

No. 404, S.]

[Published May 25, 1917.]

CHAPTER 262

AN ACT to create a new chapter relating to public parks and places of recreation to be numbered chapter 27; also to renumber, amend, revise or consolidate as the sections of such new chapter the following sections of the statutes: Sections 697—68 to 697—73 and sections 1494t—3m to 1494t—5.

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

SECTION 1. A new chapter of the statutes is created to be numbered and entitled:

CHAPTER 27.

PUBLIC PARKS AND PLACES OF RECREATION.
STATE PARKS.

SECTION 2. Section 1494t—3m, section 1494t—3n, section 1494t—4 and section 1494t—5 of the statutes are consolidated and renumbered to be section 27.01, and amended to read:

27.01 STATE PARKS. (1) SPECIAL POWERS OF THE CONSERVATION COMMISSION. * * * *Except as otherwise provided by law the state conservation commission of Wisconsin* * * * shall have charge and supervision of all parks now owned or hereafter acquired by the state; also of all lands that the state has acquired or may hereafter acquire for parks; * * * and to effectuate such supervision said commission may exercise the following special powers:

(a) * * * To lay out and ornament any state park, * * * to govern and manage the same, * * * to lay out and construct all proper roads and bridges therein, * * * to permit people to camp, in and use * * * such park under * * * restrictions and rules made by * * * it and to make such rules and regulations with the governor's approval as may be necessary to manage and control the same.

(b) * * * To accept in the name of the state grants, conveyances and devises of land, and bequests and donations of money, to be used for park purposes.

(c) * * * To enforce laws for the prevention of destruction of * * * shrubs and trees in such parks.
* * *

(d) * * * To * * * employ such agencies and subordinates * * * and make such contracts as may be necessary to carry out the provisions of this section. * * *

(e) * * * To allow the state agricultural and horticultural

tural societies to establish and maintain, upon any portions of the lands of the * * * *state parks* * * * *which it deems* suitable, *such* nurseries, experiment * * * stations, and buildings * * * as will * * * best serve the requirements of said societies, all of which shall be under the general supervision of said * * * *commission*.

(f) * * * To summon and examine witnesses and, by *its secretary* to administer oaths to such witnesses in any * * * proceedings relative to * * * *its* duties.

(g) * * * To purchase or acquire for and in the name of the state of Wisconsin in the manner * * * and for the purposes hereinafter *provided and* designated, title to such tracts of land as it may select, * * * *as most* * * * *suitable to* fulfill the requirements of a state park, * * * * * *taking* into consideration * * * their relative cost and value for park purposes, * * *

(h) * * * Whenever said * * * *commission* shall require any * * * lands for * * * public park *purposes* and shall be unable to agree with the owners thereof upon the amount of compensation to be paid therefor, or, when for any reason no such agreement can be made without, * * * unreasonable delay, * * * said * * * *commission may* * * *

* * * *acquire such lands for the purposes aforesaid by condemnation in the manner provided by sections 605, 606 and 607.*

(i) * * * *No land shall be purchased or acquired under paragraph (g) or under paragraph (h) of this subsection until after the legislature shall have appropriated or the commission shall have otherwise acquired the necessary money for that specific purpose. But* * * * *all land so purchased or acquired* * * * shall be * * * devoted to public use for park purposes * * * under * * * *proper regulations* * * * *prescribed by the commission.*

(j) * * * If * * * said * * * *commission*, in negotiating for * * * *such purchases* * * * shall ascertain that * * * *any* lands or premises situated within the limits of a proposed state park, * * * have a value which * * * is incommensurate with their value for the purpose of said park, * * * *the commission* * * * is hereby authorized * * * to enter into a * * * *written* agreement with the owner * * * for such control or supervision by the state over such lands or premises, * * *

as it deems necessary to the reasonable requirements of said park.

(k) * * * Said * * * commission is authorized * * * to extend, pursuant to any such written * * * agreement, * * * such protective, police, and other powers conferred upon * * * it by this * * * section as it may deem advisable, over the lands and premises affected by the agreement * * *

(l) * * * Said * * * commission is authorized to remove or cause to be removed in such manner as * * * it may deem advisable wood, timber, rocks, stone, earth, or other products * * * from said * * * parks, sell the same to the highest bidder * * *

* * * and pay the proceeds into the state treasury to the credit of the state park fund.

(m) * * * The attorney-general shall act as counsel and attorney for said * * * commission, both in proceedings and litigation, and in giving advice and counsel. * * * The respective district attorneys of the county or counties where said park shall be located shall prosecute for all violations of the terms of this * * * section occurring within their respective counties as provided in section * * * 26.18 * * *

(n) * * * Such assistants as may be appointed by said * * * commission shall have all the powers of state and town fire wardens as provided in * * * chapter 26 of the statutes, and such powers shall apply to said parks.

(o) * * * The penalties for the destruction of any notices, posted by the said * * * commission within the boundaries of any state park * * * shall be the same as those provided in section * * * 26.19.

(p) * * * Neither a single member of the commission, nor any person employed by * * * it, shall have power to create any debt or obligation * * * binding the state, except * * * when acting pursuant to the express authority of the * * * commission, granted at a meeting duly convened.

(2) CONTINUED POSSESSION OF HOMESTEADS. * * * Whenever the * * * commission shall, under the provisions of * * * subsection (1) of this section, acquire any lands which have been occupied as a homestead by the * * * owner thereof for twenty-five years or more, said * * * commission shall, if requested by such * * * owner, enter into a contract * * * with * * * him whereby * * * he shall be permitted to remain for a term not ex-

ceeding the natural life of such owner * * * upon the portion of such lands, not to exceed one acre in extent, upon which the homestead buildings are located, and such * * * owner shall be allowed to fence such portion of lands, shall be afforded access to highways, and shall be allowed to use such portion of land and the buildings thereon as a home only, subject * * * to the rules of the * * * commission relating to the sale of intoxicants, to sanitation, and to the preservation of the park.

