

1999 ASSEMBLY BILL 470

September 16, 1999 - Introduced by Representatives SKINDRUD and HAHN.
Referred to Committee on Education.

1 **AN ACT to renumber and amend** 117.105 (1m) (b); **to amend** 117.105 (1) (a),
2 117.105 (1m) (a), 117.105 (1m) (c) and 117.105 (2); and **to create** 117.105 (3) (a)
3 4. of the statutes; **relating to:** the procedure for creating a new school district
4 from the territory of one or more existing school districts.

Analysis by the Legislative Reference Bureau

Under current law, the procedure for creating a new school district from the territory of one or more existing school districts is initiated if either of the following occurs before July 1 of any year:

1. The school board of each affected school district adopts a resolution to consider the creation of a new school district.

2. A written petition signed by at least 20% of the total number of electors residing in the affected school districts and by at least 5% of the number of electors residing in each affected school district is filed.

This bill does not affect the procedure that is initiated by the adoption of resolutions by the school boards of the affected school districts. For the procedure that may be initiated by the filing of a petition, the bill makes the following changes:

1. Instead of the requirement specified in item 2., above, the petition must be signed by at least 20% of the number of electors residing within the boundaries of the proposed school district.

2. Current law requires the school board of each affected school district to hold a public hearing upon receipt of a petition. This bill eliminates this requirement.

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3. Current law directs the school boards of the affected school districts to determine the precise boundaries of the proposed school district. If they cannot agree, the school district boundary appeal board (SDBAB) determines the precise boundaries. This bill requires the petition to determine the boundaries of the proposed school district instead.

4. Current law requires the school board of each affected school district to adopt a resolution ordering or denying the creation of the school district. The proposed reorganization is reviewed by the SDBAB if a petition signed by a specified percentage of electors is filed. This bill eliminates the power of the school boards to order or deny the creation of a school district that was initiated by petition. The bill also eliminates review by the SDBAB.

5. Under current law, a referendum on the creation of the new school district is held in the territory of the proposed school district under certain circumstances. A referendum is also required to be held in the territory of the affected school districts under certain circumstances. Under this bill, if the procedure for creation of the new school district was initiated by petition, a referendum must be held in the territory of the proposed school district. No referendum is held in the territory of the affected school districts that is not within the proposed school district.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 117.105 (1) (a) of the statutes is amended to read:

2 117.105 **(1)** (a) Before July 1 of any year, a written petition requesting the
3 creation of a school district may be filed with the clerk of the school district that has
4 the highest equalized valuation of the affected school districts. The petition shall be
5 signed by at least 20% of the total number of electors residing in the affected school
6 districts and by at least 5% of the number of electors residing in each affected within
7 the boundaries of the proposed school district. The school district clerk with whom
8 the petition is filed shall immediately send a certified notice of the petition to the
9 school board of each affected school district and to the secretary of the board. The
10 petition shall include the approximate boundaries of the proposed school district.

11 **SECTION 2.** 117.105 (1m) (a) of the statutes is amended to read:

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1 117.105 **(1m)** (a) ~~Upon receipt of a petition or notice under sub. (1) (a), or upon~~
2 the adoption of a resolution and the receipt of copies of resolutions adopted by the
3 school board of each of the other affected school districts under sub. (1) (b), the school
4 board shall hold a public hearing on the proposed reorganization.

5 **SECTION 3.** 117.105 (1m) (b) of the statutes is renumbered 117.105 (1m) (b) 1.
6 and amended to read:

7 117.105 **(1m)** (b) 1. Before the October 15 following the receipt of a petition or
8 notice under sub. (1) (a) or the adoption of resolutions under sub. (1) (b), the school
9 boards of the affected school districts may, by the adoption of resolutions by the school
10 boards of a majority of the affected school districts, agree on the ~~precise boundaries~~
11 of the ~~proposed school district and the~~ apportionment of the assets and liabilities
12 between the affected school districts and the proposed school district according to the
13 criteria under s. 66.03 (2c). The school boards may establish an alternative method
14 to govern the assignment of assets and liabilities as provided in s. 66.03 (2c) (b).

15 2. Before the October 15 following the adoption of resolutions under sub. (1) (b),
16 the school boards of the affected school districts may, by the adoption of resolutions
17 by the school boards of a majority of the effective school districts, agree on the precise
18 boundaries of the proposed school district. In determining the precise boundaries,
19 the school boards may not detach territory from any additional school districts.

20 3. The clerk of the school district that has the highest equalized valuation of
21 the affected school districts shall notify the board of their agreement or their failure
22 to reach agreement under subs. 1. and 2.

23 **SECTION 4.** 117.105 (1m) (c) of the statutes is amended to read:

24 117.105 **(1m)** (c) If the school boards of a majority of the affected school districts
25 fail to agree on the precise boundaries by October 15, if necessary under par. (b) 2.,

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1 or on the apportionment of assets and liabilities by October 15 under par. (b) 1. or 2.,
2 the board shall issue an order doing so by the following February 15. In determining
3 the precise boundaries of the proposed school district, the board may not detach
4 territory from any additional school districts.

5 **SECTION 5.** 117.105 (2) of the statutes is amended to read:

6 117.105 (2) SCHOOL BOARD ACTION. ~~Before~~ If the procedure for creation of the
7 proposed school district was initiated under sub. (1) (b), before the January 15
8 following the determination of the precise boundaries of the proposed school district
9 and the apportionment of assets and liabilities under sub. (1m) (b), or before the April
10 15 following an order issued by the board under sub. (1m) (c), the school board of each
11 affected school district shall adopt a resolution ordering or denying the creation of
12 the school district. The resolution shall state the school board's rationale for ordering
13 or denying the reorganization and include an evaluation of each of the factors
14 specified in s. 117.15. Failure of a school board to adopt a resolution either ordering
15 or denying the creation of the school district before the applicable date required
16 under this subsection constitutes a denial of the creation of the school district by that
17 school board. The school district clerk of each school board adopting a resolution
18 under this subsection, either ordering or denying the reorganization, shall, within
19 5 days after the adoption of the resolution, send a certified copy of the resolution to
20 the school boards of each of the other affected school districts and file a certified copy
21 of the resolution as provided in s. 117.17 (2).

22 **SECTION 6.** 117.105 (3) (a) 4. of the statutes is created to read:

23 117.105 (3) (a) 4. The procedure for creation of the proposed school district was
24 initiated under sub. (1) (a).

25 **SECTION 7. Initial applicability.**

