

No. 255, A.]

[Published August 26, 1947.

CHAPTER 573.

AN ACT to repeal 20.26, 40.30 (1k), 40.345 (1) (e) and 40.39 (1); to renumber 20.25 (4) to be 20.25 (7); to amend 20.25 (2), 20.25 (7), as renumbered, 40.04 (6), 40.34 (1) (e) and (f), (1a), (1m) and (2), 40.39 (2) (b), 40.47 (5) (a) and (b) and (6), 40.87 (4) (f), (5) and (8); and to create 14.84, 20.23, 20.25 (4), (5) and (6), 40.303, 40.34 (1) (g), 40.395 and 40.875 of the statutes, relating to aids for elementary and high schools, high school tuition, transportation of elementary and high school students, creating a county school committee and a commission on the improvement of the educational system and making appropriations.

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

SECTION 1. 14.84 of the statutes is created to read:

14.84 COMMISSION ON IMPROVEMENT OF THE EDUCATIONAL SYSTEM. (1) CREATION. There is hereby created the commission on improvement of the educational system, which shall be composed of 9 members, consisting of 5 lay members appointed by the governor, and 2 senators and 2 assemblymen to be appointed as are members of standing committees in the respective houses, none of whom shall be an active professional educator or engaged in the administration of education. The members shall designate one of the appointees to be chairman of the commission and another to be vice-chairman. The appointments shall insofar as possible be made within 60 days after the effective date of this section. Any vacancy subsequently arising shall be filled by appointment by the governor. The commission shall meet and begin to function as soon as may be after its members are appointed and shall cease to exist on April 1, 1949.

(2) DUTIES. The commission shall investigate and study all phases of the problem of public education in Wisconsin at all levels, and shall recommend to the legislature of 1949 such legislation for the betterment of public education and the modernization and more efficient operation of the educational system and for its financing as may be found to be in the public interest. It shall report its findings and recommendations and proposed bills to the governor not later than November 1, 1948; and the

governor shall transmit the same to the legislature not later than January 15, 1949.

(3) **EMPLOYEES.** The commission may employ, promote and remove a secretary and such professional, research, clerical, stenographic and other assistants as it may deem necessary to enable it to carry out its functions, and may fix their compensation and assign them to their duties. The commission shall maintain its headquarters at Madison and shall be provided by the director of purchases with suitable rooms, furniture, equipment, books, periodicals, stationery and other necessary supplies.

(4) **MEETINGS.** The commission is authorized to hold meetings at such times and places within or without the state of Wisconsin as it may deem advisable. Any state department, municipality and political subdivision of the state and any officer and employe thereof shall furnish the commission with such information in its possession relating to the subject matter of the commission's duties as the commission may require. Any member of the commission shall have the power to administer oaths to persons testifying before it. By subpoena, issued over the signature of its chairman or acting chairman, and served in the manner in which circuit court subpoenas are served, the commission may summon and compel the attendance of witnesses, and the production of all books, papers, documents, and records necessary or convenient to be examined and used by them in their investigation. If any witness, subpoenaed to appear before the commission, shall fail or refuse to produce books, papers, documents, or records within his control, when the same are demanded, the commission shall report the facts to the circuit court of Dane county, and it shall be the duty of such court to compel obedience to the commission's subpoena by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

(5) **EXPENSES OF MEMBERS.** The members of the commission shall receive no compensation for their services, but shall be reimbursed for all expenses actually and necessarily incurred by them in attending meetings and performing their duties.

SECTION 2. 20.23 of the statutes is created to read:

20.23 COMMISSION ON IMPROVEMENT OF THE EDUCATIONAL SYSTEM. There is appropriated from the general fund to the commission on improvement of the educational system, for its

necessary expenses, a sum sufficient but not to exceed \$25,000. Expenditures from this appropriation shall be upon vouchers signed by the chairman and secretary of the commission.

SECTION 3. 20.25 (2) of the statutes (as amended by Chapter 332, Laws of 1947) is amended to read:

20.25 (2) Annually, beginning July 1, * * * 1947, * * * \$1,500,000 for transportation * * * of pupils as provided in section 40.34, of which \$75,000 shall be apportioned upon the approval of the state superintendent among school districts which are found to be unable, under the tax limitations imposed by section 40.04 (6), to provide the transportation provided for by section 40.34.

