

Legislative Council Note, 1967: This section combines ss. 40.819 and 40.92 and makes the sections applicable to all school districts.

Sub. (1) (1st sentence) based on s. 40.92 which is substantially shortened and consolidated. The separate subsections of present s. 40.92 grant the authority to hire a school district superintendent to all but very small common school districts operating only elementary grades. Sub. (1) makes the grant of authority generally applicable.

Sub. (1) (2nd sentence) restates and combines s. 40.819 (1) and the last portion of s. 40.92 (1), and makes clear that the statement in present s. 40.92 (1) providing that the administrative authority of the school district superintendent is exercised under the direction of the school board is applicable in all instances.

Sub. (2) like s. 40.819 (3) (1st and first part of last sentences).

Sub. (3) restates s. 40.819 (2).

Sub. (4) identical to s. 40.819 (3) (part of last sentence).

Sub. (5) restates s. 40.819 (5).

Present s. 40.819 (3) (last part of last sentence) deleted because the requirement is stated permissively and therefore is meaningless.

Present s. 40.819 (4) is deleted and the responsibility for filing the annual school district report is given to the school district clerk in a city school district under subch. II of ch. 120. As a practical matter, it is highly likely that the school district superintendent will actually prepare the report; however, the filing of the report is made a responsibility of the appropriate school board member. [Bill 353-S]

118.25 History: 1967 c. 92; Stats. 1967 s. 118.25; 1969 c. 276 s. 589 (1) (a); 1969 c. 366 s. 117 (2) (a), (g).

Legislative Council Note, 1967: Revises s. 40.30 (10m). The word "licensed" before physician is deleted, because s. 990.01 (28) defines "physician" as a person holding a license from the state board of medical examiners. Section 121.52 (3) of this act contains the health examination requirements for drivers of privately owned school buses. [Bill 353-S]

For discussion of 40.30 (10m), Stats. 1957, providing for examination of school employes and school children by an optometrist and physician, see 47 Atty. Gen. 62.

118.26 History: 1967 c. 92; Stats. 1967 s. 118.26.

Legislative Council Note, 1967: Revises s. 40.31. [Bill 353-S]

Mandamus will not lie to compel a school district clerk to direct payment of a judgment against a school district which is without money, nor to compel certification of the judgment to the town clerk, for levy to pay it. *Slama v. Young*, 199 W 82, 225 NW 830.

118.27 History: 1967 c. 92; Stats. 1967 s. 118.27.

Legislative Council Note, 1967: Revises s. 40.301. The last sentence of present s. 40.301 is deleted because it is unnecessarily repetitious. [Bill 353-S]

CHAPTER 119.

Milwaukee School System.

Editor's Note: This table is designed to assist in tracing the various provisions of present chapter 119 into the new provisions of chapter 119 as repealed and recreated by ch. 45, Laws 1969. The table does not show, except for deletions, what specifically happened to a particular section. To find that information turn to the new section and the NOTE thereto.

CONVERSION TABLE

1967 Stats.	1969 Stats.
119.01	119.01
119.015 (1) (1st sentence)	
(1st part)	119.16 (1)
(1st sentence)	
(last part)	119.08 (1)
(2)	119.12 (3)
119.02 (1st sentence)	119.06 (6),
	119.08 (2)
(2nd sentence)	119.08 (2); and
	part deleted,
	see note to
	119.08.
(3rd sentence)	119.08 (2)
(last sentence)	Deleted; see note
	to 119.08.
119.03 (1)	119.06 (2)
(2) (1st, 2nd, 3rd	
phrases)	119.06 (3)
(last phrase)	
(1st part)	119.06 (6)
(last phrase)	
(last part)	119.08 (3)
(3)	119.06 (4)
(4) (1st sentence)	119.08 (4)
(2nd sentence)	
(1st part)	119.08 (4)
(2nd sentence)	
(last part)	119.06 (1)
119.04 (1) (1st sentence)	
(1st part)	119.06 (5)
(1st sentence)	
(last part)	119.10 (2)
(2nd,	
last sentences)	119.10 (2)
(2)	119.10 (5) (1st
	sentence)
(3)	119.10 (5) (2nd
	sentence)
(4)	119.12 (5)
(5)	119.10 (6)
119.05 (1)	119.12 (1)
(2)	119.12 (4)
(3)	119.10 (4)
(4)	119.10 (3)
119.06 (1)	119.10 (1)
(2)	119.12 (2)
119.07 (1)	119.16 (2)
(2) (1st part)	119.16 (3) (a)
(last part)	119.52
(3)	119.52
(4)	119.16 (3) (b)
(5) (1st part)	Deleted; see note
	to 119.16 (2).
(last part)	119.18 (3)
(6) (1st sentence)	Deleted; see note
	to 119.18
	(10) (b).

