2005 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB259)

Received: **08/17/2005**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Ronald Brown (608) 266-8546**

By/Representing: **Katie Mnuk**

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters: **dkennedy**
jkuesel

Subject: **Education - miscellaneous**
Health - public health
State Govt - electronic govt

Extra Copies: **MJL**

Submit via email: **YES**

Requester's email: **Sen.Brown@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Eliminate various school district requirements; standards for information technology integration; city health departments

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Instructions:

See Attached

Drafting History:

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	pgrant 08/17/2005 jkuesel 08/17/2005 dkennedy 08/17/2005	kfollett 08/17/2005		_____ _____ _____ _____ _____ _____			

Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/1			rschluet 08/17/2005	_____ _____	sbasford 08/17/2005	sbasford 08/17/2005	

FE Sent For:

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Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required
/?	pgrant	/1 lcjf 8/19	8/25				

FE Sent For:

<END>

Grant, Peter

From: Mnuk, Katie
Sent: Tuesday, August 16, 2005 5:20 PM
To: Grant, Peter
Cc: Offerdahl, Mary
Subject: Amendment to SB 259

Peter, I'm requesting an amendment to SB 259. I know that several drafters worked on this bill, so please let me know if I need to talk with someone else to get this amendment drafted.

We need the amendment to do the following things:

-Eliminate Sections 2 - 13 of the bill. These provisions were included in other legislation, AB 79, which is presently before the Governor.

-Eliminate Sections 14-20 of the bill. These provisions are included in other legislation, AB 293/SB 146, which is proceeding separately.

-Change the portion of the bill relating to school board policy on electronic devices by eliminating the words "paging or 2-way" in section 30 of the bill (and anywhere else it's found). This will make the language apply more broadly, to 'electronic communication devices.'

Please let me know if you have any questions. The committee chair tentatively plans a hearing next Wednesday on this bill, and we'd like to have the amendment available for that hearing, if possible.

Thank you,
Katie Mnuk
Chief of Staff
Ofc. of Sen. Ron Brown
office: (608) 266-8546
toll-free: (877) 763-6636

Monday

LRBs0182/1
PG/JTK/DAK:kjf

SEN. SUBST. AMDT —
TO

2005 SENATE BILL 259

July 13, 2005 – Introduced by Senators BROWN, JAUCH, KANAVAS, ROESSLER and KAPANKE, cosponsored by Representatives MUSSER, ALBERS, HINES and TOWNSEND. Referred to Committee on Veterans, Homeland Security, Military Affairs, Small Business and Government Reform.

regen

AN ACT ***to repeal*** 101.14 (1) (d), 115.28 (3m) (c), 115.28 (32), 115.28 (33), 115.28 (34), 115.28 (37), 115.28 (44), 118.07 (2) (b), 118.258 (2) (b) and 120.12 (13); ***to renumber*** 120.12 (17); ***to renumber and amend*** 118.07 (2) (a) and 118.258 (2) (a); ***to amend*** 59.03 (2) (c), 59.26 (1) (intro.), 59.26 (2), 59.26 (3), 59.26 (8) (a), 61.65 (1) (a) (intro.), 62.09 (1) (a), 62.13 (1), 66.0305 (title), 66.0305 (1), 66.0305 (2), 66.0305 (3), 66.0305 (4) (a) 4., 66.0305 (5), 66.0305 (6), 118.258 (1), 120.12 (23), 121.02 (1) (c) 1., 121.02 (1) (k), 121.53 (6) and 250.01 (4) (a) 3.; ***to repeal and recreate*** 120.25 (5); and ***to create*** 16.971 (2) (cm), 59.26 (10), 59.27 (13), 61.65 (1) (a) 4. and 62.13 (2s) of the statutes; **relating to:** eliminating various school district and Department of Public Instruction requirements, ~~authorizing a city or village to abolish its police department and contract for law enforcement services with a county, authorizing a county to participate in a~~

1 ~~municipal revenue sharing agreement,~~ standards for information technology
2 integration, and city health departments.

