

No. 580, S.]

[Published June 19, 1911.]

CHAPTER 386.

AN ACT to repeal chapter 94 as originally printed in "the statutes of 1898," relating to banking.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 94, as originally printed in "the statutes of 1898," except the chapter title and chapter number, is repealed, but such repeal shall not amend, repeal, or in any way affect any law enacted since the year eighteen hundred ninety eight.

Approved June 15, 1911.

No. 67, A.]

[Published June 19, 1911.]

CHAPTER 387.

AN ACT to repeal sections 925m—304, 925m—308 and 925m—318; to create three new sections to be designated 925m—304, 925m—308 and 925m—318; to amend sections 925m—309, 925m—310 and 925m—317; and to create subsections 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, of section 925m—307, subsections 3, 4, 5, 6, 7, 8, 9, 10 and 11, of section 925m—316 and section 925m—319, of the statutes relating to the organization and government of cities of the second, third and fourth classes under a commission form of government.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Sections 925m—304, 925m—308 and 925m—318 of the statutes are repealed.

SECTION 2. There are added to the statutes three new sections to read: Section 925m—304. 1. At the election held, as provided by law, upon the first Tuesday in April next succeeding the adoption of the provisions of these sections, there shall be elected a council consisting of a mayor and two other members. Any person possessing all the qualifications of an elector in such city other than the qualification of residence therein shall be eligible to election as mayor or other member of the council, but no person who holds a license for the sale of intoxicating liquors shall be eligible to any such office. Both the mayor and the councilmen shall be nominated and elected by the voters of the city at large.

(Am. 1911, c. 664, s. 60.)

2. The term of mayor shall be six years, and the terms of the other members of the council elected at the first election hereunder shall be two and four years, respectively, and each term

shall begin on the third Tuesday of April next succeeding the election. At the first meeting of the council after such election, the other two members of the council shall by lot determine who shall hold the long and who the short term. At the expiration of their respective terms, successors shall be elected whose terms of office shall be six years.

(Am. 1911, c. 664, s. 60.)

3. If any vacancy occur in the office of mayor or member of the council, and the unexpired term shall exceed six months, a special election to fill such vacancy shall be held. If the unexpired term be less than six months the other members of the council shall at their next meeting appoint some one to fill the vacancy.

4. In cities of ten thousand or more population, the mayor and other members of the council shall devote their entire time to the performance of their official duties.

Section 925—308. 1. If any city shall adopt the provisions of this act, all duties, liabilities, authority, powers and privileges theretofore imposed or conferred by general law or special charter upon the mayor and council of such city shall be deemed to be conferred and imposed upon the mayor and the councilmen provided for by this act, and all laws relating or referring to such mayor and councilmen in force at the time of the adoption of the provisions of this act shall apply to and be deemed to relate and refer to the mayor and council, as provided for herein.

(Am. 1911, c. 664, s. 60.)

2. The mayor shall be president of the council, and have a vote therein, but no power of veto.

(Am. 1911, c. 664, s. 60.)

3. A majority of the members of the council shall constitute a quorum, and a majority vote of the members of the council shall be necessary to adopt any ordinance or resolution.

4. The ayes and nays shall be called and recorded upon every vote, and no vote shall be taken except upon a motion, a resolution or ordinance reduced to writing.

5. All boards and commissions created and existing under laws heretofore in force in any city shall continue to exist, and all powers, authority, jurisdiction and duties conferred and imposed upon such boards and commissions shall remain unaffected by this act, except that the mayor shall not be ex officio a member of any such board or commission.

(Am. 1911, c. 664, s. 60.)

6. Upon the first Tuesday in May following the reorganization of any city as provided for herein, and annually thereafter, the council shall select from among their number some one to act as a

member of each of such boards and commissions. Such member so selected shall have all the power and authority vested by law in any other member of such board or commission, and shall serve as a member thereof so long as he shall remain in office or until the council selects his successor. In cities which have heretofore reorganized under the provisions of this act, such selection shall be made at the first regular meeting of the council after the passage and publication of this act, and annually thereafter on the first Tuesday of May.

(Am. 1911, c. 664, s. 60.)

7. Any member of any such board or commission may be removed at any time by a majority vote of the council. A statement of the reasons for such removal shall be made and filed with the city clerk.