<i>1967 Stats.</i>	<i>1969 Stats.</i>	<i>1967 Stats.</i>	<i>1969 Stats.</i>
	(2nd and last sentences)	119.16 (6)	
119.08 (1)	.....	119.18 (4)	
119.08 (2)	(1st phrase)	119.18 (4)	
	(2nd phrase)		
	(1st part)	119.16 (4)	
	(2nd phrase)		
	(last part)	119.18 (1)	
	(3rd phrase)	Deleted; see note to 119.18 (1).	
(3)	.....	119.16 (5)	
(4) (intro.)	.....	Deleted; see note to 119.18.	
	(a) (1st part)	119.18 (10) (a)	
	(last part)	119.18 (10) (b)	
	(b)	119.18 (2)	
	(c)	119.18 (8)	
	(d)	119.18 (6)	
	(dm)	119.18 (7)	
	(e)	119.18 (17)	
	(f)	119.18 (18)	
	(g)	119.18 (9)	
	(h)	119.18 (14)	
	(i)	119.18 (12)	
	(j)	Deleted; see note to 119.28.	
	(k)	119.18 (19)	
	(l)	119.18 (15)	
	(m)	119.18 (5)	
	(n)	119.18 (13)	
119.085	.....	119.18 (16)	
119.09 (1)	(1st sentence)	119.32 (1); and part deleted; see note to 119.32 (1).	
	(2nd sentence)		
	(1st part)	119.32 (1)	
	(2nd sentence)		
	(last part)	119.16 (7)	
	(last sentence)	119.16 (7)	
(2)	(1st sentence)	119.32 (2)	
	(2nd sentence)	119.32 (3)	
	(last sentence)	119.32 (4)	
(3)	(1st sentence)		
	(1st phrase)		
	(1st part)	119.20 (2)	
	(1st sentence)		
	(1st phrase)		
	(last part)	119.20 (1) (a)	
	(1st sentence) (2nd and last phrases)	119.20 (3)	
	(2nd sentence)	119.32 (5)	
	(3rd sentence)	119.20 (4)	
	(4th and 5th sentences)	119.22 (1)	
	(6th sentence)	119.22 (2)	
	(7th sentence)	119.20 (4)	
	(8th sentence)	119.20 (4)	
	(9th sentence)	119.20 (5)	
(4)	(1st phrase)	119.28 (1)	
	(2nd phrase)	119.28 (2)	
	(3rd phrase)		
	(1st part)	119.28 (3)	
119.09	(3rd phrase)		
	(2nd part)	119.28 (4)	
	(3rd phrase)		
	(last part)	119.28 (5)	
	(last phrase)	Deleted; see note to 119.28.	
(5)	.....	119.12 (6)	
	(1st sentence)	119.34 (1)	
	(2nd sentence)	119.34 (2)	
	(3rd sentence)		
	(1st part)	119.34 (3)	
	(3rd sentence)		
	(last part)	119.18 (11)	
	(last sentence)	119.34 (4)	
119.11	(1) (1st, 2nd sentences)	119.38	
	(3rd, 4th, last sentences)	119.68 (1)	
(2)	.....	119.68 (2)	
(3)	.....	Deleted; see note to 119.68.	
119.12	.....	119.36	
119.13	(1) (1st part)	119.16 (2)	
	(last part)	119.24 (1)	
(2)	.....	119.24 (2) (1st sentence)	
(3)	(1st phrase)	119.24 (2) (2nd sentence)	
	(2nd phrase)	Deleted; see note to 119.28.	
	(last 4 phrases)	Deleted; see note to 119.28.	
119.135	.....	119.26	
119.14	.....	Deleted; see note to 119.22.	
119.15	(except last phrase)	Deleted; see note to 119.22 (2).	
	(last phrase)	119.18 (20)	
119.16	(1) (a) (1st sentence)	119.46 (1)	
	(2nd sentence)	119.48 (1)	
	(b) (1st sentence)		
	(1st part)	119.46 (2)	
	(1st sentence)		
	(last part)	119.48 (1), 119.48 (3) (a)	
	(2nd sentence)	119.48 (2)	
	(3rd sentence)	119.48 (3) (b)	
	(last sentence)	119.48 (1)	
	(c)	119.54	
	(d)	119.42 (2)	
(2)	.....	119.50	
(3)	.....	119.40 (1) (a)	
(4)	(a)	119.40 (1) (b)	
	(b)	119.40 (2)	
	(c)	Deleted; see note to 119.40.	
(5)	.....	119.16 (8) (a)	
119.17	.....	119.49	
119.18	.....	119.62	
119.19	.....	119.66	
119.20	.....	119.06 (7)	
119.21	(1)	119.60	
	(2)	119.58	
119.22	.....	119.16 (9)	
119.23	.....	119.04	
119.235	.....	119.44	
119.24	to 119.27, except 119.24 (18)	See ch. 158, Laws 1969.	
119.24	(18)	119.42 (1)	
119.28	(1)	119.30 (1); and part deleted; see note to 119.28 (1).	

