 c. Multiply the product under subd. 2. a. by the quotient under subd. 2. b.

1 d. Multiply the product under subd. 2. c. by the average of the number of pupils
2 enrolled in the school district in the current and the 2 preceding school years.

3 3. The amount of the revenue limit adjustment approved under subd. 2. shall
4 not be included in the base for determining the school district's revenue limit for the
5 following school year.

6 **SECTION 2798gc.** 121.91 (4) (L) of the statutes is created to read:

7 121.91 (4) (L) The limit otherwise applicable to a school district under sub. (2m)
8 in any school year is increased by an amount calculated as follows:

9 1. Multiply the number of pupils who are not children with disabilities, as
10 defined in s. 115.76 (5), and who are enrolled in a 4-year-old kindergarten program
11 in the school district in the current school year, counting each pupil as 1.0 pupil, by
12 0.2.

13 2. Multiply the result under subd. 1. by the school district's allowable revenue
14 per pupil in the current school year.

15 **SECTION 2799.** 121.92 (2) (c) of the statutes is amended to read:

16 121.92 (2) (c) If the amount of the deductions under pars. (a) and (b) is
17 insufficient to cover the excess revenue, order the school board to reduce the property
18 tax obligations of its taxpayers by an amount that represents the remainder of the
19 excess revenue. The school district's refunds to taxpayers who have already paid
20 their taxes shall be increased by interest at the rate of 0.5% per month. If the school
21 board violates the order, any resident of the school district may seek injunctive relief.
22 This paragraph does not apply to property taxes levied for the purpose of paying the
23 principal and interest on valid bonds or notes issued by the school board.

24 **SECTION 2802.** 125.06 (8) of the statutes is amended to read:

1 125.06 (8) SALE BY SECURED PARTY. The sale of alcohol beverages by a secured
2 party in good faith under the terms of a security agreement, if the sale is not for the
3 purpose of avoiding this chapter or ch. 139. The sale must be in the ordinary course
4 of the business of lending money secured by a security interest in alcohol beverages
5 or warehouse receipts or other evidence of ownership. A sale of fermented malt
6 beverages must be made within 15 days after the secured party takes possession of
7 the fermented malt beverages unless the secured party demonstrates good cause
8 why a sale in compliance with s. 409.610 (2) or the security agreement cannot be
9 made within this time period.

10 **SECTION 2802m.** 125.06 (13) of the statutes is created to read:

11 125.06 (13) WINE SAMPLING ON "CLASS A" PREMISES. (a) The provision of wine
12 taste samples of not more than 3 fluid ounces each, free of charge, by a "Class A"
13 licensee to customers and visitors for consumption on the premises. No "Class A"
14 licensee may provide more than 2 taste samples per day to any one person. This
15 subsection applies only between the hours of 10 a.m. and 6 p.m. Notwithstanding
16 s. 125.07 (1) (a) 1., no "Class A" licensee may provide taste samples under this
17 subsection to any underage person. No "Class A" licensee may provide as taste
18 samples under this subsection wine that the "Class A" licensee did not purchase from
19 a wholesaler.

20 (b) Notwithstanding par. (a) and s. 125.10 (1), a municipality may prohibit the
21 provision of wine under this subsection.

22 **SECTION 2804.** 125.17 (6) (a) (intro.) of the statutes is amended to read:

23 125.17 (6) (a) (intro.) Except as provided in par. (b), no municipal governing
24 body may issue an operator's license unless the applicant has successfully completed
25 a responsible beverage server training course at any location that is offered by a

1 technical college district and that conforms to curriculum guidelines specified by the
2 technical college system board or a comparable training course, which may include
3 computer-based training and testing, that is approved by the department or the
4 educational approval board, or unless the applicant fulfills one of the following
5 requirements:

6 **SECTION 2805g.** 125.31 (1) (a) 2. of the statutes is amended to read:

7 125.31 (1) (a) 2. Notwithstanding ss. 125.29 (2) and 125.33 (1), a brewer may
8 maintain and operate one place on brewery premises and one place on real estate
9 owned by the brewer or a subsidiary or affiliate corporation or limited liability
10 company for the sale of fermented malt beverages for which a Class “B” license is
11 required for each place, but, except as provided in subd. subds. 3. and 4., not more
12 than 2 such Class “B” licenses shall be issued to any brewer.

13 **SECTION 2805h.** 125.31 (1) (a) 4. of the statutes is created to read:

14 125.31 (1) (a) 4. Notwithstanding ss. 125.29 (2) and 125.33 (1), in addition to
15 places authorized under subd. 2., a brewer may possess or hold an indirect interest
16 in a Class “B” license for not more than 20 restaurants in each of which the sale of
17 alcohol beverages accounts for less than 60% of the restaurant’s gross receipts if no
18 fermented malt beverages manufactured by the brewer are offered for sale in any of
19 these restaurants. No brewer may possess Class “B” licenses under both this
20 subdivision and subd. 3.

21 **SECTION 2806.** 125.33 (2) (a) of the statutes is amended to read:

22 125.33 (2) (a) Give to any campus or Class “B” licensee or permittee, at any
23 given time, for placement inside the premises, signs, clocks, or menu boards with an
24 aggregate value of not more than ~~\$150~~ \$2,500. If a gift of any item would cause the
25 ~~\$150~~ \$2,500 limit to be exceeded, the recipient shall pay the brewer or wholesaler the

1 amount of the item's value in excess of \$150 ~~\$2,500~~. Each recipient shall keep an
2 invoice or credit memo containing the name of the donor and the number and value
3 of items received under this paragraph. The value of an item is its cost to the donor.
4 Each recipient shall make the records kept under this paragraph available to the
5 department for inspection upon request.

