

(16) COUNTY NURSES. When a county health department is established county nurses shall be transferred to the jurisdiction of the county health department and county health committees shall cease functioning.

(17) WITHDRAWAL OF COUNTIES AND CITIES. After establishment of a multiple county health department any participating county may withdraw by giving written notice to its board of health and the county board of supervisors of all other participating counties. Such notice shall be given at least one year prior to commencement of the fiscal year at which it takes effect. Cities having full-time health departments prior to their decision to participate in a city-county health department may withdraw therefrom in the same manner. Whenever any county or city shall withdraw from any health department established under this act all provisions of law relating to local boards of health and health officers shall immediately become applicable within such county or city.

(18) CONSTITUTIONALITY. If any of the provisions of this section shall be held to be unconstitutional, the validity of the remaining provisions thereof shall not be affected thereby.

Approved August 5, 1947.

No. 330, A.]

[Published August 9, 1947.

CHAPTER 512.

AN ACT to renumber 40.30 (7) to be 40.07 (9) (a); to amend 40.07 (1a), (4a) and (8); and to create 40.07 (6m) and (9) (b) and (c) of the statutes, relating to the election of school officers in populous districts.

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

SECTION 1. 40.07 (1a) of the statutes is amended to read:
 40.07 (1a) Any school district with a population of * * * 500 or more may, at any annual school district meeting or at any special school district meeting called for such specific purpose, by resolution adopted by a majority of the ballots cast in favor of such resolution, substitute for its district board consisting of 3 members a board consisting of 5 members to be elected at the next ensuing annual meeting or at the next ensuing annual referendum election as follows: The 2 members

whose terms have not expired shall complete their respective terms and the respective offices for which they were elected. Three members who shall be electors of the district shall be elected, the one receiving the greatest number of votes for a term of 3 years, the second highest for a term of 2 years and the third highest for a term of one year. In case of a tie vote the election shall be determined by lot. Thereafter each member who shall be an elector of the district shall be elected for a term of 3 years and until his successor is elected and qualifies. Said board at its first regular meeting following the annual meeting shall elect officers of the board from its members as follows, each for a term of one year: A director, a clerk and a treasurer, except as above stated. All provisions of this chapter relating to the powers and duties of the school district board and of the officers of the school district shall apply to the board and the director, clerk and treasurer provided for by this subsection. All members of such board shall be officers of the district, and the compensation of the director, clerk, treasurer and other members of the board shall be the amount fixed at each annual district meeting for the ensuing year.

SECTION 2. 40.07 (4a) of the statutes is amended to read:

40.07 (4a) The board may establish such additional polling places for the election of board members as it may deem necessary. Whenever practical, such polling places shall be established in the building where the annual school meeting is held. In such counties, the board shall also provide for an official ballot for the election of board members upon which shall be printed only the name of each person who files with the district clerk a written declaration of his candidacy at least 20 days prior to the date of such election. *The school board shall cause notice to be published at least 10 days previous to the closing date for filing such declarations stating clearly the conditions which must be met for filing.* Such primary and regular election ballots shall be so arranged as to admit of any other person being voted for by the elector if he so desires, and if more than 2 candidates have filed for any school district office, the clerk shall have ballots printed and shall within 3 days after the last legal date for filing such candidacy cause notice to be published as specified in subsection (2) which notice shall state that a primary election will be held at the district polling place 10 days preceding the date of the annual meeting, except if such day should be a legal holiday, the notice of such primary election shall be for the

day preceding the holiday. Two copies of the results of the canvass of the vote of such primary election shall be made by the inspectors and signed by them. One copy, together with one registry of voters, shall be sealed in a ballot box to be retained for 60 days by an inspector of the election who was not a candidate, and the other shall be forwarded to the district clerk. The district clerk shall cause ballots to be prepared for the regular election on which shall appear the names of the 2 persons receiving the highest and next to the highest number of votes respectively in the primary.

SECTION 3. 40.07 (6m) of the statutes is created to read:

40.07 (6m) Recounts shall be conducted under the direction of the school board using the procedure followed under general election laws as nearly as possible.

