

(29.00 set)

# STATUTE SECTIONS

Affected by Acts of 1965 recessed session of May 2 to June 10, 1966 and approved by the Governor as of August 4, 1966

(Chapters 533 to 666)

By Revisor of Statutes

NOTE: The chapter references are to the legislative acts of 1965. The number 13.32 (2) refers to section 13.32 (2) of the statutes which gives the revisor authority to renumber sections.

ABBREVIATIONS: am.-amended; c.-chapter; cons.-consolidated; cr.-created; intro. par.-introductory paragraph; r.-repealed; rn.-renumbered; reen.-reenacted; rev.-revised; s.-section; sent.-sentence.

Wis. Dept. of Administration

Section	How affected	Chapter
Chs. 5 to 10	r. cr.	666
*6.22 (2)(a) (last sentence)	am.	625
*6.24	am.	617
Ch. 11	r.	666
12.01 (5)	cr.	666
12.45	cr.	666
12.49	cr.	666
12.54	am.	666 s. 22 (4)
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(1)	rn. from 12.59	666
(2) (3) (4)	cr.	666
12.62	rn. 12.62 (1)	666
(1)	rn. from 12.62	666
(2)	cr.	666
12.66	rn. 12.66 (1)	666
(1)	rn. from 12.66	666
(2)	cr.	666
12.68	rn. 12.68 (1)	666
(1)	rn. from 12.68	666
(2) (3)	cr.	666
12.69	rn. 12.69 (1)	666
(title)	am.	666
(1)	rn. from 12.69	666
(2) (3) (4) (5)	cr.	666
12.75	cr.	666
Ch. 13 (aff. 1965 Laws Chs. 26, 57, 66, 86, 163, 218, 249, 406, 433, 475)	r. cr.	659
14.29 (10)	am.	666
14.526 (2)	am.	571
14.75	rn. from 14.75 (4) (aff. 1965 Laws Ch. 433)	659
(1) to (3) (relating to commission on interstate co-operation in the executive branch)	r.	659
(4) (aff. 1965 Laws Ch. 433)	am. rn. 14.75	659

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\* These provisions are not printed as amended in this supplemental volume because they are to be in effect for less than a year and were otherwise handled in the revision of the election laws.

ADDENDUM

Section	How affected	Chapter
14.752	(3) ..... cr.	573
14.76	(relating to commission on uniform state laws in the executive branch) ..... r.	659
14.86	(1) ..... am.	591
	(2) (a) ..... am.	591
	(2) (b) ..... am.	659 s. 24 (3)
	(3) ..... am.	591
14.87	..... cr.	591
14.89	(6) ..... am.	591
15.21	(relating to department of state audit in the executive branch) ..... r.	659
15.22	(1) to (11) (relating to functions of state auditor) ..... r.	659
	(12) (aff. 1965 Laws Chs. 66, 163, 432, 433) ..... am. rn. 16.58	659
15.65	..... cr.	614
15.70	..... rn. from 1965 Laws Ch. 265 (am. 1965 Laws Ch. 527)	659
15.98	..... r. cr.	595
15.995	(4) ..... cr.	646
16.105	(4) ..... am.	592
16.275	(6) (b) ..... am.	666 s. 22 (7)
16.305	(3) ..... r. cr.	535
	(6) ..... cr.	535
16.31	(1) (am. 1965 Laws Ch. 171) ..... am.	655
16.545	..... cr.	660
16.58	..... rn. from 15.22 (12) (aff. 1965 Laws Chs. 66, 163, 432, 433)	659
16.85	(5) (b) ..... am.	659
	(10) ..... am.	659 s. 24 (3)
17.12	(1) (a) ..... am.	666 s. 22 (33)
	(2) (a) ..... am.	666 s. 22 (33)
17.18	(1) ..... am.	666 s. 22 (19)
17.19	(1) ..... am.	666 s. 22 (19)
	(2) (intro. par.) ..... am.	666 s. 22 (21)
	(3) ..... am.	666 s. 22 (22)
	(4) ..... am.	666 s. 22 (19)
17.21	(2) (a) ..... am.	666 s. 22 (21)
17.23	(1) (a) (b) ..... am.	666 s. 22 (33)
	(2) (a) ..... am.	666 s. 22 (33)
17.29	..... am.	666 s. 22 (5)
19.01	(4) (c) ..... am.	617
20.005	(2) (a) (aff. 1965 Laws) (ref. 20.125 (8)) ..... cr.	559
	(2) (a) (aff. 1965 Laws) (ref. 20.230) ..... cr.	573
	(2) (a) (ref. 20.280) ..... cr.	623, 652
	(2) (a) (ref. 20.415 (3)) ..... cr.	566
	(2) (a) (aff. 1965 Laws) (ref. 20.530 (6) (a)) ..... cr.	659
	(2) (a) (ref. 20.550) ..... cr.	535
	(2) (a) (ref. 20.705) ..... cr.	575
	(2) (a) (ref. 20.830) ..... cr.	644

Section	How affected	Chapter
20.125	(1) (a) (aff. 1965 Laws) ..... am.	535, 621
	(1) (b) ..... rn. from 20.190	
	(1) (h) ..... (2) (aff. 1965 Laws)	659
	(1) (h) ..... rn. from 20.190	
	(1) (h) ..... (3) (aff. 1965 Laws)	659
	(3) (g) (as rn.) ..... am.	659 s. 24 (9)
	(8) ..... cr.	559
	(9) (a) (cr. 1965 Laws Ch. 404) ..... am.	625
20.135	(1) (a) (aff. 1965 Laws) ..... am.	622 s. 4
20.140	(1) (aff. 1965 Laws) ..... am.	589
	(1) (a) (aff. 1965 Laws) ..... am.	582
	(1) (g) (r. cr. 1965 Laws Ch. 163) and 20.140 (41) (am. 1965 Laws Ch. 421) ..... cons. rev. rn.	
	(1) (g) ..... 20.140 (1) (g)	625
	(1) (g) ..... rn. from 20.140 (1)	
	(1) (g) ..... (g) (r. cr. 1965 Laws Ch. 163) and 20.140 (41) (am. 1965 Laws Ch. 421)	625
	(3) (c) ..... r.	625
	(45) ..... am.	588 s. 10
20.190	(intro. par.) (1) (aff. 1965 Laws) ..... cons. rev. rn.	
	(2) (aff. 1965 Laws) ..... rn. 20.125 (1) (b)	659
	(3) (aff. 1965 Laws) ..... rn. 20.125 (1) (h)	659
20.230	(cr. 1965 Laws Ch. 274) ..... r. cr.	573
	(3) ..... cr.	573
20.240	(1) (g) (aff. 1965 Laws Ch. 163) ..... r. cr.	591
	(1) (v) ..... cr.	591
	(2) (b) (c) (d) (e) ..... cr.	591
	(2) (b) (aff. 1965 Laws Ch. 163) ..... rn. 20.240 (2) (f)	591
	(2) (b) ..... am.	659 s. 24 (3)
	(2) (c) (aff. 1965 Laws Chs. 163, 433) ..... rn. 20.240 (2) (g)	591
	(2) (f) ..... rn. from 20.240 (2)	
	(2) (f) ..... (b) (aff. 1965 Laws Ch. 163)	591
	(2) (ff) ..... rn. from 20.240 (2)	
	(2) (ff) ..... (g) (as rn. 1965 Laws Ch. 591)	13.32 (2)
	(2) (g) ..... rn. from 20.240 (2)	
	(2) (g) ..... (c) (aff. 1965 Laws Chs. 163, 433)	591
	(2) (g) (as rn. 1965 Laws Ch. 591) ..... rn. 20.240 (2) (ff)	13.32 (2)
	(2) (x) ..... am.	659 s. 24 (3)
20.280	(1) (ue) ..... cr.	652
	(1) (uf) (aff. 1965 Laws Chs. 276, 408) ..... r. cr.	652
	(4) (z) (aff. 1965 Laws) ..... am.	562
	(6) ..... cr.	623
20.330	(1) ..... cr.	595
20.360	(1) (c) (aff. 1965 Laws) ..... am.	641 s. 4
	(2) ..... cr.	614
	(2) (b) (as cr. 1965 Laws Ch. 614) ..... rn. 20.360 (2) (g)	13.32 (2)
	(2) (c) ..... rn. from 20.705	
	(2) (c) ..... (2) (am. 1965 Laws Ch. 637)	13.32 (2)

Section	How affected	Chapter
(2) (g)	rn. from 20.360 (2) (b) (as cr. 1965 Laws Ch. 614)	13.32 (2)
20.365 (1) (a) (aff. 1965 Laws Ch. 163)	r.	591
(1) (g) (intro. par.) (aff. 1965 Laws Ch. 163)	am.	591
(1) (h) (aff. 1965 Laws Ch. 163)	am.	591
(1) (i) (aff. 1965 Laws Ch. 163)	rev. rn. 20.365 (1) (um)	591
(1) (um)	rn. from 20.365 (1) (i) (aff. 1965 Laws Ch. 163)	591
20.415 (3)	cr.	566
20.420 (1) (u) (aff. 1965 Laws Ch. 396)	am.	575
(1) (wc)	cr.	593
(1) (x) (xd) (aff. 1965 Laws Ch. 396)	am.	593
(3) (xm) (aff. 1965 Laws Ch. 396)	am.	593
20.421 (2)	cr.	593
20.435 (intro. par.) (1) (aff. 1965 Laws)	cons. rev. rn. 20.530 (7)	659
20.440 (1) (a) (aff. 1965 Laws)	am.	640
20.460 (1) (i) (rev. 1965 Laws Ch. 163 and 20.460 (44) (am. 1965 Laws Ch. 461)	cons. rev. rn. 20.460 (1) (i)	625
(1) (i)	rn. from 20.460 (1) (i) (rev. 1965 Laws Ch. 163) and 20.460 (44) (am. 1965 Laws Ch. 461)	625
20.470 (intro. par.) (1) (aff. 1965 Laws)	cons. rev. rn. 20.530 (2) (cm)	659
20.490 (1) (a) (aff. 1965 Laws)	am.	609
20.520 (1) (a)	am.	659 s. 24 (2)
(2) (g)	am.	659 s. 24 (5)
(3) (a)	am.	659 s. 24 (4)
(5) (a)	am.	659 s. 24 (6)
(5) (g)	am.	659 s. 24 (6)
20.530 (1) (a) 1. a. (aff. 1965 Laws Chs. 163, 292)	r.	592
(1) (a) 9.	am.	659 s. 24 (1)
(2) (a)	am.	659 s. 24 (7)
(2) (b)	am.	659 s. 23 (3)
(2) (c)	am.	659 s. 24 (13)
(2) (cd)	rn. from 20.825 (intro. par.) (1) (aff. 1965 Laws)	659
(2) (cm)	rn. from 20.470 (intro. par.) (1) (aff. 1965 Laws)	659
(2) (e)	am.	659 s. 24 (8)
(3) (4) (aff. 1965 Laws)	am.	659
(3)	am.	659 s. 23 (1)
(5)	rn. from 20.190 (intro. par.) (1) (aff. 1965 Laws)	659
(6)	cr.	659

Section	How affected	Chapter
(7)	rn. from 20.435 (intro. par.) (1) (aff. 1965 Laws)	659
20.550 (6)	cr.	535
(30) (a) (aff. 1965 Laws)	am.	592
(71)	am.	659 s. 24 (3)
20.558 (cr. 1965 Laws Ch. 288)	am.	625
20.560 (9) (w) (aff. 1965 Laws Chs. 232, 499)	am.	625
(9) (y)	cr.	591
20.580 (2) (b)	rn. from 20.580 (43) (cr. 1965 Laws Ch. 645)	13.32 (2)
(43)	cr.	645
(43) (cr. 1965 Laws Ch. 645)	rn. 20.580 (2) (b)	13.32 (2)
20.605	cr.	563
20.610 (1) (g) (aff. 1965 Laws Ch. 163)	am.	563
20.650 (2) (b) (aff. 1965 Laws)	am.	538
(2) (c) and (14) (aff. 1965 Laws Chs. 163, 514)	cons. rev. rn. 20.650 (2) (c)	538
(2) (c)	cons. rev. rn. from 20.650 (2) (c) and (14) (aff. 1965 Laws Chs. 163, 514)	538
(2) (c) (aff. 1965 Laws)	am.	538
(2) (c) (r. cr. 1965 Laws Ch. 163) and 20.650 (14) (am. 1965 Laws Ch. 514)	cons. rev. rn. 20.650 (2) (c)	625
(2) (c)	rn. from 20.650 (2) (c) (r. cr. 1965 Laws Ch. 163) and 20.650 (14) (am. 1965 Laws Ch. 514)	625
(2) (c)	rn. from 20.650 (14) (am. 1965 Laws Ch. 658)	13.32 (2)
(13) (aff. 1965 Laws)	am.	534
(14) (am. 1965 Laws Ch. 514)	am.	658
(14) (am. 1965 Laws Ch. 658)	rn. 20.650 (2) (c)	13.32 (2)
20.670 (1) (c) (aff. 1965 Laws)	am.	639
(3) (d) (e) (aff. 1965 Laws Chs. 163, 433)	am.	590
(3) (d) (aff. 1965 Laws)	am.	578
(3) (o) (aff. 1965 Laws Chs. 163, 433)	am.	590
(4)	am.	566 s. 12
(9) (n) 1.	am.	590 s. 24 (2)
(9) (n) 2.	am.	590 s. 24 (2)
20.705 (aff. 1965 Laws)	r.	614
(2)	cr.	575
(2)	am.	637
(2) (am. 1965 Laws Ch. 637)	rn. 20.360 (2) (c)	13.32 (2)
20.706	cr.	614
(1) (a) (aff. 1965 Laws)	am.	614 s. 58
20.730 (2)	am.	666 s. 22 (18)

Section	How affected	Chapter
20.760	(1) (a) (aff. 1965 Laws) ..... am.	635
	(5) (g) (h) (aff. 1965 Laws Ch. 163) ..... r. cr.	591
	(9) (um) ..... cr.	591
20.800	(1) (a) (aff. 1965 Laws) ..... am.	622 s. 5
20.825	(intro. par.) (1) (aff. 1965 Laws) ..... cons. rev. rn.	
	20.530 (2) (cd)	659
20.830	(1) (a) (aff. 1965 Laws) ..... am.	635
	(1) (d) ..... cr.	644
	(1) (e) ..... rn. from 20.830 (5)	
	(cr. 1965 Laws Ch. 637)	13.32 (2)
	(1) (j) ..... am.	659 s. 24 (3)
	(2) (g) (h) (i) (j) (k) (aff. 1965 Laws Ch. 163) ..... r. cr.	591
	(5) ..... cr.	637
20.830	(5) (cr. 1965 Laws Ch. 637) ..... rn. 20.830 (1) (e)	13.32 (2)
	(9) (um) ..... cr.	591
20.870	(aff. 1965 Laws) ..... r.	614
20.930	(1) (a) (lines 1, 1m, 15n ) (aff. 1965 Laws Chs. 163, 292) ..... r.	592
	(1) (a) (lines 2, 5, 6, 7, 16, 17, 18, 19, 23, 24, 25, 26, 27, 28, 29, 31, 34, 35, 36, 37, 38, 41, 52, 53, 56, 60, 61) (1963 Statutes) ..... r.	592
	(1) (a) (line 7) ..... r.	579
	(1) (a) (line 15) ..... am.	548
	(1) (a) (line 33, aff. 1965 Laws Chs. 115, 163 and line 50) ..... am.	592
	(1) (b) ..... am.	592
	(1m) ..... cr.	592
	(1m) (e) 9. (cr. 1965 Laws Ch. 592) ..... r.	614
	(2) (intro. par.) ..... am.	592
	(2) (a) (b) ..... am.	592
	(2) (cm) ..... r.	592
	(2) (s) ..... r.	592
	(2) (v) ..... cr.	575
	(2) (w) ..... cr.	614
23.09	(18) ..... cr.	646
	(18) (cr. 1965 Laws Ch. 646) ..... rn. 23.09 (19)	13.32 (2)
	(19) ..... rn. from 23.09	
	(18) (cr. 1965 Laws Ch. 646)	13.32 (2)
23.26	(2) ..... am.	614
24.085	(1) ..... am.	646
25.17	(3) (bf) (am. 1965 Laws Ch. 433) ..... am.	566
	(7) ..... am.	551
	(14) (b) ..... r. cr.	581
25.18	(1) (f) ..... cr.	550
25.40	(1) (a) (aff. 1965 Laws Ch. 396) ..... am.	591
27.012	(4) (c) (r. cr. 1965 Laws Ch. 424) ..... am.	625
27.30	(3) (a) ..... am.	592
	(3) (c) ..... rev. rn. 27.305	591
27.305	..... rn. from 27.30 (3) (c)	591
29.09	(12) ..... rn. 29.09 (12) (a)	628
	(12) (a) ..... rn. from 29.09 (12)	628
	(12) (b) ..... cr.	628

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29.29	(3) ..... am.	614 s. 57 (2)
	(4) ..... am.	614 s. 57 (1)
29.545	..... am.	614 s. 57 (1)
29.594	(1) (cr. 1965 Laws Ch. 408) ..... am.	652
	(3) (cr. 1965 Laws Ch. 408) ..... am.	652
30.01 to 30.18	(7) ..... am.	614 s. 57 (2g)
30.18	(8) ..... am.	614
	(9) to 30.205 ..... am.	614 s. 57 (2g)
30.20	(1) (b) ..... am.	614
	(2) (c) ..... cr.	614
30.21	(2) (b) ..... am.	614
30.251	..... cr.	623
30.31	(2) ..... am.	614 s. 57 (2g)
30.71	..... r. cr.	565
30.76	(1) ..... am.	617
31.01	(1) ..... am.	614 s. 57 (2g)
31.02	..... am.	614 s. 57 (2g)
	(5) ..... cr.	614
	(6) (7) (8) (9) ..... rn. from 31.36 (6)	
	..... (8) (9) (11) (aff. 1965 Laws Ch. 163)	614
	(7) (8) (as rn.) ..... am.	614 s. 57 (2r)
31.03	..... r.	614
31.05 to 31.09	..... am.	614 s. 57 (2g)
31.06	(3) ..... am.	614
31.095	(1) (intro. par.) ..... am.	614
31.11 to 31.14	..... am.	614 s. 57 (2g)
31.18	..... am.	614 s. 57 (2g)
31.185	(1) (2) ..... am.	614 s. 57 (2g)
	(3) ..... am.	614
	(4) (5) ..... am.	614 s. 57 (2g)
31.19 to 31.21	..... am.	614 s. 57 (2g)
31.23 to 31.26	..... am.	614 s. 57 (2g)
31.28	..... r.	614
31.29	..... am.	614 s. 57 (2g)
31.30	..... am.	614 s. 57 (2g)
31.33	(1) ..... am.	614
31.34	..... am.	614 s. 57 (2g)
31.36	(1) to (5) (aff. 1965 Laws Ch. 163) ..... r.	614
	(6) (8) (9) (11) (aff. 1965 Laws Ch. 163) ..... rn. 31.02 (6) (7) (8) (9)	614
	(7) (aff. 1965 Laws Ch. 163) ..... r.	614
	(10) (aff. 1965 Laws Ch. 163) ..... r.	614
	(12) (aff. 1965 Laws Ch. 163) ..... r.	614
31.38	..... am.	614 s. 57 (2g)
32.05	(intro. par.) (am. 1965 Laws Ch. 219) ..... am.	596
	(1) (am. 1965 Laws Ch. 238) ..... am.	596
	(3) (i) ..... am.	596
	(7) (a) ..... am.	596
	(7) (c) ..... am.	596
	(9) (a) (intro. par.) ..... am.	596
35.001	(3) ..... am.	567
35.05	(4) ..... am.	659 s. 23 (1)
35.09	..... r. cr.	554
	..... am.	659 s. 23 (1)
35.24	(1) (2) ..... rn. 35.24 (1) (a)	
	..... (2) (a)	621
	(1) (aff. 1965 Laws Ch. 23) ..... am.	553

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	(1) (a) (2) (a) .....rn. from 35.24 (1) (2)	621
	(1) (b) (c) .....cr.	621
	(2) (b) .....cr.	621
	(3) .....rn. 35.24 (4)	553
	(3) .....cr.	553
	(4) .....rn. from 35.24 (3)	553
35.25	.....r.	621
35.35	(4) .....cr.	585
35.46	(1) .....am.	584
35.48	.....am.	584
35.50	.....am.	584
35.76	.....am.	558
35.77	.....am.	584
35.84	(Column D) (relating to dis- tribution of legislative journals in book form) .....r.	659
	(Schedule) (line 29) .....am.	659 s. 23.(1)
35.85	(2) (b) (cr. 1965 Laws Ch. 455) .....am.	625
	(6) (am. 1965 Laws Ch. 455) .....am.	625
	(14) .....cr.	621
35.91	(1) (am. 1965 Laws Ch. 249) .....am.	625
	(3) .....cr.	621
36.225	(6) (7) .....am.	614
36.245	(cr. 1965 Laws Ch. 502) .....am.	614
38.16	(1) (c) .....am.	666 s. 22 (3)
38.24	(2) (n) (cr. 1965 Laws Ch. 248) .....am.	581
	(7a) (b) 2. b. (cr. 1965 Laws Ch. 248) .....am.	581
	(7a) (b) 9. (cr. 1965 Laws Ch. 242) .....am.	581
39.023	(1) (a) .....am.	625
	(2) .....am.	625
	(4m) (cr. 1965 Laws Ch. 264) .....rn. 39.023 (5)	566
	(5) .....rn. 39.023 (9)	566
	(5) .....rn. from 39.023 (4m) (cr. 1965 Laws Ch. 264)	566
	(6) (am. 1965 Laws Ch. 163) .....rn. 39.023 (10)	566
	(6) (a) (b) (c) .....rn. from 39.023 (8) (a) (b) (c) (cr. 1965 Laws Ch. 463)	566
	(7) (8) .....cr.	566
	(8) (a) (b) (c) (cr. 1965 Laws Ch. 463) .....rn. 39.023 (6) (a) (b) (c)	566
	(8) (d) (cr. 1965 Laws Ch. 463) .....r.	566
	(9) (10) (cr. 1965 Laws Ch. 463) .....rn. 39.023 (11) (12)	566
	(9) .....rn. from 39.023 (5)	566
	(10) .....rn. from 39.023 (6) (am. 1965 Laws Ch. 163)	566
	(11) (12) .....rn. from 39.023 (9) (10) (cr. 1965 Laws Ch. 463)	566
Subch. III (title) Ch. 39	.....cr.	641
39.75, 39.76	.....cr.	641
40.025	(1) (c) .....am.	625
	(2) (a) .....see	625 s. 15
40.03	(6) (c) .....am.	666 s. 22 (6)



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	(6) (d) ..... am.	666 s. 22 (9)
	(7) ..... am.	666 s. 22 (23)
40.08	(3) (b) (am. 1965 Laws Ch. 388) ..... am.	625
40.09	(2) (a) (last sentence) (am. 1965 Laws Ch. 19) ..... am.	625
40.095	(1) ..... am.	666 s. 22 (26)
	(2) (am. 1965 Laws Ch. 388) ..... am.	625
40.23	(1m) ..... am.	659 s. 24 (10)
40.26	(5) (am. 1965 Laws Ch. 388) ..... am.	625
	(7) ..... am.	625
40.27	(2) (f) ..... am.	666 s. 22 (36)
	(2) (g) ..... am.	666 s. 22 (14)
	(3) (f) ..... am.	666 s. 22 (40)
	(4) (c) ..... am.	666 s. 22 (39)
	(4) (k) ..... am.	666 s. 22 (15)
	(11) ..... am.	625
40.30	(1) ..... am.	659 ss. 23 (2), 24 (10)
40.655	(1) (e) ..... cr.	658
40.70	(6) ..... am.	534
	(7) ..... am.	534
40.71	(1) (relating to biennial aid adjustment) ..... r.	659
	(6) (b) ..... am.	534
40.803	(1) (b) (intro. par.) ..... am.	666 s. 22 (26)
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46.22 (4) (c)	am.	590 s. 24 (1)
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49.27 (2) (3)	am.	590 s. 24 (7)
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62.13	(6) (b) am.	666 s. 22 (8)
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64.10	(3) am.	666 s. 22 (26)
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341.305 (2) (cr. 1965 Laws Ch. 515)	.....am.	601
349.11 (1)	.....rn. 349.11 (1) (a)	569
	(1) (a) .....rn. from 349.11 (1)	569
	(1) (b) .....cr.	569
885.01 (1) (rn. 1965 Laws Ch. 66)	.....am.	617
887.01 (1) (rn. 1965 Laws Ch. 66)	.....am.	617
945.01 (2) (b) 2. (cr. 1965 Laws Ch. 122)	.....r. cr.	654
946.15 (1) (2)	.....am.	617
959.05 (5)	.....cr.	650
960.01	.....am.	617
990.01 (17m)	.....am.	617

## WISCONSIN CONSTITUTION.

### ARTICLE 1. DECLARATION OF RIGHTS.

#### Rights of accused. SECTION 7.

While a request for assistance of counsel need not be a formal one, the desire to seek or have the advice of counsel must be communicated in some manner to him who has custody of the accused before it can be said there was a denial of counsel. *Neuenfeldt v. State*, 29 W (2d) 20, 138 NW (2d) 252.

Counsel for indigent accused in Wisconsin. *Winter*, 49 MLR 1.

#### Prosecutions; second jeopardy; self-incrimination; bail; habeas corpus. SECTION 8.

Court refuses to extend rule of *Escobedo* case to require counsel when interrogation of accused reaches the accusatorial stage even though he does not ask for counsel. *Neuenfeldt v. State*, 29 W (2d) 20, 138 NW (2d) 252.

Where defendant pleaded guilty but then testified to facts which, if true, would not indicate guilt, and the trial court refused to accept the plea and ordered him to trial, the subsequent trial and conviction did not amount to double jeopardy. *Harris v. State*, 29 W (2d) 479, 138 NW (2d) 745.

Rules as to length of detention, interrogation and voluntariness of confession analysed. *Phillips v. State*, 29 W (2d) 521, 139 NW (2d) 41.

#### Remedy for wrongs. SECTION 9.

The requirement that an executor retain an attorney does not violate this section. *State ex rel. Baker v. County Court*, 29 W (2d) 1, 138 NW (2d) 162.

#### Searches and seizures. SECTION 11.

Probable cause for arrest and incidental search discussed. Consent to search freely given is justification. *State v. Camara*, 28 W (2d) 365, 137 NW (2d) 1.

An arrest on an assault and battery warrant and arrest for lewd and lascivious behavior would not justify a search of the pocket of a sweater hanging in a closet which disclosed 2 marijuana seeds. *State v. Dodd*, 28 W (2d) 643, 137 NW (2d) 465.

#### Imprisonment for debt. SECTION 16.

A statute permitting imprisonment for failing to comply with the mandate of a judgment is not repugnant to this section even though the judgment was for a debt arising out of a contract. *Wisconsin E. R. Board v. Mews*, 29 W (2d) 44, 138 NW (2d) 147.

### ARTICLE IV. LEGISLATIVE.

**Ineligibility of federal officers. SECTION 13.** [*As amended April 1966*] No person being a member of congress, or holding any military or civil office under the United States, shall be eligible to a seat in the legislature; and if any person shall, after his election as a member of the legislature, be elected to congress, or be appointed to any office,

civil or military, under the government of the United States, his acceptance thereof shall vacate his seat. This restriction shall not prohibit a legislator from accepting short periods of active duty as a member of the reserve or from serving in the armed forces during any emergency declared by the executive. [*1963 J.R. 34, 1965 J.R. 14, vote April 1966.*]

### ARTICLE VII. JUDICIARY.

**Judicial power, where vested. SECTION 2.** [*As amended April 1966.*] The judicial power of this state, both as to matters of law and equity, shall be vested in a supreme court, circuit courts, and courts of probate. The legislature may also vest such jurisdiction as shall be deemed necessary in municipal courts, and may authorize the establishment of inferior courts in the several counties, cities, villages or towns, with limited civil and criminal jurisdiction. Provided, that the jurisdiction which may be vested in municipal courts shall not exceed in their respective municipalities that of circuit courts in their respective circuits as prescribed in this constitution; and that the legislature shall provide as well for the election of judges of the municipal courts as of the judges of inferior courts, by

the qualified electors of the respective jurisdictions. The term of office of the judges of the said municipal and inferior courts shall not be longer than that of the judges of the circuit courts. [*1963 J.R. 48, 1965 J.R. 50, vote April 1966.*]

Amending Art. VII, sec. 2, Wis. Const., and repealing Art. VII, sec. 15, would abolish justice of the peace courts but not municipal justice of the peace courts as provided for in 62.24, 61.305, 60.595. 54 Atty. Gen. 28.

#### Justices of the peace. SECTION 15.

[*Amended April 1945; repealed April 1966; see 1943 J.R. 27, 1945 J.R. 2, vote April 1945; 1963 J.R. 48, 1965 J.R. 50, vote April 1966.*]

#### Rights of suitors. SECTION 20.

The word "agent" is synonymous with "attorney". *State ex rel. Baker v. County Court*, 29 W (2d) 1, 138 NW (2d) 162.

## ARTICLE VIII. FINANCE.

**Rule of taxation uniform; income, privilege and occupation taxes. SECTION 1.**

A city's levy of a tax on each electric service meter, regardless of property values, to finance industrial expansion violates the uniformity

clause. The levy cannot be sustained as a special assessment because the benefits do not relate to the property assessed. *Plymouth v. Eisner*, 28 W (2d) 102, 135 NW (2d) 799.  
The uniformity clause, assessment freeze laws and urban renewal. 1965 WLR 885.

## ARTICLE XI. CORPORATIONS.

**Municipal home rule; debt limit; tax to pay debt. SECTION 3. [As amended Nov. 1874, Nov. 1912, Nov. 1924, Nov. 1932, April 1951, April 1955, Nov. 1960, April 1961, April 1963 and April 1966]**

Cities and villages organized pursuant to state law are hereby empowered, to determine their local affairs and government, subject only to this constitution and to such enactments of the legislature of state-wide concern as shall with uniformity affect every city or every village. The method of such determination shall be prescribed by the legislature. No county, city, town, village, school district or other municipal corporation may become indebted in an amount that exceeds an allowable percentage of the taxable property located therein equalized for state purposes as provided by the legislature. In all cases the allowable percentage shall be five per centum except as follows: (a) For any city authorized to issue bonds for school purposes, an additional ten per centum shall be permitted for school purposes only, and in such cases the territory attached to the city for school purposes shall be included in the total taxable property supporting the bonds issued for school purposes. (b) For any school district which offers no less than grades one to twelve and which at the time of incurring such debt is eligible for the highest level of school aids, ten per centum shall be permitted. Any county, city, town, village, school district, or other municipal corporation incurring any indebtedness as aforesaid, shall before or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty years from the time of contracting the same; except that when such indebtedness is incurred in the acquisi-

tion of lands by cities, or by counties having a population of one hundred fifty thousand or over, for public, municipal purposes, or for the permanent improvement thereof, the city or county incurring the same shall, before or at the time of so doing, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within a period not exceeding fifty years from the time of contracting the same. An indebtedness created for the purpose of purchasing, acquiring, leasing, constructing, extending, adding to, improving, conducting, controlling, operating or managing a public utility of a town, village, city or special district, and secured solely by the property or income of such public utility, and whereby no municipal liability is created, shall not be considered an indebtedness of such town, village, city or special district, and shall not be included in arriving at such debt limitation. [1872 J.R. 11, 1873 J.R. 4, 1874 c. 37, vote Nov. 1874; 1909 J.R. 44, 1911 J.R. 42, 1911 c. 665, vote Nov. 1912; 1921 J.R. 39S, 1923 J.R. 34, 1923 c. 203, vote Nov. 1924; 1929 J.R. 74, 1931 J.R. 71, vote Nov. 1932; 1949 J.R. 12, 1951 J.R. 6, vote April 1951; 1953 J.R. 47, 1955 J.R. 12, vote April 1955; 1957 J.R. 59, 1959 J.R. 32, vote Nov. 1960; 1959 J.R. 35, 1961 J.R. 8, vote April 1961; 1961 J.R. 71, 1963 J.R. 8, vote April 2, 1963; 1963 J.R. 44, 1965 J.R. 51 and 58, vote April 1966.]

The levy of assessments by a city, pursuant to ordinance, upon residential and commercial properties to provide funds for financing the municipality's industrial expansion, collection of which was to be effected by adding such taxes to the public-utility charges payable by the property owners, could not be sanctioned as an excise tax under the municipal home-rule amendment to the constitution, since the right to impose such a tax fell within the plenary power of the state and was a matter of statewide concern. *Plymouth v. Eisner*, 28 W (2d) 102, 135 NW (2d) 799.

## ARTICLE XII. AMENDMENTS.

**Constitutional amendments. SECTION 1.**

Publication of erroneously worded joint resolu-

tion nullifies said resolution and proposed constitutional amendment must be started anew. 54 Atty. Gen. 9.

**TITLE II.**  
**Elections.**

**CONVERSION TABLE**

This table is designed to assist in tracing the various provisions of chs. 5 to 11 into the sections of the new election code. It covers all sections repealed or renumbered by this bill. It does not show (except for the repeals noted) what specifically happened to a particular section of chs. 5 to 11, i.e., whether it was substantially changed or restated without change. To find that information, turn to the new section and the note attached thereto. The notes also will show what sections of chs. 5 to 11 are covered by a particular section of the new election code.

Old Section	New Section	Old Section	New Section
Chapter 5		(c).....	8.15 (8)(c)
5.01 (intro. par.).....	5.02 (intro. par.)	(8m).....	12.62 (2)
(1).....	5.02 (1)(b)	(9).....	7.23 (1)(e),(2)
(2).....	5.02 (4)	(10).....	8.15 (6)
(3).....	5.02 (2)	5.08 (1) (except date).....	7.08 (2)(a)
(4).....	5.02 (5)	(date).....	10.06 (1)(h)
(5).....	5.02 (3)	(2) and (3).....	5.62 (3)
(6).....	5.02 (6)	5.11 (1).....	7.10 (2)
(7).....	5.02 (8)	(2) and (3).....	5.62 (4)(a)
5.011.....	5.01 (1)	(4).....	5.62 (4)(b)
5.012 (1).....	5.01 (2)	(5) (1st sentence).....	7.10 (1)(a)
(2).....	9.01 (2) (in part)	(5) (2nd sentence).....	5.51 (5)
(3).....	12.01 (5)	(3rd sentence).....	5.66 (1)
5.02.....	8.01	(last sentence).....	7.10 (3)(a)
5.03.....	5.02 (4)	5.13 (1).....	5.62 (1)(a)
5.04 (1) (1st sentence).....	10.01 (2)(a) and	(2).....	5.62 (1)(b)
(2nd sentence).....	10.06 (1)(f)	(3).....	5.62 (2)
(2).....	10.06 (1)(g)	(4).....	8.19 (3)
(3).....	10.01 (2)(a) and	5.14 (1).....	7.50 (2)(g)
(3).....	10.06 (2)(f)	(2).....	8.03
(4).....	10.06 (2)(f)	(3).....	5.60 (3) (intro.par.)
5.05 (1) (1st part).....	10.06 (3)(a), (b)	(4).....	6.80
(last part).....	8.15 (1)	(5), (6), (7).....	6.80 (2)(e)
(3) (1st sentence).....	8.15 (5)	5.15 (1).....	7.51 (1) (intro. par.)
(3) (last sentence).....	Repealed <sup>1</sup>	(2).....	7.53 (1),(2)
(4).....	8.02	(3).....	7.60 (3)
(5)(a).....	8.15 (3)	(4) (1st sentence).....	7.60 (3)
(b) (1st 2 sentences).....	8.15 (4)(a)	(last 2 sentences).....	7.60 (5)
(last 2 sentences).....	8.15 (4)(b)	(5), (6).....	7.60 (5)
(6).....	8.15 (6)	5.16.....	7.70 (3)(a)
(7).....	8.15 (7)	5.17 (1) (1st sentence).....	Repealed <sup>2</sup>
(8) (intro. par.).....	8.15 (8) (intro. par.)	(last sentence).....	8.16 (1)
(a).....	8.15 (8)(a)	(2).....	Repealed <sup>3</sup>
(b).....	8.15 (8)(b)	(3).....	8.16 (1)
		5.18 (1st sentence).....	7.38 (3)
		(2nd and 3rd sentences and 4th sentence, 1st part).....	8.35 (1)
		(4th sentence, last part).....	7.35 (3)
		(next to last sentence).....	8.35 (3)
		(last sentence).....	7.38 (3)(d)
		5.19 (1).....	8.20 (1)
		(2).....	8.20 (2)(a)
		(3).....	8.20 (3)

Old Section	New Section	Old Section	New Section
(4) (1st 2 sentences).....	8.20 (4)	(16th and 17th sentences).....	8.05 (1) (i)
(last sentence).....	8.20 (6)	(18th sentence).....	8.05 (1) (j)
(5).....	8.20 (5)	(19th sentence).....	5.60 (5) (a)
(6) (1st sentence).....	8.20 (7)	(last sentence).....	5.01 (4)
(last sentence).....	8.20 (8)	(2).....	Repealed <sup>6</sup>
5.21.....	5.01 (4)	(3).....	Repealed <sup>7</sup>
5.22.....	8.10 (1)	(4) (a) (1st and 2nd sentences, in part).....	8.05 (3) (a)
5.23 (1st sentence).....	8.10 (2)	(2nd sentence, last part).....	8.05 (3) (b)
(2nd sentence).....	8.10 (3)	(3rd sentence).....	8.05 (3) (a)
(next to last sentence).....	8.10 (5)	(last sentence).....	8.05 (3) (c)
(last sentence).....	8.10 (4)	(b) (intro. par.).....	5.58 (1) (c)
5.24 (1) (a) (1st sentence, 1st part).....	8.11 (1) (a)	form.....	Annexed to ch. 5 as Ballot 8
(1st sentence, last part).....	8.11 (1) (c)	(c).....	Annexed to ch. 5 as Ballot 8
(2nd sentence).....	8.11 (1) (d)	(d).....	8.05 (3) (d)
(last sentence).....	8.11 (4)	(e).....	8.05 (3) (f)
(b) and (c).....	8.11 (1) (b)	(f).....	8.05 (3) (g)
(2) (1st part, in part).....	8.11 (2)	(g).....	8.05 (3) (e)
(1st part, in part).....	Repealed <sup>4</sup>	(5).....	8.05 (6)
(near end).....	8.11 (3)	(6) (1st sentence, 1st part).....	8.05 (4) (a)
(end).....	8.11 (4)	(1st sentence, in part).....	8.05 (4) (c)
5.245.....	8.13	(1st sentence, last part).....	8.05 (4) (b)
5.25 (1).....	5.58 (intro. par.)	(last sentence).....	8.05 (4) (d)
(2) (a).....	5.58 (1) (a)	(7).....	8.05 (5)
(b).....	5.58 (1) (b)	5.29 (1) (1st sentence).....	5.02 (6) and 8.50 (2) (b)
(c) (1st sentence).....	5.58 (2) (a)	(last sentence).....	8.50 (intro. par.)
(last sentence).....	5.58 (3)	(2).....	8.50 (1) (b)
(3) (1st sentence).....	5.58 (2) (a)	(3).....	8.50 (3) (a)
(2nd sentence).....	5.58 (2) (b)	(4).....	8.50 (1) (d)
(last sentence).....	5.58 (3)	(5).....	8.50 (3) (b)
(4) (1st part).....	10.06 (1) (c)	5.30.....	8.30
(last part).....	7.08 (2) (a)	5.35 (1) (a) (1st sentence).....	8.17 (4) (a)
5.26 (1).....	7.51 (5)	(b).....	8.17 (4) (b)
(2).....	7.53 (2)	(2) (1st sentence).....	8.17 (1)
(3).....	7.53 (3)	(2) (2nd and 3rd sentences).....	8.17 (2)
(4).....	Repealed <sup>5</sup>	(last sentence).....	8.17 (3) (b)
5.265 (1st part).....	8.35 (1)	(3).....	5.01 (4) and 8.17 (4) (b)
(last part).....	8.35 (2)	(4).....	8.17 (4) (c)
5.27 (intro. par.).....	8.05 (intro. par.)	(5).....	8.17 (6)
(1) (a) (1st and 2nd sentences).....	8.05 (1) (a)	(6).....	8.17 (5) (a)
(3rd and 4th sentences).....	8.05 (1) (b)	(7).....	8.17 (5) (b)
(5th to 8th sentences).....	8.05 (1) (c)	(8) (1st sentence, 1st part).....	8.17 (5) (c) (intro. par.)
(9th sentence).....	8.05 (1) (d)	(1st sentence, last part).....	8.17 (5) (c) 1 and 2
(10th and 11th sentences).....	8.05 (1) (e)		
(12th sentence).....	8.05 (1) (f)		
(13th sentence).....	8.05 (1) (g)		
(14th and 15th sentences).....	8.05 (1) (h)		

