

treasury, not otherwise appropriated, the sum of three thousand dollars or so much thereof as may be necessary.

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

Approved June 29, 1917.

No. 468, S.]

[Published June 30, 1917.]

CHAPTER 536

AN ACT to renumber chapter 17 of the statutes relating to the trust funds and their management, to revise the title of said chapter and to renumber, amend, revise or repeal the sections thereof.

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

SECTION 1. Chapter 17 of the statutes is renumbered to be chapter 25 and the title thereof is revised to read:

CHAPTER 25.

TRUST FUNDS AND THEIR MANAGEMENT.

SECTION 2. Section 253, section 254, section 255, section 256 and section 257 of the statutes relating to the drainage fund and its distribution are repealed.

SECTION 3. Section 258 and section 258i of the statutes are consolidated, renumbered to be section 25.01, and revised to read:

25.01 AUTHORIZED INVESTMENTS AND LOANS. (1) WHAT FUNDS. The moneys belonging to the common school fund, the normal school fund, the university fund and the agricultural college fund specified and defined respectively in section 20.24, subsection (3) of section 20.36, subsection (1) of section 20.39 and subsection (3) of section 20.39 shall from time to time be invested or loaned by the commissioners of the public lands as such moneys accumulate in the treasury, and said commissioners shall keep a separate account of all investments and loans from each fund.

(2) INVESTMENTS. Any of said funds may be invested in the purchase of county bonds issued under the authority conferred by section 697—60, or in the purchase of bonds issued pursuant to law by any town, village, city or county of this state. All bonds so purchased shall be deposited with the state treasurer.

(3) LOANS. Any of said funds may be loaned to school districts to be used in erecting school buildings, in the purchase

of schoolhouse sites or school playgrounds, or in refunding their indebtedness, and for no other purpose; or to towns, villages, cities, counties and boards of education, duly incorporated as such, of any city within the state, as hereinafter provided; and every such school district, town, village, city, county and incorporated board of education is empowered to borrow of said commissioners, from said funds or either of them, such sum or sums of money, for such time and upon such conditions as may be agreed upon between said commissioners and the borrower; subject, however, to the limitations, restrictions and conditions hereinafter set forth. In this chapter any such school district, town, village, city, county or incorporated board of education, or all of them, may be designated by the word "municipality" or the word "municipalities".

(4) **PREFERENCES.** So far as practicable the loans sought by school districts and boards of education shall be supplied before any other loan or investment authorized by this section is made, and such applications shall be acted upon in the order of time in which they have been filed.

SECTION 4. Section 258a and section 261 of the statutes are consolidated, renumbered to be section 25.02, and revised to read:

25.02 TERM, AMOUNT, INTEREST RATE. (1) **MUNICIPAL LOANS OTHER THAN TO SCHOOL DISTRICTS.** The loans provided for by subsection (3) of section 25.01, other than those to school districts, may be made for any term not exceeding twenty years, may be made payable in instalments, and be in such amounts as shall not, in connection with all other indebtedness of the municipality applying therefor, exceed five per centum of the average assessed valuation of the taxable property therein for the three years next preceding the application for such loan. When such loan is made to pay off existing indebtedness it may be advanced to the borrower in instalments as fast as such indebtedness or the evidence thereof is canceled.

(2) **SCHOOL DISTRICT LOANS.** Every loan to a school district may be made for such time, not exceeding fifteen years, and for such amount as together with all other indebtedness of such district, shall not exceed five per centum of the last preceding assessed valuation of the property in such district, not less than two-thirds of which valuation shall be on real estate, and not exceeding in any case twenty-five thousand dollars, as may be agreed upon; the principal shall be payable in approximately equal annual instalments.

(3) **INTEREST RATES.** All loans shall bear and draw interest at a rate not less than four per centum per annum payable an-

nually except loans to school districts which shall bear and draw interest at the uniform rate of four per centum per annum; and no investment shall be made that will yield less than four per centum per annum of the amount invested.

SECTION 5. Section 258am of the statutes is renumbered to be section 25.03 and is amended by striking therefrom the first word "The" and by adding a final "s" to the word "commissioner" in the first line.

SECTION 6. Section 258a—1 of the statutes is renumbered to be section 25.04 and is amended to read:

25.04. DATE WHEN INTEREST AND PRINCIPAL BECOME DUE. * * * The annual interest and instalments of principal of all loans * * * from the trust funds * * * shall be payable *into the state treasury with other state taxes* * * *

SECTION 7. Section 258b, section 258h, and section 262 of the statutes are consolidated, renumbered to be section 25.05, and revised to read:

25.05 THE APPLICATION. (1) FOR ALL MUNICIPALITIES. No loan shall be made under the provisions of subsection (3) of section 25.01 unless an application therefor be first made to the commissioners as required by this section. Such application shall state the amount of money required, the purpose to which it is to be applied, and the times and terms of repayment; and it shall be accompanied by satisfactory proof (a) of the assessed valuation for the preceding three years of all the taxable property within the municipality making the application; (b) of all the existing indebtedness of such municipality; and (c) of the approval of the application as required by this section.