Analysis by the Legislative Reference Bureau

ELEMENTARY AND SECONDARY EDUCATION

This bill makes a variety of changes to the laws governing elementary and secondary education, including:

1. Currently, a school board must pay the tuition of a pupil enrolled in the school district who attends the University of Wisconsin System if the course that the pupil is taking is not offered in the school district, the pupil will receive high school credit for the course, and the pupil is not participating in the Youth Options Program. This bill allows a school board to pay a pupil's tuition in these circumstances, but does not require it.

2. Current law requires each public and private school to file a report annually pertaining to fire drills with the Department of Commerce and with the local fire department. This bill eliminates this requirement. The bill requires each public and private school to keep a record of each fire drill for at least seven years.

3. Current law directs each school board to adopt rules prohibiting a pupil from using or possessing a paging or two–way communication device while on school premises. This bill allows, but does not require, a school board to adopt such rules.

4. Current law requires a school board to report school bus accidents to the Department of Public Instruction (DPI). This bill eliminates this requirement.

5. Current law requires a school district to report to DPI when the school district contracts with another school district to acquire or use the latter district's facilities or equipment. This bill eliminates this requirement but requires each school board to adopt a policy on these contracts.

6. This bill eliminates the requirement that a school board annually adopt a policy on access to extracurricular and recreational school programs and activities.

7. This bill eliminates the requirement that DPI coordinate the exchange of teachers.

8. This bill eliminates the requirement that DPI promote public awareness of, access to, and training of health professionals for rural and underserved urban areas.

9. This bill eliminates the requirement that school boards maintain a mailbox for each school located on a rural mail route.

10. This bill eliminates the requirement that DPI report to the legislature every three years on all cooperative educational service agency programs and services.

LOCAL LAW ENFORCEMENT

Generally under current law, each city is required to have a board of police and fire commissioners. The board is required to appoint the chief of police and the chief of the fire department, and the chiefs are required to appoint subordinates subject to approval by the board. Also under current law, a village with a population of 5,000 or more is required to provide police protection by creating its own police department,

by contracting for police protective services with a city, village, town, or county, or by creating a joint police department with a city, village, or town.

Current law authorizes a county to exercise any of its powers to provide services, such as water, sewer, streets and highways, fire, police, and health, in any municipality (city, village, or town), or part of a municipality that is located in the county, upon the request of the municipality. The municipality may adopt a resolution designating the function it would like the county to assume and the terms under which the power shall be exercised. If the county board approves the resolution, the county may then exercise the designated function in the municipality, and the county and municipality may enter into a contract under which the municipality agrees to appropriate money to the county to pay for the service to be provided by the county.

This bill specifically authorizes a city, or a village, to abolish its police department if it enters into a contract with a county for the sheriff to provide law enforcement services in all parts of the city or village. If a city or village is in more than one county, the city or village must enter into a contract with the county in which the greatest amount of the city's, or village's, equalized value, population, or territory is located.

Before a city or village may enter into such a contract, the common council or village board must adopt a resolution requesting that the county provide police protective services and stating that the services are to be provided exclusively by the county, and the county must approve the resolution. The contract must address at least the following issues:

1. The division of the city's assets and liabilities that relate to the city's police department.

2. A description of the level of services that the county will provide and the amount that the city will pay for the services.

3. A procedure for the city to request, or require, additional law enforcement services and the amount that the city will have to pay for the services.

4. The term of the agreement and procedures for the renewal, extension, or termination of the agreement.

No agreement that is entered into may take effect before the termination of any collective bargaining agreement that covers the city's police department employees.

The bill also provides that if a city or village and a county enter into a contract for the county to provide law enforcement services a sheriff is required, for approximately two years after the contract takes effect, and to the greatest extent possible, to hire any additional deputies that are needed from the ranks of former police officers who lost their positions when their departments were abolished. This requirement on a sheriff applies notwithstanding any current law provisions governing the hiring of deputies, such as a requirement that deputies be hired from a list of persons with the highest scores on a civil service exam, although the requirement does not apply to the extent that it conflicts with a collective bargaining agreement between a county and its employees.

The bill also authorizes, but does not require, a village with a population of under 5,000 to provide police protection services to the same extent as villages with a population of at least 5,000 are required to provide.

