

1           **\*b1519/2.213\* SECTION 2467s.** 101.143 (3) (cw) 4. of the statutes is amended  
2 to read:

3           101.143 (3) (cw) 4. The department of commerce may review and modify an  
4 amount established under subd. 1. if the department determines that new  
5 circumstances, including newly discovered contamination at a site, warrant those  
6 actions. The department of commerce and the department of ~~natural resources~~  
7 environmental management may review and modify an amount established under  
8 subd. 2. if the departments determine that new circumstances, including newly  
9 discovered contamination at a site, warrant those actions.

10           **\*b1519/2.213\* SECTION 2468b.** 101.143 (3) (d) of the statutes is amended to  
11 read:

12           101.143 (3) (d) *Final review of remedial action activities.* The department of  
13 ~~natural resources~~ environmental management or, if the discharge is covered under  
14 s. 101.144 (2) (b), the department of commerce shall complete a final review of the  
15 remedial action activities within 60 days after the claimant notifies the appropriate  
16 department that the remedial action activities are completed.

17           **\*b1519/2.213\* SECTION 2468d.** 101.143 (3) (e) of the statutes is amended to  
18 read:

19           101.143 (3) (e) *Notifications.* The department of ~~natural resources~~  
20 environmental management shall notify the department when it gives a claimant  
21 written approval under par. (c) 4.

22           **\*b1519/2.213\* SECTION 2468f.** 101.143 (3) (f) 5. of the statutes is amended to  
23 read:

24           101.143 (3) (f) 5. The written approval of the department of ~~natural resources~~  
25 environmental management or the department of commerce under par. (c) 4.

1           **\*b1519/2.213\* SECTION 2468h.** 101.143 (3) (g) of the statutes is amended to  
2 read:

3           101.143 (3) (g) *Emergency situations.* Notwithstanding pars. (a) 3. and (c) 1.  
4 and 2., an owner or operator or the person may submit a claim for an award under  
5 sub. (4) after notifying the department under par. (a) 3., without completing an  
6 investigation under par. (c) 1. and without preparing a remedial action plan under  
7 par. (c) 2. if an emergency existed which made the investigation under par. (c) 1. and  
8 the remedial action plan under par. (c) 2. inappropriate, and, before conducting  
9 remedial action, the owner or operator or person notified the department of  
10 commerce and the department of ~~natural resources~~ environmental management of  
11 the emergency and the department of commerce and the department of ~~natural~~  
12 ~~resources~~ environmental management authorized emergency action.”.

13           **\*b1519/2.214\* 1365.** Page 896, line 22: after that line insert:

14           **\*b1519/2.214\* “SECTION 2478b.** 101.143 (4) (ei) 1. a. of the statutes, as affected  
15 by 2001 Wisconsin Act .... (this act), is amended to read:

16           101.143 (4) (ei) 1. a. The owner or operator of the farm tank owns a parcel of  
17 35 or more acres of contiguous land, on which the farm tank is located, which is  
18 devoted primarily to agricultural use, as defined in s. 91.01 (1), including land  
19 designated by the department of ~~natural resources~~ fish, wildlife, parks, and forestry  
20 as part of the ice age trail under s. 23.17, which during the year preceding submission  
21 of a first claim under sub. (3) produced gross farm profits, as defined in s. 71.58 (4),  
22 of not less than \$6,000 or which, during the 3 years preceding that submission  
23 produced gross farm profits, as defined in s. 71.58 (4), of not less than \$18,000, or a  
24 parcel of 35 or more acres, on which the farm tank is located, of which at least 35

1 acres, during part or all of the year preceding that submission, were enrolled in the  
2 conservation reserve program under 16 USC 3831 to 3836.”.

3 \*b1519/2.215\* **1366.** Page 897, line 4: after that line insert:

4 \*b1519/2.215\* “SECTION 2481b. 101.143 (4) (ei) 1m. b. of the statutes, as  
5 created by 2001 Wisconsin Act .... (this act), is amended to read:

6 101.143 (4) (ei) 1m. b. The claim is submitted by a person who, at the time that  
7 the notification was made under sub. (3) (a) 3., was the owner of the farm tank and  
8 owned a parcel of 35 or more acres of contiguous land, on which the farm tank is or  
9 was located, which was devoted primarily to agricultural use, as defined in s. 91.01  
10 (1), including land designated by the department of ~~natural resources~~ fish, wildlife,  
11 parks, and forestry as part of the ice age trail under s. 23.17, which during the year  
12 preceding that notification produced gross farm profits, as defined in s. 71.58 (4), of  
13 not less than \$6,000 or which, during the 3 years preceding that notification,  
14 produced gross farm profits, as defined in s. 71.58 (4), of not less than \$18,000, or a  
15 parcel of 35 or more acres, on which the farm tank is located, of which at least 35  
16 acres, during part or all of the year preceding that notification, were enrolled in the  
17 conservation reserve program under 16 USC 3831 to 3836.”.

18 \*b1519/2.216\* **1367.** Page 897, line 20: after that line insert:

19 \*b1519/2.216\* “SECTION 2482d. 101.143 (4) (ei) 2m. of the statutes, as affected  
20 by 2001 Wisconsin Act .... (this act), is amended to read:

21 101.143 (4) (ei) 2m. The owner or operator of the farm tank has received a letter  
22 or notice from the department of commerce or department of ~~natural resources~~  
23 environmental management indicating that the owner or operator must conduct a

1 site investigation or remedial action because of a discharge from the farm tank or an  
2 order to conduct such an investigation or remedial action.

3 **\*b1519/2.216\* SECTION 2482h.** 101.143 (4) (es) 1. of the statutes is amended  
4 to read:

5 101.143 (4) (es) 1. The department shall issue an award for a claim filed after  
6 August 9, 1989, for eligible costs, under par. (b), incurred on or after August 1, 1987,  
7 by an owner or operator or a person owning a home oil tank system in investigating  
8 the existence of a discharge or investigating the presence of petroleum products in  
9 soil or groundwater if the investigation is undertaken at the written direction of the  
10 department of commerce or the department of ~~natural resources~~ environmental  
11 management and no discharge or contamination is found.”.

12 **\*b1519/2.217\* 1368.** Page 898, line 11: after that line insert:

13 **\*b1519/2.217\* “SECTION 2484b.** 101.143 (8) (b) of the statutes is amended to  
14 read:

15 101.143 (8) (b) Review and advise the secretary and the secretary of ~~natural~~  
16 ~~resources~~ environmental management on the implementation of the petroleum  
17 product remedial action program established under this section.”.

18 **\*b1519/2.218\* 1369.** Page 898, line 20: after that line insert:

19 **\*b1519/2.218\* “SECTION 2485v.** 101.143 (11) (intro.) of the statutes is amended  
20 to read:

21 101.143 (11) REPORTS. (intro.) No later than each January 1 and July 1, the  
22 department of commerce and the department of ~~natural resources~~ environmental  
23 management shall submit to the governor, to the joint legislative audit committee,  
24 to the joint committee on finance and to the appropriate standing committees of the

1 legislature, under s. 13.172 (3), a report on the program under this section. The  
2 departments shall include all of the following information in the report:

3 \*b1519/2.218\* SECTION 2487b. 101.144 (2) (a) of the statutes is amended to  
4 read:

5 101.144 (2) (a) The department shall administer a program under which  
6 responsible persons investigate, and take remedial action in response to, those  
7 discharges of petroleum products from petroleum storage tanks that are covered  
8 under par. (b). The department may issue an order requiring a responsible person  
9 to take remedial action in response to a discharge of a petroleum product from a  
10 petroleum storage tank if the discharge is covered under par. (b). In administering  
11 this section, the department shall follow rules promulgated by the department of  
12 ~~natural resources~~ environmental management for the cleanup of discharges of  
13 hazardous substances.

14 \*b1519/2.218\* SECTION 2489b. 101.144 (3) (intro.) of the statutes is amended  
15 to read:

16 101.144 (3) (intro.) The department of ~~natural resources~~ environmental  
17 management may take action under s. 292.11 (7) (a) or may issue an order under s.  
18 292.11 (7) (c) in response to a discharge that is covered under sub. (2) (b) only if one  
19 or more of the following apply:

20 \*b1519/2.218\* SECTION 2489d. 101.144 (3) (b) of the statutes is amended to  
21 read:

22 101.144 (3) (b) The department of commerce requests the department of  
23 ~~natural resources~~ environmental management to take the action or issue the order.

24 \*b1519/2.218\* SECTION 2489f. 101.144 (3) (c) of the statutes is amended to  
25 read:

1           101.144 (3) (c) The secretary of ~~natural resources~~ environmental management  
2 approves the action or order in advance after notice to the secretary of commerce.

3           **\*b1519/2.218\* SECTION 2489h.** 101.144 (3) (d) of the statutes is amended to  
4 read:

5           101.144 (3) (d) The department of ~~natural resources~~ environmental  
6 management takes action under s. 292.11 (7) (a) after the responsible person fails to  
7 comply with an order that was issued under s. 292.11 (7) (c) in compliance with this  
8 subsection.

9           **\*b1519/2.218\* SECTION 2489j.** 101.144 (3) (e) of the statutes is amended to  
10 read:

11           101.144 (3) (e) The department of ~~natural resources~~ environmental  
12 management takes the action under s. 292.11 (7) (a) because the identity of the  
13 responsible person is unknown.

14           **\*b1519/2.218\* SECTION 2489L.** 101.144 (3g) (a) of the statutes is amended to  
15 read:

16           101.144 (3g) (a) If, on December 1, 1999, more than 35% of sites classified  
17 under this section, excluding sites that are contaminated by a hazardous substance  
18 other than a petroleum product or an additive to a petroleum product, are classified  
19 as high-risk sites, the department of commerce and the department of ~~natural~~  
20 ~~resources~~ environmental management shall attempt to reach an agreement that  
21 specifies standards for determining whether the site of a discharge of a petroleum  
22 product from a petroleum storage tank is classified as high risk. The standards shall  
23 be designed to classify no more than 35% of those sites as high-risk sites and may  
24 not classify all sites at which an enforcement standard is exceeded as high-risk sites.  
25 If the department of commerce and the department of ~~natural resources~~

1 environmental management are unable to reach an agreement, they shall refer the  
2 matters on which they are unable to agree to the secretary of administration for  
3 resolution. The secretary of administration shall resolve any matters on which the  
4 departments disagree in a manner that is consistent with this paragraph. The  
5 department of commerce shall promulgate rules incorporating any agreement  
6 between the department of commerce and the department of ~~natural resources~~  
7 environmental management under this paragraph and any resolution of  
8 disagreements between the departments by the secretary of administration under  
9 this paragraph.

10 \*b1519/2.218\* SECTION 2489n. 101.144 (3m) (a) (intro.) of the statutes is  
11 amended to read:

12 101.144 (3m) (a) (intro.) The department of commerce and the department of  
13 ~~natural resources~~ environmental management shall enter into a memorandum of  
14 understanding that does all of the following:

15 \*b1519/2.218\* SECTION 2489p. 101.144 (3m) (b) of the statutes is amended to  
16 read:

17 101.144 (3m) (b) The department of commerce and the department of ~~natural~~  
18 ~~resources~~ environmental management shall submit a memorandum of  
19 understanding under this subsection to the secretary of administration for review.  
20 A memorandum of understanding under this subsection does not take effect until it  
21 is approved by the secretary of administration.”

22 \*b1519/2.219\* 1370. Page 901, line 9: after that line insert:

23 \*b1519/2.219\* “SECTION 2518j. 101.653 (6m) of the statutes is amended to  
24 read:

1           101.653 **(6m)** REVIEW. The department and the department of ~~natural~~  
2 ~~resources~~ environmental management shall enter into a memorandum of agreement  
3 that establishes a process for reviewing the standards established under sub. (2),  
4 periodically updating those standards and reviewing the training program. The  
5 memorandum of understanding shall ensure that local officials and other persons  
6 interested in the standards established under sub. (2) and the training program may  
7 participate in the process.”.

