

1993 Assembly Bill 1147

Date of enactment: **April 20, 1994**

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1993 WISCONSIN ACT 392

AN ACT *to repeal* 117.05 (4) (a) 3, 117.17 (1) (d) 1 and 2, 117.22 (1) (b) 3 and 4, 117.22 (2) (c) and 117.22 (2) (cm) 1; *to renumber and amend* 117.17 (1) (d) (intro.) and 117.22 (2) (cm) 2; and *to amend* 117.05 (4) (a) 2 and 117.22 (2) (b) of the statutes, **relating to:** judicial review of orders of school district reorganization.

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

SECTION 1. 117.05 (4) (a) 2. of the statutes is amended to read:

117.05 (4) (a) 2. The reorganization is denied and, following the denial, any time period for requesting a referendum, requesting review by the board or making an appeal to an appeal panel ~~or to court~~, under ss. 117.08 to 117.14 ~~117.132~~, has expired.

SECTION 2. 117.05 (4) (a) 3. of the statutes is repealed.

SECTION 3. 117.17 (1) (d) (intro.) of the statutes is renumbered 117.17 (1) (d) and amended to read:

117.17 (1) (d) Every order of school district reorganization shall state the date on which it is to take effect. The date shall be as specified under ss. 117.08 to 117.132 and 117.27 (1), ~~except as follows:~~ If an appeal is made to court under s. 117.14, the court may stay enforcement under s. 227.54 of the order if a showing is made that there is substantial probability that the party seeking review will prevail on the merits and will suffer irreparable harm if a stay is not granted.

SECTION 4. 117.17 (1) (d) 1. and 2. of the statutes are repealed.

SECTION 5. 117.22 (1) (b) 3. and 4. of the statutes are repealed.

SECTION 6. 117.22 (2) (b) of the statutes is amended to read:

117.22 (2) (b) An order of school district reorganization issued under s. 117.08 or 117.09 shall designate the date of the first election of school board members, which shall be ~~after the time for appeal under s. 117.14 has expired, if applicable,~~ and not later than 4 months after the effective date of the order, except as provided under par. (cm).

SECTION 7. 117.22 (2) (c) of the statutes is repealed.

SECTION 8. 117.22 (2) (cm) 1 of the statutes is repealed.

SECTION 9. 117.22 (2) (cm) 2 of the statutes is renumbered 117.22 (2) (cm) and amended to read:

117.22 (2) (cm) No election under par. (b) ~~or (e)~~ may be held after February 1 and before the date of the spring election, nor after September 1 and before the date of a general election held in the same year.

SECTION 10. Nonstatutory provisions. The stay under section 117.17 (1) (d), 1991 stats., of any order of school district reorganization that was issued by the school district boundary appeal board prior to the effective date of this SECTION that is not finally adjudicated on the effective date of this SECTION is void on July 1, 1994.

SECTION 11. Initial applicability. This act first applies to orders of school district reorganization issued on the effective date of this subsection.