

1989 Senate Bill 338

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1989 WISCONSIN ACT 290

AN ACT *to repeal* 44.34 (12), 119.16 (9), 119.44 (1) (a) to (i), 119.52, 119.54, 119.58, 119.62 and 119.70 (2); *to renumber and amend* 119.44 (1) (intro.); *to amend* 5.58 (1g) (b) and (3), 5.60 (4) (b), 8.10 (3) (i), 8.11 (2m), 63.235, 119.06 (2), 119.06 (4) (b), 119.08 (1) (a) and (b) and (2), 119.16 (10) (a), 119.18 (16), 119.30 (3), 119.49 (1) (a), 119.70 (1) and 779.14 (1m) (b) 1; and *to repeal and recreate* 119.16 (1m) and 119.16 (4) of the statutes, **relating to:** various changes to the statutes pertaining to the Milwaukee public schools.

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

SECTION 1. 5.58 (1g) (b) and (3) of the statutes are amended to read:

5.58 (1g) (b) In 1st class cities ~~of the 1st class~~, the names of the candidates for the seat of the member elected at-large to the board of school directors shall be placed on the official city primary ballot and there shall be a separate ballot giving the names of the candidates for any ~~combined aldermanic district~~ seat to be filled on the board of school directors from any election district. All names of candidates for the at-large seat shall be placed in one or more separate columns or rows on the ballot.

(3) NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent, for any judicial office, for any elected seat on a metropolitan sewerage commission or town sanitary district commission, in counties having a population of 500,000 or more only 2 candidates for member of the board of supervisors within each district, in counties having a population of less than 500,000 only 2 candidates for each member of the county board of supervisors from each district or numbered seat or only 4 candidates for each 2 members of the county board of supervisors from each district whenever 2 supervisors are elected to unnumbered seats from the same district, in 1st class cities only 2 candidates for any at-large seat and ~~any combined aldermanic district seat as are~~ only 2 candidates from any election district to be elected to the board

of school directors, in school districts electing school board members to numbered seats, or pursuant to an apportionment plan or district representation plan, only 2 school board candidates for each numbered seat or within each district, and twice as many candidates as are to be elected members of other school boards or other elective officers receiving the highest number of votes at the primary shall be nominees for the office at the spring election. Only their names shall appear on the official spring ballot.

SECTION 2. 5.60 (4) (b) of the statutes is amended to read:

5.60 (4) (b) In 1st class cities ~~of the 1st class~~, the names of the candidates for the seat of the member elected at-large to the board of school directors shall be placed on the official city ballot and there shall be a separate ballot giving the names of the candidates for any ~~combined aldermanic district~~ seat to be filled on the board of school directors from any election district. The names of candidates for the at-large seat shall be placed in the same column or row on the ballot.

SECTION 3. 8.10 (3) (i) of the statutes is amended to read:

8.10 (3) (i) For city offices in 1st class cities, not less than 1,500 nor more than 3,000 electors for ~~city-wide~~ citywide offices, not less than 200 nor more than 400 electors for aldermen elected from aldermanic districts and not less than 400 nor more than 800 electors for mem-

- 2 -

1989 Senate Bill 338

bers of the board of school directors elected from ~~combined aldermanic~~ election districts.

SECTION 4. 8.11 (2m) of the statutes is amended to read:

8.11 **(2m)** FIRST CLASS CITY SCHOOL BOARD. A primary shall be held in 1st class cities of the ~~1st class~~ whenever there are more than 2 candidates for ~~any at-large seat or any combined aldermanic district seat which is to be filled on the board of school directors~~ member of the board of school directors at-large or from any election district in that any year.

SECTION 6. 44.34 (12) of the statutes is repealed.

SECTION 7. 63.235 of the statutes is amended to read:

63.235 Delegation to board of school directors. In a 1st class city, the city service commission ~~may~~ shall delegate its recruitment and hiring duties related to specified classifications of school employees to the board of school directors if the board adopts a resolution requesting the commission to do so.

SECTION 12. 119.06 (2) of the statutes is amended to read:

119.06 **(2)** Within 120 days after the date on which a city becomes a 1st class city of the ~~1st class~~, the mayor, the city treasurer, the city comptroller, the city attorney and the president of the common council of ~~such~~ that city, acting as a commission for the city, shall meet and appoint a board of one at-large member and 8 members from election districts ~~composed of combined aldermanic districts or parts thereof, with boundary lines to coincide as closely as possible with aldermanic districts as numbered and~~ designated by the common council. ~~The common council shall designate which aldermanic districts or parts thereof are to be combined for each seat on the board for members appointed from combined aldermanic districts.~~ The combined aldermanic election districts shall be substantially equal in population and the boundaries of the election districts shall be drawn so as to reflect a balanced representation of citizens of all areas within the city. The person appointed to represent a ~~combined aldermanic~~ an election district shall reside within the boundaries of the election district as determined by the common council under this subsection.

SECTION 13. 119.06 (4) (b) of the statutes is amended to read:

119.06 **(4)** (b) The board members elected at the special election shall be nominated and elected to succeed the board members appointed for the terms expiring under sub. (3) (a) and (b) and for the same terms. The terms of office of the board members elected at ~~such~~ the special election shall begin on the 4th Monday of ~~the~~ the month following the election.

SECTION 14. 119.08 (1) (a) and (b) and (2) of the statutes are amended to read:

119.08 **(1)** (a) The board shall consist of one member elected at-large and 8 members elected from numbered election districts determined by the board, ~~which shall be~~

~~composed of combined aldermanic districts or parts thereof, with boundary lines to coincide as closely as possible with aldermanic districts.~~ The combined aldermanic election districts shall be substantially equal in population and the boundaries of the election districts shall be drawn so as to reflect a balanced representation of citizens in all areas within the city.