8           **\*b1646/3.4\* 1371.** Page 901, line 9: after that line insert:

9           **\*b1646/3.4\* “SECTION 2515t.** 101.576 of the statutes is created to read:

10           **101.576 Fire suppression grant program. (1) GRANTS.** The department  
11 of natural resources shall establish a program to award grants for up to 50% of the  
12 cost of acquiring fire suppression equipment and materials.

13           **(2) ELIGIBLE RECIPIENTS.** A fire department is eligible for grants under this  
14 section if all of the following apply:

15           (a) The area in which the fire department provides fire protection and fire  
16 prevention services has a population of less than 6,000 on the date on which the  
17 application for the grant is submitted to the department of natural resources.

18           (b) The fire department responds to all of the first alarms for structural fires  
19 that are issued in the area described in par. (a).

20           (c) The fire department has entered into an agreement with at least one other  
21 fire department to assist the latter fire department in the suppression of structural  
22 fires.



1           **(3) ELIGIBLE EQUIPMENT AND MATERIALS.** (a) A recipient of a grant under this  
2 section may use the grant to acquire any of the following fire suppression equipment  
3 or materials:

4           1. Protective equipment and fire resistant clothing.

5           2. Fire suppression tools and communication equipment.

6           3. Materials necessary for fire prevention training or information that is  
7 provided by the recipient.

8           4. Fire suppression training equipment and materials.

9           5. Other equipment and materials as specified by rule by the department of  
10 natural resources.

11           (b) A recipient of a grant under this section may not use the grant to acquire  
12 any of the following:

13           1. Buildings or vehicles.

14           2. Search and rescue or emergency medical equipment.

15           3. Equipment or materials that are used exclusively for suppressing forest  
16 fires.

17           **(4) RULES.** The department of natural resources shall promulgate rules  
18 establishing criteria and procedures for awarding grants under this section. For  
19 purposes of this section, the rules shall include a definition of “structural fire.”

20           **\*b1572/1.1\* 1372.** Page 901, line 22: after that line insert:

21           **\*b1572/1.1\* “SECTION 2539c.** 101.9203 (1) of the statutes is amended to read:

22           101.9203 (1) The Except as provided in subs. (3) and (4), the owner of a  
23 manufactured home situated in this state or intended to be situated in this state

1 shall make application for certificate of title under s. 101.9209 for the manufactured  
2 home if the owner has newly acquired the manufactured home.

3 **\*b1572/1.1\* SECTION 2539d.** 101.9203 (4) of the statutes is created to read:

4 101.9203 (4) The owner of a manufactured home that is situated in this state  
5 or intended to be situated in this state is not required to make application for a  
6 certificate of title under s. 101.9209 if the owner of the manufactured home intends,  
7 upon acquiring the manufactured home, to permanently affix the manufactured  
8 home to land that the owner of the manufactured home owns.”.

9 **\*b1572/1.2\* 1373.** Page 902, line 5: after that line insert:

10 **\*b1572/1.2\* “SECTION 2539n.** 101.9209 (1) (a) of the statutes is amended to  
11 read:

12 101.9209 (1) (a) If an owner transfers an interest in a manufactured home,  
13 other than by the creation of a security interest, the owner shall, at the time of the  
14 delivery of the manufactured home, execute an assignment and warranty of title to  
15 the transferee in the space provided therefor on the certificate, and cause the  
16 certificate to be mailed or delivered to the transferee. This paragraph does not apply  
17 if the owner has no certificate of title as a result of the exemption under s. 101.9203  
18 (4).

19 **\*b1572/1.2\* SECTION 2539nc.** 101.9209 (2) of the statutes is amended to read:

20 101.9209 (2) Promptly Except as otherwise provided in this subsection,  
21 promptly after delivery to him or her of the manufactured home, the transferee shall  
22 execute the application for a new certificate of title in the space provided therefor on  
23 the certificate or as the department prescribes, and cause the certificate and  
24 application to be mailed or delivered to the department. This subsection does not

1 apply to a transferee who is exempt from making application for a certificate of title  
2 under s. 101.9203 (4).

3 \*b1572/1.2\* SECTION 2539nf. 101.9209 (3) of the statutes is amended to read:

4 101.9209 (3) A transfer by an owner is not effective until the applicable  
5 provisions of this section have been complied with. An owner who has delivered  
6 possession of the manufactured home to the transferee and has complied with the  
7 provisions of this section requiring action by him or her is not liable as owner for any  
8 damages thereafter resulting from use of the mobile home.

9 \*b1572/1.2\* SECTION 2539nh. 101.9209 (5) (a) and (b) of the statutes are  
10 amended to read:

11 101.9209 (5) (a) Any transferee of a mobile manufactured home who fails to  
12 make application for a new certificate of title immediately upon transfer to him or  
13 her of a manufactured home as required under sub. (2) may be required to forfeit not  
14 more than \$200.

15 (b) Any transferee of a manufactured home who, with intent to defraud, fails  
16 to make application for a new certificate of title immediately upon transfer to him  
17 or her of a manufactured home as required under sub. (2) may be fined not more than  
18 \$1,000 or imprisoned for not more than 30 days or both.

19 \*b1572/1.2\* SECTION 2539nj. 101.921 (1) (a) of the statutes is amended to read:

20 101.921 (1) (a) Except as provided in par. (b), if a manufactured home dealer  
21 acquires a manufactured home and holds it for resale or accepts a manufactured  
22 home for sale on consignment, the manufactured home dealer may not submit to the  
23 department the certificate of title or application for certificate of title naming the  
24 manufactured home dealer as owner of the manufactured home. Upon transferring  
25 the manufactured home to another person, the manufactured home dealer shall

1 immediately give the transferee, on a form prescribed by the department, a receipt  
2 for all title, security interest and sales tax moneys paid to the manufactured home  
3 dealer for transmittal to the department when required. The Unless the  
4 manufactured home has no certificate of title as a result of the exemption under s.  
5 101.9203 (4), the manufactured home dealer shall promptly execute the assignment  
6 and warranty of title, showing the name and address of the transferee and of any  
7 secured party holding a security interest created or reserved at the time of the resale  
8 or sale on consignment, in the spaces provided therefor on the certificate or as the  
9 department prescribes. Within 7 business days following the sale or transfer, the  
10 manufactured home dealer shall mail or deliver the certificate or application for  
11 certificate to the department with the transferee's application for a new certificate,  
12 unless the transferee is exempt from making application for a certificate of title  
13 under s. 101.9203 (4). A nonresident who purchases a manufactured home from a  
14 manufactured home dealer in this state may not, unless otherwise authorized by rule  
15 of the department, apply for a certificate of title issued for the manufactured home  
16 in this state unless the manufactured home dealer determines that a certificate of  
17 title is necessary to protect the interests of a secured party. The manufactured home  
18 dealer is responsible for determining whether a certificate of title and perfection of  
19 security interest is required. The manufactured home dealer is liable for any  
20 damages incurred by the department or any secured party for the manufactured  
21 home dealer's failure to perfect a security interest that the manufactured home  
22 dealer had knowledge of at the time of sale.

23 **\*b1572/1.2\* SECTION 2539nL.** 101.9211 (1) of the statutes is amended to read:

24 101.9211 (1) If the interest of an owner in a manufactured home passes to  
25 another other than by voluntary transfer, the transferee shall, except as provided in

1 sub. (2), promptly mail or deliver to the department the last certificate of title, if  
2 available, and ~~the~~ any documents required by the department to legally effect such  
3 transfer, ~~and~~. The transferee shall also promptly mail or deliver to the department  
4 an application for a new certificate in the form that the department prescribes,  
5 unless the transferee is exempt from making application for a certificate of title  
6 under s. 101.9203 (4).

7 \*b1572/1.2\* SECTION 2539nn. 101.9211 (2) of the statutes is amended to read:  
8 101.9211 (2) If the interest of the owner is terminated or the manufactured  
9 home is sold under a security agreement by a secured party named in the certificate  
10 of title, the transferee shall promptly mail or deliver to the department the last  
11 certificate of title, unless there is no certificate of title as a result of the exemption  
12 under s. 101.9203 (4), an application for a new certificate in the form that the  
13 department prescribes, unless the transferee is exempt from making application for  
14 a certificate of title under s. 101.9203 (4), and a statement made by or on behalf of  
15 the secured party that the manufactured home was repossessed and that the interest  
16 of the owner was lawfully terminated or sold under the terms of the security  
17 agreement.

18 \*b1572/1.2\* SECTION 2539np. 101.9211 (4) (a) 2. of the statutes is amended to  
19 read:

20 101.9211 (4) (a) 2. The title executed by such administrator, executor, guardian  
21 or trustee, except that this subdivision does not apply if there is no certificate of title  
22 as a result of the exemption under s. 101.9203 (4).

23 \*b1572/1.2\* SECTION 2539nr. 101.9211 (4) (b) 1. (intro.) of the statutes is  
24 amended to read:

1           101.9211 (4) (b) 1. (intro.) The Except as provided under subd. 1m., the  
2 department shall transfer the decedent's interest in any manufactured home to his  
3 or her surviving spouse upon receipt of the title executed by the surviving spouse and  
4 a statement by the spouse that states all of the following:

5           **\*b1572/1.2\* SECTION 2539nt.** 101.9211 (4) (b) 1m. of the statutes is created to  
6 read:

7           101.9211 (4) (b) 1m. The department may not require a surviving spouse to  
8 provide an executed title to a manufactured home under subd. 1. if the manufactured  
9 home has no certificate of title as a result of the exemption under s. 101.9203 (4).

10           **\*b1572/1.2\* SECTION 2539nv.** 101.9211 (4) (b) 2. of the statutes is amended to  
11 read:

12           101.9211 (4) (b) 2. The transfer of a manufactured home under this paragraph  
13 shall not affect any liens upon the manufactured home.

14           **\*b1572/1.2\* SECTION 2539nw.** 101.9212 (1) and (2) of the statutes are  
15 amended to read:

16           101.9212 (1) The Except as otherwise provided in this subsection, the  
17 department, upon receipt of a properly assigned certificate of title, with an  
18 application for a new certificate of title, the required fee and any other transfer  
19 documents required by law, to support the transfer, shall issue a new certificate of  
20 title in the name of the transferee as owner. The department may not require a  
21 person to provide a properly assigned certificate of title if the manufactured home  
22 for which the new certificate of title is requested has no certificate of title as a result  
23 of the exemption under s. 101.9203 (4).

24           **\*b1572/1.2\* SECTION 2539ny.** 101.9218 (2) of the statutes is amended to read:

1           101.9218 (2) FIXTURES EXCLUDED. Notwithstanding ss. 101.921 to 101.9217, the  
2 method provided in ss. 101.921 to 101.9217 of perfecting and giving notice of security  
3 interests does not apply to a manufactured home that is a fixture to real estate or to  
4 a manufactured home that the owner intends, upon acquiring, to permanently affix  
5 to land that the owner of the manufactured home owns.”.

6           **\*b1863/2.2\* 1374.** Page 904, line 24: after that line insert:

7           **\*b1863/2.2\* SECTION 2558h.** 103.49 (3) (a) of the statutes is amended to read:

8           103.49 (3) (a) Before bids are asked for any work to which this section applies,  
9 the state agency having the authority to prescribe the specifications shall apply to  
10 the department to determine the prevailing wage rate for each trade or occupation  
11 required in the work under contemplation in the area in which the work is to be done.  
12 The department shall conduct investigations and hold public hearings as necessary  
13 to define the trades or occupations that are commonly employed on projects that are  
14 subject to this section and to inform itself as to the prevailing wage rates in all areas  
15 of the state for those trades or occupations, in order to determine the prevailing wage  
16 rate for each trade or occupation. In defining those trades or occupations, the  
17 department shall define metal building assembler as a separate trade or occupation  
18 for purposes of determining the prevailing wage rates for that trade or occupation  
19 and shall include among the typical duties of that trade or occupation reroofing and  
20 assembling components for use in constructing canopies, reroofs, and mezzanines.