1967 Stats.	1969 Stats.
(2) (1st sentence).....	119.30 (1)
(2nd sentence)	
(1st phrase).....	119.30 (1)
(2nd sentence)	
(last phrase).....	119.30 (2)
(last sentence).....	119.30 (2)
(3).....	Deleted; see note to 119.30.
(4).....	Deleted; see note to 119.30.
(5).....	119.30 (3)
119.30	Deleted; see note to 119.04.

119.01 History: 1941 c. 213; Stats. 1941 s. 38.01; 1967 c. 92 s. 4; Stats. 1967 s. 119.01; 1969 c. 45.

119.02 History: 1969 c. 45; Stats. 1969 s. 119.02.

119.04 History: 1969 c. 45, 392; 1969 c. 424 s. 26; Stats. 1969 s. 119.04.

Legislative Council Note, 1969: Restates s. 119.23. A general reference to state aid statutes and to the words "therein provided" are inserted to more clearly link powers, functions and school aid to the enumerated cross references. Both these items existed in the law prior to 1953 when they were dropped in connection with a 1953 recodification of general school law. They are reinserted here because both are desirable clarifications.

Section 119.30 is deleted. This provision was part of the codification and revision of the Milwaukee school laws by ch. 213, laws of 1941. It is not necessary to retain this provision, because it is basically a repealer which, once having taken effect, accomplished its intended repeals. A repealer by its enactment accomplishes its aim and thereby has continuing force—it need not be made continuing statutory law. [Bill 2-S]

119.06 History: 1969 c. 45; Stats. 1969 s. 119.06.

Legislative Council Note, 1969: This section brings together in one place various provisions dealing with the initial establishment of a board of school directors in a city of the 1st class.

Sub. (1) based on s. 119.03 (4) (2nd sentence) (last part).

Sub. (2) based on s. 119.03 (1) and removes a potentially confusing requirement that the secretary-business manager of the board act as the secretary of the commission.

Sub. (3) based on s. 119.03 (2) (1st, 2nd and 3rd phrases).

Sub. (4) based on s. 119.03 (3). The reference in present law to publishing the notice under sub. (4) (a) "at least once" is changed to require publication of "a class 1 notice, under ch. 985," in the interest of conforming to the general legal notice requirements.

Sub. (5) based on s. 119.04 (1) (1st part of 1st sentence).

