

No. 520, A.]

[Published July 11, 1945.]

**CHAPTER 427.**

AN ACT to amend 261.01 (1) of the statutes, relating to place of trial in cases involving confiscation of fish, game and hunting and fishing equipment.

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

261.01 (1) of the statutes is amended to read:

261.01 (1) Of an action within one of the 4 classes next following, the county in which the subject of the action or some part thereof is situated, viz.: (a) For the recovery of real property, or of an estate or interest therein, or for the determination in any form of such estate or interest, or for an injury to real property. (b) For the partition of property. (c) For the foreclosure, redemption or other satisfaction of a mortgage of real property. (d) For the recovery of distrained personal property, *except that when personal property is seized in outlying waters under the provisions of section 29.05 then the place of trial shall be in the county in which the seizure of said personal property was made and where said seizure was made at a place where 2 or more counties have common jurisdiction under sections 2.03 and 2.04, then the place of trial may be in either county.*

Approved July 6, 1945.

No. 526, A.]

[Published July 11, 1945.]

**CHAPTER 428.**

AN ACT to repeal 41.03 (1) (bm); to amend 20.32, 40.87 (1) (g), 41.01 (1) and (4) (Introductory paragraph), 41.03 (1) (Introductory paragraph), 41.03 (2), 47.03; to repeal and recreate 41.03 (1) (a), (b), (c), (d) and (e); and to create 41.01 (4) (e) of the statutes, relating to state aids for the education of handicapped children and making an appropriation.

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

SECTION 1. 20.32 of the statutes is amended to read:

20.32 There is appropriated from the general fund:

(1) Annually, beginning July 1, \* \* \* 1945, as state aid for schools and classes established and maintained pursuant to section 41.01, \* \* \* \$30,000 for day schools or classes for the instruction of \* \* \* blind children \* \* \* and defective of vision; \$155,000 for day schools or classes for the instruction of deaf children and defective of hearing; \$68,000 for day schools or classes for the instruction of children with defective speech, to be distributed as provided in section 41.03.

(2) Annually, beginning July 1, \* \* \* 1945, \* \* \* \$180,000 for schools or classes for otherwise physically disabled children, established and maintained pursuant to section 41.01, to be distributed as provided in section 41.03.

(3) Annually, beginning July 1, \* \* \* 1945, \* \* \* \$190,000 as state aid for schools and classes established and maintained pursuant to section 41.01, for special classes for the instruction of mentally defective children, to be distributed as provided in section 41.03.

SECTION 2. 40.87 (1) (g), as created by chapter 574, statutes of 1943, is amended to read:

40.87 (1) (g) Any school district which employs special teachers pursuant to section 41.01 shall be apportioned aid under \* \* \* section 59.075 for as many teachers as are represented by the sum of the number of elementary teachers for which such district is entitled to aid pursuant to section 40.87 (1) (d), (e) and (f) and the number of special teachers employed pursuant to section 41.01 on condition that the apportionment on account of such special teachers under the provisions of this section shall not exceed the difference between the special aids provided for under section 41.03 and the actual cost of such special classes as limited by section 41.03 (1).

SECTION 3. 41.01 (1) and (4) (Introductory paragraph) of the statutes are amended to read:

41.01 (1) Upon application by the district board of any school district or the board of education of any city, the state superintendent may upon the basis of need and the availability of sufficient funds authorize such school district board or board of education to establish and maintain classes, *special treatment and instructional centers* for each of the various types of handicapped children.

(4) (Introductory paragraph) There is created in the state department of public instruction a bureau for handicapped

children. Whenever the word "bureau" appears in this section it means the bureau for handicapped children. The state superintendent of public instruction shall appoint a person with the status of assistant superintendent to serve as director for the bureau. Wherever the word "director" appears in this section it means the director of the bureau. The director is responsible for the services established under the state department of public instruction for children who are crippled, blind, partially seeing, deaf, hard of hearing, defective in speech, cardiopathic, malnourished, otherwise physically handicapped or who are mentally handicapped. He is responsible for the auditing of expenditures incurred for such services *subject to the direction of the state superintendent*. The responsibility of the director is concerned with the services carried on through day classes and resident schools under the jurisdiction of the state department of public instruction, for children with handicaps as designated in this section. The director shall appoint the following persons who are qualified by technical training and experience:

SECTION 4. 41.01 (4) (e) of the statutes is created to read:  
41.01 (4) (e) Technical training and experience as used in section 41.01 (4), when applied to the supervisor of the deaf, hard of hearing, and defective of vision, specified in paragraph (a) is defined to mean: Four years of scholastic training beyond high school in regular elementary teacher training education plus a minimum of one year of special elementary teacher training for the teaching of the particular classification of services to the handicapped to be supervised, plus at least 2 years of teaching experience in the particular classification of the handicapped to be supervised.