21 The department shall issue its determination within 30 days after receiving the  
22 request and shall file the determination with the requesting state agency. For the  
23 information of the employees working on the project, the prevailing wage rates  
24 determined by the department, the prevailing hours of labor and the provisions of

1 subs. (2) and (6m) shall be kept posted by the state agency in at least one conspicuous  
2 and easily accessible place on the site of the project.”.

3 \*b1526/1.3\* **1375.** Page 904, line 25: delete that line.

4 \*b1526/1.4\* **1376.** Page 905, line 1: delete lines 1 to 24.

5 \*b1526/1.5\* **1377.** Page 906, line 1: delete lines 1 and 2.

6 \*b1526/1.6\* **1378.** Page 906, line 18: delete lines 18 to 25.

7 \*b1526/1.7\* **1379.** Page 907, line 1: delete lines 1 to 9.

8 \*b1550/1.3\* **1380.** Page 908, line 1: delete lines 1 to 15.

→ Insert 794-8  
9 \*b1553/3.21\* **1381.** Page 908, line 22: after that line insert:

10 \*b1553/3.21\* “SECTION 2560t. 106.01 (12) of the statutes is created to read:  
11 106.01 (12) The department of workforce development shall apply to the  
12 federal department of labor for \$150,000 in each fiscal year to provide the  
13 apprenticeship marketing activities described in this subsection. If the department  
14 of workforce development receives any of those moneys, the department shall  
15 allocate all of those moneys received, plus all amounts received as contributions  
16 under this subsection, for apprenticeship marketing activities, including the  
17 development and distribution of promotional materials directed at encouraging  
18 employers to hire apprentices, educating high school career counselors on careers  
19 available in the skilled trades, encouraging the youth of this state to consider a career  
20 in the skilled trades, and otherwise promoting the availability and benefits of careers  
21 in the skilled trades. The department shall solicit contributions from private sources  
22 to assist in the provision of those promotional materials and shall credit any  
23 contributions received to the appropriation account under s. 20.445 (1) (g). The  
24 department shall seek the advice of and consult with the apprenticeship marketing



1 council regarding the administration of the apprenticeship marketing activities  
2 provided under this subsection.”.

3 \*b1553/3.22\* **1382.** Page 911, line 20: after that line insert:

4 \*b1553/3.22\* “SECTION 2571p. 106.175 of the statutes is created to read:

5 **106.175 Labor Day report.** By September 1, 2002, and annually thereafter,  
6 the department shall prepare and submit to the appropriate standing committees of  
7 the legislature under s. 13. 172 (3) a report on the labor supply in this state. The  
8 report shall describe any critical labor shortage areas identified by the department  
9 by occupation, region, gender, and race and shall recommend potential solutions to  
10 those critical labor shortages. The department shall also provide the report to the  
11 local workforce development boards established under 29 USC 2832 throughout the  
12 state and to the other appropriate organizations as determined by the department.

13 \*b1553/3.22\* SECTION 2571q. 106.18 of the statutes is created to read:

14 **106.18 Job skills training reports.** The department shall collect  
15 information concerning the availability of basic job skills training programs in the  
16 state and periodically prepare reports identifying those programs for distribution to  
17 local workforce development boards established under 29 USC 2832, job centers, and  
18 other appropriate organizations as determined by the department. To the extent  
19 practicable, the reports shall identify available training programs by region of the  
20 state.”.

21 \*b1795/2.4\* **1383.** Page 912, line 2: after that line insert:

22 \*b1795/2.4\* “SECTION 2585t. 106.215 (7) (am) of the statutes is amended to  
23 read:

1           106.215 (7) (am) *Human services activities; appropriations.* Moneys  
2 appropriated under s. 20.445 (6) (b), (j) and (m) may be utilized for human services  
3 activities as authorized under those appropriations.”.

4           **\*b1519/2.220\* 1384.** Page 912, line 11: after that line insert:

5           **\*b1519/2.220\*** “SECTION 2603g. 107.15 (2) (b) of the statutes is amended to  
6 read:

7           107.15 (2) (b) “Licensee” means any person licensed to conduct exploration  
8 activities by the department of ~~natural resources~~ environmental management under  
9 s. 293.21. If the person is a corporation or limited liability company, “licensee”  
10 includes the parent and any subsidiary or affiliates of the corporation or limited  
11 liability company engaged in mining or activities related to mining in this state.

12           **\*b1519/2.220\*** SECTION 2603j. 107.15 (6) (c) 2. of the statutes is amended to  
13 read:

14           107.15 (6) (c) 2. By the secretary of the ~~department of natural resources~~  
15 environmental management for purposes of specific environmental analysis and  
16 permit application evaluation and by the secretary of the ~~department of revenue~~  
17 provided that the confidential information shall not be released by either the  
18 department of revenue or the department of ~~natural resources~~ environmental  
19 management, that the departments of revenue and ~~natural resources~~ environmental  
20 management shall establish procedures to keep any confidential information  
21 confidential, and that the responsible person or persons in each department shall be  
22 subject to the penalty specified under this paragraph for the unauthorized release  
23 of confidential information.

24           **\*b1519/2.220\*** SECTION 2604t. 110.20 (4) of the statutes is amended to read:

1           110.20 (4) DEPARTMENTAL COOPERATION. The department shall consult and  
2 cooperate with the department of ~~natural resources~~ environmental management in  
3 order to efficiently and fairly establish and administer the program established  
4 under this section.”.

5           **\*b1519/2.221\* 1385.** Page 912, line 17: after that line insert:

6           **\*b1519/2.221\* “SECTION 2605p.** 110.20 (8) (d) of the statutes is amended to  
7 read:

8           110.20 (8) (d) No inspection station may be established within 0.5 mile of an  
9 air monitoring station which reported a violation during the period from 1976 to 1979  
10 of the carbon monoxide primary national ambient air quality standard as defined by  
11 the department of ~~natural resources~~ environmental management.”.

12           **\*b1320/1.1\* 1386.** Page 912, line 20: after that line insert:

13           **\*b1320/1.1\* “SECTION 2606n.** 111.335 (1) (c) of the statutes is amended to read:

14           111.335 (1) (c) Notwithstanding s. 111.322, it is not employment discrimination  
15 because of conviction record to refuse to employ or license, or to bar or terminate from  
16 employment or licensing, any individual who of the following:

17           1. Has An individual who has been convicted of any felony, misdemeanor, or  
18 other offense the circumstances of which substantially relate to the circumstances  
19 of the particular job or licensed activity; or,

20           2. Is An individual who is not bondable under a standard fidelity bond or an  
21 equivalent bond where when such bondability is required by state or federal law, or  
22 administrative regulation or established business practice of the employer.

23           **\*b1320/1.1\* SECTION 2606p.** 111.335 (1) (cg) 3. of the statutes is repealed.

1           **\*b1320/1.1\* SECTION 2606q.** 111.335 (1) (cm) of the statutes is renumbered  
2 111.335 (1) (cm) (intro.) and amended to read:

3           111.335 (1) (cm) (intro.) Notwithstanding s. 111.322, it is not employment  
4 discrimination because of conviction record to refuse to employ ~~as an installer of~~  
5 ~~burglar alarms a person, or to bar or terminate from employment, any of the~~  
6 following:

7           1. An individual who has been convicted of a felony and who has not been  
8 pardoned for that felony.

9           **\*b1320/1.1\* SECTION 2606r.** 111.335 (1) (cm) 2. to 4. of the statutes are created  
10 to read:

11           111.335 (1) (cm) 2. An individual who has been convicted of a felony, the  
12 circumstances of which substantially relate to the circumstances of the particular  
13 job, and who has been pardoned for that felony.

14           3. An individual who has been convicted of a misdemeanor or other offense, the  
15 circumstances of which substantially relate to the circumstances of the particular  
16 job.

17           4. An individual who is not bondable under a standard fidelity bond or an  
18 equivalent bond when such bondability is required by state or federal law,  
19 administrative regulation, or established business practice of the employer.”.

20           **\*b1364/1.3\* 1387.** Page 912, line 20: after that line insert:

21           **\*b1364/1.3\* “SECTION 2606m.** 111.335 (1) (cv) of the statutes is created to read:

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

1 the Wisconsin conservation corps under s. 106.215 (1) (c) a person who has been  
2 convicted under 50 USC, Appendix, section 462 for refusing to register with the  
3 selective service system and who has not been pardoned.”

4 \*b1519/2.222\* **1388.** Page 912, line 20: after that line insert:

5 \*b1519/2.222\* “SECTION 2605d. 110.20 (13) (b) of the statutes is amended to  
6 read:

7 110.20 (13) (b) The department of ~~natural resources~~ environmental  
8 management shall, by rule, establish the amount of the repair cost limit to equal the  
9 amount required under 42 USC 7511a (b) 4. or (c) (3) (C).”

10 ~~\*b1587/1.1\* **1389.** Page 912, line 20: after that line insert:~~

11 ~~\*b1587/1.1\* “SECTION 2608h. 111.70 (1) (a) of the statutes is amended to read:~~  
12 ~~111.70 (1) (a) “Collective bargaining” means the performance of the mutual~~  
13 ~~obligation of a municipal employer, through its officers and agents, and the~~  
14 ~~representative of its municipal employees in a collective bargaining unit, to meet and~~  
15 ~~confer at reasonable times, in good faith, with the intention of reaching an~~  
16 ~~agreement, or to resolve questions arising under such an agreement, with respect to~~  
17 ~~wages, hours, and conditions of employment, and with respect to a requirement of~~  
18 ~~the municipal employer for a municipal employee to perform law enforcement and~~  
19 ~~fire fighting services under s. 61.66, except as provided in sub. (4) (m) and (o) and s.~~  
20 ~~40.81 (3) and except that a municipal employer shall not meet and confer with respect~~  
21 ~~to any proposal to diminish or abridge the rights guaranteed to municipal employees~~  
22 ~~under ch. 164. The duty to bargain, however, does not compel either party to agree~~  
23 ~~to a proposal or require the making of a concession. Collective bargaining includes~~  
24 ~~the reduction of any agreement reached to a written and signed document. The~~

1 ~~municipal employer shall not be required to bargain on subjects reserved to~~  
2 ~~management and direction of the governmental unit except insofar as the manner~~  
3 ~~of exercise of such functions affects the wages, hours, and conditions of employment~~  
4 ~~of the municipal employees in a collective bargaining unit. In creating this~~  
5 ~~subchapter the legislature recognizes that the municipal employer must exercise its~~  
6 ~~powers and responsibilities to act for the government and good order of the~~  
7 ~~jurisdiction which it serves, its commercial benefit and the health, safety, and~~  
8 ~~welfare of the public to assure orderly operations and functions within its~~  
9 ~~jurisdiction, subject to those rights secured to municipal employees by the~~  
10 ~~constitutions of this state and of the United States and by this subchapter.”.~~

11 **\*b1590/2.4\* 1390.** Page 912, line 20: after that line insert:

12 **\*b1590/2.4\* SECTION 2606r.** 111.09 (2m) of the statutes is created to read:

13 111.09 (2m) In addition to any fee that the commission is required to assess and  
14 collect under subs. (1) and (2), the commission may assess and collect a reasonable  
15 fee for any other service that the commission provides to any person.”.

