

1981 Senate Bill 519

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CHAPTER 340 , Laws of 1981

AN ACT to repeal 17.26 (2) and 117.04 (3); to renumber 117.04 (1); to renumber and amend 117.04 (2); to amend 120.58 (2); and to create 117.043 (title), (1) (b) and (c) and (2) to (4) and 117.045 of the statutes, relating to the reorganization of city school districts into common or unified districts.

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

SECTION 1. 17.26 (2) of the statutes is repealed.

SECTION 2. 117.04 (1) of the statutes is renumbered 117.04.

SECTION 3. 117.04 (2) of the statutes is renumbered 117.043 (1) (a) and amended to read:

117.043 (1) (a) The electors in a ~~joint~~ city school district may petition to change the school district into either a unified school district or a common school district containing only the territory of the city school district. So far as possible, s. 9.20 shall be applicable to this ~~section~~ subsection. The required number of signatures on such a petition shall be determined in accordance with s. 115.01 (13). The petition shall meet the requirements of s. 117.01 (2) (a), and shall state the school district structure, either common or

unified, into which the city school district shall be reorganized. If the boundaries of the joint city school district and the proposed unified school district are identical, the ~~The~~ petition shall state whether that the school board of the joint city school district, if it is an elected school board, shall become the first school board of the unified district or common school district. The petition shall be submitted to the city clerk and referred by the city clerk. Within 7 days, the city clerk shall publish, as a class I notice under ch. 985, a concise statement of the substantive provisions of the petition, a statement of the requirements for filing a petition under par. (b) and the time and place for filing a petition par. (b). If within 30 days of the date of publication of the notice no petition has been filed with the city clerk under par. (b), the city clerk shall refer the petition submitted under this paragraph to the common council where appropriate or to the fiscal board under s. 120.50 in lieu of the common council for either adoption. Unless the school board has adopted a resolution under sub. (2) (a) or the fiscal board has adopted a resolution under s. 117.045 (1), the common council or the fiscal board shall either adopt the petition submitted under this paragraph without alteration or referral refer it without alteration to a vote of the electors of the school district at a referendum. If a referendum is held, the proposed reorganization shall become effective if it is approved at the referendum by a majority of electors voting at the referendum. Adoption by the fiscal board or common council or approval at a referendum shall constitute the making of an order of school district reorganization, which shall be effective the next following July 1 following the date on which the petition is filed with the city clerk. The form of the ballot shall correspond, as far as possible, to form "D-5" annexed to s. 5.64 (2) and the question on the ballot shall be:

"Shall the (name of school district) be a (type of school district structure set forth in the school board resolution)?

Yes
No"

SECTION 4. 117.04 (3) of the statutes is repealed.

SECTION 5. 117.043 (title) of the statutes is created to read:

117.043 (title) Unified or common school district; creation by school board or electors.

SECTION 6. 117.043 (1) (b) and (c) and (2) to (4) of the statutes are created to read:

117.043 (1) (b) Within 30 days of the date of publication of the notice of a petition to reorganize under par. (a), a petition signed by 15 % of the electors included in the territory of the city school district in accordance with s. 115.01 (13) may be filed with the city clerk requesting that the referendum include a question on the form of district structure into which the city school district shall be reorganized. The petition shall contain the provisions of the petition filed under par. (a), and shall specify the form of district structure, either common or unified, which is not specified in the petition under par. (a). The electors shall determine whether the school district structure shall be common or unified. The form of the ballot shall correspond, so far as possible, to form "D-5" annexed to s. 5.64 (2) and the question on the ballot shall be:

"Shall the (name of school district) be reorganized into a unified or common school district?

Unified School District _____
Common School District _____".

(c) If a referendum is held under par. (b), the district structure of the city school district shall be that form, either common or unified, for which the majority of votes are cast on the question. Selection of a form of school district structure at a referendum shall constitute an order of school district reorganization, which shall be effective the July 1 following the adoption of the resolution.

(2) (a) Unless a petition is pending under sub. (1) or a referendum has been held under sub. (1) resulting in the reorganization of the city school district into either a common or unified school district or the fiscal board has adopted a resolution under s. 117.045 (1), the school board of a city school district may, by resolution adopted prior to January 1, 1983, abolish the city school district and fiscal board and create a common school district or unified school district containing only the territory of the city school district. The school district clerk shall publish the resolution as a class 1 notice, under ch. 985. The resolution shall meet the requirements of s. 117.01 (2) (a) and (c), so far as applicable, and shall state which type of school district, either common or unified, into which the city school district shall be reorganized. The resolution shall state that the school board of the city school district, if it is an elected board, shall become the first school board of the unified or common school district. If no referendum is held under par. (b), adoption of a resolution by the school board shall constitute an order of school district reorganization which shall be effective the July 1 following the adoption of the resolution. If a referendum is not requested under par. (b), not less than 45 days from the date of adoption of the resolution, the school district clerk shall transmit a certified copy of the order to the common council or fiscal board under s. 120.50 (2), if applicable, and shall file an order as provided under s. 117.01 (2) (c).

(b) Within 45 days after the date of publication of the resolution under par. (a), a petition may be filed signed by 15% of the electors of the territory of the city school district in accordance with s. 115.01 (13) requesting that a referendum be held on the form of district structure into which the city school district shall be reorganized. The form of the ballot shall correspond, as far as possible, to form "D-5" annexed to s. 5.64 (2) and the question on the ballot shall correspond to the question set forth in sub. (1) (b).

