

No. 342, A.]

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CHAPTER 578

AN ACT to amend 40.26 (1) (intro. par.), (2) and (3) (intro. par.), 40.801 (2), 40.803 (1), 67.05 (3), 67.12 (2), and 67.12 (12) (e) of the statutes, relating to the representation of electors in territory attached to a city for school purposes only.

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

SECTION 1. 40.26 (1) (intro. par.), (2) and (3) (intro. par.) of the statutes are amended to read:

40.26 (1) (intro. par.) Any school district * * * *may have a school board * * * comprised as follows:*

(2) When a petition * * * *signed by 100 electors to change the number of school board members * * * is filed with the district clerk at least 30 days prior to the day when the district officers are elected in a common school district or union high school district, he shall incorporate into his notice of the annual or special district meeting or referendum as provided in s. 40.21 a statement that at such meeting or referendum the question of changing the number of school board members as requested in the petition will be voted upon. * * * A majority of the ballots cast shall determine the question. If such question is to be determined at a meeting at which an officer is to be elected * * * it shall be determined before the election. When a special meeting of the school district or referendum adopts a resolution to increase the number of board members of the district pursuant to this subsection, such new members shall be elected at the next election of school board members and their term shall go into effect on the second Monday of July.*

(3) (intro. par.) If a school district votes to increase the number of school board members the school district clerk *or city clerk* shall before the *next* election of the school board members put into effect a plan, providing:

SECTION 2. 40.801 (2) of the statutes is amended to read:

40.801 (2) The electors residing in such attached territory may vote on all school matters, *including borrowing of money for school purposes, which are submitted to or are voted on by city electors, and may exercise*

such right at the polling place where they vote at state, local and judicial elections or at *any other convenient polling place agreed upon by the city clerk and municipal clerk of the municipality whose electors are concerned*, and shall have the right to initiate and sign petitions pertaining to city bonds for school purposes as provided in s. 67.05 (7) (b). *When any school matter is to be submitted or voted upon, the city clerk shall ascertain from the clerks of the municipalities in which the attached territory lies the number of ballots each municipality will require and shall prepare and supply at the city's expense, sufficient ballots for such purpose. The clerks of municipalities shall, upon receipt of the election returns, certify to the city clerk the results of any election at which a school matter is voted upon, including the election of board of education members.*

SECTION 2a. 40.803 (1) of the statutes is amended to read:

40.803 (1) The school affairs of each city under the city school plan shall be managed by a board of education consisting of * * * *such number of members as is authorized in s. 40.26 except as hereinafter provided* and selected in the same manner as such board was * * * selected on July 2, * * * 1953. *If such board of education, at the date of enactment of this chapter, consists of a number of members larger than authorized by s. 40.26, the city clerk shall put into effect a plan which shall reduce the number of board members by one at each election of board members and the common council may, by resolution adopted when a vacancy occurs, reduce the size of the board until the number conforms with the requirements of s. 40.26. If the board consists of a lesser number than is authorized by s. 40.26 the city council may by resolution increase the size of the board. Additional positions created by the council shall be considered as vacancies on the board at the time of their creation. Before filling such vacancies as provided in s. 17.26, the city clerk shall put into effect and publish a plan specifying the length of term of any new member to be appointed. The plan shall co-ordinate the expiration of the terms of additional members of the board so that they may be distributed as evenly as possible in order that thereafter a number of terms as nearly equal as may be may expire annually.* Electors residing in any area attached to the city for school purposes may be elected or appointed to and may serve upon the city board of education in the same manner as electors of the city. *When an order of attachment becomes effective, the requirement for additional members on the board provided for in par. (a) shall create a vacancy or vacancies which shall be filled as provided in s. 17.26(2). Nomination papers shall be required for electors residing in the attached territory seeking election to the board of education, which papers shall be filed with the city clerk in accordance with the laws governing the filing of nomination papers for city officers. The city clerk shall prepare all ballots for the election of board of education members, including ballots solely for the attached territory when the board of education is not elected at large. When voting machines are used in the election, they may also be used for the school election provided an entire precinct is included, otherwise a special poll list shall be prepared by the municipal clerk for any partial precinct and printed ballots shall be supplied by the city clerk.*