16 **\*b1719/2.1\* 1391.** Page 912, line 20: after that line insert:

17 **\*b1719/2.1\* SECTION 2607.** 111.70 (1) (a) of the statutes is amended to read:

18 111.70 (1) (a) “Collective bargaining” means the performance of the mutual  
19 obligation of a municipal employer, through its officers and agents, and the  
20 representative of its municipal employees in a collective bargaining unit, to meet and  
21 confer at reasonable times, in good faith, with the intention of reaching an  
22 agreement, or to resolve questions arising under such an agreement, with respect to  
23 wages, hours, and conditions of employment, and with respect to a requirement of  
24 the municipal employer for a municipal employee to perform law enforcement and

1 fire fighting services under s. 61.66, except as provided in sub. (4) (m) <sup>(o)</sup> and (om) and  
2 s. 40.81 (3) and except that a municipal employer shall not meet and confer with  
3 respect to any proposal to diminish or abridge the rights guaranteed to municipal  
4 employees under ch. 164. The duty to bargain, however, does not compel either party  
5 to agree to a proposal or require the making of a concession. Collective bargaining  
6 includes the reduction of any agreement reached to a written and signed document.  
7 The municipal employer shall not be required to bargain on subjects reserved to  
8 management and direction of the governmental unit except insofar as the manner  
9 of exercise of such functions affects the wages, hours, and conditions of employment  
10 of the municipal employees in a collective bargaining unit. In creating this  
11 subchapter the legislature recognizes that the municipal employer must exercise its  
12 powers and responsibilities to act for the government and good order of the  
13 jurisdiction which it serves, its commercial benefit and the health, safety, and  
14 welfare of the public to assure orderly operations and functions within its  
15 jurisdiction, subject to those rights secured to municipal employees by the  
16 constitutions of this state and of the United States and by this subchapter.

17 \*b1719/2.1\* SECTION 2608b. 111.70 (4) (cm) 8s. (title) of the statutes is  
18 amended to read:

19 111.70 (4) (cm) 8s. (title) 'Forms for determining costs; determination of fringe  
20 benefits coverage.'

21 \*b1719/2.1\* SECTION 2608c. 111.70 (4) (cm) 8s. of the statutes is renumbered  
22 111.70 (4) (cm) 8s. a.

23 \*b1719/2.1\* SECTION 2609. 111.70 (4) (cm) 8s. b. of the statutes is created to  
24 read:

(Conceptually included in b1326)  
GMM

1           111.70 (4) (cm) 8s. b. For the purpose of determining whether fringe benefits  
2 provided to municipal employees are maintained by a municipal employer under a  
3 qualified economic offer, the commission shall consider substantially similar health  
4 care benefits to be identical to existing health care benefits. Rules promulgated by  
5 the office of the commissioner of insurance under s. 601.415 (13) shall be used to  
6 determine if the health care benefits are substantially similar.”.

7           ~~\*b1751/1.1\* 1392. Page 912, line 20: after that line insert:~~

8           ~~\*b1751/1.1\* “SECTION 2606s. 111.335 (1) (d) of the statutes is created to read:~~

9           ~~111.335 (1) (d) 1. In this paragraph, “educational agency” means a school  
10 district, a cooperative educational service agency, a county children with disabilities  
11 education board, a state correctional institution under s. 302.01, a secured  
12 correctional facility, as defined in s. 938.02 (15m), a secured child caring institution,  
13 as defined in s. 938.02 (15g), the Wisconsin Center for the Blind and Visually  
14 Impaired, the Wisconsin School for the Deaf, the Mendota Mental Health Institute,  
15 the Winnebago Mental Health Institute, a state center for the developmentally  
16 disabled, a private school, a charter school, a private, nonprofit, nonsectarian agency  
17 under contract with a school board under s. 118.153 (3) (c), or a nonsectarian private  
18 school or agency under contract with the board of school directors in a 1st class city  
19 under s. 119.235 (1).~~

20           ~~2. Notwithstanding s. 111.322, it is not employment discrimination because of  
21 conviction record for an educational agency to refuse to employ or to bar or terminate  
22 from employment an individual who has been convicted of a felony and who has not  
23 been pardoned for that felony.”.~~

24           **\*b1759/2.1\* 1393.** Page 912, line 20: after that line insert:



1           **\*b1759/2.1\*** “SECTION 2606d. 111.337 (1) of the statutes is renumbered  
2 111.337 (1r) (intro.) and amended to read:

3           111.337 (1r) (intro.) Employment discrimination because of creed includes, but  
4 is not limited to, refusing any of the following:

5           (a) Refusing to reasonably accommodate an employee’s or prospective  
6 employee’s religious observance or practice unless the employer can demonstrate  
7 that the accommodation would pose an undue hardship on the employer’s program,  
8 enterprise, or business.

9           **\*b1759/2.1\*** SECTION 2606g. 111.337 (1g) of the statutes is created to read:  
10 111.337 (1g) In this section:

11           (a) “Health care provider” means any of the following:

12           1. An individual licensed, registered, permitted, or certified by the department  
13 of health and family services or the department of regulation and licensing to provide  
14 health care services in this state.

15           2. An individual who provides health care services as directed, supervised, or  
16 inspected by an individual specified in subd. 1.

17           (b) “Human embryo” includes any organism that is derived by fertilization,  
18 parthenogenesis, cloning, or any other means from one or more human gametes or  
19 human diploid cells.

20           (bm) “Medical equipment seller” means an individual whose employment  
21 duties include selling or supplying medical equipment or supplies.

22           (c) “Participate in” means to perform, assist in, recommend, counsel in favor  
23 of, make referrals for, prescribe, dispense or administer drugs for, or otherwise  
24 promote, encourage, or aid.

25           **\*b1759/2.1\*** SECTION 2606j. 111.337 (1r) (b) of the statutes is created to read:

1           111.337 (1r) (b) Discriminating against any health care provider or medical  
2 equipment seller by engaging in any of the actions prohibited under s. 111.322 on the  
3 basis of the health care provider's or medical equipment seller's refusal, or statement  
4 of an intention to refuse, whether or not in writing, based on his or her creed, to  
5 participate in, or sell or provide medical equipment or supplies used for, any of the  
6 following:

7           1. A sterilization procedure.

8           2. A procedure involving a drug or device that may prevent the implantation  
9 of a fertilized human ovum.

10          3. An abortion, as defined in s. 253.10 (2) (a).

11          4. An experiment or medical procedure involving any of the following:

12           a. The destruction of a human embryo.

13           b. A human embryo or unborn child, at any stage of development, in which the  
14 experiment or procedure is not related to the beneficial treatment of the human  
15 embryo or unborn child.

16          5. A procedure, including a transplant procedure, that uses fetal tissue or  
17 organs other than fetal tissue or organs from a stillbirth, spontaneous abortion, or  
18 miscarriage.

19          6. The withholding or withdrawal of nutrition or hydration, if the withholding  
20 or withdrawal of nutrition or hydration would result in the patient's death from  
21 malnutrition or dehydration, or complications of malnutrition or dehydration, rather  
22 than from the underlying terminal illness or injury, unless the administration of  
23 nutrition or hydration is medically contraindicated.

24          7. An act that intentionally causes or assists in causing the death of an  
25 individual, such as by assisted suicide, euthanasia, or mercy killing.”

1           **\*b1455/1.2\* 1394.** Page 913, line 2: after that line insert:

2           **\*b1455/1.2\* "SECTION 2615d.** 111.91 (2) (nm) of the statutes is created to read:  
3           111.91 (2) (nm) The prohibition under s. 632.872 related to denying payment  
4           for certain procedures."

5           **\*b1457/1.2\* 1395.** Page 913, line 2: after that line insert:

6           **\*b1457/1.2\* "SECTION 2615c.** 111.91 (2) (r) of the statutes, as created by 1999  
7           Wisconsin Act 9, is repealed."

8           **\*b1564/1.2\* 1396.** Page 913, line 2: after that line insert:

9           **\*b1564/1.2\* "SECTION 2615f.** 111.93 (3) of the statutes is amended to read:  
10           111.93 (3) Except as provided in ss. 7.33(4), 40.05, 40.80 (3), 111.91 (1) (cm),  
11           230.35 (2d), 230.35 (3) (e) 6., and 230.88 (2) (b), if a collective bargaining agreement  
12           exists between the employer and a labor organization representing employees in a  
13           collective bargaining unit, the provisions of that agreement shall supersede the  
14           provisions of civil service and other applicable statutes, as well as rules and policies  
15           of the board of regents of the University of Wisconsin System, related to wages, fringe  
16           benefits, hours, and conditions of employment whether or not the matters contained  
17           in those statutes, rules, and policies are set forth in the collective bargaining  
18           agreement."

19           **\*b1585/1.2\* 1397.** Page 913, line 2: after that line insert:

20           **\*b1585/1.2\* "SECTION 2612m.** 111.91 (1) (cm) of the statutes is amended to  
21           read:

22           111.91 (1) (cm) Except as provided in sub. (2) (g) and (h) and ss. 40.02 (22) (e)  
23           and 40.23 (1) (f) 4., all laws governing the Wisconsin retirement system under ch. 40  
24           and all actions of the employer that are authorized under any such law which apply

1 to nonrepresented individuals employed by the state shall apply to similarly situated  
2 employees, unless otherwise specifically provided in a collective bargaining  
3 agreement that applies to those employees.

4 \*b1585/1.2\* **SECTION 2612r.** 111.91 (2) (g) of the statutes is repealed.”.

5 \*b1587/1.2\* **1398.** Page 913, line 2: after that line insert:

6 \*b1587/1.2\* **SECTION 2613h.** 111.70 (4) (o) of the statutes is created to read:

7 111.70 (4) (o) *Permissive subjects of collective bargaining.* In a school district,  
8 the municipal employer is not required to bargain collectively with respect to the  
9 establishment of the school calendar. This paragraph shall not be construed to  
10 eliminate a school district’s duty to bargain collectively with the recognized or  
11 certified representative of school district employees in a collective bargaining unit  
12 concerning the total number of days of work and the number of those days which are  
13 allocated to different purposes such as days on which school is taught, in-service  
14 days, staff preparation days, convention days, paid holidays, and parent-teacher  
15 conference days, and to bargain collectively with that representative with regard to  
16 the impact of the school calendar on wages, hours, and conditions of employment.”.

17 \*b1590/2.5\* **1399.** Page 913, line 2: after that line insert:

18 \*b1590/2.5\* **SECTION 2614h.** 111.71 (2m) of the statutes is created to read:

19 111.71 (2m) In addition to any fee that the commission is required to assess and  
20 collect under subs. (1) and (2), the commission may assess and collect a reasonable  
21 fee for any other service that the commission provides to any person.

22 \*b1590/2.5\* **SECTION 2615h.** 111.94 (2m) of the statutes is created to read:

1           111.94 (2m) In addition to any fee that the commission is required to assess and  
2 collect under subs. (1) and (2), the commission may assess and collect a reasonable  
3 fee for any other service that the commission provides to any person.”.

4           **\*b1719/2.2\* 1400.** Page 913, line 2: after that line insert:

5           **\*b1719/2.2\* “SECTION 2615.** 111.70 (4) (om) of the statutes is created to read:

6           111.70 (4) (om) *Permissive subjects of collective bargaining.* In a school district,  
7 the municipal employer is not required to bargain collectively with respect to the  
8 selection of any group health care benefits provider for school district professional  
9 employees if the provider offers health care benefits coverage that is substantially  
10 similar to that offered by other providers in bids submitted under s. 120.12 (24).  
11 Rules promulgated by the office of the commissioner of insurance under s. 601.415  
12 (13) shall be used to determine if health care benefits coverage offered by different  
13 providers is substantially similar.”.

