

1999 ASSEMBLY BILL 279

1 AN ACT *to amend* 117.05 (9) (a) (intro.), 117.17 (1) (d), 117.17 (2) and 117.17 (3);
2 and *to create* 117.03 (3g), 117.03 (4m), 117.05 (9) (a) 6., 117.14 (1m) and 117.35
3 of the statutes; **relating to:** school district boundary disputes.

Analysis by the Legislative Reference Bureau

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

4 **SECTION 1.** 117.03 (3g) of the statutes is created to read:
5 117.03 (3g) "Boundary dispute" means a dispute between 2 or more school
6 districts concerning whether certain territory is located within a particular school
7 district.

8 **SECTION 2.** 117.03 (4m) of the statutes is created to read:
9 117.03 (4m) "Interested school district" means a school district involved in a
10 boundary dispute.

ASSEMBLY BILL 279**SECTION 3**

1 **SECTION 3.** 117.05 (9) (a) (intro.) of the statutes is amended to read:

2 117.05 **(9)** (a) (intro.) The state superintendent may charge the following
3 persons a fee sufficient to reimburse the department for the costs of the board under
4 ss. 117.10, 117.105 ~~and~~, 117.132 and 117.35:

5 **SECTION 4.** 117.05 (9) (a) 6. of the statutes is created to read:

6 117.05 **(9)** (a) 6. A school board requesting resolution of a boundary dispute
7 under s. 117.35 (2).

8 **SECTION 5.** 117.14 (1m) of the statutes is created to read:

9 117.14 **(1m)** Any person aggrieved by an order resolving a boundary dispute
10 under s. 117.35 (3) may, within 30 days after copies of the order are filed with the
11 secretary of the board under s. 117.17 (2), appeal the order to circuit court. The
12 appeal shall be filed with the circuit court of any county in which any portion of the
13 disputed territory is located.

14 **SECTION 6.** 117.17 (1) (d) of the statutes is amended to read:

15 117.17 **(1)** (d) Every order of school district reorganization and every order
16 under s. 117.35 (3) shall state the date on which it is to take effect. The date shall
17 be as specified under ss. 117.08 to 117.132 ~~and~~, 117.27 (1) and 117.35 (3). If an appeal
18 is made to court under s. 117.14, the court may stay enforcement under s. 227.54 of
19 the order if a showing is made that there is substantial probability that the party
20 seeking review will prevail on the merits and will suffer irreparable harm if a stay
21 is not granted.

22 **SECTION 7.** 117.17 (2) of the statutes is amended to read:

23 117.17 **(2)** FILING. A certified copy of any resolution or order granting, affirming
24 or denying a reorganization or resolving a boundary dispute shall be filed, within 5
25 days after it is adopted or issued, with the secretary of the board. Upon receipt of the

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1 resolution or order, the secretary of the board shall immediately place on it the date
2 upon which it was received. If the resolution or order affirms or grants a
3 reorganization or resolves a boundary dispute, within 5 days after receipt of the
4 resolution or order the secretary of the board shall send, by certified mail, a certified
5 copy of the resolution or order to the clerk of each city, village, town or county, any
6 part of which is contained within an affected school district, or any part of which is
7 contained within an interested school district if the resolution or order resolves a
8 boundary dispute.

9 **SECTION 8.** 117.17 (3) of the statutes is amended to read:

10 117.17 **(3)** PRESUMPTION; VALIDITY OF ORDER. (a) A reorganization order or order
11 resolving a boundary dispute shall be presumptive evidence of the facts recited
12 therein and of the proceedings preliminary to the issuance of the order.

13 (b) The failure of any officer to perform a duty imposed upon him or her by this
14 chapter does not affect the validity of a reorganization order or order resolving a
15 boundary dispute otherwise lawfully made, but the officer is subject to s. 946.12.

16 **SECTION 9.** 117.35 of the statutes is created to read:

17 **117.35 School district boundary disputes. (1)** SCHOOL BOARD ACTION. (a)
18 If there is a boundary dispute, the school boards of the interested school districts may
19 resolve the dispute by the adoption, by each of the school boards, of a resolution
20 resolving the dispute. Before adopting such a resolution, the school boards jointly
21 shall notify the electors residing in and owners of real property located in the
22 disputed territory by certified mail. The notice shall include a description of the
23 territory, as certified by the clerk of each city, town or village within which all or any
24 part of the territory is located, shall indicate that the school boards are considering

ASSEMBLY BILL 279**SECTION 9**

1 resolving the boundary dispute and shall specify the time and place of the school
2 board meeting at which the boundary dispute will be discussed.

3 (b) Each of the resolutions adopted under par. (a) shall include a legal
4 description of the territory in dispute and a legal description of that portion of the
5 disputed territory that is to be included in each interested school district. The school
6 district clerk of each school board that adopts a resolution under this subsection
7 shall, within 5 days after adopting the resolution, send a certified copy of the
8 resolution to the school board of each of the other interested school districts, file a
9 certified copy of the resolution as provided in s. 117.17 (2) and notify the electors
10 residing in and owners of real property located in the disputed territory. If the school
11 board of each of the interested school districts adopts a resolution under this
12 subsection, the resolution of the dispute shall take effect on the first July 1 after the
13 March 1 following the adoption of the resolutions.

14 **(2) REQUEST FOR RESOLUTION.** (a) If there is a boundary dispute, the school board
15 of any interested school district may submit a written request to the board for the
16 resolution of the boundary dispute. The request shall state the particulars of the
17 boundary dispute, including a legal description of the territory involved and the
18 names of all interested school districts. The school board making the request shall
19 send a copy of the request by 1st class mail to each interested school district at the
20 time that the request is submitted to the board.

21 (b) Upon receipt of a request under par. (a), the board shall determine or
22 request the school boards of the interested school districts to provide all of the
23 following:

24 1. A description of the territory in dispute, as certified by the clerk of each city,
25 town or village within which all or any part of the territory is located.

