

**2009 DRAFTING REQUEST**

**Bill**

Received: **01/28/2010**

Received By: **pgrant**

Wanted: **As time permits**

Identical to LRB:

For: **Fred Clark (608) 266-7746**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **pgrant**

May Contact:

Addl. Drafters:

Subject: **Education - sch. dist. reorg.**

Extra Copies: **TKK**

Submit via email: **YES**

Requester's email: **Rep.Clark@legis.wisconsin.gov**

Carbon copy (CC:) to: **russ.whitesel@legis.wisconsin.gov**  
**Jessica.Topp@legis.wisconsin.gov**

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

School district consolidation

---

**Instructions:**

See attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pgrant 01/29/2010	csicilia 01/29/2010		_____			
	pgrant 02/10/2010	kfollett 02/16/2010		_____			
/1	pgrant 02/24/2010	kfollett 02/25/2010	mduchek 02/16/2010	_____	lparisi 02/16/2010	cduerst 02/24/2010	
/2			rschluet	_____	mbarman	mbarman	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			02/25/2010 _____		02/25/2010	02/25/2010	

FE Sent For: **NONE**

**<END>**

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/?	pgrant 01/29/2010	csicilia 01/29/2010		_____			
	pgrant 02/10/2010	kfollett 02/16/2010		_____			
/1	pgrant 02/24/2010	kfollett 02/25/2010	mduchek 02/16/2010	_____	lparisi 02/16/2010	cduerst 02/24/2010	
/2			rschlue	_____	mbarman		

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/1		12kf 2/25	mduchek 02/16/2010		lparisi 02/16/2010	cduerst 02/24/2010	

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/1			mduchek 02/16/2010	_____	lparisi 02/16/2010		

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### Topic:

School district consolidation


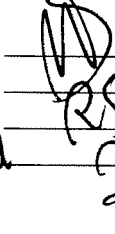
---

### Instructions:

See attached

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### Drafting History:

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/?	pgrant 01/29/2010 pgrant	csicilia 01/29/2010 1/kf 2/16	 2/16	 2/16			

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/?	pgrant			_____			
				_____			

FE Sent For:

<END>

2/29/10

JESSICA 6-3520

add primary in September for ref.

~~(crossed out text)~~

i.e. 3 timelines  
5

MSW

July order

petition by 2nd Tues Sept

Nov. ref

July 1 - effective

1st Act

December order

pet. by 2nd Tues in Feb

April Ref

2nd July 1 - following effective

2nd Act

May order

petition by 2nd Tues in July

Sept ref.

July 1 - effective

only for 2010

**BILL**

Date (time) needed

~~5000~~  
Wed  
7:00 AM

LRB - 42241-1  
Pg. 15f

Use the appropriate components and routines developed for bills.

AN ACT . . . [generate catalog] *procedure for* **to repeal . . . ; to renumber . . . ; to consolidate and renumber . . . ; to renumber and amend . . . ; to consolidate, renumber and amend . . . ; to amend . . . ; to repeal and recreate . . . ; and to create . . .** of the statutes; **relating to:** *the school district consolidations* . . .

[NOTE: See section 4.02 (2) (br), Drafting Manual, for specific order of standard phrases.]

*Analysis by the Legislative Reference Bureau*

If titles are needed in the analysis, in the component bar:

For the main heading, execute: . . . . . **create** → **anal:** → **title:** → **head**

For the subheading, execute: . . . . . **create** → **anal:** → **title:** → **sub**

For the sub-subheading, execute: . . . . . **create** → **anal:** → **title:** → **sub-sub**

For the analysis text, in the component bar:

For the text paragraph, execute: . . . . . **create** → **anal:** → **text**

*(attached)*

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

**SECTION #.**

SEC. CR. 117.08(5)

(B) (CS)  
117.08(5) ALTERNATIVE TIMELINE. ~~for this~~

NO# If each school board adopting a resolution under  
in its resolution  
sub. (1) specifies that the alternative timeline  
under this subsection applies,

~~(b) If this subsection applies,~~ the dates  
specified in subs. (2), ~~and~~ (3)(A)2, ~~and~~ (4) are changed as follows:

(a) The resolutions under sub. (2) shall  
be adopted in the first December <sup>beginning</sup> after the  
adoption of resolutions by 2 or more school boards  
under sub. (1). Failure of a school board to adopt  
a resolution either ordering or denying the  
consolidation before January 1 constitutes a denial  
of the consolidation by that school board.

