

No. 38, A.]

[Published April 29, 1961.

CHAPTER 38

AN ACT to amend 40.095 (1) and (2) of the statutes, to clarify the law relating to creation of unified school districts.

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

40.095 (1) and (2) of the statutes are amended to read:

40.095 (1) Except as to school districts organized under ch. 38 and school districts operating under the city school plan, the county school committee may, under s. 40.03, create or alter a unified school district for the operation of public schools in any territory containing more than 1,000 electors and containing a village or villages, a village or villages and surrounding territory, a city, a city or cities and surrounding territory, a city and village or villages, a city and village or villages and surrounding territory, or any territory containing not less than 1,000 electors * * *. In a joint city school district a unified school district may be created by petition and referendum of the electors * * *, which petition and referendum shall be governed by the procedures set forth in s. 10.43 as far as possible, and the petition submitted to the city clerk and then referred to the body as provided in s. 40.807 (2) in lieu of the city council. The determination of the number of electors shall be governed by s. 40.01 (6). All orders affecting unified school districts shall be made effective as provided in s. 40.025 (4). A reorganization order under this * * * subsection which is subject to a referendum election shall not become effective until approved at such election by a majority of the electors, voting thereon, residing within each city and incorporated village in the proposed unified school district and a majority of the electors residing within the remainder of such district. An order made or approved under s. 40.807 (1), (2) and (4) affecting a joint city school district containing an incorporated village shall not be effective until approved by the village board.

(2) Except as to school districts organized under ch. 38, the municipal boards may, under s. 40.06, create or alter a unified school district for the operation of public schools in any territory containing more than 1,000 electors and containing a village or villages, a village or villages and surrounding territory, a city, a city or cities and surrounding territory, a city and village or villages, a city and village or villages and surrounding territory, or any territory containing not less * * * than * * * 1,000 electors. Section 40.807 (4a) is applicable to this section but other provisions of s. 40.807 shall not be applicable to unified school districts created pursuant to this subsection. All orders affecting unified school districts shall be made effective as provided in s. 40.025 (4). Failure of the city council, or village board to make an order under this subsection shall not be subject to s. 40.06 (3).

Approved April 26, 1961.