

No. 48, S.]

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CHAPTER 563

AN ACT to create 40.035 of the statutes, relating to the requirement that all territory in the state be in school districts operating high schools.

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

SECTION 1. 40.035 of the statutes is created to read:

40.035 TERRITORY TO BE IN DISTRICT OPERATING HIGH SCHOOL. (1) After June 30, 1962, all territory within the state shall be included in school districts operating high schools.

(2) Between the effective date of this section and June 30, 1962, territory not included in a district operating a high school may be attached to, created into or consolidated with a district operating a high school by any of the procedures under ss. 40.03, 40.06, 40.07, 40.12 or 40.14, if the order is made before July 1, 1962.

(3) Any territory which is not included in a district which operates a high school on July 1, 1962, shall be attached to, created into or consolidated with a district operating a high school by order of the county school committee not later than July 31, 1962. Such order shall be subject to the following conditions:

(a) It shall be retroactive in effect to July 1, 1962.

(b) It shall be subject to appeal to the state superintendent but not to a referendum.

(4) If the county school committee fails to make such an order as is required by sub. (3) an action of mandamus may be brought to require the committee to perform this duty.

(5) For the purposes of this section the term "district operating a high school" shall be construed to include any newly created district which substantially meets the requirements set forth herein, but which may require a reasonable amount of time to plan, build and operate a new school.

(6) Within 60 days of the receipt of an order made pursuant to this section the city council in a city operating under a city school system may by ordinance enacted by a two-thirds vote of all the members elect annex or consolidate for all purposes such portion of the territory not then a part of a district operating a high school which is included within the order as is urban in character or reasonably necessary for proper growth of the city. Such ordinance shall be effective 90 days after its passage and publication unless within such time a petition for a referendum on the question of annexation or consolidation for all purposes is filed with the

city clerk signed by 10 per cent of the electors residing in the territory on the date the petition is filed, in which case the ordinance shall not be effective unless approved by more than 50 per cent of the electors voting in such referendum. The referendum shall be conducted as provided in s. 66.021 (5) as far as practicable. If the electors of the territory vote in favor of consolidation, then the city shall conduct a referendum as required by s. 66.02 for the purpose of effecting a consolidation, and if said referendum fails the territory shall nevertheless become a part of the city for school purposes. Any territory included in such order which is not involved in any petition for annexation or consolidation shall become a part of such city school system as a result of such order. This section shall not apply to counties containing a city having a population of 500,000 or more.

(7) If the order made pursuant to this section includes territory in more than one municipality, upon petition therefor a referendum shall be submitted in each such municipality independently and the vote thereon in any municipality shall be effective only with respect to the territory in such municipality.

Approved October 26, 1959.

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