(b) The petition requesting a referendum

under sub (3) (a) 2. shall be filed  
before the 2nd Tuesday of February  
following the adoption of the resolutions  
under sub. (2).

(c) If a majority of <sup>the</sup> votes cast  
in each affected <sup>school district</sup> is in favor of  
consolidation, the school districts shall be  
consolidated on the 2nd following July 1.

+

Section #. 117.20 (1) of the statutes is renumbered 117.20(1)(a) and amended to read:

117.20 (1) (a) ~~If~~ Except as provided in par. (b), if a referendum is required under ss. 117.08 to 117.11, it shall be held on the Tuesday after the first Monday in November following receipt of the petition or adoption of the resolution under s. 117.08 (3) (a), 117.09 (3) (a), 117.10 (3) (a) or 117.11 (4) (a). If a referendum is required under s. 117.105, it shall be held on the Tuesday after the first Monday in the 2nd November following receipt of the petition or adoption of the resolution under s. 117.105 (1).

**History:** 1989 a. 114; 1997 a. 286; 2003 a. 265; 2007 a. 1.

SEC. CR; 117.20<sup>✓</sup> (1)(b)

117.20<sup>(B)</sup> (1)(b). If the alternative timeline

under s. 117.08(5) is used <sup>and</sup> a referendum  
<sup>required</sup>

is required ~~under that section~~, it shall be held

on the first Tuesday in April following

receipt of the petition <sup>or</sup> adoption of the

resolution under s. 117.08(3)(a).



Section #. 117.22 (1) (b) 1. of the statutes is amended to read:

117.22 (1) (b) 1. If no referendum is required, on the 2nd Tuesday of September following the adoption of the resolution under s. 117.08 (2) or 117.09 (2).

History: 1989 a. 114, 287; 1993 a. 392; 1997 a. 286; 1999 a. 83.

, except that if the alternative  
timeline under s. 117.08(5) is used,  
on the 2nd Tuesday of February  
following the adoption of the  
resolution under s. 117.08(2), and if  
the alternative timeline under  
s. 117.08(5)(b) is used, on the 2nd  
Tuesday of July following the adoption  
of the resolution under s. 117.08(2)

**NONSTAT SESSLAW**

1. In the component bar:

For the action phrase, execute: ..... create → action: → \*NS: → nonstat

For the budget action phrase, execute: ..... create → action: → \*NS: → 91XX

For a subsection, execute: ..... create → text: → \*NS: → sub

For a paragraph, execute: ..... create → text: → \*NS: → par

For a subdivision, execute: ..... create → text: → \*NS: → subd

For a subdivision paragraph, execute: ..... create → text: → \*NS: → subpar

2. Nonstatutory subunits are numbered automatically. Fill in the SECTION # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9100 department code.

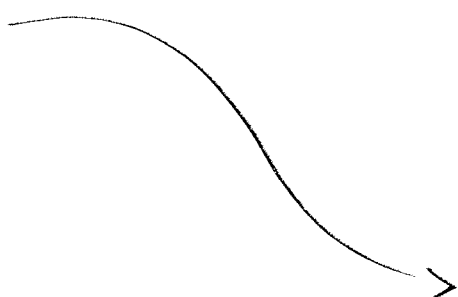
SECTION # 191. Nonstatutory provisions; ...

.....

(#1) ( ) <sup>CS</sup> SCHOOL DISTRICT CONSOLIDATION; 2010. (1)

create  
auto  
ref

(a) Notwithstanding section 117.08 of the statutes, as affected by this act, if each school board adopting a resolution under section 117.08 (1) of the statutes on or after the effective date of this paragraph but before May 1, 2010, specifies in its resolution that the alternative timeline under this section applies,



its resolution in an even-numbered year and

~~SEC. CR. 17.08(5)~~

~~17.08(5) ALTERNATIVE TIME LINES. (a) This~~

~~(a) If each school board adopting a resolution under section 17.08(1) of the statutes specifies that the alternative timeline under this section applies,~~

(b) If this subsection applies, the dates specified in section 17.08 and ~~section 17.08(2) and (3)(a)2.~~ of the statutes are changed as follows:

1. (a) The resolutions under ~~section 17.08(2)~~ <sup>section 17.08</sup> of the statutes shall be adopted in ~~the first~~ <sup>May beginning</sup> after the

~~adoption of resolutions by 2 or more school boards~~ May 2010

Failure of a school board to adopt a resolution either ordering or ordering or consolidation before ~~June 1,~~ <sup>June, 2010,</sup> constitutes a denial of the consolidation by that school board.