SECTION 4. 20.25 (4) of the statutes is renumbered 20.25 (7) and amended to read:

20.25 (7) Whenever it shall become apparent in any fiscal year that any of the appropriations made by subsections (2) * * *, (3), (4), (5) and (6) * * * shall exceed * * * the legal claims for state educational aids thereunder, such excess shall be transferred upon order of the state superintendent and the secretary of state from the original appropriation and be used to supplement or increase any of the other appropriations made by subsections (2), * * * (3), (4), (5) and (6) * * * for the same fiscal year.

SECTION 5. 20.25 (4), (5) and (6) of the statutes are created to read:

20.25 (4) Annually, beginning July 1, 1947, \$3,000,000 for payment of educational equalization aids to school districts operating elementary schools as provided for in section 40.875.

(5) Annually, beginning July 1, 1947, in addition to the appropriation provided by section 20.27, \$1,000,000 for the payment of the aids for the support of the high schools of the state as provided for in section 40.39 (2).

(6) Annually, beginning July 1, 1947, \$1,500,000 for payment of educational equalization aids to school districts operating high schools as provided for in section 40.395.

SECTION 6. 20.26 of the statutes is repealed as of June 30, 1947.

SECTION 7. 40.04 (6) of the statutes is amended to read:

40.04 (6) To vote a tax for the operation of the school, but the total tax voted in any year shall not exceed * * * 20 mills of the last * * * state equalized valuation of the taxable prop-

erty in the district, unless the district maintains a high school, in which case the tax limit shall be * * * 25 mills of such * * * valuation, except that this subsection shall not apply to schools with an average daily attendance of less than 10 pupils.

SECTION 8. 40.30 (1k) of the statutes is repealed.

SECTION 9. 40.303 of the statutes is created to read:

40.303 COUNTY SCHOOL COMMITTEE. (1) CREATION, MEMBERSHIP. There shall be created in each of the counties of this state a county school committee consisting of 6 members to be elected by the county board. Three of such committee members shall be residents of incorporated cities or villages of the county and 3 shall be residents of towns of the county. Of the village or city members first elected one shall serve for a term of one year; one for a term of 2 years and one for a term of 3 years; and of the town members first elected one shall serve for a term of one year; one for a term of 2 years and one for a term of 3 years. Thereafter members shall each be elected for a term of 3 years. Any vacancy caused by resignation, death or removal of residence from the county shall be filled by appointment by the chairman of the county board for the remainder of the unexpired term, subject to confirmation by the county board at its next succeeding meeting. Upon failure of the county board to approve of an appointment made by the chairman of the county board, the board shall elect a successor to fill the vacancy for the balance of the unexpired term. Resignations shall be made in writing to the county school committee and shall be filed with the county superintendent of schools. The county superintendent shall serve as secretary of the committee but shall not be entitled to vote.

(2) NOMINATION OF COMMITTEE MEMBERS. The education committee of the county board, or if no such committee exists, a committee designated by the chairman of the county board, shall nominate candidates for the county school committee equal in number to the number of committee members to be elected. Such nominations shall be made at least 30 days before the meeting of the board at which the election is held, except that the 30-day provision shall not apply to the initial election if the first meeting of the county board following the effective date of this section is held less than 30 days after such effective date. Persons nominated shall have a recognized interest in and understanding of, and sympathy for the problems of common schools.

(3) **ELECTION OF COMMITTEE MEMBERS.** At the first meeting of each county board following the effective date of this section, the board shall elect a county school committee as provided in this section. If appointments are not made by any county board or boards within the time limitations herein specified, the state superintendent shall forthwith make said appointments.

(4) **DUTIES OF COMMITTEE.** The county school committee shall draft a plan for school district reorganization of the school districts within the county and shall hold hearings in each proposed reorganized district or at a convenient place within a reasonable distance therefrom. After approval by a majority vote of its membership, the committee may, by order, create, alter, dissolve, or attach school districts subject to the conditions set forth in section 40.30 (1). The order by the county committee shall be final except that any person aggrieved by any order of a county school committee issued and recorded pursuant to the provisions of this section or aggrieved by the refusal or neglect of a county school committee to file orders of alteration, dissolution, consolidation or creation when petitioned to do so may appeal therefrom to the circuit court of the county in which the territory described in the petition lies, within 30 days following the issuing and recording of any order, or where a board or county school committee or county school committees refuse or neglect to issue and record an order of alteration, dissolution, consolidation or creation then within 90 days following the filing of the petition.

(5) **STATE SUPERINTENDENT TO ADVISE.** The state superintendent shall advise and consult with the several county school committees. Whenever in his opinion any school district or districts shall be created, altered, consolidated or dissolved, he may make his recommendations to the county school committee or committees of the county or counties within which the territory affected is situated.

