

in his discretion, entertain a motion to be made on his minutes, to set aside a verdict and grant a new trial upon exceptions or because the verdict is contrary to law or contrary to evidence, or for excessive or inadequate damages; but such motion if heard upon the minutes * * * *must be made and heard within 60 days after the verdict is rendered, unless the court by order shall extend such time for cause.* When such motion is heard and decided upon the minutes of the judge and an appeal is taken from the decision, a bill of exceptions must be settled in the usual form, upon which the argument of the appeal must be had. *If such motion be made, but not decided during said sixty days or within such time as the court shall have fixed in such extension, then such motion shall be taken as overruled, and an exception to such constructive denial of the same shall be allowed in the bill of exceptions.* * * *

SECTION 2. This act shall take effect upon passage and publication.

Approved June 21, 1917.

No. 329, A.]

[Published June 25, 1917.

CHAPTER 478

AN ACT to amend section 376—50 of the statutes, relating to the state board of education.

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

SECTION 1. Section 376—50 of the statutes is amended to read: Section 376—50. 1. There is hereby created a state board of education to consist of * * * *nine* members. The governor, * * * and the state superintendent of public instruction shall be ex officio members of said board, *and the secretary of state shall be ex officio a member thereof until the first Monday in January, 1919. The governor shall appoint five members of said board, one of whom shall be a woman. The appointive member shall be confirmed by the senate, except that vacancies filled when the legislature is not in session shall be in force without confirmation until the legislature meets.* One person shall be appointed by the board of regents of the university of Wisconsin and one person shall be appointed by the board of regents of the normal schools to be members of said board. *The persons appointed by the regents of the university and the regents of the normal schools shall be from the appointive membership of the board of regents of the university and the regents of*

the normal schools respectively. The persons appointed by the board of regents of the university and the board of regents of the normal schools shall be full members of said board.

2. *On or before August first, 1917, the governor shall appoint one member whose term shall expire August first, 1918; one member whose term shall expire August first, 1919; one member whose term shall expire August first, 1920; one member whose term shall expire August first, 1921; and one member whose term shall expire August first, 1922. On or before August first, 1918, and annually thereafter the governor shall appoint one member for the term of five years. The members appointed by the board of regents of the university and the board of regents of normal schools shall hold office for terms of two years and until their successors are appointed and qualified. The first regent appointments hereunder shall be made on or before August 1, * * * 1917, and the terms of office shall begin on the first day of August, * * * 1917, and biennially thereafter. In case of any vacancy the appointment shall be for the unexpired term.*

3. *The members of the said board shall receive an honorarium of eight dollars per day for not to exceed sixty days in any one year; and they shall receive the actual and necessary expenses incurred by them in discharging their duties as members of the said board. Such honorarium shall not be paid to any member who receives a salary from the state or from any state institution.*

4. *Before entering upon the duties of his office, each member of said board shall take and subscribe the constitutional oath of office which shall be filed in the office of the secretary of state.*

5. *The members of the said board shall, * * * not later than the first week of August, * * * 1917, meet at the state capitol and organize. * * * The board shall elect its own president and fix his term of office. A majority of the members of said board shall constitute a quorum to transact business and any vacancy shall not impair the right of the remaining members to exercise all the powers of the board.*

6. *The board may appoint and fix the compensation of a secretary, who shall also be chief accountant, and such other assistants, clerks, and stenographers as may be necessary to carry out the duties of said board. The board shall require a bond of the secretary and may require bonds of such other subordinates and employes as it shall deem expedient to bond,*

the amounts of which shall be fixed by the board. The secretary shall not be a member of the board, and shall perform such duties as may be prescribed by law or by the by-laws and rules of the board. The secretary shall keep a faithful record of all the transactions of the board and of all committees thereof.

7. The board shall keep its office at the capitol and the superintendent of public property shall provide suitable rooms, necessary office furniture, supplies, and stationery. The board may hold meetings at any place other than the capitol. The meetings of the board shall be open to the public and all records of such meetings and of all proceedings of the board shall be open to inspection by the public at all reasonable hours; provided that the board may hold executive sessions, the findings of such executive sessions to be made a part of the records of the board.