2. (b) The petition requesting a referendum

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

section 17.08 ✓ of the statutes  
under ~~sub~~ (3)(a) 2. shall be filed  
before ~~the 2nd Tuesday of February~~ July  
July 13, 2010.

~~Following the adoption of the resolution  
section 17.08~~

~~under sub (2) of the statutes,~~

~~(c) If a majority of votes cast  
school district  
in each affected is in favor of  
consolidation, the school districts shall be  
consolidated on the 2nd following July 1.~~

(b) Notwithstanding section 17.20 (1)(a) ✓ of  
the statutes, as affected by this act, if

~~SEC 117.20 (1)(b)~~

~~the alternative timeline~~  
 paragraph (a) ← a.r. and  
 is used if a referendum

is required ~~under that section~~, it shall be held on  
~~or the first Tuesday in April~~ September 14, 2010,  
 following

~~receipt of the petition or adoption of the~~  
~~resolution under s. 117.22(2)(a).~~

(c) Notwithstanding section 117.22 (1)(b)1. of  
 the statutes, as affected by this act, if  
 the alternative timeline, under paragraph  
 (a) is used and no referendum is  
 required, the joint interim school board  
 constitutes the school board of the new  
 school district beginning on July 13, 2010.

**INITIAL APPLICABILITY**

- In the component bar:  
 For the action phrase, execute: ..... create → action: → \*NS: → inappl  
 For the budget action phrase, execute: ..... create → action: → \*NS: → 93XX  
 For the text, execute: ..... create → text: → \*NS: → inappl
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed. Below, for the budget, fill in the 9300 department code.

**SECTION #**   93   . **Initial applicability;** .....

( #1 ) (    ) .....

The treatment of sections / ..

117.08 (5)

of the statutes

first applies to resolutions adopted under section  
117.08(1) of the statutes on the effective date  
of this subsection.

*(End)*

- In the component bar:  
 For the action phrase, execute: ..... create → action: → \*NS: → inappl  
 For the text, execute: ..... create → text: → \*NS: → inapplA
- Nonstatutory subunits are numbered automatically. Fill in the Section # or subsection # only if a "frozen" number is needed.

**SECTION #** \_\_\_\_\_ . **Initial applicability;** .....

( #1 ) (    ) .....

This act first

applies to .....

## ANALYSIS

Currently, the procedure for the consolidation of two <sup>or more</sup> school districts is the following:

1. The school boards ~~of two or more~~ <sup>of</sup> the school districts ~~may~~ adopt resolutions stating that they will consider consolidating their school districts.
2. In the first July following the adoption of resolutions, the school boards may order the school districts consolidated.
3. A referendum is held on the consolidation if the school board of <sup>any</sup> of the affected school districts directs that one be held, or if a petition signed by a <sup>second</sup> sufficient number of electors is filed <sup>before the (2nd) Tuesday of September</sup>. The referendum, if necessary, is held in November.

4. The consolidation takes effect on the following July 1.

This bill provides two alternative timelines for school district consolidations if the ~~with~~ school boards considering consolidation ~~must~~ specify in their initial resolutions <sup>which</sup> ~~that the~~ <sup>timeline</sup> alternative timeline applies. The timeline for the first alternative is the following:

1. The school boards may order the school districts consolidated in the first December <sup>of</sup> following the adoption of <sup>their</sup> initial resolutions.

2. A petition requesting a referendum must be filed before the 2nd Tuesday of February. The referendum, <sup>if necessary,</sup> is held in April.

3. The consolidation takes effect on the 2nd following July 1.



2. A referendum is held on the consolidation of the school board of any of the affected school districts if the board directs that one be held, or if a petition signed by a sufficient number of electors is filed before the <sup>second</sup> ~~2nd~~ Tuesday of February. The referendum, if necessary, is held in April.