14           **\*b1299/1.2\* 1401.** Page 913, line 3: delete lines 3 to 9.

15           **\*b1506/2.7\* 1402.** Page 913, line 11: delete the material beginning with that  
16 line and ending with page 914, line 12.

17           **\*b1621/1.3\* 1403.** Page 914, line 21: after that line insert:

18           **\*b1621/1.3\* “SECTION 2630g.** 115.343 (title) and (1) of the statutes are  
19 amended to read:

20           **115.343 (title) Wisconsin morning school day milk program.** (1) The  
21 department shall establish a ~~morning~~ school day milk program. A school  
22 participating in the program shall offer each eligible child ~~a~~ one half-pint of  
23 Wisconsin-produced whole milk, 2% milk, 1.5% milk, one percent milk, 0.5% milk,  
24 skim milk or chocolate milk on each day in which school is in session. If a child is

1 allergic to milk or has metabolic disorders or other conditions which prohibit him or  
2 her from drinking milk, the child shall be offered juice as a substitute. Any school  
3 that participates in the program is encouraged to consider bids from local milk  
4 suppliers. The school shall keep all information related to the identity of the pupils  
5 who receive a beverage under the program confidential. In this subsection,  
6 “Wisconsin-produced” means that all or part of the raw milk used by the milk  
7 processor was produced in this state.

8 \*b1621/1.3\* **SECTION 2630h.** 115.343 (2) (c) of the statutes is created to read:  
9 115.343 (2) (c) The child does not receive the beverage during the school’s  
10 breakfast or lunch period.”.

11 \*b1734/1.20\* **1404.** Page 914, line 21: after that line insert:

12 \*b1734/1.20\* **SECTION 2630m.** 115.31 (1) (b) of the statutes is amended to  
13 read:

14 115.31 (1) (b) “Educational agency” means a school district, cooperative  
15 educational service agency, state correctional institution under s. 302.01, secured  
16 correctional facility, as defined in s. 938.02 (15m), secured child caring institution,  
17 as defined in s. 938.02 (15g), the Wisconsin Center for the Blind and Visually  
18 Impaired, the Wisconsin School Educational Services Program for the Deaf and Hard  
19 of Hearing, the Mendota mental health institute, the Winnebago mental health  
20 institute, a state center for the developmentally disabled, a private school, or a  
21 private, nonprofit, nonsectarian agency under contract with a school board under s.  
22 118.153 (3) (c).”.

23 \*b1738/1.1\* **1405.** Page 914, line 21: after that line insert:

24 \*b1738/1.1\* **SECTION 2635m.** 115.28 (49) of the statutes is created to read:

1           115.28 (49) CHARTER SCHOOL REPORT. Annually report to the legislature, in the  
2 manner provided under s. 13.172 (2), on the status of existing charter schools, the  
3 number of petitions for new charter schools, and school board and departmental  
4 action on petitions for new charter schools.”.

5           **\*b1743/2.2\* 1406.** Page 914, line 21: after that line insert:

6           **\*b1743/2.2\* “SECTION 2638m.** 115.28 (50) of the statutes is created to read:  
7           115.28 (50) SPECIAL EDUCATION STUDY. Distribute a summary of study under s.  
8 36.11 (49) to each school district.”.

9           **\*b1830/2.1\* 1407.** Page 914, line 21: after that line insert:

10           **\*b1830/2.1\* “SECTION 2635m.** 115.28 (52) of the statutes is created to read:  
11           115.28 (52) FEDERAL FUNDS. In consultation with the department of  
12 administration, maximize the use of federal aid for education and annually report  
13 to the joint committee on finance on whether federal funding could be used in lieu  
14 of general school aid under s. 121.08 or categorical aids.”.

15           **\*b1834/1.1\* 1408.** Page 914, line 21: after that line insert:

16           **\*b1834/1.1\* “SECTION 2625s.** 115.28 (51) of the statutes is created to read:  
17           115.28 (51) EDUCATION CONSULTANTS. Ensure that each person employed by the  
18 department as a consultant has taught in a classroom or has an educational  
19 component before being employed by the department as a consultant.”.

20           **\*b1741/1.1\* 1409.** Page 914, line 22: delete the material beginning with that  
21 line and ending with page 915, line 2, and substitute:

22           **\*b1741/1.1\* “SECTION 2645m.** 115.38 (1) (bm) of the statutes is created to read:





1           115.51 (2) “Hearing impaired” has the meaning given in the rules promulgated  
2 by the state superintendent to define “hearing impairments” under s. 115.76 (5) (a)  
3 2.

4           **\*b1734/1.21\* SECTION 2660t.** 115.52 of the statutes is repealed and recreated  
5 to read:

6           **115.52 Wisconsin Educational Services Program for the Deaf and Hard**  
7 **of Hearing. (1) DEFINITION.** In this section, “program” means the Wisconsin  
8 Educational Services Program for the Deaf and Hard of Hearing.

9           **(1m) PURPOSE.** The purpose of the program is to serve as a statewide  
10 educational resource relating to hearing impairments to benefit all Wisconsin  
11 children who are hearing impaired.

12           **(2) GOVERNANCE.** The state superintendent shall maintain and govern the  
13 program’s facilities. The state superintendent shall appoint an individual who has  
14 training and experience in educating pupils who are hearing impaired to serve as the  
15 director of the program.

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

18           (a) *School.* 1. ‘Residents 3 to 20 years old.’ The program shall operate a school  
19 at which any resident of this state 3 to 20 years old who is hearing impaired, and for  
20 the duration of a school term any resident of this state who is hearing impaired and  
21 becomes 21 years old during that school term, shall be received and taught free of  
22 charge if the individualized education program for the resident under s. 115.787 and  
23 the educational placement under s. 115.79 specify the school operated by the  
24 program as the appropriate placement.

1           2. ‘Residents 21 years old or older.’ The state superintendent may admit to the  
2 school operated by the program a resident of the state who is hearing impaired and  
3 is 21 years of age or older prior to the beginning of a school term upon the payment  
4 of fees fixed by the state superintendent and upon the recommendation of the  
5 secretary of health and family services, the director of the technical college system,  
6 or the director of the program.

7           3. ‘Nonresidents.’ A nonresident of this state, who is hearing impaired, who  
8 either is 3 to 20 years old or becomes 21 years old during a school term, whose  
9 individualized education program under 20 USC 1414 (d) and educational placement  
10 specify the school operated by the program as the appropriate placement, and who  
11 is capable of receiving instruction may be received at the school upon payment in  
12 advance of the fees fixed by the state superintendent, but no nonresident may be  
13 received to the exclusion of a resident pupil.

14           4. ‘Pupil use of residential facilities.’ Except as provided in sub. (4), the director  
15 of the program shall make the residential facilities of the program available to all  
16 pupils received at the school operated by the program.

17           5. ‘School term.’ The state superintendent shall fix the period of the school term  
18 at the school operated by the program at not less than 38 weeks, prescribe the school  
19 sessions, and confer diplomas upon meritorious pupils who have completed the  
20 prescribed curriculum. Pursuant to a pupil’s individualized education program  
21 under s. 115.787, a pupil may be placed at the school for less than a school term.

22           6. ‘Transportation.’ The program may provide transportation for resident  
23 pupils at the school operated by the program.

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

- 1           1. Provide evaluation services to assist local educational agencies, cooperative  
2 educational service agencies, county children with disabilities education boards,  
3 private schools, and others.
- 4           2. Provide technical assistance and consultation services to local educational  
5 agencies, cooperative educational service agencies, county children with disabilities  
6 education boards, private schools, and others.
- 7           3. Develop and disseminate curriculum and instructional materials.
- 8           4. Provide in-service and other training to teachers and other staff serving  
9 pupils who are hearing impaired.
- 10          5. Provide training, technical assistance, and consultation services for parents  
11 of children who are hearing impaired and for professionals who work with children  
12 who are hearing impaired.
- 13          6. Provide access to educational materials to children who are hearing  
14 impaired.
- 15          7. Loan books and other materials from the library described in par. (c) 2.
- 16          8. Serve as a clearinghouse for information about children who are hearing  
17 impaired.
- 18          9. Teach American sign language, and teach other subjects using American  
19 sign language, through the use of distance education technology.
- 20          10. Rent or lease technological materials and assistive technology devices, as  
21 defined in s. 115.76 (1), to local educational agencies, cooperative educational service  
22 agencies, county children with disabilities education boards, and private schools.
- 23          11. Facilitate the preparation of teachers of pupils who are hearing impaired  
24 by providing assistance to teacher preparation programs.

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

3           (c) *Additional services.* 1. ‘Birth to 3 services.’ The program may provide  
4 instruction or services, or both, for children who are under the age of 3 and are  
5 hearing impaired and their parents. The instruction or services are subject to the  
6 approval of, and shall comply with requirements established by, the department.

7           2. ‘Library.’ Educational media and materials acquired by the program  
8 constitute a circulating collection for persons who are hearing impaired. The  
9 collection shall be kept at the program’s facility and be under the supervision of its  
10 director. All school age children of the state who are hearing impaired may use the  
11 media and materials upon compliance with criteria established by the director of the  
12 program and approved by the state superintendent.

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

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

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

22           (4) **NONDISCRIMINATION.** All pupils in the program may equally and freely enjoy  
23 the benefits and privileges of the program, have the use of the library and books of  
24 instruction, and receive board, lodging, and linens, without discrimination, except  
25 that the director of the program may determine that board, lodging, and linens may

1 not be provided to an individual because appropriate services are not available for  
2 that individual at the program's residential facilities.

3 (5) CHARGES. The state superintendent may charge for meals, living quarters,  
4 laundry, and other services furnished to employees of the program and their families.  
5 The state superintendent may charge for services furnished to visitors to the  
6 program's facilities and participants in training programs and institutes.

7 (6) LEASING OF SPACE. The state superintendent may lease space at the  
8 program's facilities in Delavan that is not required by the program to any person if  
9 the state superintendent determines that the use will not be inconsistent with the  
10 operation of the program.

11 (7) AUDIT. In the 2004–05 fiscal year, the legislative audit bureau shall perform  
12 a performance evaluation audit of the program. The bureau shall submit copies of  
13 the audit report to the chief clerk of each house of the legislature for distribution to  
14 the appropriate standing committees under s. 13.172 (3) by June 30, 2005.

15 \*b1734/1.21\* SECTION 2661m. 115.53 (2) of the statutes is amended to read:  
16 115.53 (2) Arrange for vocational, trade or academic training for any pupil in  
17 either the school operated by the Wisconsin Center for the Blind and Visually  
18 Impaired or the Wisconsin ~~School~~ Educational Services Program for the Deaf and  
19 Hard of Hearing qualified to take such training advantageously, in either a public  
20 school or technical college or a private business establishment in Janesville or  
21 Delavan. The public school and the technical college shall be paid the regular tuition  
22 for full-time attendance and proportionally for part-time attendance by the school  
23 district responsible for the provision of a free appropriate public education under  
24 subch. V.

25 \*b1734/1.21\* SECTION 2661p. 115.53 (3) (a) of the statutes is amended to read:

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

5           **\*b1734/1.21\* SECTION 2661r.** 115.53 (4) of the statutes is amended to read:

6           115.53 (4) Apply to the board of directors of the University of Wisconsin  
7 Hospitals and Clinics Authority for admission to the University of Wisconsin  
8 Hospitals and Clinics of any pupil at the school operated by the Wisconsin School  
9 Educational Services Program for the Deaf and Hard of Hearing or the school  
10 operated by the Wisconsin Center for the Blind and Visually Impaired.

