

No. 477, A.]

[Published June 27, 1945.]

CHAPTER 366.

AN ACT to amend 65.90 (5) of the statutes, relating to municipal budgets.

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

65.90 (5) of the statutes is amended to read:

65.90 (5) The amount of tax to be levied or certified, the amounts of the various appropriations and the purposes for such appropriations stated in such budget, after any alterations therein made pursuant to the hearing required by this section, shall not be changed thereafter unless authorized by a vote of two-thirds of the entire membership of the governing body of such municipality, *except that in the case of city boards transfers may be authorized by a two-thirds vote of such boards for funds under their control.* Any municipality, excepting towns and one-room school districts, which makes such changes shall give notice thereof by publication, within 8 days thereafter, in a newspaper in general circulation in such municipality.

Approved June 25, 1945.

No. 494, A.]

[Published June 27, 1945.]

CHAPTER 367.

AN ACT to repeal 25.23 (2), (3) and (4), 39.03 (6), 39.11 (2), 40.13 (2) and 40.72 (2); to amend 25.23 (1) and 43.17 (2); to repeal and recreate 43.19 (1), (2), (3) and (4) and 43.21 and to create 43.19 (5), (6) and (7) and 43.21 (8) of the statutes, relating to the distribution of common school aids.

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

SECTION 1. 25.23 (1) of the statutes is amended to read:

25.23 (1) Pursuant to section 5 of article X of the constitution, the common school fund income shall be distributed *to the school districts* among the several towns, villages, and cities of the state for the support of common schools therein, as provided in * * * *sections 43.19 and 43.21.*

SECTION 2. 25.23 (2), (3) and (4) of the statutes are repealed.

SECTION 3. 39.03 (6) of the statutes is repealed.

SECTION 4. 39.11 (2) of the statutes is repealed.

SECTION 5. 40.13 (2) of the statutes is repealed.

SECTION 6. 43.17 (2) of the statutes is amended to read:

43.17. (2) The state superintendent may suspend the operation of the school library law in any school district or sub-district containing a free public library, or which is located wholly or in part in any incorporated village or city containing a free public library, whenever the board of said free public library during the year ending June 30 next preceding the date of the application for suspension, has expended in the purchase of library books suitable for children in the elementary school grades a sum equal to the sum which would be released by the suspension of the school library law, as certified by the secretary of the free library commission; but the amount so expended by the said board of the free public library for any one year shall not be made the basis of such suspension for more than one year. The state superintendent shall give notice of such suspension to the clerk or secretary of the board of education of the school district affected, and to the county, district or city superintendent, * * * *secretary of state and state treasurer.*

SECTION 7. 43.19 (1), (2), (3) and (4) of the statutes are repealed and recreated to read:

43.19 CONTROL AND DISTRIBUTION OF THE COMMON SCHOOL FUND INCOME. (1) Between October 1 and 15 of each year each county, district or city superintendent of schools shall certify to the state superintendent on blanks provided by the state superintendent, a report of the total number of children between the ages of 4 and 20 years residing in each school district within his jurisdiction on the preceding May 30 or June 30, as the case may be. Such census report shall list only those districts which, in the judgment of the superintendent, will maintain school at least 3 months during the school year in which the report is filed with the state superintendent.

(2) Annually, within 30 days after December 10, the state superintendent shall ascertain the aggregate amount of all moneys in the common school fund income received prior to December 1 in the same year and shall apportion such amount to

the school districts in proportion to the number of children resident therein between the ages of 4 and 20 years, as shown by the census reports made pursuant to this section to the state superintendent for the year preceding, ending June 30 or May 30, as the case may be.

(3) Immediately upon making such apportionment, the state superintendent shall certify to the secretary of state and the state treasurer the amount that each city of the first, second or third class is entitled to receive in cash on the basis of the census report made by the superintendent of such city. Within 15 days after receiving such certification the state treasurer shall give notice in writing of the amount of the common school fund income so apportioned to each third, second, and first class city in the state to the treasurer and clerk thereof respectively, and shall pay the amount apportioned forthwith to the proper school district or municipal treasurer as provided by law and shall promptly certify the amount of such payment to the clerk of the school district or municipality.

(4) The state superintendent shall at the same time certify to the secretary of state and the state treasurer the amount that each city of the fourth class is entitled to receive on the basis of the census report made by the superintendent of such city and shall forward a copy of such certification to the superintendent of each such city. Such city superintendent shall provide for the expenditure of all moneys, as nearly as can be, held by the state treasurer pursuant to this section for the purchase of library books in the manner provided in section 43.21 and shall keep appropriate records of such books and make all necessary reports thereon to the state superintendent in the same manner as hereinafter provided for the records and reports of county and district superintendents.

SECTION 8. 43.19 (5), (6) and (7) of the statutes are created to read:

43.19 (5) The state superintendent shall at the same time certify to the secretary of state and to the state treasurer the amount that each county or superintendent district is entitled to receive on the basis of the census report made pursuant to this section for the school districts under his jurisdiction and shall forward a copy of such certification to the respective county or district superintendent. The county or district superintendent shall in the manner prescribed in section 43.21 provide for the

expenditure of the common school fund income for each of the operating districts under his supervision.

