

No. 452, A.]

[Published August 15, 1927.]

CHAPTER 536.

AN ACT to repeal sections 40.13, 40.14, 20.24, 20.25, 40.135 and 65.09; to create sections 20.24, 20.245, 20.25 and 59.075; and to amend subsection (21) of section 40.09, subsection (1) of section 70.62 and subsection (1) of section 70.63 of the statutes, relating to the "common school fund" and the "public school fund" and making an appropriation therefor.

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

SECTION 1. Sections 40.13, 40.14, 20.24, 20.25, 40.135 and 65.09 of the statutes are repealed.

SECTION 2. Four new sections are added to the statutes to be numbered and to read: 20.24 (1) All moneys accruing to the state by virtue of section 2 of article X of the constitution, and all other moneys paid into the state treasury on account of the capital of the school fund, constitute the school fund. All of said fund, except that portion set apart for normal schools by section 20.36, having been found necessary for the support and maintenance of common schools in each school district, and the purchase of suitable libraries and apparatus therefor, is set apart for those objects and denominated the "Common School Fund" which is a separate and perpetual fund.

(2) The common school fund income is constituted of the interest derived from the common school fund and from unpaid balances of purchase money on sales of common school lands; and all other revenues derived from the common school lands.

(3) Pursuant to section 5 of article X of the constitution, the common school fund income shall be distributed among the several towns, villages, and cities of the state for the support of common schools therein, as provided in the following subsections.

(4) Annually, within thirty days after the tenth day of December, the state superintendent shall ascertain the aggregate amount of all moneys in the common school fund income received prior to the first day of December in the same year and shall apportion such amount among the several counties, and the towns, villages, and cities therein, in proportion to the number of children resident therein between the ages of four and twenty years, as shown by the reports made to the state superintendent for the year preceding, ending June or May thirtieth as the case may be.

(5) Immediately on making such apportionment, the state superintendent shall certify to the secretary of state and to the state treasurer the amount thereof which each county is entitled to receive; and he shall, at the same time, certify to each county clerk and county treasurer the amount thereof which each town, city, and village in their respective counties is entitled to receive, and a statement of the number of persons of school age residing in each such town, village, and city of the fourth class.

(6) Within ten days after receipt of the county's share of such fund each county treasurer shall set apart and withhold therefrom an amount equal to twenty cents per capita for each person of school age residing in towns, villages and cities of the fourth class in such county, to which apportionment is made, to be expended for the purchase of library books, as provided in sections 43.17 to 43.21, inclusive; and shall thereupon give notice in writing of the amount of the common school fund income so apportioned and payable to each town, village, and city in his county, to the treasurer and clerk thereof respectively, and shall pay the same to each such treasurer on demand, who shall pay the same to the proper school treasurer as provided by law. If any such town, village, or city treasurer shall not demand such money before the next receipt of school money apportioned to such county, the county treasurer shall add such sum remaining in his hands to the money so next received and distribute the same therewith and in the same proportion among the several towns, villages, and cities entitled thereto in such county.

(7) Upon receipt of such apportionment by the treasurers of the several towns, the town clerks thereof, respectively, shall apportion the moneys so received among the several school districts and parts of districts within the town, in proportion to the number of persons residing in each between the ages of four and twenty years as ascertained from the last annual reports of the several district clerks. All moneys so apportioned by the town clerk to any district or part of a district remaining in the hands of the town treasurer one year after such apportionment, by reason of such district or part of district neglecting or refusing to receive the same, shall be added to and apportioned with the moneys next thereafter to be apportioned by such town clerk.

20.245 (2) The public school fund income is constituted of the following increments:

(a) The interest derived from the public school fund.

(b) All money accruing to the public school fund income pursuant to section 20.25 of the statutes.

(3) All moneys in the public school fund income shall be distributed among the several towns, villages and cities of the state for the support of the common schools therein as provided in this section.

(4) Annually, within thirty days after the tenth day of December the state superintendent shall ascertain an aggregate amount consisting of:

(a) All moneys in the public school fund income received prior to the first day of December in the same year.

(b) All moneys thereafter to accrue thereto from the state tax levied in the same year by section 20.25 of the statutes including interest charges accruing thereon or to be collected therewith as special charges. From the total of items (a) and (b) he shall deduct the estimated totals of all appropriations made therefrom by section 20.25. The remainder of items (a) and (b) he shall apportion among the several counties and towns, villages and cities therein, except as prescribed in subsection (5), as follows:

1. To each school district or city of the state shall be apportioned for the support and maintenance of the public schools two hundred fifty dollars for each elementary teacher employed by the district or city on March 1, 1927.