MUNICIPAL, COUNTY REVENUE SHARING

Under current law, municipalities may enter into agreements to share revenues from taxes and special charges with other municipalities and with federally recognized American Indian tribes or bands. No municipality may enter into an agreement with one or more municipalities unless the municipality is contiguous to at least one other municipality that enters into the agreement.

A municipal revenue sharing agreement must meet a number of conditions. It must:

1. Be for a minimum term of ten years.
2. Describe the boundaries of the area within which the revenues are to be shared in the agreement.
3. Describe the formula or other means of determining the amount of revenues to be shared under the agreement.
4. Specify the date or dates upon which revenues agreed to be shared are to be paid to the appropriate municipality.
5. Specify how the agreement may be invalidated after the expiration of the minimum ten–year term.

An agreement under current law may address any other necessary and proper matters, including any agreements with respect to services or agreements with respect to municipal boundaries. Current law also requires that at least 30 days before entering into an agreement the participating municipality must hold a public hearing on the proposed agreement (public hearing notice requirements are specified). In addition, current law provides that an advisory referendum on a proposed agreement may be called either by the governing body of the participating municipality or by the qualified electors of a participating municipality. In the latter case, a petition, signed by a number of qualified electors equal to at least 10 percent of the votes cast for governor in a municipality at the last gubernatorial election must be timely filed. Time limits and notice requirements are provided for the advisory referendum.

This bill modifies current law by authorizing a county to enter into a revenue sharing agreement with another county or a municipality or federally recognized American Indian tribe or band.

CITY HEALTH DEPARTMENTS

Currently, under the public health laws, a local health department in a county other than Milwaukee County is defined to include a city health department that was established before January 1, 1994. Also, in such a county, a city health department may participate with the county in a joint city–county health department or may participate with another city in a city–city health department. A city health department that participates in a city–county or city–city health department may withdraw by giving notice at least a year before the start of the fiscal year in which the withdrawal takes effect. This bill modifies the definition of a local health department in a county other than Milwaukee County to provide for a city health

department that has withdrawn from participation as a city–county or city–city health department.

INFORMATION TECHNOLOGY INTEGRATION STANDARDS

Currently, the Department of Administration (DOA) is directed to develop and maintain procedures to ensure information technology resource planning and sharing between executive branch agencies. The procedures must ensure interconnection of information technology resources if interconnection is consistent with the strategic plans of the agencies for utilization of information technology, as approved by DOA. This bill directs DOA to prescribe standards for data, application, and business process integration that must be used by executive branch agencies, to the extent consistent with the statewide strategic plan for information technology utilization, and that enable local governments in this state to integrate their data, application, and business processes into state systems whenever feasible.

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

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

SECTION 1. 16.971 (2) (cm) of the statutes is created to read:

16.971 **(2)** (cm) Prescribe standards for data, application, and business process integration that shall be used by executive branch agencies, to the extent consistent with the statewide strategic plan formulated under par. (m), and that enable local governmental units to integrate their data, application, and business processes into state systems whenever feasible.

SECTION 2. 59.03 (2) (c) of the statutes is amended to read:

59.03 **(2)** (c) Whenever the request under par. (a) or acceptance under par. (b) of a municipality ~~shall be~~ is by resolution of its governing board, ~~such~~ the request or acceptance shall not go into effect until the expiration of 60 days from the adoption of the resolution or, in the case of county law enforcement services provided to a city as described in s. 62.13 (2s), as provided in s. 62.13 (2s) (d). If a petition under s. 9.20 for direct legislation on the request or acceptance ~~shall be~~ is filed before the

expiration of said 60 days, the resolution of the governing board ~~shall be~~ is of no effect but the request or acceptance of such municipality shall be determined by direct legislation, except that no petition for direct legislation under s. 9.20 may be filed to approve or reject a contract entered into by a city and a county under s. 62.13 (2s).