Old Section	New Section	Old Section	New Section
(last sentence) and (9)(1st 2 sen- tences).....	8.17 (6)	(3).....	6.03 (1)(intro. par.), (b)
(9)(3rd sentence, 1st part).....	8.17 (5) (d)	6.015.....	246.15
(3rd sentence, last part).....	Repealed <sup>8</sup>	6.017.....	5.02 (8)
(10).....	8.17 (5) (i)	6.02 (1)(1st part).....	6.77 (1)
(11).....	8.17 (5) (g)	(last part).....	Repealed <sup>9</sup>
(12).....	8.17 (5) (e)	(2).....	Repealed <sup>10</sup>
(13).....	8.17 (5) (f)	(3).....	6.77 (2)
5.36 (1)(1st sentence).....	8.18 (1)	6.03 (1).....	5.02 (5)
(2nd sentence).....	8.18 (2) (a)	(2).....	5.02 (3)
(3rd sentence).....	8.18 (2) (b)	6.04 (intro. par.).....	5.25 (intro. par.)
(4th and 5th sen- tences).....	8.18 (2) (c)	(1), (2).....	5.25 (1)
(6th sentence).....	8.18 (2) (d)	(3)(1st part).....	5.25 (2)
(last sentence).....	8.18 (2) (a)	(last part).....	60.07 (2)
(2).....	8.18 (3)	(4)(1st and 2nd sentences, in part).....	5.15 (2)
(3).....	8.19 (1), (2)	(2nd sentence, last part and 3rd sen- tence, in part).....	5.25 (intro. par.)
5.27 (1)(1st sentence).....	5.02 (3) and 8.12 (1) (a)	(3rd sentence, in part).....	5.25 (1)
(last sentence).....	8.12 (2) (c)	6.045 (1).....	5.25 (1)
(2).....	8.12 (6)	(2)(1st part).....	5.35 (3)
(3).....	5.01 (3)	(remainder).....	Repealed <sup>11</sup>
(5).....	8.12 (7)	(3), (4).....	5.25 (1)
5.38 (1)(a)(1st and 2nd sentences).....	8.12 (1) (b)	6.047 (1st to 4th sen- tences).....	6.76
(3rd sentence).....	8.12 (2) (b)	(last sentence).....	12.49 (1)
(4th to 6th sen- tences).....	8.12 (2) (c)	6.048.....	12.49 (2)
(7th sentence).....	8.12 (2) (d)	6.05 (1).....	5.15 (1), (2)
(last sentence).....	8.12 (2) (e)	(2)(1st sentence, 1st part).....	5.15 (2), (3)
(b).....	8.12 (2) (f)	(1st sentence, last part).....	Repealed <sup>12</sup>
(2).....	8.12 (3) and 8.15 (3)	(last sentence, 1st part).....	5.15 (4) (b)
(3).....	8.12 (4)	(last sentence, last part).....	Repealed <sup>13</sup>
(4).....	8.12 (5)	(3)(1st part).....	5.15 (4) (a)
5.39 (1)(a)(1st sen- tence).....	5.60 (8) (intro. par.)	(last part).....	Repealed <sup>14</sup>
form.....	Annexed to ch. 5 as Ballot 9	(4).....	Repealed <sup>15</sup>
(b)(1st sen- tence).....	5.60 (8) (c)	(5).....	7.30 (1)
(2nd sentence).....	5.60 (8) (b)	(6)(1st part).....	5.15 (5)
(3rd sentence).....	5.60 (8) (d)	(last part).....	Repealed <sup>16</sup>
(last sentence).....	5.60 (8) (e)	(7).....	5.15 (6) (a)
(2).....	5.60 (8) (a)	(8).....	5.15 (7)
(3)(1st sentence).....	5.60 (8) (d)	6.06.....	5.18
(last sentence).....	10.16 (2) (b)	6.07.....	Repealed <sup>17</sup>
(4), (5).....	6.80 (2) (e)	6.08.....	Repealed <sup>18</sup>
(6).....	7.50 (1) (b)	6.09.....	7.37 (1)
5.40.....	7.08 (1) (a)	6.10 (1)(a)(1st sen- tence).....	10.06 (1) (g), (2) (f)
		(2nd sentence).....	10.06 (1) (i), (j)
		(b)(1st and 2nd sentences, in part).....	10.01 (1), (2) (c) and 10.06 (1) (e), (i)
		(1st and 2nd sen- tences, in part).....	Repealed <sup>19</sup>
Chapter 6			
6.01 (1).....	6.02 (1), (2)		
(2).....	6.03 (2)		

Old Section	New Section	Old Section	New Section
(3rd sentence).....	10.01 (2)(c)	(5)(2nd sentence,	
(4th sentence).....	Repealed <sup>20</sup>	1st part).....	6.30 (3)(a)
(last sentence).....	7.70 (3)(g)	2nd sentence, last	
(2).....	10.01 and 10.06 (1),	part and 3rd sen-	
	(2)	tence).....	6.30 (3)(b)
6.11 (1).....	10.06 (2)(d),(e),	(last sentence).....	6.30 (3)(c)
	(h),(i)	(6).....	6.40 (1)(a)
(2).....	10.06 (2)(d),(h)	(7).....	6.40 (2)
6.13.....	Repealed <sup>21</sup>	(8).....	6.40 (3)
6.14 (1)(1st sentence,		6.13 (1)(intro. par.).....	6.50 (2)(intro. par.)
in part and 2nd		(a).....	6.50 (2)(a)
sentence).....	6.27 (1)	(b).....	6.50 (2)(b)
(1st sentence, in		(2).....	6.50 (2)(d)
part).....	Repealed <sup>22</sup>	(3).....	6.50 (2)(e)
(last sentence).....	6.27 (3)	(4)(1st and 2nd	
(2).....	6.27 (2)	sentences).....	6.48 (1)(a)
(3).....	6.27 (3)	(last sentence).....	6.48 (1)(c)
(4)(1st and 2nd		(5).....	6.50 (2)(c)
sentences).....	6.27 (4)(a)	(6).....	6.50 (2)(f)
(4)(last sentence).....	6.27 (4)(b)	(7).....	6.45
(5)(1st sentence).....	6.27 (5)(a)	6.185 (1).....	6.26
(2nd sentence).....	6.27 (5)(b)	(2)(1st sentence).....	6.33 (1)
6.15 (1st sentence).....	6.26	(2nd sentence).....	Repealed <sup>23</sup>
(2nd sentence).....	5.02 (9)(c)	(3)(1st sentence).....	Repealed <sup>24</sup>
6.16 (1).....	6.33 (1)	(2nd and last sen-	
(2).....	6.33 (2)	tences).....	6.35 (1)
(3).....	6.35 (1)	(4)(intro. par.).....	6.50 (2)(intro. par.)
(4)(1st part).....	6.35 (2)	(a)(1st part).....	6.50 (2)(d)
(last part).....	6.35 (3)	(last part).....	6.48 (1)(b)
(5)(1st to 3rd sen-		(b)(1st sen-	
tences).....	6.36 (3)	tence).....	6.50 (2)(g)
(last sentence).....	6.35 (3)	(2nd and last	
(6)(1st sentence,		sentences).....	6.50 (2)(f)
1st part).....	6.36 (3)	(c).....	6.28 (1)
(1st sentence, last		(d).....	6.30 (2)
part).....	6.36 (2)	(5).....	6.05
(2nd sentence).....	6.36 (3)	(6)(a).....	6.55 (1)
(last sentence, 1st		(b)(1st sen-	
part).....	6.36 (2)	tence).....	6.55 (2)(a)
(last sentence, last		(2nd sentence).....	Repealed <sup>25</sup>
part).....	7.51 (1)(intro. par.)	(3rd and 4th	
(7)(1st sentence,		sentences).....	6.55 (3)
1st part).....	6.79 (intro. par.)	(5th sentence).....	6.55 (2)(a)
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(2nd sentence).....	6.28 (2)	(2)(a)	
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(3).....	6.40 (1)(b)	last part).....	7.51 (1)(intro. par.)
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(5)(intro. sen-		(9).....	Repealed <sup>27</sup>
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		tence).....	6.30 (3)(intro. par.)



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(b) (1st sentence).....	10.02 (2) (a)	(4).....	9.10 (3) (c)
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(3).....	5.51 (3)	(last part).....	6.80 (2) (a)
(4).....	5.64 (1) (e)	(5).....	5.68 (1)
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(last sentence).....	5.64 (1) (c)	(last sentence).....	5.68 (1)
(8) (1st sentence).....	5.64 (2) (intro. par.), (b)	6.27.....	7.38 (2)
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(11).....	5.51 (4)	(last part).....	7.15 (5)
(12).....	8.03	(4).....	Repealed <sup>30</sup>
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(h).....	7.30 (2) (c)	(last part).....	6.79 (1)
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(6).....	5.03	end).....	7.51 (1) (a)
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(2).....	7.50 (2)(e)	(last sentence).....	5.01 (1)
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(6).....	7.23 (1)	6.80 .....	5.01 (2)
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(2).....	7.60 (5)	7.04 (1).....	8.50 (1)(a)
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(last sentence).....	5.01 (3)	(last sentence).....	7.15 (7)
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(2nd sentence).....	5.68 (1)	(7).....	7.30 (6) (c)
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9.045.....	6.15 (1)	10.15 (1) (a) (1st sentence, 1st part).....	6.50 (1) (a)
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(c).....	6.15 (4) (e)	(2nd sentence, 1st part).....	6.30 (3) (a)
(5).....	6.15 (5)	(2nd sentence, last part to next to last sentence).....	6.30 (3) (b)
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(5).....	7.22 (4)	(last sentence, 1st part).....	6.36 (2)
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10.21 (1st part).....	6.45	(4).....	9.20 (4)
(2nd part).....	6.48 (1)(a)	(5)(1st sentence)...	9.20 (5)
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(1st sentence, 4th part).....	7.21 (5)	(last sentence).....	9.20 (8)
(1st sentence, last part).....	5.25 (1)	10.44 (1)(1st sentence)...	9.10 (1),(2)(a)
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(3rd sentence).....	7.22 (5)	(4th sentence).....	9.10 (1)
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(2).....	7.21 (1)	(4).....	9.10 (4)(b)
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(5).....	7.15 (1)(g)	(last sentence).....	Repealed <sup>43</sup>
(6).....	7.15 (1)(h)	(2).....	5.60 (5)(b)
10.35 .....	5.01 (2)	10.49 (1st sentence).....	5.01 (2)
10.36 (1).....	5.02 (3)	(last sentence).....	7.51 (5)
(2).....	6.78	10.50 .....	5.02 (8)
(3).....	10.06 (3)	10.51 .....	7.15 (2)(d) and 8.50
(4).....	5.60 (3)(b)	10.52 (1)(1st sentence)...	5.60 (6)
10.37 (1st sentence).....	5.01 (3)	(2nd sentence).....	10.06 (3)
(2nd sentence).....	5.01 (4)	(last sentence).....	5.60 (6)
(last sentence).....	7.53 (4)	form.....	Annexed at 5.60 (6) as Ballot 6A
10.38 .....	5.68 (1) and 7.15 (2)(a)	(2)(intro. par.).....	5.60 (6)
10.385.....	7.23 (1)	form.....	Annexed at 5.60 (6) as Ballot 6B
10.40 (1).....	5.01 (2)		
(2).....	7.15 (2)(d)		

<sup>34</sup>It is often difficult to identify the political affiliations of a newspaper and therefore the requirement is repealed.

<sup>35</sup>There is no reason why there must be a requirement that it be a weekly or daily newspaper. Ch. 985 provides the necessary qualifications for a newspaper.

<sup>36</sup>There will almost always be an employe in the clerk's office who will be more familiar with election procedure.

<sup>37</sup>Repealed since s. 7.21 in this bill adequately provides for the executive secretary to handle all duties.

<sup>38</sup>Obsolete.

<sup>39</sup>Section 7.03 adequately provides for election officials compensation.

<sup>40</sup>Repealed for uniformity. The repeal does not forbid the continued printing and using of such a manual.

<sup>41</sup>Repealed as s. 12.62 of the statutes provides similarly.

<sup>42</sup>Repealed as unnecessary as s. 6.10 in this bill sets forth detailed provisions.

<sup>43</sup>Repealed for uniformity and to prevent ambiguity.

<sup>44</sup>Obsolete as there are no towns in Milwaukee county.

<sup>45</sup>Repealed as s. 5.01 (2) in this bill adequately provides for this.

<sup>46</sup>Section 12.66 of the statutes provides similarly.

<sup>47</sup>Repealed to prevent ambiguity with provisions of s. 7.50 (2) (h) in this bill.

<sup>48</sup>Obsolete as a bond referendum is no longer necessary to buy or try voting machines.

<sup>49</sup>Repealed as unnecessary since this is adequately provided for elsewhere in this bill.

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**TITLE II**  
**ELECTIONS.**

**CHAPTER 5. GENERAL PROVISIONS, SCOPE, DEFINITIONS.**

5.01 Scope.		BALLOT FORM
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5.03 Presidential electors.	5.53 Voting machine ballots.	
5.15 Division and consolidation of election precincts.	5.55 Backs of ballots.	
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5.37 Voting machine requirements.	5.64 General election ballots.	
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**5.01 Scope.** (1) CONSTRUCTION OF TITLE II. Title II shall give effect to the will of the electors, if that can be ascertained from the proceedings, notwithstanding informality or failure to fully comply with some of its provisions.

(2) GENERAL PROVISIONS OF ELECTION LAWS APPLY. The general provisions of Title II apply to all elections.

(3) PLURALITY SHALL ELECT. In every election to choose any officer, each elector shall have one vote for each office unless clearly indicated otherwise. The person receiving the greatest number of legal votes for the office shall be declared elected, and the canvassers shall so determine and certify.

(4) TIE VOTE. (a) If 2 or more candidates for the same office receive the greatest, but equal number of votes, the winner shall be chosen by lot in the presence of the election officials then present.

(b) If, in a primary, 2 or more candidates receive an equal but not the greatest number of votes so that only one of those candidates with equal votes may advance to the final election, the choice shall similarly be made by drawing lots.

(c) The candidates may, if all those tied for the same office are present, draw for themselves. Upon refusal or absence of any of the candidates, the election officials shall appoint a competent person to draw, and upon the results declare and certify the winner.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 5.011. The last sentence of s. 6.75 enumerates some noncompliance provisions which are now covered by the broad terms of the provision.

Sub. (2), without enumeration, includes ss. 5.012 (1), 6.23 (19), 6.80, 7.06 (1st sentence), 8.05 (1st and 4th sentences), 9.02 (2) (last sentence), 10.35, 10.40 (1), 10.49 (1st sentence), 10.55, 11.08, 11.17 (1) and 11.65 (1st part). These sections all provide

that the general rules apply unless there are exceptions.

Sub. (3) is a restatement of ss. 5.35 (1) (a) (last sentence), 5.37 (3), 6.75 (1st sentence), 8.04 (2) (last sentence), 10.37 (1st sentence), 10.47 (2nd sentence, 1st part), 10.60 (1st part).

Sub. (4) (a) and (c) are a restatement of the following sections, except the language is general to include each level of the canvass and minor changes were made to provide uniformity, ss. 5.21, 5.27 (1) (last sentence), 5.35 (3), 6.64 (last sentence, in part), 10.37 (2nd sentence), 10.47 (2nd sentence, last part), 10.60 (last part). Par. (b) is new. (Bill No. 755-A)

**5.02 Definitions.** In Title II, unless the context requires otherwise:

(1)(a) "Election" means all primaries and elections.

(b) "Primary" means a primary election.

(2) "Spring primary" means the nonpartisan primary held the first Tuesday in March to nominate candidates to be voted for at the spring election.

(3) "Spring election" means the election held on the first Tuesday in April to elect judicial, educational and municipal officers, nonpartisan county officers and delegates to each party's national convention required to be elected in that year.

(4) "September primary" means the primary held the 2nd Tuesday in September to nominate candidates to be voted for at the general election.

(5) "General election" means the election held in even-numbered years on the Tuesday after the first Monday in November to elect United States senators, representatives in congress, electors of president and vice president, state senators, members of the assembly, state officers and county officers other than supervisors and county executives required to be elected in that year.

(6) (a) "Special primary" means the primary held 4 weeks before the special election.

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(b) "Special election" means any election, other than those described in subs. (2) to (5) to fill vacancies or for other designated purposes.

(7) (a) "Justice" means a justice of the supreme court.

(b) "Judge" means a judge of a circuit or county court.

(c) "State superintendent" means the state superintendent of public instruction.

(d) "Educational officer" means the state superintendent and school board members.

(8) "Precinct" means a town, village, city ward, or subdivisions therein as divided for the convenience of the electors. All electors within a precinct vote at the same polling place.

(9) (a) "Municipality" means city, town or village.

(b) "Governing body" means the city council, town board or village board, and also includes the municipal board of election commissioners insofar as the powers are given to them.

(c) "Municipal clerk" means the city clerk, town clerk, village clerk and the executive secretary of the city election commission and their authorized representatives. Where applicable, "municipal clerk" also includes the clerk of a school district.

(10) "County clerk" includes the executive secretary of the county board of election commissioners and their authorized representatives.

(11) "Polling place" means the actual location wherein the elector receives and marks his ballot. The electors of more than one precinct may vote at the same polling place.

History: 1965 c. 666.

Legislative Council Note, 1965: The definition in sub. (1) (a) is new. It is intended to remove the necessity of restating both primary or election in the statutes when it is to apply to both. Par. (b) is a restatement of s. 5.01 (1).

Sub. (2) is based on s. 5.01 (3) but the bill provides a specific date, the 1st Tuesday in March.

Sub. (3) combines s. 5.01 (5) which states the date of the spring election with ss. 5.37 (1) (1st sentence), 6.03 (2), 8.03 (1), 10.36 (1), and 10.45 (1st sentence) which enumerate the purpose of the election. This subsection adds a provision for county board supervisors.

Sub. (4) is a restatement of ss. 5.01 (2) and 5.03.

Sub. (5) is a restatement of ss. 5.01 (4) which sets the date and 6.03 (1) which enumerates the purpose of the election, except that s. 6.03 (1) includes that this election is provided for in the constitution. The phrase was deleted so as not to restrict the election to those offices enumerated in the constitution. The 2 exceptions for counties have been added.

Sub. (6) is a combination of s. 5.29 (1) (1st sentence) for the date of a special primary and s. 5.01 (6). The purpose of a special election is added in reference to the primary. Section 5.29 (1) (1st sentence) requires a primary for those party candidates enumerated in the 2nd sentence.

Sub. (7) (a), (b) and (c) are a restatement of s. 8.01. Par. (d) is new.

Sub. (8) provides a uniform definition; ss. 5.01 (7), 6.017 and 10.50 each now contain somewhat similar provisions. To prevent confusion and clarify the definition of precinct, the words "election district" were deleted.

Sub. (9) is new. It is intended to eliminate enumeration of city, town or village or their governing body or clerk in the many instances where all 3 are included. The governing body definition in this bill provides for the board of election commissioners. The municipal clerk definition also includes the executive secretary of a city board of election commissioners and school clerks in those instances where applicable. The further provision for other municipal or quasi-corporations and the clerk of any school district which elects officers under s. 40.27 was deleted as unnecessary.

Sub. (10) is new. It is intended to reduce the amount of repetition to include the executive secretary of a county board of election commissioners.

In both subs. (9) and (10) the title for the secretary of the election commission was changed to executive secretary, which is more in line with their function and duties with the respective election boards.

Sub. (11) is new. (Bill No. 755-A)

**5.03 Presidential electors.** Although the names of the electors do not appear on the ballot and no reference is made to them, a vote for the president and vice president named on the ballot is a vote for the electors of the candidates by whose name the mark appears. Under Title II, all references to the presidential election, the marking of the ballot and the canvassing of votes for president, or for president and vice president, mean a vote for them through their pledged presidential electors.

History: 1965 c. 666.

Legislative Council Note, 1965: This provision is based on ss. 6.42 (6) and 11.03 (3) (last sentence). (Bill No. 755-A)

**5.15 Division and consolidation of election precincts.** (1) Towns may be divided into 2 or more precincts when the supervisors determine it necessary for convenience. Division shall be made when 50 or more electors of the town petition the board, in writing, for division. Division shall not be made in towns of less than 50 sections of land unless there were 400 or more votes cast at the last general election.

(2) Precincts shall be divided when 600 or more votes are cast at any election, unless voting machines are used exclusively. Division boundaries shall keep precincts compact and contiguous. The number of electors per precinct shall be kept as near uniform as possible.

(3) Any division shall be made at least 4 months prior to the next general election, except under sub. (7).

(4) (a) The division order or resolution shall list the precincts by number and designate the polling place in each precinct.



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(b) The resolution or order shall be filed with the proper municipal clerk, who shall transmit a copy to the county clerk within 5 days.

(5) When a town is divided into precincts, the annual town meeting and special town elections shall be held at the first precinct.

(6) (a) The governing body of a municipality may change the precinct boundaries of their town, village or wards without creating new ones and may consolidate 2 or more wards or precincts within the same municipality by filing a copy of the order or resolution under sub. (4). The change or consolidation must comply with the time and compactness provisions of subs. (2) and (3).

(b) At least 60 days before an election the proper officers of any municipality may unite 2 or more precincts or wards to facilitate using a voting machine. Notice shall be given in the same manner as other changes in precinct boundaries.

(7) When part of a town is annexed to a city or village, the town board, without regard to the time provisions of sub. (3), may redistrict the election precincts subject to the compactness provisions. A copy of the order or resolution shall be filed under sub. (4).

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 6.05 (1) (except for the provision between the 2 semicolons).

Sub. (2) is a restatement of s. 6.04 (4) (1st and 2nd sentences in part), the remainder of s. 6.05 (1) and s. 6.05 (2) (1st sentence in part). The 2nd sentence of s. 6.05 (2) pertaining to total numbers of electors per precinct and comparative sizes was deleted since the prescribed provisions are adequate.

Sub. (3) is a restatement of s. 6.05 (2) (1st sentence in part).

Sub. (4) (a) is a restatement of s. 6.05 (3) (in part). The provision pertaining to voter convenience was deleted here since it is covered in the definitions. Par. (b) is a restatement of s. 6.05 (2) (last sentence) except the posting requirement was deleted.

Sub. (5) is based on s. 6.05 (6). The provision that all other elections be held in the respective precincts was deleted as unnecessary.

Sub. (6) (a) is based on s. 6.05 (7). Par. (b) is a restatement of s. 11.04 (2nd sentence and 3rd sentence, in part).

Sub. (7) is a restatement of s. 6.05 (8). (Bill No. 755-A)

#### **5.18 Compulsory division into precincts.**

(1) When division into precincts becomes imperative under s. 5.15 and the governing body obliged to act fails or refuses to do so, any elector of the municipality may apply to the proper circuit court or its presiding judge for an order compelling division. After reasonable notice to the governing body proceeded against, the court or judge may order division when it appears necessary.

(2) Failure to comply with the order in the specified time, unless stayed or superseded, is criminal contempt.

(3) Until divided, all elections are held in the established precincts.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This is a restatement of s. 6.06. (Bill No. 755-A)

**5.25 Polling places.** All elections under Title II shall be held at the polling places provided in this section. So far as practicable, the places chosen shall be public buildings.

(1) In 1st class cities, polling shall be at the places established by the board of election commissioners at any public schools and other public buildings which shall be made available without charge and at any fully or partially tax exempt nonsectarian private buildings offered without charge. In all other cities and villages, polling shall be at the places ordered by the governing body, at least 30 days before the election.

(2) In towns, polling shall be at the place where the last town meeting was held unless changed at that meeting or ordered by the supervisors under s. 60.07. The place for the annual town meeting held on the first Tuesday in April shall be similarly regulated.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** The intro. par. is a restatement of s. 6.04 (intro. par.) and (4) (2nd and 3rd sentences in part).

Sub. (1) is a combination of several sections. The 1st sentence is s. 10.23 (1st sentence, in part and 2nd sentence) without change. The 2nd sentence is based on ss. 6.04 (1), (2), 6.045 (1), (3), (4) and 10.46 (1st sentence) with some minor changes for clarification and uniformity.

Sub. (2) is a restatement of parts of ss. 6.04 (3), 10.53 (1). Parts of those sections and s. 10.53 (2), (3), (5) and (6) (in part) are combined in this bill and are transferred to s. 60.07, Stats. Sec. 10.53 (6) (last part) was deleted as unnecessary. (Bill No. 755-A)

#### **5.35 Polling place requirements. (1)**

**NATIONAL FLAG.** On election days, every polling place shall properly display the national flag during all hours the polls are open.

(2) **VOTING BOOTHS.** There shall be one voting booth for every 100 electors who voted at the last general election. The booths shall be constructed at least 24 inches on a side, have a shelf to write on and be sufficiently enclosed to assure privacy for the elector and anyone lawfully assisting him while marking his ballot. The booths shall be placed apart from other activities in the polling place. Only the proper observers, election officials, and electors receiving, preparing or depositing their ballot shall be in the voting area.

(3) **BALLOT BOXES.** Where the voting procedure makes them necessary, there shall be a separate ballot box for each form of ballot at each polling place. There must be a suitable lock and key for each, and an opening no

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larger than is sufficient to receive a single folded ballot.

History: 1965 c. 666.

Legislative Council Note, 1965: Sub. (1) is based on s. 6.79 (in part). The present provision requires the flag to be flown only at general elections.

Sub. (2) is based on s. 6.30, but makes 2 changes. The number of voting electors was changed from 50 to 100 per booth to be consistent with actual practice. Also, to reflect present practice, the specifications pertaining to the physical arrangement in polling places have been revised.

Sub. (3) is based on ss. 6.045 (2) (in part), 6.23 (18), 6.46 (in part), 7.06 (2nd sentence), 8.04 (2) (2nd sentence, in part), 8.05 (3rd sentence) and 10.47 (1st sentence in part). Sec. 6.045 (2) stating one ballot box per ward shall be provided, one or more sets of election officials may serve the whole municipality and each ward shall be separately canvassed has been deleted. The necessity of these special provisions could not be justified. (Bill No. 755-A)

### 5.37 Voting machine requirements. (1)

Voting machines shall give every elector a reasonable opportunity to vote for any person for any office and on any proposition he is entitled to vote on, assure privacy to the elector so no one will know how he is voting or has voted, preclude the electors from voting for persons or propositions upon which they are not entitled to vote and from voting more than once for the same office or on the same proposition. Voting machines shall be constructed to lock so they cannot be manipulated, tampered with, or show the number of votes registered for any candidate or proposition while voting is in progress. The machines shall provide a method for electors to vote a straight party ticket, shall permit voting a split ticket and shall record each vote cast.

(2) When 2 or more precincts or wards are joined to use a voting machine, under s. 5.15 (6) (b), the machine shall be constructed to allow the electors to vote for all nominated candidates and issues for their ward or precinct, but for no other.

(3) For presidential electors one device may be provided to vote for all of one party's electoral candidates at the same time. The device shall be opposite or adjacent to the ballot containing the names of the party's candidates for president and vice president.

(4) Voting machines may be used at primary elections when they comply with subs. (1) and (2) and the following provisions: All candidate's names entitled to appear on the ballots at the primary shall appear on the machine; the elector cannot vote for candidates of more than one party, whenever the restriction applies; the elector may secretly select the party for which he wishes to vote; the elector may vote for as many candidates for each office as he is lawfully entitled to

vote for, but no more.

(5) Polling places may have more than one voting machine. The voting machines shall be apart from other activities in the polling place with their exteriors in full view of the election officials. Only the proper observers, election officials and one elector at a time for each machine shall be in the voting area.

History: 1965 c. 666.

Legislative Council Note, 1965: Sub. (1) is a restatement of s. 11.03 (1), (2) and (4), and s. 11.06 (4) (last sentence) except that the machines must now provide a method for voting a straight party ticket. Present law makes this permissive.

Sub. (2) is a restatement of s. 11.04 (3rd sentence in part).

Sub. (3) is a restatement of s. 11.03 (3), except the last part of the last sentence was deleted since s. 5.03 in this bill sufficiently states the provision.

Sub. (4) is a restatement of s. 11.15.

Sub. (5) (1st sentence) is a restatement of s. 11.06 (1). Sub. (5) (remainder) is based on s. 11.06 (4), but as in s. 5.35 (2) in this bill, physical specifications have been revised. (Bill No. 755-A)

### 5.40 Voting machines shall be used. (1)

The common council of every city and the trustees of every village with a population of 10,000 or more shall require the use of voting machines by the September 1966 primary. Any other municipal governing body may adopt and purchase voting machines for use in the various precincts.

(2) Only voting machines complying with s. 5.37 shall be used in any election in this state.

History: 1965 c. 666.

Legislative Council Note, 1965: Subs. (1) and (2) are a restatement of s. 11.04 (1st part). The provisions of s. 11.14 pertaining to experimental use of voting machines was deleted as unnecessary. The provision of s. 10.24 pertaining to voting machines in the city of Milwaukee was also deleted. (Bill No. 755-A)

## BALLOT FORM

5.51 General provisions. (1) All ballots shall be of sufficient width and length to provide space for all matter required to be printed on them.

(2) The paper used for ballots shall be 35 pounds per ream for sheets 24 inches by 36 inches. If a different size sheet is used, the weight per ream shall be proportioned accordingly, but shall meet this standard.

(3) All ballot columns shall be separated by lines at least one-eighth inch in width.

(4) No pasters shall be placed on a ballot by election officials except under s. 7.35 (3). Any other pasters applied by them shall not be counted.

(5) Sample ballots shall be printed on a different color paper than the official ballots, and need not have the indorsement and certificate.

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(6) All candidates' names for the same office shall be printed on the ballot in the same size and style of type.

History: 1965 c. 666.

Legislative Council Note, 1965: Sub. (1) is a restatement of s. 6.23 (16) (1st sentence, last part) and s. 6.23 (17)(b) (1st sentence, 1st part).

Sub. (2) is a restatement of s. 6.23 (16) (1st sentence, 1st part), except the color of paper was deleted, and s. 6.23 (17)(b) (remainder).

Sub. (3) is a restatement of s. 6.23 (3).

Sub. (4) is a restatement of s. 6.23 (11) with some clarification.

Sub. (5) is a combination of s. 5.11 (5) (2nd sentence) and s. 6.23 (17)(c) without substantive change.

Sub. (6) is new. It is intended to prevent the use of different size type on any ballot for candidates for the same office. (Bill No. 755-A)

**5.53 Voting machine ballots.** (1) The ballots shall be placed on or in the machine, under s. 5.64 and may be arranged in either vertical or horizontal rows.

(2) Where the provisions require separate ballots, the names or questions shall be placed in separate rows upon the machines so they are voted on separately.

History: 1965 c. 666.

Legislative Council Note, 1965: This section is a restatement of ss. 10.24 (in part) and 11.09 (2). The remainder of s. 10.24 has been deleted—see the note to s. 5.40 in this bill. (Bill No. 755-A)

**5.55 Backs of ballots.** On the back and outside of every paper ballot shall be printed "Official \_\_\_\_\_ Ballot" or "Official \_\_\_\_\_ Ballot for \_\_\_\_\_." followed by the designation of the polling place for which the ballot has been prepared, the date of the election, and the official indorsement and blank certificates in substantially the following form:

OFFICIAL \_\_\_\_\_ BALLOT  
FOR  
\_\_\_\_\_ Precinct, \_\_\_\_\_ Ward,  
City (Village or town) of \_\_\_\_\_  
\_\_\_\_\_, 19\_\_\_\_\_.

Ballot Clerks

Absent Elector's Ballot issued by  
\_\_\_\_\_ Municipal Clerk

We certify that the within ballot was marked by us for an elector incapable under the law of marking his own ballot and as directed by him.

\_\_\_\_\_ of Election,

\_\_\_\_\_ of Election.

I certify that the within ballot was marked by me at the request of an absentee elector incapable under the law of marking his own ballot and as directed by him.

Signature of officer authorized to administer oaths

Title

History: 1965 c. 666.

Legislative Council Note, 1965: This section is a restatement of s. 6.23 (14) plus supplemental provisions to give the complete requirements of the ballot backs, which, while referred to, are not specifically set forth in a particular section. Based on a change in duties whereby the county clerk will not be one of the issuers of absentee ballots, the form reflects this change. (Bill No. 755-A)

**5.58 Spring primary ballots.** At spring primary elections the following ballots, when necessary, shall be provided for each precinct. Only nonpartisan candidates nominated for office by nomination papers shall have their names placed on the official spring primary ballot under the proper office designation, but the ballots shall allow room for write-in candidates.

(1) MUNICIPAL BALLOT. There shall be a separate ballot for municipal primaries.

(a) For all cities, except 1st class cities, the official spring primary ballot shall be arranged by the city clerk under the applicable provisions of s. 5.60 (1) (b) 2.

(b) In 1st class cities, the arrangement shall be determined by drawing lots by or under the supervision of the executive secretary of the city election commission in his office at 2 p.m. the day after the deadline for filing nomination papers.

(c) Towns and villages holding a primary under s. 8.05 shall arrange the ballot in substantially the same form as provided in s. 5.60 (5) and (6) and annexed ballots 6A, 6B and 8 as appropriate.

(2) JUDICIARY AND STATE SUPERINTENDENT. (a) There shall be a separate ballot for state superintendent and judicial officers. In counties over 500,000 population the ballot also shall include those offices under s. 8.11 (2). The arrangement of names for state superintendent and judicial candidates for more than one county shall be determined by the secretary of state under s. 5.60. Arrangement of judicial candidates within a county shall be arranged by the county clerk under s. 5.60 or by the executive secretary of the county election commission with other offices under s. 8.11 (2) by drawing lots at 2 p.m. the day following the deadline for filing nomination papers. The drawing shall be by or under the supervision of the executive secretary or a member of the county election commission. The ballot shall be in substantially the same

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form as annexed ballot "E" but titled, "Official Ballot for Judicial and State Superintendent Primary".

(b) The candidates for the offices shall be designated on the ballot as follows:

"For justice of the Supreme Court", "For State Superintendent", "For Circuit Judge Br. \_\_\_\_\_", "For County Judge Br. \_\_\_\_\_", and others as the situation requires.

(3) NAMES ON SPRING BALLOT. Only 2 candidates for state superintendent, for any judicial office, and in counties over 500,000 population only 2 candidates for a member of the county board of supervisors in each district, and twice as many candidates as are to be elected members of the board of school directors, the board of education or other elective officers receiving the highest number of votes at the primary shall be nominees for the office at the spring election and only their names shall appear on the official spring ballot.

History: 1965 c. 666.

Legislative Council Note, 1965: The intro. par. (1st sentence) is new. It is intended to provide uniformity among the several sections pertaining to the ballots to be used at the different elections. The 2nd sentence is a restatement of s. 5.25 (1).

Sub. (1) is based on several sections. Par. (a) is a restatement of s. 5.25 (2)(a). Par. (b) is a restatement of s. 5.25 (2)(b). Par. (c) is based on s. 5.27 (4)(b) and (c), except the ballot is annexed as are other ballots, rather than being printed in the context of the statutes.

Sub. (2)(a) is a restatement of ss. 5.25 (2)(c) (1st sentence) and 5.25 (3) (1st sentence). Par. (b) is based on s. 5.25 (3) (2nd sentence), but the provision is state-wide under this bill and the name of the judge being succeeded has been deleted from the ballot provisions.

Sub. (3) is a restatement of ss. 5.25 (2)(c) (last sentence), 5.25 (3) (last sentence) and 5.26 (4). (Bill No. 755-A)

**5.60 Spring election ballots.** At spring elections the following ballots, when necessary, shall be provided for each precinct.

(1) JUDICIARY AND SCHOOL. There shall be a separate ballot giving the names of all candidates for judicial offices and state superintendent printed in substantially the same form as annexed Ballot "E".

(a) The names of candidates for the same office shall be placed in the same column. No party designation shall appear on the official ballot.

(b) 1. The secretary of state shall certify the candidates' names and designate the official ballot arrangement in each assembly district for candidates for supreme court justice, circuit court judge when the circuit comprises more than one county and state superintendent. For justice and state superintendent, the secretary of state shall number the assembly districts consecutively by population, beginning with the most populous district.

For circuit court judge, when the circuit comprises more than one county, the secretary of state shall likewise number the assembly districts or parts of districts within the circuit.

2. The candidates shall be certified within each numbered area. The area numbered "one" shall have all candidates for each office arranged alphabetically. The remaining areas shall then have the names certified through alphabetical rotation of the candidates' names for the office so that the candidate appearing first in the preceding numbered area will appear last and all other candidates' names for the same office shall be moved up one position on the ballot. The rotation shall continue and be repeated as necessary until all the numbered areas have had all the candidates for the offices involved certified.

(c) The county clerk or board of election commissioners shall determine the official ballot order for judicial office candidates representing one county or less. The county clerk shall place all cities, villages and towns within the judicial district in alphabetical order, number all precincts within each, and arrange the names of all candidates by use of alphabetical rotation, under sub. (1) (b) 2. In counties over 500,000 population, the board of election commissioners shall arrange the names of all candidates in the order provided in par. (b).

(d) When 2 or more judges of the same court are to be elected, the official ballot shall contain the names of all candidates, shall state the number of judges to be elected and the number of candidates for whom each elector may vote. Each candidacy shall show the branch being filled.

(2) COUNTY BOARD, MILWAUKEE COUNTY. There shall be a separate ballot listing all county board candidates in counties having a population of 500,000 or more. There shall be no party designation. Except for vacancies under s. 17.21 (5), the election shall be the same as for judicial officers elected in counties with less than 500,000 population.

(3) CITY. There shall be a separate ballot giving the names of all candidates for city and school offices, except under sub. (4), printed in substantially the same form as annexed ballot "B". City election ballots may vary in form to conform to the law under which an election is held.

(a) No party designation shall appear on the official ballot.

(b) The city clerk or executive secretary of the city election commission shall arrange the official city ballot under s. 5.62 (4).

NOTE: The revision of the Election Laws is effective July 1, 1967.

