

No. 591, S.]

[Published July 26, 1919.

## CHAPTER 649.

AN ACT to repeal section 1636—21 of the statutes, and to amend the introductory paragraph of subsection (7), the introductory paragraph of subsection (9), paragraph (b) of subsection (11), subsection (13), the introductory paragraph and paragraph (a) of subsection (20), subsection (21), subsection (24), paragraphs (a) and (b) of subsection (26) of section 20.17, paragraphs (a), (b) and (c) of subsection (2) of section 20.26, subsection (8) of section 20.43, subsection (3) of section 20.60, sections 20.78, 4059, 4061 and 4438i; to renumber subdivisions (1), (2) and (3) of subsection (13) of section 2586 to be paragraphs (a), (b) and (c) of said subsection, and renumber subsection (14) to be subsection (15) of section 2586; to renumber the unnumbered paragraph of subsection (13) to be subsection (14) of section 2586, and to amend said paragraph, and to renumber paragraph (c) of subsection (26) of section 20.17 to be subsection (9b) of said section, and to amend said subsection, to renumber subsection (28) of section 20.17 to be subsection (9a) thereof and to renumber 563a to be subsection (28) of section 20.17, and to amend said subsection, to renumber paragraphs (4) and (5) of subsection (11) of section 20.61 of the statutes to be paragraphs (c) and (d) of said subsection, respectively; to create paragraph (d) of subsection (14) of section 20.17 of the statutes, making sundry corrections in the statutes.

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

SECTION 1. Section 1636—21 of the statutes is repealed.

SECTION 2. The introductory paragraph of subsection (7), the introductory paragraph of subsection (9), paragraph (b) of subsection (11), subsection (13), the introductory paragraph and paragraph (a) of subsection (20), subsection (21), subsection (24), paragraphs (a) and (b) of subsection (26) of section 20.17, paragraphs (a), (b) and (c) of subsection (2) of section 20.26, subsection (8) of section 20.43, subsection (3) of section 20.60, sections 4059, 4061 and 4438i are amended to read: (20.17) (7) (introductory paragraph) For the \* \* \* institute for blind artisans: \* \* \*

(9) (introductory paragraph) For the *state* tuberculosis camp: \* \* \*

(11) (b) On July 1, 1913, twenty-five thousand dollars, and on March 1, 1914, seventy-five thousand dollars, on July 1,

1914, fifty thousand dollars, and on July 1, 1915, one hundred fifty thousand dollars, for construction of \* \* \* *such buildings as it deems proper, to meet the demands for the admission of feeble-minded and epileptic persons to such institution.*

(13) For state aid to dependent children, annually, on January first, not to exceed thirty thousand dollars, according to the provisions of section \* \* \* 48.33 of the statutes.

(20) (introductory paragraph) For prison industries as provided in section \* \* \* 56.01 of the statutes:

(a) On \* \* \* July 1, 1919, fifteen thousand dollars, and from time to time, sums equal in amount to the moneys derived from the sale of products of the industries of the state prison *other than the binder twine plant, and the marble industry*, and paid into the general fund, to be used as a revolving appropriation to carry on such industries at the state prison.

(21) For convict labor on highways, as provided in section \* \* \* 56.04 of the statutes, on July 1, 1915, ten thousand dollars; on July 1, 1916, ten thousand dollars; and, from time to time, sums equal in amount to the moneys received on account of such road construction and paid into the general fund, to be used as a revolving appropriation for the employment of state convicts and other necessary expenses in such road construction.

(24) For the psychiatric institute: (a) Annually, beginning July 1, 1919, eight thousand sixty-three dollars, for making Wasserman tests, and other chemical examinations, as provided in section \* \* \* 46.13 of the statutes.

(26) (a) From time to time such sums as may be necessary, to be credited and charged on taxes, as provided in sections \* \* \* 46.10, 51.08, 51.12, 51.26, 51.27 and 51.28 of the statutes.

(b) Annually, beginning July 1, 1913, such sums as may be necessary, for any compensation to the trustees of the Milwaukee hospital for the insane chargeable against the state as provided in \* \* \* *subsection (2) of section 51.23 and section 51.24* of the statutes.