6 **SECTION 2807.** 125.33 (2) (b) 2. of the statutes is amended to read:

7 125.33 (2) (b) 2. Signs made from paper ~~or~~, cardboard, plastic, vinyl, or other
8 like material for placement inside the premises, notwithstanding the aggregate
9 value limitation of par. (a).

10 **SECTION 2808.** 125.33 (2) (L) of the statutes is renumbered 125.33 (2) (L) 1.

11 **SECTION 2809.** 125.33 (2) (L) 2. of the statutes is created to read:

12 125.33 (2) (L) 2. Purchase advertising from a person who does not hold a license
13 under this chapter and who conducts national or regional sweepstakes, contests, or
14 promotions on the premises of Class "B" licensees or permittees that sell the brewer's
15 or wholesaler's products. The person may promote an event or activity in connection
16 with a sweepstakes, contest, or promotion, including promoting the location of the
17 event or activity, if the Class "B" licensee or permittee on whose premises the event
18 or activity will occur does not receive money for hosting the event or activity and,
19 except as provided in subd. 4., if the advertising for the event or activity identifies
20 at least 4 unaffiliated Class "B" licensees or permittees.

21 **SECTION 2810.** 125.33 (2) (L) 3. of the statutes is created to read:

22 125.33 (2) (L) 3. Conduct national or regional sweepstakes, contests, or
23 promotions on the premises of Class "B" licensees or permittees that sell the brewer's
24 or wholesaler's products. The brewer or wholesaler may promote an event or activity
25 in connection with a sweepstakes, contest, or promotion, including promoting the

1 location of the event or activity, if the Class “B” licensee or permittee on whose
2 premises the event or activity will occur does not receive money for hosting the event
3 or activity and, except as provided in subd. 4., if the advertising for the event or
4 activity identifies at least 4 unaffiliated Class “B” licensees or permittees.

5 **SECTION 2810m.** 125.33 (2) (L) 4. of the statutes is created to read:

6 125.33 (2) (L) 4. A brewer that manufactures less than 30,000 barrels of
7 fermented malt beverages annually may purchase advertising under subd. 2, and
8 may promote sweepstakes, contests, or promotions through advertising under subd.
9 3., if the advertising identifies at least one Class “B” licensee or permittee.

10 **SECTION 2811.** 125.33 (2) (n) 2. of the statutes is amended to read:

11 125.33 (2) (n) 2. Notwithstanding subd. 1., no brewer or wholesaler may
12 provide business entertainment to a Class “B” licensee or permittee under subd. 1.
13 in one day that has a value exceeding ~~\$75~~ \$500, and no brewer or wholesaler may
14 provide business entertainment to a Class “B” licensee or permittee under subd. 1.
15 on more than 8 days in any calendar year.

16 **SECTION 2812.** 125.33 (2s) of the statutes is amended to read:

17 125.33 (2s) EXCEPTION FOR RETAIL TRADE ASSOCIATION CONTRIBUTIONS.
18 Notwithstanding the prohibitions in sub. (1), a brewer that produces ~~350,000 or more~~
19 ~~barrels of fermented malt beverages annually~~ or wholesaler may contribute money
20 or other things of value to a bona fide national ~~or~~, statewide, or local trade association
21 which derives its principle income from membership dues of Class “B” licensees.

22 **SECTION 2812m.** 125.33 (7m) of the statutes is created to read:

23 125.33 (7m) CONDITIONAL PURCHASES. No Class “A” or Class “B” licensee may
24 condition the purchase of fermented malt beverages from a brewer or wholesaler
25 upon the furnishing by the brewer or wholesaler of any thing of value, other than the

1 products purchased, to the licensee or to any person for the use, benefit, or relief of
2 the licensee.

3 ~~_____~~ **Delete extra line space**

(H)
(I)

4 **SECTION 2812se.** 125.51 (4) (br) 1. e. of the statutes is amended to read:

5 125.51 (4) (br) 1. e. Add one license per each increase of 500 population or
6 fraction thereof to the population recorded under par. (bm).

7 **SECTION 2812sf.** 125.51 (4) (br) 1. f. of the statutes is created to read:

8 125.51 (4) (br) 1. f. Add one license if the municipality had issued a license
9 under s. 125.51 (4) (br) 1. e., 1999 stats., based on a fraction of 500 population, but
10 a municipality's quota is only increased under this subd. 1. f. as long as the total
11 number of licenses issued by the municipality equals the maximum number of
12 licenses authorized, including under this subd. 1. f.

13 **SECTION 2812sg.** 125.51 (4) (br) 2. of the statutes is amended to read:

14 125.51 (4) (br) 2: Notwithstanding subd. 1., if the difference between the
15 number of licenses determined under par. (b) 1g. and under par. (bm) 1. is 3 or fewer,
16 the number of reserve "Class B" licenses authorized to be issued by that municipality
17 is the difference between the number of licenses determined under par. (b) 1g. and
18 under par. (bm) 1., plus one per each increase of 500 population or fraction thereof
19 to the population recorded under par. (bm), plus one if the municipality had issued
20 a license under s. 125.51 (4) (br) 2., 1999 stats., based on a fraction of 500 population
21 but only as long as the total number of licenses issued by the municipality equals the
22 maximum number of licenses authorized.

23 **SECTION 2813.** Chapter 126 of the statutes is created to read:

24 **CHAPTER 126**

25 **AGRICULTURAL PRODUCER SECURITY**