(4) CITY SCHOOL. There shall be a separate ballot for city school officers when so required. Officers elected under s. 40.803 (1) (b) 1 may be placed on the same ballot as other city officers.

(5) VILLAGE.. There shall be a separate ballot giving the names of all candidates for village offices.

(a) The offices to be filled shall be arranged on the official ballot in the order they are named in the statutes creating them. The candidates shall be arranged alphabetically within each office designation. Where there is more than one precinct, candidates shall be arranged by alphabetical rotation under sub. (1) (b) 2. Sufficient space shall be left under each office for write-in candidates.

(b) Only persons nominated under s. 8.05 shall be placed on the official ballots. If no nominations are made, the spaces for this office shall be left blank.

(6) TOWN. There shall be a separate ballot giving the names of all candidates for town offices, except the superintendent of highways, in substantially the same form as annexed Ballot 6A or 6B. Ballot 6A is for the election of one supervisor and 6B is for the election of the 2 supervisors jointly. On Ballot 6B all supervisor candidates shall be listed together and the voting instructions shall state "Vote for Two". Towns now electing their supervisors jointly shall continue to do so until the method outlined for Ballot 6A is adopted at the annual town meeting. Where there is more than one precinct, candidates shall be arranged by alphabetical rotation under sub. (1) (b) 2.

(7) REFERENDUM BALLOTS. There shall be a separate ballot setting forth all propositions requiring a vote in the form and manner provided by s. 5.64.

(8) PARTY NATIONAL CONVENTION. There shall be a separate ballot giving the names of all candidates for delegates to their party national convention, in presidential election years, in substantially the same form as annexed Ballot 9.

(a) The official ballots shall be securely fastened together at the bottom. There shall be as many separate tickets as there are authorized parties participating in the election. The tickets shall be arranged consecutively according to the votes each party received at the last gubernatorial election, with the party receiving the most votes placed on top.

(b) After drawing of lots by or under the supervision of the board of state canvassers, the ballots shall be divided into columns ar-

anged from the left, with the names of uninstructed candidates printed at the right.

(c) The top of each column shall have the name of a candidate for president and the words "Candidate for President". Directly underneath shall be a circle for the elector to mark his preference for that candidate's presidential electors. The column shall then list the delegate candidates committed to the presidential candidate at the top of the column.

(d) The names of candidates for delegates at large and district delegates favoring a presidential candidate shall be printed in that candidate's column. Candidates not favoring any particular candidate for president shall be printed in the uninstructed column. The order of the delegates' names within each column shall be alphabetical for the delegates at large and the district delegates.

(e) Voting for individual candidates shall not be permitted except for uninstructed delegates and the ballots shall provide squares for voting for individual candidates only after uninstructed delegates' names.

(9) REFERENDA BALLOT. The referenda ballot used at the spring election shall be the same as that used at the general election under s. 5.64 (2).

History: 1965 c. 666.

Legislative Council Note, 1965: The intro. par. is new; see note to s. 5.58 (intro. par.).

Sub. (1)(intro. par.) is a restatement of s. 6.23 (16)(2nd sentence). The ballot color is by local discretion. Par. (a) is a combination of ss. 6.23 (15) and 6.24 (in part). The 2nd sentence of s. 6.24 has been deleted as unnecessary as this is a nonpartisan election and a nonpartisan ballot. Par. (b) is a restatement of s. 6.19 (2), (3), (4) and (5) with some clarification as to who certifies circuit judge candidates. Par. (c) is a restatement of s. 6.20 with some clarification. Par. (d) is a restatement of s. 8.04 (2)(2nd sentence in part), except the statement of who is being succeeded has been deleted.

Sub. (2) is a restatement of s. 6.24 (in part), except the population figures have been made uniform.

Sub. (3)(intro. par.) combines ss. 5.14 (3), 6.23 (17)(a) (in part) and 6.24 (in part) but deletes the color of the ballot and provides the exception based on s. 10.41. Par. (a) is based on s. 6.24, but deletes the provision permitting a nonpartisan statement following each candidate's name. Par. (b) is a restatement of s. 10.36 (4).

Sub. (4) is a restatement of s. 10.41.  
Sub. (5)(intro. par.) is based on s. 10.47 (1st sentence in part). Par. (a) is a restatement of ss. 5.27 (1) (19th sentence) and 10.48 (1) (sentences 3 and 4). Par. (b) is a restatement of s. 10.48 (2).

Sub. (6) is a restatement of s. 10.52 (1) (first and last sentences) and s. 10.52 (2).

The ballots are annexed to the statutes as are other sample ballots rather than being printed in the context of the statutes.

Sub. (7) is based on s. 10.61. The general provisions of the section are presented elsewhere and are not repeated here.

Sub. (8)(intro. par.) is based on s. 5.39 (1)(a), but the ballot is annexed rather than printed in context. Par. (a) is a restatement of s. 5.39 (2). Par. (b) is a restatement of s. 5.39 (1)(b)(2nd sentence) with some clarification. Par. (c) is a restatement of s. 5.39 (1)(b)(1st sentence). Par. (d) is a restatement of s. 5.39 (1)(b) (3rd sentence) and (3) (1st sentence). Par. (e) is a restatement of s. 5.39 (1)(b)(4th sentence).

NOTE: The revision of the Election Laws is effective July 1, 1967.

Sub. (9) provides a cross-reference to the section where all referenda ballot provisions are set forth. (Bill No. 755-A)

**5.62 September primary ballots.** At September primaries, where necessary, the following ballot shall be provided for each precinct, in substantially the same form as annexed Ballot 1.

(1) (a) There shall be an Australian ballot made up of the several party tickets with each party entitled to participate in the primary having its own ballot. The several ballots shall be secured together at the bottom. The party ballot of the party receiving the most votes for governor at the last general election shall be on top with the other parties arranged in an order based on their vote for governor at the last general election.

(b) Every political organization listed as independent and every recognized political party listed on the official ballot at the last election that received at least one per cent of the total votes cast for any state-wide office for which they had a candidate shall have a separate primary ballot and separate column on the general election ballot. The chairman and secretary of the organization which was "independent" at the last election shall certify to the secretary of state their party name, which shall not duplicate the name of an existing party.

(2) Any political organization may be represented by a separate ballot if, not later than June 1 in the year of a September primary, it files with the secretary of state a petition so requesting, signed either by electors equal to one-sixth of the total vote cast for governor in each of at least 10 counties at the last election or one-sixth of the electors in any senate, assembly or congressional district. When their candidates fulfill the nomination paper requirements, they shall appear on a separate ballot within the district or state.

(3) The secretary of state shall designate the official primary ballot arrangement for state offices by using the same procedure as for supreme court justice candidates under s. 5.60 (1) (b); congressional and state senate candidates by using the same procedure as for circuit court judges under s. 5.60 (1) (b) by numbering the assembly districts and parts of assembly districts within each congressional or senate district; and assembly candidates, when the district comprises more than one county, by similarly numbering and arranging by population the counties within an assembly district. The candidates shall then be

listed by alphabetical rotation, under s. 5.60 (1) (b) 2.

(4) The county clerk or county board of election commissioners shall designate the official primary ballot arrangement for all candidates filing nomination papers in that office.

(a) The county clerk shall alphabetically arrange the towns, villages and cities in that order and under each shall list their wards and precincts in numerical order for each assembly district or part thereof. When there is more than one assembly district, each shall be arranged separately by district and in the order of their number. Precincts in each senate district in the county shall be arranged the same way. Within a county the county clerk shall arrange the names of all candidates filing nomination papers with his office within each precinct within each assembly and senate district or part of a district by alphabetical rotation, under s. 5.60 (1) (b) 2 for each district. When the county comprises one or more state senate districts the same procedure shall be used.

(b) The county board of election commissioners in counties having a population of 500,000 or more shall prepare the official primary ballot as follows. Assembly candidates shall be arranged as under par. (a). State senate and county office candidates shall be arranged by consecutively listing the assembly districts within each senate district by population beginning with the most populous district as number 1. The commissioners shall then arrange the names of all candidates for each office for the first assembly district, and each succeeding district, by alphabetical rotation, under s. 5.60 (1) (b) 2.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** The intro. par. is new and gives a number to the ballot presently annexed at s. 5.11.

Sub. (1)(a) is a restatement of s. 5.13 (1) with some clarification. Par. (b) is a restatement of s. 5.13 (2). Sub. (2) is a restatement of s. 5.13 (3) with one exception—the date has been fixed.

Sub. (3), with one exception, is a restatement of s. 5.08 (2) (a), (b), (c), (3)(a), and (b). The section uses cross-references to decrease duplication. The circuit court judge provision, a non-partisan office, of sub. (2)(b) has been deleted as s. 5.58 in the bill pertains to the spring primary and includes the necessary provisions for that office.

Sub. (4) is a combination of s. 5.11 (2), (3) and (4). The intro. par. establishes the scope established by the present provisions. Par. (a) is a restatement of s. 5.11 (2) and (3). Par. (b) is a restatement of s. 5.11 (4). (Bill No. 755-A)

**5.64 General election ballots.** At general elections the following ballots, when necessary, shall be provided for each precinct.

(1) OFFICIAL BALLOT. There shall be a separate ballot giving the names of all candi-

NOTE: The revision of the Election Laws is effective July 1, 1967.

dates for state, congressional, legislative and county offices in substantially the same form as annexed Ballot "A".

(a) The ballot shall be labeled "Official Ballot" in lettering at least three-eighths of an inch high. Directly underneath in plain, legible type, shall be the following voting instructions: "If you desire to vote a straight party ticket for all state, congressional, legislative and county offices, place a cross (X) or other mark in the circle under the party designation at the top of the party column. If you desire to vote for individual candidates, place a cross (X) or other mark in the square to the right of each candidate you wish to vote for or write the name of your preference in the space provided."

(b) Below the voting instructions the ballot shall be divided into vertical columns. The regular party tickets nominated by conventions, constituted and authorized committees, or primaries, shall be printed each in a separate column under the party designation. The columns shall be arranged from left to right according to rank, with the party receiving the most votes in the last gubernatorial election placed first. To the right of the party columns shall be the necessary number of columns for independents.

(c) The party designation shall be printed at the top of each column and under it shall appear a circle at least three-eighths of an inch in diameter for electors wishing to vote a straight party ticket. Within each column only candidates nominated by the party designated at the head of the column shall appear.

(d) The offices shall be consecutively arranged vertically beginning at the top with state offices, then congressional offices, legislative offices and ending with county offices.

(e) Within each column, each space shall state the office to be voted for directly above the candidate's first and last name. The candidate's name shall be placed in the party column by which nominated or if independent, in a column designated independent and all candidates for the same office shall appear on or between the same horizontal lines on the ballot. To the right of each candidate's name, in each column, shall be a square for the elector to place his cross (X) or other mark.

(2) REFERENDUM BALLOT. There shall be a separate ballot when any proposed constitutional amendment or any other measure or question is submitted to a vote of the people. The ballot shall give a concise statement of

each question in accordance with the act or resolution directing submission in substantially the same form as annexed Ballot "D". This ballot form shall be used at all elections when questions are submitted to a vote of the people.

(a) The ballot shall be titled "Official Referendum Ballot" in lettering at least three-eighths of an inch high. Directly underneath in plain, legible type shall be the following voting instructions: "If you desire to vote on any question, place a cross (X) or other mark in the square beneath the question after "yes" if in favor of the question, or place a cross (X) or other mark in the square after "no" if opposed to the question."

(b) Under voting instructions shall be the concise statement of the question submitted. Directly under each question shall appear the words "yes" and "no" with a square to the right of each word.

(c) In addition to the official referendum ballot described in pars. (a) and (b), there shall be the following official referendum ballots, substantially in the forms annexed.

1. Form D1 under ss. 67.05, 67.13 and 67.14.

2. Form D2 under s. 66.054 (5) (c).

3. Form D3 under s. 66.054 (5) (c).

4. Form D4 under s. 176.38 (3).

5. Form D5 under s. 8.05 (3) (f).

(3) PRESIDENTIAL BALLOTS. There shall be a separate ballot when the president and vice president of the United States are to be elected containing the names of all candidates for the offices in substantially the same form as annexed Ballot "C".

(a) The ballot shall be titled "Official Presidential Ballot" in lettering at least three-eighths of an inch high. Directly underneath in plain, legible type shall be the following voting instructions: "Place a cross (X) or other mark in the square opposite the name of the candidate for whose electors you desire to vote. Vote in ONE square only." The electors of the candidate need not be listed on the ballot but a vote for the candidates for president and vice president is a vote for them through their named presidential electors.

(b) The party candidates shall be arranged consecutively from top to bottom based on the number of votes received by their party's candidate for governor at the last election beginning with the party that received the most votes. The independent presidential vice president candidates shall be listed alphabetically according to the presidential candidates, following under the party candidates.

**NOTE: The revision of the Election Laws is effective July 1, 1967.**

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** The intro. par. is a restatement of s. 6.23 (1) (in part).

Sub. (1)(intro. par.) is a restatement of s. 6.23 (1)(last part) and incorporates the cross references thereto of s. 6.23 (17)(a)(1st part) and s. 9.02 (2) (1st sentence). Par. (a) is a restatement of s. 6.23 (7)(1st 3 sentences) with some clarifications. Par. (b) is a restatement of s. 6.23 (2). Par. (c) is a restatement of s. 6.23 (7)(4th sentence), except the provision for erased or written over names is set forth in s. 7.50 in this bill and is not repeated here. Par. (d) is a restatement of s. 6.23 (6). Par. (e) is a restatement of s. 6.23 (4).

Sub. (2)(intro. par.) is a restatement of s. 6.23 (8)(1st sentence, in part, and last sentence) and s. 6.23 (17)(a) (in part). Par. (a) is a restatement of s. 6.23 (8)(2nd and 3rd sentences). Par. (b) is a restatement of s. 6.23 (8)(1st sentence, in part). Par. (c) sets forth the referenda ballots at the end of present ch. 6 and the referendum ballot referred to in present s. 5.27 (4)(e), (s. 8.05 (3)(f) in this bill). The color provisions have been deleted.

Sub. (3) (intro. par.) is a restatement of s. 6.23 (9)(1st sentence in part). Par. (a) is a restatement of s. 6.23 (9)(1st sentence, in part) and (10)(a) with some clarification. Par. (b) is a restatement of s. 6.23 (9)(remainder). (Bill No. 755-A)

**5.66 Number of ballots.** (1) For local elections, where necessary, municipal clerks shall have sufficient ballots printed to assure all electors or voting machines a ballot. For all other elections the municipal clerks shall certify to their county clerk, on the first day of the month preceding the month in which the primary is held, the approximate number of electors in the district. The county clerk shall total these estimates and order a sufficient supply to assure ballots for every elector.

(2) A sufficient number of sample ballots shall be printed. Voting machine sample ballots shall be a reduced size diagram of the face of the voting machine with all candidates, issues and voting instructions as they will appear on the official ballot. The county clerk shall distribute the samples approximately as follows: 45% shall be kept in the office and distributed to electors requesting them; 45% shall be sent to the municipalities for distribution to the electors; 10% shall be sent to the polling places in proportion to the number certified in sub. (1) and made available to electors at the polls on election day.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is a combination of ss. 5.11(5)(3rd sentence) and 6.26 (1) with one change—the date has now been fixed so it will apply to any primary rather than just the September primary.

Sub. (2) is based on ss. 5.11(5)(3rd sentence), 6.26(2) and 11.09(4). The provision of s. 6.26(2) limiting the number of sample ballots has been changed. The provisions of s. 11.09(4) pertaining to sample ballots for municipalities over 200,000 population using voting machines was incorporated into this section and several provisions were changed for uniformity. (Bill No. 755-A)

**5.68 Cost of elections.** (1) All costs for ballots, supplies, machines and any other ma-

terial necessary in preparing or conducting any election shall be paid for by the governing body whose officer or commission is responsible under ch. 7 to provide them.

(2) When voting machines are used, the ballots for all county offices and offices higher than county level shall be printed and paid for by the county wherein used. When the voting machine ballot includes a school district ballot, that ballot shall be paid for by the municipality in the school district with the highest equalized valuation. When voting machine ballots include 2 or more levels of government, the cost of printing shall be prorated between the units of government sharing the ballot. Referenda ballots shall be similarly printed and paid for.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is a combination of ss. 6.25(5), 6.26(2)(last sentence), 6.46(1st sentence, in part), 6.82, 8.05 (2nd sentence), 10.38, 10.48 (1)(1st sentence, in part), 10.53 (4) all relating to payment of election costs. S. 6.79 is also included.

Sub. (2) is based on ss. 6.21 (4)(last part) and 11.09(1)(b). It also now specifically provides for school districts. (Bill No. 755-A)

**5.70 Printers' fees.** (1) The county clerk shall award the printing of ballots to the lowest responsible bidder within the county upon the accepted bidder's filing with the clerk a bond in the penal sum of at least twice the amount of the accepted bid. The bond shall be signed by one or more sureties and conditioned upon the bidder's faithful performance of all conditions imposed on him by the clerk. The clerk shall keep all printing proposals in his office. The county clerk may reject all bids deemed excessive and contract for the printing outside the county.

(2) The city board of election commissioners in counties having a population of 500,000 or more may similarly provide for the printing of registry lists.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 6.25(1)(after the 1st semicolon), except the provision for 2 sureties has been changed.

Sub. (2) is based on s. 10.14 but makes some changes for uniformity. (Bill No. 755-A)

**5.75 Correcting ballot errors.** Whenever an affidavit is filed by any elector alleging error or omission in the printing of the ballots, the proper circuit court or its presiding judge, by order, may summarily require a county or municipal clerk to correct the error, or show cause why it should not be corrected and, by order, after the hearing have the correction made.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This is a restatement of s. 6.43. (Bill No. 755-A)



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## CHAPTER 6. THE ELECTORS.

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### WHO MAY VOTE

**6.02 Qualifications, general.** (1) Every United States citizen age 21 or older who has resided in this state for one year preceding any election and who has resided in an election district or precinct for 10 days before any election where he offers to vote is an eligible elector.

(2) Any United States citizen age 21 or older who has resided in this state for one year preceding any election, but who has not resided in the election district or precinct for 10 days preceding any election is entitled to vote in the election in the election district or precinct within this state where he was last a qualified elector.

(3) Any United States citizen age 21 or older who has resided in this state for one year preceding any election, but who moves within this state after registration closes shall vote at his old precinct if otherwise qualified, or he may vote in the new precinct if he can comply with the 10-day residence requirement at the new address and complies with s. 6.55.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Subs. (1) and (2) are based on s. 6.01 (1). Sub. (3) is new. It is intended to prevent confusion which exists due to change of address on election day. This does not disenfranchise an otherwise qualified elector. (Bill No. 755-A)

**6.03 Disqualification of electors.** (1) The following persons shall not be allowed to vote in any election and any attempt to vote shall be rejected.

(a) Any person under guardianship, non compos mentis, or insane;

(b) Any person convicted of treason, felony or bribery, unless his civil rights are restored.

(2) No person shall be allowed to vote in any election in which he has made or become interested, directly or indirectly, in any bet or wager depending upon the result of the election.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1)(intro. par.) is a combination of ss. 6.01 (3)(in part) and 6.54 (in part). Both provisions are made general. Par. (a) is a restatement of s. 6.54 (in part). Par. (b) is a restatement of s. 6.01 (3) but incorporates treason and felony from Article III, s. 6 of the Wisconsin constitution.

Sub. (2) is a restatement of s. 6.01 (2). (Bill No. 755-A)

**6.05 Election day age determines elector's rights.** Any person who will be 21 years old on or before election day is entitled to vote if he complies with ch. 6.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This is a restatement of ss. 6.185(5) and 10.16(1) with some clarifications. (Bill No. 755-A)

**6.10 Elector residence.** Residence as a qualification for voting shall be governed by the following standards:

(1) The residence of a person is the place where his habitation is fixed, without any present intent to move, and to which, when absent, he intends to return.

(2) When a married man's family resides at one place and his business is conducted at another place, the former establishes the residence. If the family place is temporary or for transient purposes, it is not the residence.

(3) When an elector moves from one precinct to another or from one municipality to another within the state after the last registration day but at least 10 days before the election, he may vote in and be considered a resident of the new precinct where he resides upon changing his registration not later than 5 p.m. of the day before the election, under

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s. 6.55. If he does not change his address or if he moves within 10 days of an election, the elector shall vote in his old precinct if otherwise qualified to vote there.

(4) An unmarried person sleeping in one precinct and boarding in another has residence where he sleeps. An unmarried person in a transient vocation, a teacher or a student who boards at different places for part of the week, month or year, has his residence, if one of the places is with his parents, at the place of his parents unless through registration or similar act he elects to establish a residence elsewhere. If he has no parents and if he has not registered elsewhere, his residence shall be at the place which he considered his residence in preference to any other for at least 10 days before an election. If this place is within the municipality, he is entitled to all the privileges and subject to all the duties of other citizens having their residence there, including voting.

(5) A person shall not lose his residence when he leaves his home and goes into another state or county, town, village or ward of this state for temporary purposes with an intent to return.

(6) As prescribed in the constitution, no person loses his residence in this state while absent from this state on business for the United States or this state; and no member of the armed forces of the United States gains a residence in this state because he is stationed within this state.

(7) A guest at a national or a state soldiers' home in this state, a guest at a home for the aged supported by benevolence, or a patient of any county home or other charitable institution, resides in the municipality where the home is located and within the precinct where he sleeps, unless before becoming a guest at the home he elects to maintain his prior residence as his voting residence.

(8) No person gains a residence in any ward, town or village of this state while there for temporary purposes only.

(9) No person loses the right to vote at his place of residence while receiving public assistance or unemployment compensation even if the legal settlement for assistance is elsewhere.

(10) If a person moves to another state with an intent to make his permanent residence there, or, if while there he exercises his right as a citizen of that state by voting, he loses his Wisconsin residence.

(11) Neither an intent to acquire a new

residence without removal, nor a removal without intent, shall affect residence.

History: 1965 c. 666.

Legislative Council Note, 1965: This section is mainly derived from s. 6.51, but it does not attempt to combine the residence requirements with the questions to be submitted to challenged electors at the polls. This section establishes the residence requirements. S. 6.92 in this bill sets forth the questions to be submitted to challenged electors at the polls.

The intro. par. is a restatement of s. 6.51 (intro. par.) except as noted above. S. 10.47 (last sentence) pertaining to residence is deleted since this section includes these provisions.

Sub. (1) is a restatement of s. 6.51(2).

Sub. (2) is a restatement of s. 6.51(7) and (8).

Sub. (3) is based on s. 6.51 (12)(2nd sentence). Changes were made to be consistent with s. 6.02 in this bill.

Sub. (4) is based on s. 6.51(12)(1st sentence) and (13), except that obsolete provisions were deleted.

Sub. (5) is a restatement of s. 6.51(3). Because of the conflict between that provision and s. 6.51 (6), the latter subsection is deleted.

Sub. (6) is a restatement of s. 6.51(1).

Sub. (7) is a combination of ss. 6.51(11)(1st sentence) and (14) and are made uniform. S. 6.02(2), providing contradictory provisions, is deleted.

Sub. (8) is a restatement of s. 6.51(4).

Sub. (9) is a restatement of s. 6.51(11)(2nd sentence).

Sub. (10) is a restatement of s. 6.51(5) and (10).

Sub. (11) is a restatement of s. 6.51(9). (Bill No. 755-A)

**6.15 New residents. (1) QUALIFICATIONS.**

Any person who was or who would have been a qualified elector on the day of the presidential election had he remained in the state from which he moved and who is a qualified elector under ss. 6.02 and 6.03, except he has been a resident of this state for less than one year prior to the date of the presidential election, is entitled to vote for the president and vice president but for no other offices.

(2) APPLICATION FOR BALLOT. Any person qualifying under sub. (1) need not register to vote, but shall apply for and cast his ballot as follows:

(a) The elector's request for the application form may be made to the proper municipal clerk either in person or in writing any time during the year in which his residence requirement is incomplete. The application form shall be returned to the municipal clerk after the affidavit has been signed in the presence of the clerk or any officer authorized by law to administer oaths. The affidavit shall be in substantially the following form:

STATE OF WISCONSIN )  
 ) ss.  
 County of \_\_\_\_\_ )

I, \_\_\_\_\_, do solemnly swear that I am a citizen of the United States; that prior to establishing Wisconsin residence, my legal residence was in the \_\_\_\_\_ precinct of the \_\_\_\_\_ ward of the

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(town)(village)(city) of \_\_\_\_, state of \_\_\_\_, and residing at \_\_\_\_ street; that on the day of the next presidential election, I shall be at least 21 years of age and that I have been a legal resident of the state of Wisconsin since \_\_\_\_, 19\_\_\_\_, residing at \_\_\_\_\_ street, in the \_\_\_\_ precinct of the \_\_\_\_ ward of the (town)(village)(city) of \_\_\_\_, county of \_\_\_\_; that I have resided in the precinct less than one year, and pursuant to section 6.15 of the Wisconsin statutes, that I am qualified to vote for president and vice president at the election to be held November\_\_\_\_, 19\_\_\_\_, and that I hereby make application for an official presidential ballot, subject to complying with section 6.15 (2)(b) and (c) of the Wisconsin statutes.

Signed \_\_\_\_\_  
P.O. Address \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

(Name) \_\_\_\_\_  
(Title) \_\_\_\_\_

(b) The clerk shall enclose with the application form a card which the elector shall fill in and return with the application to the municipal clerk. The card shall state that he intends to vote for president and vice president in Wisconsin and that his voting privileges should be canceled at his previous residence. The card shall be in substantially the following form:

It is my intent to vote for president and vice president in Wisconsin, under section 6.15, Wisconsin Statutes. I hereby authorize the cancellation of my previous voting privileges at the following address:

(Street) \_\_\_\_\_, (Town, village, city) \_\_\_\_\_, (State) \_\_\_\_\_  
Signature \_\_\_\_\_  
Present address \_\_\_\_\_

(c) The municipal clerk upon receipt of the application form and voting privileges cancellation card shall immediately forward the card and a request for proof to the proper officials of the applicant's prior residence. The certificate of proof shall require the following information and be in substantially the following form:

CERTIFICATE OF PROOF OF MUNICIPAL OFFICIAL OF STATE OF FORMER RESIDENCE

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

Application No. \_\_\_\_\_  
I, \_\_\_\_\_, \_\_\_\_\_  
(Name) (Official title)  
of the \_\_\_\_\_ of \_\_\_\_\_, State of \_\_\_\_\_,  
(Town, village, city)  
do hereby certify that \_\_\_\_\_ would have been qualified to vote at the presidential election to be held November \_\_\_\_, 19 \_\_\_\_, in the named municipality, had said elector remained a resident of this state.  
Dated \_\_\_\_\_, 19 \_\_\_\_ Signed \_\_\_\_\_  
(Name)  
(Title)

(3) VOTING PROCEDURE. (a) If the certificate of proof required in sub. (2) is in order, the municipal clerk shall notify the applicant, in writing, of his eligibility and inform him that he may vote for the presidential electors not sooner than 15 nor later than one day before the election. The applicant, voting in person, shall mark the ballot in the clerk's presence in a manner that will not disclose his vote. The applicant shall fold the ballot so as to conceal his vote, deposit and seal it in an envelope furnished by the clerk, and execute the affidavit appearing thereon. The envelope shall on its face have the name and official title of the issuing clerk and on the other side an affidavit in substantially the following form:

STATE OF WISCONSIN )  
County of \_\_\_\_\_ ) ss.

I, \_\_\_\_\_, do solemnly swear that I am a citizen of the United States, that on the day of the next election I shall be at least 21 years of age; that I am now a resident of the \_\_\_\_ precinct in the (town)(village) of \_\_\_\_\_, or of the \_\_\_\_ ward in the city of \_\_\_\_\_, residing at \_\_\_\_\_ in that municipality, county of \_\_\_\_\_, state of Wisconsin; that within one year from this date I shall establish permanent residency in Wisconsin; that immediately prior to my moving to this state I resided in the state of \_\_\_\_, county of \_\_\_\_\_, (city) (town) (village) of \_\_\_\_\_, where I was a qualified elector at the time of my moving (or) where I would have been qualified to vote in the next presidential election had I maintained my residency there.

Signature of elector \_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

Signature of municipal clerk \_\_\_\_\_  
(b) The clerk shall enclose the envelope

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containing the ballot in a carrier envelope, securely seal it, and indorse it with his name, title and the words, "This envelope contains the vote for president and vice president of a new resident and shall be opened only at the polls during polling hours on election day." The clerk shall keep the envelope in his office until delivered by him to the inspectors, as provided in sub. (4).

(c) The clerk shall keep open to public inspection a list of all new residents who have voted under this section. The list shall give the name, address and application date of each elector.

(4) DELIVERY AND DEPOSIT OF BALLOTS.  
(a) Clerks holding new resident ballots shall deliver them to the election inspectors in the precincts where the new residents reside, as provided by s. 6.88 for absentee ballots.

(b) During polling hours, the inspectors shall open each carrier envelope so as not to tear the affidavit, announce the elector's name, check the affidavit for proper execution, and check the voting qualifications for the precinct.

(c) The inspector shall open the inner envelope without examination of the ballot other than is necessary to see that the issuing clerk has indorsed it.

(d) Upon satisfactory completion of the procedure under pars. (b) and (c) the inspector shall deposit the ballot in the ballot box, and enter the elector's name on the registry list with a notation that he is a new resident voting only in the presidential election.

(e) If the affidavit is insufficient, the elector is not a qualified elector in the precinct, or if the envelope is open or has been opened and resealed, the inspectors shall reject the vote. Rejected ballots shall be processed the same as rejected absentee ballots, under s. 6.88 (3)(b).

(5) CHALLENGE OF VOTE. Any new resident's vote may be challenged for cause, and the inspectors shall have the authority conferred by ss. 6.92 to 6.95 to inspect and determine the legality of the challenged votes.

(6) DEATH OF ELECTOR. When it appears by due proof to the inspectors that a person voting under this section has died before the date of the election, the inspectors shall return the ballot with defective ballots to the issuing official.

History: 1965 c. 666.

Legislative Council Note, 1965: Sub. (1) is a restatement of s. 9.045.

Sub. (2)(intro. par.) is a restatement of s. 9.046 (intro. par.). Par. (a) is based on s. 9.046(1)(a). The county clerk is removed as a person to whom application can be made. The request can now

also be made in writing and the affidavit signed by a person authorized to administer oaths. Par. (b) is new. It is intended to serve notice to the elector's state of prior residence that he is voting in Wisconsin and therefore should not be allowed to vote there. Par. (c) is a restatement of s. 9.046(1)(b) but the form prescribed by the secretary of state is included in the text of the statute.

Sub. (3)(a) is a restatement of s. 9.046(2)(a) and (b). Par. (b) is a restatement of s. 9.046(2)(c). Par. (c) is a restatement of s. 9.046(3).

Sub. (4)(a) is a restatement of s. 9.046(4)(a). Par. (b) is a restatement of s. 9.046(4)(b)(1st part). Par. (c) is a restatement of s. 9.046(4)(b)(middle part). Par. (d) is a restatement of s. 9.046(4)(b)(remainder). Par. (e) is a restatement of s. 9.046(4)(c).

Sub. (5) is a restatement of s. 9.046(5).

Sub. (6) is a restatement of s. 9.046(6). (Bill No. 755-A)

**6.18 Former residents.** If ineligible to qualify as an elector in the state to which he has moved, any former qualified Wisconsin elector may vote an absentee ballot in the precinct of his prior residence in any presidential election occurring within 24 months after leaving Wisconsin by requesting an application form and returning it, properly executed, to the municipal clerk of his prior Wisconsin residence. When requesting an application form for an absentee ballot, the applicant shall specify his eligibility for only the presidential ballot. The application form shall require the following information and be in substantially the following form:

This blank shall be returned to the municipal clerk's office. Application must be received in sufficient time for ballots to be mailed and returned prior to any presidential election at which applicant wishes to vote. Complete all statements in full.

#### APPLICATION FOR PRESIDENTIAL ELECTOR'S ABSENT BALLOT

(To be voted at the Presidential Election on November \_\_\_\_, 19\_\_)

I, \_\_\_\_\_ hereby swear or affirm that I am a citizen of the United States and had been a legal resident of the State of Wisconsin one year, formerly residing at \_\_\_\_\_ in the \_\_\_\_\_ precinct \_\_\_\_ ward (city, town, village) of \_\_\_\_\_, County of \_\_\_\_\_ for ten days prior to leaving the State of Wisconsin. I, \_\_\_\_\_ do solemnly swear or affirm that I do not qualify to register or vote under the laws of the State of \_\_\_\_\_ where I am presently (State you now reside in) residing. A citizen must be a resident of: State \_\_\_\_\_ County \_\_\_\_\_ City, \_\_\_\_\_ (Insert time) \_\_\_\_\_ (Insert time) Town or Village \_\_\_\_\_, in order to be (Insert time) eligible to register or vote therein. I further swear or affirm that my legal residence was established in the State of \_\_\_\_\_ on \_\_\_\_\_ (the State where you now reside)

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Month \_\_\_\_\_ Day \_\_\_\_\_  
 Year \_\_\_\_\_  
 Signed \_\_\_\_\_  
 Address \_\_\_\_\_  
 (Present address)  
 City \_\_\_\_\_ State \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_  
 day of \_\_\_\_\_ 19\_\_\_\_

Notary Public, or other officer authorized to  
 administer oaths.

County \_\_\_\_\_

My Commission expires \_\_\_\_\_

MAIL BALLOT TO:

NAME \_\_\_\_\_  
 ADDRESS \_\_\_\_\_  
 CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_

*Penalties for Violations.* Whoever intentionally swears falsely to any absent elector affidavit is guilty of perjury and upon conviction shall be punished as provided by law. Whoever procures an official ballot and intentionally neglects or refuses to cast or return it or intentionally violates any provision of ss. 6.18 or 6.85 to 6.89 may be fined not to exceed \$100 or imprisoned in the county jail not to exceed 30 days or both. If any county or municipal clerk or any election official intentionally refuses or neglects to perform any of the duties prescribed by said sections, or violates any of the provisions, he may be fined not less than \$100 nor more than \$1,000 or imprisoned not to exceed 90 days or both.

(Municipal Clerk)

(Municipality)

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section, in part, is a restatement of s. 9.047. The form is new. It is intended to provide safeguards against double voting consistent with the degree of protection provided in other sections in this bill. (Bill No. 755-A)

**6.20 Absent Electors.** (1) Any qualified elector of this state who registers where required, or who swears in his vote may vote by absentee ballot, under ss. 6.85 to 6.89.

(2) When by due proof it appears to the inspectors that a person voting under this section has died before the date of the election, they shall return the ballot with defective ballots to the issuing official. The casting of the ballot of a deceased elector does not invalidate the election.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 11.54(1)(1st sentence, 1st part). Sub. (2) is a restatement of s. 11.64. (Bill No. 755-A)

**6.22 Absentee voting for military electors.** (1) **DEFINITION.** In Title II, "military elector" means:

(a) Members of the armed forces of the United States;

(b) Members of the merchant marine of the United States;

(c) Civilian employes of the United States and civilians officially attached to the military serving outside the territorial limits of the United States;

(d) Spouses and dependents of those listed in the above categories residing with or accompanying them when living outside the territorial limits of the United States.

(2) **APPLICATION.** Whenever an application, affidavit or other act is required in ss. 6.86 to 6.89 any military elector may fulfill the requirements by subscribing or swearing before any person authorized to administer oaths.

(3) **REGISTRATION EXEMPT.** Military electors are not required to register as a prerequisite to voting in any election.

(4) **INSTRUCTIONS AND HANDLING.** The municipal clerk shall mail a ballot, as soon as available, to each military elector by or for whom a request has been made. The secretary of state shall prescribe the instructions for marking and returning ballots and the municipal clerk shall enclose instructions with each ballot and shall also enclose supplemental instructions for local elections. The envelope, return envelope or explanatory note shall not contain the name of any candidate appearing on the enclosed ballots other than that of the municipal clerk affixed in the fulfillment of his duties. The election material shall be printed and mailed to make use of the federal free postage laws.

(5) **VOTING PROCEDURE.** The ballot shall be marked, returned, deposited and recorded, the same as other absentee ballots. In addition, the affidavit under s. 6.87 (2) shall have a statement of the elector's birth date and that he has not returned another ballot. Failure to return the unused ballots in a primary election shall not invalidate the marked ballot.

(6) **MILITARY ELECTOR LIST.** Each municipal clerk shall keep an up-to-date list of all eligible local military electors; city clerks shall keep the lists by precincts. The list shall contain the name, latest-known military residence and military mailing address of each military elector. All persons over 21 years of age or who will be 21 years old prior to an

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election shall be listed and remain on the list for the duration of their tour of duty. The list shall be kept current through all possible means. Each clerk shall exercise reasonable care to avoid duplication of names or listing anyone who is not eligible to vote. Each clerk shall distribute 2 copies of the list to the appropriate precinct in the municipality for use on election day.

(7) **EXTENSION OF PRIVILEGE.** This section shall apply for 6 months after the date of honorable discharge from the armed forces or termination of services or employment of military electors. The extension shall not apply to spouses or dependents of military electors.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 11.70(1).

Sub. (2) is a restatement of ss. 11.54(2), except the reference to women's auxiliary groups is deleted since they are included in sub. (1)(a), and 11.70(5)(2nd sentence).

Sub. (3) is a restatement of s. 11.70(2).

Sub. (4) is a restatement of ss. 11.70(4) and (5)(last sentence), except it allows for the clerk's signature although his name may also be on one of the ballots as a candidate. This is an administrative necessity.

Sub. (5) is a restatement of s. 11.70(5)(1st and 3rd sentences).

Sub. (6) is a restatement of s. 11.70(3).

Sub. (7) is a restatement of s. 11.70(6). (Bill No. 755-A)

#### REGISTRATION

**6.26 Registrars.** Where registration is applicable under s. 6.27, the municipal clerk or the board of election commissioners shall have control of elector registration within the municipality for which they are elected or appointed. They shall prepare, continue and revise the registry under this chapter.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section is a restatement of ss. 6.15, 6.185(1), 10.03 and 10.08. (Bill No. 755-A)

#### **6.27 Where elector registration required.**

(1) Every municipality over 5,000 population shall keep a registry of electors. Where used, registration applies to all primaries and elections.

(2) By ordinance, the governing body in municipalities with less than 5,000 population may require registration.

(3) Any municipality with less than 5,000 population and any municipality where a federal census has not yet determined the population may have registration by a referendum vote. The vote may be taken at the spring or general election whenever, at least 60 days before the election, the electors file with the municipal clerk a petition requesting a referendum asking whether registration shall be required. The petition shall be signed by

electors equal to 15% of the votes cast for governor in the municipality in the last general election.

(4) (a) When registration is ordered or directed under sub. (2) or (3), it may be abolished by a referendum vote. The vote may be taken at the spring or general election whenever, at least 60 days before the election, the electors file a petition with the clerk requesting a referendum, signed by electors equal to 15% of the votes cast for governor in the municipality in the last general election.

(b) Notice shall be given as for municipal elections.

(5) (a) Whenever registration is established or abolished, under sub. (2), (3) or (4), the municipal clerk shall immediately certify the action to the county clerk and the secretary of state.

(b) The election pamphlet prepared by the secretary of state shall carry a list of all the municipalities that have acted under this section.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is based on s. 6.14(1)(1st 2 sentences).

Sub. (2) is based on s. 6.14(2).

Sub. (3) is based on s. 6.14(1)(last sentence) and s. 6.14(3). In s. 6.14(3) a petition could make registration necessary. The provision is changed to be consistent procedurally with sub. (4) which pertains to the abolition of registration.