3. The consolidation takes effect on the <sup>second</sup> ~~2nd~~ following July 1.

If the timeline for the second alternative, which may only be used in 2010, is as follows:

~~1. The initial resolutions must be adopted in an even-numbered year.~~

1. The school boards may order the school districts consolidated in ~~the first~~ May 2010, following the adoption of <sup>their</sup> initial resolutions.

2. A referendum is held on the consolidation if the school board of any of the affected school districts directs that one be held, or if a petition signed by a sufficient number of <sup>electors</sup> electors is filed before ~~the 2nd Tuesday~~ of July 13, 2010. The referendum, if necessary, is held ~~on~~ on September <sup>14,</sup> 2010.

3. The consolidation takes effect on <sup>g</sup> ~~the following~~ July 1, 2011. <sup>o</sup>

**Duerst, Christina**

---

**From:** Clark, Fred  
**Sent:** Wednesday, February 24, 2010 9:44 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-4224/1 Topic: School district consolidation

Please Jacket LRB 09-4224/1 for the ASSEMBLY.

2/24/10

cc from Bo - Clark's etc.

redraft 4224 : Make Sept. primary ~~per~~ procedure  
permanent (not just 2010)



565m

## 2009 BILL

1 **AN ACT** *to renumber and amend* 117.20 (1); *to amend* 117.22 (1) (b) 1.; and *to*  
2 *create* 117.08 (5) and 117.20 (1) (b) of the statutes; **relating to:** the procedure  
3 for school district consolidations.

---

### *Analysis by the Legislative Reference Bureau*

Currently, the procedure for the consolidation of two or more school districts is the following:

1. The school boards adopt resolutions stating that they will consider consolidating their school districts.

2. In the first July following the adoption of resolutions, the school boards may order the school districts consolidated.

3. A referendum is held on the consolidation if the school board of any of the affected school districts directs that one be held, or if a petition signed by a sufficient number of electors is filed before the second Tuesday of September. The referendum, if necessary, is held in November.

4. The consolidation takes effect on the following July 1.

This bill provides two alternative timelines for school district consolidations if the school boards considering consolidation specify in their initial resolutions which alternative timeline applies. The timeline for the first alternative is the following:

1. The school boards may order the school districts consolidated in the first December following the adoption of their initial resolutions.

2. A referendum is held on the consolidation if the school board of any of the affected school districts directs that one be held, or if a petition signed by a sufficient

**BILL**

number of electors is filed before the second Tuesday of February. The referendum, if necessary, is held in April.

3. The consolidation takes effect on the second following July 1.

The timeline for the second alternative, ~~which may only be used in 2010~~, is as follows:

1. The school boards may order the school districts consolidated in May <sup>the first</sup> 2010, following the adoption of their initial resolutions.

2. A referendum is held on the consolidation if the school board of any of the affected school districts directs that one be held, or if a petition signed by a sufficient number of electors is filed before July 13, 2010. The referendum, if necessary, is held on September 14, 2010.

3. The consolidation takes effect on July 1, 2011, the following

the second Tuesday of ~~July~~

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

SECTION 1. 117.08 (5) of the statutes is created to read:

117.08 (5) ALTERNATIVE TIMELINE <sup>5 (a)</sup> If each school board adopting a resolution under sub. (1) specifies in its resolution that the alternative timeline under this subsection <sup>a paragraph</sup> applies, the dates specified in subs. (2), (3) (a) 2., and (4) are changed as follows:

1. ~~(a)~~ The resolutions ordering or denying a consolidation under sub. (2) shall be adopted in the first December beginning after the adoption of resolutions by 2 or more school boards under sub. (1). Failure of a school board to adopt a resolution either ordering or denying the consolidation before January 1 constitutes a denial of the consolidation by that school board.

2. ~~(b)~~ The petition requesting a referendum under sub. (3) (a) 2. shall be filed before the 2nd Tuesday of February following the adoption of the resolutions under sub. (2).

3. ~~(c)~~ If a majority of the votes cast in each affected school district is in favor of consolidation, the school districts shall be consolidated on the 2nd following July 1.