SECTION 5. 41.03 (1) (Introductory paragraph) of the statutes is amended to read:

41.03 (1) (Introductory paragraph) If upon the receipt of the report provided for in section 41.01 (3), the state superintendent is satisfied that the school or class or *special treatment or instructional center* has been maintained during the preceding year in accordance with the provisions of the statutes, he shall certify to the secretary of state in favor of each of the several school district boards or boards of education maintaining such schools or classes a sum equal to the amount expended by each said board during the preceding year for salaries of qualified teachers employed in such schools or classes, maintenance

and transportation of pupils residing within the state and attending such schools or classes, special books and special equipment prepared or designed for instruction in such schools or classes, and such other expenses as shall be approved by the state superintendent \* \* \*. When transportation is not furnished to nonresident, handicapped children included in this section, by the districts maintaining the special classes, the school districts in which the child resides \* \* \* shall provide transportation for \* \* \* the *handicapped children residing therein*. \* \* \* When such transportation \* \* \* has been approved in advance by the state superintendent through the bureau for handicapped children, he shall certify the full amounts for such transportation to the secretary of state \* \* \* because of such transportation and the secretary of state shall thereupon draw his warrant for such full amount in favor of such school district on funds provided for in \* \* \* section 20.32. \* \* \*

SECTION 6. 41.03 (1) (a), (b), (c), (d) and (e) of the statutes are repealed and recreated to read:

41.03 (1) (a) Out of each of the several appropriations under section 20.32 for day schools for handicapped children he shall first set aside amounts equal to the approved claims for transportation or board and lodging of nonresident pupils enrolled in the classes or centers of each of the corresponding classifications of handicapped children, and certify said amount to the secretary of state for payment in full to the school districts which have furnished said transportation or board and lodging.

(b) There shall be paid out of the fund provided in section 20.32 (2) for children physically disabled the full cost of academic instructions in hospitals for crippled children. The supervision of such classes shall be under the city superintendent of schools of the city in which the hospital is located and the state superintendent of public instruction. The board of education of cities in which said hospitals are located shall render an itemized statement of all receipts and disbursements for the actual cost of such classes and such other information as may be required by the state superintendent of public instruction. Where a convalescent hospital for crippled children is located in a rural school district, the supervision of the academic instruction in such hospital is to be under the same supervision as in the main hospital provided the convalescent hospital is not more than

10 miles from the city in which the main hospital is located. If the convalescent home in a rural district is not under the authority of a hospital but is under the supervision of the bureau for handicapped children the teacher may be employed by the state superintendent through the bureau of personnel, and when this is done the state superintendent may purchase and pay from said funds for the necessary instructional supplies.

(c) An amount not to exceed \$3,000 of the appropriation made for crippled children may be used annually to increase the reimbursement to districts which is provided for in section 40.34 (1m) by an amount not to exceed 25 cents per day and to increase the reimbursement which is provided for in section 40.34 (4) by an amount not to exceed \$1 per week to assure educational opportunities to crippled children.

(d) Out of the appropriations for crippled children, there shall be paid in full a sum sufficient to cover the full cost of salary and travel expenses in amounts agreed upon in advance by the state superintendent to the district conducting an orthopedic school for the services rendered by the physical therapists outside the employing district at a time other than during the regular school term. Out of the appropriations made for the instruction of children defective of speech and of children who are mentally retarded a sum sufficient to cover the full cost of salary and travel expenses made necessary by providing instruction to children outside the district of employment in amounts agreed upon in advance by the state superintendent.

(e) Out of the remaining balances of the several appropriations the state superintendent shall certify in favor of each of the several school district boards or boards of education maintaining such schools or classes; or special centers a sum equal to the amount expended by each said board during the preceding year for salaries of qualified teachers employed in such school or classes or centers, and such other expenses as shall be approved by the state superintendent. In the event that said remaining balances are not sufficient to pay said claims in full, the payment shall be prorated on the basis of the ratio of each remaining balance to the aggregate of the claims against each said balance. In the event that the aggregate of the claims against any of the appropriation balances is or are less than said balances and the aggregate of the claims against other of said balances are in excess of said balances, amounts may be transferred from

the excess balances to satisfy said excess claim or claims as nearly as may be.

SECTION 7. 41.03 (1) (bm) of the statutes is repealed.

SECTION 8. 41.03 (2) of the statutes is amended to read:

41.03 (2) On receipt of such certificates the secretary of state shall draw his several warrants accordingly, payable to the treasurers of the school boards or boards of education, respectively *from the several appropriations provided under section 20.32.*

SECTION 9. 47.03 of the statutes is amended to read:

47.03 Whenever it shall be made to appear, by affidavit, to any county or municipal judge that any blind, \* \* \* deaf, or hard of hearing child \* \* \* between the ages of 6 and 20 years is deprived of a suitable education by the neglect or refusal of its parents or either of them, or its guardian or other person having the care or custody of such child, such judge shall summon such parents or parent, guardian, or other person to bring such child before him, and if the material allegations of such affidavit be denied he shall subpoena witnesses and hear testimony. If the facts be admitted or established the judge may, in his discretion, order such child to be sent to the Wisconsin school for the blind or the Wisconsin school for the deaf or to some other public or private \* \* \* class or school for the instruction of the blind or deaf \* \* \*, but in no case shall such order be made so as to cause any direct charge to be made by such \* \* \* class or school against any county.

Approved July 6, 1945.

No. 569, A.]

[Published July 11, 1945.]

#### CHAPTER 429.

AN ACT to create 60.29 (37) of the statutes, relating to the powers of town boards in counties having a population of 500,000 or more, requiring the cutting of other than noxious weeds for fire protection purposes.

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

60.29 (37) of the statutes is created to read:

60.29 (37) CUTTING OF WEEDS TO PREVENT FIRES.