(2) FOR MUNICIPALITIES OTHER THAN SCHOOL DISTRICTS. Every such application shall be approved and authorized for a town, by the signatures of all of its supervisors acknowledged as conveyances of land are acknowledged; for a village, by a vote of not less than three-fourths of its trustees; for a city, by a vote of not less than two-thirds of the members of its common council; for the board of education of any city, by a vote of not less than two-thirds of all of its members at a regular or special meeting thereof and also by a vote of not less than two-thirds of all the members of the common council of such city; for a county, by a vote of not less than two-thirds of all the members of its board of supervisors at some regular or special session thereof. Every vote so required shall be by ayes and noes duly recorded and taken at a regular meeting, except as is otherwise provided herein.

(3) **FOR SCHOOL DISTRICTS.** Every such application shall be approved and authorized for a school district by a vote of a majority of its legal voters voting on such question. If such vote be taken at a special meeting the objects thereof shall be clearly stated in the notice of the meeting. The application shall state the facts in detail respecting the holding of the meeting, the taking and the result of the vote required, and shall be signed by each member of the district board, and verified by the clerk. The statement accompanying the application shall contain a correct map or plat of the district and, when the district is a joint district, it shall show the assessed valuation in its several parts separately, so that the valuations of so much thereof as lies in each town or municipality of which it is a part, may be readily shown.

(4) **POPULAR VOTE, WHEN REQUIRED.** Whenever any municipality is not empowered by law to incur indebtedness for a particular purpose without first submitting the question to its electors, the application for a loan for that purpose must be approved and authorized by a majority vote of such electors at a special election called, noticed and held in the manner provided for other special elections. The notice of such election shall state the amount of the proposed loan and the purpose for which it will be used; but this subsection shall not apply to loans made by boards of education applying as provided in subsection (2).

(5) **IRREPEALABLE TAX LEVY.** Such application shall be accompanied also by a certified copy under the hand of the proper clerk of a recorded resolution adopted by the municipality applying for or approving the loan, levying upon all the taxable property of the municipality a direct annual tax for the purpose of paying and sufficient to pay the interest on such proposed loan as it falls due, and also to pay and discharge the principal thereof within twenty years from the making of such loan. Such a levy shall become void and of no effect if the commissioners decline to make the loan; otherwise it shall remain valid and ir-repealable until the loan and all interest thereon shall be fully paid.

(6) **PROCEEDINGS TO BE RECORDED AND BECOME CONCLUSIVE EVIDENCE.** The aforesaid application, statement and all accompanying exhibits and documents shall be recorded in the office of said commissioners and thereupon be filed in the office of the secretary of state, and shall, together with the record thereof, be conclusive evidence of the facts therein stated.

SECTION 8. Section 258c of the statutes is renumbered to be section 25.06 and is amended to read:

25.06 CERTIFICATES OF INDEBTEDNESS. * * * If the application * * * shall be approved by said commissioners they shall forthwith cause certificates of indebtedness to be prepared in proper form and transmitted to the * * * *municipality* submitting the same. * * * *Every such certificate* shall be executed and signed for a *school district* by its *director*, for a *town* by its *chairman*, for a *village* by its *president*, for a *city* by its *mayor*, for a *board of education* by its *president*, and for a *county* by the *chairman* of its *board*, * * * shall be countersigned * * * by the *clerk* of the * * * *municipality* *executing the same*, returned to the commissioners, and * * * deposited with the *secretary of state*, who shall thereupon draw his warrant upon the *state treasurer* for the amount of such loan, * * * *payable* to the *treasurer* of the * * * *municipality* making * * * *the loan* or as he may direct; and said certificate * * * of indebtedness shall then be conclusive evidence of the validity of such indebtedness and that all the requirements of law concerning the application for the making an acceptance of such loan have been complied with.

SECTION 9. Section 258d of the statutes is renumbered to be section 25.07 and is amended to read:

25.07 ALTERATIONS OF BOUNDARIES, TAX A SPECIAL CHARGE. * * * All the taxable property in any * * * *municipality* which has obtained or shall obtain any loan from the state or from any of its trust funds shall stand charged for the payment of the principal and interest thereof, and alterations of the boundaries of such * * * *municipality* shall not * * * be made until such loan shall be fully paid without the consent of the commissioners * * * *The annual tax levied as provided by subsection (5) of section 25.05* shall be a special charge to be paid next after the state tax out of any moneys collected as taxes within said * * * *municipality*.

