

No. 167, A.]  
Corrected Copy]

[Published July 15, 1953.  
[Republished August 25, 1953.

### CHAPTER 442

AN ACT to amend 38.23 and to create 40.303 (15) and 66.03 (3) (c) of the statutes, relating to education of children in school districts where a portion of such district has been annexed to a city of the first class.

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

SECTION 1. 38.23 of the statutes is amended to read:  
38.23 The provisions of \* \* \* ss. 39.276, \* \* \* 40.02 (1), \* \* \* 40.14, \* \* \* 40.17 (2), \* \* \* 40.21 (1), (2), (2a), (2m), (3), (4) and (7), \* \* \* 40.28 (1), (2), (3), (4), (5), (6) and (7), \* \* \* 40.29, 40.303 (15), \* \* \* 40.34 (2), (3), (7) and (12), \* \* \* 40.345 \* \* \*, 40.347, \* \* \* 40.39 (2), (3), (4), (6), (7) and (8), \* \* \* 40.58, 40.70, 40.73, 40.77, 40.775, 40.87, 40.89, 41.01, 41.02 \* \* \*, 41.03, \* \* \* 43.50 (1) to (6) \* \* \*, 59.075 (1) and 66.03 (3) (c) shall be applicable to boards of school directors and the schools, and to cities of the first class, and the board shall exercise the powers and perform the functions and shall be entitled to the school aids therein provided, in so far as the same are relevant to cities of the first class. The school board and the schools in cities of the first class shall be governed in all things by the general laws of the state; and by the provisions of this chapter, except as they are hereafter altered or modified by express amendments to this chapter. The board shall report to the common council annually the general proceedings and acts of said board, the number and condition of the public schools kept in said cities during the year, and the time they have severally been taught, the number and names of teachers; the number of children taught in said schools respectively; the result of the annual enumeration required by law; the extent of school accommodations in the several schools; the amount of school money raised or received during the year; distinguishing the amount received from the state fund, from the amounts derived from taxes levied by the county board of supervisors and by the common council respectively; and the amounts allowed by it against the school fund in detail, together with such other information as it may deem useful, or as the common council may require. A copy of said report shall be transmitted to the state superintendent of public instruction, and a like copy to the librarian of the state historical society in Madison.

SECTION 2. 40.303 (15) of the statutes is created to read:  
40.303 (15) (a) When any city of the first class has annexed a portion of a school

district and such annexation does not include the site of the school building or buildings of such school district, the district board and the board of school directors of such city may enter into an agreement to permit the school children in the area annexed to continue to attend the district school, and such board of school directors of the city of the first class shall thereupon pay tuition to the school district for their education according to s. 40.21 (5).

(b) When such city of the first class has annexed such portion of such school district as includes the district school building (or if there be more than one such building, any one of them), then the county school committee of the county wherein such city of the first class is located, may by order attach the entire school district, or such portion thereof as it may deem proper, to such city of the first class for all school purposes, subject to the right of referendum possessed by the school district as provided in s. 40.303 (8).

Such order shall become effective as it pertains to the interests of the people of the city of Milwaukee unless in lieu of the referendum for the incorporated area as provided in s. 40.303 (8) a formal action which disapproves the order of the county school committee is passed by either the common council of the city or the board of school directors of such city within 60 days after the filing of the order with the city clerk and the secretary-business manager of the board of school directors.

SECTION 3. 66.03 (3) (c) of the statutes is created to read:

66.03 (3) (c) When as a result of any annexation whereby a school district is left without a school building, any moneys are received by such school district as a result of the division of assets and liabilities required by s. 66.03, which are derived from values that were capital assets, such moneys and interest thereon shall be held in trust by such school district and dispensed only for procuring new capital assets or remitted to an operating district as the remainder of the suspended district becomes a part of such operating district, and shall in no case be used to meet current operating expenditures. This shall include any funds in the hands of any district officers on the date when this act becomes law resulting from such action previously taken under s. 66.03. The boards involved shall, as part of their duties in division of assets and liabilities in school districts, make a written report of the allocation of assets and liabilities to the state superintendent of public instruction and any local superintendent of schools whose territory is involved in the division of assets.

SECTION 4. This act shall take effect on July 1, 1953.

Approved July 7, 1953.

---