(6) This statute shall become operative for the expenditure of the common school fund income to be apportioned in December, 1945.

(7) Every county, district, or city superintendent of a city of the fourth class shall provide, as nearly as can be, for the expenditure of accumulated unexpended balances of previous years of the common school fund income held by the county treasurer of his county for school districts under his jurisdiction for the purchase of library books in some equitable manner but no order for books shall be forwarded to the contract bidder later than September 15, 1945 as a charge against such unexpended balances.

SECTION 9. 43.21 of the statutes is repealed and recreated to read:

43.21 METHOD OF PURCHASE AND DISTRIBUTION OF BOOKS.

(1) Each county or district superintendent and superintendent of cities of the fourth class shall keep on file in his office a list of books in the library of each school district, the schoolhouse of which is located in his superintendent district, and arrange such lists by districts and towns in numerical and alphabetical order. Guided by such lists and other information obtained regarding said libraries, each said superintendent shall select, from the school library list and make lists of books to be purchased for each such library. He shall furnish 2 copies of each such list to each school district clerk; and shall certify to the state superintendent on a duplicate list the total cost of the books selected for each school district. Each city superintendent of any city of the fourth class shall be governed by the provisions of this subsection so far as applicable.

(2) A copy of each such list shall be furnished by the superintendent to the contract dealer, who shall deliver said books prepaid in accordance with said lists, to the clerk of each school district and city respectively. The contract dealer shall notify the proper school district clerk of such shipment stating the number of books shipped and periodicals for which subscriptions have been entered with the publishers, the manner of shipment and the total contract price thereof, and shall furnish a copy of such notice to the county or district superintendent in whose

jurisdiction the schoolhouse of such district is located. A summarized report, itemized by districts, of all shipments made within any 30-day period may be made to the county superintendent in lieu of separate copies of shipment notices. The notification to the district clerk shall provide a form for acknowledgment of receipt of such shipment or shipments.

(3) Immediately upon receipt of such shipment of books the school district clerk shall determine the number of books received and acknowledge such number to the contract dealer on the prepared form. Within 10 days after such delivery each school district clerk shall compare the same with his list and file with the county superintendent of schools one copy of said list indicating plainly which of the listed books have been received in good condition, or shall report to said county superintendent by separate writing which of said books have been received in good condition.

(4) The county superintendent shall keep a record of each of the districts under his supervision according to the census certification made to the state superintendent provided in section 43.19 (1) and the amount allotted to each district pro rata according to the state superintendent's certification to him made according to section 43.19 (3). He shall charge against the account of each school district the amount certified to him by the district clerk which represents the amount charged for books received as ordered and periodicals for which subscriptions are entered. He shall forthwith certify to the state superintendent a summary report listing each school district under his supervision sharing in the common school fund income, showing amount allotted, charges entered against each for shipments received and subscriptions entered, and the balance remaining to the credit of each district, and shall send a copy of such certification to the contract dealer. On the basis of this report the state superintendent shall certify to the secretary of state and to the state treasurer the amount due the contract dealer for the respective county and the state treasurer shall forthwith issue a check to the contract dealer in the amount certified.

(5) If any error or irregularity shall have occurred in such delivery, the school district clerk or city clerk, respectively, shall within 10 days thereafter notify the contract dealer thereof in writing, and send a copy of said notice to the county, district or city superintendent, respectively; and the contract dealer

shall forthwith take steps to rectify such error or irregularity.

(6) School district and city clerks, upon receiving books pursuant to this section, shall without unnecessary delay transmit such books to the teacher, principal or superintendent of schools of the district.

(7) Any school district or city clerk who fails to comply with the provisions of subsections (3) (5) and (6) shall be liable to a forfeiture in the sum of \$5.

SECTION 10. 43.21 (8) of the statutes is created to read:

43.21 (8) The express, freight, postage, and cartage charges on books purchased under the school library law shall be paid by the school district receiving them.

Approved June 25, 1945.

No. 521, A.]

[Published June 27, 1945.

CHAPTER 368.

AN ACT to amend 62.13 (4) (d) of the statutes, relating to the provision that the board of police and fire commissioners may grant veterans preference.

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

62.13 (4) (d) of the statutes is amended to read:

62.13 (4) (d) The examination shall be free for all citizens of the United States over 21 and under 55 years of age, with proper limitations as to residence, health, habits and character. They shall be practical in their character, and relate to those matters which will fairly test the capacity of the candidates for the positions they seek, and may include tests of manual skill and physical strength. The board shall control examinations and may designate and change examiners, who may or may not be otherwise in the official service of the city, and whose compensation shall be fixed by the board and paid by the city. *In the case of veterans, other conditions being equal, a preference shall be given in favor of veterans of any of the wars of the United States. Preference is defined to mean that whenever an honorably discharged veteran competes in any examination he shall be accorded 5 points, and if such veteran has a disability which is directly or indirectly traceable to war service, he shall be ac-*