



State of Wisconsin  
2005 - 2006 LEGISLATURE

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## 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.

1     **AN ACT** *to repeal* 101.14 (1) (d), 115.28 (3m) (c), 115.28 (32), 115.28 (33), 115.28  
2           (34), 115.28 (37), 115.28 (44), 118.07 (2) (b), 118.258 (2) (b) and 120.12 (13); **to**  
3           *renumber* 120.12 (17); **to renumber and amend** 118.07 (2) (a) and 118.258  
4           (2) (a); **to amend** 59.03 (2) (c), 59.26 (1) (intro.), 59.26 (2), 59.26 (3), 59.26 (8)  
5           (a), 61.65 (1) (a) (intro.), 62.09 (1) (a), 62.13 (1), 66.0305 (title), 66.0305 (1),  
6           66.0305 (2), 66.0305 (3), 66.0305 (4) (a) 4., 66.0305 (5), 66.0305 (6), 118.258 (1),  
7           120.12 (23), 121.02 (1) (c) 1., 121.02 (1) (k), 121.53 (6) and 250.01 (4) (a) 3.; **to**  
8           *repeal and recreate* 120.25 (5); and **to create** 16.971 (2) (cm), 59.26 (10), 59.27  
9           (13), 61.65 (1) (a) 4. and 62.13 (2s) of the statutes; **relating to:** eliminating  
10          various school district and Department of Public Instruction requirements,  
11          authorizing a city or village to abolish its police department and contract for law  
12          enforcement services with a county, authorizing a county to participate in a

**SENATE BILL 259**

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

**SENATE BILL 259**

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.

**SENATE BILL 259**

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

**SENATE BILL 259**

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.

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

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

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

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

8           59.03 (2) (c) Whenever the request under par. (a) or acceptance under par. (b)  
9 of a municipality ~~shall be~~ is by resolution of its governing board, such ~~the~~ request or  
10 acceptance shall not go into effect until the expiration of 60 days from the adoption  
11 of the resolution or, in the case of county law enforcement services provided to a city  
12 as described in s. 62.13 (2s), as provided in s. 62.13 (2s) (d). If a petition under s. 9.20  
13 for direct legislation on the request or acceptance ~~shall be~~ is filed before the

**SENATE BILL 259****SECTION 2**

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

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

6 59.26 (1) (intro.) Within 10 days after entering upon the duties of the office of  
7 sheriff, the sheriff shall appoint some proper person, who is a resident of the county,  
8 undersheriff. However, in counties with a population of 500,000 or more the  
9 appointment of an undersheriff is optional. In counties where the sheriff's  
10 department is under civil service, the sheriff, in conformity with county ordinance,  
11 may, at the request of the affected deputy, grant a leave of absence to a deputy sheriff  
12 who the sheriff has appointed undersheriff, or to any other position in the sheriff's  
13 department, upon the deputy's acceptance of the appointment. Any deputy in a  
14 county under civil service granted leave of absence under this subsection upon  
15 completion of the appointive position shall immediately be returned to the position  
16 of deputy sheriff and shall continue therein without loss of any rights under the civil  
17 service law. The sheriff, however, may not grant such leave of absence to a deputy  
18 sheriff until the sheriff first secures the consent of the board by resolution duly  
19 adopted by the board. Within 10 days after entering upon the duties of the office of  
20 sheriff, the sheriff shall also appoint, subject to sub. (10), deputy sheriffs for the  
21 county as follows:

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

23 59.26 (2) The Subject to sub. (10), the sheriff may appoint as many other  
24 deputies as the sheriff considers proper.

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

**SENATE BILL 259**

1           59.26 (3) The Subject to sub. (10), the sheriff may fill vacancies in the office of  
2 any such appointee, and he or she may appoint a person to take the place of any  
3 undersheriff or deputy who becomes incapable of executing the duties of that office.

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

5           59.26 (8) (a) In any county with a population of less than 500,000, the board,  
6 by ordinance, may fix the number of deputy sheriffs to be appointed in that county  
7 at not less than that number required by sub. (1) (a) and (b) and may set the salary  
8 of those deputies. The Subject to sub. (10), the board may provide by ordinance that  
9 deputy sheriff positions be filled by appointment by the sheriff from a list of all  
10 persons with the 3 highest scores for each position based on a competitive  
11 examination. Such competitive examinations may be by a county civil service  
12 commission or by the division of merit recruitment and selection in the office of state  
13 employment relations at the option of the board and it shall so provide by ordinance.  
14 The division of merit recruitment and selection in the office of state employment  
15 relations shall, upon request of the board, conduct such examination according to the  
16 methods used in examinations for the state civil service and shall certify an eligible  
17 list of the names of all persons with the 3 highest scores on that examination for each  
18 position to the sheriff of that county who shall, subject to sub. (10), make an  
19 appointment from that list to fill the position within 10 days after he or she receives  
20 the eligible list. The county for which such examination is conducted shall pay the  
21 cost of that examination. If a civil service commission is decided upon for the  
22 selection of deputy sheriffs, then ss. 63.01 to 63.17 shall apply so far as consistent  
23 with this subsection, except ss. 63.03, 63.04 and 63.15 and except the provision  
24 governing minimum compensation of the commissioners. The ordinance or an  
25 amending ordinance may provide for employee grievance procedures and