SECTION 3. 59.26 (1) (intro.) of the statutes is amended to read:

59.26 **(1)** (intro.) Within 10 days after entering upon the duties of the office of sheriff, the sheriff shall appoint some proper person, who is a resident of the county, undersheriff. However, in counties with a population of 500,000 or more the appointment of an undersheriff is optional. In counties where the sheriff's department is under civil service, the sheriff, in conformity with county ordinance, may, at the request of the affected deputy, grant a leave of absence to a deputy sheriff who the sheriff has appointed undersheriff, or to any other position in the sheriff's department, upon the deputy's acceptance of the appointment. Any deputy in a county under civil service granted leave of absence under this subsection upon completion of the appointive position shall immediately be returned to the position of deputy sheriff and shall continue therein without loss of any rights under the civil service law. The sheriff, however, may not grant such leave of absence to a deputy sheriff until the sheriff first secures the consent of the board by resolution duly adopted by the board. Within 10 days after entering upon the duties of the office of sheriff, the sheriff shall also appoint, subject to sub. (10), deputy sheriffs for the county as follows:

SECTION 4. 59.26 (2) of the statutes is amended to read:

59.26 **(2)** ~~The~~ Subject to sub. (10), the sheriff may appoint as many other deputies as the sheriff considers proper.

SECTION 5. 59.26 (3) of the statutes is amended to read:

59.26 **(3)** ~~The~~ Subject to sub. (10), the sheriff may fill vacancies in the office of any such appointee, and he or she may appoint a person to take the place of any undersheriff or deputy who becomes incapable of executing the duties of that office.

SECTION 6. 59.26 (8) (a) of the statutes is amended to read:

59.26 **(8)** (a) In any county with a population of less than 500,000, the board, by ordinance, may fix the number of deputy sheriffs to be appointed in that county at not less than that number required by sub. (1) (a) and (b) and may set the salary of those deputies. ~~The~~ Subject to sub. (10), the board may provide by ordinance that deputy sheriff positions be filled by appointment by the sheriff from a list of all persons with the 3 highest scores for each position based on a competitive examination. Such competitive examinations may be by a county civil service commission or by the division of merit recruitment and selection in the office of state employment relations at the option of the board and it shall so provide by ordinance. The division of merit recruitment and selection in the office of state employment relations shall, upon request of the board, conduct such examination according to the methods used in examinations for the state civil service and shall certify an eligible list of the names of all persons with the 3 highest scores on that examination for each position to the sheriff of that county who shall, subject to sub. (10), make an appointment from that list to fill the position within 10 days after he or she receives the eligible list. The county for which such examination is conducted shall pay the cost of that examination. If a civil service commission is decided upon for the selection of deputy sheriffs, then ss. 63.01 to 63.17 shall apply so far as consistent with this subsection, except ss. 63.03, 63.04 and 63.15 and except the provision governing minimum compensation of the commissioners. The ordinance or an amending ordinance may provide for employee grievance procedures and

disciplinary actions, for hours of work, for tours of duty according to seniority and for other administrative regulations. Any board provision consistent with this paragraph and existing on July 25, 1951, is validated. If the sheriff fills a deputy sheriff position by promotion, the sheriff shall, subject to sub. (10), make the appointment to the position from a list of 3 deputy sheriffs who receive the highest scores in a competitive examination. Such competitive examinations may be by a county civil service commission or by the division of merit recruitment and selection in the office of state employment relations at the option of the board and it shall so provide by ordinance.

SECTION 7. 59.26 (10) of the statutes is created to read:

59.26 **(10)** (a) Notwithstanding the provisions in subs. (1) (intro.), (2), (3), and (8) (a), and subject to par. (b), if a county provides law enforcement services to a city or village under ss. 59.03 (2) (e) and 62.13 (2s) and if the sheriff appoints additional deputies under sub. (2) to provide the services, the sheriff shall, to the greatest extent possible, fill the additional deputy positions from the ranks of former police officers who lost their positions when their department was abolished under s. 62.13 (2s) (a). With regard to each contract that is entered into under s. 59.03 (2) (e), this provision does not apply on or after the first day of the 25th month beginning after the contract takes effect in the county.

(b) Paragraph (a) applies only to the extent that it is not inconsistent with any collective bargaining agreement that is in effect between a county and its employees.

SECTION 8. 59.27 (13) of the statutes is created to read:

59.27 **(13)** Enforce all city, or village, ordinances in a city, or village, in which the sheriff provides law enforcement services under a contract described under s. 62.13 (2s) (a).