Section 925m—318. Any city which shall have adopted the provisions hereof and shall have operated for six or more years, under the provisions hereof, may, upon a petition, as provided for in section 925m—302, hold an election to determine whether or not such city shall return to and operate under the charter and laws under which it operated prior to the adoption hereof. Such election to determine such question shall be held as provided herein for the election upon the question of the adoption of the provisions hereof.

(Am. 1911, c. 664, s. 60.)

SECTION 3. Sections 925m—309, 925m—310 and 925m—317 of the statutes are amended to read: Section 925m—309. 1. The council may create any general department of city affairs, such as (a) public finance and accounts; (b) public health, safety and sanitation; (c) streets and public improvements; (d) parks, recreation grounds and public property; (e) public charities and corrections; and designate one of its members as the head thereof; but such head may be changed whenever it appears that the public service would be benefited thereby.

2. At its first meeting, or as soon thereafter as * * * possible, the council shall * * * select, by majority vote, a city clerk, a corporation counsel, a comptroller, a treasurer, a superintendent of streets, an assessor and such other officers and assistants as are necessary to the efficient conduct of the affairs of the city, and shall fix the terms of service and salaries of all such officers.

3. Any officers or assistants appointed or elected by the council may be removed by vote of the majority of the members of the council.

Section 925m—310. The annual salaries of mayor and councilmen, respectively, in cities classified according to population, shall not be less than the sums respectively following:

1. **Forty thousand and over; mayor \$5,000, councilmen \$4,500.**
2. **Under forty and over thirty thousand; mayor * * * \$4,000, councilmen * * * \$3,500.**
3. **Under thirty and over twenty thousand; mayor * * * \$3,500, councilmen * * * \$3,000.**
4. **Under twenty and over fifteen thousand; mayor * * * \$3,000, councilmen * * * \$2,500.**
5. **Under fifteen and over ten thousand; mayor * * * \$2,500, councilmen * * * \$2,000.**
6. **Under ten thousand and over seven thousand five hundred; mayor * * * \$1,500, councilmen * * * \$1,200.**
7. **Under seven thousand five hundred and over five thousand; mayor * * * \$1,200, councilmen * * * \$1,000.**
8. **Under five thousand and over thirty-five hundred; mayor * * * \$1,000, councilmen * * * \$750.**
9. **Under thirty-five hundred and over twenty-five hundred; mayor * * * \$600, councilmen * * * \$500.**
10. **Under twenty-five hundred; mayor * * * \$500, councilmen * * * \$400.**
11. **The above classification as to population shall be determined by the last United States census next preceding the reorganization of any city.**

12. **No salary shall be increased except by a vote of the people at a * * * municipal election or by an increase in the population of the city determined by the last United States census, which renders the salary paid less than the minimum as provided herein.**

Section 925m—317. 1. The board of education and the board of police and fire commissioners shall continue to be elected or appointed as provided by law, and shall continue to have the same authority as they now possess.

2. Any other board and commission may be discontinued by a vote of the people held in the manner provided by section 925m—316, and in such case the powers and duties of such board or commission shall be exercised and performed by the mayor and council.

3. * * * Any city work done under the direction of commissions appointed by the state shall continue to be done in the manner prescribed by law prior to the passage of these sections.

(Am. 1911, c. 664, s. 10.)

SECTION 4. There are added to section 925m—307 of the statutes ten new subsections to read: (Section 925m—307) 3. The mayor or either councilman may be removed at any time in the following manner: A petition shall be filed with the city clerk demanding the election of a successor to the person sought

to be removed. Such petition shall contain a general statement of the grounds upon which the removal is sought, and shall be signed by electors entitled to vote for a successor to the incumbent equal in number to at least one-fourth of the entire vote cast in such city for all candidates for governor at the last preceding general election. Signatures to such petition may be upon different pieces of paper bearing the same or substantially similar headings.

4. Each signer shall add to his signature his place of residence, giving the street and number, and one signer of each paper of such petition shall make oath before an officer competent to administer oaths that the statements therein made are true, as he believes, and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. After the filing of the petition, no name shall be erased or removed therefrom.

5. Within ten days from the date of filing such a petition, the clerk shall examine and ascertain whether or not said petition is signed by the requisite number of qualified electors, and he shall attach to said petition his certificate showing the result of said examination.

6. If by the clerk's certificate the petition is shown to be insufficient, the particulars of such insufficiency shall be set forth in such certificate and it may be amended within ten days from the date of said certificate by the addition of signatures or otherwise.