(6) **JOINT COUNTY COMMITTEE ACTION.** When any territory to be affected by a proposed school district creation, alteration, consolidation or dissolution lies in 2 or more counties the county school committees of said counties shall act as a joint committee. If the membership of a joint committee is an even number then the circuit judge of the circuit in which the greatest valuation of property to be affected lies, shall appoint an addi-

tional member to the joint committee from one of the counties affected.

(7) COMPENSATION. Each member of the county school committee, except the county superintendent of schools, shall receive per diem of \$5 per day for each day he attends a meeting of said county school committee. Each member of the committee shall also receive for each day he attends a meeting of the committee compensation for other necessary expenses and mileage at the rate of 6 cents per mile for each mile traveled in going to and returning from the place of meeting by the most usual traveled route. Such per diem, mileage and expenses shall be paid by the county.

SECTION 10. 40.34 (1) (e) and (f) of the statutes are amended to read:

40.34 (1) (e) By the purchase and operation of a district-owned vehicle operated by a competent driver employed by the school board in the name of the district * * *. *Boards of school districts designated in subsection (1) may purchase and operate, with district funds, conveyances which meet the specifications prescribed by the commissioner of the motor vehicle department and to be used in furnishing such transportation:*

(f) By contract with a taxi company or companies. * * *

SECTION 11. 40.34 (1) (g) of the statutes is created to read:

40.34 (1) (g) When transportation is furnished under contract with parents, the compensation shall be at the rate of not less than 20 cents per day for each child transported. When the district board and the parents can not agree upon the amount of compensation, the case shall be appealed to the state superintendent and that officer shall determine the amount of compensation to be designated in the contract.

SECTION 12. 40.34 (1a), (1m) and (2) of the statutes are amended to read:

40.34 (1a) School districts which furnish transportation to and from school in accordance with * * * *section 40.34* shall be entitled to receive state aid on account of such transportation, at the rate of * * * 15 cents per day, per child transported to and from school, whose residence is 2-1/2 miles and less than 5 miles from the *nearest school * * * which the child may attend* and at the rate of * * * 20 cents per day, per child transported to and from school, whose residence is 5 miles or more from * * * *such school * * *. No aid shall be paid for any*

elementary school pupil who resides less than 2-1/2 miles from school or for any high school pupil who resides less than 4 miles from school. Transportation aid to any district shall not exceed one-half of the approved cost of transportation of pupils for which the district is eligible to receive transportation aid.

(1m) * * * *Every district * * * shall provide transportation for physically disabled children to any elementary or secondary schools regardless of distance, provided the request for such service is approved by the state superintendent before any reimbursement is made for service. State aid for such approved cases will be granted on the same basis as transportation of normal children. The approval of such cases shall be based on whether or not the child can walk to school with safety and comfort and whether he can carry the regular academic course. * * * For the purposes of this section the term "physically disabled children" shall be defined to include children who are afflicted with cardiac ailments, blindness, rheumatic heart condition and physical inability to walk of any nature.*

(2) The board of any district which has suspended school shall pay the tuition of all children of school age residing in the district who attend other district schools and of all children who are of less than one-quarter Indian blood of school age residing in the district who attend federal schools within this state, the courses of study of which have been approved by the state superintendent of public instruction and over which the state superintendent and the county superintendent are granted joint supervision and diploma-granting powers with the federal supervisors during such suspension, and shall provide transportation to and from school for all children residing more than 2 miles from the nearest district school or federal school which they may attend * * *

SECTION 13. 40.345 (1) (e) of the statutes is repealed.

SECTION 14. 40.39 (1) of the statutes is repealed.

SECTION 15. 40.39 (2) (b) of the statutes is amended to read:

40.39 (2) (b) The appropriations provided by section 20.27 and 20.25 (5) shall be apportioned in accordance with the number of pupils (including tuition pupils) in average daily attendance during the preceding school year in the ninth, tenth, eleventh and twelfth grades in school districts of all classes * * *

SECTION 16. 40.395 of the statutes is created to read:

40.395 STATE AID TO DISTRICTS OF ALL CLASSES MAINTAINING HIGH SCHOOLS. In addition to all other aids to high school districts state aid shall be paid annually on or before March 15 to school districts of all classes maintaining one or more 4-year high school courses in a manner approved by the state superintendent, as follows: The state superintendent shall determine from the annual reports of districts which operated high schools during the 1946-1947 school year the amount of expenditures, exclusive of transportation costs, that was required of each district for the 1946-1947 school year, plus 8 per cent thereof, less the sum of a tax production of a 5-mill tax levy on the state equalized full valuation of the district and the aids received under the provisions of sections 40.39, 76.28 (3), and 77.04 (3) and all federal aids, and receipts from nonresident tuition and on or before March 15 of each year shall certify such amount to the director of budget and accounts as the amount for payment to such districts out of the appropriation provided by section 20.25 (4). In the case of school districts commencing the operation of a high school subsequent to the 1946-1947 school year the amount of aid shall be determined on a cost base approved jointly by the state superintendent and the county superintendent of the county in which the district is located.

