

No. 436, A.]

[Published May 22, 1909.]

CHAPTER 176.

AN ACT to amend section 1979 of the statutes, relating to the state firemen's association.

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

SECTION 1. Section 1979 of the statutes is amended to read: Section 1979. 1. The state firemen's association of Wisconsin, heretofore incorporated under chapter 484 of the private and local laws of the year one thousand eight hundred and sixty-six, is hereby continued as a body corporate, with all the powers and privileges now possessed by it; and any person having served for the term of seven years in any company belonging to said association shall forever thereafter be exempt from poll tax, from jury duty, and from military duty, except in case of insurrection or invasion;

2. * * * No engine company or independent hose company belonging to said association shall at any time exceed fifty men; and no hook and ladder company, forty men.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved May 20, 1909.

No. 268, A.]

[Published May 25, 1909.]

CHAPTER 177.

AN ACT to repeal section 925—113; to create a new section to be numbered 925—113; and to create sections 925—113m, 925—113n, and 925—113o, of the statutes, relating to the election or appointment of boards of education in cities, and the changing of school systems and school district boundaries.

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

SECTION 1. Section 925—113, of the statutes, is repealed.

SECTION 2. There is added to the statutes a new section to read: Section 925—113. 1. If in any city other than of the first class which has adopted the general charter law, or which shall hereafter become incorporated under the provisions of section 925g, of the statutes, or which has adopted or which shall hereafter adopt sub-chapter XIV of chapter 40a, of the statutes, there shall be at the time of such adoption or incorporation a

board of education or a school board elected by the people, or the ordinary school district system is in force, the plan of school organization and management shall continue until changed by a majority vote of the electors of such school district or districts; neither shall the adoption of the general charter or the act of incorporation under the provisions of section 925g operate to change or in any way affect the boundaries of any school district.

2. If the district system is in force, the vote shall be taken at a special election, duly called, noticed and held as provided by law; and if any city shall contain more than one school district, then the special election shall be held in each school district any part of which lies within the city limits, upon the same day and at the same hour, and the existing system shall not be changed unless a majority of the electors voting in each district at such special election shall vote in favor of such change.

3. If a majority of the electors voting in each such district at such special election shall vote in favor of such change, then such change of school system shall go into effect and be such as is provided for in said sub-chapter XIV and the school district boundaries shall, without further action, be changed so as to create one school district which shall include all the territory embraced within the limits of such city and each and all of those parts or portions of each such former district or districts lying outside of the limits of such city shall be attached to and connected with such city for school purposes; such change of the school system and school district boundaries shall go into effect on the first day of March following such special election and not earlier, and the school district boards and district officers existing at the time of holding such election shall continue in office and shall have exclusive control of their respective schools and school properties until such change of school system and school district boundaries shall go into effect as hereinbefore provided and to the end of the then current school year, and on the first Monday of July following the date when such change of school system goes into effect each of said school boards shall settle their accounts with the board of education and shall deliver all property, papers and records of each of their respective districts to said board of education.

4. Immediately after the holding of such special election in each such district, each school district board shall certify and return the results of such election to the clerk of each city and town within which any part of either of such district is located and if such change of school system is voted upon favorably in each such district, the clerk of each such municipality shall make

a record in his office showing the change of such system and boundaries and the date when the same will go into effect.

5. If the existing system of school organization is directed and controlled by a board of education or a school board either appointed or elected under the provisions of a special charter, such system can be changed by vote of the electors taken at a special election called and held pursuant to the provisions of such special charter governing special elections.

6. If the existing system of school organization is directed and controlled by a board of education appointed by the mayor under the provisions of the general charter law, such system can be changed by a vote of the electors taken at a special election duly called and held pursuant to law.

7. In all cases where the existing system or plan of school organization shall be changed under the provisions of this act, such change shall not go into effect until the close of the then current school year.