(20.26) (2) (a) On or before the first day of August next after each school year the school board applying for such aid shall report to the state superintendent under oath that the district has maintained a graded school during such school year in compliance with section \* \* \* 40.41 of the statutes.

(b) If, in the judgment of the state superintendent, such graded school has been maintained as prescribed in said section \* \* \* 40.41, he shall fix the amount accruing to the district

pursuant to paragraph (c) and certify the same to the secretary of state.

(c) The amount of state aid for each graded school shall be computed upon the following basis: For a graded school of the first class, three hundred dollars; for a graded school of the second class two hundred dollars; for a graded school of either class in which special instruction in agriculture \* \* \* and other industrial subjects, as may be prescribed by the state superintendent, shall have been offered and presented in an efficient manner by a competent teacher and approved by the state superintendent, an additional one hundred dollars.

(20.43) (8) All moneys received by the state board of health and vital statistics under section 1636—24, shall be paid within one week after receipt, into the general fund, and are appropriated therefrom for the examination, licensing and regulation of barbers as provided in sections 1636—18 to 1636—29, inclusive. *Of this there is allotted to each member of the committee of examination a per diem not exceeding eight dollars per calendar day for the actual number of days served by such member in the performance of his duties as such; but in addition thereto he shall be reimbursed his actual expenses necessarily incurred in the performance of his duties.*

(20.60) (3) Annally, beginning July 1, 1917, seven thousand five hundred dollars, for seed inspection, as provided in section 1494x—1 to \* \* \* 1494x—16, inclusive; and all inspection fees received by said department pursuant to said sections shall be paid within one week after receipt into the general fund, and are appropriated therefrom and added to this appropriation.

(20.78) All appropriations made by law from state revenues for any department, board, commission, or institution of the state, or any society or association receiving state aid are made on the express conditions that such department, board, commission or institution, society or association as the case may be, pays all moneys received by it into the state treasury within one week of receipt and conforms with the provisions of sections 145 (14.31) and 20.77 of the statutes, both as to appropriations of its own receipts, and as to appropriations made by the state from state revenues. Upon failure to comply with the above conditions, the secretary of state shall refuse to draw his warrant, and the state treasurer shall refuse to pay any moneys appropriated to any such department, board, commission or institution, society or association or school, as the case may be, from state revenues, until compliance is made with said conditions; and upon failure or refusal to so comply, after due notice received from the secretary

of state, any appropriation made by law from state revenues to such department, board, commission or institution, society or association, as the case may be, shall permanently revert to the fund from which appropriated.

(Section 4059) Every witness on behalf of the state in any civil action or proceeding, whether in the name of the state or of the attorney-general, or of any other person for the state pursuant to law, may file with the clerk of the court where the same is pending his affidavit, proving his attendance and travel, and his fees shall, upon the certificate of such clerk, countersigned by the attorney-general, district attorney, or acting prosecuting officer, be paid out of the state treasury, except where otherwise specially provided, and when paid out of the state treasury, shall be charged to the legal expense appropriation provided in subsection \* \* \* (2) of section \* \* \* 20.08.

(Section 4061) When any person shall attend a court of record as a witness in behalf of the state, upon the request of the public prosecutor, or upon a subpoena, or by virtue of a recognizance for that purpose, and it shall appear that such person has come from any other state or territory of the United States, or from any foreign country, or that such person is poor, the court may, by an order on its minutes, direct that such witness be paid a specific sum, which the court shall deem reasonable for his expense and attendance, in lieu of his fees by law; and thereupon the clerk shall give a certificate for such sum, with a copy of such order affixed, and the same shall be paid out of the state treasury, or the county treasury, as may be proper, under the two preceding sections. When the sum so certified is paid out of the state treasury, such payment shall be charged to the legal expense appropriation provided in subsection \* \* \* (2) of section \* \* \* 20.08.

(Section 4438i) Any officer of any organized agricultural society, association or board in this state, who, in pretended compliance with the provisions of \* \* \* *paragraph (b) of subsection (11) of section 20.61* of the statutes, shall wilfully make and file any false or fraudulent list or statement, shall be guilty of a misdemeanor, and upon conviction thereof, be fined not less than fifty dollars, or more than one hundred dollars, for each offense.