SECTION 17. 40.47 (5) (a) (as amended by chapter 61, laws of 1947) and (b) and (6) are amended to read:

40.47 (5) (a) The tuition for any given year for nonresident pupils who have pursued high school work shall be determined as follows: From the sum total of money expended by the school district in operating and maintaining the high school, including an item for building and equipment costs equal to 2 per cent of the original expenditures by the districts for buildings and equipment thereof as certified by the state superintendent of public instruction, such charge not to apply for a greater period of time than 50 years in the case of a new building or for the unexpired portion of 50 years of life of an old building, excluding land costs, and not to exceed 30 cents per week per pupil, there shall be subtracted an amount equal to the sum of the state and federal aids, the cost of transportation and money expended for the payment of principal and interest of bonded indebtedness or other building loans, and the difference so determined shall be divided by the average daily attendance for the given year, but in no case shall the amount of the claim per week * * *

be more than \$5 * * * less the sum of the state aids, county aids received from the county of residence of tuition pupils, and federal aids, except that a greater amount shall be payable when a certificate of approval of the same shall have been filed with the county clerk by the county school committee. Upon receipt of tuition claims in excess of the maximum specified in this paragraph the county clerk shall immediately notify the county school committee and the clerks of the school districts concerned to meet at the county court house at a specified time not later than August 15. A majority vote of the committee shall determine the amount to be allowed in excess of the maximum specified in this paragraph. The amount determined shall be immediately certified by the committee to the county clerk.

(b) Before August * * * 1 in each year, beginning with the year 1947, the school clerk shall file with the clerk of each * * * county from which any tuition pupil was admitted, * * * a sworn statement of claim against the * * * county setting forth the residence, name, age, date of entrance and the number of weeks' attendance, during the preceding school year, of each person admitted from such * * * county, the average daily attendance of the high school for the year, the statement of the cost of operation and maintenance of the high school as computed in accordance with the provisions of this section, the amount of tuition to which the district * * * lays claim for each pupil, and the aggregate sum for tuition due the district from the * * * county. This statement shall be rendered on a form prescribed by the state superintendent of public instruction.

(6) The county clerk on receiving the tuition statements provided for in section 40.47 (5) (a) and (b) shall apportion the amount thereof on the basis of the ratio of the equalized valuation of that portion of each municipality within the county that lies outside of districts which operate high schools to the total equalized value of all of the territory within the county that lies outside of high school districts and certify the amount so obtained to the clerks of said municipalities. The municipal clerk shall enter upon the next tax roll such sums as may be due for such tuition from his municipality and the amount so entered shall be collected when and as other taxes are collected. If a portion of such municipality forms a part of a high school district, the taxable property in that portion shall be exempt from such tuition tax. The * * * county clerk shall file with the state superintendent of public instruction a certified state-

ment of tuition entered upon the tax roll prior to January of each year. Failure of the * * * county clerk to comply with the provisions of this section shall render that officer and his bondsmen liable for the amount of the tuition statements rendered to him by the * * * county clerks and shall constitute cause for removal from office for failure to perform the duties of said office as provided by sections 17.13 and 17.16. When collecting the tuitions as provided for under this section the municipal treasurer shall be considered to be the agent of the school district to which the tuitions are due and shall pay the same by personal certified check or cash to the * * * county treasurer, who * * * shall file a certified statement of tuitions paid with the state superintendent of public instruction prior to May of each year. Failure to comply with the provisions of this section shall render the municipal treasurer and his bondsmen liable for the amount due the school districts as tuition and shall constitute cause for removal from office for failure to perform the duties of said office as provided by sections 17.13 and 17.16. *Taxes paid to the county treasurer on high school tuition shall be kept by that officer in a separate account and accorded the priority given to such taxes under the provisions of section 74.03 (5) (d) and shall be paid by said officer on or before May 15 of the year of receipt thereof.* When the amount of taxes collected by any tuition-paying municipality is insufficient to meet the tuition claims filed with the municipal clerk, the difference between the amount collected and the amount of said claims shall be certified to the state superintendent of public instruction by the municipal treasurer responsible for the collection of such claims. Immediately upon determining the correctness of said certification the state superintendent of public instruction shall certify to the secretary of state and to the state treasurer the amount thereof which each * * * county is to receive. Upon receipt of such certification by the state superintendent of public instruction the secretary of state shall draw his warrants covering the amounts due the * * * counties concerned and the state treasurer shall pay to the * * * said county treasurers the amounts due. The state treasurer shall file a statement of tuition so paid with the state superintendent of public instruction and with the county treasurer of the county wherein the * * * municipality concerned lies. When delinquent taxes are collected by the county treasurer (or other local treasurer) he shall remit to the state treasurer the portion thereof that was levied for