**SENATE BILL 259**

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

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

11 59.26 (10) (a) Notwithstanding the provisions in subs. (1) (intro.), (2), (3), and  
12 (8) (a), and subject to par. (b), if a county provides law enforcement services to a city  
13 or village under ss. 59.03 (2) (e) and 62.13 (2s) and if the sheriff appoints additional  
14 deputies under sub. (2) to provide the services, the sheriff shall, to the greatest extent  
15 possible, fill the additional deputy positions from the ranks of former police officers  
16 who lost their positions when their department was abolished under s. 62.13 (2s) (a).  
17 With regard to each contract that is entered into under s. 59.03 (2) (e), this provision  
18 does not apply on or after the first day of the 25th month beginning after the contract  
19 takes effect in the county.

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

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

23 59.27 (13) Enforce all city, or village, ordinances in a city, or village, in which  
24 the sheriff provides law enforcement services under a contract described under s.  
25 62.13 (2s) (a).



**SENATE BILL 259**

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

**SENATE BILL 259**

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

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

4 62.13 (1) COMMISSIONERS. Except as provided in sub. subs. (2m) and (2s), each  
5 city shall have a board of police and fire commissioners consisting of 5 citizens, 3 of  
6 whom shall constitute a quorum. The mayor shall annually, between the last  
7 Monday of April and the first Monday of May, appoint in writing to be filed with the  
8 secretary of the board, one member for a term of 5 years. No appointment shall be  
9 made which will result in more than 3 members of the board belonging to the same  
10 political party. The board shall keep a record of its proceedings.

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

12 62.13 (2s) ABOLITION OF POLICE DEPARTMENT, COUNTY LAW ENFORCEMENT. (a)  
13 Subject to pars. (b) to (d), a city may abolish its police department if it enters into a  
14 contract with a county under s. 59.03 (2) (e) for the county sheriff to provide law  
15 enforcement services in all parts of the city. If the city is located in more than one  
16 county, it may not abolish its police department under this paragraph unless the city  
17 enters into a contract under this paragraph with the county in which the greatest  
18 amount of the city's equalized value, population or territory is located.

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

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

**SENATE BILL 259**

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

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

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

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

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

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

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

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

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

20          **66.0305** (title) **Municipal Political subdivision revenue sharing.**

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

22          **66.0305 (1) DEFINITION.** In this section, "~~municipality~~" "**political subdivision**"  
23 means a city, village ~~or~~, town, or county.

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

**SENATE BILL 259****SECTION 16**

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

**SENATE BILL 259**

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

11 (b) The advisory referendum shall be held not less than 42 days nor more than  
12 72 days after adoption of the resolution under par. (a) calling for the referendum or  
13 not less than 42 days nor more than 72 days after receipt of the petition under par.  
14 (a) by the municipal or county clerk. The municipal or county clerk shall give notice  
15 of the referendum by publishing a notice in a newspaper of general circulation in the  
16 ~~municipality~~ political subdivision, both on the publication day next preceding the  
17 advisory referendum election and one week prior to that publication date.

18 (c) The advisory referendum shall be conducted by the ~~municipal~~ political  
19 subdivision's election officials. The governing body of the ~~municipality~~ political  
20 subdivision may specify the number of election officials for the referendum. The  
21 ballots shall contain the words "For the revenue sharing agreement" and "Against  
22 the revenue sharing agreement" and shall otherwise conform to the provisions of s.  
23 5.64 (2). The election shall be conducted as are other municipal or county elections  
24 in accordance with chs. 6 and 7, insofar as applicable.

**SENATE BILL 259**

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

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

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

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

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

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

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

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

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

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

16 118.07 (2) Once each month, without previous warning, the person having  
17 direct charge of any public or private school shall drill all pupils in the proper method  
18 of departure from the building as if in case of fire, except when the person having  
19 direct charge deems that the health of the pupils may be endangered by inclement  
20 weather conditions. The school board or governing body of the private school shall  
21 maintain for at least 7 years a record of each fire drill conducted.

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

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

24 118.258 (1) Each school board shall may adopt rules prohibiting a pupil from  
25 using or possessing an electronic paging or 2-way communication device while on

**SENATE BILL 259**

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

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

7 118.258 (2) Annually, if the school board adopts rules under sub. (1), it shall  
8 provide each pupil enrolled in the school district with a copy of the rules under sub.  
9 (1).

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

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

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

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

14 120.12 (23) PUPIL PARTICIPATION IN SCHOOL ACTIVITIES. ~~Annually, adopt~~ Adopt a  
15 policy on access to extracurricular and recreational school programs and activities  
16 that encourages full participation by all elementary grade pupils in these programs  
17 and activities. This subsection does not apply to the school board of a union high  
18 school district.

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

20 120.25 (5) Each school board shall adopt and maintain a written policy on  
21 contracting under this section.

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

23 121.02 (1) (c) 1. The pupil fails to meet the reading objectives specified in the  
24 reading curriculum plan developed maintained by the school board under par. (k).

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

