

CHAPTER 76

AN ACT to amend 40.025 (3) and (4) and 40.03 (5), (6) (a) and (d) of the statutes, relating to county school committee orders and effective dates of appealed orders.

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

SECTION 1. 40.025 (3) and (4) of the statutes are amended to read:

40.025 (3) Every reorganization order shall state the districts from which any territory is detached and describe such territory, indicate the territory included within the reorganized district, number the reorganized district, name the * * * district according to the municipalities in which it is located, and when it creates a new district, designate the number of school board members to be elected in accordance with s. 40.26, 40.27 or 40.803. * * * *When the order designates that a board according to s. 40.27 shall be elected sub. (6) shall apply. Except as hereinbefore provided in districts which hold an annual meeting, the county superintendent with whom the order is filed shall give notice * * * of the first annual meeting as provided * * * in s. 40.03 (4).*

(4) Every reorganization order shall state the date on which it is to take effect, which date shall not be more than one year from the day it is filed in accordance with sub. (5) nor less than 30 days from the date it is mailed to the proper officials by the county superintendent of schools following the filing thereof as provided in sub. (5). *Unless a later date is specified therein, the effective date of an order which has been stayed by a procedure which causes a referendum to be conducted thereon shall be the date the referendum result, if it approves the order, is certified. Unless a later effective date is specified therein, the effective date of an order which has been stayed by appeal to the court shall be 60 days after notice of entry of the order of the circuit court affirming said order is served, if there has been no appeal to the supreme court within such 60 days. An appeal to the supreme court pursuant to s. 40.03 (5) shall stay said order. The effective date of an order appealed to the supreme court shall be the date on which the supreme court mandate holding the order valid is filed with the clerk of the circuit court.* Such order shall be presumptive evidence of the facts recited therein and of the validity of all proceedings preliminary thereto.

SECTION 2. 40.03 (5), (6) (a) and (d) of the statutes are amended to read:

40.03 (5) Any person aggrieved by an order may appeal therefrom to the circuit court of any county in which any territory of the reorganized district lies, by serving written notice of such appeal, stating specifically the grounds upon which it is based, upon the county superintendent with whom the order was filed and filing such notice with the clerk of the court to which the appeal is taken, all within 30 days after the date of mailing of such order. The county superintendent on whom the notice is served shall send notice of such appeal to the secretaries of all other county school committees of counties in which any school district affected lies, the clerks of all towns, villages, cities and school districts affected and to the state superintendent by registered mail within 5 days after notice of appeal was served on him. Service of the notice of appeal and filing of said notice with the clerk of the court shall constitute perfection of the appeal. Each school district clerk shall forthwith post such notice of appeal in 4 public

places in the district. *Any person aggrieved who appealed to the circuit court may secure a review of the final order of the circuit court by appeal to the supreme court. Such appeal shall be taken in the manner provided by law for appeals from the circuit court in other civil cases, except that the time for appeal shall be limited to 60 days from the notice of entry of the order.*

(6) (a) If within 30 days after the date of mailing of any committee order of school district reorganization as provided in s. 40.025 (5), a petition signed by a sufficient number of the qualified electors of the territory included in the reorganized district is filed with the county clerk, or with the clerk of the county having the largest assessed valuation in said district when it lies in more than one county, requesting a referendum election on the order, such order shall not become effective until it has been approved at such election by both a majority vote of the electors residing within the reorganized district territory which lies in towns and unincorporated villages voting at such election and by a majority vote of the electors residing within the reorganized district territory lying in all cities and incorporated villages voting at such election. A sufficient number of petitioners is 500 of the electors residing in the reorganized district; or 10 per cent of such electors, residing in the cities and incorporated villages, or 10 per cent of such electors residing in the territory outside the cities and incorporated villages. The county school committee or a joint committee may upon its own motion * * * *at the time of the issuance of its order or at any time after issuing the order and within 30 days after the mailing of its order, provide for the holding of a referendum election upon an order issued by it. As an alternative to making and filing the foregoing petition the common council of any city affected by an order of a committee may, by resolution adopted within 30 days after the order is mailed, demand the holding of a referendum election upon such order.*

(d) *In any county which has an election commission, such commission shall act in all matters pertaining to a referendum in lieu of the county clerk.* The county clerk or the county election commission, as the case may be, shall provide for the printing and distribution of ballots and other election supplies at county expense. The form of the ballot provided shall correspond as near as may be with form "D" annexed to s. 6.23. In the case of a reorganized district which overlaps county lines, the election shall be conducted and the vote counted and canvassed in each county separately, but a tabulation of the vote in each county shall be forwarded to the county clerk of the county having the greatest equalized valuation within the reorganized district for a final consolidated tabulation and determination of the result.

Approved May 29, 1963.