8. It shall be the duty of the state board of education to have the exclusive charge and management of all financial affairs *relating to capital account and all biennial estimates authorized by subsections 11 and 12 for* * * * the educational activities of the state and to examine and study the business methods and management of and the expenditure of public funds for the common schools, high schools, county training schools, county schools of agriculture and domestic economy, continuation, commercial, industrial and evening schools, day schools for the deaf and blind, Stout institute, the mining trade school, the several normal schools and the university, shall ascertain the financial and business needs of such schools and institutions, the fair and proper distribution of such expenditures and the most efficient and economical use of public funds for educational purposes and shall have power to institute and maintain an adequate and uniform accounting system.

9. The said board shall have power and authority to require and it shall be the duty of every state or county superintendent of public instruction or education and every officer or governing body of any school or institution mentioned in subsection 8 of this section to furnish such data and information as such board may deem necessary to carry out the provisions of this section.

10. The board shall cause all of the financial transactions and accounts of or relating to the mining trade school, Stout institute, the several normal schools, the university and the various departments thereof, at the close of each fiscal year, to be fully and thoroughly examined and audited by its accountant. Said board may cause a like audit of any of the other schools men-

tioned in subsection 8 which receive state aid. Such examination shall be commenced immediately after the close of said period and be completed as soon as practicable. Upon the completion of such examination a full and detailed report thereof shall be made by such accountant to the board. *The audit provided for by section 15.15 of the statutes shall apply to the institutions mentioned in subsection 10.*

11. The state board of education shall on or before the fifteenth day of December next preceding the convening of the legislature in any regular session prepare in convenient form its recommendations as to the financial and business needs of and the fair and proper distribution of public funds to the schools and institutions mentioned in subsection 8 of this section so as to increase and promote the efficiency and educational value of such schools and institutions and such other recommendations as to the improvement of the business management and control of such schools and institutions as the said board may deem expedient, a full and detailed report of any audit made under the provisions of subsection 10 and its estimates *for the following biennium* for each of the several institutions under its supervision specifying therein, in detail, the amount of money that will be required for the support and maintenance of each of the said institutions and also estimates setting forth the various amounts needed, detailed as to class of schools and purpose of proposed appropriation, as direct state aid, for all public schools not under its supervision, the amount needed for the support of the department of the state superintendent of public instruction, and also the amount needed for the board of education to carry out the purposes of this section, all such estimates to be for the next biennial period. The secretary of the board shall on or before the fifteenth day of December mail to each member-elect of the legislature and to the governor-elect a copy of said reports, recommendations, and *biennial* estimates.

12. Whenever matters affecting any school under the board are before it or any of its committees for consideration, the president of such school and any other persons shall have the right to be present at such meeting and be heard by the board or the committee having charge of the subject. The governing bodies of the several schools under the supervision of the board shall submit biennial estimates and annual budgets to the board, and shall be heard by the board or the proper committee thereof upon the estimates or budgets for the various schools. It shall be the duty of the presidents and the governing bodies

of each of the several schools under the jurisdiction of the board of education to prepare and supply to the board all useful and helpful information regarding the financial needs of the various schools and to make recommendations regarding the needs of such schools in order that the board of education may have full information upon which to base its recommendations to the legislature.

13. *The regents of the university, the regents of the normal schools, the mining school board, the state board of industrial education for itself and for Stout institute, and the state superintendent of public instruction shall during the month of April of each year submit their respective annual budgets for the following fiscal year beginning July first; and if such budgets are within the available funds and in reasonable conformity to the legislative will they shall be approved by the state board of education so far as they relate to operation and maintenance. After such approval, the administration of the budgets for operation and maintenance of the several classes of schools mentioned in this subsection shall in each case rest with the board or officer designated by law as being the immediate governing authority of said institution, school, or department.*

14. No new building shall be constructed or lands purchased except by or under the direction of said board.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 22, 1917.

No. 339, A.]

[Published June 28, 1917.

CHAPTER 479

AN ACT to create a new paragraph of subsection (15) of section 20.17 of the statutes, relating to paving at the industrial school for boys, and making an appropriation.

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

SECTION 1. A new paragraph is added to subsection (15) of section 20.17 of the statutes, to read: (20.17) (15) (e) On July 1, 1917, seven thousand five hundred dollars, for paving and other improvements on College avenue and State street in the city of Waukesha, so far as the state property abuts on said streets.

SECTION 2. This act shall take effect upon July 1, 1917.

Approved June 23, 1917.