Sub. (6) based on s. 119.03 (2) (1st part of last phrase) and s. 119.02 (part of 1st sentence).

Sub. (7) based on s. 119.20 and an obsolete provision is removed which related to vacancies in office at the time of the 1941 Milwaukee school law codification. [Bill 2-S]

119.08 History: 1969 c. 45; Stats. 1969 s. 119.08.

Legislative Council Note, 1969: Sub. (1) based on s. 119.015 (1) (last part of 1st sentence). A provision making judicial office compatible with membership on the board is deleted because it conflicts with s. 256.02 (2) which makes judges ineligible to "hold any office of public trust."

Sub. (2) based on s. 119.02 (part of 1st sentence and 2nd and 3rd sentences). The language of the 3rd and 4th sentences of sub. (2) is taken from parallel provisions in s. 120.06 (7). The 2nd sentence is new and, in conformity with present practice, provides that if a candidate is running for a position to be filled for an unexpired term, he files for the specific position.

Sub. (3) based on s. 119.03 (2) (last part of last phrase).

Sub. (4) based on s. 119.03 (4) (1st sentence and 1st part of 2nd sentence).

Section 119.02 (last part of 2nd sentence) deleted. This provision is superseded by s. 5.40 which requires voting machines in Milwaukee.

Section 119.02 (last sentence) deleted because obsolete. [Bill 2-S]

119.10 History: 1969 c. 45; Stats. 1969 s. 119.10.

Legislative Council Note, 1969: Sub. (1) based on s. 119.06 (1).

Sub. (2) based on s. 119.04 (1) (last part of 1st sentence and 2nd and last sentences).

Sub. (3) revises and rearranges s. 119.05 (4).

Sub. (4) restates s. 119.05 (3).

Sub. (5) (1st sentence) revises s. 119.04 (2).

Sub. (5) (2nd sentence) based on s. 119.04

(3).

Sub. (6) restates s. 119.04 (5).

Throughout this section where "officer" was used in connection with elections or appointments by the board, "person" has been substituted since "officer" is an undesirably limiting term. [Bill 2-S]

119.12 History: 1969 c. 45; Stats. 1969 s. 119.12.

Legislative Council Note, 1969: Sub. (1) restates s. 119.05 (1).

Sub. (2) restates s. 119.06 (2).

Sub. (3) restates s. 119.015 (2).

Sub. (4) like s. 119.05 (2).

Sub. (5) based on s. 119.04 (4). The specific enumeration of boards in present s. 119.04 (4) was deleted as unnecessary because they are covered by the general reference to boards and commissions.

Sub. (6) like s. 119.09 (5). [Bill 2-S]

119.16 History: 1969 c. 45; Stats. 1969 s. 119.16.

Legislative Council Note, 1969: Sub. (1) restates s. 119.015 (1) (1st part of 1st sentence).

Sub. (2) based on and combines ss. 119.07 (1) and 119.13 (1) (1st part). In the 1st sentence, the present enumeration of the types of schools to be established is deleted to more accurately reflect the board's authority to establish the kinds of schools in such combinations as it determines. Also, the last sentence clarifies that the board's districting duty is

to divide the city into "attendance" districts. Present s. 119.07 (5) (1st part) is deleted because its provisions are covered in this subsection.

Sub. (3) (a) revises s. 119.07 (2) (1st part).

Sub. (3) (b) revises s. 119.07 (4).

Sub. (4) restates s. 119.08 (2) (1st part of 2nd phrase).

Sub. (5) based on s. 119.08 (3).

Sub. (6) revises and rearranges s. 119.07 (6) (last 2 sentences).

Sub. (7) based on s. 119.09 (1) (last part of 2nd and last sentences).

Sub. (8) (a) revises and rearranges s. 119.16 (5).

Sub. (8) (b) restates s. 65.02 (1) (last sentence). That sentence presently is misplaced. Although part of a definition section, it sets substantive requirements for the budgets of the board of school directors and the Milwaukee city vocational board. When vocational districting is completed by July 1, 1970, this sentence will apply only to the board of school directors' budget. Accordingly, the appropriate requirement is inserted in this paragraph. The corresponding provision in s. 65.02 (1) is not deleted by this act, but will be deleted in a vocational law recodification [LRB-1] which has an effective date of July 1, 1970.