(a) * * * *The limitations pertaining to the size of the board of education as set forth in s. 40.26 shall not prevent the addition of members to such board when members are not elected at large. If city board members are elected by wards then each municipality in the attached area shall elect the same number of board members as are elected from each city ward * * *. If city board members are appointed by the mayor or * * * the council then there shall be * * * appointed by the mayor or council from the entire area a number of school board members obtained by dividing the latest census population of the attached area by the city*

population per city school board member, with a major fraction counting as an additional board member * * * ; *in no such case shall the attached territory have less than one school board member.* * * *

(b) *When a city school * * * district or joint city school district desires to change the number of members of * * * its board of education within the limits prescribed in s. 40.26 or the manner of selecting them, or both, it may, in addition to the method specified in the introductory paragraph of this subsection, do so either by an ordinance adopted by the council and approved by a referendum vote of the electors of the city school district or joint city school district or by an initiated ordinance under * * * s. 10.43 or by resolution adopted by the electors of * * * such school district at a referendum election initiated by a petition signed by 300 electors of the district. Either of the following 2 plans may be adopted and the provisions thereof shall be set forth in the ordinance:*

* * * 1. *A board shall be chosen from the city at large at the regular city election for * * * terms of 3 years beginning the July 1 following. Prior to the first election after increasing the number of members of the board the length of the terms of the additional members shall be determined by the city clerk in the manner provided by s. 40.26 (3), and published. One-third of the members of the board (as nearly as may be) shall be elected annually thereafter. * * * The members of such board are city officials * * * and shall be nominated and elected as are other city officials and shall take and file the official oath.*

* * * 2. *A board shall be chosen consisting of * * * any number of members designated by s. 40.26, appointed by the mayor and confirmed by the council, or elected by the council, whichever method is provided for in the ordinance.* * * *

SECTION 3. 67.05 (3) of the statutes is amended to read:

67.05 (3) Every initial resolution in and for a city shall be offered and read at a regular meeting of the city council, shall be published in the official paper of the city not less than twice during the 60 days next following such reading, and shall be deemed invalid and ineffectual for any purpose unless supported by the affirmative vote of at least three-fourths of all of the members of said council, *or, in the case of a city issuing school bonds and having territory attached for school purposes only, by three-fourths of all the votes provided by the formula contained in s. 40.807 (2),* taken at a regular meeting held after such publication, and within said 60 days; and every initial resolution adopted by the governing body of any municipality, other than a city, shall be deemed invalid and ineffectual for any purpose unless supported by the affirmative vote of at least a majority of the members-elect of such governing body. Every such vote by a county board shall be taken at an annual, or an adjourned annual or a special meeting thereof; and every such vote by any governing body, other than a city council or a county board, shall be taken at a meeting attended by all of its members-elect, or, if any such member is not present, proof by the affidavit of a present member must be made and recorded, showing that the absent member or members were notified of the time, place and purpose of the meeting at least 24 hours before such time.

SECTION 4. 67.12 (2) of the statutes is amended to read:

67.12 (2) The governing body of any county, town, village or city about to solicit such a temporary loan, shall first adopt and record a resolution specifying the purpose and the amount of the loan, and levying a tax for the same amount to provide payment; which tax, after receipt of the borrowed money, shall become and continue irrevocable, and shall be carried into the next tax roll of the municipality and collected as other taxes are collected. The proceeds of such tax shall be kept in a distinct and separate fund and be used for the sole purpose of paying such tem-

porary indebtedness. Such resolution shall be supported in a county, town, village or city by at least three-fourths of all the members-elect of its governing body, *or, in the case of a city borrowing for school purposes and having territory attached for school purposes only, by three-fourths of all the votes provided by the formula contained in s. 40.807 (2).*

SECTION 5. 67.12 (12) (e) of the statutes is amended to read:

67.12 (12) (e) Before such loan or any extension note is made, the governing body of such city, village, town, school district or town sanitary district shall adopt and record a resolution specifying the purpose or purposes and the amount of the loan or that the note is an extension note, the instalments, the rate of interest, and levying a direct annual irrepealable tax sufficient to pay each instalment, and the interest, as it becomes due and payable. Such resolution shall be adopted by a three-fourths vote of the members-elect of such governing body, *or, in the case of a city borrowing for school purposes and having territory attached for school purposes only, by three-fourths of all the votes provided by the formula contained in s. 40.807 (2).* The tax for each year after receipt of the borrowed money shall become and continue irrepealable and shall be carried into the tax rolls each year and collected as other taxes are collected.

Approved August 18, 1955.