Sub. (4)(a) is a restatement of s. 6.14(4)(1st 2 sentences), except the number of days and percentage are changed to be uniform with sub. (3). Par. (b) is based on s. 6.14(4)(last sentence), but the notice requirement is made uniform.

Sub. (5)(a) is a restatement of s. 6.14(5)(1st sentence). Par. (b) is a restatement of s. 6.14(5)(last sentence). (Bill No. 755-A)

**6.28 When to register.** (1) Registration for any election shall close at 5 p.m. on the 3rd Wednesday preceding the election in cities having a population of 200,000 or more, and at 5 p.m. on the 2nd Wednesday preceding the election in other municipalities. In 1st class cities, all applications for registry corrections and additions may be made during office hours throughout the year at the office of the city board of election commissioners or other locations provided by the board with common council approval. In other municipalities, all applications for registration may be made to the clerk of the municipality during office hours throughout the year at the office of the clerk or other locations provided.

(2) At the first election held after registration is required or adopted, any qualified elector may register at the polls the day of the election and vote in the election being conducted. Registration shall be by the regular election officials, or, in the discretion of the municipal governing body, by a special regis-

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tration deputy appointed by the municipal clerk for each precinct.

**History:** 1965 c. 666.  
**Legislative Council Note, 1965:** Sub. (1) makes the registration deadline uniform. It is based on ss. 6.17(1)(1st sentence), 6.185(4)(c) and 10.15(1)(a)(1st sentence, last part and 3rd sentence). Sub. (2) is based on s. 6.17(1)(2nd sentence), but is changed to permit registration at the 1st election rather than just a primary. The 2nd sentence is a restatement of s. 6.17(1)(last sentence). (Bill No. 755-A)

**6.30 How to register.** (1) **IN PERSON.** Registration applications shall be made in person, except under subs. (2) and (3). Each elector shall sign an original affidavit and, except in 1st class cities, a duplicate.

(2) **WHEN CONFINED.** Registration affidavits for qualified electors may be completed at the home or institution where an elector is confined because of physical illness or infirmity. The affidavit shall be made in the presence of the municipal clerk.

(3) **WHEN ABSENT.** Any elector more than 50 miles from his legal voting residence may register before the close of registration for any election as follows:

(a) He shall secure the necessary blank registration affidavits and instructions for their completion from the municipal clerk.

(b) He shall appear before any person authorized to administer oaths with the completed and signed original and duplicate registration affidavit and shall swear to the truth of their contents. The person administering the oath shall sign his name on the line for

the signature of the registration official.

(c) The original affidavit and one duplicate shall be returned to the clerk of the municipality. To be eligible to vote in that election the affidavit shall be received no later than the close of the clerk's office on the registration deadline date prior to the election.

**History:** 1965 c. 666.  
**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 6.17(2)(a). Sub. (2) is a restatement of ss. 6.17(2)(b), 6.185(4)(d) and 10.15(1)(b). Sub. (3) (intro. par.) is a restatement of ss. 6.17(5)(intro. sent.), 6.185(10)(intro. sentence), and 10.15(3)(intro. sentence). Par. (a) is a restatement of ss. 6.17(5)(2nd sentence, 1st part), 6.185(10)(2nd sentence, 1st part), 10.15(3)(2nd sentence, 1st part). Par. (b) is a restatement of ss. 6.17(5)(2nd sentence, in part, and 3rd sentence), 6.185(10)(2nd sentence, in part, and 3rd sentence), and 10.15(3)(2nd sentence, in part, and 3rd sentence). Par. (c) is a restatement of ss. 6.17(5)(last sentence), 6.185(10)(last sentence) and 10.15(3)(last sentence). (Bill No. 755-A)

**6.33 Registration forms.** (1) The municipal clerk shall supply sufficient registration affidavit forms printed on loose-leaf sheets or cards to obtain from each applicant information as to name, date, ward, precinct, residence location, citizenship, whether 21 years of age, whether within the state for at least one year and the precinct at least 10 days, whether he has lost his right to vote and a space for the applicant's signature.

(2) The registration affidavit form shall be substantially as follows, except municipalities having permanent registration need not provide space for a voting record on the form.

			Residence		
Last Name	First Name	Middle Name	Street	No.	Ward and Precinct
Birth date .....					
Birthplace .....					
If naturalized: Name of Court .....					
Place .....					
Date .....					
Through whom naturalized:					
Husband					
Father Name .....					

**Affidavit of Registration.**

State of Wisconsin, County of .....

I hereby swear (or affirm) that I am a citizen of the United States, that on the day of the next election I shall be at least 21 years of age, and shall have resided in the state of Wisconsin for one year next preceding said election, and in the precinct 10 days, and that I am legally qualified to vote.

.....  
 Signature of elector

Subscribed and sworn before me this ..... day of .....

.....  
 Signature of registration official

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Voting Record.

Stamp or write the date of each election at which the elector votes on the first vacant space.


(3) The information may be recorded by any person, but the elector applicant shall sign his own name or make a mark.

**History: 1965 c. 666.**  
**Legislative Council Note, 1965:** Sub. (1) is a restatement of combined ss. 6.16(1), 6.185(2) (in part), and 10.10 (in part).  
Sub. (2) is a restatement of s. 6.16(2) but occupation has been deleted and birth date has been added. Sub. (3) is a restatement of ss. 6.17(4) and 10.10(2nd sentence), except the requirement of s. 6.17(4) that a Mrs. or Miss shall precede women electors' names was deleted. (Bill No. 755-A)

**6.35 Filing registration cards.** (1) Under the direction of the municipal clerk, the original affidavit cards shall be filed by precincts. Within each precinct the cards shall be filed in a logical order to facilitate their use in preparing the registry lists.

(2) Duplicate affidavits shall be filed in alphabetical order for the entire municipality without regard to precincts.

(3) Registration affidavits shall be kept on file in the office of the municipal clerk. When the original affidavits are used on election day, they shall be returned to the clerk within 2 days after the election.

**History: 1965 c. 666.**  
**Legislative Council Note, 1965:** Sub. (1) is based on ss. 6.16(3), 6.185(3) and 10.12 (in part), except the detailed provisions for arrangement have been changed to local discretion and the obsolete portions of s. 6.185(3) have been deleted.  
Sub. (2) is a restatement of s. 6.16(4) (in part).  
Sub. (3) is a restatement of ss. 6.16(4) (in part), 6.16(5) (last sentence) and 10.16(2). (Bill No. 755-A)

**6.36 Official registry.** (1) The municipal clerk shall compile a registry for use in each precinct following the precinct arrangement for registration affidavits under s. 6.35 (1).

(2) The registry lists shall contain the full name and address of each registered elector, a blank column for the entry of the serial numbers of the electors when they vote, blank space to enter the names of electors who vote by affidavit, and a form of certificate stating each list is a true and complete combined check and registry list of the respective precincts.

(3) Municipalities shall prepare at least 2 copies of the registry for each precinct and bind them in book form. The original affidavits constitute the official registry and shall be controlling whenever discrepancies occur.

**History: 1965 c. 666.**  
**Legislative Council Note, 1965:** Sub. (1) is based on s. 10.12(1) (1st part), but has been broadened to become state-wide and reflects present practice.  
Sub. (2) is a restatement of ss. 6.16(6) (1st sentence, last part and last sentence, in part), 6.185(7) (b) (last sentence, in part) and 10.18(2) (last sentence, in part).

Sub. (3) combines several sections making the necessary changes to provide uniformity. The subsection is based on s. 6.16(5) (except last sentence) and (6) (1st sentence, 1st part, and 2nd sentence). The requirement of s. 6.16(5) and (6) (2nd sentence) providing the original registry be sent to the polls is changed to a more general provision to reflect present practice in many municipalities and to accommodate the exception of s. 10.18(2) where copies are used. The official registry still provides the final authority whenever a question arises, whether or not it is delivered to the polls. S. 6.185(7) (b) (1st sentence) and s. 10.18(2) are included and the number of registry lists are reduced for uniformity, but this only establishes a minimum and does not prevent sending more. (Bill No. 755-A)

**6.40 Transferring registration.** (1) ELECTOR INITIATIVE. (a) *Within municipality.*

Any registered elector shall transfer his registration after a change of residence within the municipality by appearing in person or by mailing to the municipal clerk a signed request stating his present address, that this will be his residence for 10 days prior to the election and the address where last registered. The new address, precinct and ward shall be recorded on the registration cards after striking through the old information. The cards shall be filed in the proper precinct.

(b) *Within state.* Any elector who changes his residence within this state from one municipality to another shall give his previous residence upon application for registration at his new residence and shall sign an authorization to cancel his voting privileges at his former residence on a form substantially as follows:

I hereby give notice of my registering to



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vote at the following address \_\_\_\_\_  
 \_\_\_\_\_ (Street),  
 \_\_\_\_\_, Wisconsin, and direct that  
 (City, town, village)  
 my voting privileges be canceled at \_\_\_\_\_,  
 \_\_\_\_\_ (Street),  
 \_\_\_\_\_ (City, town, village), \_\_\_\_\_ (State).  
 Signature \_\_\_\_\_  
 Present address \_\_\_\_\_

The cancellation authorization forms shall be forwarded to the proper election officials within 3 days after the close of registration.

(2) **CLERK'S INITIATIVE.** Municipal clerks may transfer any elector's registration upon receipt of reliable information that the elector has changed his residence. The clerk shall mail the elector a form notice of the transfer.

(3) **REGISTRATION CARDS.** Each elector voting by affidavit shall fill out a registration card and return it to the clerk before a certificate shall be issued under s. 6.55 (2)(b). If still qualified, the names from the cards shall be added to subsequent registry lists.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1)(a) is a restatement of ss. 6.17(6) and 10.15(2). Par. (b) is based on s. 6.17(3). The provision is expanded from the present requirement of notice if registered elsewhere in Wisconsin. The provision is state-wide and the time for forwarding the forms is 3 days instead of 24 hours.

Sub. (2) is a restatement of s. 6.17(7) but applies state-wide.

Sub. (3) is a restatement of s. 6.17(8). (Bill No. 755-A)

**6.45 Registry lists public.** After the deadline for revision of the registry lists, the municipal clerk shall make copies for election use. All registry lists shall at all times be open to public inspection. Under the regulations prescribed by the municipal clerk, an elector may copy the registry list.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section is a combination of ss. 6.16(8), 6.18(7), 6.185(7)(a), 10.13, 10.18(1) and 10.21(1st part) without substantive change except for the deletion of the number of copies and posting of ss. 10.13 and 10.18. (Bill No. 755-A)

**6.48 Challenging registration.** (1) **MUNICIPALITIES.** (a) Any elector of the municipality may challenge the registration of any registered elector by submitting to the clerk an affidavit stating the elector is not qualified to vote and the reasons therefor. The clerk, upon receipt of the affidavit, shall mail a notification of the challenge to the challenged elector, at his registered address.

(b) The challenged elector shall appear before the municipal clerk within one week of notification or arrange under sub. (2) in 1st class cities to appear before the full board. He shall make an affidavit answering the pertinent questions under s. 6.92 and any other

questions necessary to establish his qualifications. Judgment rests with the municipal clerk and decisions shall be rendered as soon as heard. If the clerk cannot resolve the issue or has reservations as to the answers, he may require the challenged elector to take the oath under s. 6.94. If the clerk determines the person is not qualified, the name shall be stricken from the registry and the proper precinct officials notified.

(c) If the challenged elector fails to appear before the municipal clerk within one week or in 1st class cities fails to appear before the full board under sub. (2) to answer questions and take the oath required of challenged persons, the same as at an election, the clerk shall cancel his registration and make the necessary change in the registry list.

(2) **CITIES OF THE 1ST CLASS.** (a) In 1st class cities objections may be made before the board of election commissioners which shall sit on the last Wednesday before each election from 9 a.m. to 12 noon and from 2 p.m. to 5 p.m. to hear objections then made or deferred under sub. (1). If all the objections cannot then be determined, the commissioners shall sit during the same hours the next day.

(b) Objectors appearing in person may be further examined, under oath, by the commissioners and additional testimony taken. Judgment rests with the board and decisions shall be rendered as soon as heard. All cases are heard and decided summarily. The commissioners shall determine whether the person objected to is qualified. The board may require naturalized applicants to show their naturalization certificates. If they determine a person is not qualified, the name shall be stricken from the registry and the proper precinct officials notified of the change immediately.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1)(a) is based on ss. 6.18(4)(1st 2 sentences), 10.20(1st sentence) and 10.21(in part) with some modification and clarification. The provision is applicable state-wide. The requirement that 2 electors sign oaths in ss. 10.21 and 6.185(4)(a) is changed so one person signing an affidavit is sufficient, but the reasons for the challenge must be given. Par. (b) is based on ss. 6.185(4)(a)(in part) and 10.15(1)(a)(in part) but is made state-wide. Par. (c) is a restatement of s. 6.18(4)(last sentence).

Sub. (2)(a) is a restatement of s. 10.20(2nd sentence). Par. (b) is based on ss. 10.20 (last part) and 10.21(last part). The change is that under sub. (1) of this bill, the objections can be heard and resolved by the executive secretary of the board of election commissioners of the city if the challenged elector so wishes. (Bill No. 755-A)

**6.50 Revision of registry.** (1) **CITY OF MILWAUKEE.** In any city over 500,000 population the municipal clerk, prior to each

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election, shall revise and correct the registry prepared by him by:

(a) Striking the name of any person who has died, moved from the precinct where registered, adopted a new name, or who under s. 6.48 has been found to be ineligible to vote in the precinct at the next election. Whenever a name is stricken from the registry, the reason for striking shall be stated on the registry list next to the stricken name. The registration card, stating the reason for striking the registration, shall be kept for a period of 4 years in a separate index and then may be destroyed.

(b) Entering on the proper precinct list the name of every elector entitled to vote in that precinct at the next election who either files a registration card properly filled in and sworn to before the municipal clerk under s. 6.33 or who qualifies for reinstatement.

(c) Submitting all applications for registration received by the board to the chief of police for verification of the statements contained therein. The police department shall also report to the board the names of registered electors who have died or moved from the precinct.

(2) MUNICIPALITIES. In any municipality of 500,000 or under in population, the municipal clerk shall revise and correct registration records as follows:

(a) Following every presidential election, the clerk shall examine the registration records and cancel the registration of any elector who has not voted within the previous 2 years after mailing a notice to the elector in substantially the following form:

**NOTICE OF SUSPENSION OF REGISTRATION**

You are hereby notified that your registration will be canceled, according to state law, for failure to vote within the previous 2-year period, unless you apply for reinstatement within 30 days. You may reinstate your registration by signing the statement below and returning it to this office or by applying in person.

**APPLICATION FOR REINSTATEMENT OF REGISTRATION**

I hereby certify that I still reside at the address from which I am registered and apply for reinstatement of registration.

Signed \_\_\_\_\_,  
Present address \_\_\_\_\_

(b) The clerk shall cancel the registration of all notified electors who have not applied for reinstatement within 30 days. The regis-

tration affidavit of all reinstated electors shall show the date of reinstatement. Any canceled elector may register again by making a new application for registration.

(c) Upon receipt of reliable information that a registered elector has moved from the municipality, the clerk shall notify the elector by mailing a notice to the elector's registration address stating the source of the information. If the elector fails to apply for continuation of registration within 30 days, his registration shall be canceled.

(d) At least once a month the clerk shall secure from the local register of vital statistics a list of all persons over 21 years of age who have died. The list of deceased persons shall be compared with the registration lists and the registration of all deceased electors shall be canceled.

(e) The clerk, upon authorization by the elector, shall cancel the elector's registration.

(f) When an elector's registration is canceled the clerk shall make an entry upon the original and duplicate affidavits of registration, giving the date, cause of cancellation, and the initials of the person making the cancellation. The original canceled affidavit shall be filed in the office of the clerk for 4 years after which it may be destroyed.

(g) The municipal clerk shall enter on the proper precinct list the name of every elector entitled to vote in that precinct at the next election who files a registration card properly filled in and sworn to before him under s. 6.33.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1)(a) is a restatement of s. 10.15(1)(a) (1st sentence, in part and 2nd sentence). The provision that canceled registration cards may be destroyed after 4 years is new. Par. (b) is based on s. 10.15(1)(a) (1st sentence, in part), but the reinstatement provision is new to the extent that it is clearly stated rather than implied. Par. (c) is a restatement of s. 10.15(1)(a) (5th sentence).

Sub. (2) includes all municipalities of the state having registration, except the city of Milwaukee. Sub. (2)(a) is based on s. 6.18(1)(a), but the registry list revision is changed from every 2 years to after every presidential election for the 2 years preceding. Par. (b) is a restatement of s. 6.18(1)(b). Par. (c) is a restatement of s. 6.18(5). Par. (d) is based on ss. 6.18(2) and 6.185(4)(a) (1st part). Par. (e) is a restatement of s. 6.50(3). Par. (f) is a restatement of ss. 6.18(6), 6.185(4)(b) (last sentence), except the canceled registration card can now be destroyed after 4 years. Par. (g) is based on s. 6.185(4)(b) (1st sentence) and is made state-wide and reflects present practice. (Bill No. 755-A)

**6.55 Failure to register; rights. (1)**

Registry lists shall be final and no names shall be added after the close of registration, but any person whose name is not on the registry but who is otherwise a qualified elector is entitled to vote at the election upon compliance with this section.

(2) (a) Any qualified elector in the pre-

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cinct where he desires to vote who has not previously filed a registration card or whose name does not appear on the registry list shall be entitled to vote at the election if he delivers to the municipal clerk a properly executed registration card with an affidavit sworn to by him, or if he cannot obtain a registration card, he shall list all the information required on the registration card. The registration card or the listing of required information shall be substantiated by the affidavit of 2 freeholders, electors in the precinct, corroborating all the material statements therein. The signing of the affidavits by the freeholders and the elector's signature shall be done in the presence of the municipal clerk not later than 5 p.m. of the day before an election. All affidavits shall be sworn to before an officer authorized to administer oaths.

(b) Upon the filing of the affidavits and registration card required by this section, the municipal clerk shall issue a certificate addressed to the inspectors of the proper precinct directing that the elector be permitted to cast his ballot. The certificate shall be numbered serially, prepared in duplicate and one copy preserved in the office of the municipal clerk.

(c) The elector, at the time he requests the ballot, shall deliver to the inspectors the certificate issued under par. (b).

(d) The inspectors shall keep a list of the names and residences of the electors voting whose names are not on the registry list, attach the list to the registry and return it, together with all the certificates, to the municipal clerk. These names shall then be added to the registry if they are qualified at the time of revision.

(e) Upon his own initiative the municipal clerk may, or, upon petition of 5 qualified electors, the municipal clerk shall refer any affidavit filed under this section to the local police department for verification.

(f) No affidavit shall be made on the day the polls are open.

(3) No compensation shall be paid or received for taking or certifying any affidavit, under sub. (2). A freeholder may not corroborate more than 5 elector affidavits at any one election.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of ss. 6.185(6)(a), 6.44(1)(intro. par.) (2nd sentence), 10.17(1)(1st sentence) and 10.19. Sub. (2)(a) is based on ss. 6.185(6)(b)(1st and 5th sentences), 6.44(2)(1st 4 and last sentences) and 10.17(1)(2nd, 3rd and last sentences). The provision that the registering elector sign an affidavit is changed to a sworn acknowledgment. The deadline is clarified. The 2nd sentence of s. 6.185(6)(b) is deleted since there can be no

registration on the day of an election. Par. (b) is a restatement of s. 6.44(3). Par. (c) is a restatement of s. 6.44(1)(a). Par. (d) is a combination of ss. 6.44(1)(b), 6.185(6)(b)(last sentence) and 10.17(2) without substantive change. Par. (e) is a restatement of s. 6.44(4). Par. (f) is based on ss. 6.185(6)(c), 6.44(4a) and 10.17(1a), but the provision permitting a change of address on election day is deleted. Either the change of address is made before 5 p.m. the day before the election, or the elector must vote in his old precinct.

Sub. (3) is a restatement of ss. 6.185(6)(b)(3rd and 4th sentences), 6.44(2)(5th and 6th sentences) and 10.17(1)(4th and 5th sentences). (Bill No. 755-A)

**6.56 Registry list for school and special elections.** The registry list used at the last preceding general or municipal election plus a supplementary list may be used for school or special elections. Before issuing the supplementary list the municipal clerk shall add the newly registered electors and strike the names of those electors known to have died or become disqualified since the last preceding registration.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section is based on s. 10.17(3) but now applies state-wide. The judicial election provision is deleted here as this is adequately covered under the general registration provisions. The duty of the supplementary list is placed on the municipal clerk rather than the inspectors. (Bill No. 755-A)

#### VOTING

**6.76 Time off for voting.** (1) Any person entitled to vote at an election is entitled to absent himself from work while the polls are open for a period not to exceed 3 successive hours to vote. The elector shall notify his employer before election day of his intended absence. The employer may designate the time of day for the absence.

(2) No penalty, other than a deduction for time lost, may be imposed upon him by his employer by reason of the absence.

(3) This section includes all political subdivisions of the state and their employes, but shall not affect the employes' right to holidays presently existing or established in the future.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section is a restatement of s. 6.047 (except last sentence). (Bill No. 755-A)

**6.77 Place for voting.** (1) Electors shall vote only in the polling place provided by the governing body.

(2) Whenever territory is annexed to any municipality, the electors who would have been entitled to vote in the territory had no annexation taken place shall vote under s. 6.28 (2) in the municipality to which the territory is annexed.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 6.02(1)(1st sentence, in part). Sub. (2) is based on s. 6.02(3), but the provision that the annexation must be 10 days before the

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election is deleted for clarification. The cross reference makes it possible for electors of an annexed territory to register at the 1st election after annexation if they did not have registration before annexation but do after annexation. (Bill No. 755-A)

**6.78 Poll hours.** The polls at any election shall be open:

(1) In 1st, 2nd and 3rd class cities, from 7 a.m. until 8 p.m.

(2) In 4th class cities, villages and towns, from 9 a.m. until 5:30 p.m.; extendable by the governing body to not earlier than 7 a.m. nor later than 8 p.m. Notice of the change of hours shall be given by publication in a newspaper, under ch. 985, once each week for 2 successive weeks, with the first insertion not less than 8 days before the election. The new hours shall take effect only after the notice provisions have been complied with. When the ordinance applies to all future elections, notice need be given only for the first election affected by the change.

(3) Any elector waiting his turn to vote, whether within the polling booth or in the line outside the booth at the time the polls officially close, shall be permitted to vote.

History: 1965 c. 666.

Legislative Council Note, 1965: Sub. (1) is based on ss. 6.35(1)(1st 2 sentences) and 10.36(2) but the opening and closing of the polls are made uniform for 1st, 2nd and 3rd class cities.

Sub. (2) is based on ss. 6.35(1)(3rd sentence), (2) and (3) and 10.36(2). The hours are more uniform. The publication provision is changed and decreased from 3 to 2. Posting is covered in ch. 10.

Sub. (3) is a restatement of s. 6.35 (1)(last sentence). (Bill No. 755-A)

**6.79 Recording electors.** Two election officials at each election precinct shall be in charge of and shall maintain 2 separate lists of all persons voting.

(1) MUNICIPALITIES WITHOUT REGISTRATION. Where there is no registration, before receiving his ballot, each person shall state his full name and address which shall be recorded in the same order the votes are cast. If the residence of the elector does not have a number, the clerks shall, in the appropriate space, write "none".

(2) MUNICIPALITIES WITH REGISTRATION. Where there is registration, each person, before receiving his voting number, shall state his address and full name. Upon the prepared registry list, after the name of each elector, shall be entered the serial number of his vote as it is polled, beginning with number one. Each elector shall receive a slip bearing the same serial number.

(3) REFUSAL TO GIVE NAME. If any elector offering to vote at any poll refuses to give his name and address, he shall not receive a ballot.

(4) VOTING BY AFFIDAVIT. When any person offering to vote has taken the oath or presents affidavits under s. 6.55, his name shall be placed on the list and following the person's name shall be added the word "Sworn".

History: 1965 c. 666.

Legislative Council Note, 1965: The intro. par. is based on ss. 6.45(1)(1st part), 6.49 (1st part), 6.16(7)(1st part), 6.185(7)(b)(2nd sentence, in part) and 10.18(2)(2nd sentence, 1st part). Any 2 election officials are permitted to maintain the poll lists. The reference to the lists is general to include the entire state.

Sub. (1) is a restatement of ss. 6.45(1)(last part) and 6.49(1st sentence).

Sub. (2) is a restatement of ss. 6.16(7)(1st sentence, last part), 6.185(7)(b)(2nd sentence), 10.18(2)(2nd sentence, in part), except that ss. 6.185(7)(b) and 10.18(2) referred to a certification slip which is deleted as unnecessary. S. 6.44(1)(1st sentence) is also included.

Sub. (3) is a restatement of s. 6.49 (next to last sentence).

Sub. (4) is a restatement of ss. 6.16 (7)(last sentence), 6.45(2) and 6.49 (last sentence). (Bill No. 755-A)

**6.80 Mechanics of voting.** (1) VOTING BOOTH USE. Except when assistance is required to mark a ballot, only one person at a time shall be permitted to occupy a voting booth.

(2) METHOD OF VOTING. (a) Upon receiving his ballot and without leaving the polling place, the elector shall enter an unoccupied voting booth alone to mark his ballot. An elector may use or copy an unofficial sample ballot which may be marked in advance of his entering the polling place, but he shall not use or bring into the polling place any ballot printed upon paper of the quality required for official ballots.

(b) After preparing his ballot, the elector shall fold it so its face will be concealed and so the ballot clerks' printed indorsement and initials may be seen.

(c) Any elector who, by accident or mistake, spoils or erroneously prepares his ballot may receive another, by returning the defective ballot, but not to exceed 3 ballots in all.

(d) After folding the completed ballot, the elector shall publicly and in person deliver the official ballot to one of the inspectors at the polling place where he offers to vote. The inspector receiving the ballot, without opening it or permitting it to be opened or examined, shall deposit it in the ballot box in the elector's presence.

(e) In primary elections or for delegates to the national conventions, after the elector prepares his ballot he shall detach the remaining ballots, fold both the completed ballot and the ballots to be discarded, personally deposit the ballots to be discarded in the separate ballot box marked "blank ballot box",

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and deliver the completed ballot as in par. (d). The inspectors shall keep the blank ballot box locked until the canvass is completed and shall dispose of the blank ballots as prescribed by the municipal clerk.

(3) **TIME IN BOOTH.** (a) Each elector shall be allowed a reasonable time to vote. Unless otherwise specified for that election, a majority of the inspectors shall determine the time each elector shall have to mark his ballot, taking into consideration the size of the ballot and the number of electors in line waiting to vote. In no case shall the time be less than one minute. If there are electors in line waiting to vote, the time shall not exceed 5 minutes.

(b) If an elector refuses to leave the booth or machine after being notified by one of the inspectors that his time has expired, he shall be removed by the inspectors.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section incorporates s. 5.14(4) which makes a cross-reference to s. 6.37 and both are included throughout sub. (2).

Sub. (1) is a restatement of s. 6.38 (1st sentence, in part).

Sub. (2)(a) is a restatement of ss. 5.14(4), 6.25 (3)(last part) and 6.37(1st 2 sentences). Par. (b) is a restatement of s. 6.37(3rd sentence) with some clarification. Par. (c) is a restatement of s. 6.38 (last sentence). Par. (d) is a restatement of s. 6.37 (last sentence) with some clarification. Par. (e) is based on ss. 5.14(5), (6) and (7) and 5.39(4) and (5). The destruction of ballots is changed from immediately after the canvass to provide local discretion to prevent possible mixing of the official and blank ballots.

Sub. (3)(a) combines the provisions of ss. 6.38 (1st sentence, last part) and 11.06(5)(1st sentence). The provisions are made uniform and broadened to apply to paper ballots and machine voting. Par. (b) is a restatement of s. 11.06(5); but is broadened to include paper ballot voting. (Bill No. 755-A)

**6.82 Assisting electors.** (1) **RECEIPT OF BALLOT AT DOOR.** (a) When any precinct inspectors are informed that an elector is at the door who is unable to enter the polling place without assistance, they may appoint 2 of their number to take an official ballot to the entrance, present it to the physically disabled person and assist in marking the ballot if the elector desires assistance. The 2 persons chosen to assist shall not be of the same political party. When the ballot is marked it shall be folded and immediately taken into the polling place. The inspector shall distinctly announce that he has "a ballot offered by ---- (stating person's name), an elector physically disabled from entering the room without assistance." He shall then ask, "Does any one object to the reception of this ballot?" If no objection is made, the ballot shall be deposited in the ballot box and a notation made on the registry book: "Ballot received at the door."

(b) If objection to receiving the ballot is

made by any qualified elector present, the inspectors shall decide upon the objection, and if they find the objection has merit shall destroy the ballot. If the objection is overruled, the ballot shall be deposited. If the ballot is destroyed, the inspectors shall immediately notify the elector of such fact.

(2) **AID IN MARKING BALLOT.** (a) If an elector declares to the presiding election official that he cannot read or write, or that due to physical disability, he is unable to mark his ballot, he shall be informed that he may have assistance. When assistance is requested, 2 election officials shall be selected by the elector to assist him in marking his ballot. The 2 persons chosen to assist shall not be of the same political party. The selected officials shall certify on the back of the ballot that it was marked with their assistance but shall not disclose to anyone how the elector voted.

(b) If the elector is totally blind or his vision is so impaired that he cannot read the ballot, he may be assisted by any qualified elector of his own choice from within the county where the precinct is located. The person chosen shall enter the booth with the elector and shall read to him the names of all candidates on the ballot for each office, and ask him, "For which one do you vote?". The ballot shall be marked according to his expressed preference. The person selected to assist shall not disclose to anyone how the elector voted.

(c) The presiding official at the election may require the elector to make a declaration of disability under oath, and he may administer the oath. Intoxication shall not be regarded as a physical disability.

(d) An election official shall enter upon the registry list after the name of any elector who had assistance in marking his ballot the word "assisted".

(e) The provisions of this section also apply to referendum ballots.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 6.40, except there is added the safeguard that the 2 inspectors assisting the disabled elector be of different political parties.

Sub. (2)(a) is a restatement of s. 6.39(1)(1st sentence). Par. (b) is a restatement of s. 6.39(1)(last 2 sentences). Par. (c) is a restatement of s. 6.39(2)(1st 2 sentences). Par. (d) is a restatement of s. 6.39(2)(4th sentence). Par. (e) is a restatement of s. 6.39(2)(last sentence) with clarification. S. 6.39(2)(3rd sentence) pertaining to a blind person having his ballot inspected by someone else is deleted. (Bill No. 755-A)

#### VOTING ABSENTEE

**6.85 Absent elector; definition.** An absent elector is any otherwise qualified elector

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who is or expects to be absent from the municipality in which he is a qualified elector on election day whether by reason of active service in the United States armed forces or for any other reason, or who because of sickness, physical disability or religious reasons cannot appear at the polling place in his precinct. Any otherwise qualified elector who changes his residence within this state after registration closes but who fails to change his registration may vote an absentee ballot in the precinct where qualified to vote before moving. Any elector qualifying under this section may vote by absentee ballot under ss. 6.86 to 6.89.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section is a restatement of s. 6.54(1)(last part) but also provides for electors who move. (Bill No. 755-A)

**6.86 Application for absentee ballot.** Any elector, qualifying under ss. 6.20 (1) and 6.85 as an absent elector may apply to the municipal clerk for his official ballot either in writing or in person. If application is made in writing, the application, signed by the elector, shall be received no sooner than the first of the month 3 months before the election nor after 5 p.m. on the Friday immediately preceding the election. If application is made in person the application shall not be made sooner than the first of the month 3 months before the month of the election nor later than 5 p.m. on the day preceding the election.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section is based on ss. 11.55 and 11.56. The county clerk is eliminated as an official for issuing absentee ballots since he does not have the necessary information to decide whether the applicant is a qualified elector. The beginning date for application is advanced. Specific hour deadlines are established. (Bill No. 755-A)

**6.87 Absent voting procedure.** (1) Upon request, within the time requirements of s. 6.86, the municipal clerk shall write on the official ballot, in the space for official indorsement, his initials and his official title.

(2) The municipal clerk shall place the ballot in an unsealed envelope furnished by him. The envelope shall have the name, official title and post-office address of the clerk upon its face. The other side of the envelope shall have a printed certificate-affidavit in substantially the following form:

STATE OF \_\_\_\_\_ )  
                                  ) ss.  
County of \_\_\_\_\_ )

I, \_\_\_\_\_, (certify) (do solemnly swear) subject to the penalties of ch. 12, Wis. Stats. for false statements that I am a resident of the \_\_\_\_\_ precinct of the (town) (village) of \_\_\_\_\_,

or of the \_\_\_\_\_ ward in the city of \_\_\_\_\_, residing at \_\_\_\_\_ in said city, the county of \_\_\_\_\_, state of Wisconsin, and am entitled to vote in the precinct at the election to be held on \_\_\_\_\_; that I cannot appear at the polling place in the precinct on election day because I expect to be absent from the municipality or because of sickness, physical disability, religious reasons, or because I have changed my residence within the state within 20 days before the election but have not changed my registration. I (certify)(swear) that I exhibited the enclosed ballot unmarked to the (2 witnesses) (person administering the oath), that I then in (their)(his) presence and in the presence of no other person marked the ballot and enclosed and sealed the same in this envelope in such a manner that no one but myself and assistance rendered under s. 6.87 (5), Wisconsin Statutes, if I requested assistance, could know how I voted.

Signed \_\_\_\_\_

The (2 witnesses)(person administering the oath) shall execute either of the following as appropriate:

We the undersigned witnesses, qualified electors of the state of Wisconsin, subject to the penalties of ch. 12, Wis. Stats. for false statements certify that the above statements are true and the voting procedure was executed as there stated. Neither of us is a candidate for any office on the enclosed ballot. The elector was not solicited or advised by us to vote for or against any candidate or measure.

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(address)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_, and I hereby certify that I am not a candidate on the ballot upon which the affiant voted, that the voting procedure above was executed as therein stated, and that the affiant was not solicited or advised by me to vote for or against any candidate or measure.

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(title)

(3) The municipal clerk shall mail it postage prepaid to the elector's residence unless

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otherwise directed, or shall deliver it to the elector personally at the clerk's office.

(4) The elector voting absentee shall either make and subscribe to the affidavit before a person authorized to administer oaths or make and subscribe to the certification before 2 witnesses. The absent elector, in the presence of the administrator of the oath or witnesses, shall mark the ballot in a manner that will not disclose how the ballot is marked. The elector shall then, still in the presence of the administrator of the oath or the 2 witnesses, fold the ballots so each is separate and conceals the markings thereon and deposit them in the proper envelope, but may receive assistance under sub. (5). The unused ballots shall be placed in the envelope for unused ballots and deposited with the voted ballot in the return envelope, which shall then be sealed. The witnesses or the official oath administrator shall not be a candidate. The envelope shall be mailed by the elector, postage prepaid, or delivered in person, to the municipal clerk issuing the ballot.

(5) If a person requests assistance, an officer authorized to administer oaths shall assist an absentee elector who is unable to read, or who by reason of physical disability is unable to mark his ballot, and shall then sign his name to a certification on the back of the ballot, substantially as under s. 5.55.

(6) The ballot shall be returned so it is received by the municipal clerk in time for delivery to the polls before the closing hour. Any ballot not mailed or delivered as provided in this section shall not be counted.

(7) Any candidate who administers the oath or serves as a witness shall be penalized by the discounting of a number of votes for his candidacy equal to the number of certificate-affidavit envelopes bearing his signature.

(8) The provisions of this section which prohibit candidates from assisting or administering the oath to absentee electors shall not apply to the municipal clerk in the performance of his official duties.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 11.57 (1st sentence, in part), and includes the new deadlines as changed under s. 6.86 in this bill.

Sub. (2) is based on s. 11.58 (1), but permits certification before 2 witnesses as an alternative to an affidavit and provides that neither the witnesses nor the official oath administrator, other than the municipal clerk, shall be a candidate on one of the ballots involved.

Sub. (3) is a restatement of s. 11.57 (1st sentence, last part), but it adds a provision as to where the ballots shall be sent.

Sub. (4) is a restatement of s. 11.59, except it provides for 2 witnesses and provides the witnesses or oath administrator, unless he is the municipal clerk, shall not be candidates.

Sub. (5) is a restatement of s. 11.58 (2), except it provides as above, that they shall not be candidates.

Sub. (6) is in part based on s. 11.57 (last sentence). The subsection also provides clarification as to when the ballot must be received by the municipal clerk.

Sub. (7) is new. It penalizes a candidate for witnessing the certificate or notarizing the affidavit of an absentee elector. (Bill No. 755-A)

**6.88 Voting and recording the absentee**

**ballot.** (1) When an absentee ballot arrives at the office of the municipal clerk, the clerk shall enclose it, unopened, in a carrier envelope which shall be securely sealed and indorsed with the name and official title of the clerk, and the words "This envelope contains an absent, sick or disabled elector's ballot and must be opened at the polls during polling hours on election day." The clerk shall keep the ballot in his office until delivered by him, as required in sub. (2).

(2) When an absentee ballot is received by the municipal clerk prior to the delivery of the official ballots to the election officials of the precinct in which the elector resides, the ballot envelope, sealed in the carrier envelope, shall be enclosed in the package and delivered to the election inspectors of the proper precinct. When the official ballots for the precinct have been delivered to the election officials before the receipt of an absentee ballot, the clerk shall immediately enclose the envelope containing the absentee ballot in a carrier envelope as under sub. (1) and deliver it in person to the proper election officials if the delivery does not create an expense to the municipality or the school district.

(3) (a) Any time between the opening and closing of the polls on election day, the precinct election inspectors shall open the carrier envelope only, and announce the absent elector's name. When the inspectors find that the certification or affidavit has been properly executed, the applicant is a qualified elector of the precinct, and the applicant has not voted in the election, they shall open the envelope containing the ballot in a manner so as not to deface or destroy the affidavit or certification thereon. The inspectors shall take out the ballots without unfolding them or permitting them to be unfolded or examined and, after verification that the ballots have been indorsed by the issuing clerk, deposit them in the proper ballot boxes and enter the absent elector's name or voting number after his name on the registry list the same as if he had been present and voted in person.

(b) When the affidavit or certification is found to be insufficient, the applicant is not

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a qualified elector in the precinct, the ballot envelope is open or has been opened and resealed, the ballot envelope contains more than one ballot of any one kind, the ballot does not contain the initials of the clerk of the issuing municipality, or if due proof appears to the inspector that an absentee elector has since died, the vote shall not be accepted or counted. Every ballot not counted shall be indorsed on the back, "rejected (giving the reason)." Each rejected ballot shall be reinserted into the affidavit envelope in which it was delivered and the affidavit envelopes and ballots shall be enclosed and securely sealed in an envelope marked for rejected absentee ballots. The inspectors shall indorse the envelope, "defective ballots" with a statement of the precinct and date of the election, signed by the inspectors and returned to the same official in the same manner as official ballots voted at the election.

(c) All absentee certificate-affidavit envelopes which have been opened and the ballots deposited in the ballot boxes shall also be returned in a carrier envelope which is clearly marked "used absentee certificate-affidavit envelopes" and returned to the official who issued the absentee ballots.

History: 1965 c. 666.

Legislative Council Note, 1965: Sub. (1) is a restatement of s. 11.60, except reference to the county clerk is deleted.