SECTION 3. Subdivision (1), (2) and (3) of subsection (13) of section 2586 of the statutes is renumbered to be paragraph (a), (b) and (c) of said subsection; subsection (14) is renumbered to be subsection (15); and the unnumbered paragraph of subsection (13) is numbered to be subsection (14) and is

amended to read: (Section 2586) (14) The presiding judge shall tax the costs including the witnesses's, reporter's, clerk's, sheriff's and other officers' fees, and fees for the prosecuting attorney not exceeding twenty dollars per day for the time actually employed in the trial and a reasonable number of days to be determined and fixed by him for preparation thereof, and for the district attorney for preparation for trial. The amounts so taxed and allowed shall be certified by said judge to the secretary of state, who shall thereupon draw his warrant upon the state treasurer for the respective amounts allowed in favor of the parties named as entitled thereto. Such amounts shall be charged to the legal expense appropriation provided in subsection \* \* \* (2) of section \* \* \* 20.08. If the judgment be against the defendant, all or a part of the costs may, in the discretion of the court, be charged to him, in which case they shall, together with any fine so adjudged, be collected by the district attorney of the county where defendant resides, and by him paid into the state treasury.

SECTION 4. Paragraph (c) of subsection (26) of section 20.17 of the statutes is renumbered to be subsection (9b) of said section and is amended to read: (20.17) (9b) *For state aid and maintenance of inmates in county tuberculosis sanatorium*, for the fiscal year ending June 30, 1920, not to exceed two hundred ten thousand dollars, and for the fiscal year ending June 30, 1921, not to exceed two hundred ten thousand dollars. \* \* \* Such aid shall be apportioned among the various county institutions in proportion to the number of patients cared for at public expense in each institution during the year ending on the thirtieth day of June; but no more shall be allowed than seven dollars per week per patient for the number of weeks such patient was a resident of such institution.

SECTION 5. Subsection (28) of section 20.17 of the statutes is renumbered to be subsection (9a) of said section; and section 563a is renumbered to be subsection (28) of section 20.17 of the statutes, and is amended to read: (20.17) (28) All appropriations made by law to the board of control for the construction of new buildings, shall be expended in accordance with the following conditions:

\* \* \* (a) Construction shall, unless otherwise directed by law, be in order of the greatest need therefor as determined by the \* \* \* board of control.

\* \* \* (b) No plan or plans shall be finally adopted, and no contract or contracts shall be entered into by the \* \* \* board of control for the construction of any building until such

plans and contracts, with complete estimates of the total cost thereof, shall have been submitted to, and in writing approved by the governor, who shall withhold such approval until he shall satisfy himself by a personal examination or by such other means as he may in his discretion adopt, that such building is required for the purpose proposed, and that it can and will be erected and fully completed according to such plans or contracts for the sum proposed for the same by the \* \* \* *board of control* out of the appropriation made for such purposes.

SECTION 6. Paragraphs (4) and (5) of subsection (11) of section 20.61 of the statutes are renumbered to be paragraphs (c) and (d) of said subsection.

SECTION 7. There is added to subsection (14) of section 20.17 of the statutes, a new paragraph to be numbered and to read: (20.17) (14) (d) The benevolent fund, amounting to the principal sum of thirteen thousand five hundred dollars, transferred to the state by chapter 636 laws of 1917, constitutes a separate trust fund and shall be conserved and applied as follows:

First: The principal of said trust fund shall be held by the state treasurer, and be invested and reinvested as provided in chapter 25 of the statutes.

Second: The income of said trust fund shall be used and expended exclusively for the benefit of girls committed to the Wisconsin industrial school for girls, or such other institutions as the state may hereafter establish and maintain for the care, custody and education of girls of the classes now or hereafter authorized by law to be committed to said institution, in providing healthful and instructive recreation and amusements, furnishing advance educational facilities for such of them as show special fitness therefor, providing needed medical or surgical care in exceptional cases, and other similar purposes; but no part of said income shall be used for defraying any of the ordinary expenses of any such institution.

Third: Said income shall be disbursed from the state treasury only upon warrants issued on certifications by the state board of control upon the recommendation of the superintendent or other managing officer of such industrial school or other institution.

SECTION 8. This act shall take effect upon passage and publication.

Approved July 22, 1919.