8. In all cities governed by this sub-chapter, the school shall be under the control of a board of education, which board except as provided in section 925—113n shall consist of one commissioner from each ward and three from the city at large, to be appointed by the mayor and confirmed by the common council, or elected by the common council, if so determined by ordinance. The mayor in appointing or council in electing the first board shall divide the members into three classes as nearly equal as may be, one of the commissioners at large being in each class, and shall appoint those of one class for one year, those of another class for two years, and those of the remaining class for three years. Each commissioner shall hold his office for the term designated in such classification and until his successor shall have qualified; thereafter all commissioners shall be appointed or elected and hold their offices for three years and until their successors shall have qualified.

SECTION 3. There is added to the statutes three new sections to read: Section 925—113m. At the special election mentioned in section 925—113, there shall be submitted to a vote of the electors of the several school districts the question, "Shall the board of education be elected in accordance with section 925—113n?" If a majority of all the votes cast upon that question at such election shall be in the affirmative, then the board of education shall be elected in accordance with the provisions of said section 925—113n at the spring election held in such city next after the time when such change of school system and school district boundaries shall go into effect.

Section 925—113n. 1. Where the electors have decided in the affirmative under the preceding section, the board of education shall consist of seven commissioners elected at large from the territory of such city. The members of such board shall be divided as nearly equal as may be into three classes. One class of three members shall be elected for one year, one class of two members for two years, and those of the remaining class for three years. Such commissioners shall be elected at the annual spring election held in such city. The names of the candidates for the office of school commissioner shall be printed upon a separate ballot under the title "school commissioners."

2. At the annual spring election next after the time when the change of school system and school district boundaries shall go into effect, there shall be elected seven commissioners to constitute the board of education for such school district. All qualified electors within such city shall be entitled to vote for such commissioners at such election.

3. At the first election held for the office of school commissioner the two persons receiving the highest number of votes shall be elected for three years, the two receiving the next highest number of votes shall be elected for two years, and the three receiving the next highest number of votes shall be elected for one year. Each elector voting at such first election shall be entitled to vote for seven candidates. Thereafter such electors shall elect at each spring election commissioners for the term of three years. Each elector shall be entitled to vote for as many candidates as there are commissioners to be elected and the ones receiving the highest number of votes shall be elected.

4. The votes cast at such election shall be canvassed and return thereof certified to the common council. The common council shall canvass the returns of such election and shall declare the result thereof as for city officers.

5. The persons elected in accordance herewith shall constitute the board of education of such school district. The term of office of each such commissioner shall commence on the first day of May following such election and each commissioner shall hold office until his successor is elected and qualified. Vacancies in such board of education shall be filled by appointment by the mayor of such city subject to the approval of the council. Notices of election under this statute shall be given as in other elections in said city.

Section 925—119m. 1. In all cities governed by this subchapter, having a school system under the provisions hereof

and having attached to or connected with it for school purposes territory outside of the city limits, all the taxable property within the territory so attached to or connected with such city shall be subject to be taxed for the support and maintenance of the schools of such city, the same as property within such city.

2. It shall be the duty of the city clerk of such city in each year to ascertain the rate per cent which all taxes raised in said year in said city for school purposes bear to the assessed value of all the property tax for school purposes within such city for that year, and on or before the 25th day of November in such year in writing to notify the town clerk or clerks of the town or towns in which such attached or connected territory is situated of such per cent or rate of taxation in such city for school purposes, and it shall thereupon be the duty of said town clerk or clerks and each thereof immediately to carry out on the tax rolls of such town or towns respectively for such year a tax for school purposes of the same per cent on all taxable property within that portion of their respective towns so attached to such city for school purposes and such tax so carried out on such tax rolls is hereby declared duly levied and a lien on such taxable property until paid the same as other taxes as provided by law.

3. It shall be the duty of the treasurer of such town or each such town to collect said tax in the same manner as other taxes, and the said treasurer or treasurers respectively shall pay over in each year in full the amount of taxes so carried out on said rolls and assessed on said property in their towns respectively for the purposes of schools in such city to the treasurer of such city, in the same order and as they are now required by law to pay moneys raised for common school purposes, and return taxes collected for any school district whether such town treasurer has collected such tax or not.

4. If the taxes hereby provided for shall not be collected by said treasurer they shall be returned with and as delinquent taxes and their collection enforced in the manner now provided by law for collecting delinquent taxes.

SECTION 4. This act shall take effect and be in force from and after its passage and publication.

Approved May 24, 1909.