Sub. (2) is a restatement of s. 11.61, except reference to the county clerk is deleted and therefore also deleted is the provision for mailing after the ballots are delivered to the inspectors. The receipt requirement is deleted. "Election officials" rather than "inspectors" is used for uniformity in this bill.

Sub. (3)(a) is a restatement of s. 11.62(1st 3 sentences) but provides for witnesses. Par. (b) is a restatement of s. 11.62(4th and 5th sentences), but includes the provision for 2 witnesses. The provision of s. 11.64 pertaining to the death of an elector voting under this section is repeated here. Par. (c) is a restatement of s. 11.62 (last sentence). (Bill No. 755-A)

The provision [11.62, 1963 Stats.] that an absentee ballot shall not be counted unless it contains the name or initials of the issuing municipal clerk is mandatory. It is not unconstitutional as denying an elector the right to vote. *Gradinjan v. Boho*, 29 W (2d) 674, 139 NW (2d) 557.

**6.89 Absent electors list public.** The municipal clerk shall keep a list of all electors who make application for an absent elector's ballot and who have voted under the absent elector provisions giving the name, address and date of application. The list shall be open to public inspection.

History: 1965 c. 666.

Legislative Council Note, 1965: This section is a restatement of s. 11.605. (Bill No. 755-A)

#### CHALLENGING ELECTORS

**6.92 Challenging the elector in person.** Each inspector shall and any elector of the county may challenge for cause any person

offering to vote whom he knows or suspects is not a qualified elector. If a person is challenged as unqualified, one of the inspectors shall administer the following oath or affirmation to him: "You do solemnly swear (or affirm) that you will fully and truly answer all questions put to you regarding your place of residence and qualifications as an elector of this election"; and shall then ask those of the following questions which are appropriate to test his qualifications:

(1) If challenged as unqualified on the ground that he is not a citizen: Are you a citizen of the United States?

(2) If challenged as unqualified on the ground that he has not resided in this state for one year immediately preceding the election:

(a) How long have you resided in this state immediately preceding this election?

(b) Have you been absent from this state within the year immediately preceding this election? If yes, then—

(c) When you left, did you leave for a temporary purpose, with the intent of returning, or for the purpose of remaining away?

(d) What state or territory did you regard as your home while absent?

(e) Did you, while absent, vote in any other state or territory?

(3) If challenged as unqualified on the ground that he is not a resident of the precinct where he offers his vote:

(a) When did you last come into this precinct?

(b) Did you come for a temporary purpose only, or for the purpose of making it your home?

(c) Did you come into this precinct for the purpose of voting here?

(d) Have you now and have you had for the last 10 days a voting residence in this precinct? If so, what is the particular description, name and location of your residence?

(e) If the answer to par. (d) is no, then: Have you moved from the precinct after the close of registration?

(f) Have you registered to vote at this election at any other place within or outside this state?

(g) Have you applied for an absentee ballot at any place in this or any other state?

(h) If single, do you board for part of the week, month or year with your parents?

(i) If you have no parents, or are self-supporting, have you registered to vote in this precinct?



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(j) Will you file your next income tax return with the assessor of incomes for this county as a resident of this precinct?

(4) If challenged as unqualified on the ground that he is not 21 years of age: Are you 21 years of age to the best of your knowledge and belief?

(5) If challenged as unqualified on the ground that he has made or become directly or indirectly interested in any bet or wager depending upon the result of the election:

(a) Have you made, in any manner, any bet or wager depending upon the result of this election, or on the election of any person for whom votes may be cast at the election?

(b) Are you in any manner, directly or indirectly, interested in any bet or wager depending in any way upon the result of this election?

(6) If challenged as unqualified on the ground that he has been convicted of treason, felony or bribery and not been subsequently restored to civil rights:

(a) Have you ever been tried or convicted in this state of any crime? If yes, then—

(b) Of what crime, when and in what court were you so convicted?

(c) Have you in any manner since the conviction been restored to civil rights, and if yes, how?

(7) If challenged as unqualified on the ground that he has been engaged, directly or indirectly, in a duel, either as principal or accessory:

(a) Have you ever been engaged in any duel, directly or indirectly, either as principal or as a second, or in counseling or aiding either principal or second in a duel? And if yes, then—

(b) When and where, and had you before that time been an inhabitant of this state?

(8) The inspectors, or one of them, shall ask the challenged person any other or further questions to test his qualifications as an elector at the election.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section is a restatement of s. 6.50 except in the intro. par. in this section the words "for cause" are added and a provision is made in sub. (3)(e) in this section for electors who move after registration closes so that they may still vote in their old precinct even though it is no longer their residence. (Bill No. 755-A)

**6.93 Challenging the absent elector.** The vote of any absent elector may be challenged for cause and the inspectors of election shall have all the power and authority given them

to hear and determine the legality of the ballot the same as if the ballot had been voted in person.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section is a restatement of s. 11.63. (Bill No. 755-A)

**6.94 Challenged elector oath.** If the person challenged refuses to answer fully any relevant questions put to him, the inspectors shall reject his vote. If the challenge is not withdrawn after the person offering to vote has answered the questions, one of the inspectors shall administer to him the following oath or affirmation: "You do solemnly swear (or affirm,) that: you are 21 years of age; you are a citizen of the United States; you have resided in this state one year preceding the election; you are now and for 10 days have been a resident of this precinct except under s. 6.02(3); you have not voted at this election; you have not made any bet or wager or become directly or indirectly interested in any bet or wager depending upon the result of this election; you are not on any other ground disqualified to vote at this election." If the person challenged refuses to take the oath or affirmation, his vote shall be rejected. If the person takes the oath or affirmation and fulfills the registration requirements, when applicable, his vote shall be received.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section is a restatement of s. 6.53, except it provides for electors moving after registration closes. (Bill No. 755-A)

**6.95 Marking challenged elector ballot.** Whenever the inspectors under ss. 6.92 to 6.94 decide to receive the vote of a person offering to vote who has been challenged, before depositing the ballot they shall write on the back of the ballot the number of the challenged person corresponding to the tally sheet or voting list number kept at the election. When the inspectors similarly decide to receive the vote of a challenged person offering to vote where voting machines are used, his vote shall be received only upon an absentee ballot furnished by the municipal clerk which shall similarly have the corresponding number from the tally sheet or voting list printed on the back of the ballot before the ballot is deposited.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This is based on s. 6.52. The provision for areas where voting machines are used is new to the statutes, but is the present practice in many areas. (Bill No. 755-A)

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CHAPTER 7. ELECTION OFFICIALS, BOARDS, OBSERVERS;  
SELECTION AND DUTIES, CANVASSING.

SELECTION AND DUTIES	
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**7.03 Compensation of election officials.**

A reasonable compensation of not less than \$5 per day shall be paid to each election clerk, ballot clerk, inspector, voting machine custodian, member of a board of canvassers and messenger employed and performing duties under this title. The amount of compensation shall be fixed by the appropriate governing body. The secretary of state shall fix the amount to be paid any person employed to perform duties for the state and charge the expenditures to the appropriation of the hiring official or board.

History: 1965 c. 666.

Legislative Council Note, 1965: This is s. 6.325 with 2 exceptions: (1) The present provision is "under this chapter." As there are duties in other chapters, this change was made. (2) Section 11.10 (1) (last sentence after the last comma) provides for voting machine custodians to be paid the same as inspectors and is therefore included here.

Sections 6.185(9) and 10.27 were deleted as unnecessary. (Bill No. 755-A)

**7.08 Secretary of state.** In addition to his duties for ballot arrangement under ch. 5 and date and notice requirements under ch. 10, the secretary of state shall:

(1) **ELECTION FORMS, BLANKS, VOTING APPARATUS.** (a) Prepare all official ballot forms necessary under this title and revise the official ballot forms to harmonize with legislation and the current official status of the political parties whenever necessary. Samples of the official ballots shall be published with this title for public use and distribution and the prescribed forms shall be substantially followed in all elections under this title.

(b) Prepare and provide the necessary blanks to make the canvass, returns, statements and tally sheet statements for all state, congressional, legislative and county elections whether general, special or judicial, and all materials as he deems necessary. The blanks shall contain the necessary certificates of the inspectors and canvassers with notes explaining their use and statutory basis. Blanks for use at the September primary shall be for-

warded to the county clerks not later than the 2nd Friday in August. Blanks for the general election shall be forwarded to the county clerks not later than the 2nd Friday in October. The secretary of state is required to furnish only the standard form tally sheet statement to any city or county.

(c) With the approval of the attorney general, promulgate rules for the administration of the statutory requirements for voting machines and any other voting apparatus which may be introduced in this state for use at elections. He may obtain assistance from competent persons to check the machines and apparatus and approve for use those meeting the statutory requirements and shall establish reasonable compensation for persons performing duties under this subsection.

(2) **CERTIFIED LISTS.** (a) As soon as possible after the closing date for filing nomination papers or after the canvass of the primary vote, but no later than the deadlines established in s. 10.06 transmit to each county clerk a certified list of all candidates on file in his office for which electors in that county may vote. The list shall designate the order of arrangement and contain each candidate's name in any combination of initials or familiar and common abbreviations for the first and middle names plus the last name, but no nicknames or titles; his residence and post-office address; the office for which he is a candidate; and, the party or principle he represents, if any. Names of candidates nominated under s. 7.38(3) or 8.35 shall be certified by the secretary of state upon filing of the necessary papers with him.

(b) The certified list of candidates for president and vice president nominated at a national convention by a party entitled to a September primary ballot or for whom electors have been nominated under s. 8.20 shall be sent as soon as possible after the closing date for filing nomination papers, but no later

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than the deadlines established in s. 10.06.

(3) **ELECTION MANUAL.** Prepare and publish separate from the election laws an election manual explaining the duties of the election officials and the qualifications and privileges of electors, together with notes and references to the statutes as he deems advisable. The manual shall be furnished free to election officials and others in such manner as he deems most likely to promote the public welfare.

(4) **QUESTION REFERRAL.** Refer any questions submitted under s. 7.10(4) or 7.15(8) to the attorney general or department of administration for official determination.

History: 1965 c. 666.

Legislative Council Note, 1965: The intro. par. is new. It is intended to give a reference to 2 significant duties of the secretary of state provided for elsewhere in Title II.

Sub. (1)(a) is a restatement of s. 5.40 and the last 2 sentences of s. 6.77. Par. (b) is a restatement of the first 4 sentences of s. 6.77 except the "20 days prior" provision is changed to specific dates to provide more time for the county clerks. The delivery for the September primary will usually be 32 days and the general election will always be 25 days.

Sub. (1)(c) is new. There is no present statutory provision for checking voting machines to see that they fulfill the statutory requirements, although it is apparently believed by some that the secretary of state is supposed to do this. To make certain that some procedure is established to see that the statutory requirements are complied with, this section is drafted in language broad enough to provide for the checking by the secretary of state of any "apparatus" used in an election.

Sub. (2)(a) is a combination of ss. 6.19(1), 5.08(1) and 5.25(4) except the date provisions. Par. (b) is new in part. It establishes statutory procedure for placing presidential candidates on the ballot.

Sub. (3) is a restatement of s. 6.81.

Sub. (4) covers that part of s. 6.82(4) giving the secretary of state the right to refer questions. The attorney general is added since he could more appropriately answer certain questions than the department of administration. (Bill No. 755-A)

**7.10 County clerks.** (1) **ELECTION SUPPLIES AND BALLOTS.** (a) Each county clerk shall provide printed ballots for every election in his county for all offices of county level or above. The official and sample ballots shall be printed in substantially the same form as those annexed to ch. 5.

(b) The county clerk shall supply sufficient registry list blanks for municipalities that do not have elector registration and other election supplies. The registry list blanks shall contain the forms for the official oaths of the election officials. The registry list blanks and other election supplies shall be enclosed in the sealed package containing the official ballots and delivered to the municipal clerk for each precinct.

(c) With county board approval any county clerk may purchase or print the official forms of nomination papers for distribution to any person at cost or free.

(2) **PREPARING BALLOTS.** The county clerk shall prepare copy for the official ballots immediately upon receipt of the certified list of candidates' names from the secretary of state. Names certified by the secretary of state shall be arranged in the order certified. The county clerk shall place the names of all candidates filed in his office or certified to him by the secretary of state on the proper ballots under the appropriate office and party titles.

(3) **TIME SCHEDULE.** (a) The county clerk shall distribute the ballots to the municipal clerks 3 weeks before any primary or general election. He shall distribute the ballots for the spring election so they are received by the municipal clerks at least 10 days before the election. Election blanks prepared by the secretary of state shall be distributed at the same time.

(b) The county clerk shall distribute an adequate supply of separately wrapped official ballots to each municipal clerk so the municipal clerk may supply ballots to absent elector applicants. The remaining ballots shall be sent in separately sealed packages clearly designating the precinct for which each is intended and the approximate number of ballots of each kind enclosed.

(4) **RESOLVING NOTICE DOUBTS.** When in doubt as to compliance with the statutory requirements for election notices or the correct fees to be paid for them, the county clerk may consult the secretary of state.

History: 1965 c. 666.

Legislative Council Note, 1965: The purpose of this section is to set forth the duties of the county clerk. Sub. (1)(a) is a combination of ss. 5.11(5)(1st sentence), 6.25(1)(1st part of 1st sentence) and 11.09(1)(a) as it applies to county clerks. The last sentence of par. (a) is s. 5.70(1)(1st sentence) without substantive change. Par. (b) is s. 6.28(1) without substantive change. Par. (c) is a restatement of s. 6.28(2).

Sub. (2) is a combination of ss. 6.25(1)(1st sentence, in part) and 5.11(1).

Sub. (3)(a) is a restatement of ss. 5.11(5)(last sentence), 6.29(1)(1st sentence) and 6.78(1st sentence). Par. (b) is based on s. 6.29(1)(2nd sentence to the end of the subsection), but does not provide that 5% of the ballots shall be kept separate for absentee electors.

Sub. (4) restates that part of s. 6.82(4) pertaining to the county clerk.

The duty assigned to the county clerk by s. 6.29(4) pertaining to the filing of a receipt has been deleted to bring the statutes in line with present practice in many areas of the state, but this bill does not prevent the county clerk from still requesting receipts.

Also deleted is the duty presently assigned to the sheriff when there is no person authorized to act for the county clerk under s. 6.82(6). There is always a deputy clerk or someone in the clerk's office who, although not so authorized, can fulfill the duties better than a sheriff who would be relatively unfamiliar with the election statutes and procedure. (Bill No. 755-A)

**7.11 Menominee county; town elections.** The clerk shall prepare a ballot distinguishing

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between supervisors elected at large and by precinct in any county having only one town with a part of the board members elected by precincts.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This is a restatement of s. 10.525 pertaining only to Menominee county. (Bill No. 755-A)

**7.15 Municipal clerks.** (1) SUPERVISE REGISTRATION AND ELECTIONS. Each municipal clerk has charge and supervision of elections and registration in the municipality. He shall perform the following duties and any others which may be necessary to properly conduct elections or registration:

- (a) Equip polling places.
- (b) Provide for the purchase and maintenance of election equipment.
- (c) Provide ballots and other supplies for conducting elections. Materials received from the county clerk shall be delivered with the ballots before the polls open.
- (d) Prepare the necessary notices and publications in connection with the conduct of elections or registrations.
- (e) Instruct election officials in their duties, calling them together whenever advisable, and inspect systematically and thoroughly the conduct of elections in the municipality so that elections are honestly, efficiently and uniformly conducted.
- (f) May discharge an election official for improper conduct or wilful neglect of duties.
- (g) Report suspected election frauds, irregularities or violations of which he has knowledge to the district attorney.
- (h) Review, examine and certify the sufficiency and validity of petitions and nomination papers.
- (i) Direct how and when to destroy the contents of the blank ballot boxes and unused election materials.

(2) MUNICIPAL ELECTION DUTIES. (a) In municipal elections, the municipal clerks shall perform the duties prescribed for county clerks by s. 7.10.

(b) Cities over 500,000 population may print their own official and sample ballots. The ballots shall be printed so they are ready at least 2 days before the election.

(c) With the consent of the county clerk, municipalities may print their own ballots whenever voting machines are used in non-partisan elections where both local and judicial candidates appear on the ballot. This paragraph does not apply to cities under par.

- (b).
- (d) Whenever by ordinance or resolution

the governing body of any municipality submits any question, ordinance or proposed recall from office to a vote of the electors, the municipal clerk shall issue a call for the election and prepare and distribute ballots as required in the authorization of submission. The ballot shall conform to s. 5.64(2). If there is already an official ballot for the election, the question, ordinance or recall may be printed at the bottom of the ballot.

(3) VOTING MACHINE DUTIES. (a) Where voting machines are used, the municipal clerk shall provide at least 2 duplicate sample ballots for each voting precinct in diagram form showing the front of the machine as it will appear in the voting booths on election day.

(b) Machine and sample ballots shall be furnished to the precinct officials at least one day before the election.

(4) RECORDING ELECTORS. After each election where registration other than permanent registration is used, the municipal clerk shall make a record of each elector who has voted at the election by stamping or writing the date of the election in the appropriate space on the original registration affidavit of the elector.

(5) RECORD OF BALLOTS RECEIVED. Each municipal clerk shall keep a record of when and in what condition the packages containing the ballots were received from the county clerk. The municipal clerk shall deliver to the proper officials the unopened packages of ballots the day before the election.

(6) SUBSTITUTE BALLOTS. The municipal clerk shall provide substitute ballots in substantially the form of the original ballots whenever the necessary original ballots are not delivered to the municipality, are destroyed, are lost or stolen after delivery, are not ready for distribution or the supply is exhausted during polling hours. Upon receiving the substitute ballots accompanied by a statement made under oath by the municipal clerk that the ballots have been prepared and furnished by him to replace the original ballots which are not available, the election officials shall use the substitute ballots the same as if originals.

(7) REQUEST CANVASS ASSISTANCE. The municipal clerk may request all election officials to assist the inspectors in canvassing the votes received at the respective polling places.

(8) RESOLVING NOTICE DOUBTS. When in doubt as to compliance with the statutory requirements for election notices or the cor-

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rect fees to be paid for them, the municipal clerk may consult the secretary of state.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** The purpose of this section is to set forth the duties of the municipal clerks. As previously noted, the executive secretary of the municipal board of election commissioners by definition is now responsible for the municipal clerk's duties.

In sub. (1), pars. (a) to (f) are a restatement of ss. 6.46(1st sentence in part), 10.30 (in part) and 10.33 (in part) and other scattered provisions. As par. (f) will now include Milwaukee, the provision will empower the executive secretary of the election commission to remove precinct officials, whereas s. 10.04(7) gives this power to the entire board. The change was justified because such removals are usually of an emergency nature and should not be restricted to the entire board. The intro. par. and pars. (g) and (h) are a restatement of the remainder of ss. 10.29 and 10.33 except that s. 10.29 requires the board of election commissioners to furnish printed instructions. The secretary of state is now required to supply manuals for election officials which, if properly issued, are passed on down to the precinct officials. Also, the separate specifications for Milwaukee wherever possible have either been deleted or made state-wide. The exclusion, however, does not prevent Milwaukee from printing any such manual which they may consider helpful to the election officials, in fulfilling their duties. Par. (c) is a combination of parts of ss. 6.78, 10.48, 10.56 and 11.09. Section 6.78 provides for the passing on of the election blanks received by the clerk to the precinct officials and provides for their use. That portion regarding their use which also stated that failure to do so would not invalidate the election was deleted because there is a substantial compliance provision in ch. 5 in this bill. Section 10.48 states village clerks shall print official and sample ballots. Section 10.56(1) makes a cross-reference to s. 10.48 and assigns the duties therein to the town clerks. The 2nd sentence of sub. (1)(c) covers the provision of s. 10.56(3). Section 11.09(1)(a) pertaining to ballots for voting machines assigns the duty in part to the city clerks and city board of election commissioners and (6) states that the necessary blanks and materials shall be supplied. As established, the executive secretary of the board of election commissioners will be primarily responsible. Par. (i) is new. It is necessary to assign this duty to the municipal clerk here for uniformity in this bill. The change was made to prevent the possible mix-up of official and blank ballots, should the blanks be destroyed at the precinct level while the official ballots are also there.

In sub. (2), par. (a) is based upon s. 10.38 except that part providing that cities over 200,000 may print their own ballots. The executive secretary of the board of election commissioners is made responsible for this provision. Par. (b) is a restatement of the remainder of s. 10.38, except the population figure was changed from 200,000. Par. (c) is a restatement of s. 11.09(1)(b)(last sentence), except that the executive secretary of the county board of election commissioners will issue the consent. Par. (d) is based on s. 10.40(2) although it presently pertains only to cities.

In sub. (3), par. (a) is a restatement of s. 11.09(3)(1st sentence). Par. (b) is a restatement of s. 11.09(5)(2nd sentence).

Sub. (4) is a restatement of s. 6.16(10).

Sub. (5) is a restatement of s. 6.29(2) and (3) except that the provision for the municipal clerk to send a receipt to the county clerk has been deleted to reflect present practice. This does not prevent the county clerk from requesting a receipt.

Sub. (6) is a restatement of s. 6.29(5) and (6).

Sub. (7) pertaining to requesting election officials to assist with the canvass is based upon s. 10.04(5)(last sentence) but has been made state-wide.

Sub. (8) is based on s. 6.82(4) which provides only for the county clerk. This change reflects present practice. (Bill No. 755-A)

#### **7.20 Board of election commissioners. (1)**

A municipal board of election commissioners

and a county board of election commissioners shall be established in every city and county over 500,000 population.

(2) Each board shall consist of 3 members, each member being chosen from lists of at least 3 names each, selected and approved jointly by each party's county statutory committee and the county voluntary committee of the 2 parties receiving the most votes for governor in the last general election. The county executive for the county election board, and the mayor for the city election board, shall select from the lists 2 persons from the majority party and one person from the next highest party.

(3) The persons chosen shall be qualified electors and residents of the state and county and, for the city election board, of the city.

(4) Before beginning their duties as election commissioners each appointee shall take and file the official oath.

(5) Each board shall choose its own chairman. An act of a majority of the board is an act of the board.

(6) The election commissioners shall not hold any other public office and are ineligible for any appointive or elective public office, except the office of notary public, during their term.

(7) The term of office shall be 4 years, and until successors have been commissioned and qualified, beginning on July 1 each year following a presidential election. Successors shall be appointed the same way.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section combines the provisions of ss. 10.01 and 10.63. The population figure has been changed. The provision of s. 10.63 permitting service on both boards was deleted as the provision of s. 10.01 forbids it. The county executive has been included in sub. (2). The majority provision of ss. 10.28 and 10.66(3rd sentence) has been included in sub. (5). (Bill No. 755-A)

#### **7.21 Election commissioners, duties and regulations. (1)**

All duties and provisions of Title II for elections assigned to the municipal or county clerk, the municipal or county board of canvassers, or the municipal or county governing body shall be carried out by the proper election board or its executive secretary, unless specially retained or assigned in this section or s. 7.22.

(2) The board may hire an executive secretary who shall perform whatever duties the board assigns to him. The common council for cities and the county board for counties shall determine the salary. If the same person serves as executive secretary for both a city and county election board, he shall receive only one salary, the city and county each

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paying half. Appointment and removal shall be subject to civil service standards.

(3) The election board is authorized to employ additional clerical assistants to carry out their necessary duties. Their salaries shall be fixed by the governing body of the municipality or county.

(4) The election board may procure a seal to authenticate official papers and documents.

(5) The city council and county board shall provide office space in the city hall and county courthouse, respectively, pay all the necessary expenses, co-operate with the board, provide storage space for the election equipment and supplies and assist with the moving and conducting of the elections as necessary.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is based on ss. 10.02(1)(last part), 10.23(1st part and last sentence), 10.25(1) and (2), 10.64(1st sentence and 10.66(last sentence). The basic provisions for the city and county board of election commissioners have been combined.

Sub. (2) is based on ss. 10.02(1)(1st part), 10.64(2nd sentence) and 10.65. The provision for sharing salaries between the city and county when a person serves on both boards has been deleted since s. 7.20 in this bill no longer provides for serving on both boards.

Sub. (3) is a restatement of ss. 10.02(3) and 10.66(1st sentence, last part).

Sub. (4) is a restatement of ss. 10.02(2) and 10.66(1st sentence, 1st part).

Sub. (5) is based on ss. 10.02(4)(in part), 10.23 (in part), 10.31, 10.66(2nd sentence) and 10.68. (Bill No. 755-A)

**7.22 Municipal election board.** (1) The common council shall determine the salaries of the election commissioners and shall include sufficient funds in its budget to allow the municipal election board to fulfill its duties.

(2) All expenses shall be paid upon order of the election board, signed by the chairman and executive secretary and countersigned by the city comptroller. The orders, made payable to persons in whose favor issued, shall be the vouchers for the city treasurer for the payment of the orders.

(3) The election board shall prepare and furnish copies of all registrations, books, maps, instructions and blanks pertaining to the rules for registration and conducting elections for the use and guidance of the election officials.

(4) The election board shall compile and publish a biennial report, containing election statistics and returns of all primaries and elections held within their city and county. Copies of the same shall be distributed to persons in such quantities as the board deems proper.

(5) The chief of police shall station at least one policeman at each polling place for every election.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of ss. 10.02(4)(1st sentence, last part) and 10.26.

Sub. (2) is a restatement of s. 10.02(4)(last 2 sentences).

Sub. (3) is a restatement of s. 10.02(1)(in part).

Sub. (4) is based on s. 10.02(5), but the report is changed from annual to biennial.

Sub. (5) is a restatement of s. 10.23 (3rd sentence). (Bill No. 755-A)

**7.23 Destruction of election materials.**

(1) All materials and supplies associated with an election, except as provided in sub. (2), may be destroyed according to the following schedule:

(a) Any unused materials after an election and the contents of the blank ballot box after a primary may be destroyed at a time and in a manner designated by the appropriate clerk.

(b) Voting machine recorders essential for proper operation of the voting machine may be reactivated 14 days after the primary.

(c) Canceled registration cards may be destroyed after 4 years.

(d) Financial statements may be destroyed after 6 years.

(e) All other materials and supplies associated with an election may be destroyed 90 days after the election.

(2) If any contest of the election is pending at the expiration of the time, the relevant material shall not be destroyed until the contest is finally determined. In all contested election cases, the contesting parties shall have the right to have the ballots opened and to have all errors of the inspectors, either in counting or refusing to count any ballot, corrected by the court or body trying the contest. The ballots shall be opened only in open court or in open session of the body and in the presence of the official having custody over them.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is based on ss. 5.05(9)(in part), 6.60(3)(last part), 6.60(5)(last part), 6.60(6), 6.83, 10.385 and 11.13 (1st sentence, last part and 3rd sentence). The necessary changes have been made to establish a definite and logical order for the destruction of election materials. S. 11.17(2) is included.

Sub. (2) is a restatement of ss. 5.05(9)(in part) and 6.60(4). (Bill No. 755-A)

**7.25 Voting machine officials duties.** (1)

The municipal clerk of each municipality in which voting machines are used is responsible for the proper ballot being placed on each machine, the sample ballots, setting, adjusting, and putting the machine in order to use in voting when delivered to the precinct. For the purpose of labeling, setting, adjusting and putting the voting machines in order, one or more competent voting machine custodians may be employed.

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(2) Under the direction of the municipal clerk, the custodian shall label, set, adjust, put in order and deliver the machines with all necessary furniture and appliances to the rooms where the election will be held in each precinct at least one hour before the time set for opening the polls on election day.

(3) In preparing a voting machine for an election according to the directions furnished, the custodian shall arrange the machine and ballot so both will meet all the requirements for voting and counting the election in the manner provided for in machine construction.

(4) When a voting machine is properly prepared for an election and delivered to the election precinct, it shall be locked and sealed against any movement and the officials or governing body shall provide proper protection to prevent tampering with the machines. The custodians preparing the machines shall deliver the keys for the machines to the municipal clerk together with a written report of each machine's condition.

(5) Before an election each election official serving at a polling place where voting machines are used shall be instructed in their use and their duties in connection with them by the municipal clerk who shall call as many meetings to give instructions to the election officials as are necessary. Each election official who is qualified to perform his duties shall receive at least \$1 for each meeting at which he received instructions and shall be paid in the same manner and at the same time as are those who serve on election day. Any person who does not understand the machines shall not be paid nor be allowed to serve.

(6)(a) Where voting machines are used, the election officials for each precinct shall meet at their proper polling place at least 15 minutes before the time set for opening of the polls to arrange the voting machines and furniture to properly conduct the election.

(b) Before opening the polls, they shall compare the ballot labels on the machines with the sample ballots furnished to insure that the names, numbers and letters thereon agree; examine the seal on each machine to see that it has not been broken; and examine the counter on each machine to see that each registers 000. If any counter on any machine does not register 000, the counter number and the number showing on the counter shall be recorded, signed by all the election officials and a copy conspicuously posted at the polling place during polling hours.

(c) After the inspection under par. (b), on the blanks furnished, they shall certify the

condition of each voting machine and its counters. Each form shall be signed by each election official. After the election, one copy of each machine's certification shall be delivered with each copy of the election returns.

**History: 1965 c. 666.**

**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 11.10(1)(in part), except that the municipal clerk instead of the governing body is responsible for fulfilling the duty.

Sub. (2) is a restatement of s. 11.10(2) except that the municipal clerk has been substituted for the governing body.

Sub. (3) is a restatement of s. 11.10(3).

Sub. (4) is a restatement of s. 11.10(4).

Sub. (5) is a combination of ss. 11.10(5) and 11.11(1). The instructions were made the responsibility of the municipal clerk instead of the custodian and the certificate for completion of the instructions was deleted.

Sub. (6)(a) is a restatement of s. 11.11(2). Par. (b) is a restatement of s. 11.11(3). Par. (c) is a restatement of s. 11.11(4). (Bill No. 755-A)

**7.30 Inspectors, clerks, tabulators.** (1) **NUMBER.** There shall be 3 inspectors, 2 election clerks, and 2 ballot clerks at each polling place at each election held under Title II. Where voting machines are used, the ballot clerks shall be dispensed with, and, if more than one voting machine is used, additional inspectors may be appointed from the predominant party at the preceding general election. Election clerks are not required in municipalities with an election board in counties over 500,000 population.

(2) **QUALIFICATIONS AND PROCEDURE.** (a) Each inspector and clerk shall be a qualified elector in the precinct, but election officials serving more than one precinct or when necessary to fill a vacancy under par. (b) need not be a resident of the precinct. They shall be able to read and write the English language, be capable, be of good understanding, and shall not be a candidate, other than for ward or precinct committeeman, to be voted for at that election. In 1st class cities they shall hold no public office other than notary public. All officials shall be affiliated with one of the 2 political parties which received the largest number of votes for president, or governor in nonpresidential general election years, in the precinct at the last election. The party which received the largest number of votes shall be entitled to 2 inspectors, one clerk and one ballot clerk for each precinct. The party receiving the next largest number of votes shall be entitled to one inspector, one clerk and one ballot clerk for each precinct.

(b) When a vacancy occurs, the appointment shall be filled by the municipal clerk from the remaining names on the submitted lists or from names submitted by the county party committee. If the vacancy is due to the candidacy, sickness or from any other

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cause, the appointment shall be a temporary appointment and effective only for that election. The same qualifications shall be required, but vacancies may be filled in cases of emergency or because of time limitations by a person from an adjoining ward so the proper balance of party representation is maintained.

(c) The governing body of any municipality may require all persons named on the party lists for election officials to prove their ability to read and write English and to have a general knowledge of the election laws. Examinations may be given to prove the qualifications can be met.

(3) TABULATORS. (a) Not less than 30 days before any election the governing body of any municipality, by resolution, may authorize the municipal clerk to select tabulators at a compensation fixed by the governing body.

(b) The tabulators shall assist and be under the direction of the election inspectors after the close of the polls.

(4) APPOINTMENTS. (a) Except in cities where there is a board of election commissioners, the mayor, president or chairman of each municipality shall nominate to the governing body at their first regular meeting in February of each odd-numbered year the necessary election officials for each election precinct. If no regular meeting is scheduled, he shall call a special meeting for the purpose on the last Tuesday in February.

(b) The 2 dominant parties, under sub. (2), are each responsible for submitting a list of names from which the appointees shall be chosen.

1. In cities where there is a board of election commissioners, the elected ward committeemen of each of the 2 dominant parties shall submit a certified list containing the names of at least 5 times as many electors as there are voting precincts in a ward. The board of election commissioners shall appoint, during February of odd-numbered years, three-fifths of the list as inspectors and two-fifths as ballot clerks giving the first choices and alternates for each.

2. In municipalities other than 1st and 2nd class cities the party committees shall submit a list containing at least twice as many names as there are needed appointees from that party. The lists in 2nd class cities need not contain twice the number of names as appointees. The lists shall be submitted through the ward or town chairman of the 2 regular party committees to their county, city, ward

or precinct committee to the mayor, president or chairman of the municipality. Only those persons selected by the chairman of each ward or town committee shall act as election officials. The list shall contain the signature of the chairman and secretary of the submitting county, city, town or precinct committee. Upon submission of each nominee's name, the governing body shall approve or disapprove the nomination. If any nominees are disapproved, the mayor, president or chairman of the municipality shall immediately nominate another person from the appropriate lists submitted and continue until the necessary number of election officials from each party is achieved at that meeting.

(c) If the lists are not submitted by December 15 of the year prior to the time for appointment, the board shall appoint, and the mayor, president or chairman of a municipality shall nominate as appears appropriate.

(5) OATH OF OFFICE. Within 5 days after appointment of the election officials the municipal clerk shall give each appointee notice. The appointees shall file the official oath with the municipal clerk within 10 days after the mailing of the notice. Appointees to fill vacancies or any other election official who has not filed the oath, before receiving any ballots, shall sign the oath and return it to the municipal clerk. An inspector, after taking the oath, may administer any oath required to conduct an election.

(6) OFFICE TENURE. (a) The appointed election officials shall hold office for 2 years and until their successors are appointed and qualified. They shall serve at every election held in their precinct during their term of office.

(b) At the first election following their appointment, the inspectors shall elect one of their number as chairman of the inspectors. The chairman shall hold the position for the remainder of the term. If a vacancy occurs in the chairman position, the inspectors shall elect one of their number to serve as chairman until the vacancy is removed.

(c) If any election official lacks the qualifications set forth in this section, is guilty of neglecting his official duties or commits official misconduct he shall be summarily removed from office and the vacancy shall be filled under sub. (2)(b).

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is based on ss. 6.05(5), 6.32(1)(1st sentence, 1st part and 2nd sentence), 10.04 (intro. par., in part) and (5)(1st sentence), 11.06(2)and(3) without substantive change.



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Sub. (2)(a) is based on ss. 6.32(1) (remainder) and 10.04(4)(a) but the provisions have been made uniform. The provision that an election official may be a precinct committeeman candidate is new. Par. (b) combines ss. 6.32(4)(f) and 10.04(6) and makes the provisions uniform. Par. (c) is a restatement of s. 6.32(4)(h).

Sub. (3) is based on s. 6.32(3), but the time limitation has been changed from 60 to 30 days.

Sub. (4)(a) is a restatement of s. 6.32(4)(a) (except last sentence). Par. (b)1 is based on ss. 6.32(4)(a) (last sentence, in part), 10.04 (intro. par.), (1), (2) and (3) without substantive change as incorporated into this section of the bill although the date for selection has been clarified. Par. (b) 2 is based on s. 6.32(4)(a) (last sentence), (b) (in part) and (c), but the provisions for all municipalities other than for the city of Milwaukee have been made uniform. Par. (c) is a restatement of ss. 6.32(4)(b) (3rd sentence), (5) and 10.04(8) with a uniform date.

Sub. (5) is based on ss. 6.32(4)(g), 6.34 (except 1st sentence), 10.04(4)(c) with changes made for clarification and uniformity. The form of oath has been deleted since the official oath includes the necessary provisions and all oaths are filed with the municipal clerk.

Sub. (6)(a) is a restatement of ss. 6.32(4)(d) and 10.04(4)(b). Par. (b) is a restatement of s. 6.32(4)(e) with state-wide application. Par. (c) is a restatement of ss. 10.04(7) and 10.33(4a). (Bill No. 755-A)

**7.31 Compulsory service.** Service as an election official under this chapter shall be mandatory upon all qualified electors appointed, during the full 2-year term, after which they shall be exempt from further service as an election official, under this chapter, until 3 terms of 2 years each have elapsed. Municipal clerks may grant exemptions from service at any time.

History: 1965 c. 666.

**Legislative Council Note, 1965:** This section is based on s. 10.07 with state-wide application. (Bill No. 755-A)

**7.32 Jury duty exemption.** Any person appointed an election official shall be exempt from jury duty only on election days.

History: 1965 c. 666.

**Legislative Council Note, 1965:** This section is based on s. 10.22 but the provision has been made state-wide and the exemption has been restricted. (Bill No. 755-A)

**7.33 Change of election official numbers and power.** By ordinance or resolution, the governing body of any municipality may reduce the number of election officials, provide a redistribution of duties among the remaining officials, and modify or rescind any similar previous action.

History: 1965 c. 666.

**Legislative Council Note, 1965:** This is a restatement of s. 6.32(1a) but the deadline has been deleted. (Bill No. 755-A)

**7.35 Ballot clerk duties.** (1) **GENERAL.** Ballot clerks serve only on election days when paper ballots are used. They shall take charge of the official ballots, write their initials on the back of each ballot, fold it in the proper manner to be deposited and deliver to each elector as he enters the voting booth one ballot properly folded and indorsed by 2 ballot clerks. If asked, ballot clerks may in-

struct any elector as to the proper manner of marking the ballot, but shall not give advice, suggestions, express any preferences or make any requests as to the person for whom or the ballot on which the elector shall vote.

(2) **IMPROPER CONDUCT.** Any election official who intentionally fails to properly indorse a ballot or who gives an elector a ballot not properly indorsed shall be disqualified from acting as an election official and fined \$5.

(3) **VACANCY IN NOMINATION.** Whenever a vacancy occurs in a nomination after the ballots have been printed and pasters are provided under s. 7.38(3) or 8.35, the ballot clerks shall properly paste them on the official ballots before indorsement.

History: 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 6.36(1). The provision of s. 10.48 (1) (last sentence) permitting one indorsement when allowed by law was deleted, but will be permitted where specifically provided.

Sub. (2) is a restatement of s. 6.36(2), but the word intentionally is new.

Sub. (3) is a restatement of s. 5.18(4th sentence, last part). (Bill No. 755-A)

**7.36 Election clerk duties.** (1) Election clerks, under ch. 6, shall have charge of the registry lists at each election. In 1st class cities, this duty shall be assigned to the inspectors.

(2) Except in cities of the 1st class, the election clerks also shall certify to the correctness of the tally sheets, under s. 7.51(4) when they assist in the canvass.

History: 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) notes their principal duty which is described in detail in ch. 6 in this bill.

Sub. (2) is a restatement of s. 6.58 (last sentence). (Bill No. 755-A)

**7.37 Inspectors duties.** (1) **ADJOURN TO ANOTHER LOCATION.** Whenever it becomes impossible or inconvenient to hold an election at the designated location, the inspectors, after assembling at or as near the designated polling place as practicable and before receiving any votes, may adjourn to the nearest convenient place for holding the election. A proclamation of the move shall be made and a constable or other proper person shall be stationed at or as near as possible to the place where the adjournment was made, to notify all electors of the place to which the election adjourned. At the new location they shall immediately proceed with the election.

