

2015 DRAFTING REQUEST

Bill

Received: **8/24/2015** Received By: **tkuczens**
For: **Van Wanggaard (608) 266-1832** Same as LRB:
May Contact: By/Representing: **Scott**
Subject: **Education - school boards** Drafter: **tkuczens**
Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Wanggaard@legis.wisconsin.gov**
Carbon copy (CC) to: **fern.knepp@legis.wisconsin.gov**
tracy.kuczenski@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Allow school board president to fill a vacancy on school board

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 8/24/2015	kmochal 8/24/2015	_____			
/P1	tkuczens 8/25/2015	anienaja 8/26/2015	_____	lparisi 8/24/2015		
/P2	tkuczens 8/26/2015		_____	srose 8/26/2015		

Per TKK →

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	fknepp 8/31/2015	eweiss 8/26/2015	_____	sbasford 8/26/2015	sbasford 8/26/2015	
/2		anienaja 8/31/2015	_____	sbasford 8/31/2015	sbasford 8/31/2015	

FE Sent For:

Not
Needed

<END>

Kuczenski, Tracy

From: Leiber, John
Sent: Monday, August 24, 2015 3:23 PM
To: Kuczenski, Tracy
Cc: Kelly, Scott
Subject: RE: LRB 2939/P2

Tracy,

Could you draft a senate companion for LRB 2939/P2 for Sen. Wanggaard's office? Fern had drafted the original one, but she's out this week.

Thank you,

John Leiber
Legislative Assistant
Office of State Representative Weatherston, 62nd District
(608) 266-0731
john.leiber@legis.wisconsin.gov



State of Wisconsin
2015 - 2016 LEGISLATURE

3019/P1
LRB-2939/P2
FFK:amn
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

in 8/24/15
wanted 8/25/15
(No changes)

1 **AN ACT to repeal** 17.26 (1m); **to amend** 17.26 (1), 17.26 (1), 17.26 (3), 17.26 (3),
2 120.42 (3) and 120.42 (3); and **to create** 17.26 (1m) of the statutes; **relating to:**
3 filling vacancies on school boards of certain unified school districts.

Analysis by the Legislative Reference Bureau

For a period of approximately one year following the effective date of the bill, this bill allows the school board president of certain unified school districts to appoint a person to fill a vacancy on the school board if the remaining school board members fail to fill the vacancy within 60 days.

Under current law, if a vacancy occurs on a school board of a unified school district, the remaining school board members appoint a person to fill the vacancy. This bill allows the school board president of a unified school district that encompasses a city with a population greater than 75,000 but less than 100,000 and at least two villages to appoint a person to fill a vacancy on the school board if the remaining school board members do not fill the vacancy within 60 days of the date on which the vacancy first occurs. A school board member appointed to fill a vacancy, whether by remaining school board members or by a school board president, serves until his or her successor is elected and takes office.

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

4 **SECTION 1.** 17.26 (1) of the statutes is amended to read:

1 17.26 (1) ~~In~~ Except as provided in sub. (1m), in a common, union high, or unified
2 school district, by appointment by the remaining members. ~~Each~~ An appointee
3 under this subsection or sub. (1m) shall hold office until a successor is elected and
4 takes office under s. 120.06 (4) or 120.42 (2). When a vacancy occurs in the office of
5 a board member who is in the last year of his or her term, or when a vacancy occurs
6 after the spring election but on or before the last Tuesday in November in the office
7 of a board member who is not in the last year of his or her term, the successor shall
8 be elected at the next spring election. When a vacancy occurs after the last Tuesday
9 in November and on or before the date of the next spring election in the office of a
10 board member who is not in the last year of his or her term, the successor shall be
11 elected at the 2nd following spring election.

12 **SECTION 2.** 17.26 (1) of the statutes, as affected by 2015 Wisconsin Act (this
13 act), is amended to read:

14 17.26 (1) ~~Except as provided in sub. (1m), in~~ In a common, union high, or unified
15 school district, by appointment by the remaining members. An appointee under this
16 subsection ~~or sub. (1m)~~ shall hold office until a successor is elected and takes office
17 under s. 120.06 (4) or 120.42 (2). When a vacancy occurs in the office of a board
18 member who is in the last year of his or her term, or when a vacancy occurs after the
19 spring election but on or before the last Tuesday in November in the office of a board
20 member who is not in the last year of his or her term, the successor shall be elected
21 at the next spring election. When a vacancy occurs after the last Tuesday in
22 November and on or before the date of the next spring election in the office of a board
23 member who is not in the last year of his or her term, the successor shall be elected
24 at the 2nd following spring election.