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

16           (b) The net cost of hospital treatment shall be at the rate established under s.  
17 233.40 (1) and shall be paid from the appropriation under s. 20.255 (1) (b), (gh) or (gs)  
18 if the patient is a pupil at the school operated by the Wisconsin School Educational  
19 Services Program for the Deaf and Hard of Hearing or from the appropriation under  
20 s. 20.255 (1) (b), (gh), (gL) or (gs) if the patient is a pupil at the school operated by the  
21 Wisconsin Center for the Blind and Visually Impaired. The state superintendent  
22 likewise may authorize payment for the expense of transporting patients to and from  
23 the hospital. The state superintendent shall make payments for the treatment to the  
24 University of Wisconsin Hospitals and Clinics Authority. Funds collected by the

1 state superintendent on account of the hospitalization shall be credited to the  
2 appropriation under s. 20.255 (1) (gh) for the school or center concerned.

3 \*b1734/1.21\* SECTION 2661t. 115.53 (5) of the statutes is amended to read:

4 115.53 (5) Arrange for visits by members of the staff of either the Wisconsin  
5 School Educational Services Program for the Deaf and Hard of Hearing or the  
6 Wisconsin Center for the Blind and Visually Impaired to other public schools or to  
7 families of deaf children who are hearing impaired or children who are visually  
8 impaired, whenever it appears to the state superintendent that such visits will be  
9 of advantage to such children.

10 \*b1734/1.21\* SECTION 2662g. 115.54 of the statutes is amended to read:

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

23 \*b1519/2.223\* 1412. Page 917, line 22: after that line insert:

24 \*b1519/2.223\* “SECTION 12678s. 118.025 of the statutes is amended to read:

1           **118.025 Arbor day observance.** A school principal may request one free tree  
2 provided from state forest nurseries by the department of ~~natural resources~~ fish,  
3 wildlife, parks, and forestry under s. 28.06 for each 4th grade pupil in the school for  
4 planting in conjunction with an annual observance and celebration of arbor day.”.

5           **\*b1553/3.23\* 1413.** Page 917, line 22: after that line insert:

6           **\*b1553/3.23\* “SECTION 2679f.** 118.115 (2) of the statutes is created to read:

7           118.115 (2) Each school board shall establish a written policy regarding the use  
8 of classrooms and facilities by local organizations and businesses for  
9 employment-related training. The policy may condition access on payment of a  
10 reasonable fee, the availability of space, and the appropriateness of the training. The  
11 policy may limit access to activities that are consistent with the mission of the school  
12 district.”.

13           **\*b1565/1.4\* 1414.** Page 917, line 22: after that line insert:

14           **\*b1565/1.4\* “SECTION 2677.** 117.20 (2) of the statutes is amended to read:

15           117.20 (2) The clerk of each affected school district shall publish notice, as  
16 required under s. 8.55, in the territory of that school district. The procedures for  
17 school board elections under s. 120.06 ~~(5),~~ (9), (11), (13) and (14) apply to a  
18 referendum held under this section. The school board and school district clerk of each  
19 affected school district shall each perform, for that school district, the functions  
20 assigned to the school board and the school district clerk, respectively, under those  
21 subsections. The form of the ballot shall correspond to the form prescribed by the  
22 elections board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each affected school  
23 district shall file with the secretary of the board a certified statement prepared by



1 the school district board of canvassers of the results of the referendum in that school  
2 district.”.

3 \*b1599/2.23\* **1415.** Page 917, line 22: after that line insert:

4 \*b1599/2.23\* “SECTION 2676m. 117.20 of the statutes is amended to read:

5 **117.20 Referendum procedures.** (1) If a referendum is required under ss.  
6 117.08 to 117.11, it shall be held on the Tuesday after the first Monday in November  
7 occurring not sooner than 45 days following receipt of the petition or adoption of the  
8 resolution under s. 117.08 (3) (a), 117.09 (3) (a), 117.10 (3) (a) or 117.11 (4) (a). If a  
9 referendum is required under s. 117.105, it shall be held on the Tuesday after the first  
10 Monday in the 2nd November occurring not sooner than 45 days following receipt of  
11 the petition or adoption of the resolution under s. 117.105 (1).

12 (2) The clerk of each affected school district shall publish notice, as required  
13 under s. ~~8.55~~ 10.06 (4), in the territory of that school district. The procedures for  
14 school board elections under s. 120.06 (5), (9), (11), (13) and (14) apply to a  
15 referendum held under this section. The school board and school district clerk of each  
16 affected school district shall each perform, for that school district, the functions  
17 assigned to the school board and the school district clerk, respectively, under those  
18 subsections. The form of the ballot shall correspond to the form prescribed by the  
19 elections board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each affected school  
20 district shall file with the secretary of the board a certified statement prepared by  
21 the school district board of canvassers of the results of the referendum in that school  
22 district.”.

23 \*b1726/1.1\* **1416.** Page 917, line 22: after that line insert:

24 \*b1726/1.1\* “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           **\*b1726/1.1\* SECTION 2674f.** 118.06 (1) of the statutes is renumbered 118.06 (1)

3 (a) and amended to read:

4           118.06 (1) (a) Every school board and the governing body of every private school  
5 shall cause the U.S. flag to be displayed in the schoolroom or from a flagstaff on each  
6 school ground during the school hours of each school day. This paragraph does not  
7 apply beginning in the 2005–06 school year.

8           **\*b1726/1.1\* SECTION 2674h.** 118.06 (1) (b) of the statutes is created to read:

9           118.06 (1) (b) Beginning in the 2005–06 school year, every school board and the  
10 governing body of every private school shall cause the U.S. flag to be displayed in  
11 every classroom during the school hours of each school day.

12           **\*b1726/1.1\* SECTION 2674j.** 118.06 (2) of the statutes is amended to read:

13           118.06 (2) Every public and private school shall offer the pledge of allegiance  
14 or the national anthem in grades one to ~~8~~ at the beginning of 12 each school at least  
15 ~~one day per week~~. No pupil may be compelled, against the pupil's objections or those  
16 of the pupil's parents or guardian, to recite the pledge or to sing the anthem.

17           **\*b1726/1.1\* SECTION 2674L.** 118.06 (3) of the statutes is created to read:

18           118.06 (3) The requirements under subs. (1) and (2) do not apply to a private  
19 school if the governing body of that private school determines that those  
20 requirements conflict with the school's religious doctrines.”.

21           **\*b1727/1.1\* 1417.** Page 917, line 22: after that line insert:

22           **\*b1727/1.1\* “SECTION 2673m.** 118.035 of the statutes is created to read:

23           **118.035 School uniforms.** (1) In this section, “school” means a public school  
24 and includes a charter school other than a charter school under s. 118.40 (2r).

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

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

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

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

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

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

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

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

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

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

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

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

11 \*b1746/1.1\* **1418.** Page 917, line 22: after that line insert:

12 \*b1746/1.1\* “SECTION 2670m. 118.019 (2) (intro.) of the statutes is amended  
13 to read:

14 118.019 (2) SUBJECTS. (intro.) A school board may provide an instructional  
15 program in human growth and development in grades kindergarten to 12. If  
16 provided, the program shall offer information and instruction appropriate to each  
17 grade level and the age and level of maturity of the pupils. The Except as provided  
18 in sub. (2m), the program may include instruction in any of the following areas:

19 \*b1746/1.1\* SECTION 2670p. 118.019 (2) (e) of the statutes is amended to read:

20 118.019 (2) (e) Human sexuality; reproduction; family planning, as defined in  
21 s. 253.07 (1) (a), including natural family planning; human immunodeficiency virus  
22 and acquired immunodeficiency syndrome; prenatal development; childbirth;  
23 adoption; available prenatal and postnatal support; and male and female  
24 responsibility.

1           **\*b1746/1.1\* SECTION 2670q.** 118.019 (2m) of the statutes is created to read:  
2           118.019 (2m) MARRIAGE AND PARENTAL RESPONSIBILITY. If a school board provides  
3 instruction in any of the areas under sub. (2) (e), the school board shall also provide  
4 instruction in marriage and parental responsibility.”.

5           **\*b1747/1.1\* 1419.** Page 917, line 22: after that line insert:

6           **\*b1747/1.1\* “SECTION 2671m.** 118.02 (2) of the statutes is amended to read:  
7 118.02 (2) February 12, Abraham Lincoln’s birthday.

8           **\*b1747/1.1\* SECTION 2671n.** 118.02 (4) of the statutes is amended to read:  
9 118.02 (4) February 22, George Washington’s birthday.

10           **\*b1747/1.1\* SECTION 2671p.** 118.02 (12) of the statutes is amended to read:  
11 118.02 (12) October 12, Christopher Columbus’ birthday.

12           **\*b1747/1.1\* SECTION 2671q.** 118.02 (13) of the statutes is amended to read:  
13 118.02 (13) November 11, Veterans Day.

14           **\*b1747/1.1\* SECTION 2671r.** 118.02 (17) of the statutes is created to read:  
15 118.02 (17) April 19, Patriots’ Day.”.

16           **\*b1748/2.1\* 1420.** Page 917, line 22: after that line insert:

17           **\*b1748/2.1\* “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.”.

1           **\*b1705/1.4\* 1421.** Page 918, line 19: after that line insert:

2           **\*b1705/1.4\* SECTION 2696m.** 118.30 (1) (a) of the statutes is amended to read:

3           118.30 (1) (a) The state superintendent shall adopt or approve examinations  
4 designed to measure pupil attainment of knowledge and concepts in the 4th, and 8th  
5 ~~and 10th~~ grades.”.

6           **\*b1705/1.5\* 1422.** Page 919, line 20: after that line insert:

7           **\*b1705/1.5\* SECTION 2703g.** 118.30 (1m) (b) of the statutes is repealed.

8           **\*b1705/1.5\* SECTION 2703r.** 118.30 (1m) (d) of the statutes is amended to read:

9           118.30 (1m) (d) If the school board operates high school grades, beginning in  
10 the 2002–03 school year administer the high school graduation examination adopted  
11 by the school board under sub. (1g) (b) to all pupils enrolled in the school district,  
12 including pupils enrolled in charter schools located in the school district, in the 11th  
13 and 12th grades. The school board shall administer the examination at least ~~twice~~  
14 ~~each school year~~ 3 times every 2 school years and may administer the examination  
15 only to pupils enrolled in the 11th and 12th grades.”.

16           **\*b1705/1.6\* 1423.** Page 920, line 19: after that line insert:

17           **\*b1705/1.6\* SECTION 2707b.** 118.30 (1r) (b) of the statutes is repealed.

18           **\*b1705/1.6\* SECTION 2707f.** 118.30 (1r) (d) of the statutes is amended to read:

19           118.30 (1r) (d) If the charter school operates high school grades, beginning in  
20 the 2002–03 school year, administer the high school graduation examination  
21 adopted by the operator of the charter school under sub. (1g) (b) to all pupils enrolled  
22 in the 11th and 12th grades in the charter school. The operator of the charter school  
23 shall administer the examination at least ~~twice each school year~~ 3 times every 2

1 school years and may administer the examination only to pupils enrolled in the 11th  
2 and 12th grades.

3 \*b1705/1.6\* SECTION 2710g. 118.30 (2) (b) 3. of the statutes is repealed.

4 \*b1705/1.6\* SECTION 2710m. 118.30 (2) (b) 4. of the statutes is repealed.

5 \*b1705/1.6\* SECTION 2712m. 118.30 (3) of the statutes is renumbered 118.30  
6 (3) (a) and amended to read:

7 118.30 (3) (a) The state superintendent shall ~~make available upon request,~~  
8 allow a person to view an examination required to be administered under this section  
9 if the person submits to the state superintendent a written request to do so within  
10 90 days after the date of administration, any of the examination required to be  
11 administered under this section. This subsection paragraph does not apply while the  
12 an examination is being developed or validated.