(2) **CHECK BALLOT BOXES.** Immediately before the proclamation that the polls are open the election inspectors shall open each ballot box in the presence of the people assembled there, turn the boxes upside down so as to empty them of everything that may be

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inside and then lock them. The ballot boxes shall remain locked and shall not be reopened until the polls close for the purpose of counting the ballots therein.

(3) PRESERVE ORDER. The inspectors shall possess full authority to maintain order and to enforce obedience to their lawful commands during the election and the canvass of the votes. They shall permit only one person in a voting booth at a time and shall prevent any person from taking notice of how another person has voted, except when assistance is given under s. 6.82. If any person refuses to obey the lawful commands, or is disorderly in the presence or hearing of the inspectors, interrupts or disturbs the proceedings, they may order any constable or other proper person to remove him from the premises or take him into custody during the election.

(4) POSTING SAMPLE BALLOTS. Where voting machines are used, 2 sample ballots sent by the municipal clerk shall be posted by the inspectors near the entrance to the polling location for public inspection throughout the day.

(5) CHALLENGED ELECTORS. If any person is challenged for cause, the inspectors shall ask questions under s. 6.92 and with the aid of other provisions of ch. 6 as appear applicable, shall resolve the challenge.

(6) SPOILED BALLOTS. Any spoiled ballot returned to an inspector under s. 6.80(2)(c) shall be immediately destroyed by one of the inspectors.

(7) CANVASSERS. The election inspectors shall constitute the board of canvassers of their respective precinct and in that capacity shall perform the duties under s. 7.51.

History: 1965 c. 666.

Legislative Council Note, 1965: Sub. (1) is a restatement of s. 6.09.

Sub. (2) is a restatement of s. 6.47.

Sub. (3) is a restatement of ss. 6.38(2nd sentence) and 6.56.

Sub. (4) is a restatement of s. 11.09(3)(last sentence).

Sub. (5) notes a duty given in detail in ch. 6 in this bill.

Sub. (6) is new. It is intended to prevent confusion and the possibility of double counting of the same person's vote.

Sub. (7) is a restatement of s. 6.34(1st sentence) with clarification. (Bill No. 755-A)

### 7.38 Political party election functions.

(1) OBSERVERS. (a) For every election precinct each political party may appoint 2 party observers and an alternate for each, as observers of the election proceedings and the canvassing of the ballots. The appointments may be made by the local committee of the party that nominated the candidates. Candidates nominated by nomination papers or

candidates for city offices may similarly appoint observers.

(b) Each appointment shall be filed with the proper municipal clerk at least 4 days before the election, and signed by the person making them. The file copy shall specify the name and residence of the appointee, the election precinct to which appointed, and the name of the alternate appointee, in case the original appointee is absent.

(c) Upon filing, the clerk shall issue permits to the appointees giving authority to be present during the election and counting of the ballots. Upon request, the clerk shall issue a permit to the alternate appointee when an original appointee fails to serve for all or a part of the day.

(2) SAMPLE BALLOTS. Any committee or candidate, at their own expense, may print a supply of sample ballots, provided they bear on their face the authorization required by s. 12.16.

(3) VACANCIES AFTER NOMINATION. (a) Whenever a vacancy occurs after a primary due to declination, death, or any other cause, the vacancy may be filled by the nominee's party committee. The committee's chairman and secretary shall file with the proper official a certificate signed, certified and sworn to, the same as an original certificate. The certificate shall state the cause of the vacancy, the name of the new nominee and the office for which nominated.

(b) The certificate shall be filed within 4 days of the date of the vacancy and shall have the same effect as an original certificate.

(c) If the vacancy occurs after the ballots have been printed, the chairman of the committee filling the vacancy shall supply the ballot clerks with pasters containing the name of the new nominee only.

(d) There can be no vacancy in nomination prior to a party primary.

History: 1965 c. 666.

Legislative Council Note, 1965: Sub. (1) is based on s. 6.31. The deadline is changed from 3 to 4 days so it will be a Friday.

Sub. (2) is a restatement of s. 6.27.

Sub. (3) is a restatement of s. 5.18(1st part). (Bill No. 755-A)

### CANVASS OF RETURNS AND CERTIFICATION

7.50 Elector intent. (1) REQUIREMENTS AND RESTRICTIONS. (a) Except as provided in s. 7.15(6), only ballots provided by the person authorized to have them printed shall be cast and counted in any election.

(b) When an elector casts more votes for any office or measure than he is entitled to cast at any election, all his votes for that of-

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fice or measure shall be rejected and he shall be deemed to have voted for none of them.

(2) ASCERTAINMENT OF INTENT. All ballots cast at an election shall be counted for the person or referendum question for whom or for which they were intended, so far as the electors' intent can be ascertained from the ballots notwithstanding informality or failure to fully comply with the provisions of Title II. To determine intent:

(a) At a general election, if the elector places a mark or symbol under a party designation at the head of a column in or near the space indicated for that purpose, it is a vote for all the candidates whose names appear in the marked column except as otherwise provided in this paragraph. If a name is stricken, it shall not be a vote for that candidate. If a name is written in, it shall be a vote for the write-in candidate. If a sticker is attached it shall be a vote for the candidate on the sticker. If in some other column there is a mark in the square to the right of a specific candidate's name for the same office, it shall be a vote for that specific candidate and no vote shall be counted for the candidate for the same office in the column marked for a straight party vote.

(b) A ballot cast without any marks shall not be counted. A ballot without a mark at the top of a party column shall be counted only for persons for whom marks are applicable.

(c) If an elector marks his ballot with a cross (X), or any other marks, as I, A, V, O, /, √, +, within the square to the right of a candidate's name, or any place within the space in which the name appears, indicating an intent to vote for that candidate, it is a vote for the candidate whose name it is opposite.

(d) When an elector writes a person's name in the proper space for write-ins for that office, it is a vote for the person written in, even if the elector fails to strike the name printed in the same column for the same office, or makes a mark by the same or any other name for the same office, or omits the mark to the right of the name written in.

(e) No ballot shall be regarded as defective due to misspelling a candidate's name, or by abbreviation, addition, omission or use of a wrong initial in the name. Every ballot shall be counted for the candidate for whom it was intended, if the elector's intent can be ascertained from the ballot itself.

(f) If a sticker is applied it is a vote for the name appearing on the sticker even if the

elector omits the mark to the right of the name, or makes a mark in another column for a candidate for the same office, but pasting of names over the space for voting a straight party ballot or over any name printed on the ballot shall not be allowed and any name so pasted shall not be counted. If the sticker on its face lists the office, the candidate's name for that office and has a box with a cross (X) to the right of the candidate's name, it shall be a vote for that named person for that named office even if the sticker is pasted somewhere else on the face of the ballot or the elector makes a mark for another candidate for the same office. The sticker shall be no larger than the space provided for the office for which it is intended. If the sticker does not contain a box with a cross (X), it shall be counted, but only stickers appearing on the face of the ballot are valid and counted.

(g) In partisan primaries, if an elector writes in the name of a person who is a candidate for the same office on a ballot other than the one on which the elector writes the name, the vote shall not be counted for that person for either party. Only those votes for a candidate of the party upon whose ballot his name is written or write-ins not appearing on another ballot shall be counted for the person as a candidate of that party.

(h) Where voting machines are used, write-in votes shall not be counted for any person for any party, if the person's name appears on the printed ballot labels of that party. To vote for any person as the candidate of any party when that person's name does not appear on the printed ballot label of that party, the elector shall write the name of the person in the irregular ballot device designating the party for which he desires such person to be the nominee.

History: 1965 c. 666.

Legislative Council Note, 1965: Sub. (1)(a) is based on s. 6.25(2), but has been made general so it applies to all elections. Par. (b) is a restatement of ss. 5.39(6) and 6.42(2).

Sub. (2)(intro. par.) is based on s. 6.42 (intro. par.) but includes referenda questions and repeats a part of the substantial compliance clause of s. 5.01(1) in this bill. Par. (a) is a restatement of s. 6.42(1) with clarification and provision is made for stickers. Par. (b) is a restatement of s. 6.42(5). Par. (c) is a restatement of s. 6.42(3). Par. (d) is a restatement of ss. 6.25(3) (1st part) and 6.42(4). Par. (e) is a restatement of s. 6.60 (2). Par. (f) is new. Par. (g) is a restatement of s. 5.14(1), but clarified. Par. (h) is a restatement of s. 11.16. (Bill No. 755-A)

**7.51 Local board of canvassers. (1)**  
CANVASSING. Immediately after the polls close the inspectors shall proceed to canvass publicly all votes received at that polling place. The canvass shall continue, without adjournment, until the canvass is completed and the

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return statements are made. The inspectors shall first compare the registry lists, correcting any mistakes until the registry lists agree and verify their correctness by each signing their name thereto.

(a) Where paper ballots are used, they shall then open the ballot box and remove and count the number of ballots therein without examination except as is necessary to ascertain that each is a single ballot. If 2 or more ballots are folded together so as to appear as a single ballot, they shall be laid aside until the count is completed; and if, after a comparison of the count and the appearance of the ballots it appears to a majority of the inspectors that the ballots folded together were voted by the same person they shall be destroyed. If, after any ballots folded together have been destroyed, the number of ballots exceeds the total number of electors recorded on the registry lists the ballots shall be placed in the ballot box and one of the inspectors shall publicly draw therefrom by chance, and without examination, destroy the number of ballots equal to the excess number. When the number of ballots and total shown on the registry lists agree, the inspectors shall open, count and record the number of votes.

(b) Immediately after the polls close, where voting machines are used, they shall open the registering or recording compartments and canvass, record, announce and return on the provided return sheets and certificates furnished. In recording the votes registered on any counter which, before the opening of the polls, did not register 000, the inspectors shall upon the return sheets subtract the number registered before the polls opened from the number registered when the polls closed. The difference between the 2 numbers shall be the correct vote for the candidate whose name was represented by the counter, except if the number registered on the counter when the polls closed is smaller than the number registered thereon when the polls opened, the number 1,000 shall be added to the number registered when the polls closed, before the subtraction is made.

(2) DEFECTIVE AND IRREGULAR BALLOTS. When, during the counting of the ballots cast at an election, the inspectors find a ballot which is so defective that it cannot be determined with reasonable certainty for whom it was cast, a majority of the inspectors shall determine whether the ballot is defective, and if so, it shall be marked and not counted. During the count the inspectors shall place those ballots cast by challenged electors and

marked "Objected to" apart from the other ballots and shall keep a written statement, in duplicate, of the number of defective and objected to ballots. The officials shall certify that the statement is correct, sign it, and attach it to the canvass statements.

(3) SECURING THE BALLOTS. (a) The inspectors shall place together all ballots counted by them, except those marked "Objected to", and secure them together so that they cannot be untied or tampered with without breaking the seal. The secured ballots together with any ballots marked "Defective" or "Objected to", shall then be secured by the inspectors in the container provided in such a manner that the containers cannot be opened without breaking the seals or locks. The ballots returned to the county clerk shall be delivered in the canvas bag provided at the same time as the other election materials under sub. (1).

(b) For municipal elections the inspectors, in lieu of par. (a), after counting the ballots shall return them to the proper ballot boxes, lock the boxes, paste paper over the slots, sign their names to the paper and deliver them and the keys therefor to the municipal clerk.

(c) Where voting machines are used, as soon as the count is complete and fully recorded, the inspectors shall seal, close and lock the machine, or remove the record so it cannot be voted on or tampered with. They shall then proceed to separately canvass and return as for paper ballots, any write-in votes, absentee ballots or challenged ballots which shall be designated irregular ballots. Upon completion of the canvass, the inspectors shall return them in a properly sealed container indorsed "Irregular Ballots" indicating the precinct and county. The irregular ballots along with any tally sheets taken from the machines shall be returned to the proper clerk.

(4) ANNOUNCE AND REPORT. (a) When the canvass is complete, the inspectors shall publicly announce the results from the tally sheets. They shall state the total number of votes cast for each office and for each person receiving votes for that office and shall state the vote for and against each proposition voted on. They shall immediately complete the inspectors' statements in duplicate, which shall be combined with the tally sheet setting forth in written words as well as figures, the total number of votes for each office, the names of all persons receiving votes, the number of votes each person received, and the number of votes for and against any proposi-

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tion at the election. They shall state the number of the last elector as shown by the registry lists. The inspectors shall then certify to the correctness of the statements and sign their names. All other election officials assisting with the canvass shall also certify to the correctness of the tally sheets.

(b) The inspectors' chairman, or one of the inspectors appointed by him, immediately after the votes are tabulated or counted at each election, shall report the returns of the election to the proper clerk who shall then make it public.

(5) RETURNS. The inspectors shall make full and accurate return of the votes cast for each candidate and proposition on blanks provided for the purpose. After recording the votes, one tally sheet statement and registry list shall be properly sealed for delivery to the county clerk and one tally sheet statement and registry list shall be properly sealed for the municipal clerk. The envelopes and all ballots and materials shall be delivered immediately to the municipal clerk. The municipal clerk shall deliver the appropriate election materials for his municipality to the county clerk by 2 p.m. the day following each election. The person delivering the returns shall be paid out of the municipal treasury as each governing body determines.

History: 1965 c. 666.

Legislative Council Note, 1965: In sub. (1), the intro. par. is a restatement of ss. 6.57(1st sentence) and 10.57 and incorporates ss. 5.15(1), 6.16(6)(last part), 6.185(7)(b)(last part) and 10.18(2)(last part). Par. (a) is a restatement of s. 6.57 (except the 1st sentence). Par. (b) is a restatement of s. 11.12(2).

Sub. (2) is a restatement of s. 6.60(1).

Sub. (3)(a) is based on s. 6.60(3)(1st part). Some detail has been deleted to reflect present practice without sacrificing security. Par. (b) is a restatement of s. 6.60(5)(1st part). Par. (c) is based on ss. 11.13(1st sentence, 1st part and 2nd and last sentences) and 11.65 (last sentence), but clarified and provision made for canvassing challenged elector ballots.

Sub. (4)(a) is based on s. 6.58, but has been changed so all election officials taking part in the canvass certify to its correctness. Par. (b) is based on s. 6.595 (1st sentence), but includes the municipal as well as county clerks and is applicable state-wide.

Sub. (5) is based on s. 6.59 and incorporates the provisions of ss. 5.15(2), 5.26(1), 6.45(3), 10.49(last sentence) and 10.59. The inspectors return all materials to the municipal clerk immediately upon completion of their canvass rather than up until 2 p.m. the following day. The municipal clerk rather than the inspectors is responsible for delivery to the county clerk. This is present practice in many areas. The special provision for paying the person delivering the town's ballots to the county clerk was deleted for uniformity. (Bill No. 755-A)

**7.53 Municipal canvass.** (1) MUNICIPALITIES WITH ONE PRECINCT. Where the municipality constitutes one precinct, the canvass shall be conducted publicly under s. 7.51. Upon completion of the canvass and ascertainment of the results by the inspectors, the

clerk shall publicly read to the meeting the names of the persons voted for, the number of votes for each person for each office, and the persons' names declared to be duly elected by the inspectors to each office. The public reading shall be sufficient notice to every person elected of his election.

(2) MUNICIPALITIES WITH 2 OR MORE PRECINCTS. The governing body in every municipality comprised of 2 or more election precincts shall canvass publicly the returns of every local election. The canvass shall begin within 24 hours after the polls close. When annual elections are held, the results shall be declared on or before the 2nd Tuesday of April in each year. In cities of the 1st class, the board of election commissioners shall perform these duties.

(3) CANVASS OF OTHER OFFICES. The canvass of returns for other than municipal offices shall be made under ss. 7.60 and 7.70. The municipal clerk shall deliver the appropriate election materials for his municipality by 2 p.m. the day following each election.

(4) CERTIFICATE OF ELECTION. The municipal clerk shall issue promptly, a certificate of election to each person elected to any office.

History: 1965 c. 666.

Legislative Council Note, 1965: Sub. (1) is based on ss. 5.15(1) and 10.58, but is broadened from only towns to include all municipalities with one precinct.

Sub. (2) combines ss. 5.15(1), 5.26(2), 10.25 (in part), 10.42 and 10.62 and makes the provisions uniform for all municipalities with more than one precinct.

Sub. (3) is based on s. 5.26(3), but incorporates the provision of s. 5.51 in this bill whereby the municipal clerk, rather than the inspectors, has the responsibility of delivering the relevant materials to the county clerk.

Sub. (4) is a restatement of s. 10.37(last sentence). (Bill No. 755-A)

**7.60 County canvass.** (1) KEEP OFFICE OPEN. On election night the county clerk shall keep his office open to receive reports from the precinct inspectors and shall post all returns.

(2) COUNTY BOARD OF CANVASSERS. The county clerk and 2 reputable citizens previously chosen by him shall constitute the county board of canvassers. One member of the board shall belong to a political party other than the clerk's. If the county clerk's office is vacant, or if the clerk cannot perform his duties, the county judge or a reputable citizen appointed by him shall perform the county clerk's duties, and shall be subject to the same punishments for violations. No person shall serve on the county board of canvassers when he is a candidate for an office to be canvassed by the board. If lists of candi-

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dates for the county board of canvassers are submitted to the county clerk by political party county committees, the lists shall consist of at least 3 names and the clerk shall choose the board members from the lists. Where there is a county board of election commissioners, it shall perform these duties.

(3) **CANVASSING.** Not later than 9 a.m. on the Thursday after each election the county board of canvassers shall open and publicly examine the returns. If returns have not been received from any election district or precinct in the county, they shall dispatch a messenger and the person having them shall deliver the returns to the messenger. If, on examination, any of the returns received are so informal or incomplete that the board cannot intelligently canvass them, they shall dispatch a messenger to deliver the returns back to the inspectors with written specifications of the informalities and defects and command them to immediately complete the forms in the manner required and deliver them to the messenger. Every messenger shall safely keep all returns, show them to no one but the inspectors and deliver them to the county clerk with all possible dispatch. To acquire the necessary full returns the board may adjourn not longer than one day at a time nor more than 2 days in all.

(4) **STATEMENTS AND DETERMINATIONS.**

(a) The board shall make separate duplicate statements for the president; the state officials; the United States senators and representatives in congress; the state legislators when the district consists of more than one county; and judicial offices when the district or circuit consists of more than one county. Each statement shall state in numbers written out the total number of votes cast in the county for each office; the names of all persons for whom the votes were cast, as returned; and the number of votes cast for each. One statement shall be used to report to the secretary of state under sub. (5) and the other statement shall be filed in the office of the county clerk.

(b) The board shall then prepare a written determination, in duplicate where necessary, giving those persons receiving the highest number of votes and therefore elected, to any county office, to the state legislature when the county consists of one or more districts, and to any judicial office when the county consists of one or more circuits.

(c) In preparing the statements and determinations, persons not regularly nominated and receiving a comparatively small number of

votes may be omitted and their votes designated as scattering votes. Appended to each statement and determination shall be a tabulation of the votes cast at each polling place in the county for each office and person entering into the canvass and listed in the statement, whether canvassed or not, as well as the total votes cast for each person and each office. If any votes were rejected, the reasons shall be specified.

(d) Each statement and determination issued under pars. (a) and (b) shall be certified as correct and attested to by each canvasser's signature. For state legislators, the statement or determination shall include the post-office address and party designation.

(5) **REPORTING.** Immediately following the canvass the county clerk shall send the secretary of state, by registered mail, a list of the names of persons elected in the county as members of the senate, assembly and county officers as required by sub. (4)(b). A certified copy of each statement of the county board of canvassers for president, state officials, senators and representatives in congress, and candidates for the state legislature when the district includes more than one county as required by sub. (4)(a), shall also be enclosed. Following primaries the county clerk shall enclose on blanks furnished by the secretary of state, the names, party designation, if any, and number of votes received by each candidate by voting precincts.

(6) **CERTIFICATE OF ELECTION.** Immediately after expiration of the time allowed to file a recount the county clerk shall issue a certificate of election to each person having the largest number of votes for any county office, for the state legislature when the county constitutes one or more than one district or for the judicial offices when the county consists of one or more than one judicial circuit. The certificate notice shall state the amount of the required official bond, if any. Personal service of the notice for all statutory and legal purposes is official notification to a person of his election to the office. When a petition for a recount is filed, the county clerk shall not issue the certificate of election for the office in question until the recount has been completed.

(7) **PUBLICATION.** After the certificates of election have been prepared under sub. (6), the county clerk shall publish the results for those offices in one or more newspapers in the county. The papers designated shall be paid by the county.

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(8) REFERENDA. Whenever a question is submitted to the people by the state legislature, the vote for and against shall be canvassed, certified and recorded and statements certified and delivered the same as for state officials.

History: 1965 c. 666.

Legislative Council Note, 1965: Sub. (1) is a restatement of s. 6.595 (last sentence).

Sub. (2) is a restatement of s. 6.61 and incorporates s. 5.15(3).

Sub. (3) is a restatement of s. 6.62 and incorporates ss. 5.15(1) and (4) (1st sentence) and 8.05 (in part).

Sub. (4)(a) is a restatement of s. 6.63 (1st sentence) with clarification and incorporates s. 8.05 (in part) and makes it uniform. Par. (b) is a restatement of s. 6.64 (1st sentence and 2nd sentence, in part) and incorporates s. 8.05 (in part) and makes it uniform. Par. (c) combines ss. 6.63 (2nd sentence), 6.64 (2nd sentence, in part) and 6.67(1) (last sentence). Par. (d) is a restatement of ss. 6.63 (last sentence) and 6.64 (3rd sentence, in part).

Sub. (5) combines ss. 5.15(4) (in part), (5) and (6) and 6.67(1) (except last sentence) and (2).

Sub. (6) is based on s. 6.65, but the requirement that it be delivered in person was deleted as unnecessary. The subsection incorporates s. 8.05 (in part) and makes it uniform.

Sub. (7) is based on s. 6.64(2), but the detail as to newspapers of different political faiths was deleted.

Sub. (8) is a restatement of s. 6.68. (Bill No. 755-A)

**7.70 State canvass.** (1) RECORDING AND PRESERVING RETURNS. (a) Upon receipt of the certified statements from the county clerks, the secretary of state shall record the election results by counties and file and carefully preserve the statements.

(b) If any county clerk fails or neglects to forward any statements, the secretary of state may require him to do so immediately and if not received within 8 days after a spring or special primary, or within 15 days after any other election, the secretary of state may dispatch a special messenger to obtain them. Whenever it appears upon the face of any statement that an error has been made in reporting or computing, the secretary of state may return it to the county clerk for correction.

(2) MEMBERS. (a) The secretary of state, treasurer and attorney general shall constitute the state board of canvassers. Two members constitute a quorum. If only one member attends the meeting, the clerk of the supreme court shall attend without delay upon notification by the attending member and shall form the board.

(b) When a member of the state board is also a candidate for an office to be canvassed by the state board, upon the request of any opposing candidate, the chief justice shall designate some other state officer or circuit court judge, who shall serve at the board session when votes for the regular member are canvassed.

(3) CANVASSING. (a) The state board of canvassers shall meet publicly at the office of the secretary of state on or before the 2nd Thursday following a spring primary, the 15th day of May following a spring election, the 3rd Thursday following a September primary, the first day of December following a general election, the 2nd Thursday following a special primary, or within 25 days after any special election to canvass the returns and determine the election results.

(b) The board shall examine the certified statements of the county canvassers. If it appears any material mistake has been made in the computation of votes for any person, or any county canvassers failed to canvass the votes or omitted votes from any precinct in the county, the board may dispatch a messenger to that county clerk with their written requirement to the county clerk to certify the facts concerning the mistake or the reason why the votes were not canvassed. A clerk to whom the written requirement is delivered shall immediately make a true and full answer, sign it, affix the county seal and deliver it to the messenger. The messenger shall deliver it with all possible dispatch to the secretary of state.

(c) The state board of canvassers may adjourn as necessary but not more than 10 days in all.

(d) When the certified statements and returns are received, the state board of canvassers shall proceed to examine and make a statement of the total number of votes cast at any election for the offices involved in the election for president; a statement for each of the offices of governor, lieutenant governor, secretary of state, treasurer, attorney general, state superintendent or any other state office; for United States senator; for representative in congress for each congressional district; for any office for the state legislature when the district includes more than one county; justice; circuit judge and county judge when the circuit or district consists of more than one county; and any referenda questions submitted by the legislature.

(e) The statements shall show the persons' names receiving votes, and any referenda questions; the whole number of votes given to each; and an individual listing by the districts or counties in which they were given. The names of persons not regularly nominated who received only a comparatively small number of votes may be omitted and their votes designated as scattering votes.

(f) The board shall certify the statements

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to be correct and shall determine what persons, by the largest number of votes, have been elected to the various offices. They shall likewise determine the outcome of any referenda questions. Each statement shall have the certificate of determination attached to it and shall be delivered to the secretary of state.

(g) Whenever a referendum question submitted to a vote of the people is approved, the secretary of state shall record it and have the record bound in the volume containing the original enrolled laws passed at the next succeeding session of the legislature and have the record published with the laws thereof. Whenever a constitutional amendment does not expressly state the date of effectiveness, it shall become effective the day the certificate of the board of state canvassers shows the result of the vote cast for the constitutional amendment.

(h) The board shall canvass only regular returns made by the county board of canvassers and shall not count or canvass any additional or supplemental returns or statements made by the county board or any other board or person. The state board shall not count or canvass any statement or return which has been made by the county board of canvassers at any other time than that provided in s. 7.60. This provision does not apply to any return made subsequent to a recount under s. 9.01, when the return is accepted in lieu of any prior return from the same county for the same office; or to a statement given to the state board or a messenger sent by them to obtain a correction.

(5) CERTIFICATES OF ELECTION. (a) The secretary of state shall record in his office each certified statement and determination made by the state board. He shall make and transmit to each person declared elected, a certificate of his election under the lesser seal and cause a copy of the certified statements and determinations to be published once in a newspaper under ch. 985. He shall also prepare similar certificates, attested by him as

secretary of state, addressed to the respective United States senate and house of representatives, stating the names of those persons elected to the congress from this state and the house to which elected. If a person elected was elected to fill a vacancy, the certificate shall so state.

(b) For presidential electors, the secretary of state shall prepare 3 lists of the names of the presidential electors, have the governor sign, affix the great seal of the state and deliver the signed certificates to one of the presidential electors on or before the first Monday after the 2nd Wednesday in December.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1)(a) is a restatement of s. 6.70(1). Par. (b) is a restatement of s. 6.70(2), but the deadline for receipt of materials from the county clerk is reduced from 30 to 15 days and 8 days so the deadline occurs before the state board of canvassers meet under sub. (3).

Sub. (2)(a) is a restatement of s. 6.69(1st sentence). Par. (b) is a restatement of s. 6.69(2nd sentence).

Sub. (3)(a) combines ss. 5.15(1), 5.16, 6.71(1) and 8.05(last sentence). The dates are fixed and uniformity provided. Par. (b) is a restatement of s. 6.71(2). Par. (c) is a restatement of s. 6.71(3). Par. (d) is a restatement of s. 6.71(4) and incorporates ss. 6.71(7)(in part) and 8.05(last sentence, in part). Par. (e) is a restatement of s. 6.71(5). Par. (f) is a restatement of s. 6.71(6) and incorporates s. 6.71(7)(in part). Par. (g) is a restatement of ss. 6.10(1)(b)(last sentence) and 6.71(8). Par. (h) is based on s. 6.73 with clarification as to accepting corrected statements.

Sub. (5)(a) is a restatement of s. 6.72. Par. (b) is a restatement of s. 9.05. (Bill No. 755-A)

**7.75 Presidential electors meeting.** The electors for president and vice president shall meet at the state capitol following the presidential election at 12:00 noon the first Monday after the 2nd Wednesday in December. If there is a vacancy in the office of an elector due to death, refusal to act, failure to attend or other cause, the electors present shall immediately proceed to fill by ballot, by a plurality of votes, the electoral college vacancy. When all electors are present, or the vacancies filled, they shall perform their required duties under the constitution and laws of the United States.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section is a restatement of s. 9.06. (Bill No. 755-A)



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## CHAPTER 8. NOMINATIONS, PRIMARIES, ELECTIONS.

8.01 Method of nomination.	8.16 Party candidates.
8.02 Nomination paper circulation date.	8.17 Political party committees.
8.03 Multiple nominations.	8.18 Platform convention; state central committee.
8.04 Nomination paper signatures.	8.19 Party name.
8.05 Nominations in towns and villages.	8.20 Nomination of independent candidates.
8.06 Special town elections.	8.25 General elections.
8.10 Nominations for spring election.	8.30 Refusal to accept nomination papers.
8.11 Spring primary.	8.35 Declining nomination, vacancies after nomination.
8.12 National convention delegate nomination and election.	8.50 Special elections.
8.13 Commission city primary.	
8.15 Nominations for September primary.	

**8.01 Method of nomination.** Candidates for elective office shall be nominated according to this chapter.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This is a restatement of s. 5.02. (Bill No. 755-A)

**8.02 Nomination paper circulation date.** Whenever a specific date is not given to begin circulation of nomination papers, the first day for circulation shall be the first day of the month one month prior to the month in which the filing deadline is scheduled. Signatures shall not be counted if signed and dated prior to the first day for circulation.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section is based on s. 5.05(4), but the time for circulation has been changed from 60 days to a date specific which will result in a shorter period of time for circulation. This change conforms with other sections in this bill. (Bill No. 755-A)

**8.03 Multiple nominations.** The name of any person nominated to the same office by more than one party or primary or nominated for more than one office shall appear under the party first nominating him or under the office to which he was first nominated. If the double nomination is simultaneous, the person nominated, before the deadline for filing the certificate of nomination shall file a written statement with the same person with whom he files his certificate stating his party or office preference. If the candidate fails to select his party or office, his name shall be placed under either party or office, but cannot appear more than once. When a candidate is nominated on a ballot where his name appears and is also nominated on some other ballot by write-in, he shall not have a choice, but shall be a nominee of the party which printed his name on their ballot.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section is a restatement of the combined provisions of ss. 5.14(2) and 6.23(12). (Bill No. 755-A)

**8.04 Nomination paper signatures.** If any person signs nomination papers for 2 candidates for the same office in the same election at different times, the earlier signature is valid and the later signature shall be stricken. Any

person who signs or circulates nomination papers for one candidate may later circulate nomination papers for another candidate for the same office in the same election if he changes his mind and intends to support the latter candidate.

**History:** 1965 c. 666.

**8.05 Nomination in towns and villages.** Every candidate for an elective office in a town or village shall be nominated under this section.

(1) CAUCUS. (a) When nomination papers are not used, there shall be a caucus to nominate candidates. The governing body shall decide the date of the caucus during the first week in February. The date of the caucus may be established between the last Tuesday in February and the first Tuesday in March. When possible, preference should be given to having the caucus on the first Tuesday in March. If a primary is held on the day of the caucus, the caucus shall be held after the polls close.

(b) Whenever a caucus is held, the municipal clerk shall give notice of the time and date for the caucus by posting in his office and by one publication in a newspaper under ch. 985, at least 5 days before the date of the caucus.

(c) The town chairman or village president together with the municipal clerk shall serve as caucus officials. If the chairman or president is a candidate, he shall call for the election of officials to conduct the caucus. The officials shall be elected by acclamation or ballot as the meeting directs. The electors attending the meeting shall select 2 tellers to canvass the vote for each office at the caucus.

(d) Names of candidates shall be placed in nomination either by motion made and seconded from the floor or by writing the candidate's name on a slip of paper distributed by the tellers to those electors attending the caucus. Only persons placed in nomination shall be voted on.

(e) Nominations shall be made for one office at a time. Candidates for the office of

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town supervisor when elected jointly and of village trustee shall be considered one office for purposes of nomination and election.

(f) Before balloting the caucus chairman shall announce the names of all candidates placed in nomination.

(g) The voting for each office shall be by ballot, but the caucus chairman may dispense with voting when only one or 2 persons are nominated for the same office.

(h) The 2 candidates receiving the highest number of votes cast for each office shall be nominated and certified by the caucus chairman and tellers to the municipal clerk. The certified names of the candidates shall be placed on the official ballots. If a town under s. 5.60 (6) elects its supervisors jointly, candidates equal to twice the number of positions to be filled, who receive the most votes, shall be nominated and certified.

(i) Village trustees, excluding the office of village president, shall be nominated together and at large. Candidates, equal to twice the number of positions to be filled, who receive the most votes, shall be nominated and certified.

(j) Any candidate nominated at a caucus who files a written declination of nomination within 5 days shall not be included on the official ballot.

(3) TOWN NONPARTISAN PRIMARY. (a) In lieu of sub. (1), the electors either by referendum or at the town meeting may provide for nomination of elective town office candidates at a nonpartisan primary conducted as provided in sub. (5). The nomination papers shall be signed by not less than 20 nor more than 100 electors of the town. The nomination papers shall be circulated not sooner than the first day of January preceding the election and shall be filed with the town clerk not later than 5 p.m. the last Tuesday in January.

(b) Notice shall be given under ss. 10.01 (2) (a) and 10.06 (2) (a).

(c) When this subsection is used, no additional candidates may be nominated under sub. (1).

(d) The question of adoption of the nonpartisan primary under this subsection may be submitted to the electors at any regular election held in the town or at a special election called for the purpose. When a petition signed by 20 electors of the town is filed with the town clerk so requesting, the question shall be submitted to a vote.

(e) Petitions requesting a vote on the question at a regular town election shall be

filed no later than 5 p.m. the 2nd Tuesday in March. When the petition is filed, the clerk shall check its sufficiency. Whether at a regular or special election, the clerk shall give separate notice by one publication in a newspaper at least 5 days before the election.

(f) The ballot used for the referendum question shall be arranged under s. 5.60 (7) and shall ask: "Shall all candidates in the town of . . . for elective town offices be nominated at a nonpartisan primary?"

(g) If a majority of the votes cast are in the affirmative, a nonpartisan primary, under sub. (5), shall thereafter be held to obtain candidates for elective town offices.

(4) VILLAGE NONPARTISAN PRIMARY. (a) A majority of the governing body of any village may provide under s. 8.11 (1) (a) and (b) that candidates for elective village office shall be nominated by a nonpartisan primary, under sub. (5).

(b) Nomination papers shall be signed by not less than 20 nor more than 100 electors of the village. The papers shall be circulated not sooner than the first day of January preceding the election and shall be filed with the village clerk not later than 5 p.m. the last Tuesday in January.

(c) Notice shall be given, under ss. 10.01 (2) (a) and 10.06 (2) (a).

(d) When this subsection is used, no additional candidates may be nominated under sub. (1).

(5) WHEN PRIMARY IS HELD. Towns and villages adopting the nonpartisan primary to nominate candidates, under subs. (3) and (4), shall hold a primary only when the number of candidates for an elective office in the municipality exceeds twice the number to be elected to the office. Those offices for which a primary has been held shall have only the names of candidates nominated at the primary appear on the official spring election ballot. When the number of candidates for an office does not exceed twice the number to be elected, their names shall be printed on the official ballot for the regular election without a primary.

(6) MENOMINEE COUNTY. In counties containing only one town candidates shall be nominated for the office of supervisors at large and by precincts, and all applicable provisions of this section shall apply to their selection. In selecting the candidates for precinct supervisor by caucus, the candidates for each precinct shall be selected separately, and only those electors shall participate in each as are residents of that precinct. Any

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precinct candidate seeking nomination by the circulation of nomination papers shall incorporate in his nomination papers a statement that the signers are qualified electors of that precinct.

History: 1965 c. 666.

Legislative Council Note, 1965: Sub. (1)(a) is based on s. 5.27(1)(1st 2 sentences). The date for the caucus has been made earlier in some instances to facilitate county clerks in obtaining the necessary information. The other dates have been established to facilitate execution of the provisions. Par. (b) is a restatement of s. 5.27(1)(3rd and 4th sentences). Par. (c) is based on s. 5.27(1)(5th to 8th sentences) with clarification. Par. (d) is a restatement of s. 5.27(1)(9th sentence). Par. (e) is a restatement of s. 5.27(1)(10th and 11th sentences). Par. (f) is a restatement of s. 5.27(1)(12th sentence). Par. (g) is a restatement of s. 5.27(1)(13th sentence). Par. (h) is a restatement of s. 5.27(1)(14th and 15th sentences). Par. (i) is a restatement of s. 5.27(1)(16th and 17th sentences). Par. (j) is a restatement of s. 5.27(1)(18th sentence). When a caucus is held the provision for filing nomination papers after the caucus was deleted. The necessity for the clerks to have more time was a major factor in this change.

Sub. (3)(a) is based on s. 5.27(4)(a)(1st, 2nd in part, and 3rd sentences). The number of nomination paper signers has been fixed as has the date for circulation of nomination papers for uniformity with other provisions in this bill. The restriction to towns over 2,500 population or in counties with 1st or 2nd class cities has been deleted. All towns are allowed to hold a primary if they so wish. Par. (b) is a restatement of s. 5.27(4)(a)(2nd sentence in part). Par. (c) is a restatement of s. 5.27(4)(a)(last sentence). Par. (d) is based on s. 5.27(4)(d), but the number of petition signers has been established rather than using a percentage. Par. (e) is based on s. 5.27(4)(g), but the filing deadline has an established date and newspaper notification is provided with posting still possible under s. 10.05 in this bill. Par. (f) is a restatement of s. 5.27(4)(e). Par. (g) is a restatement of s. 5.27(4)(f).

Sub. (4)(a) is based on s. 5.27(6)(1st part), but is amended so the governing body as well as the charter ordinance can provide for a primary. Par. (b) is based on s. 5.27(6)(1st sentence, last part), but the number of nomination paper signers and dates for circulation thereof have been made uniform with other provisions in this bill. Par. (c) is a restatement of s. 5.27(6)(1st sentence in part). Par. (d) is a restatement of s. 5.27(6)(last sentence).

Sub. (5) is a clarification of s. 5.27(7) without substantive change.

Sub. (6) is a restatement of s. 5.27(5). (Bill No. 755-A)

**8.06 Special town elections.** Special town elections may be called to enable the electors to vote on any question submitted to them for determination in the same manner as special town meetings are called.

History: 1965 c. 666.

Legislative Council Note, 1965: This section is a restatement of s. 10.54. (Bill No. 755-A)

**8.10 Nominations for spring election.** (1) Candidates for office to be filled at the spring election shall be nominated by nomination papers, or by nomination papers and selection at the primary if a primary is held, except as provided for towns and villages under s. 8.05. Unless designated in this section or s. 8.05, the general provisions pertaining to nomination at the September primary apply.

(2) Nomination papers for offices to be filled at the spring election shall be circulated

not sooner than the first day of January preceding the election and shall be filed not later than 5 p.m. on the last Tuesday in January.

(3) The nomination papers shall conform to the requirements for nomination papers for independent candidates for the general election, except that the number of required signatures shall be:

(a) For state offices, not less than 2,000 nor more than 4,000 electors;

(b) For judicial offices, not less than 200 nor more than 400 electors; except as provided in par. (c);

(c) For judicial offices and county executives in counties over 500,000 population, not less than 2,000 nor more than 4,000 electors;

(d) For supervisors in counties over 500,000 population, not less than 200 nor more than 400 electors;

(e) For supervisors in counties between 100,000 and 500,000 population, not less than 100 nor more than 200 electors;

(f) For supervisors in counties under 100,000 population, not less than 20 nor more than 100 electors;

(g) For city offices in 1st class cities, not less than 1,500 nor more than 3,000 electors for city-wide offices and not less than 200 nor more than 400 electors for aldermen elected from wards.

(h) For city offices in 2nd and 3rd class cities, not less than 200 nor more than 400 electors for city-wide offices and not less than 20 nor more than 100 electors for aldermen elected from wards.