1 **SECTION 9.** 61.65 (1) (a) (intro.) of the statutes is amended to read:

2 61.65 **(1)** (a) (intro.) Except as provided under s. 61.66, each village with a
3 population of 5,000 or more shall, and each village with a population of under 5,000
4 may, provide police protection services by one of the following methods:

5 **SECTION 10.** 61.65 (1) (a) 4. of the statutes is created to read:

6 61.65 **(1)** (a) 4. Abolishing its police department and entering into a contract
7 with a county under s. 59.03 (2) (e) for the county sheriff to provide law enforcement
8 services in all parts of the village. If the village is located in more than one county,
9 it may not abolish its police department under this subdivision unless the village
10 enters into a contract under this subdivision with the county in which the greatest
11 amount of the village's equalized value, population, or territory is located. If a village
12 wishes to abolish its police department under this subdivision, it shall act under s.
13 62.13 (2s), and s. 62.13 (2s), as it applies to cities, applies to villages.

14 **SECTION 11.** 62.09 (1) (a) of the statutes is amended to read:

15 62.09 **(1)** (a) The officers shall be a mayor, treasurer, clerk, comptroller,
16 attorney, engineer, one or more assessors unless the city is assessed by a county
17 assessor under s. 70.99, one or more constables as determined by the common
18 council, a local health officer, as defined in s. 250.01 (5), or local board of health, as
19 defined in s. 250.01 (3), street commissioner, board of police and fire commissioners
20 except in cities where not applicable, chief of police except in a city that has abolished
21 its police department under s. 62.13 (2s), chief of the fire department, board of public
22 works, 2 alderpersons from each aldermanic district, and such other officers or
23 boards as are created by law or by the council. If one alderperson from each
24 aldermanic district is provided under s. 66.0211 (1), the council may, by ordinance
25 adopted by a two–thirds vote of all its members and approved by the electors at a

general or special election, provide that there shall be 2 alderpersons from each aldermanic district.

SECTION 12. 62.13 (1) of the statutes is amended to read:

62.13 **(1)** COMMISSIONERS. Except as provided in ~~sub.~~ subs. (2m) and (2s), each city shall have a board of police and fire commissioners consisting of 5 citizens, 3 of whom shall constitute a quorum. The mayor shall annually, between the last Monday of April and the first Monday of May, appoint in writing to be filed with the secretary of the board, one member for a term of 5 years. No appointment shall be made which will result in more than 3 members of the board belonging to the same political party. The board shall keep a record of its proceedings.

SECTION 13. 62.13 (2s) of the statutes is created to read:

62.13 **(2s)** ABOLITION OF POLICE DEPARTMENT, COUNTY LAW ENFORCEMENT. (a) Subject to pars. (b) to (d), a city may abolish its police department if it enters into a contract with a county under s. 59.03 (2) (e) for the county sheriff to provide law enforcement services in all parts of the city. If the city is located in more than one county, it may not abolish its police department under this paragraph unless the city enters into a contract under this paragraph with the county in which the greatest amount of the city's equalized value, population or territory is located.

(b) If a city wishes to contract with a sheriff for law enforcement services, the common council shall adopt a resolution, as described under s. 59.03 (2) (a), requesting that such services be provided. The resolution shall provide that such services are to be provided exclusively by the county.

(c) The contract described under par. (a) shall address at least all of the following elements:

1. The division, with the county, of the city's assets and liabilities that relate to the city's police department and the amount that the county will pay, if any, for such assets.

2. A description of the level of law enforcement and the number of deputies that the county will provide to the city and the amount that the city will pay for the services in excess of the city's portion of the county's law enforcement levy.

3. A procedure for the city to request, or require, that the county provide additional law enforcement services and the cost the county may charge the city for providing additional services.

4. The term of the agreement and procedures for the renewal, extension, or termination of the agreement.

(d) No contract that is entered into under this subsection may take effect until all of the following occur:

1. The county board approves under s. 59.03 (2) (a) the resolution adopted under par. (b).

2. The governing bodies of the city and the county approve the contract.

3. The expiration of any collective bargaining agreement between the city and its police department employees.

SECTION 14. 66.0305 (title) of the statutes is amended to read:

66.0305 (title) **~~Municipal~~ <u>Political subdivision</u> revenue sharing.**

SECTION 15. 66.0305 (1) of the statutes is amended to read:

66.0305 **(1)** DEFINITION. In this section, ~~"municipality"~~ <u>"political subdivision"</u> means a city, village ~~or~~, town<u>, or county</u>.