13 \*b1705/1.6\* SECTION 2714m. 118.30 (3) (b) of the statutes is created to read:

14 118.30 (3) (b) The state superintendent shall promulgate rules establishing  
15 procedures to administer par. (a). To the extent feasible, the rules shall protect the  
16 security and confidentiality of the examinations required to be administered under  
17 this section.”.

18 \*b1728/1.1\* 1424. Page 920, line 19: after that line insert:

19 \*b1728/1.1\* “SECTION 2709m. 118.30 (2) (f) of the statutes is created to read:

20 118.30 (2) (f) Each school board, and each operator of a charter school under  
21 s. 118.40 (2r), shall ensure that no pupil uses a calculator while taking the 4th grade  
22 examination under sub. (1m) or (1r).”.

23 \*b1730/5.1\* 1425. Page 920, line 19: after that line insert:

1           **\*b1730/5.1\*** **SECTION 2715q.** 118.40 (2r) (b) of the statutes is renumbered  
2 118.40 (2r) (b) 1. (intro.) and amended to read:

3           118.40 (2r) (b) 1. (intro.) ~~The common council of the city of Milwaukee, the~~  
4 ~~chancellor of the University of Wisconsin–Milwaukee and the Milwaukee area~~  
5 ~~technical college district board~~ All of the following entities may establish by charter  
6 and operate a charter school or, on behalf of their respective entities, may initiate a  
7 contract with an individual or group to operate a school as a charter school;

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

17           **\*b1730/5.1\*** **SECTION 2715qg.** 118.40 (2r) (b) 1. a. to g. of the statutes are  
18 created to read:

- 19           118.40 (2r) (b) 1. a. The common council of the city of Milwaukee.  
20           b. The chancellor of the University of Wisconsin–Milwaukee.  
21           c. The chancellor of the University of Wisconsin–Parkside.  
22           d. The Milwaukee area technical college district board.  
23           e. A technical college district board that has entered into a charter school  
24 agreement with participating school districts.  
25           f. A county board.



1 g. The board of control of a cooperative educational service agency.

2 \*b1730/5.1\* SECTION 2715r. 118.40 (2r) (bm) of the statutes is created to read:

3 118.40 (2r) (bm) The common council of the city of Milwaukee, the chancellor  
4 of the University of Wisconsin–Milwaukee, and the Milwaukee area technical college  
5 district board may only establish or enter into a contract for the establishment of a  
6 charter school located in the school district operating under ch. 119. A county board  
7 may only establish or enter into a contract for the establishment of a charter school  
8 located in the county.

9 \*b1730/5.1\* SECTION 2715rg. 118.40 (2r) (c) (intro.) of the statutes is  
10 renumbered 118.40 (2r) (c) 1. (intro.) and amended to read:

11 118.40 (2r) (c) 1. (intro.) ~~An entity under par. (b) may not establish or enter into~~  
12 ~~a contract for the establishment of a charter school located outside of the school~~  
13 ~~district operating under ch. 119. A pupil residing within the school district operating~~  
14 ~~under ch. 119 may attend a charter school established in the school district operating~~  
15 under ch. 119 under this subsection only if one of the following applies:

16 \*b1730/5.1\* SECTION 2715rm. 118.40 (2r) (c) 1. f. of the statutes is created to  
17 read:

18 118.40 (2r) (c) 1. f. In the previous school year, the pupil participated in the  
19 interdistrict transfer program under s. 121.85 (2).

20 \*b1730/5.1\* SECTION 2715s. 118.40 (2r) (c) 2. of the statutes is created to read:

21 118.40 (2r) (c) 2. Only pupils who reside in the school district in which the  
22 charter school is located may attend the charter school, except that:

23 a. If the charter school is established or operated by the board of control of a  
24 cooperative educational service agency, a pupil who resides in any school district

1 served by the cooperative educational service agency may also attend the charter  
2 school.

3 b. If the charter school is established or operated by a technical college district  
4 board other than the Milwaukee Area Technical College district board, a pupil who  
5 resides in any school district that has entered into a charter school agreement with  
6 the technical college district board may also attend the charter school.

7 c. If the charter school is established or operated by a county, any pupil who  
8 resides in the county may attend the charter school.

9 **\*b1730/5.1\* SECTION 2715t.** 118.40 (7) (am) 2. of the statutes is amended to  
10 read:

11 118.40 (7) (am) 2. A charter school established under sub. (2r) or a private  
12 school located in the school district operating under ch. 119 that is converted to a  
13 charter school is not an instrumentality of ~~the~~ any school district ~~operating under ch.~~  
14 ~~119 and the~~ no school board of ~~that school district~~ may ~~not~~ employ any personnel for  
15 the charter school.”

16 **\*b1736/2.1\* 1426.** Page 920, line 19: after that line insert:

17 **\*b1736/2.1\* “SECTION 2721e.** 118.40 (2) (a) of the statutes is amended to read:

18 118.40 (2) (a) Within 30 days after receiving a petition under sub. (1m) the  
19 school board shall hold a public hearing on the petition. At the hearing, the school  
20 board shall consider the level of employee and parental support for the establishment  
21 of the charter school described in the petition and the fiscal impact of the  
22 establishment of the charter school on the school district. After Except as provided  
23 in par. (c), within 60 days after the hearing, the school board may shall either grant  
24 or deny the petition. The school board’s decision shall be in writing and shall include

1 the reasons for its decision. The school board shall provide the petitioner with a copy  
2 of the decision.

3 \*b1736/2.1\* SECTION 2725g. 118.40 (5) of the statutes is renumbered 118.40  
4 (5) (a).

5 \*b1736/2.1\* SECTION 2725h. 118.40 (5) (b) of the statutes is created to read:  
6 118.40 (5) (b) If a school board or other entity revokes a charter, its decision  
7 shall be in writing and include the reasons for its decision. The operator of the  
8 charter school may appeal the revocation to the circuit court for a county in which  
9 the school district is located. If the appeal is filed within 60 days after the date on  
10 which the decision is issued, the court shall conduct a full trial on the merits. The  
11 court shall award reasonable attorney fees, damages, and other actual costs to the  
12 prevailing party.”.

13 \*b1748/2.2\* 1427. Page 920, line 19: after that line insert:

14 \*b1748/2.2\* “SECTION 2725m. 118.38 (1) (a) 8. of the statutes is created to read:  
15 118.38 (1) (a) 8. The commencement of the school term under s. 118.045.”.

16 \*b1553/3.24\* 1428. Page 923, line 7: after that line insert:

17 \*b1553/3.24\* “SECTION 2745q. 119.04 (1) of the statutes is amended to read:  
18 119.04 (1) Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),  
19 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343, 115.345, 115.361, 115.38  
20 (2), 115.45, 118.001 to 118.04, 118.045, 118.06, 118.07, 118.10, 118.115, 118.12,  
21 118.125 to 118.14, 118.145 (4), 118.15, 118.153, 118.16, 118.162, 118.163, 118.164,  
22 118.18, 118.19, 118.20, 118.24 (1), (2) (c) to (f), (6) and (8), 118.245, 118.255, 118.258,  
23 118.291, 118.30 to 118.43, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (26), 120.125,

1 120.13 (1), (2) (b) to (g), (3), (14), ~~(17) to (18)~~, (19), (26), (34), (35) and (37), 120.14 and  
2 120.25 are applicable to a 1st class city school district and board.”

3 \*b1671/2.1\* **1429.** Page 923, line 7: after that line insert:

4 \*b1671/2.1\* “SECTION 2746g. 119.23 (2) (a) (intro.) of the statutes is amended  
5 to read:

6 119.23 (2) (a) (intro.) Subject to ~~par. (b)~~ pars. (b) and (e), any pupil in grades  
7 kindergarten to 12 who resides within the city may attend, at no charge, any private  
8 school located in ~~the city~~ Milwaukee County if all of the following apply:

9 \*b1671/2.1\* SECTION 2747h. 119.23 (2) (a) 1. of the statutes is amended to read:

10 119.23 (2) (a) 1. The pupil is a member of a family that has a total family income  
11 that does not exceed an amount equal to ~~1.75~~ 1.85 times the poverty level determined  
12 in accordance with criteria established by the director of the federal office of  
13 management and budget.

14 \*b1671/2.1\* SECTION 2748i. 119.23 (2) (a) 3. of the statutes is amended to read:

15 119.23 (2) (a) 3. The private school notified the state superintendent of its  
16 intent to participate in the program under this section by ~~May~~ February 1 of the  
17 previous school year. The notice shall specify the number of pupils participating in  
18 the program under this section for which the school has space.

19 \*b1671/2.1\* SECTION 2748k. 119.23 (2) (b) of the statutes is amended to read:

20 119.23 (2) (b) ~~No more than 15% of the school district's membership may attend~~  
21 ~~private schools under this section.~~ If in any school year there are more spaces  
22 available in the participating private schools than the ~~maximum~~ number of pupils  
23 allowed who wish to participate, the department shall prorate the number of spaces  
24 available at each participating private school.

1           **\*b1671/2.1\* SECTION 2749m.** 119.23 (2) (c) of the statutes is created to read:

2           119.23 (2) (c) 1. If the department receives a notice from a private school under  
3 par. (a) 3., by March 1 the department shall notify the private school whether it is  
4 eligible to participate in the program under this section. If the department  
5 determines that the private school is ineligible, the notice shall include an  
6 explanation of that determination.

7           2. If the department determines under subd. 1. that a private school is  
8 ineligible, the private school may appeal the decision to the department within 14  
9 days after the decision. The department shall approve, reverse, or modify its decision  
10 within 7 days of receiving an appeal.

11           3. A private school may appeal the department's decision under subd. 2. to the  
12 circuit court for Milwaukee County. The court shall give preference to the action and  
13 shall conduct a full trial on the merits.

14           **\*b1671/2.1\* SECTION 2751m.** 119.23 (2) (e) of the statutes is created to read:

15           119.23 (2) (e) A pupil who attends a private school under this section is eligible  
16 to attend a private school under this section in succeeding school years even if the  
17 pupil no longer meets the criterion under par. (a) 1.

18           **\*b1671/2.1\* SECTION 2753p.** 119.23 (9) of the statutes is repealed and  
19 recreated to read:

20           119.23 (9) The legislative audit bureau shall administer a 12-year longitudinal  
21 study of the program under this section. The bureau shall seek private sources of  
22 funding for the study. The study shall use standardized examinations, and shall  
23 review graduation rates and other indicators of academic achievement. The results  
24 of the study shall be submitted to the legislature periodically over the 12-year period

1 in the manner provided under s. 13. 172 (2), with the first report due by October 15,  
2 2003.”.

3 \*b1800/2.1\* **1430.** Page 923, line 7: after that line insert:

4 \*b1800/2.1\* “SECTION 2749m. 119.23 (4) (bm) of the statutes is created to read:  
5 119.23 (4) (bm) A pupil enrolled in 4-year-old kindergarten may be counted  
6 under par. (b) only if the pupil is a child with a disability, as defined in s. 115.76 (5).”.

7 \*b1599/2.25\* **1431.** Page 923, line 12: after “special election” insert “an  
8 election authorized under s. 8.065”.

9 \*b1599/2.24\* **1432.** Page 923, line 12: delete “at the” and substitute “at the”.

10 \*b1599/2.26\* **1433.** Page 923, line 14: delete the material beginning with  
11 that line and ending with page 924, line 22 and substitute:

12 “119.48 (4) (c) Upon receipt of the communication, the common council shall  
13 file the communication as provided in s. 8.37 and shall cause the question of  
14 exceeding the levy rate specified under s. 65.07 (1) (f) to be submitted to the voters  
15 of the city at the ~~September election or at a special~~ next election authorized under  
16 s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held not sooner than 45  
17 days after receipt of the communication. The question of exceeding the levy rate  
18 specified under s. 65.07 (1) (f) shall be submitted so that the vote upon exceeding the  
19 levy rate specified in s. 65.07 (1) (f) is taken separately from any other question  
20 submitted to the voters. If a majority of the electors voting on the question favors  
21 exceeding the levy rate specified under s. 65.07 (1) (f), the common council shall  
22 approve the increase in the levy rate and shall levy and collect a tax equal to the  
23 amount of money approved by the electors.