In sub. (8) (b) and elsewhere in this bill "auditing officer of the city" has been substituted for various references to "comptroller" or "comptroller or other auditing officer of the city."

Sub. (9) restates s. 119.22. [Bill 2-S]

Although property acquired for school purposes, but no longer so required, may be disposed of by sale, the common council of the city of Milwaukee may not, without the consent of the board of school directors of the city, sell property, such as buildings and sites, acquired by the board for school purposes. State ex rel. Roelvink v. Zeidler, 268 W 34, 66 NW (2d) 652.

119.18 History: 1969 c. 45, 174, 301; 1969 c. 392 ss. 49, 50; Stats. 1969 s. 119.18.

Legislative Council Note, 1969: Sub. (1) revises s. 119.08 (2) (last part of 2nd phrase) and deletes s. 119.08 (2) (3rd phrase) which is a highly unnecessary proviso that board rules shall not conflict with the constitution or state law.

Sub. (2) revises s. 119.08 (4) (b).

Sub. (3) restates s. 119.07 (5) (last part).

Sub. (4) based on s. 119.08 (1) and (2) (1st phrase).

Sub. (5) revises s. 119.08 (4) (m). The term "welfare worker" is used to conform with the terminology in s. 118.16 (2) (b).

Sub. (6) restates s. 119.08 (4) (d).

Sub. (7) revises s. 119.08 (4) (dm).

Sub. (8) like s. 119.08 (4) (c).

Sub. (9) based on s. 119.08 (4) (g) which was considerably shortened by deleting unnecessary language.

Sub. (10) (a) restates s. 119.08 (4) (a) (1st part). The designation of the retirement fund conforms to the nomenclature of ch. 327, laws of 1967. Sub. (10) (b) restates and rearranges s. 119.08 (4) (a) (last part). Section 119.07 (6) (1st sentence) is deleted because its specific

provisions are covered under the general language of sub. (10) (b).

Sub. (11) restates and rearranges s. 119.10 (last part of 3rd sentence).

Sub. (12) like s. 119.08 (4) (i).

Sub. (13) revises and rearranges s. 119.08 (4) (n).

Sub. (14) restates s. 119.08 (4) (h). A statement in present law that sales and charges under this subsection do not constitute a proprietary function is deleted, because it was made obsolete by the Holytz decision, [*Holytz v. City of Milwaukee*, 17 Wis. (2d) 26 (1962)]. The court ruling in that decision stated: "in determining the tort liability of a municipality it is no longer necessary to divide its operations into those which are proprietary and those which are governmental." The statute enacted as a result of the Holytz case (s. 895.43) makes no distinction between proprietary and governmental functions.

Sub. (15) revises s. 119.08 (4) (L). A nonsensical reference to a dollar limitation on the purchase price of motor vehicles is deleted.

Sub. (16) restates s. 119.085. The reference to the "general educational fund" is corrected to refer to "school operations fund".

Sub. (17) revises s. 119.08 (4) (e).

Sub. (18) restates s. 119.08 (4) (f).

Sub. (19) based on s. 119.08 (4) (k) and deletes an unnecessary reference to fence height.

Sub. (20) restates s. 119.15 (last phrase).

Present s. 119.08 (4) (intro.) deleted because unnecessary. [Bill 2-S]

119.20 History: 1969 c. 45; Stats. 1969 s. 119.20.

Legislative Council Note, 1969: Sub. (1) (a) establishes a definition for this section based on a reference in s. 119.09 (3) (last part of 1st phrase of 1st sentence).

Sub. (1) (b) is new. The name of the committee is broadened to more accurately reflect the statutory duties of the committee by using the name given this committee in the rules of the board.

Sub. (2) restates s. 119.09 (3) (1st part of 1st phrase of 1st sentence).

