

No. 362, A.]

[Published July 25, 1945.]

**CHAPTER 493.**

AN ACT to amend 40.30 (1), (2), (3) and (6) and to create 40.30 (1k) of the statutes, relating to consolidation of school districts by state superintendent of schools.

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

SECTION 1. 40.30 (1), (2), (3) and (6) of the statutes are amended to read:

40.30 (1) (a) Upon the filing of a petition by an elector \* \* \* with the municipal clerk, any town \* \* \* or village board \* \* \* or council \* \* \* of \* \* \* a city of the second, third \* \* \* or fourth class may, by order, create, alter, consolidate or dissolve school districts. Such districts shall be known by the names of the municipalities in which they lie, and if there is more than one district in a municipality, those districts shall be further designated by numbers. Such districts must be of contiguous territory, and no territory shall be detached from a district unless it be by the same order attached to another district or districts, and no district shall be created having less than \$150,000 of taxable property as shown by the last assessment roll. No change in districts may be made that will result in additional claims for state aid under the provisions of section 40.87, notwithstanding the provisions of section 40.31, without the approval of the state superintendent of public instruction. *The state superintendent shall, when an order changing school districts has been filed with him as herein provided, forthwith proceed to determine whether additional claims for state aids will result. He shall base his determination of whether or not additional claims for state aid will result from a change in districts from the annual reports for previous years filed with him by the school districts affected and upon such other facts as he may deem material. If he finds that such additional claims for state aid will result, he may enter an order disapproving such change in which event any order making such change shall become void and of no effect. An appeal may be taken from such order of the state superintendent as provided in paragraph (b).*

(b) Any person aggrieved by any order of a municipal board or council issued and recorded pursuant to the provisions of this

section or aggrieved by the refusal of \* \* \* a municipal board or council to file orders of alteration, dissolution, consolidation or creation when petitioned to do so may appeal therefrom to the state superintendent within 30 days following the issuing and recording of any such order, or where \* \* \* a board or boards, or council or councils, refuses or neglects to issue and record an order of alteration, dissolution, consolidation or creation then within 90 days following the filing of the petition. \* \* \* After determining the appeal the state superintendent shall enter an order affirming, modifying or reversing the order appealed from, or where the appeal is from the refusal of a municipal board or council to file orders of alteration, dissolution, creation or consolidation when petitioned to do so, the state superintendent may in the event that he finds the municipal board or council erred in refusing to file such an order, make such order as he deems proper under the circumstances, subject to the provisions of section 40.30 (1k) which are applicable in case the state superintendent acts on his own motion. An appeal from any order of the state superintendent made under this paragraph may be taken to the circuit court of any county affected thereby within 30 days from the date of said order.

(2) Whenever a petition for such alteration, creation, consolidation or dissolution shall be \* \* \* filed, the municipal board or boards or council or councils shall within 30 days meet and by resolution or joint resolution set a date for hearing within 10 days and give at least 5 days notice, in writing, to the clerk of each district to be in any way affected thereby of the day, hour and place it will \* \* \* meet to decide upon the proposed changes. Each district clerk shall immediately notify the other members of his board.

(3) When the territory to be affected by a proposed order, other than one commenced by the state superintendent upon his own motion, lies in more than one municipality, the municipal boards shall act jointly, and the concurrence of a majority of each board shall be necessary to a valid order. The meeting of the several municipal boards or councils shall be called by the clerk of the municipality with whom the petition is filed and he shall give at least 5 days notice in writing of the time and place of meeting to each member of each board or council.

(6) Every order shall be promptly filed and recorded in the office of the clerk of the municipality in which the school districts

affected by the order are situated (and if in more than one, a sufficient number of originals shall be executed so that one may be filed with each municipal clerk), and one copy of such order shall be mailed to the county superintendent, and one copy of such order shall be mailed to the state superintendent. \* \* \*

SECTION 2. 40.30 (1k) of the statutes is created to read:

40.30 (1k) CONSOLIDATION BY SUPERINTENDENT.

(a) After approval by a majority vote of a special committee appointed to consider and approve or disapprove the same, the state superintendent may by order, reciting such approval, create, alter, consolidate or dissolve any school district or districts. The state superintendent is authorized on his own motion to initiate consolidation proceedings in the manner provided in this subsection. Such special committee shall consist of the county superintendent of schools, 2 residents of the county to be appointed by the county judge of the county and 2 supervisors of the county board of the county, to be appointed by the chairman of the board, at least one of whom shall be a town chairman except in counties containing a city of the first class, but no person shall be appointed who resides in any territory that would be affected by the proposed change. Persons appointed shall have a recognized interest in and understanding of, and sympathy for the problems of common schools. Whenever the state superintendent may decide that any such school district be so created, altered, consolidated or dissolved, he shall notify the judge and chairman of the county board of the county or counties within which the territory to be affected is situated, of his intention, and enclose a copy of the proposed order. Within 10 days thereafter the county judge and chairman of the county board shall by order appoint the committee provided for in this section and file a copy of the orders with the county superintendent of such county or counties and the state superintendent. When any territory to be affected by an order lies in 2 or more counties there shall be appointed a special committee in each county which committees shall act as a joint committee. If the membership of a joint committee is an even number then the circuit court judge of the circuit in which the greatest valuation of property to be affected lies, shall appoint an additional member to the joint committee from one of the counties affected who does not reside in the territory affected. The order of appointment shall direct the committee to meet and consider the order

of the state superintendent affecting the district or districts and report their approval or disapproval thereof in writing to the state superintendent within 15 days of the order. Upon filing of the report the committee shall be discharged from its duties. Each member of the committee shall be paid a per diem at the rate and in the manner in which members of the county board of such county are paid.

(b) The state superintendent may upon his own motion rescind or revoke any such order of annexation or consolidation, if it shall satisfactorily appear, that such order of annexation has created hardship because of the difficulties of geographical conditions, problems of transportation or other considerations, or where any such order of annexation has not resulted in financial saving to the taxpayers of such school district or increased educational opportunities and benefits to the students therein.

Deposited without approval of Governor.

No. 524, A.]

[Published July 25, 1945.]

#### CHAPTER 494.

AN ACT to renumber 148.01 (3) to be 148.01 (3) (a); to amend 148.01 (3) (a), as renumbered; and to create 148.01 (3) (b) (c) and (d) of the statutes, relating to sickness care by the state medical society.

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

SECTION 1. 148.01 (3) of the statutes is renumbered 148.01 (3) (a) and amended to read:

148.01 (3) (a) The state society, or a county society in manner approved by the state society, \* \* \* shall have the power to establish in the state or in any county or counties therein, a non-profit plan or plans for the sickness care of indigents and low income groups, and others, through contracts with public officials, and with physicians and others, and by the use of contributions, cooperative funds, and other means, provided only that free choice of physicians within such contracts shall be retained and that responsibility of physicians to patient and all other contract and tort relationships with patient shall remain as though the dealings were direct between physician and