25 **SECTION 3.** 17.26 (1m) of the statutes is created to read:

1 17.26 (1m) By appointment by the school district president if all of the
2 following apply:

3 (a) The vacancy is in a unified school district that encompasses a city with a
4 population greater than 75,000 but less than 100,000 and that encompasses at least
5 2 villages.

6 (b) The remaining members of the school board do not appoint an individual
7 to fill the vacancy under sub. (1) within 60 days of the date on which the vacancy first
8 exists.

9 **SECTION 4.** 17.26 (1m) of the statutes, as created by 2015 Wisconsin Act (this
10 act), is repealed.

11 **SECTION 5.** 17.26 (3) of the statutes is amended to read:

12 17.26 (3) Any person selected under sub. (1) or (1m), upon being notified of his
13 or her selection, shall be deemed to have accepted the selection unless within 5 days
14 after notification he or she files with the clerk or director a written refusal to serve.

15 **SECTION 6.** 17.26 (3) of the statutes, as affected by 2015 Wisconsin Act (this
16 act), is amended to read:

17 17.26 (3) Any person selected under sub. (1) ~~or (1m)~~, upon being notified of his
18 or her selection, shall be deemed to have accepted the selection unless within 5 days
19 after notification he or she files with the clerk or director a written refusal to serve.

20 **SECTION 7.** 120.42 (3) of the statutes is amended to read:

21 120.42 (3) All vacancies shall be filled by appointment, in accordance with s.
22 17.26 (1) and (1m).

23 **SECTION 8.** 120.42 (3) of the statutes, as affected by 2015 Wisconsin Act (this
24 act), is amended to read:

August 25, 2015

Redraft LRB 2939/P2: (per John in Rep. Weatherston)
LRB 3019/P1

* Make apply to all common, circuit judges and unified S. districts

* Make right permissive (S.B. president may but is not required to fill vacancy this way)

* Eliminate sunset

Rush (by 8/26/15)



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3019/P1
FFK:amn
PTK

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

insert
RM12

SAV
Xref

8/25/15

wanted 8/26

legen

- 1 AN ACT *to repeal* 17.26 (1m); *to amend* 17.26 (1), 17.26 (1), 17.26 (3), 17.26 (3),
- 2 120.42 (3) and 120.42 (3); and *to create* 17.26 (1m) of the statutes; **relating to:**
- 3 filling vacancies on school boards of certain unified school districts.

Analysis by the Legislative Reference Bureau

For a period of approximately one year following the effective date of the bill, this bill allows the school board president of certain unified school districts to appoint a person to fill a vacancy on the school board if the remaining school board members fail to fill the vacancy within 60 days.

one of these common union high or

Under current law, if a vacancy occurs on a school board of a unified school district, the remaining school board members appoint a person to fill the vacancy. This bill allows the school board president of a unified school district that encompasses a city with a population greater than 75,000 but less than 100,000 and at least two villages to appoint a person to fill a vacancy on the school board if the remaining school board members do not fill the vacancy within 60 days of the date on which the vacancy first occurs. A school board member appointed to fill a vacancy, whether by remaining school board members or by a school board president, serves until his or her successor is elected and takes office.

districts

Insert 1-4

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

renumbered 17.26(1g)(a) and

- 4 SECTION 1. 17.26 (1) of the statutes is amended to read:

^(B)
(1g)(a)

1 17.26 (1) ~~In~~ Except as provided in sub. (1m), in a common, union high, or unified
 2 school district, by appointment by the remaining members. ~~Each~~ An appointee
 3 under this subsection or sub. (1m) shall hold office until a successor is elected and
 4 takes office under s. 120.06 (4) or 120.42 (2). When a vacancy occurs in the office of
 5 a board member who is in the last year of his or her term, or when a vacancy occurs
 6 after the spring election but on or before the last Tuesday in November in the office
 7 of a board member who is not in the last year of his or her term, the successor shall
 8 be elected at the next spring election. When a vacancy occurs after the last Tuesday
 9 in November and on or before the date of the next spring election in the office of a
 10 board member who is not in the last year of his or her term, the successor shall be
 11 elected at the 2nd following spring election.