(3) REPORTS. * * * Said * * * commission shall investigate and in its annual report to the governor * * * shall make a detailed statement of the facts regarding any proposed park, and * * * make recommendations regarding the requirement of any new parks, the extension of existing parks, and * * * such other recommendations as * * * it shall deem necessary.

(4) PLACES HISTORICAL AND BEAUTIFUL. * * * Said * * * commission shall, in the discharge of * * * its duties, investigate and consider the propriety and desirability of securing and preserving all * * * places of historical interest and of natural beauty and shall include in its report its recommendations thereupon.

(5) MAPS AND NAMES OF STATE PARKS. *The commission shall provide a suitable and durable set of maps of each state park, so arranged that additions thereto can be made whenever lands are added to them. Each parcel of land designated on any such map that was or shall be granted, conveyed or devised to the state as a gift for park purposes, shall have plainly written thereon the name of the donor; and in close proximity to each map shall be inscribed a schedule of all legislative acts affecting the park represented. Said maps and all deeds and all documents relating to the title of any of the state park lands shall be filed and kept in the office of the secretary of state. The commission may designate by an appropriate name any state park not expressly named by the legislature.*

COUNTY PARKS.

SECTION 3. Section 697—68 of the statutes is renumbered to be section 27.02 and subsection 1 is amended to read:

27.02 COUNTY PARK COMMISSION, APPOINTMENT.
* * * (1) In every county * * * having a population of at least one hundred and fifty thousand, the chairman of the county board shall appoint a county park commission consisting of seven members. * * * Such appointments

shall be made in writing and filed in the office of the county clerk. *The term of each member shall be the seven years next following the first day of July of the year in which his appointment is made and until the appointment and qualification of his successor, except that the first seven members shall be appointed respectively for such terms that on the first day of July in each of the seven years next following the year in which they are appointed the term of one member will expire. After such original appointments one commissioner shall be appointed annually in the month of June to succeed the member whose term will expire on July first then next following.*

SECTION 4. Section 697—69 of the statutes is renumbered to be section 27.03 and subsection 3 thereof is amended to read:

(27.03) (3) * * * *The county board shall provide suitable offices where * * * the maps, plans, documents, and records of the commission shall be kept, subject to public inspection at all reasonable hours and under such reasonable regulations as it may prescribe.*

SECTION 5. Section 697—70 of the statutes is renumbered to be section 27.04.

SECTION 6. Section 697—71 of the statutes is renumbered to be section 27.05 and subsection (2) thereof is amended to read:

(27.05) (2) To accept, in the name of the county, *grants, conveyances and devises of land and bequests and donations of money to be used for park purposes;*

SECTION 7. Section 697—72 of the statutes is renumbered to be section 27.06 and is amended by striking therefrom the figures "697—73" and by inserting in place thereof the figures "27.07."

SECTION 8. Section 697—73 of the statutes is renumbered to be section 27.07 and is amended to read:

27.07 MILL TAX APPROPRIATION. * * * The county board shall annually, at the same time *that* * * * other county taxes are levied, * * * levy * * * a tax upon the taxable property of such county of one-tenth of a mill upon each dollar of the assessed valuation of the taxable property upon which other county taxes are levied and collected, and the entire amount of such special tax shall be *collected as other taxes are collected and* paid into the county treasury as a separate and distinct fund, to be paid out only upon the order of the county park commission for the purchase of land and the payment of expenses incurred in carrying on

the work of the commission. Any part of said fund, except five thousand dollars annually, may be transferred to the general fund of the county treasury whenever county bonds for the purchase of land have been * * * issued by the county and placed at the disposal of the county park commission, or whenever the county has assumed an indebtedness on its behalf, equal to the amount of money to be transferred.

SECTION 9. Chapters 250 and 495 of Wisconsin session laws of 1907, chapters 322 and 352 of Wisconsin session laws of 1909, chapter 511 of Wisconsin session laws of 1911 and chapter 454 of Wisconsin session laws of 1913 are added to section 4973 of the statutes at appropriate places according to their numbers and dates as further acts repealed by said section.

SECTION 10. This act shall take effect upon passage and publication.

Approved May 22, 1917.

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CHAPTER 263

AN ACT to create a new chapter of the statutes entitled STATE FORESTS and to collect and embody in such chapter scattered provisions of the statutes relating to that subject.

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

SECTION 1. A new chapter is added to the statutes entitled:

CHAPTER 28. STATE FORESTS.

And said new chapter shall contain the sections of the statutes designated in this chapter as sections 28.01, 28.02, 28.03, 28.04, 28.05, 28.06, 28.07, 28.08, 28.09, 28.10, 28.11, 28.12 and 28.13.

General Provisions.

SECTION 2. A new section is added to the statutes to read:

28.01 STATE FORESTS DEFINED. The state forests embrace all lands granted to the state by an act of congress entitled "An act granting lands to the state of Wisconsin for forestry purposes" approved June 27, 1906; all lands granted to the state by an act of congress entitled "An act granting unsurveyed and unattached islands to the state of Wisconsin for forestry purposes" approved August 22, 1912; and all lands heretofore granted or conveyed to the state by the Nebagamon Lumber Company for forestry purposes. With the consent and approval of the state conservation commission of Wisconsin ad-