Sub. (3) revises s. 119.09 (3) (2nd and last phrases of 1st sentence).

Sub. (4) based on s. 119.09 (3) (3rd, 7th and 8th sentences).

Sub. (5) restates s. 119.09 (3) (9th sentence). [Bill 2-S]

119.22 History: 1969 c. 45; Stats. 1969 s. 119.22.

Legislative Council Note, 1969: Sub. (1) restates s. 119.09 (3) (4th and 5th sentences).

Sub. (2) restates s. 119.09 (3) (6th sentence) and generally provides the same directive as in s. 119.15 (except last phrase) which is deleted.

Present s. 119.14 is deleted because covered by general language in the appropriate sections of ch. 119. [Bill 2-S]

119.24 History: 1969 c. 45; Stats. 1969 s. 119.24.

Legislative Council Note, 1969: Sub. (1) based on s. 119.13 (1) (last part) and reflects the establishment of the term "attendance district" elsewhere in this draft.

Sub. (2) (1st sentence) restates s. 119.13 (2).
Sub. (2) (2nd sentence) revises s. 119.13 (3) (first phrase). [Bill 2-S]

119.26 History: 1969 c. 45; Stats. 1969 s. 119.26.

Legislative Council Note, 1969: Restates s. 119.135. [Bill 2-S]

119.28 History: 1969 c. 45; Stats. 1969 s. 119.28.

Legislative Council Note, 1969: Sub. (1) restates s. 119.09 (4) (1st phrase). Instead of enumerating the various types of handicapped children, the cross reference to the general definition of "handicapped children" is used.

Sub. (2) like s. 119.09 (4) (2nd phrase).

Sub. (3) like s. 119.09 (4) (1st part of 3rd phrase).

Sub. (4) revises s. 119.09 (4) (2nd part of 3rd phrase).

Sub. (5) based on s. 119.09 (4) (last part of 3rd phrase).

Present s. 119.09 (4) (last phrase) is deleted because it is covered by cross reference under s. 119.04.

Present s. 119.13 (3) (2nd phrase) is deleted because it is covered in s. 115.82 (1) (b) (last sentence) which applies to Milwaukee by cross reference in s. 119.04.

Present ss. 119.13 (3) (last 4 phrases) and 119.08 (4) (j) are deleted because the same material is covered in the basic law relating to handicapped children (see s. 115.82) which applies to Milwaukee by cross reference in s. 119.04. Also, the deletions are warranted because in some instances the provisions of ss. 119.13 (3) and 119.08 (4) (j) conflict with the provisions of s. 115.82. [Bill 2-S]

119.30 History: 1969 c. 45; Stats. 1969 s. 119.30.

Legislative Council Note, 1969: Sub. (1) restates s. 119.28 (1) and (2) (1st sentence) and (1st phrase of 2nd sentence). Obsolete material in s. 119.28 (1) is deleted.

Sub. (2) restates s. 119.28 (2) (last phrase of 2nd sentence) and (last sentence).

Sub. (3) revises s. 119.28 (5). In the present law, there is a reference to "trade school fund". Ch. 213, laws of 1941, in effect included the old "trade school fund" in the "school operations fund" and the appropriate change is made here.

Present s. 119.28 (3) is deleted. It is a transitional provision relating to trade school budgets which will not be needed again.

Present s. 119.28 (4) is deleted because it is covered generally. [Bill 2-S]

119.32 History: 1969 c. 45; Stats. 1969 s. 119.32.

Legislative Council Note, 1969: Sub. (1) restates s. 119.09 (1) (1st sentence) and (1st part of 2nd sentence). An obsolete provision is deleted which is applicable only to the superintendent of schools who was in office on April 6, 1957.

Sub. (2) restates and rearranges s. 119.09 (2) (1st sentence).

Sub. (3) based on s. 119.09 (2) (2nd sentence).

Sub. (4) like s. 119.09 (2) (last sentence).

Sub. (5) restates s. 119.09 (3) (2nd sentence). [Bill 2-S]

119.34 History: 1969 c. 45; Stats. 1969 s. 119.34.

Legislative Council Note, 1969: Sub. (1) revises s. 119.10 (1st sentence).