SECTION 10. Section 258e of the statutes is renumbered to be section 25.08, and is divided into subsection (1) and subsection (2), the first sentence thereof constituting said new subsection (1) and all the remainder of the section constituting said new subsection (2); and said first sentence is amended to read:

25.08 COLLECTION FROM MUNICIPALITIES OTHER THAN SCHOOL DISTRICTS. (1) STATEMENT OF AMOUNT. The *secretary of state*, * * * shall * * * furnish *annually* to the *county clerk* of each county in which any such spe-

cial charge for principal or interest, * * * is due or will become due in the next succeeding twelve months, * * * a statement * * * showing in detail the amounts due or to become due as aforesaid from the county and from any town, village or city therein. *Such statement shall accompany the statement made and certified under section 1070.*

SECTION 11. Section 263 of the statutes is repealed.

SECTION 12. Section 258f of the statutes is renumbered to be section 25.10 and is amended to read:

25.10 USE OF FUNDS. * * * No money obtained by any school district, school board, town, village, city or county by such loan shall be applied to or paid out for any purpose except that specified in the application therefor without the consent of said commissioners; * * *

SECTION 13. The matter stricken from section 258f of the statutes by the preceding section of this act is incorporated in a new section and amended to read:

MISUSE OF LOANS FROM THE TRUST FUNDS. Section 4550m. * * * Any supervisor, chairman of any town or county board, mayor of any city, president of any village or treasurer of any town, county, city or village who shall make or sign any order or warrant, or pay out or suffer or cause to be appropriated or paid out any * * * moneys derived by loans from the state trust funds contrary to the provisions of * * * section 25.10, * * * shall be punished by confinement at hard labor in the state prison for a term not exceeding five years or by fine not exceeding one thousand dollars or by both such fine and imprisonment.

SECTION 14. Section 258g of the statutes is renumbered to be section 25.11 and is amended to read:

25.11 EXTENSION OF LOAN. * * * All loans made or which may be made from any of such funds to any * * * municipality may be extended for such time and upon such terms as may be agreed upon by and between the commissioners and such * * * borrower; provided, however, that no loan shall be extended upon which there is any default in the payment of interest at the time of making application therefor, nor to any period beyond twenty years from its inception, nor at any rate of interest less than the minimum established by law.
* * *

SECTION 15. Section 258m of the statutes is repealed.

SECTION 16. Section 259 of the statutes is repealed.

SECTION 17. Section 262a of the statutes is repealed.

SECTION 18. Section 264 of the statutes is renumbered to be section 25.12.

SECTION 19. Section 278, section 279, section 280, section 281, section 282 and section 282a of the statutes are repealed.

SECTION 20. A new section is added to the statutes to read:

25.13 INTEREST, HOW ACCOUNTED FOR. Every sum of money collected as interest upon any loan from either of the trust funds specified in section 25.01 shall be paid into the state treasury and be credited to the income of the fund from which the loan was made.

SECTION 21. Chapter 46 of Wisconsin session laws of 1867, chapters 129 and 130 of Wisconsin session laws of 1899, chapter 72 and 123 of Wisconsin session laws of 1901, chapters 97 and 216 of Wisconsin session laws of 1907, chapter 152 of Wisconsin session laws of 1909, chapters 238 and 363 of Wisconsin session laws of 1911 and chapter 647 of Wisconsin session laws of 1913 are added to section 4978 of the statutes at appropriate places according to their numbers and dates as further acts repealed by said section.

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

Approved June 28, 1917.

No. 550, S.]

Published June 30, 1917.

CHAPTER 537

AN ACT to renumber chapter 34 of the statutes and to renumber, consolidate and revise the sections of said chapter and to create two new chapters of the statutes, all relating to the Wisconsin National Guard and the Wisconsin Naval Militia.

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

SECTION 1. Chapter 34 of the statutes is renumbered to be chapter 21; and said chapter shall contain sections of the statutes renumbered or renumbered and amended as follows:

Section 610 is renumbered to be section 21.01.

Section 610a is renumbered to be section 21.02.

Section 134 is renumbered to be section 21.03.

Section 649—25 is renumbered to be subsection (1) of section 21.04.

Section 645—1 is renumbered to be subsection (2) of section 21.04.

Section 649—8 is renumbered to be section 21.05.

Section 649—9 is renumbered to be section 21.06 and is