

**CHAPTER 303, Laws of 1979**

AN ACT to renumber 117.02 (4); to renumber and amend 117.02 (6); to amend 117.02 (5), 117.03 (3), 117.035 (1) (title), (a) and (c), as renumbered, and 117.09 (2); and to create 117.035 (title) and (3) of the statutes, relating to referenda concerning school district reorganizations.

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

SECTION 1. 117.02 (4) of the statutes is renumbered 117.035 (1), and 117.035 (1) (title), (a) and (c), as renumbered, are amended to read:

117.035 (1) (title) ON ORDER OF AGENCY SCHOOL COMMITTEE. (a) If within 30 days after the date of mailing of an order of school district reorganization issued under ~~this section s. 117.02~~, a petition requesting a referendum on the order and signed by a sufficient number of the electors of the territory included in the proposed reorganized school district is filed under par. (c), the order shall not become effective until it has been approved at the referendum by both a majority of those electors voting at the referendum who reside within that portion of the proposed reorganized school district territory lying in cities and villages and by a majority of those electors voting at the referendum who reside within that portion of the proposed reorganized school district territory lying in towns. A sufficient number of petitioners is 500 of the electors who reside in the proposed reorganized school district, or 10% of such electors who reside in cities and villages or 10% of such electors who reside in towns. Upon its own motion at the time of issuing an order of school district reorganization or at any time after issuing the order and within 30 days after the order is mailed, the agency school committee may direct the holding of a referendum upon the order. By resolution adopted within 30 days after the order is mailed, the common council of any city affected by an order of school district reorganization issued under this section may demand the holding of a referendum upon such order.

(c) The petition, resolution or demand for a referendum shall be filed with the county clerk of the county having the largest equalized valuation in the proposed reorganized school district. The county clerk shall notify the clerk of each city, village and town affected that a referendum will be held on the order. The referendum shall be called by the county clerk for a date not ~~more~~ less than 30 days ~~nor more than~~ 90 days from the date the petition, resolution or demand is filed, but if the spring or general election is to be held within 90 days from the date of filing, the referendum shall be held on the date of the spring or general election. The county clerk shall ~~cause notice of publish, as a class 2 notice under ch. 985 in the territory included in the order, the purpose, time and place of holding the referendum and the hours of opening and closing of the polls to be published as a class 2 notice, under ch. 985, in the territory included in the order.~~

SECTION 2. 117.02 (5) of the statutes is amended to read:

117.02 (5) (title) 1ST CLASS CITIES. In ~~cities of the 1st class cities~~, the notice of public hearing under sub. (3) shall be served upon the secretary-business manager of the board of school directors, who shall ~~cause it to be published~~ publish it as a class 2 notice under ch. 985. In such cities a referendum held ~~pursuant to sub. (4) under s. 117.035~~ shall be called and conducted by the municipal board of election commissioners. Within 90 days after the date of issuance of an order of school district reorganization under this section electors may file a referendum petition. The referendum may not be held prior to 40 days after the filing of the referendum petition or prior to 40 days after the date the agency

school committee upon its own motion directs the holding of a referendum. ~~Such~~ The referendum shall be held on the date of the spring or general election.

SECTION 3. 117.02 (6) of the statutes is renumbered 117.035 (2) and amended to read:

117.035 (2) EFFECT OF DISAPPROVAL. If a proposed reorganization is not approved at the referendum, the agency school committee may not reconsider the proposed reorganization within one year. With the advice of the school boards of the districts affected, the agency school committee, within that year, may prepare a different proposed reorganization and order the establishment of one or more proposed reorganized school districts. Such order is subject to a referendum under sub. ~~(4)~~ (1). If the 2nd referendum does not approve such order, the agency school committee with the advice of the school boards shall continue its work and issue orders, subject to sub. ~~(4)~~ (1), so long as the need for reorganization continues to exist, but after the 2nd referendum at least one year shall elapse between referenda.

SECTION 3m. 117.03 (3) of the statutes is amended to read:

117.03 (3) The state superintendent shall set a time and place for the state appeal board to meet. The state appeal board by a majority vote of its members shall make such order as it deems proper under the circumstances to affirm, reverse or modify the order appealed from under sub. (1) (a) or shall make an order granting or denying school district reorganization upon an appeal under sub. (1) (b). The order shall include a statement of the reasons for the order and shall be filed pursuant to under s. 117.01 (2) (c). Failure of a state appeal board to make an order within 120 days after notice of appeal is filed under sub. (1) shall constitute a denial of the appeal.

SECTION 4. 117.035 (title) and (3) of the statutes are created to read:

**117.035 (title) Referendum.**

(3) ON ORDER OF STATE APPEAL BOARD. Any order issued by a state appeal board under s. 117.03 which constitutes, affirms or modifies an order of school district reorganization, is subject to approval at a referendum if a petition for a referendum is filed as provided under sub. (1) in the case of agency school committee orders, or if a referendum is directed by the motion of the state appeal board, or if, within 30 days after the date of mailing of the order under s. 117.01 (2) (c), a referendum is demanded by adoption of a resolution by the common council of any city affected by the order. The referendum shall be conducted as provided under sub. (1).

SECTION 5. 117.09 (2) of the statutes is amended to read:

117.09 (2) ~~Section 117.02 (4)~~ 117.035 (1) shall not apply to orders issued under this section.

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