Sub. (2) restates s. 119.10 (2nd sentence).

Sub. (3) revises s. 119.10 (1st part of 3rd sentence).

Sub. (4) based on s. 119.10 (last sentence) and deletes unnecessary detail relating to census expenses. [Bill 2-S]

119.36 History: 1969 c. 45; Stats. 1969 s. 119.36.

Legislative Council Note, 1969: Based on s. 119.12. [Bill 2-S]

119.38 History: 1969 c. 45; Stats. 1969 s. 119.38.

Legislative Council Note, 1969: Restates s. 119.11 (1) (1st and 2nd sentences). [Bill 2-S]

119.40 History: 1969 c. 45; Stats. 1969 s. 119.40.

Legislative Council Note, 1969: Sub. (1) (a) revises s. 119.16 (3). An archaic reference to "common or graded" schools is deleted as is an outdated minimum salary schedule. A reference to a 200-day teaching limitation is deleted here, because it is covered in s. 119.18 (6) (a).

Sub. (1) (b) restates s. 119.16 (4) (a).

Sub. (2) identical to s. 119.16 (4) (b).

Present s. 119.16 (4) (c) is deleted. It is an obsolete provision relating to teacher classification which was enacted for a specific purpose and is no longer necessary. [Bill 2-S]

Editor's Note: Sec. 3, ch. 29, Spl. S. 1920, providing that the Milwaukee school board "shall annually determine and fix a schedule of salaries for all 'teachers' in the common or graded schools of such city" was discussed and applied in *Peterson v. Milwaukee*, 226 W 540, 277 NW 128.

119.42 History: 1969 c. 45; Stats. 1969 s. 119.42.

Legislative Council Note, 1969: Sub. (1) based on s. 119.24 (18). The 3rd sentence modifies existing law so that it is clear that this is an initial provision.

Sub. (2) restates s. 119.16 (1) (d). [Bill 2-S]

Editor's Note: The following cases (among others) dealt with the application of prior statutory provisions to questions concerning discharge, probation and acquisition of tenure in the Milwaukee school system: *State ex rel. Thompson v. Board of School Directors*, 179 W 284, 191 NW 746; *State ex rel. Mellen v. Trustees*, 185 W 653, 201 NW 383; *State ex rel. Nyberg v. School Directors*, 190 W 570, 209 NW 683; *State ex rel. Schroeder v. Board of School Directors*, 225 W 444, 274 NW 301; *Blau v. Milwaukee*, 232 W 197, 285 NW 347, 286 NW 874, 287 NW 594; *Morgan v. Potter*, 238 W 246, 298 NW 763; and *State ex rel. Wasilewski v. Board of School Directors*, 14 W (2d) 243, 111 NW (2d) 198.

119.44 History: 1969 c. 45; Stats. 1969 s. 119.44.

Legislative Council Note, 1969: Based on s. 119.235. [Bill 2-S]

119.46 History: 1969 c. 45; 1969 c. 154 ss. 295g, 295r; Stats. 1969 s. 119.46.

Legislative Council Note, 1969: Sub. (1) based on s. 119.16 (1) (a) (1st sentence). The specific reference in present law to "trade schools" is deleted because the general language of this subsection covers those schools.

Sub. (2) based on s. 119.16 (1) (b) (1st sentence, 1st part). The present law is considerably shortened by deleting the specific levy rate requirements and inserting a cross reference to s. 65.07 (1) (e), which states the specific requirements. [Bill 2-S]

119.47 History: 1969 c. 45; Stats. 1969 s. 119.47.

Legislative Council Note, 1969: New and is designed primarily to cross refer to board functions in s. 43.50. [Bill 2-S]

119.48 History: 1969 c. 45; Stats. 1969 s. 119.48.

Legislative Council Note, 1969: Sub. (1) based on s. 119.16 (1) (a) (2nd sentence) and (b) (part of last part of 1st sentence and last sentence).

Sub. (2) revises s. 119.16 (1) (b) (2nd sentence).