1           **\*b1599/2.26\* SECTION 2757ab.** 119.49 (1) (b) and (2) of the statutes are  
2 amended to read:

3           119.49 (1) (b) The communication shall state the amount of funds needed under  
4 par. (a) and the purposes for which the funds will be used and shall request the  
5 common council to submit to the voters of the city at the next election authorized  
6 under s. 8.065 (2) or an election authorized under s. 8.065 (3) to be held in the city  
7 not sooner than 45 days after receipt of the communication the question of issuing  
8 school bonds in the amount and for the purposes stated in the communication.

9           (2) Upon receipt of the communication, the common council shall file the  
10 communication as provided in s. 8.37 and shall cause the question of issuing such  
11 school bonds in the stated amount and for the stated school purposes to be submitted  
12 to the voters of the city at the next election held in the city authorized under s. 8.065  
13 (2) or an election authorized under s. 8.065 (3) that occurs not sooner than 45 days  
14 after the date of receipt of the communication. The question of issuing such school  
15 bonds shall be submitted so that the vote upon issuing such school bonds is taken  
16 separately from any other question submitted to the voters. If a majority of the  
17 electors voting on the school bond question favors issuing such school bonds, the  
18 common council shall cause the school bonds to be issued immediately or within the  
19 period permitted by law, in the amount requested by the board and in the manner  
20 other bonds are issued.”

21           **\*b1524/1.8\* 1434.** Page 924, line 22: after that line insert:

22           **\*b1524/1.8\*** “SECTION 2760g. 120.14 (3) of the statutes is amended to read:

1           120.14 (3) The annual meeting may authorize and direct an audit of the school  
2 district accounts by a licensed certified public accountant licensed or certified under  
3 ch. 442.

4           **\*b1524/1.8\* SECTION 2760r.** 120.18 (1) (gm) of the statutes is amended to read:

5           120.18 (1) (gm) Payroll and related benefit costs for all school district  
6 employees in the previous school year. Costs for represented employees shall be  
7 based upon the costs of any collective bargaining agreements covering such  
8 employees for the previous school year. If, as of the time specified by the department  
9 for filing the report, the school district has not entered into a collective bargaining  
10 agreement for any portion of the previous school year with the recognized or certified  
11 representative of any of its employees and the school district and the representative  
12 have been required to submit final offers under s. 111.70 (4) (cm) 6., increased costs  
13 limited to the lower of the school district's offer or the representative's offer shall be  
14 reflected in the report. The school district shall amend the annual report to reflect  
15 any change in such costs as a result of any award or settlement under s. 111.70 (4)  
16 (cm) 6. between the date of filing the report and October 1. Any such amendment  
17 shall be concurred in by the licensed certified public accountant licensed or certified  
18 under ch. 442 certifying the school district audit."

19           **\*b1543/2.3\* 1435.** Page 924, line 22: after that line insert:

20           **\*b1543/2.3\* "SECTION 2760e.** 120.13 (17) of the statutes is amended to read:

21           120.13 (17) TEMPORARY USE OF SCHOOL PROPERTY. Grant Subject to s. 66.0436,  
22 grant the temporary use of school grounds, buildings, facilities or equipment, upon  
23 such conditions, including fees not to exceed actual costs, as determined by the school  
24 board, to any responsible person for any lawful nonschool purpose if such use does



1 not interfere with use for school purposes or school–related functions. Fees received  
2 under this subsection shall be paid into the school district treasury and accounted  
3 for as prescribed under s. 115.28 (13). The user shall be primarily liable, and the  
4 school board secondarily liable, for any damage to property and for any expense  
5 incurred in consequence of any use of school grounds, buildings, facilities or  
6 equipment under this subsection.”.

7 **\*b1553/3.25\* 1436.** Page 924, line 22: after that line insert:

8 **\*b1553/3.25\*** “SECTION 2758f. 119.70 (5) of the statutes is amended to read:  
9 119.70 (5) Nothing in this section prohibits the board from granting the use of  
10 school property to religious organizations under s. ~~120.13 (17)~~ 118.115.

11 **\*b1553/3.25\*** SECTION 2760m. 120.13 (17) (title) of the statutes is renumbered  
12 118.115 (title).

13 **\*b1553/3.25\*** SECTION 2760n. 120.13 (17) of the statutes is renumbered  
14 118.115 (1) and amended to read:

15 118.115 (1) ~~Grant~~ The school board may grant the temporary use of school  
16 grounds, buildings, facilities or equipment, upon such conditions, including fees not  
17 to exceed actual costs, as determined by the school board, to any responsible person  
18 for any lawful nonschool purpose if such use does not interfere with use for school  
19 purposes or school–related functions. Fees received under this subsection shall be  
20 paid into the school district treasury and accounted for as prescribed under s. 115.28  
21 (13). The user shall be primarily liable, and the school board secondarily liable, for  
22 any damage to property and for any expense incurred in consequence of any use of  
23 school grounds, buildings, facilities or equipment under this subsection.”.

24 **\*b1563/1.3\* 1437.** Page 924, line 22: after that line insert:

1           **\*b1563/1.3\*** **SECTION 2759m.** 120.06 (9) (a) of the statutes is amended to read:  
2           120.06 (9) (a) The primary and spring elections for school board members shall  
3           be conducted by the election officials for state and municipal elections. In a school  
4           board election held in conjunction with a state, county, municipal or judicial election,  
5           the polling places for the state, county, municipal or judicial election shall be the  
6           polling places for the school board election and the municipal election hours shall  
7           apply. If no state, county, municipal or judicial election is held on the day of the school  
8           board election, the school board may set the election hours and select the polling  
9           places to be used. The election costs shall be charged as provided in ss. 5.68 and 7.03.  
10          ~~Election hours set by the school board shall be the same as those provided by the~~  
11          ~~municipal governing body in which the polling place is located, except that if the~~  
12          ~~opening hour is later than 7 a.m., the school board may extend the opening hour to~~  
13          ~~not earlier than 7 a.m.~~”.

14           **\*b1565/1.5\*** **1438.** Page 924, line 22: after that line insert:

15           **\*b1565/1.5\*** **SECTION 2759.** 120.06 (5) of the statutes is repealed.”.

16           **\*b1587/1.3\*** **1439.** Page 924, line 22: after that line insert:

17           **\*b1587/1.3\*** **SECTION 2760h.** 120.12 (15) of the statutes is amended to read:  
18           120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal  
19           school day. The school board may differentiate between the various elementary and  
20           high school grades in scheduling the school day. The equivalent of 180 such days, as  
21           defined in s. 115.01 (10), shall be held during the school term. ~~This subsection shall~~  
22           ~~not be construed to eliminate a school district's duty to bargain with the employee's~~  
23           ~~collective bargaining representative over any calendaring proposal which is~~  
24           ~~primarily related to wages, hours and conditions of employment.~~”.

1           **\*b1800/2.2\* 1440.** Page 925, line 3: after that line insert:

2           **\*b1800/2.2\* “SECTION 2761g.** 121.004 (7) (cm) of the statutes is repealed and  
3 recreated to read:

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

6           **\*b1800/2.2\* SECTION 2761j.** 121.004 (7) (f) of the statutes is amended to read:

7           121.004 (7) (f) A pupil who transfers from one school district to another under  
8 s. 121.85 (3) (a) shall be counted by the school district in which the pupil resides as  
9 0.75 pupil or, if appropriate, as a number equal to the result obtained by multiplying  
10 0.75 by the appropriate fraction under par. (c), ~~(cm)~~ or (d).

11           **\*b1800/2.2\* SECTION 2761m.** 121.004 (8) of the statutes is amended to read:

12           121.004 (8) SUMMER AVERAGE DAILY MEMBERSHIP EQUIVALENT. “Summer average  
13 daily membership equivalent” is the total number of minutes in which pupils are  
14 enrolled in academic summer classes or laboratory periods, as defined by the state  
15 superintendent under s. 121.14, divided by 48,600. In this subsection, “pupils”  
16 excludes pupils enrolled in a 4-year-old kindergarten program who are not children  
17 with a disability, as defined in s. 115.76 (5).”.

18           **\*b1615/1.1\* 1441.** Page 925, line 14: after that line insert:

19           **\*b1615/1.1\* “SECTION 2765m.** 121.07 (6) (a) (intro.) of the statutes is amended  
20 to read:

21           121.07 (6) (a) (intro.) “Shared Subject to par. (am), “shared cost” is the sum of  
22 the net cost of the general fund and the net cost of the debt service fund, except that  
23 “shared cost” excludes any costs, including attorney fees, incurred by a school district  
24 as a result of its participation in a lawsuit commenced against the state, beginning



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBb1800/2  
PG:hmh:kjf

ARC:.....Emerson - AM114, Excluding from aid, partial school revenues, and  
revenue limits by certain 4-year-old kindergarten pupils

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION

CAUCUS ASSEMBLY AMENDMENT

TO ASSEMBLY SUBSTITUTE AMENDMENT 1,

TO 2001 SENATE BILL 55

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 923, line 7: after that line insert:

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

4 119.23 (4) (bm) A pupil enrolled in 4-year-old kindergarten may be counted  
5 under par. (b) only if the pupil is a child with a disability, as defined in s. 115.76 (5).".

6 2. Page 925, line 3: after that line insert:

7 "SECTION 2761g. 121.004 (7) (cm) of the statutes is ~~repealed and recreated~~ <sup>amended</sup>  
8 read:

9 ~~121.004 (7) (cm)~~ <sup>INS. L-8</sup> A pupil enrolled in a 4-year-old kindergarten program who  
10 is not a child with a disability, as defined in s. 115.76 (5), shall not be counted.

1 with such costs incurred in the fiscal year in which the lawsuit is commenced,  
2 excludes any expenditures from a capital improvement fund created under s.  
3 120.135, and excludes the costs of transporting those transfer pupils for whom the  
4 school district operating under ch. 119 does not receive intradistrict transfer aid  
5 under s. 121.85 (6) as a result of s. 121.85 (6) (am). In this paragraph, “net cost of  
6 the debt service fund” includes all of the following amounts:

7 **\*b1615/1.1\* SECTION 2765p.** 121.07 (6) (am) of the statutes is repealed and  
8 recreated to read:

9 121.07 (6) (am) In par. (a), “debt service” excludes debt service on debt  
10 authorized by a referendum on or after the effective date of this paragraph .... [revisor  
11 inserts date], if the result of excluding such debt service is an increase in state aid  
12 to the school district under s. 121.08.”.

13 **\*b1734/1.22\* 1442.** Page 925, line 14: after that line insert:

14 **\*b1734/1.22\* “SECTION 2764m.** 121.05 (1) (a) 8. of the statutes is amended to  
15 read:

16 121.05 (1) (a) 8. Pupils enrolled in the school operated by the Wisconsin School  
17 Educational Services Program for the Deaf and Hard of Hearing or the school  
18 operated by the Wisconsin Center for the Blind and Visually Impaired under subch.  
19 III of ch. 115 for whom the school district is paying tuition under s. 115.53 (2)  
20 determined by multiplying the total number of periods in each day in which the  
21 pupils are enrolled in the local public school by the total number of days for which  
22 the pupils are enrolled in the local public school and dividing the product by 1,080.”.

23 **\*b1796/2.4\* 1443.** Page 925, line 20: delete lines 20 to 24.

24 **\*b1796/2.5\* 1444.** Page 926, line 1: delete lines 1 to 10.