(i) For city offices in 4th class cities, not less than 50 nor more than 100 for city-wide offices and not less than 20 nor more than 100 electors for aldermen elected from wards.

(j) For other offices, not less than 20 nor more than 100 electors.

(4) All the signers on one sheet shall be from the same county when a candidate is to be elected by the electors of more than one county.

(5) Each candidate shall file with his nomination papers a sworn declaration that he will qualify for the office if he is elected.

(6) Nomination papers shall be filed:

(a) For state or judicial offices when the district comprises more than one county, in the office of the secretary of state.

(b) For offices to be voted for wholly within one county and for county supervisor, in the office of the county clerk.

(c) For city offices and other officers voted for exclusively within the municipality, except precinct committeemen under s. 8.17

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and county supervisors under par. (b), in the office of the municipal clerk.

(d) For school district offices to be voted for within more than one municipality, with the person designated by the school board as the filing official for their school district.

History: 1965 c. 666.

Legislative Council Note, 1965: Sub. (1) is based on s. 5.22. The primary date is changed from 4 weeks before the spring election to the first Tuesday in March.

Sub. (2) is based on s. 5.23(1st sentence), but the amount of time for circulating nomination papers is reduced. At present, circulation of nomination papers begins in late November for the spring elections. This change reflects present practice to wait until after the Christmas holidays to begin campaigning and is also intended to create more elector interest by creating closer continuity for each election's activities.

Sub. (3), while based on s. 5.23(in part), is changed from percentages of the vote for governor at the last election to established categories taking into consideration the various population figures for the different sized areas involved and includes provisions for county supervisors.

Sub. (4) is a restatement of s. 5.23(last sentence).

Sub. (5) is a restatement of s. 5.23(next to last sentence), except it must be a sworn declaration. (Bill No. 755-A)

**8.11 Spring primary.** (1) CITY. (a) A primary may be held in any city for the nomination of candidates for city office. When a majority of all the members of the governing body of a city decide upon a spring primary for any specific election, they shall so provide not later than 3 days after the deadline for filing nomination papers.

(b) Any city may provide by charter ordinance, under s. 66.01, that whenever 3 or more candidates file nomination papers for a city office, a primary to nominate candidates for the office shall be held.

(c) Whenever electors, equal to at least 10% of the vote for governor in the city at the last general election, file petitions requesting a primary within 3 days after the deadline for filing nomination papers, there shall be a primary for any specific election.

(d) When the number of candidates for any city office does not exceed twice the number to be elected to the office, no primary shall be held for the office and the candidates' names shall be printed on the ballot for the ensuing election.

(2) MILWAUKEE COUNTY. A primary shall be held in counties over 500,000 population whenever there are more than twice the number of candidates to be elected to any judicial office within the county or to the county board of supervisors from any one district. A primary shall be held in municipalities in counties over 500,000 population whenever there are more than twice the number of candidates to be elected to the board of school

directors or board of education from any given area.

(3) STATE. A primary shall be held when there are 3 or more candidates for state superintendent, supreme court justice or for judge of the same branch of circuit or county court.

(4) PRIMARY EXCLUSIVE. Those offices for which a primary has been held shall have only the names of candidates nominated at the primary appear on the official spring election ballot.

History: 1965 c. 666.

Legislative Council Note, 1965: Sub. (1)(a) is a restatement of s. 5.24(1)(a)(1st part). Par. (b) combines s. 5.24(1)(b) and (c) and makes them uniform. Par. (c) is a restatement of s. 5.24(1)(a)(1st sentence, last part). Par. (d) is a restatement of s. 5.24(1)(a)(2nd sentence).

Sub. (2) is based on s. 5.24(2)(1st part) with clarification and deletion of all references to towns as there aren't any towns in Milwaukee county.

Sub. (3) is based on s. 5.24(2)(in part) with clarification.

Sub. (4) is a restatement of s. 5.24(1)(a)(last sentence) and (2)(last part). (Bill No. 755-A)

**8.12 National convention delegate nomination and election.** (1) (a) In presidential election years, delegates for the purpose of nominating the party's candidate for president and vice president at each party's national convention shall be chosen at the election held the first Tuesday in April.

(b) Nomination of candidates for delegate shall be by nomination papers, under s. 8.15. The nomination papers shall specify the election held on the first Tuesday in April. All candidates for delegates at large favoring the same candidate for president may be placed on one nomination paper. All candidates for district delegates for the same district favoring the same candidate for president may be placed on one nomination paper.

(2)(a) The form of the official ballot shall be prescribed by the secretary of state under s. 5.60(8).

(b) When favoring a specific candidate, the statement of principles at the top of the column shall be limited to the candidate's name, which shall appear only once.

(c) The number of delegates for each party shall be specified by the party's national committee. When the number of certified delegates or delegates filing nomination papers for a single candidate equals the number to be elected, no additional names for delegate candidates shall be accepted for a place on the ballot. Whenever 2 or more candidates favoring the same presidential candidate file at the same time, creating an excess number of delegates, the excess shall be elimi-

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nated by drawing lots under the supervision of the state board of canvassers.

(d) Delegate candidates not favoring any specific presidential candidate may have principles expressed in 5 words or less. The principles shall be printed under their names in the uninstructed column.

(e) Any proposed presidential candidate who certifies and files a full list of delegates with the secretary of state after January 1 but not later than 5 p.m. on March 1 shall have the delegates' names printed on the ballot the same as candidates filing nomination papers. The certification takes preference over any other candidates.

(f) When a proposed presidential candidate does not file a certified list of candidates for delegates under par. (e), but there are delegate candidates who have filed nomination papers pledged to him, their names shall not appear on the delegate election ballot unless on or before the last day for filing nomination papers, the proposed presidential candidate files a certificate of consent permitting the use of his name on the ballot. The certificate shall be on a form prescribed by the secretary of state.

(3) Candidates for delegates at large shall have not less than 2,000 nor more than 4,000 signatures circulated by counties. Candidates for district delegates shall have not less than 1,000 nor more than 2,000 signatures circulated by counties. The papers shall not be circulated before January 1 and shall be filed with the secretary of state not later than 5 p.m. on March 1.

(4) Whether a delegate candidate is certified or files nomination papers, each shall file in the secretary of state's office a declaration of acceptance, signed by himself, not later than 5 p.m. on March 1. The acceptance form shall be an affidavit prescribed by the secretary of state which shall contain all the following information and be in substantially the following form:

"I, \_\_\_\_\_, residing at \_\_\_\_\_,  
(name) (number and street)  
\_\_\_\_\_ pledge that I am affiliated  
(city, town, village)  
with the party hereafter named, that I am a qualified elector of the state of Wisconsin; that I will not withdraw my support for the hereafter named presidential candidate before the presidential delegates election; that if elected as a delegate to the \_\_\_\_\_ national party convention as a pledged delegate for the candidacy of \_\_\_\_\_ (insert presidential candidate's name to whom pledged) as the party's

nominee for president I will, unless released by the candidate, vote for his nomination on the first and all ensuing ballots at the party convention. If, after the first ballot at the convention, a two-thirds majority of the delegates vote to withdraw and be released from their pledge, or, if on any ballot the candidate to whom I am pledged receives less than 10% of the total vote cast on that ballot, I shall be released from this pledge and shall thereafter have the right to cast my ballot according to my own judgment."

(5) Vacancies caused by death or declination of a delegate shall be filled by a majority of the presidential candidate's delegates at large or the appropriate district delegates, under s. 7.38 (3). Any declination shall be filed with the secretary of state within one week following March 1.

(6) Election procedure shall be that for the judicial election so far as applicable.

(7) The state central committee of each party, after the election, but at least 15 days before the national convention, shall meet and elect an alternate for each delegate. The party's state central committee chairman shall call the meeting with at least 10 days' notice.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1)(a) is a restatement of s. 5.37(1)(1st sentence). Par. (b) is a restatement of s. 5.38(1)(a)(1st 2 sentences).

Sub. (2)(a) makes a cross-reference to other ballot provisions. Par. (b) is a restatement of s. 5.38(1)(a)(3rd sentence). Par. (c) is a restatement of ss. 5.37(1)(last sentence) and 5.38(1)(a)(4th to 6th sentences). Par. (d) is a restatement of s. 5.38(1)(a)(7th sentence). Par. (e) is based on s. 5.38(1)(a)(last sentence), but the dates are fixed for uniformity. Par. (f) is a restatement of s. 5.38(1)(b).

Sub. (3) is based on s. 5.38(2), but the number of nomination paper signatures for delegates at large is changed from a minimum of 3,000 to 2,000 and from a maximum of 5,000 to 4,000 to be uniform with other state-wide offices and are circulated by counties rather than districts. Also the circulation period has fixed dates. The time interval for circulating is longer than elsewhere in this bill, but the dates are uniform with the period of time for presidential candidates to certify their list.

Sub. (4) incorporates into the pledge the provisions in text and the provisions in the pledge of s. 5.38(3). The subsection makes it clear that a presidential candidate can release his pledged delegates at any time, even before the first ballot.

Sub. (5) is a restatement of s. 5.38(4), except the dates have been made uniform with previous provisions in this section.

Sub. (6) is a restatement of s. 5.37(2).

Sub. (7) is a restatement of s. 5.37(5). (Bill No. 755-A)

**8.13 Commission city primary.** At the first primary after adoption of the commission form of government the 2 candidates for mayor and the 4 candidates for councilmen receiving the highest number of votes shall be nominated. At subsequent primaries the 2 candidates receiving the most votes for either office shall be nominated. Only the

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names of the nominees shall appear on the spring election ballot.

**History:** 1965 c. 666.  
**Legislative Council Note, 1965:** This section is a restatement of s. 5.245. (Bill No. 755-A)

**8.15 Nominations for September primary.**

(1) Nomination papers shall be circulated not sooner than June 1 preceding the election and shall be filed not later than 5 p.m. on the 2nd Tuesday of July in those years when a September primary is held. Only those candidates for whom nomination papers containing the necessary signatures acquired within the allotted time and filed before the deadline shall have their names printed on the official September primary ballot.

(2) The signer of a nomination paper declares his intent to support the candidate named therein. Only one signature per person for the same office is valid. In addition to his signature, each signer shall list his residence, including the street and number, if any, and the date of signing.

(3) All signers on each separate nomination paper for all state offices, United States senators, congressmen, county offices, state legislators and national convention delegates shall reside in the same county and in the district which the candidate named therein will represent, if elected.

(4)(a) The affidavit of a qualified elector stating his residence with street and number, if any, shall appear at the bottom of each nomination paper, stating he is personally acquainted with all the signers; he knows they are electors of the precinct, ward, municipality or county, as the nomination papers require; he knows they signed the paper with full knowledge of its content; he knows their respective residences given; he knows each signer signed on the date stated opposite his name; and, that he, the affiant, resides within the district which the candidate named therein will represent, if elected, and that he intends to support the candidate. The affidavit may be made by the candidate or any qualified elector.

(b) Each candidate shall file with his nomination papers a declaration, sworn to before any officer authorized to administer oaths, that he will qualify for office if nominated and elected. The nomination papers and the candidate's sworn declaration are valid with or without the seal impression of the authorized officer who administered the oath.

(5) Each nomination paper shall have substantially the following words printed at the top:

I, the undersigned, a qualified elector of  
Town )  
the \_\_\_\_\_ Precinct, \_\_\_\_\_ Ward, City ) of \_\_\_\_\_,  
Village)

County of \_\_\_\_\_, State of Wisconsin, representing the principles of the \_\_\_\_\_ party, do hereby nominate \_\_\_\_\_, (include first and last name plus middle initial, or initial, middle and last name; the use of an initial for a first or middle name is optional, but no nicknames or titles), who resides at \_\_\_\_\_ Street, City ) of  
Town )  
Village)

\_\_\_\_\_, in the County of \_\_\_\_\_, and whose post-office address is \_\_\_\_\_, Wisconsin, as a candidate for the office of \_\_\_\_\_, to be voted for at the primary to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, as representing the principles of the above named party, and I declare that I intend to support the candidate named herein.

(6) The number of required signatures on nomination papers shall be as follows:

(a) For state-wide offices, not less than 2,000 nor more than 4,000 electors.

(b) For representatives in congress, not less than 1,000 nor more than 2,000 electors.

(c) For state senators, not less than 400 nor more than 800 electors.

(d) For state assemblymen, not less than 200 nor more than 400 electors.

(e) For offices representing less than a congressional district in area and for county offices, not less than 500 nor more than 1,000 electors in counties over 100,000 population and not less than 200 nor more than 400 electors in counties of 100,000 population or less.

(7) A candidate may not run in more than one party primary at the same time. No filing official shall accept nomination papers for the same person in the same election for more than one party.

(8) Nomination papers shall be filed:

(a) For state offices, United States senators, representatives in congress, and those members of the senate and assembly whose districts comprise more than one county, in the office of the secretary of state.

(b) For offices to be voted for wholly within one county, except representatives in congress, in the office of the county clerk. Within 5 days after the deadline for filing nomination papers, the county clerk shall send to the secretary of state the name, address and political party of each legislative candidate.

**History:** 1965 c. 666.  
**Legislative Council Note, 1965:** Sub. (1) is based on s. 5.05(1)(1st part) for the deadline. The

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earliest date for circulation is changed for uniformity within this bill.

Sub. (2) is a restatement of s. 5.05(3)(1st sentence).

Sub. (3) is a restatement of ss. 5.05(5)(a) and 5.38(2) (in part).

Sub. (4)(a) is a restatement of s. 5.05(5)(b) (1st part). Par. (b) is a restatement of s. 5.05(5)(b) (last part).

Sub. (5) is a restatement of s. 5.05(1)(last part).

Sub. (6), while based on s. 5.05(6) and (10), eliminates the percentage of vote for governor requirement and the multiple-county requirement and establishes categories for uniformity within this bill.

Sub. (7) is a restatement of s. 5.05(7).

Sub. (8) is based on s. 5.05(8). (Bill No. 755-A)

**8.16 Party candidates.** (1) The person who receives the greatest number of votes for an office on any party ballot at a primary shall be the party's candidate for the office, and his name shall so appear on the official ballot at the next election. A person who receives only write-in votes shall not be the party's candidate unless he receives 5% of the vote cast in the district for the party's gubernatorial candidate at the last general election and files a declaration that he will qualify as such, if elected, within 2 days after he receives notification of his nomination.

(2) Nominees chosen at a national convention and under s. 8.18(2) (c) by each party entitled to a September primary ballot shall be the party's candidates for president, vice president and presidential electors.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is based on s. 5.17 with several changes. The party candidates for an office do not need to aggregate 5% of the average vote for governor at the last 2 general elections. The party candidate receiving the most votes will be that party's candidate without regard to the number of votes. The write-in candidate is required to receive 5% of the vote cast for governor at the last election rather than 10% of the average vote for governor at the last 2 general elections.

Sub. (2) is new. It establishes a statutory procedure for obtaining the party candidates for president and their electors. (Bill No. 755-A)

**8.17 Political party committees.** (1) At the September primary the party committeemen shall be elected. Counties over 500,000 population shall elect one committeeman for each political party from each ward and village. All other counties shall elect one committeeman for each political party from each precinct.

(2) Nomination papers shall be in substantially the same form as those required under s. 8.15. Nomination papers shall be circulated no sooner than June 1 preceding the election and shall be filed in the office of the county clerk not later than 5 p.m. on the 2nd Tuesday of July in those years when a September primary is held. The number of required signatures shall be:

(a) For party committeeman from each ward and village in counties over 500,000

population, not less than 60 nor more than 100 electors.

(b) For party committeeman from each precinct in 2nd, 3rd and 4th class cities, not less than 20 nor more than 40 electors.

(c) For committeeman in all other precincts, not less than 20 nor more than 40 electors.

(3)(a) Only the names of persons filing nomination papers shall have their names printed on the ballots. There shall be no space provided for write-ins. When no candidate files nomination papers for party committeeman, the office shall not appear on the ballot for that party in that precinct, ward or village and the vacancy shall be filled by the party statutory committee under ss. 7.38(3) and 8.35.

(b) The county clerk shall arrange the names of candidates for committeemen in the proper party column for each precinct, ward and village under s. 5.62.

(4)(a) Each elector may vote for his party committeeman by voting for one of the names on the ballot. No write-in vote or sticker applied for the office of party committeeman shall be counted.

(b) The results shall be returned as are other results of the September primary, but no write-in votes or stickers shall be counted. In counties over 500,000 population, whenever 2 or more candidates for party committeeman receive an equal number of votes, the precinct official shall return the results and the county board of election commissioners shall break the tie during its canvass of the votes. Other ties for precinct committeeman shall be determined by drawing lots at the precinct where the tie occurs.

(c) The term of office of each committeeman elected shall be for 2 years.

(5)(a) The county committee of each political party shall consist of the duly elected or appointed committeemen residing in the county.

(b) Within 2 days after completion of the official September primary county canvass the chairman of each party committee shall call the first meeting of the county committee. The date for the meeting shall be set not less than 5 nor more than 15 days thereafter by giving at least 5 days' written notice to each member.

(c) At the first meeting, the county committee shall elect a chairman, secretary, treasurer and other officers or subcommittees deemed necessary.

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1. In counties containing one or more assembly districts, the county committee shall also elect 2 persons from each assembly district as members of the congressional district committee.

2. In counties comprising an assembly district consisting of more than one county, each county shall elect one person as a member of the congressional district committee.

(d) The county committee chairman elected at the first meeting shall certify to the state central committee chairman the name and post-office address of each person elected to the congressional district committee.

(e) Additional county committee meetings may be called by the county chairman or upon written demand signed by a majority of the committee members. If the chairman fails to call a meeting of the committee within 3 days of the written demand, demanding members may designate one of their number to call a meeting and preside. Any business transacted at the meeting shall have the same effect as a meeting called by the county chairman.

(f) Any county committee officer may be removed from office at any meeting of the committee called under par. (e) by a majority vote of those present and voting. Two-thirds of the members of the county committee constitute a quorum at a meeting for the removal of the officers.

(g) Any vacancy in any committee office shall be filled by the county committee, except that the county chairman may temporarily fill any vacancy.

(h) The county committee may appoint a committeeman for any precinct, ward or village in which none was elected.

(i) Each committee and its officers shall have the powers usually exercised by committees and their officers.

(6)(a) Committees may be organized for any political subdivision, or legislative district as under sub. (5). The first meeting shall be called within 10 days pursuant to a written demand therefor signed by 25% or more of the members by at least 5 days' written notice to each member.

(b) Membership of committees under par. (a) shall consist of all duly elected or appointed committeemen residing in the subdivision or district, except that in congressional districts and legislative districts consisting of more than one county, the membership shall consist of the members of the congressional district committee elected under sub. (5)(c).

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is based on s. 5.35(2)(1st sentence). The provision for 1st class cities is changed to a population basis and the provision for towns in Milwaukee county is deleted as unnecessary.

Sub. (2) is based on s. 5.35(2)(2nd and 3rd sentences). The dates for circulation and the number of signers of nomination papers are changed for uniformity in this bill.

Sub. (3)(a) is new. It is intended to prevent the existing problems created by providing write-ins. Often one or 2 votes is sufficient to win. There is no provision at present to assure that the write-in is a member of the party. Further, it is usually difficult and sometimes impossible to know who the person written-in is, especially when there is more than one person of the same name in the precinct, ward or village. Par. (b) is a restatement of s. 5.35(2)(last sentence).

Sub. (4)(a) is based on s. 5.35(1)(a)(1st sentence), but the provision for write-ins is deleted. Par. (b) is based on s. 5.35(1)(b) and (3), but is changed for uniformity in this section. The provision for the inclusion of address is deleted as this information will be on the nomination papers filed with the county clerk. The breaking of tie-votes in Milwaukee county is new but necessary, since in that county, committeemen are elected by wards and villages, not precincts. Par. (c) is a restatement of s. 5.35(4).

Sub. (5)(a) is based on s. 5.35(6) without substantive change. Par. (b) is based on s. 5.35(7), but also establishes a date within which the first meeting must be set. Par. (c)(intro. par.) is a restatement of s. 5.35(8)(1st sentence, 1st part). Subds. 1 and 2 are a restatement of s. 5.35(8)(1st sentence, last part). Par. (d) is based on s. 5.35(9)(3rd sentence, 1st part), with clarification. Par. (e) is a restatement of s. 5.35(12). Par. (f) is a restatement of s. 5.35(13). Par. (g) is a restatement of s. 5.35(11). Par. (h) is new. It is necessary to fill vacancies whenever nomination papers are not filed for committeeman from a precinct, ward or village where there is to be a committeeman. Par. (i) is a restatement of s. 5.35(10).

Sub. (6) is based on s. 5.35(5),(8)(last part), and (9)(1st part), except that instead of being required, these several organizational levels of party organization are made permissive. (Bill No. 755-A)

**8.18 Platform convention; state central committee.** (1) Candidates for state offices, senate and assembly nominated by each political party at the primary, and the holdover state senators of each political party shall meet in the state capitol at 10 a.m. on the first Tuesday in October.

(2) The purpose of the convention is:

(a) To formulate the state platform of their party and make it public by 6 p.m. the following day.

(b) To elect by ballot a state central committee of at least 2 members from each congressional district and a chairman thereof.

(c) In presidential election years, to nominate one presidential elector from each congressional district and 2 electors from the state at large. The names of the nominees shall be certified immediately by the platform convention chairman and secretary of each party to the secretary of state.

(d) To perform any other business as may properly be brought before the meeting.

(3) Within 10 days after the platform convention, the convention chairman and secretary of each party shall file a certified copy



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of the proceedings and of the platform adopted, with the secretary of state.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is based on s. 5.36(1)(1st sentence), but the date has been fixed at approximately the same date as the present provision.

Sub. (2)(a) is a restatement of s. 5.36(1)(2nd and last sentences). Par. (b) is a restatement of s. 5.36(1)(3rd sentence). Par. (c) is a restatement of s. 5.36(1)(4th and 5th sentences). Par. (d) is a restatement of s. 5.36(1)(6th sentence).

Sub. (3) is based on s. 5.36(2), but the date for filing has been reduced from 30 to 10 days, as 30 days is unduly long. (Bill No. 755-A)

**8.19 Party name.** (1) The state central committee of any party polling less than 75,000 presidential votes in this state in the last election may change the name of the party. The new name may not duplicate that of an existing national party. A certificate of approval by the party's national committee which has been certified by the national committee secretary, the state committee chairman and the state committee secretary shall be filed with the secretary of state.

(2) The new name shall take effect upon certification.

(3) Every political party entitled, under s. 5.62, to have its candidates on the September primary and general election ballots has exclusive right to the use of the name designating it at any election involving political parties. The secretary of state shall not certify nor the county clerk print the name of any person whose nomination papers indicate a party name comprising a combination of existing party names, qualifying words, phrases, prefixes or suffixes in connection with any existing party name.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 5.36(3)(in part).

Sub. (2) is a restatement of s. 5.36(3)(in part).

Sub. (3) is a restatement of s. 5.13(4). (Bill No. 755-A)

**8.20 Nomination of independent candidates.** (1) Independent nominations may be made for any office to be voted for at any general or partisan special election.

(2)(a) Nomination is by nomination papers. The nomination paper forms shall contain the candidate's name in any combination of initials or familiar and common abbreviations for the first and middle names plus the last name, but no nicknames or titles; the office for which he is nominated; his residence and post-office address; and the party or principle he represents, if any, in 5 words or less.

(b) Nomination papers for presidential electors shall list one presidential elector from each congressional district and 2 electors from the state at large for electors and the candi-

dates for president and vice president for whom they intend to vote, if elected.

(3) The affidavit of an elector under s. 8.15(4) shall be appended to each nomination paper.

(4) The number of required signatures on nomination papers for independent candidates shall be:

(a) For state-wide offices, not less than 3,000 nor more than 5,000 electors.

(b) For representatives in congress, not less than 2,000 nor more than 3,000.

(c) For state senators, not less than 500 nor more than 1,000 electors.

(d) For state assemblymen, not less than 300 nor more than 500 electors.

(e) For offices representing less than a congressional district in area and for county offices, not less than 1,000 nor more than 2,000 electors in counties over 100,000 population and not less than 300 nor more than 500 electors in counties of 100,000 population or less.

(f) For presidential electors intending to vote for the same candidates for president and vice president, not less than 3,000 nor more than 5,000 electors.

(5) Only one signature per person for the same office is valid. In addition to his signature, each signer shall list his residence, including the street and number, if any, and the date of signing. Signers of each separate nomination paper shall reside in the same county and in the district which the candidate named therein will represent, if elected.

(6) Each candidate shall file with his nomination papers a declaration that he will qualify for the office, if elected.

(7) Nomination papers shall be filed in the office of the secretary of state for all state-wide offices, representatives in congress and any districts or divisions including more than one county; or, in the office of county clerk for all offices for only one county.

(8) Nomination papers for independent candidates shall be circulated no sooner than August 1 preceding the election and shall be filed not later than 5 p.m. on the 3rd Tuesday in September.

(9) Persons nominated by nomination papers without party designation shall be placed on the official ballot to the right or below the party candidates in their own column designated "Independent". If the candidate's name already appears under a party it shall not be listed again.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 5.19(1).

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Sub. (2) is based on s. 5.19(2), but the requirement that he state his business or vocation is deleted for uniformity.

Sub. (3) is a restatement of s. 5.19(3).

Sub. (4) is based on s. 5.19(4), but the percentage figures are changed to number categories for uniformity; the designated areas from which the signatures must be obtained is deleted; and, par. (f) is added for clarification.

Sub. (5) is based on s. 5.19(5), but its provisions are made uniform with other sections in this bill.

Sub. (6) is a restatement of s. 5.19(4)(last sentence).

Sub. (7) is a restatement of s. 5.19(6)(1st sentence).

Sub. (8) is based on s. 5.19(6)(last sentence), but is changed as necessary for uniformity in this bill.

Sub. (9) is a restatement of s. 6.23(2)(last sentence), (9)(last sentence) and (13). (Bill No. 755-A)

**8.25 General elections.** (1) **PRESIDENTIAL ELECTORS.** By general ballot at the general election for choosing the president and vice president of the United States there shall be elected as many electors of president and vice president as this state is entitled to elect senators and representatives in congress. A vote for the president and vice president nominations of any party is a vote for the electors of the nominees.

(2) **UNITED STATES SENATOR.** One senator to serve in the United States congress shall be chosen at the general election in 1962 and every 6 years thereafter and another in 1964 and every 6 years thereafter.

(3) **REPRESENTATIVE IN CONGRESS.** One representative to serve in the United States congress shall be chosen from each congressional district at the general election held in each even-numbered year.

History: 1965 c. 666.

Legislative Council Note, 1965: Sub. (1) is a restatement of s. 9.04.

Sub. (2) is a restatement of s. 9.02(1).

Sub. (3) is a restatement of s. 9.01. (Bill No. 755-A)

**8.30 Refusal to accept nomination papers.**

The official with whom nomination papers are required to be filed may refuse either to accept the nomination papers for filing or to place the candidate's name on the ballot:

(1) If the nomination papers are not prepared, signed and executed, as required under this chapter;

(2) If it conclusively appears, either on the face of the nomination papers offered for filing, or by admission of the candidate or otherwise, that the candidate is ineligible to be nominated or elected;

(3) If elected the candidate could not qualify for the office sought within the time allowed by law for qualification because of age, residence or other impediment.

History: 1965 c. 666.

Legislative Council Note, 1965: This section is a restatement of the combined provisions of ss. 5.30, 10.29(in part), 10.33(6) and 10.64(last part). (Bill No. 755-A)

**8.35 Declining nomination, vacancies after nomination.** (1) Any person nominated to office may decline the nomination by delivering to his filing official a written, signed and acknowledged declination. The declination paper shall be filed for any municipal or county office not later than 5 p.m. 2 days after the canvass is complete, whether or not there is a primary for that office; or, not later than 5 p.m. one week after the primary or the deadline for filing nomination papers for districts of more than one county and state offices.

(2) If a vacancy occurs after nomination due to declination, death, or any other cause, the vacancy may be filled by the proper political party or committee for all partisan offices. Similar vacancies for municipal and nonpartisan county offices may be filled within 2 days by the personal campaign committee or, if the candidate had none, by the governing body of the municipality or county.

(2m) Notwithstanding sub. (2), if a vacancy occurs after nomination in the office of state assemblyman in counties having a population of 500,000 or more, it shall be filled by the senatorial district committee.

(3) Whenever a nominee dies after the ballots are printed, and no nomination is made under this section, the votes cast for the deceased shall be counted and returned. If he receives a majority, the vacancy shall be filled as in the case of a vacancy occurring by death after election.

History: 1965 c. 666.

Legislative Council Note, 1965: Sub. (1) combines ss. 5.18(1st part) and 5.265(1st part) and makes changes as necessary to provide uniformity.

Sub. (2) combines ss. 5.18(in part) and 5.265 (last part), but permits a personal campaign committee to appoint only for nonpartisan offices.

Sub. (3) is a restatement of s. 5.18(next to last sentence). (Bill No. 755-A)

**8.50 Special elections.** Unless otherwise provided, this section applies to filling vacancies in the United States senate and house of representatives, executive and legislative state offices and county offices. In addition to filling vacancies in public office by appointment, vacancies may be filled by election under this section, but no special election shall be held after September 1 preceding a general election.

(1) **SPECIAL ELECTION ORDER AND NOTICES.**

(a) When there is to be a special election, the special election for governor shall be ordered by the attorney general; the special election for county clerk shall be ordered by the sheriff; the special election for any other county office shall be ordered by the county

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clerk; all other special elections shall be ordered by the governor. When the governor or attorney general issue the order, it shall be filed and recorded in the office of the secretary of state. When the county clerk or sheriff issue the order, it shall be filed and recorded in the office of the county clerk.

(b) Notice of any special election shall be given upon the filing of the order under par. (a) by publication in a newspaper under ch. 985. If the special election includes more than one county, the secretary of state shall give notice as soon as possible to the county clerks and publish one notice. Upon receipt of notice from the secretary of state, or when the special election is for a county office, the county clerk shall give notice as soon as possible to all municipal clerks and publish 2 notices. The notices shall include the provisions of par. (c) and be a type A notice under ch. 10 in substantially the form prescribed by the secretary of state.

(c) The order and notice shall specify the office to be filled, the name of the officer before the vacancy, how the vacancy occurred, the expiration date of the remaining term of office, the date of the election, the earliest date for circulating and deadline for filing nomination papers, and the area involved in the election.

(d) When the primary includes more than one county, the secretary of state shall transmit to each county clerk at least 15 days before the special primary a certified list of all persons for whom nomination papers have been filed in his office. Immediately upon receipt of the certified list, the county clerk shall prepare his ballots. For a county special election, the county clerk shall certify the candidates and prepare the ballots. The county clerk shall publish 2 type B notices in a newspaper under ch. 10. As soon as possible after the primary, the county clerk shall certify the candidates and prepare the ballots for the following special election, and shall publish 2 type B notices in a newspaper under ch. 10.

(2) DATE OF SPECIAL ELECTION. (a) The date for the special election shall be not less than 55 nor more than 70 days from the date of the order.

(b) The primary shall be on the day 4 weeks before the day of the special election.

(3) NOMINATION AND PRIMARY. (a) Nomination papers shall be circulated no sooner than the day the order for the special election is filed and shall be filed not later than

5 p.m. 18 days before the day of the special primary.

(b) The provisions for September primaries under s. 8.15 are applicable to all primaries held under this section.

(4) REGULATIONS ON SPECIAL ELECTIONS. (a) A vacancy in the office of United States senator shall be filled under s. 17.18(2).

(b) A vacancy in the office of representative in congress occurring after July 1 but before the 3rd Tuesday in September preceding a general election shall be filled at the general election. Any vacancy occurring before July 1 or after the 3rd Tuesday in September before a general election may be filled at a special election. If no special election is held the vacancy shall be filled at the next general election.

(c) Whenever a vacancy occurs in the governor's office while the lieutenant governor is filling the office after July 1, but before September 1 preceding a general election, both offices shall be filled at the general election. Whenever a vacancy occurs in the governor's office while the lieutenant governor is filling the office before July 1, the vacancy in both offices may be filled by special election within 65 days after the vacancy occurs in the office of lieutenant governor. Whenever a vacancy occurs in the governor's office while the lieutenant governor is filling the office after September 1, the vacancy in both offices may be filled at a special election.

(d) A vacancy in any other elective state office, except under par. (c), occurring more than 6 months before the expiration of the current term, may be filled at a special election held not later than September 1 preceding the next general election.

(e) Any vacancy in the office of state senator may be filled by election as a vacancy in the office of United States senator is filled, except as provided by this subsection. Any vacancy in the office of state senator or assemblyman occurring before February 1 the first year of his term shall be filled as promptly as possible by special election. Any vacancy in the office of state senator or assemblyman occurring after the close of the last regular session of the legislature held during his term shall be filled only if a special session of the legislature is called during the remainder of the term. The special election to fill the vacancy shall be ordered, if possible, so the new member may participate in the special session.

(f) A vacancy in the office of judge or justice occurring on or before December 31

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shall be filled, if a judge, at the succeeding spring election; or, if a justice, at the first judicial election when no other justice is to be elected. A vacancy in the office of judge occurring after December 31 shall be filled at the judicial election the next year. A vacancy in the office of justice shall be filled at the next judicial election if no other justice is to be elected.

(g) Whenever through neglect or failure to choose either a member of the congress or legislature at a general election or any county officer who should have been chosen at the election, a special election may be held to fill the vacancy but no special election shall be held for any school or county officer after the time when his term would have commenced had he been elected at the proper April or November election.

(h) Whenever the right to office of any person listed in par. (g) ceases before the commencement of the term of office to which elected, a special election may be held to fill the vacancy.

(i) When the governor so directs, a special election shall be held to fill any vacancy not provided for in this section. This paragraph does not apply to judicial offices.

History: 1965 c. 666.

Legislative Council Note, 1965: The intro. par. combines ss. 5.29(1)(last sentence), 7.01(1) and 7.06(3rd sentence) but is made general to include judicial offices, and the deadline for special elections before a general election has been changed from 60 days to September 1.

Sub. (1)(a) is based on s. 7.04(1) and (3). The notice will no longer be given by the sheriff when a special election is held for county clerk as there will always be someone more familiar with the procedure in the county clerk's office. Par. (b) is based on ss. 5.29(2), 7.03 and 7.05(1st part). The notices have been made uniform with the notice provisions of ch. 10 in this bill and the posting requirement has been deleted. Par. (c) is based on s. 7.04(2)(1st part), but adds other provisions of a type A notice under ch. 10 in this bill. Par. (d) is based on ss. 5.29(4) and 7.05 (last sentence). The date when the secretary of state shall send the certified lists is changed from 18 to 15 days. The notice provisions are clarified and made uniform with ch. 10 in this bill.

Sub. (2)(a) is a restatement of s. 7.04(2)(last part). Par. (b) is a restatement of s. 5.29(1)(1st sentence, last part).

Sub. (3)(a) is a restatement of s. 5.29(3) for the deadline. The beginning circulation date is new. Par. (b) is a restatement of s. 5.29(5).

Sub. (4)(a) is a restatement of s. 7.01(2a). Par. (b) is based on s. 7.01(2), but the dates have been established so they can be more readily ascertained. Par. (c) is based on s. 7.01(5). The dates have been established and the provisions clarified. Par. (d) is based on s. 7.01(4), but the latest a special election can be held preceding a general election was changed from 60 days to September 1. Par. (e) is a restatement of s. 7.01(3). Par. (f) is based on s. 8.02(2) with established dates and clarification. Par. (g) combines ss. 7.02 (intro. par.), (1) and 7.06(last sentence) without substantive change. Par. (h) is a restatement of s. 7.02(2). Par. (i) is a restatement of s. 7.02(3). (Bill No. 755-A)

## CHAPTER 9. POST ELECTION ACTIONS; DIRECT LEGISLATION.

9.01 Recount  
9.10 Recall

9.20 Direct legislation

**9.01 Recount.** (1) (a) Any candidate voted for at any election or any elector who voted upon any referendum question at any election may request a recount. A verified petition and \$2 for each precinct for which the petition requests a ballot recount shall be filed with the proper clerk not later than 5 p.m. on the 3rd day following the last meeting day of the board of canvassers that determined the election for that office or on that referendum question. The verified petition shall state that at the election he was a candidate for the office in question or that he voted on the referendum question in issue; that he is informed and believes a mistake or fraud has been committed in specified precincts in the counting and return of the votes cast for the office or upon the question; or shall specify any other defect, irregularity or illegality in the conduct of the election.

(b) The proper board of canvassers shall reconvene at 9 a.m. on the day following the filing of a petition and proceed to recount

the ballots in all precincts specified and otherwise check the fact allegations of the petition. The recount shall proceed for each precinct as follows:

1. The board shall first compare the registry lists and determine the number of voting electors.

2. They shall then examine the container or bag containing the ballots to be certain it has not been tampered with, opened, or opened and resealed. Any irregularities or possible tampering with the container or bag shall be noted.

3. When the container or bag has been checked, it shall be opened and the contents removed. The board shall, without examination other than is necessary to determine that each is a single ballot, count the number of ballots therein. If the number of ballots and the totals recorded under subd. 1 do not agree, this fact shall be noted. When the number of ballots exceeds the number of electors, all the ballots shall be returned to the container or

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bag and a number of ballots equal to the excess number of ballots shall be drawn by chance and without inspection from the container or bag. These ballots shall be specially marked as having been removed by the canvassers on recount due to an excess number of ballots and carefully preserved.

4. When the number of ballots and electors agree, or after noting that there are fewer ballots than electors, the board shall proceed to place all ballots face down to check the ballot clerks' initials. Any ballots not properly initialed by 2 ballot clerks shall be laid aside, properly marked and carefully preserved. After ascertaining that all the remaining ballots have been properly indorsed, the canvass shall begin.

5. All steps of the recount shall be performed publicly and all materials and ballots may be viewed and identified by the candidates, the person demanding the recount and their authorized representatives and counsel, but only members of the official board of canvassers shall be allowed to touch any of the materials or ballots. Any errors shall be corrected.

(2) When the recount concerns a candidate, notification of the intent to file a petition shall first be sent by registered mail or served as is a summons in circuit court on each opposing candidate addressed to the address given on the nomination papers. In recount proceedings for a partisan primary the notice to the candidates shall be served only on opposing candidates for the same party nomination. The petition and the sender's receipt for each registered letter or the affidavit of service upon each opposing candidate shall be filed with the proper clerk.

(3)(a) The petitioner, all opposing candidates and interested persons shall be entitled to be present in person and by counsel to observe the proceedings.

(b) When a recount proceeding affects candidates in districts of more than one county, the county clerk shall immediately notify the secretary of state.

(4) Whenever a recount petition for part of the precincts within an election district is filed under the above provisions, the opposing candidate, or any elector or other interested party including a municipality if on a referendum question, may similarly file a petition for recount in any or all of the remaining precincts. The petition shall be filed not later than 5 p.m. 2 days after the board of canvassers completes the first recount. The proper board of canvassers shall reconvene at 9 a.m.

on the day following the filing of the petition and proceed to recount the ballots in all precincts specified and otherwise check the fact allegations of the petition. Any errors shall be corrected.

(5) Any member of the board of canvassers may administer oaths, certify official acts and issue subpoenas for purposes of this section. Witness fees shall be paid by the county.