2. All of the portion of the public school fund income remaining after state aid has been granted as provided in section 40.13, 40.14, subsections (6) and (7) of section 39.14, section 40.16 and subdivision 1 of this paragraph shall be distributed to the school districts and cities of the state for the support of the public schools therein as follows: The full valuation expressed in the nearest thousand dollars of the property in each school district or city shall be determined by the tax commission. A valuation of two hundred fifty thousand dollars for each elementary teacher employed by the school district or city on March 1, 1927, shall be considered as the base for determining the amount of state aid for each school district. The apportionment shall be made to such school districts in which the quotient of dividing the full valuation for any such school districts or city by the number of elementary teachers employed therein on March 1, 1927, is less than such base. Such quotient shall be subtracted from such base and the amounts so obtained multiplied by the local school tax

rate for such school district or city, which rate shall not exceed four mills. The amount in turn shall be multiplied by the number of elementary teachers employed by the school district or city on March 1, 1927, which resulting amount shall be apportioned from the public school fund income to the school district or city. But in no event shall such apportionment exceed six hundred dollars for each such teacher employed on March 1, 1927. If the aggregate amount thereof exceeds the remaining funds in the public school fund income the several amounts shall be prorated so as to reduce the aggregate to the available remaining moneys in said income. Any excess remaining in the public school fund income on the thirtieth of November in each year shall revert to the public school fund.

(c) For the purposes of this section an elementary teacher is defined as one who devotes the whole or the major portion of his time to teaching grades below the ninth, and no substitute or part time teacher shall be counted in determining the amount to be distributed to the several school districts and cities.

(5) The right to share in such apportionment is subject to the following conditions:

(a) Whenever any county shall fail to raise for the support of the common schools by taxation upon the aggregate valuation of the whole county an amount at least equal to two hundred fifty dollars for each public elementary teacher employed in the county as certified by the county superintendent and shall fail to apportion to each district or city such amount for each elementary teacher employed, the apportionment for the schools of that county shall be withheld from the next succeeding apportionment.

(b) No apportionment shall be made to any city, except to a city of the first class, or to any village or town for any school district therein for any year during which such district shall not have maintained a common school taught by a qualified teacher, at a salary of not less than seventy-five dollars per month, for at least eight months; unless the state superintendent shall be satisfied that such school was maintained and so taught for at least three months and the failure to maintain and so teach it for eight months was occasioned by some extraordinary cause not arising from intention or neglect on the part of the responsible officers. Time spent by the teacher or teachers of such districts in attendance upon an institute in the county, shown by due

reports to have been allowed by the district board without deduction from such teacher's wages, shall be counted as a part of such eight months. No apportionment shall be made to any city of the first class for any school district or board of school directors therein for any year during which such district or board of school directors shall not have maintained common schools taught by qualified teachers at salaries of not less than one hundred twenty dollars a month for the full period during which such schools shall have been in session during such year as provided by the rules and regulations of such district or board of school directors; unless the state superintendent shall be satisfied that any failure to so maintain such schools and so teach them for such full period was occasioned by some extraordinary cause not arising from intention or neglect on the part of the responsible officers.

(c) No apportionment of the public school fund income shall be made for or on account of any public school as defined in section 42.20 unless the employer as defined in section 42.20 has complied with the provisions of section 42.39 to 42.43 inclusive.

(d) No apportionment of the public school fund income shall be made to any city, village or town for any school district therein failing to provide for an additional room and an additional teacher whenever so required by subsection (21) of section 40.09.

(e) No apportionment of the public school fund income shall be made to any city, village or town for any school district therein refusing or wilfully neglecting to comply with the provisions of subsection (1) and (2) of section 40.30.

(f) Provisions by a school district for the transportation and tuition of its pupils to and their instruction in some other district as prescribed by law shall entitle the former to share in the apportionment as though such district had maintained school and shall be considered as having one elementary teacher employed.

(6) Immediately upon making such an apportionment the state superintendent shall certify to the secretary of state and to the state treasurer the amount thereof which each county is entitled to receive and he shall at the same time certify to each county clerk and county treasurer the amount thereof which each town, city and village in their respective counties is entitled to receive and a statement of the number of teachers employed in each such town, village, and city.

(7) At the time when taxes levied for other state purposes are required by law to be paid into the state treasury, each county

treasurer shall pay to the state treasurer the moneys, arising from the tax levied under section 20.25 in excess of the amount such county is entitled to receive as its share of the apportionment of the public school fund income; but if the amount so due to any county be larger than the amount such county is required to so pay, the state treasurer shall pay to the county treasurer, at said time, the amount so in excess. The secretary of state shall thereupon draw his warrants covering the total amount of the apportionment of the public school fund income payable to the several counties.

(8) (a) Whenever any officer shall omit to make within the time prescribed any statement or reports required to be made to the state superintendent the latter shall notify such officer of such omission, but the failure to give such notice shall not in any manner affect the consequences of such omission.