SECTION 16. 66.0305 (2) of the statutes is amended to read:

1 66.0305 **(2)** ~~MUNICIPAL~~ POLITICAL SUBDIVISION REVENUE SHARING AGREEMENT.
2 Subject to the requirements of this section, any 2 or more ~~municipalities~~ political
3 subdivisions may, by a majority vote of a quorum of their governing bodies, enter into
4 an agreement to share all or a specified part of revenues derived from taxes and
5 special charges, as defined in s. 74.01 (4). One or more ~~municipalities~~ political
6 subdivisions may enter into agreements under this section with federally recognized
7 American Indian tribes or bands.

8 **SECTION 17.** 66.0305 (3) of the statutes is amended to read:

9 66.0305 **(3)** PUBLIC HEARING. At least 30 days before entering into an agreement
10 under sub. (2), a ~~municipality~~ political subdivision shall hold a public hearing on the
11 proposed agreement. Notice of the hearing shall be published as a class 3 notice
12 under ch. 985.

13 **SECTION 18.** 66.0305 (4) (a) 4. of the statutes is amended to read:

14 66.0305 **(4)** (a) 4. The date upon which revenues agreed to be shared under the
15 agreement shall be paid to the appropriate ~~municipality~~ political subdivision shall
16 be specified.

17 **SECTION 19.** 66.0305 (5) of the statutes is amended to read:

18 66.0305 **(5)** CONTIGUOUS BOUNDARIES. No ~~municipality~~ political subdivision
19 may enter into an agreement under sub. (2) with one or more ~~municipalities~~ political
20 subdivisions unless the ~~municipality~~ political subdivision is contiguous to, or located
21 wholly or partially within, at least one other ~~municipality~~ political subdivision that
22 enters into the agreement.

23 **SECTION 20.** 66.0305 (6) of the statutes is amended to read:

24 66.0305 **(6)** ADVISORY REFERENDUM. (a) Within 30 days after the hearing under
25 sub. (3), the governing body of a participating ~~municipality~~ political subdivision may

adopt a resolution calling for an advisory referendum on the agreement. An advisory referendum shall be held if, within 30 days after the hearing under sub. (3), a petition, signed by a number of qualified electors equal to at least 10% of the votes cast for governor in the ~~municipality~~ political subdivision at the last gubernatorial election, is filed with the clerk of a participating ~~municipality~~ political subdivision, requesting an advisory referendum on the revenue sharing plan. The petition shall conform to the requirements of s. 8.40 and shall be filed as provided in s. 8.37. If an advisory referendum is held, the ~~municipality's~~ political subdivision's governing body may not vote to approve the agreement under sub. (2) until the report under par. (d) is filed.

(b) The advisory referendum shall be held not less than 42 days nor more than 72 days after adoption of the resolution under par. (a) calling for the referendum or not less than 42 days nor more than 72 days after receipt of the petition under par. (a) by the municipal or county clerk. The municipal or county clerk shall give notice of the referendum by publishing a notice in a newspaper of general circulation in the ~~municipality~~ political subdivision, both on the publication day next preceding the advisory referendum election and one week prior to that publication date.

(c) The advisory referendum shall be conducted by the ~~municipal~~ political subdivision's election officials. The governing body of the ~~municipality~~ political subdivision may specify the number of election officials for the referendum. The ballots shall contain the words "For the revenue sharing agreement" and "Against the revenue sharing agreement" and shall otherwise conform to the provisions of s. 5.64 (2). The election shall be conducted as are other municipal or county elections in accordance with chs. 6 and 7, insofar as applicable.

(d) The election inspectors shall report the results of the election, showing the total number of votes cast and the numbers cast for and against the revenue sharing. The election inspectors shall attach their affidavit to the report and immediately file the report in the office of the municipal or county clerk.

(e) The costs of the advisory referendum election shall be borne by the ~~municipality political subdivision that holds the election.~~

SECTION 21. 101.14 (1) (d) of the statutes is repealed.