Sub. (3) (a) based on s. 119.16 (1) (b) (part of last part of 1st sentence). The present law is shortened by deleting the specific levy rate requirement and inserting a cross reference to s. 65.07 (1) (f), which states the specific requirement.

Sub. (3) (b) restates s. 119.16 (1) (b) (3rd sentence). [Bill 2-S]

119.49 History: 1969 c. 45; Stats. 1969 s. 119.49.

Legislative Council Note, 1969: Revises s. 119.17. [Bill 2-S]

119.50 History: 1969 c. 45; Stats. 1969 s. 119.50.

Legislative Council Note, 1969: Restates s. 119.16 (2). The reference to the "finance committee of the board" is deleted. This committee is not created by statute and does not in fact perform the function indicated. [Bill 2-S]

119.52 History: 1969 c. 45; Stats. 1969 s. 119.52.

Legislative Council Note, 1969: Revises and rearranges s. 119.07 (2) (last part) and (3). [Bill 2-S]

119.54 History: 1969 c. 45; Stats. 1969 s. 119.54.

Legislative Council Note, 1969: Based on s. 119.16 (1) (c). In sub. (2), the necessary additions are made to take into account the possibility that an insufficient petition may be filed. In sub. (3) (a), the "regular election" date is geared to "the date of such certificate". [Bill 2-S]

119.58 History: 1969 c. 45; Stats. 1969 s. 119.58.

Legislative Council Note, 1969: Based on s. 119.21 (2). [Bill 2-S]

119.60 History: 1969 c. 45; Stats. 1969 s. 119.60.

Legislative Council Note, 1969: Restates s. 119.21 (1). [Bill 2-S]

119.62 History: 1969 c. 45; Stats. 1969 s. 119.62.

Legislative Council Note, 1969: Restates s. 119.18. [Bill 2-S]

119.66 History: 1969 c. 45; Stats. 1969 s. 119.66.

Legislative Council Note, 1969: Revises s. 119.19. The word "janitor" was deleted in the enumeration in the 2nd sentence, since it is assumed this position is covered by the term "or other employe of the board". [Bill 2-S]

119.68 History: 1969 c. 45; Stats. 1969 s. 119.68.

Legislative Council Note, 1969: Sub. (1) restates s. 119.11 (1) (3rd, 4th and last sentences).

Sub. (2) restates s. 119.11 (2).

Present s. 119.11 (3) is deleted. The provision authorized a procedure for making payments for invalid contracts under certain circumstances. This provision was enacted as continuing law in the 1941 codification of the Milwaukee school laws, in the mistaken belief that it served as a counterpart to a provision in the general school laws. That general school law provision, however, was not continuing law but was limited to pre-1926 actions. In the 1953 recodification of the school laws, this provision was repealed as obsolete. [Bill 2-S]

In an action for negligence against a third party the school board cannot be impleaded as a defendant; such an action lies only against the city. *Helmin v. Student Transportation Co.* 29 W (2d) 302, 139 NW (2d) 103.

CHAPTER 120.

School District Government.

120.001 History: 1967 c. 92; Stats. 1967 s. 120.001.

Legislative Council Note, 1967: This section is new and specifies the types of school districts to which this subchapter applies. [Bill 353-S]

120.01 History: 1967 c. 92; Stats. 1967 s. 120.01.

Legislative Council Note, 1967: Restates and rearranges s. 40.26 (1) and adds a reference to the special method under present s. 40.26 (8) [s. 120.02 (2) (a)] for increasing school boards to 11 members. [Bill 353-S]

120.02 History: 1967 c. 92, 313; Stats. 1967 s. 120.02; 1969 c. 195 ss. 4, 10.

Legislative Council Note, 1967: Sub. (1) based on s. 40.26 (2).

Sub. (2) based on s. 40.26 (8).

Sub. (3) (a) to (c) revises s. 40.26 (3). Sub. (3) (d) restates s. 40.26 (7). The last sentence of par. (d) is based in part on s. 40.87 (1) (last sentence) and fills a void in existing law by giving the responsibility for the preparation