(b) Any town, village, city or school district excluded from any apportionment of the public school fund income because of some mistake or omission by some officer may at any time within two years after such apportionment furnish proof to the state superintendent of the facts of such mistake or omission and that the same has been corrected or remedied.

(c) If such proof be satisfactory to the state superintendent he shall certify such facts to the secretary of state together with a supplemental apportionment to such town, village, city or school district and shall notify the treasurer and clerk of the county of such apportionment. The secretary of state shall thereupon draw his warrant for such supplemental apportionment and the same shall be paid from the public school fund income as if originally apportioned.

20.25 There is apportioned annually to the public school fund income an amount equal to one and one-tenth mills for each dollar of the valuation of the property of the state as determined by the tax commission pursuant to section 70.57 of the statutes. Such amount shall be payable directly from an annual tax which is hereby levied on all taxable property of the state specified in section 70.57 of the statutes. Of the moneys so paid into the public school fund income there is appropriated:

(a) Annually, such sums as may be necessary for salaries and expenses of supervising teachers provided in subsections (6) and (7) of section 39.14.

(b) Annually, such sums as may be necessary for transportation and tuition of pupils as provided in section 40.16.

59.075 The county board of each county is empowered at or before its November meeting each year to order the levying of a tax upon the aggregate assessed valuation of the county for the common schools in an amount not less than the product of two hundred fifty dollars multiplied by the number of public elementary teachers employed in the county during the preceding school year as certified by the county superintendent of schools and by city superintendents of schools not under the supervision of the county superintendent.

SECTION 3. Subsection (21) of section 40.09 and subsection (1) of section 70.62 and subsection (1) of section 70.63 of the statutes are amended to read: (40.09) (21) Whenever any school district having a schoolhouse of one room only shall enroll and have in attendance therein for a period of more than twenty days during any one school term sixty or more pupils, it shall be the duty of the electors of said district at the next annual meeting to authorize the district board to make provisions for an additional room and an additional teacher for the accommodation and instruction of said children. Failure to comply with this subsection shall cause the district to forfeit the right to share in the apportionment in that part of the public money which said district would otherwise receive from the * * * *public school fund income* as provided by law.

(70.62) (1) The county board shall also, at such meeting, determine by resolution the amount of taxes to be levied in their county for county purposes for the year, and also the amount to be raised by tax in each town, *village and city* for the support of common schools for the ensuing year, * * * *in accordance with the provisions of section 59.075*; and by separate resolution adopted by majority of the members of the board not prohibited from voting thereon by section 39.05, determine the amount of tax to be levied to pay the compensation and allowances of the county superintendents of schools and designate therein the cities exempt from taxation therefor.

(70.63) (1) The county clerk shall apportion the county tax, *including the tax for the support of common schools as provided for in section 59.075*, and the whole amount of state taxes and charges levied upon his county, as certified by the secretary of state, among the several towns, cities and such villages as afore-

said therein, according and in proportion to the relative valuation thereof to the aggregate valuation of the whole county; and shall carry out in the record book aforesaid, opposite to the name of each in separate columns, the amount of state taxes and charges and the amount of county taxes so apportioned thereto, * * * and the amount of all other special taxes or charges apportioned or ordered, or which he is required by any law to make in any year to any such town, city or village, to be collected with such annual taxes; and within ten days after the assessment of values by the county board he shall certify to the clerk of, and charge to, each town, city and such village excepting in cities of the first class, the amount of each and all such taxes so apportioned to and levied upon the same, and shall, at the same time, file with the county treasurer a certified copy of the apportionment so certified by him to each town, village and city clerk.

SECTION 4. This act shall take effect on January 1, 1928.

Approved August 12, 1927.

No. 688, A.]

[Published August 15, 1927.]

CHAPTER 537.

AN ACT to amend subsection (1) of section 50.02, subsection (1) of section 50.05, subsections (1) and (2) of section 50.07, section 50.075, subsections (1) and (2) of section 51.08, section 51.14, sections 142.01, 142.02, subsection (1) of section 142.03, subsection (1) of section 142.07 and the opening paragraph of section 142.08, and to create section 51.30 of the statutes, relating to poor relief, legal settlements, tubercular sanatoriums, the Wisconsin general hospital and hospitals for the insane. *The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Subsection (1) of section 50.02, subsection (1) of section 50.05, subsections (1) and (2) of section 50.07, section 50.075, subsections (1) and (2) of section 51.08, section 51.14, sections 142.01 and 142.02, subsection (1) of section 142.03, subsection (1) of section 142.07 and the opening paragraph of section 142.08 of the statutes, are amended to read: (50.02) (1) Any person who has * * * a legal settlement in this state * * * as defined in section 49.02 and is affected with pulmonary tuberculosis in the incipient or slightly advanced stage