7. If the petition shall be found to be sufficient, the clerk shall certify and submit the same to the council without delay, and the council shall thereupon order and fix a date for holding the election, not less than forty nor more than fifty days from the date of the clerk's certificate to the council that a sufficient petition is filed.

8. The name of the person sought to be removed shall be placed upon the official ballot without nomination unless he shall request otherwise in writing. Such a request shall constitute a resignation of his office. If there is more than one candidate, exclusive of the person sought to be removed, in any election where the person sought to be removed is a candidate, or if there are more than two candidates in any election where the person sought to be removed is not a candidate, a primary election shall be held two weeks before such election as provided in section 925m—305 of the statutes.

9. If the person sought to be removed is a candidate as hereinafore provided, the name of the person receiving the highest

number of votes at such primary election shall be placed upon the ballot at such special election with the name of the person sought to be removed, but if the person sought to be removed is not a candidate, the two persons receiving the highest number of votes at such primary election shall be deemed nominated.

10. The council shall publish notice of and make arrangements for holding such primary and election, and the same shall be conducted, and return of the result thereof shall be made and declared in all respects as in the case of other municipal elections, and the candidate receiving the highest number of votes shall be declared elected. If the incumbent receives the highest number of votes he shall continue in office. If one other than the incumbent receives the highest number of votes at such election, the incumbent shall thereupon be deemed removed from the office.

11. The successor of the officer so removed shall qualify within ten days after receiving notification of election and shall hold office during the unexpired term of his predecessor.

12. This method of removal shall be in addition to other methods provided by law.

SECTION 5. There are added to section 925m—316 of the statutes nine new subsections to read: (Section 925m—316) 3. Any proposed ordinance may be submitted to the council by petition, signed by electors of the city, equal in number to the percentage hereinafter required.

4. The signatures, verification, authentication, inspection, certification, amendment and submission of such petition shall be the same as provided for petitions under section 925m—307 of the statutes.

5. Any proposed ordinance accompanied by a petition signed by electors equal in number to not less than twenty-five per cent of all the votes cast at the last regular municipal election, and containing a request that the said ordinance be submitted to a vote of the people if not passed by the council, shall be either (a) passed without alteration by the council within thirty days after attachment of the clerk's certificate to accompanying petition; or (b) shall be referred without alteration by the common council to a vote of the electors of said city at the next regular election, if the same shall be held within ninety days of the date of the clerk's certificate, or at a special election, if no regular election shall be held within ninety days, but not more than one such special election shall be called in any period of six months.

6. Any proposed ordinance accompanied by a petition signed by electors equal in number to not less than fifteen nor more than

twenty-five per cent of all the votes cast at the last regular municipal election, shall be passed without change within thirty days after the clerk's certificate of sufficiency is attached, or it shall be submitted to the electors of the city at the next regular municipal election.

7. Whenever a proposed ordinance shall be submitted to the people, a concise statement of the nature thereof shall be printed upon the ballot, and underneath the question, as thus stated, shall appear the words "Yes" and "No," and to the right of such words there shall be a square, and each elector shall vote "Yes" or "No" upon such question by making a cross or other mark in the square adjacent to such word.

8. If a majority of the qualified electors voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon take effect and be in force.

9. No ordinance proposed by petition and adopted by a vote of the people, shall be repealed or amended within two years after its adoption, except by a vote of the people.

10. The council may submit to a vote of the people at any regular or special election a proposition for the repeal of any such ordinance, or for amendments thereto, and should the proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly.

11. Not more than twenty, nor less than five days before the election, the city clerk shall cause every ordinance or proposition submitted to the voters at any election to be printed in each daily newspaper published in the city, or if there shall be no daily newspaper published in such city, then in one or more weekly newspapers of general circulation therein.

SECTION 6. There is added to the statutes a new section to read: Section 925m—319. Any city which prior to the passage and publication of this act shall have adopted the plan of reorganization as provided for by sections 925m—301 to 925m—318, inclusive, of the statutes, shall be deemed to have adopted the provisions hereof. Nothing herein contained, however, shall be construed to extend the term of office of any mayor or councilman, but his successor shall have the term of office provided for herein; nor shall the provisions of section 925m—310 of the statutes, apply to mayors or councilmen in office at the time of the passage of this act.

(Am. 1911, c. 664, s. 60.)

SECTION 7. This act shall take effect and be in force from and after its passage and publication.

Approved June 16, 1911.