SECTION 22. 115.28 (3m) (c) of the statutes is repealed.

SECTION 23. 115.28 (32) of the statutes is repealed.

SECTION 24. 115.28 (33) of the statutes is repealed.

SECTION 25. 115.28 (34) of the statutes is repealed.

SECTION 26. 115.28 (37) of the statutes is repealed.

SECTION 27. 115.28 (44) of the statutes is repealed.

SECTION 28. 118.07 (2) (a) of the statutes is renumbered 118.07 (2) and amended to read:

118.07 **(2)** Once each month, without previous warning, the person having direct charge of any public or private school shall drill all pupils in the proper method of departure from the building as if in case of fire, except when the person having direct charge deems that the health of the pupils may be endangered by inclement weather conditions. The school board or governing body of the private school shall maintain for at least 7 years a record of each fire drill conducted.

SECTION 29. 118.07 (2) (b) of the statutes is repealed.

SECTION 30. 118.258 (1) of the statutes is amended to read:

118.258 **(1)** Each school board ~~shall~~ may adopt rules prohibiting a pupil from using or possessing an electronic ~~paging or 2-way~~ communication device while on

premises owned or rented by or under the control of a public school. ~~The rules may allow for the use or possession of such a device by a pupil if the school board or its designee determines that the device is used or possessed for a medical, school, educational, vocational or other legitimate use.~~

SECTION 31. 118.258 (2) (a) of the statutes is renumbered 118.258 (2) and amended to read:

118.258 **(2)** Annually, if the school board adopts rules under sub. (1), it shall provide each pupil enrolled in the school district with a copy of the rules ~~under sub. (1)~~.

SECTION 32. 118.258 (2) (b) of the statutes is repealed.

SECTION 33. 120.12 (13) of the statutes is repealed.

SECTION 34. 120.12 (17) of the statutes is renumbered 120.13 (30).

SECTION 35. 120.12 (23) of the statutes is amended to read:

120.12 **(23)** PUPIL PARTICIPATION IN SCHOOL ACTIVITIES. ~~Annually, adopt~~ Adopt a policy on access to extracurricular and recreational school programs and activities that encourages full participation by all elementary grade pupils in these programs and activities. This subsection does not apply to the school board of a union high school district.

SECTION 36. 120.25 (5) of the statutes is repealed and recreated to read:

120.25 **(5)** Each school board shall adopt and maintain a written policy on contracting under this section.

SECTION 37. 121.02 (1) (c) 1. of the statutes is amended to read:

121.02 **(1)** (c) 1. The pupil fails to meet the reading objectives specified in the reading curriculum plan ~~developed~~ maintained by the school board under par. (k).

SECTION 38. 121.02 (1) (k) of the statutes is amended to read:

121.02 **(1)** (k) 1. ~~By September 1, 1988, develop~~ Maintain a written, sequential curriculum plan in at least 3 of the following subject areas: reading, language arts, mathematics, social studies, science, health, computer literacy, environmental education, vocational education, physical education, art and music. The plan shall specify objectives, course content and resources and shall include a program evaluation method.

2. ~~By September 1, 1989, develop~~ Maintain a written, sequential curriculum plan in at least 3 additional subject areas specified in subd. 1.

3. ~~By September 1, 1990, develop~~ Maintain a written, sequential curriculum plan in all of the remaining subject areas specified in subd. 1.

SECTION 39. 121.53 (6) of the statutes is amended to read:

121.53 **(6)** Within 10 days after its occurrence, every accident involving a motor vehicle while providing transportation under this subchapter shall be reported to the appropriate school board ~~and promptly by the school board to the state superintendent on forms provided by the state superintendent~~.

SECTION 40. 250.01 (4) (a) 3. of the statutes is amended to read:

250.01 **(4)** (a) 3. A city health department that was established before January 1, 1994, or that withdraws under s. 251.15 (2) or, as a city–city local health department established under s. 251.02 (3t), that withdraws under s. 251.15 (2m).

SECTION 41. Effective dates. This act takes effect on the day after publication, except as follows:

(1) The treatment of section 120.12 (17) of the statutes takes effect on July 1, 2006.

(END)