

(40.20) (5) To draw orders on the treasurer for money apportioned to or raised by the district to pay, according to the contract made by the board, the wages of any qualified teachers for teaching the district school, and to make any other payment voted at a meeting pursuant to section 40.09, *provided no order shall be issued in payment of the salary of any teacher unless said teacher shall have complied with the provisions of subsection (5) of section 39.18.*

SECTION 3. This act shall take effect upon passage and publication.

Approved May 29, 1919.

No. 380, S.]

[Published May 31, 1919.

CHAPTER 255.

AN ACT to create subsection 5 of section 1797—12e of the statutes, relating to the apportionment to railroads of a part of the cost of highway improvements which eliminate grade crossings or divert highway traffic from existing grade crossings.

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

SECTION 1. A new subsection is added to section 1797—12e of the statutes to read: (Section 1797—12e) 5. The commission, upon petition of the Wisconsin highway commission, the county board of any county, the common council of any city, the village board of any village or the town board of any town to the effect that one or more of them have undertaken or propose to undertake to relocate an existing highway, to improve an existing highway, or to construct a new highway in such manner as to eliminate an existing highway grade crossing or crossings with any railroad or so as to permanently divert a material portion of the highway traffic from an existing highway grade crossing or crossings with any railroad, shall issue notice of investigation and hearing as provided in section 1797—12, and if upon such hearing the commission shall find that the railroad company or companies in interest will be benefited by said highway relocation, improvement or new construction, the commission shall order said railroad company or companies to pay to the municipality or municipalities in interest such sum of money as the commission shall find to be reasonably equivalent to the benefits received; provided, however, that if said highway relocation, improvement or new construction is financed with joint funds under any federal aid, state aid or county aid highway law, the commission shall order said railroad company or companies

to pay said sum of money to the state treasurer, if the work is performed under a federal aid law, or to the proper county treasurer if the work is performed under a state aid or county aid law, and said sum of money shall be added to the joint fund available for the improvement of said highway and may be expended in like manner as the other portions of said fund.

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

Approved May 29, 1919.

No. 381, S.]

[Published May 31, 1919.

CHAPTER 256.

AN ACT to create section 1797—121 of the statutes, relating to the apportionment of costs of grade crossing improvements on highways eligible for improvement under federal aid, state aid or county aid laws.

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

SECTION 1. A new section is added to the statutes to read: Section 1797—121. Whenever the commission shall order the closing of a highway grade crossing and the substitution of another therefor, at grade or not at grade, or shall order the closing of a highway grade crossing or crossings, and the construction of a new highway rendering the substitution of another crossing for such closed crossing or crossings unnecessary, as provided in section 1797—12e and 1797—12f of the statutes, and the highway at said crossing or crossings is eligible for construction or reconstruction under any federal aid, state aid or county aid highway law, the portion of the cost and expense of such improvement which the commission shall apportion to the municipalities in interest may be paid out of the joint fund available or which may be made available for the construction or reconstruction of said highway. Whenever the commission shall order the municipality or municipalities in interest to perform any portion of the required work, said work or any portion thereof may be performed under the provisions of any federal aid, state aid or county aid highway law applicable to said highway and if the cost of the work so performed shall exceed the portion of the cost and expense of the improvement apportioned to the municipality or municipalities in interest, the commission may order, if it shall find that the railroad company or companies in interest will be benefited by the proposed change or improvements, the railroad or railroads in interest to pay the amount of said excess into the proper joint fund in accordance with their respective responsibilities under the apportionment. A certificate of the