12 **SECTION 2.** 17.26 (1) of the statutes, as affected by 2015 Wisconsin Act ... (this
 13 act), is amended to read:

14 17.26 (1) ~~Except as provided in sub. (1m), in~~ In a common, union high, or unified
 15 school district, by appointment by the remaining members. An appointee under this
 16 subsection ~~or sub. (1m)~~ shall hold office until a successor is elected and takes office
 17 under s. 120.06 (4) or 120.42 (2). When a vacancy occurs in the office of a board
 18 member who is in the last year of his or her term, or when a vacancy occurs after the
 19 spring election but on or before the last Tuesday in November in the office of a board
 20 member who is not in the last year of his or her term, the successor shall be elected
 21 at the next spring election. When a vacancy occurs after the last Tuesday in
 22 November and on or before the date of the next spring election in the office of a board
 23 member who is not in the last year of his or her term, the successor shall be elected
 24 at the 2nd following spring election.

25 **SECTION 3.** 17.26 (1m) of the statutes is created to read:

Insert 3-1

no 70

Insert 3-9

1 17.26 (1m) By appointment by the school district president if all of the
 2 following apply:
 3 (a) The vacancy is in a unified school district that encompasses a city with a
 4 population greater than 75,000 but less than 100,000 and that encompasses at least
 5 2 villages.
 6 (b) The remaining members of the school board do not appoint an individual
 7 to fill the vacancy under sub. ^{(1g)(a)} (1) within 60 days of the date on which the vacancy first
 8 exists.

9 SECTION 4. 17.26 (1m) of the statutes, as created by 2015 Wisconsin Act (this
 10 act), is repealed.

11 SECTION 5. 17.26 (3) of the statutes is amended to read:
 12 17.26 (3) Any person selected under sub. ~~(1)~~ ^{(1g)(a) or sub (1m)} or (1m), upon being notified of his
 13 or her selection, shall be deemed to have accepted the selection unless within 5 days
 14 after notification he or she files with the clerk or director a written refusal to serve.

15 SECTION 6. 17.26 (3) of the statutes, as affected by 2015 Wisconsin Act (this
 16 act), is amended to read:
 17 17.26 (3) Any person selected under sub. (1) ~~or (1m)~~, upon being notified of his
 18 or her selection, shall be deemed to have accepted the selection unless within 5 days
 19 after notification he or she files with the clerk or director a written refusal to serve.

20 SECTION 7. 120.42 (3) of the statutes is amended to read:
 21 120.42 (3) All vacancies shall be filled by appointment, in accordance with s.
 22 17.26 ~~(1)~~ ^{(1g)(a) or} and (1m).

23 SECTION 8. 120.42 (3) of the statutes, as affected by 2015 Wisconsin Act (this
 24 act), is amended to read:

1 120.42 (3) All vacancies shall be filled by appointment, in accordance with s.
2 17.26 (1) and (1m).

3 **SECTION 9. Effective dates.** This act takes effect on the day after publication,
4 except as follows:

5 (1) SUNSET SCHOOL DISTRICT PRESIDENT APPOINTMENT AUTHORITY. The treatment
6 of sections 17.26 (1) (by SECTION 2) and (3) (by SECTION 6) and 120.42 (3) (by SECTION
7 8) of the statutes and the repeal of section 17.26 (1m) of the statutes take effect on
8 the first day of the 13th month beginning after publication.

9

(END)

2015-2016 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3019/Pjins
TKK:amn

INSERT 1-4

1 **SECTION 1.** 17.26 (intro.) of the statutes is renumbered 17.26 (1g) and amended
2 to read:
3 17.26 (1g) Except as provided in s. 9.10 and sub. (1m), vacancies in a school
4 board shall be filled as follows:

History: 1973 c. 144; 1975 c. 138 s. 37; 1975 c. 200; 1977 c. 384, 403, 427, 445; 1979 c. 32; 1979 c. 260 ss. 82, 93m; 1979 c. 301; 1981 c. 287, 340; 1985 a. 225; 1995 a. 16 s. 2; 1995 a. 27 s. 9145 (1); 1997 a. 27.

INSERT 3-1

5 17.26 (1m) The school district president of a common, union high, or unified
6 school district may, by appointment, fill a vacancy in the school board if

INSERT 3-9

7 **SECTION 2.** 17.26 (2) of the statutes is renumbered 17.26 (1g) (b).

8 **SECTION 3.** 17.26 (4) of the statutes is renumbered 17.26 (1g) (c).