SECTION 4. 40.07 (8) of the statutes is amended to read:

40.07 (8) In counties having a population of 500,000 or more, any school district, the boundaries of which are co-extensive with those of a village, may at any election called and held as provided in the pertinent provisions of subsections (2), (3), (4), (4a), (5), (6) and (7) of this section by resolution, adopted by a majority of the votes cast in favor thereof, determine to elect its officers on any date, except Sundays, between the first Tuesday of April and the second Monday of July, both days inclusive. In the event of such determination such election shall be held annually thereafter on the date so fixed and until the electors shall determine otherwise. All of the pertinent provisions of subsections (2), (3), (4), (4a), (5), (6) and (7) of this section shall apply to such elections; but if the date of election is fixed for the first Tuesday of April, the hours of opening and closing of the polls, the polling places and the officers of election shall be the same as for the village election held on said day and the election officers shall serve without compensation additional to that provided by the village. *When the school district election is conducted jointly with the village election pursuant to the provisions of this subsection and where registration of voters is required for the election of village officers, the same registration requirements shall also apply to the voting for school district officers. In such joint elections voting machines may be used.* The term of office of officers so elected prior to the second Monday of July shall begin on the second Monday of July following said election. However, elections

held pursuant to the provisions of this subsection shall not be subject to the provisions of section 40.07 (4a) relating to a primary election.

SECTION 5. 40.30 (7) of the statutes is renumbered to be 40.07 (9) (a).

SECTION 6. 40.07 (9) (b) and (c) of the statutes are created to read:

40.07 (9) (b) When the municipal board or boards are satisfied that the territory comprising the newly created school district contains a population of 500 or more it may, upon creating the order for a new district, direct that a district board of 5 members shall be elected; the state superintendent, acting under the authority of this section, may likewise in his order creating a new district containing a population of 500 or more direct that a board of 5 members be elected. When a 5-member board is elected either at a district meeting or at an election held pursuant to the provisions of this section, the 5 members shall be elected for terms as follows: the 2 candidates receiving the highest vote shall serve for a term expiring 2 years after the next annual meeting, the 2 receiving the next highest vote for a term expiring one year after the next annual meeting, and the candidate receiving the next highest number of votes for a term expiring the second Monday in July following. Thereafter each member shall be elected for a term of 3 years and until his successor is elected and qualifies. The board shall organize and elect officers as provided in subsection (1a).

(c) When the municipal board or boards or the state superintendent, in creating a new district, deems it advisable to conduct the election of officers by using the polling places and election procedure set forth in subsections (2), (2a), (3), (4), (4a), (5), (6) and (7) they may so order in the creation of the new district, and the municipal clerk of the municipality in which the greatest number of electors reside shall act as clerk of the election and declarations of candidacy shall be filed with him. Such clerk shall have charge of the election and provide all necessary materials and equipment to conduct such election in a manner similar to that used for conducting municipal elections. The cost of conducting such election shall become a charge upon the new school district, and the board of such new district, upon taking office shall pay all costs of such election upon claims duly filed. When the board of the newly created

district is elected under the provisions of this subsection the first district meeting shall await the call of the clerk of the district board.

Approved July 30, 1947.

No. 368, A.]

[Published August 9, 1947.

CHAPTER 513.

AN ACT to create 32.02 (9) and to amend 32.03 (2) of the statutes, relating to the right of eminent domain by pipeline corporations.

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

SECTION 1. 32.02 (9) of the statutes is created to read:

32.02 (9) Any Wisconsin corporation transmitting gas, oil or related products in pipelines for sale to the public directly or for sale to one or more other corporations furnishing such gas, oil or related products to the public.

SECTION 2. 32.03 (2) of the statutes is amended to read:

32.03 (2) Any railroad corporation or street or interurban railway corporation, or *pipeline corporation* may acquire by condemnation lands or interests therein which are held and owned by another railroad corporation, street or interurban railway or *pipeline corporation*. *In the case of a railroad corporation or street or interurban railway corporation no such land shall be taken so as to interfere with the main track of the railroad first established except for crossing, and in the case of a pipeline corporation no such land shall be taken except for crossing or in such manner as to interfere with or endanger railroad operations.*

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