15  
insert  
from  
R. 3-4

**BILL**

1           **SECTION 2.** 117.20 (1) of the statutes is renumbered<sup>✓</sup> 117.20 (1) (a) and amended  
2 to read:

3           117.20 (1) (a) ~~If Except as provided in par. (b), if~~ a referendum is required under  
4 ss. 117.08 to 117.11, it shall be held on the Tuesday after the first Monday in  
5 November following receipt of the petition or adoption of the resolution under s.  
6 117.08 (3) (a), 117.09 (3) (a), 117.10 (3) (a) or 117.11 (4) (a). If a referendum is required  
7 under s. 117.105, it shall be held on the Tuesday after the first Monday in the 2nd  
8 November following receipt of the petition or adoption of the resolution under s.  
9 117.105 (1).

10           **SECTION 3.** 117.20 (1) (b) of the statutes is created to read:  
11           117.20 (1) (b)<sup>1.</sup> If the alternative timeline under s. 117.08 (5)<sup>(a) ✓</sup> is used and a  
12 referendum is required, it shall be held on the first Tuesday in April following receipt  
13 of the petition or adoption of the resolution under s. 117.08 (3) (a).

3-13 →

14           **SECTION 4.** 117.22 (1) (b) 1. of the statutes<sup>✓</sup> is amended to read:  
15           117.22 (1) (b) 1. If no referendum is required, on the 2nd Tuesday of September  
16 following the adoption of the resolution under s. 117.08 (2) or 117.09 (2), ~~except that~~  
17 if the alternative timeline under s. 117.08 (5)<sup>(a) ✓</sup> is used, on the 2nd Tuesday of February  
18 following the adoption of the resolution under s. 117.08 (2). 3-18

→ scored

move to p. 2

~~**SECTION 5. Nonstatutory provisions.**~~

20           ~~(1) SCHOOL DISTRICT CONSOLIDATION; 2010.~~  
21           ~~(b) (a) Notwithstanding section 117.08 of the statutes, as affected by this act, if~~  
22 each school board adopting a resolution under ~~section 117.08 (1) of the statutes on~~  
23 ~~or after the effective date of this paragraph but before May 1, 2010,~~ specifies in its  
24 resolution that the alternative timeline under this ~~section~~<sup>sub.</sup> applies, the dates  
25 specified in ~~section 117.08 (2) and (3) (a) 2. of the statutes~~<sup>sub.</sup> are changed as follows:

beginning after the adoption of resolutions by 2 or more school boards under sub. (1) LRB-4224/1 PG:kjf:md SECTION 5 sub.

**BILL**

1  
move to  
p. 23

1. The resolutions ordering or denying a consolidation under ~~section 117.08 (2)~~ of the statutes shall be adopted in <sup>the first</sup> May 2010. Failure of a school board to adopt a resolution either ordering or denying the consolidation before June 1, 2010, constitutes a denial of the consolidation by that school board.

2. The petition requesting a referendum under ~~section 117.08 (3) (a) 2. of the~~ statutes shall be filed before July <sup>the 2nd Tuesday of</sup> 13, 2010, <sup>sub.</sup> following the adoption of <sup>the</sup> resolutions under sub. (2) ✓

(b) Notwithstanding section 117.20 (1) (a) of the statutes, as affected by this act, if the alternative timeline under paragraph (a) is used and a referendum is required, it shall be held on September 14, 2010.

(c) Notwithstanding section 117.22 (1) (b) 1. of the statutes, as affected by this act, if the alternative timeline under paragraph (a) is used and no referendum is required, the joint interim school board constitutes the school board of the new school district beginning on July 13, 2010.

**SECTION 6. Initial applicability.**

(1) The treatment of section 117.08 (5) of the statutes first applies to resolutions adopted under section 117.08 (1) of the statutes on the effective date of this subsection.

(END)



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2. If the alternative timeline under  
s. 117.08 (5)(b) is used and a referendum  
is required, it shall be held on the  
2nd Tuesday in September following  
receipt of the petition or adoption of the  
resolution under s. 117.08 (3)(a) (c).

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; and if the alternative timeline under  
s. 117.08(5)(b) is used, on the 2nd  
Tuesday of July following the adoption  
of the resolution under s. 117.08(2)

**Basford, Sarah**

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**From:** Gill, Andrew  
**Sent:** Thursday, February 25, 2010 1:30 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-4224/2 Topic: School district consolidation

Please Jacket LRB 09-4224/2 for the ASSEMBLY.