9



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3019/PZ
FFK&TKK:amn

PKR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

8/26 Today

1 **AN ACT** *to renumber* 17.26 (2) and 17.26 (4); *to renumber and amend* 17.26
2 (intro.) and 17.26 (1); *to amend* 17.26 (3) and 120.42 (3); and *to create* 17.26
3 (1m) of the statutes; **relating to:** filling vacancies on school boards of certain
4 school districts.

Analysis by the Legislative Reference Bureau

This bill allows the school board president of certain school districts to appoint a person to fill a vacancy on the school board if the remaining school board members fail to fill the vacancy within 60 days.

Under current law, if a vacancy occurs on a school board of a common, union high, or unified school district, the remaining school board members appoint a person to fill the vacancy. This bill allows the school board president of one of these school districts to appoint a person to fill a vacancy on the school board if the remaining school board members do not fill the vacancy within 60 days of the date on which the vacancy first occurs. A school board member appointed to fill a vacancy, whether by remaining school board members or by a school board president, serves until his or her successor is elected and takes office.

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

SECTION 1

1 **SECTION 1.** 17.26 (intro.) of the statutes is renumbered 17.26 (1g) (intro.) and
2 amended to read:

3 17.26 (1g) (intro.) Except as provided in s. 9.10 and sub. (1m), vacancies in a
4 school board shall be filled as follows:

5 **SECTION 2.** 17.26 (1) of the statutes is renumbered 17.26 (1g) (a) and amended
6 to read:

7 17.26 (1g) (a) ~~In~~ Except as provided in sub. (1m), in a common, union high, or
8 unified school district, by appointment by the remaining members. ~~Each~~ An
9 appointee under this subsection or sub. (1m) shall hold office until a successor is
10 elected and takes office under s. 120.06 (4) or 120.42 (2). When a vacancy occurs in
11 the office of a board member who is in the last year of his or her term, or when a
12 vacancy occurs after the spring election but on or before the last Tuesday in
13 November in the office of a board member who is not in the last year of his or her term,
14 the successor shall be elected at the next spring election. When a vacancy occurs
15 after the last Tuesday in November and on or before the date of the next spring
16 election in the office of a board member who is not in the last year of his or her term,
17 the successor shall be elected at the 2nd following spring election.

18 **SECTION 3.** 17.26 (1m) of the statutes is created to read:

19 17.26 (1m) The school district president of a common, union high, or unified
20 school district may, by appointment, fill a vacancy in the school board if the
21 remaining members of the school board do not appoint an individual to fill the
22 vacancy under sub. (1g) (a) within 60 days of the date on which the vacancy first
23 exists.

24 **SECTION 4.** 17.26 (2) of the statutes is renumbered 17.26 (1g) (b).

25 **SECTION 5.** 17.26 (3) of the statutes is amended to read:

Knepp, Fern

From: Kelly, Scott
Sent: Monday, August 31, 2015 9:42 AM
To: Knepp, Fern
Cc: Leiber, John
Subject: Relating Clause change

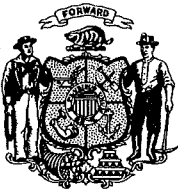
Hi Fern –

I was wondering if we could get a relating clause change on our drafts LRB-3019 and its Assembly companion. We're looking to narrow it a little bit.

Could the relating clause say something along the lines of "allowing school board presidents to fill long-term vacancies on school boards of certain school districts"?

Thanks and let me know.

Scott Kelly
Chief of Staff & Legal Counsel
Senator Van Wanggaard
608-266-1832
scott.kelly@legis.wi.gov



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-3019/1
FFK&TKK:amn

In 8-31
Out Today

5/12
amn

SA ✓

2015 BILL

1 AN ACT to renumber 17.26 (2) and 17.26 (4); to renumber and amend 17.26
 2 (intro.) and 17.26 (1); to amend 17.26 (3) and 120.42 (3); and to create 17.26
 3 (1m) of the statutes; relating to: ^{allowing a school board president to fill} ~~filling~~ vacancies on school boards of certain
 4 ^{a common, union high, or unified} school districts.

Analysis by the Legislative Reference Bureau

This bill allows the school board president of ^{a common, union high, or unified} certain school districts to appoint a person to fill a vacancy on the school board if the remaining school board members fail to fill the vacancy within 60 days.

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

BILL**SECTION 1**

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4 school board shall be filled as follows:

5 **SECTION 2.** 17.26 (1) of the statutes is renumbered 17.26 (1g) (a) and amended
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11 the office of a board member who is in the last year of his or her term, or when a
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