such nonresident tuition so as to reimburse the general fund for such payments to school districts from the appropriation provided by section 20.29.

SECTION 18. 40.87 (4) (f), (5) and (8) of the statutes are amended to read:

40.87 (4) (f) Provisions by a school district *with average daily attendance of 10 or less* for the transportation * * * of its pupils to * * * some other district as prescribed by law shall *not* entitle the former to share in the *transportation* aid as though such district had maintained a school * * *.

(5) Immediately upon determining the amount of state aid payable under this section the state superintendent shall certify to the secretary of state and to the state treasurer the amount thereof which each county is entitled to receive, and he shall at the same time certify to each county clerk and county treasurer the amount thereof *and county aid* which each school district in their respective counties is entitled to receive, and a statement of the number of teachers employed in each such school district. *Upon receipt of said state aid, and of said certification the county clerk and county treasurer shall apportion the state and county aids to the school districts as certified by the state superintendent.*

(8) If in any year the total of the claims for state aid under this section *or sections 40.395 and 40.875* shall exceed the amounts appropriated in section 20.25 * * * *and 20.27, for such aids,* the state superintendent shall equitably prorate the amount available among the several * * * *school districts* entitled to share in * * * *such state aid.*

SECTION 19. 40.875 of the statutes is created to read:

40.875 STATE AIDS TO SCHOOL DISTRICTS OPERATING ELEMENTARY SCHOOLS. In addition to all other aids to elementary school districts, state aid shall be paid annually on or before March 15 to school districts of all classes which actually operated elementary schools or kindergarten to eighth grade or first grade to eighth grade with an average daily attendance of 15 or more pupils as provided in this section in a manner approved by the state superintendent, as follows: The state superintendent shall determine from the annual financial report of each of such school districts which actually operated schools during the 1946-1947 school year, the amount of expenditures, exclusive of transportation costs, that were required for that year, plus 8 per

cent thereof, less the sum of a tax production of 7 mills on the state equalized full valuation of the district and the aids received under the provisions of sections 40.87, 59.075, 76.28 (3) and 77.04 (3) and all federal aids and receipts from nonresident tuition, and on or before March 15 of each year he shall certify to the director of budget and accounts such amount for payment to such districts out of the appropriation provided by section 20.25 (4). In the case of districts commencing the actual operation of school as provided in this section subsequent to the 1946-1947 school year the amount of aid shall be determined on a cost base approved jointly by the state superintendent and the county superintendent of the county in which the district is located.

SECTION 20. This act is emergency legislation and all of its provisions shall expire June 30, 1949.

Approved August 19, 1947.

No. 42, S.]

[Published August 26, 1947.

CHAPTER 574.

AN ACT to amend 143.09 and to create 143.085 of the statutes, relating to the presentation of health certificates and finger printing of persons employed by travelling shows, circuses and carnivals and handling or serving food or beverages to the public, and providing a penalty.

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

SECTION 1. 143.085 of the statutes is created to read:

143.085 HANDLERS OF FOOD AND BEVERAGES; TRAVELING SHOWS, CIRCUSES AND CARNIVALS. (1) Every person employed by any travelling show, circus or carnival, who is not a resident of the town, city or village wherein such show, circus or carnival is operating, and who handles or serves food or beverages to the public shall hold a medical certificate not more than 6 months old from a reputable physician, stating that such employe is free from communicable disease and venereal disease in the communicable stage.

(2) Failure to comply with the requirements of subsection (1) shall be a violation of the license or permit to operate issued to the owner or operator of such travelling show, circus or carnival, and cause for immediate revocation thereof. Any per-