

No. 563, A.]

[Published June 25, 1959.

**CHAPTER 130**

AN ACT to create 66.023 of the statutes, relating to effective date of consolidation or annexation of territory to a city operating under a city school plan.

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

66.023 of the statutes is created to read:

66.023 EFFECTIVE DATE OF CONSOLIDATION OR ANNEXATION OF TERRITORY TO A CITY OPERATING UNDER CITY SCHOOL PLAN; TAXES. (1) In the absence of an agreement to the contrary under this section, territory in a school district which is annexed to or consolidated with a city operating under the city school plan shall be transferred for school purposes on July 1 after the expiration of the time within which an action may be commenced under s. 66.021 (10) to contest the validity of the annexation or the July 1 succeeding 60 days after the effective date of a consolidation.

(2) If an action is brought as provided in s. 66.021 (10) to contest the validity of the annexation or is brought to contest the validity of a consolidation within 60 days of the effective date thereof, or if the validity of an annexation or consolidation to a city operating under the city school plan is being litigated on the effective date of this section (1959), the territory shall be transferred for school purposes on July 1 succeeding the final determination of the litigation. A determination of the litigation shall not be deemed final until the expiration of the appeal period to the state supreme court.

(3) The school district board and the board of education may enter into an agreement that the school district territory shall be transferred to the city for school purposes on a date prior to that provided in this section. Such agreement may also provide that the school children in the territory shall be educated in the district school, in which event the city shall pay tuition for such children according to law. If the territory is not transferred for school purposes in advance of the time provided herein, the district board and the board of education may nevertheless enter into an agreement to permit the school children in the area annexed or consolidated to attend the city's schools, and the district shall thereupon pay tuition to the city according to law.

(4) Between the date of accomplishment of statutory requirements to effectuate a consolidation or annexation of territory to a city operating under a city school plan and the date any such territory becomes a part of such city for school purposes, as provided herein, no portion of the city school tax or taxes levied by the city to repay obligations incurred

to finance school facilities shall be levied against the property in said annexed or consolidated territory, and during said period such territory shall continue to vote on school matters within, and pay school taxes for the support of, the district of which it was a part when such consolidation or annexation proceedings were commenced and shall not vote on any matter relating to the city school plan within such city. The school district clerk shall certify to the proper clerk as provided in s. 40.35 (8) the proportion of the school taxes to be levied by the city or town.

(5) This section shall not apply to counties having a population of 500,000 or more.

Approved June 19, 1959.

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