



## 2023 ASSEMBLY BILL 233

April 28, 2023 - Introduced by Representatives S. JOHNSON, KITCHENS, BARE, BEHNKE, BRANDTJEN, CABRERA, CONLEY, CONSIDINE, EMERSON, GREEN, JOERS, MURPHY, O'CONNOR, PENTERMAN, MURSAU, STUBBS and PALMERI, cosponsored by Senators QUINN, HESSELBEIN, BALLWEG, COWLES, FELZKOWSKI, FEYEN, ROYS, SPREITZER, STROEBEL, TOMCZYK and WANGGAARD. Referred to Committee on Local Government.

1     **AN ACT** *to renumber and amend* 120.20 (2); and *to create* 120.20 (1m) and  
2           120.20 (2) (b) of the statutes; **relating to:** allowing a school board member to  
3           serve as a volunteer school bus driver.

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### *Analysis by the Legislative Reference Bureau*

Under current law, unless specifically allowed by a statute, the common law doctrine of incompatibility prohibits a person from holding two or more public positions when the duties of each position might conflict, or when one position might be seen as superior to the other. Currently, there is a statutory exception to the common law doctrine of incompatibility that allows a school board member to serve as a volunteer coach or extracurricular activity supervisor. This bill creates a similar statutory exception that allows a school board member to serve as a volunteer school bus driver.

Under the bill, an individual is allowed to serve as a school board member and a volunteer school bus driver at the same time if the school board member 1) has received a school bus endorsement from the Department of Transportation that authorizes the school board member to operate a school bus, 2) holds a valid commercial driver license, 3) does not receive compensation for serving as a volunteer school bus driver, and 4) agrees to abstain from voting on any issue that comes before the school board that substantially and directly concerns school bus drivers. The bill further specifies that reimbursement for expenses incurred in connection with providing volunteer services does not change a school board member's status as a volunteer coach, supervisor, or school bus driver, including, in

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the case of a volunteer school bus driver, reimbursement for the costs of training for or renewing a required license or endorsement.

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

1           **SECTION 1.** 120.20 (1m) of the statutes is created to read:

2           120.20 (1m) A school board member may serve as a volunteer school bus driver  
3 if all of the following apply:

4           (a) The school board member has received authorization to operate a school  
5 bus, as defined in s. 121.51 (4), from the department of transportation in the form of  
6 a school bus endorsement under s. 343.12.

7           (b) The school board member holds a valid commercial driver license, as defined  
8 in s. 340.01 (7m).

9           (c) The school board member does not receive compensation for serving as a  
10 volunteer school bus driver.

11           (d) The school board member agrees to abstain from voting on any issue that  
12 comes before the school board that substantially and directly concerns school bus  
13 drivers.

14           **SECTION 2.** 120.20 (2) of the statutes is renumbered 120.20 (2) (a) and amended  
15 to read:

16           120.20 (2) (a) ~~Subsection~~ Subsections (1) (b) and (1m) (d) may not be construed  
17 to require a school board member who is serving as a volunteer coach or, supervisor,  
18 or school bus driver to abstain from voting on the school district's annual budget.

19           **SECTION 3.** 120.20 (2) (b) of the statutes is created to read:

20           120.20 (2) (b) Reimbursement for expenses incurred in connection with  
21 providing volunteer services is not considered compensation for purposes of sub. (1)

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1 (a) or (1m) (c). For a school board member serving as a volunteer school bus driver,  
2 any costs related to training for or renewing a commercial driver license or a school  
3 bus endorsement under s. 343.12 is considered an expense incurred in connection  
4 with providing the volunteer service.

5 (END)