



2023 ASSEMBLY BILL 309

June 9, 2023 – Introduced by Representatives ALLEN, BODDEN, BRANDTJEN, MAXEY, MURPHY and WICHGERS, cosponsored by Senators JACQUE and NASS. Referred to Committee on Education.

1 **AN ACT** *to amend* 43.70 (3) of the statutes; **relating to:** prohibiting the use of
2 common school fund income distributions for the purchase of obscene material.

Analysis by the Legislative Reference Bureau

This bill prohibits a school district from using school library aid moneys distributed to the district from the common school fund income to purchase any item that would be considered obscene material. The Wisconsin Constitution establishes a common school fund, the income from which must be distributed as aid to school districts. Under current law, the moneys generated by the common school fund and distributed to school districts may only be expended for the purchase of instructional materials from the state historical society for use in teaching Wisconsin history and for the purchase of library books and other instructional materials for school libraries, but not for public library facilities operated by school districts. Current law also allows a school district to use the moneys received to purchase school library computers and related software if the school board consults with the supervisor of the district's libraries and the computers and software are housed in the school library.

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

3 **SECTION 1.** 43.70 (3) of the statutes is amended to read:

ASSEMBLY BILL 309**SECTION 1**

1 43.70 (3) Immediately upon making such apportionment, the state
2 superintendent shall certify to the department of administration the estimated
3 amount that each school district is entitled to receive under this section and shall
4 notify each school district administrator of the estimated amount so certified for his
5 or her school district. The department of administration shall distribute each school
6 district's aid entitlement in one payment on or before May 1. The amount paid to each
7 school district shall be based upon the amount in the appropriation account under
8 s. 20.255 (2) (s) on April 15. Moneys distributed under this section may be expended
9 only for the purchase of instructional materials from the state historical society for
10 use in teaching Wisconsin history and for the purchase of library books and other
11 instructional materials for school libraries, but not for public library facilities
12 operated by school districts under s. 43.52, in accordance with rules promulgated by
13 the state superintendent. In addition, a school district may use the moneys received
14 under this section to purchase school library computers and related software if the
15 school board consults with the person who supervises the school district's libraries
16 and the computers and software are housed in the school library. A school district
17 may not use the moneys received under this section to purchase any item that would
18 be considered obscene material, as defined in s. 944.21 (2) (c). Appropriate records
19 of all purchases under this section shall be kept and necessary reports thereon shall
20 be made to the state superintendent.

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(END)