(b) Within 60 days after the common council of the city enacts an ordinance determining the boundaries of the aldermanic districts in the city following the federal decennial census under s. 62.08 ~~(1)~~, the board shall, by vote of a majority of the membership of the board, adopt a an election district apportionment plan for the election of board members which shall be effective until the city enacts a new ordinance under s. 62.08 (1) redetermining the aldermanic district boundaries.

(2) The electors of each ~~combined aldermanic~~ election district shall elect one member residing within the election district to represent the election district. The at-large member shall be elected by the electors of the city. Board members shall be electors of the city and shall be elected at the spring election. Candidates shall file nomination papers for full terms or, when vacancies are to be filled, for ~~specific~~ unexpired terms. The primary and spring elections for board members shall be conducted by the election officials for the election of judicial or other officers held on that date. The polling places for the state, municipal or judicial election shall be the polling places for the board election and the municipal election hours shall apply. ~~At the board election the candidates receiving the highest number of votes for each seat for which they are seeking election shall be declared elected.~~

SECTION 15. 119.16 (1m) of the statutes is repealed and recreated to read:

119.16 **(1m)** MANAGEMENT OF SCHOOL DISTRICT. The board shall have the possession, care, control and management of the schools, facilities, operations, property and affairs of the school district.

SECTION 16. 119.16 (4) of the statutes is repealed and recreated to read:

119.16 **(4)** COMPETITIVE BIDDING. The board shall establish competitive bidding policies and procedures for purchases and for construction contracts.

SECTION 17e. 119.16 (9) of the statutes is repealed.

SECTION 17m. 119.16 (10) (a) of the statutes is amended to read:

119.16 **(10)** (a) The board may not demolish any school facility that is 50 years old or older without the approval of the ~~state historical society~~ under s. 44.34 (2) city historic preservation commission.

SECTION 18. 119.18 (16) of the statutes is amended to read:

119.18 **(16)** GIFTS AND GRANTS. The board may receive, accept and use gifts or grants of furniture, books, equipment, supplies, moneys, securities or other property used or useful for school and educational purposes. ~~All~~

1989 Senate Bill 338

moneys received as gifts or grants shall be deposited in the school operations fund but shall be considered segregated trust funds. The board shall make such use of gifts or grants, or invest the same in the case of moneys, as the donor or grantor specifies. In the absence of any specific direction as to the use of such gifts or grants by a donor or grantor, the board may determine the use of or may invest the same in accordance with the law applicable to trust investments. In the use, control or investment of such gifts or grants, the board may exercise the rights and powers generally conferred upon trustees.

SECTION 19. 119.30 (3) of the statutes is amended to read:

119.30 (3) The board may require pupils in trade schools to pay the cost of all materials consumed in the course. In lieu of such ~~that~~ requirement, the board may establish a fixed sum to be paid by each pupil in a course which shall be sufficient to cover the cost of materials to be consumed by ~~him~~ the pupil in the course. The board may sell any articles made or manufactured in a trade schools, and school and determine the use of the proceeds from such sales shall be paid into the school operations fund the sale.

SECTION 20. 119.44 (1) (intro.) of the statutes is renumbered 119.44 (1) and amended to read:

119.44 (1) ~~Annually, the~~ The board shall file a its annual financial report with the ~~common council~~ city clerk and shall send a copy of the report to the state superintendent and the director of the historical society. ~~The annual report shall contain:~~

SECTION 21. 119.44 (1) (a) to (i) of the statutes are repealed.

SECTION 23. 119.49 (1) (a) of the statutes is amended to read:

119.49 (1) (a) If the board deems it necessary to construct buildings or additions to buildings, to remodel buildings or to purchase school sites or to provide funds for any such purpose as a participant in a contract under s. 66.30 (6), it may by a two-thirds vote of the members-elect send a communication to the common council of the city at or before the ~~2nd regular meeting of the common council in October in each year.~~

SECTION 25. 119.52 of the statutes is repealed.

SECTION 26. 119.54 of the statutes is repealed.

SECTION 27. 119.58 of the statutes is repealed.

SECTION 28. 119.62 of the statutes is repealed.

SECTION 29. 119.70 (1) of the statutes is amended to read:

119.70 (1) The board may, ~~on its own initiative, and shall, upon petition as provided in sub. (2),~~ establish and maintain for children and adults, in the school buildings and on the school grounds, evening schools, vacation schools, reading rooms, library stations, debating clubs, gymnasiums, public playgrounds, public baths and similar activities and accommodations to be determined by the board. The board may cooperate, by agreement, with other commissions or boards having the custody and management of public parks, libraries, museums and public buildings and grounds of whatever sort to provide the equipment, supervision, instruction and oversight necessary to carry on such public educational and recreational activities in and upon such other buildings and grounds.

SECTION 30. 119.70 (2) of the statutes is repealed.

SECTION 38g. 779.14 (1m) (b) 1. of the statutes, as affected by 1989 Wisconsin Act 31, is amended to read:

779.14 (1m) (b) 1. A contract under par. (a) shall not be made unless the prime contractor gives a bond issued by a surety company licensed to do business in this state. The department of natural resources, ~~may,~~ for contracts under s. 23.41, and the department of administration ~~may,~~ for other state contracts, and the public board or body authorized to enter into such contracts for all other contracts under par. (a), may waive the requirement that contractors furnish bonds ~~when adequate~~ if guarantees or warranties deemed adequate by the department of natural resources, department of administration or public board or body are provided for by the contract.

SECTION 38r. Initial applicability. The treatment of section 779.14 (1m) (b) 1. of the statutes first applies to contracts entered into on the effective date of this SECTION.

SECTION 39. Effective date. This act takes effect on July 1, 1990.