(c) If a referendum is held under par. (b), the district structure of the city school district shall be that form, either common or unified, for which the majority of votes are cast on the question. Selection of a form of school district structure at a referendum shall constitute an order of school district reorganization, which shall be effective the July 1 following the adoption of the resolution.

(3) (a) Any resolution or petition for a referendum under sub. (2) shall be filed with the city clerk of the city having the largest equalized valuation within the city school district. The clerk of such city shall notify the clerk of each city, village and town with territory in the city school district that a referendum shall be held. The notification shall state the subject of the referendum. The referendum shall be called by the city clerk for a date not more than 30 days from the date the petition is filed. If the spring primary or spring election is to be held within 90 days, but more than 30 days from the date of filing, the referendum shall be held on the date of the spring primary or spring election. Except where a type "B" notice is already published under s. 10.06 (3), the city clerk shall cause notice of 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 city school district.

(b) Electors shall vote at the polling place or places at which they would be required to vote at a general election. Notwithstanding s. 6.77 (1), if the municipal clerk deems it feasible to designate other polling places, he or she shall inform the city clerk immediately upon being notified by the city clerk that a referendum will be conducted. The city clerk shall include in the notice of the referendum only those polling places where the referendum will be conducted.

(c) The election officials shall be selected by the governing body of the municipality where the polling place is located. Each municipality shall compensate the election officials and shall provide the necessary machines, ballot boxes and voting booths. The city clerk shall provide for the printing and distribution of ballots and other election supplies at the expense of the city school district. Voting machines may be used as provided in s.

120.43 (4) (b). The referendum shall be conducted and the votes canvassed and the results returned to the city clerk as at a general election.

(4) Section 120.58 applies to this section.

SECTION 7. 117.045 of the statutes is created to read:

117.045 Reorganization of city school districts to common or unified districts by order of the fiscal board. (1) Except as provided in sub. (5), the fiscal board under s. 120.50 or common council, where applicable, for each city school district shall, by January 1, 1983, adopt a resolution and make an order, effective July 1, 1983, to abolish the city school district and fiscal board and create either a common or a unified school district containing the territory of the city school district. The order shall meet the requirements of s. 117.01 (2) (a) and (c), so far as applicable.

(2) Within 30 days of adoption of the resolution under sub. (1), a petition signed by 15% of the electors included in the territory of the city school district in accordance with s. 115.01 (13) may be filed requesting a referendum on the form of district structure into which the city school district shall be reorganized. The petition shall meet the requirements of s. 117.01 (2) (a), so far as applicable, and shall specify the form of district structure, either common or unified, which is not specified in the reorganization order under sub. (1). The electors shall choose between the reorganization plan specified by the fiscal board or common council, where applicable, and the plan specified in the petition. If a referendum is held, the district structure of the city school district shall be that form, either common or unified, for which the majority of votes are cast at such referendum. The form of the ballot shall correspond, so far as possible, to form "D-5" annexed to s. 5.64 (2) and the question on the ballot shall be:

"Shall the (*name of school district*) be reorganized into a common school district or a unified school district?"

Common School District _____
Unified School District _____".

(3) (a) If the fiscal board or common council, where applicable, fails to make an order as prescribed under sub. (1), the district attorney of the county having the largest equalized valuation within the city school district shall bring an action of mandamus by February 1, 1983. The action of mandamus shall require the board or council to adopt a resolution and make an order abolishing the city school district and creating a unified school district. This order shall meet the requirements of s. 117.01 (2) (a), so far as applicable.

(b) The order under par. (a) shall be subject to a referendum as provided in sub. (2).

(4) Section 120.58 is applicable to this section.

(5) No resolution may be adopted nor may an order be made under sub. (1):

(a) Prior to 75 days after the effective date of this section (1981).

(b) If a referendum has been held under s. 117.043 resulting in the reorganization of the city school district into either a common or unified school district.

(c) If the school board has adopted a resolution under s. 117.043 (2) (a).

(6) Section 117.043 (3) applies to this section.

SECTION 7m. 120.58 (2) of the statutes is amended to read:

120.58 (2) ~~With the approval of the common council of the city affected,~~ a unified or common school district required to purchase school property under this section may pay the purchase price by issuing and delivering directly to the city one or more general obligation promissory notes of the school district pursuant to the provisions, including an irrevocable tax levy, of s. 67.12 (12), but no right to a referendum exists on the school board resolution directing the issuance of such notes and the 10-year limitation of time for payment is not applicable to such notes. Such notes shall mature and be payable at such

times, in such amounts and at such a rate of interest as will amortize and pay when due the principal and interest on the then outstanding obligations of the city issued for school purposes. Upon execution and delivery to the city, all such notes shall be held and considered as an authorized investment, under s. 66.04 (2), of the sinking fund created for payment of the city obligations issued for school purposes and shall be offset against city indebtedness in computing the city's legal debt limit to the same extent as other authorized investments of the sinking fund. Such notes may be sold and hypothecated. If the offset against any city's indebtedness under this subsection is determined to be invalid in any respect, such city immediately may require the school district issuing promissory notes under this subsection to the city to comply with sub. (1).

SECTION 8. Cross-reference changes. In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections	Old Cross-References	New Cross-References
120.41 (2)	117.02, 117.04 and and 120.50	117.02 and 120.50
120.71 (1)	117.04	117.043, 117.045

SECTION 9. Department report. The department of public instruction shall, by July 1, 1983, report to the appropriate standing committees of each house of the legislature, as determined by the presiding officer, on the extent to which city school districts have been reorganized into either common or unified school districts and shall recommend legislation to revise the statutes consistent with such reorganization.