(6) Within 5 days after completion of the recount determination by the board of canvassers in all counties concerned, any candidate, or any elector when for a referendum, aggrieved by the recount may appeal to circuit court. The appeal shall commence by serving a written notice of appeal on the other candidates or persons who filed a written notice of appearance before the board. The appellant shall file the notice with the clerk of circuit court together with an undertaking and surety in the amount approved by the clerk of court or the judge, conditioned upon the payment of all costs taxed against the appellant.

(7) The circuit judge shall forthwith issue an order directing the proper county or municipal clerk to transmit immediately all ballots, papers and records affecting the appeal to the clerk of court. The order shall fix a place and a time for the hearing within 5 days of the order either in open court, at chambers or before a referee. The order shall be served upon the proper county or municipal clerk and all other candidates or persons who filed a written notice of appearance before the board. A reference may be ordered upon any and all questions. At the assigned time and place, the matter shall be summarily heard and determined and costs taxed as in other civil actions.

(8) Nothing in this section shall be construed to abrogate any right or remedy that any candidate may now have affecting the trying of title to office.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1)(a) is a restatement of s. 6.66(1)(1st sentence and 2nd sentence, in part). Par. (b) is in part based on s. 6.66(1)(1st sentence, last part). The recount procedure is not in the present law but states present practice. A specific time for the recount to begin is added.

Sub. (2) is a restatement of ss. 5.012(2) and 6.66(1)(2nd sentence, in part, and 3rd sentence).

Sub. (3)(a) is a restatement of s. 6.66(1)(4th sentence). Par. (b) is a restatement of s. 6.66(1)(last sentence).

Sub. (4) is based on s. 6.66(1a) with 3 changes. Provision is made to allow municipalities to ask for a recount. The time provision is changed from "within 5 days after the last day of a regular meeting." Specific times for the deadline and for the recount to begin are added.

Sub. (5) is a restatement of s. 6.66(2).

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Sub. (6) is a restatement of s. 6.66(3) (sentences 1 and 2).

Sub. (7) is a restatement of s. 6.66(3) (last part).

Sub. (8) is a restatement of s. 6.66(4). (Bill No. 755-A)

There is no time limitation in (3) [(6)] within which a notice of appeal from a determination of the board of canvassers must be filed with the clerk of the circuit court, the only timeliness requirement expressed being that the notice be served upon contending candidates within 5 days after the recount determination. *Gradinjan v. Boho*, 29 W (2d) 674, 139 NW (2d) 557.

**9.10 Recall.** (1) The qualified electors of the state, county, congressional, judicial or legislative district, or city may petition for the recall of any elective official after the first year of the term for which he is elected by filing a petition with the same official with whom the petition for nomination to the office was filed demanding the recall of the officeholder. The petition shall be signed by electors equal to at least 25% of the vote cast for the office of governor at the last election within the same district or territory as that of the officeholder being recalled. In cities, if at the last election any group of candidates were voted for in common to fill 2 or more offices of the same designation, the required number of petition signers shall be equal to 25% of the number computed by dividing the total vote for that office by the number of offices filled jointly.

(2)(a) The preparation and form of the recall petition shall be governed by s. 8.15. In addition, a recall petition for a city office shall contain a specific statement of good and sufficient reason upon which removal is sought.

(b) After the recall petition has been offered for filing, no name shall be erased or removed. No signature shall be valid or counted unless the date is less than 60 days before the date offered for filing.

(3)(a) The provisions of this subsection apply for the recall of all elective officials other than city officials. City officials are recalled under sub. (4).

(b) Within 3 days after the petition is offered for filing, the official with whom the petition is left shall determine by careful examination whether the petition is sufficient and so state in a certificate attached to the petition. If the petition is found to be insufficient, the certificate shall state the particulars creating the insufficiency. The petition may be amended to correct any insufficiency within 5 days following the affixing of the original certificate. Within 2 days after the offering of the amended petition for filing, it shall again be carefully examined to determine sufficiency and a certificate stating

the findings shall be attached. Immediately upon finding an original or amended petition sufficient, the official shall file the petition and call a special election to be held not less than 40 nor more than 45 days from the filing date.

(c) The official against whom the recall petition is filed shall be a candidate at the special election without nomination unless he resigns within 10 days after the original filing of the petition. There shall be no primary. Candidates for the office may be nominated under the usual procedure of nomination for a primary election by filing nomination papers not later than 5 p.m. 4 weeks preceding the election and have their names placed on the ballot at the special election.

(4)(a) For the recall of any city official, the municipal clerk shall verify the eligibility of the respective signers and circulators, shall certify thereto and shall transmit the petition to the clerk of circuit court within 10 days of the filing date. The circuit court within 10 days after receipt of the petition shall determine by hearing whether the petition states good and sufficient reason for the recall. The clerk of circuit court shall notify the incumbent of the hearing date. The person subject to recall and the petition circulators may appear by counsel and the court may take testimony with respect to the recall petition. If the circuit court judge determines the grounds stated in the petition and proof offered at the hearing show good and sufficient reasons for recall, the judge shall issue a certificate directing the common council to hold an election under this section. If the reasons are found insufficient or do not show good cause, issuance of the certificate shall be denied. Any party aggrieved by the circuit court determination may appeal to the supreme court within 10 days following the circuit court determination by filing a notice of appeal with the clerk of the supreme court. An appeal under this section shall have preference on the supreme court calendar. The appeal shall stay enforcement of a certificate issued by the circuit court until the supreme court determines the appeal.

(b) The common council upon receiving the certificate from the circuit court shall call a special election not less than 50 nor more than 60 days from the date of the certificate. The special election for recall of more than one official may be held on the same day.

(c) The official against whom the recall petition is filed shall be a candidate at the special election without nomination unless he

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resigns before the deadline for filing nomination papers. Other qualified persons may become candidates by filing their nomination papers not later than 5 p.m. of the day 6 weeks before the day of the election. If the number of candidates including the incumbent, when he is a candidate, is more than twice the number of offices of that designation to be filled, a special primary shall be held. The incumbent's name shall not appear on the primary ballot. When a primary is held, the name of the person receiving the highest number of votes shall be placed on the special election ballot with the incumbent. When the incumbent is not a candidate, the 2 persons receiving the highest number of votes shall be placed on the special election ballot. When an election to recall more than one official of the same designation is held at the same time, the names of all candidates nominated shall be grouped together on the ballot with instructions to vote for the number of offices to be filled.

(5) The official against whom a recall petition has been filed shall continue to perform the duties of his office until the result of the special election is officially declared. The person receiving the highest number of votes at the special election shall be declared elected for the remainder of the term. If the incumbent receives the highest number of votes he shall continue in office. If another receives the highest number of votes he shall succeed the incumbent if he qualifies within 10 days after receiving notification.

(6) After one recall petition and special election, no further recall petition shall be filed against the same official during the term for which he was elected.

(7) The purpose of this section is to facilitate the operation of article XIII, section 12, of the constitution and to extend similar rights to city electors.

**History: 1965 c. 666.**

**Legislative Council Note, 1965:** Sub. (1) is based on ss. 6.245(1) and 10.44(1)(1st sentence, in part and 4th sentence). The provision of s. 10.44(1) requiring the petition to be filed with the clerk of circuit court is changed.

Sub. (2)(a) is a restatement of ss. 6.245(2)(1st sentence) and 10.44(1)(1st sentence, in part) and (2)(1st sentence). Par. (b) is based on ss. 6.245(2)(2nd sentence) and 10.44(2)(2nd sentence).

Sub. (3)(a) is provided for clarification. Par. (b) is a restatement of s. 6.245(3). Par. (c) is based on s. 6.245(4), but the deadline of 32 days prior to the election has been changed.

Sub. (4)(a) is based on ss. 10.44(1)(2nd and 3rd sentences) and 10.44(3). The requirement that the petition be filed with the clerk of circuit court who then transmits it to the municipal clerk has been changed. Par. (b) is a restatement of s. 10.44(4). Par. (c) is based on s. 10.44(5) and (6). A specific deadline for the incumbent's resignation has been added. The 40-day deadline was changed to 6 weeks. The 5 p.m. deadline was added for uniformity.

Sub. (5) is a restatement of ss. 6.245(5) and 10.44(7).

Sub. (6) is a restatement of s. 6.245(6) but is new for cities.

Sub. (7) is based on s. 6.245(7) and is broadened to include cities. (Bill No. 755-A)

**9.20 Direct legislation.** (1) A number of electors equal to at least 15% of the votes cast for governor at the last general election in their city may sign and file a petition with the city clerk requesting that an attached proposed ordinance or resolution, without alteration, either be adopted by the common council or referred to a vote of the electors. The person filing the petition shall designate in writing a person or organization to be notified of any insufficiency or improper form under sub. (3).

(2) The preparation and form of the direct legislation petition shall be governed by s. 8.15.

(3) Within 15 days after the petition is filed, the city clerk shall determine by careful examination whether the petition is sufficient and whether the proposed ordinance or resolution is in proper form. He shall state his findings in a signed and dated certificate attached to the petition. If the petition is found to be insufficient or the proposed ordinance or resolution is not in proper form, the certificate shall give the particulars, stating the insufficiency or improper form. The petition may be amended to correct any insufficiency or the proposed ordinance or resolution may be put in proper form within 10 days following the affixing of the original certificate and notification of the person designated under sub. (1). When the original or amended petition is found to be sufficient and the original or amended ordinance or resolution is in proper form, the city clerk shall so state on the attached certificate and forward it to the common council immediately.

(4) The common council shall, without alteration, either pass the ordinance or resolution within 30 days following the date of the clerk's final certificate, or submit it to the electors at the next election, if the election is more than 6 weeks after the date the order is given. If 6 weeks or less before election the ordinance or resolution shall be voted on at the next election thereafter. The council by a three-fourths vote of the members-elect may order a special election for the purpose at any time prior to the next election, but not more than one special election for direct legislation shall be called in any 6-month period.

(5) Not more than 3 nor less than one week before the election, the city clerk shall

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cause the ordinance or resolution that is being submitted to a vote to be published once in a newspaper as are city ordinances.

(6) The ordinance or resolution need not be printed in its entirety on the ballot, but a concise statement of its nature shall be printed together with a question permitting the elector to indicate approval or disapproval of its adoption.

(7) If a majority vote in favor of adoption, the proposed ordinance or resolution shall take effect upon publication under sub.

(5). Publication shall be made within 10 days after the election.

(8) City ordinances or resolutions adopted under this section shall not be subject to the veto power of the mayor and shall not be repealed or amended within 2 years of adoption except by a vote of the electors. The com-

mon council may submit a proposition to repeal or amend the ordinance or resolution at any election.

History: 1965 c. 666.

Legislative Council Note, 1965: Sub. (1) is a restatement of s. 10.43(1) except it adds that with the petition there shall be filed the name of a person or organization to facilitate execution of sub. (3).

Sub. (2) is a restatement of s. 10.43(2).

Sub. (3) is a restatement of s. 10.43(3), except it adds a provision to allow placing the proposed ordinance or resolution in proper form which is intended to prevent mere technicalities from defeating the petition's purpose.

Sub. (4) is based on s. 10.43(4). The 40-day provision was changed to 6 weeks.

Sub. (5) is based on s. 10.43(5)(1st sentence). The dates were changed from "not more than 20 nor less than 5 days." The publication provision was changed.

Sub. (6) is a restatement of s. 10.43(5)(last sentence).

Sub. (7) is based on s. 10.43(6)(1st sentence, in part and 3rd sentence). The provision has been changed so the ordinance takes effect upon publication rather than immediately.

Sub. (8) is a restatement of s. 10.43(6)(1st sentence, in part and the 2nd and 4th sentences). (Bill No. 755-A)

## CHAPTER 10. DATES AND NOTICES.

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**10.01 Election notice form.** (1) The form of the various election notices shall be prescribed by the secretary of state to standardize election notices. To accomplish this purpose, the secretary of state shall make rules and draft whatever forms he considers necessary. Notification or certification lists of candidates or referenda questions sent to the county clerks shall prescribe the form in which the county clerks shall publish the relevant portions of the notice and any additional county offices and referenda questions. The secretary of state shall also prescribe the provisions for municipal notices which shall be sent to each county clerk who shall immediately forward them to each municipal clerk.

(2) For election purposes there shall be 4 basic types of notices, modified as necessary to apply to the various elections, which shall be published in substantially the same form as prescribed by the secretary of state. The 4 types of notices are:

(a) Type A—The type A notice shall list the date of the election; the offices to be filled and the incumbent for each; the length of the term of office and the expiration date; and the beginning date for circulating and the deadline for filing nomination papers for

the offices listed. This notice shall be published once by the secretary of state, twice by the county clerks, and, for municipal elections, once by the municipal clerks at the times designated in s. 10.06.

(b) Type B—The type B notice shall give the relevant facsimile ballots and the relevant portions of voting instructions to electors under s. 10.02 and the date of the appropriate primary or election. This notice shall be published twice by the county clerks, and for municipal elections, twice by the municipal clerks on the 2nd Monday and the Monday preceding an election.

(c) Type C—The type C notice shall be given whenever referenda questions are submitted to a vote of the people. The notice shall contain the entire text of the referenda questions and an explanatory statement of the effect of either a "yes" or "no" vote. For state questions, the statement shall be prepared by the attorney general. The secretary of state shall publish one notice under s. 10.06. County clerks and, for local referenda questions, municipal clerks shall publish the notice twice at the same times as the facsimile ballots are published. The type C notice shall be printed in the newspaper as



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close as possible to the facsimile ballot containing the referenda questions.

(d) Type D—The type D notice shall state the hours the polls will be open and the polling locations or a concise statement of how polling location information may be obtained. Municipal clerks shall give the polling location information as each determines or the municipal governing body decides will most effectively inform the electors. The type D notice shall be published by the municipal clerks once when the last facsimile ballots for a municipal election are published or in the last publication of the selected newspaper preceding any other election at which the electors of that municipality are entitled to vote.

History: 1965 c. 666.

Legislative Council Note, 1965: This section has several new provisions. The provision of sub. (1) whereby the secretary of state prescribes the form of notice is new. As a part of the attempt to establish more significant notices of elections, the secretary of state is assigned this duty to provide more uniformity and more effective notices throughout the state.

Sub. (2) establishes 4 basic types of election notice. Each is based on present statutes, but the frequency of publication is made uniform, the times for giving the notices are changed to provide the notice intended at the proper time, and the components of the notices are changed as necessary to include all relevant information which should be given at the time of the notice. Par. (a) is based on s. 5.04. Par. (b) is based on s. 6.21(3)(a), (b) and (c) and (4)(1st part). Par. (c) is based on s. 6.10(1st part). Par. (d) is based on s. 6.21(2)(1st part) and 6.22(3)(last part). (Bill No. 755-A)

**10.02 Type B notice content.** (1) Before any election an appropriate type B notice shall be published in substantially the form prescribed by the secretary of state at the times prescribed in s. 10.06. The type B notice shall include the following relevant sections and be within the guidelines established in this section.

(2)(a) The headline or caption, the introductory paragraph and the voting instructions shall be printed once at the beginning of the notice followed by a facsimile of each ballot to be used at the election. The headline or caption shall be conspicuously displayed, but the caption together with the necessary spacing above and below shall not exceed 1¼ inches in depth. The introductory paragraph and voting instructions shall be set solid in the type of the regular reading matter of the newspaper but no smaller than 5½-point nor larger than 10-point type.

(b) Following the introductory paragraph, but preceding the facsimile ballot notice, the county clerk shall publish a statement of information to electors in the form prescribed in sub. (3). When the county clerk is not required to publish the instructions, the municipal clerk may do so.

(c) The facsimile ballots shall follow the voting instructions. The size and style of type and the general display of the facsimile ballots shall be prescribed by the secretary of state and shall conform substantially to the sample ballots annexed to the statutes. The party columns shall not exceed 2¼ inches in width and the ballot size may be reduced. Voting machine facsimile ballots shall show a reduced diagram of the front of the voting machine and instructions to electors on how to vote on the machine.

(3) The statement of information to electors shall contain the following relevant sections:

FACSIMILE BALLOT NOTICE OF \_\_\_\_\_  
ELECTION

Office of \_\_\_\_\_ [County] [Municipal] Clerk  
To the Electors of \_\_\_\_\_ [County] [Municipality]:

Notice is hereby given of a \_\_\_\_\_ election to be held in the several precincts in the [county] [municipality] of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at which the officers named below shall be chosen. The names of the candidates for each office to be voted for, whose nominations have been certified to or filed in this office, are given under the title of the office and under the appropriate party or other designation, each in its proper column, together with the questions submitted to a vote, in the sample ballot below.

INFORMATION TO ELECTORS

Voting instructions shall be given substantially as follows:

(a) Upon entering the polling place, an elector shall give his name and address before receiving the ballot from the ballot clerk. The initials of 2 ballot clerks must appear on the ballot. Upon receiving the ballot, the elector shall retire alone to a voting booth and mark his ballot. A ballot clerk may inform the elector of the proper manner for marking a ballot, but he shall not in any manner advise or indicate for whom to vote.

(b) 1. If an elector wishes to vote for all candidates nominated by any party, he shall make a cross or other mark in the circle under the party designation printed at the top of the ballot. Unless a name has been erased or crossed out, another name written in, a mark placed to the right of a candidate for the same office in another column or a sticker applied, a mark in the circle at the top of the column is a vote for all the party's candidates listed in the column. If an elector

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does not wish to vote for all the candidates nominated by one party, he shall make a cross or mark in the square at the right of each candidate's name for whom he intends to vote, or by inserting or writing in the name of a candidate.

2. At a partisan primary, the elector shall select the party ballot of his choice and make a cross or other mark in the square at the right of the candidate's name for each office for whom he intends to vote or insert or write in the name of his choice for a candidate.

3. At an election for delegates to the national conventions, the elector shall select the party ballot of his choice and make a cross or other mark in the circle under the name of the presidential candidate of his choice printed at the head of the column. If the elector desires to vote for uninstructed delegates, he shall make a cross or other mark in the square at the right of each uninstructed delegate's name for whom he intends to vote.

4. At a nonpartisan primary, the elector shall place a cross or other mark in the square at the right of the candidate's name for each office for whom he intends to vote, or insert or write in the name of his choice for a candidate.

(c) In presidential elections, the elector shall place a cross or other mark in the square at the right of the set of candidates for president and vice president for whom he intends to vote. The vote shall be counted for all the candidates for presidential electors of those candidates.

(d) On referenda questions, the elector shall make a cross or other mark in the square at the right of the answer which he intends to give.

(e) The ballot should not be marked in any other manner. If the elector spoils a ballot, he shall return it to an election official who shall issue another in its place, but not more than 3 ballots shall be issued to any one elector. Not more than 5 minutes' time shall be allowed to mark the ballot. Unofficial ballots or a memorandum to assist the elector in marking his ballot may be taken into the booth and copied. The sample ballot shall not be shown to anyone so as to reveal how the ballot is marked.

(f) After the official ballot is marked, it shall be folded so the inside marks do not show but so the printed indorsements and ballot clerks' initials on the outside do show. After folding the ballot, the elector shall leave the booth, give his name to the inspector in charge of the ballot box, hand him the

ballot to be placed in the ballot box, and leave the polling place promptly.

(g) An elector may be assisted by 2 election officials of different political parties in marking the ballot if he declares to the presiding official that he is unable to read or that due to physical disability he is unable to mark his ballot. If an elector declares that he is visually handicapped, he may have anyone assist him in marking his ballot or operating a voting machine. The presiding official may administer an oath as to a person's disability.

(h) The following is a facsimile of the official ballot: (insert facsimile of [official] ballot)

\_\_\_\_\_, [County Clerk] [Municipal Clerk]

(4) No further publication of notice provided for by this section or by a type B notice shall be required by the county or municipal clerk.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is based on s. 6.21(1), but made general in some respects to allow the secretary of state to prescribe the form.

Sub. (2)(a) is a restatement of s. 6.22(2)(a) (1st part). Par. (b) is based on s. 6.21(2) (last part) and provision added for the municipal clerk to publish the instructions when the county clerk will not be publishing them. Par. (c) is based on ss. 6.21(3)(c) and (4), and 6.22(2)(a) (3rd sentence).

Sub. (3) is a restatement of s. 6.22(1), except for the required changes in instructions to adopt changes made elsewhere in this bill.

Sub. (4) is based on s. 6.22(3)(1st part). (Bill No. 755-A)

**10.03 Cross references required.** Whenever possible the complete election notice shall appear on a single page of the newspaper. If this is impracticable, a footnote in 12-point caps shall indicate the page where the notice is continued. At the top of each succeeding page, or column of the notice, shall appear in 12-point caps and figures the notation, "For information to Electors and other facsimile ballots, see page \_\_\_\_."

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section is based on s. 6.22(2)(b) (2nd, 3rd and 4th sentences), but its application has been changed from only facsimile ballot notices to all election notices. (Bill No. 755-A)

**10.04 Newspaper selection and fees.** (1) All election notices or certificates of election required by statutes to be published shall be published in one or more newspapers qualified under ch. 985.

(2)(a) County clerks shall publish election notices in all newspapers published within the county that qualify under ch. 985 unless the county board provides otherwise by resolution.

(b) The governing body of a municipality may authorize by resolution the publication of election notices in more than one newspaper.

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The resolution may name the newspapers in which all election notices shall appear.

(3)(a) Whenever, in Title II, provision is made for the publication of a notice on a specific date and a weekly newspaper is chosen, the notice shall appear in that newspaper's closest preceding issue.

(b) Whenever, in Title II, provision is made for publication of an election notice by more than one insertion, this may be done (in counties over 200,000 population) by publication in one or more newspapers on the dates prescribed or in different newspapers at least equal in number to the number of insertions required. When different newspapers are used, the publications shall always be in each newspaper's latest issue preceding the last given date for publishing that notice.

(4) Compensation for publishing all notices and certificates of elections shall not exceed that for legal notices under s. 985.08.

(5) When a voting machine ballot includes 2 or more levels of government, the cost of giving the type B notice shall be prorated under s. 5.68(2).

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (1) is based on s. 6.82(2)(1st sentence), but the provision has been changed from "one to 4 newspapers" to remove any restriction. The provisions of s. 6.82(2) establishing which newspapers should be used based on party affiliation was deleted.

Sub. (2) is based on s. 6.82(2)(3rd sentence). The provision has been changed from requiring authorization when more than 2 newspapers are used. The last sentence of s. 6.82(2) has been deleted as ch. 985 provides the necessary standards for newspapers.

Sub. (3) is new. It is intended to present alternatives when more than one newspaper is used or when weeklies are used.

Sub. (4) is a restatement of ss. 6.22(2)(a)(last sentence) and 6.82(3).

Sub. (5) is a restatement of s. 6.21(4)(last part, in part). (Bill No. 755-A)

**10.05 Posting of notice.** Unless specifically designated elsewhere, this section applies to villages, towns and school districts. Whenever a notice is required to be published, they may post 3 notices in lieu of publication under ch. 985 whenever there is not a newspaper of general circulation in the area or whenever the governing body chooses to post in lieu of or to supplement notice in a newspaper. Whenever the manner of giving notice is changed by the governing body, notice of the change shall be given in the manner used before the change. Whenever posting is used, the notices shall be posted at least one week before the event for which the posting intends to serve notice. All notices given for the same election shall be given in the same manner.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section replaces the posting provisions throughout title II

of the general statutes. It is intended to provide uniformity to those municipalities which use posting, but it does not prevent any municipality, county or the state from posting in addition to their statutory notice requirements. (Bill No. 755-A)

**10.06 Basic election notices.** (1) SECRETARY OF STATE. (a) On or before the 2nd Tuesday in December preceding a spring election the secretary of state shall send a type A notice to each county clerk.

(b) On the last Tuesday in December the secretary of state shall publish one type A notice of the coming spring election. Publication shall be on the next day if Tuesday is a holiday.

(c) As soon as possible after the deadline for filing nomination papers for the spring election on the last Tuesday in January, but no later than the first Tuesday in February, the secretary of state shall send a type B notice certifying the list of candidates to each county clerk if a primary is required.

(d) On the 3rd Tuesday preceding the spring primary the secretary of state shall publish one notice of all candidates for each office in the spring primary, when held.

(e) As soon as possible following the state canvass of the spring primary vote, but no later than the 3rd Tuesday in March, the secretary of state shall send a type B notice certifying to each county clerk the list of candidates for the spring election. When no primary is held, this notice shall be sent under par. (c). When there are referenda questions, he shall send a type C notice certifying the questions to the county clerks as soon as possible, but no later than the 3rd Tuesday in March. On the 3rd Tuesday in March the secretary of state shall publish one notice of all candidates and offices which he has certified. Also on the 3rd Tuesday in March the secretary of state shall publish one type C notice for any referenda questions which he has certified.

(f) On or before the 2nd Tuesday in May preceding a September primary and general election the secretary of state shall send a type A notice to each county clerk.

(g) On the last Tuesday in May preceding a September primary and general election the secretary of state shall publish one type A notice of the coming September primary and general election.

(h) As soon as possible after the deadline for filing nomination papers for the September primary on the 2nd Tuesday in July but no later than the 3rd Tuesday in July, the secretary of state shall send a type B notice to

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each county clerk certifying the list of candidates for the September primary.

(i) As soon as possible after the state canvass and the deadline for filing nomination papers for independents, but no later than the 4th Tuesday in September, the secretary of state shall send a type B notice certifying the list of candidates and a type C notice certifying any referenda questions to each county clerk for the general election.

(j) On the 3rd Tuesday preceding the general election the secretary of state shall publish one notice of the candidates and offices which he has certified. The form of notice shall be as he prescribes. Whenever referenda questions are to be voted on, the secretary of state also shall publish one type C notice on this date.

(2) COUNTY CLERKS. (a) On the last Tuesday in December and the first Tuesday in January preceding a spring election each county clerk shall publish a type A notice based on the relevant portions of the notice received from the secretary of state and incorporating any county offices. Publication shall be on the next day if Tuesday is a holiday.

(b) Upon receipt of the type B notice from the secretary of state preceding the spring election each county clerk shall add any county offices, prepare the ballots and send notice to each municipal clerk of the coming spring primary. When there is no state spring primary within the county, but there is to be a county spring primary, the county clerk shall prepare the ballots and send notice to each municipal clerk.

(c) On the 2nd Monday and the Monday preceding the spring primary, when held, a type B notice shall be published.

(d) Upon receipt of the type B notice from the secretary of state each county clerk shall add any county offices, prepare the ballots and send notice to each municipal clerk of the coming spring election.

(e) On the 2nd Monday and the Monday preceding the spring election, a type B notice shall be published. A type C notice also shall be published on these dates whenever there are referenda questions.

(f) On the last Tuesday in May and the first Tuesday in June preceding a September primary and general election, each county clerk shall publish a type A notice based on the relevant portions of the notice received from the secretary of state and incorporating county offices. On the last Tuesday in May

the county clerk shall send notice of the coming elections to each municipal clerk.

(g) On the 2nd Monday and the Monday preceding the September primary a type B notice shall be published.

(h) Upon receipt of the type B notice from the secretary of state preceding the general election, the county clerk shall send notice to each municipal clerk of the coming general election and prepare the ballots.

(i) On the 2nd Monday and the Monday preceding the general election a type B notice shall be published. When there are referenda questions, a type C notice shall be published at the same time.

(3) MUNICIPAL CLERKS. (a) On the last Tuesday in December preceding a spring municipal election the municipal clerk shall publish one type A notice for municipal offices. Publication shall be on the following day if Tuesday is a holiday.

(b) If there is to be a municipal primary, the municipal clerk shall publish type B notices on the 2nd Monday and the Monday before the primary election. In cities, any direct legislation questions to be voted on at the primary shall be included in the municipal type B notice.

(c) On the 2nd Monday and the Monday before the municipal spring election, the municipal clerk shall publish type B notices. If there are any municipal referenda questions, a type C notice shall be published at the same time. In cities, any direct legislation questions to be voted on at the election shall be included with the type B notice.

(d) A type D notice shall be published preceding any election. When other municipal election notices are published, the type D notice shall be published at the time of the last insertion. When there are no municipal election notices, the type D notice shall be published on the day preceding the election.

(e) When voting machines are used in a municipality, the municipal clerk shall publish a type B notice on the 2nd Monday and the Monday before every election. The notice shall include all offices and questions to be voted on at the election.

History: 1965 c. 666.

Legislative Council Note, 1965: This section is based on ss. 5.04, 6.10, 6.11, 6.21, 8.03, 8.04(1) and (2)(1st sentence), 10.36(3), 10.45(2nd sentence through end of section), 10.52(1)(2nd sentence) and 11.10(5)(1st sentence). The dates have been changed and the number of newspaper insertions have been made uniform for all areas of the state whether paper ballots or voting machines are used. The exceptions of s. 6.10(1)(b) as to what constitutional amendments can be made and when, have been deleted for uniformity. (Bill No. 755-A)

**NOTE: The revision of the Election Laws is effective July 1, 1967.**

**10.08 Date and notice chart; explanation.** Sections 10.10 to 10.14 list the dates upon which specific acts or notices shall be performed or given.

(1) Each section begins with a 5-column chart. Within each column an individual cross reference is made, first to a section of the statutes wherein the specific act or notice is established, and 2nd to a subsection within the section which presents the date and a brief description of what is required.

(2) Following the chart within each section are the subsections referred to in the chart. These subsections are arranged in the order of occurrence. A brief description of what act or notice is required is followed by a cross reference to the statutory provision which establishes the act or notice and which gives the statutory procedure for fulfilling the requirements of that act or notice.

(3) Each section is arranged in chronologi-

cal order with each provision listed within the chart as near as possible to the approximate time of occurrence. Due to calendar fluctuations from year to year there will be instances when provisions do not occur precisely in the order listed. It is necessary, especially in instances where provisions are very close in sequence, to check one or 2 subsections preceding and following each specific provision to prevent possible omission of an act or notice.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section is new. It is intended to explain the purpose and operation of the date and notice charts in ss. 10.10 to 10.14. (Bill No. 755-A)

**10.10 Date and notice chart; spring primary and election.** The following date and notice chart provides the chronological dates for the spring primary and spring election. Whenever a spring primary is not held, the provisions therefor may be disregarded.

Secretary of State	County Clerk	Municipal Clerk and Governing Body	Candidates	Public and General Provisions
<b>December</b>				
10.06(1)(a)—see (3)	10.06(2)(a)—see (5)(b)	6.86—see (1)		6.86—Absentee ballots—see (1)
10.06(1)(b)—see (5)(a)		10.06(3)(a)—see (5)(c)		
<b>January</b>				
8.10(2)—see (7)(b) and (11)(a)	8.10(2)—see (7)(b)	5.15(6)(b)—see (7)(d)	8.05(3)(a), (4)(b); 8.10(2) Spring election candidates—see (7)(b) and (11)(a)	6.86—Absentee ballots—see (7)(c)
	10.06(2)(a)—see (9)	8.05(3)(a), (4)(b); 8.10(2)—see (7)(b) and (11)(a)		
	8.10(2)—see (11)(a)	5.58(1)(b), (2)—see (11)(b)		
		8.11(1)(a), (c)—see (11)(c)		
<b>February</b>				
10.06(1)(c)—see (21)(a)	10.06(2)(b)—see (21)(b)	5.66(1)—see (13)(a)	8.35(1)—Declination of nomination. See (21)(c) 1.	6.27(3), (4)—Petition to require or abolish registration. See (13)(b)
8.35(1), (2)—see (21)(c)	8.35(1), (2)—see (21)(c)	6.27(3), (4)—see (13)(b)	8.35(2) Filling vacancies—see (21)(c) 2.	6.28(1), 6.30(3)(c)—Registration deadline—see (23)(a)
10.06(1)(d)—see (25)(b)	7.10(3)—see (25)(a)	5.15(6)(b)—see (13)(c)	12.09(1), (5)(b)—Financial statements—see (31)	
12.09(4)(b)—see (27)	12.09(4)(b)—see (27)	7.30(3)—see (13)(d)		

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Secretary of State	County Clerk	Municipal Clerk and Governing Body	Candidates	Public and General Provisions
February cont'd.				
12.09(1), (5) (b)—see (31)	10.06(2)(c)— see (29)(b)	5.25(1)—see (13)(e)	8.05(1)(j)—Declina- tion of nomina- tion after caucus— see (33)(b) 3.	
	12.09(1),(5) (b)—see (31)	8.05(1)(a)— see (15)		
		7.30—see (17) and (19)		
		6.28(1); 6.30(3) (c); 6.40(1)(b) —see (23)		
		12.09(4)(b)— see (27)		
		6.78(2)—see (29)(a)		
		10.06(3)(b)—see (29)(b)		
		12.09(1), (5) (b)—see (31)		
		7.30(4)(a)—see (33)(a)		
		8.05(1)—see (33)(b)		
March (Earliest)*				
12.09(4)(b); 12.10—see (37)(a)	12.09(4)(b); 12.10—see (37)(a)	6.48(2)—see (35)	7.38—Filing list of observers—see (39)(b)	6.48(2)—Board of election commis- sioners hears regis- tration objections —see (35)
8.12(2)(e), (3) —see (41)(a)	10.06(2)(c)— see (45)(a)	12.09(4)(b); 12.10—see (37) (a)	8.12(2)(e), (3)— Presidential candi- dates and delegates —See (41)(a) 1.	6.86—Absentee ballots—see (39)(a) and (45)(d)
1.		10.05—see (33) (c)	8.12(5)—Filling delegate vacancies —See (41)(a) 2.	6.55—Registration with freeholders— see (45)(e)
8.12(5)—see (41)(a) 2.		6.86—see (39) (a)		
		7.30(3)—see (41)(b)		
		5.25(1)—see (41)(c)		
		7.15(2)(b)—see (43)		
		10.06(3)(b), (d) —see (45)(a)		

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Secretary of State	County Clerk	Municipal Clerk and Governing Body	Candidates	Public and General Provisions
March (Earliest)* cont'd.				
		6.78(2)—see (45)(b)		
		7.15(3)(b), (5)—see (45)(c)		
		6.86—see(45)(d)		
		6.55—see (45)(e)		
March (Latest)*				
5.02(2)—see (47)(b)	5.02(2)—see (47)(b)	8.05(1)—see (47)(a)	8.05(1)(j)—Declination of nomination after caucus—see (47)(a) 3.	5.02(2)—SPRING PRIMARY—see (47)(b)
12.09(1),(4)(b); 12.10—see (59)(c) and (d)	7.60(3)—see (55)	5.02(2)—see (47)(b)	5.02(2)—SPRING PRIMARY—see (47)(b)	9.01—Recount—see (53), (57), (65)
7.70(3)(a)—see (63)	9.01—see (57)	7.23(1)(a)—see (47)(c)	8.35(2)—Deadline to decline municipal nomination—see (51)(a)	7.60(3)—County canvass—see (55)(a)
9.01—see (65)	12.09(1), (4)(b); 12.10—see (59)(c) and (d)	7.51(5); 7.53(2), (3)—see (49)	8.35(2)—Filling municipal nominee vacancies—see (51)(b)	8.05(3)(e)—Petition to abolish caucus in towns—see (59)(a)
10.06(1)(e)—see (69)(a) and (b)	7.70(1)(b)—see (61)	8.35—see (51)	9.01—Recount—see (53), (57), (65)	7.70(3)(a)—State canvass—see (63)
12.09(5)(b)—see (69)(d) and (e)	10.06(2)(d)—see (69)(c)	9.01—see (53)	8.35(1)—Declination of county office nomination. See (55)(b)	12.08—Submitting political bills—see (67)
12.09(4)(b)—see (75)	12.09(5)(b)—see (69)(d) and (e)	8.05(3)(e)—see (59)(a)	8.35(2)—Filling vacancy—see (55)(b) 2.	12.09(5)(b)—Financial statements—see (69)(e)
12.09; 12.10—see (79)(b) and (c)	7.70(1)(b)—see (61)	8.35—see (59)(b)	8.35(1)—Declination of nomination for office including more than one county—see (59)(b) 1.	6.28(1), 6.30(3)(c)—Registration deadline—see (71)(a)
	7.10(3)—see (73)	12.09(1), (4)(b); 12.10—see (59)(c) and (d)	8.35(2)—Filling vacancy—see (55)(b) 2.	12.09—Financial statements—see (79)(b)
	12.09(4)(b)—see (75)	12.09(5)(b)—see (69)(d) and (e)	8.35(1)—Declination of nomination for office including more than one county—see (59)(b) 1.	
	10.06(2)(e)—see (77)(a)	7.23(1)(b)—see (69)(f)	8.35(2)—Filling vacancy—see (59)(b) 2.	
	12.09; 12.10—see (79)(b) and (c)	6.28(1); 6.30(3)(c); 6.40(1)(b)—see (71)	12.09(1)—Financial statements—see (59)(c)	
		12.09(4)(b)—see (75)		
		10.06(3)(c)—see (77)(b)		
		6.78(2)—see (77)(c)		

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Secretary of State	County Clerk	Municipal Clerk and Govern- ing Body	Candidates	Public and General Provisions
March (Latest)* cont'd.				
		12.09; 12.10— see (79)(b) and (c)	12.08—Submitting political bills— see (67)	
		10.05—see (83) (b)	12.09(5)(b)—Fi- nancial statements —see (69)(e)	
			12.09—Financial statements—see (79)(b)	
April (Earliest)*				
	12.58(3)(a)— see (89)	8.05(3)(e)—see (83)(a)	7.38(1)(b)—Filing list of observers— see(85)(a) 1.	6.48(2)—Board of election commis- sioners hears regis- tration objections —see (81)
	10.06(2)(c)— see (91)(a)	10.05—see (83) (b)	7.38(3)—Filling vacancies—see (85)(a) 2.	6.86—Absentee ballot—see (85) (b), (91)(e)
		7.38—see (85) (a)	12.58(3)(a)—Fi- nancial statements —see (89)	6.55—Registration with freeholders— see (91)(f)
		6.86—see (85) (b)		
		10.06(3)(b), (d) —see (91)(a), (b)		
		7.15(3)(b), (5) —see (91)(c)		
		6.78(2)—see (91)(d)		
		6.86—see (91)(e)		
		6.55—see (91)(f)		
April (Latest)*				
5.02(3)—see (93)(a)	5.02(3)—see (93)(a)	5.02(3)—see (93)(a)	5.02(3)—SPRING ELECTION—see (93)(a)	5.02(3)—SPRING ELECTION—see (93)(a)
12.09; 12.10— see (105)(b) and (c)	9.01—see (99)	7.51(4)(b), (5); 7.53(1)—see (93)(b)	7.53(2)—Municipal canvass—see (95) (b)	7.53(2)—Municipal canvass—see (95) (b)
	7.60(6), (7)— see (103)	7.23(1)(a)—see (93)(c)	9.01—Recount— see (97), (101), (113)	9.01—Recount— see (97), (101), (113)
	12.09; 12.10— see (105)(b) and (c)	7.51(5); 7.53(3) —see (95)(a)	7.60(3)—County canvass—see (99)	7.60(3)—County canvass—see (99)
	7.70(1)(b)—see (107)	7.53(2)—see (95)(b)	12.09(1)—Finan- cial statements— see (105)(b)	12.09(1)—Finan- cial statements— see (105)(b)
		9.01—see (97)		

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Secretary of State	County Clerk	Municipal Clerk and Governing Body	Candidates	Public and General Provisions
April (Latest)* cont'd.				
		7.53(2)—see (105)(a)		
		12.09; 12.10—see (105)(b) and (c)		
May				
7.70(3)(a)—see (111)	12.58(3)(a)—see (109)		12.58(3)(a)—Financial statements—See (109)	12.58(3)(a)—Financial statements—see (109)
9.01—see (113)				7.70(3)(a)—State canvass—see (111)
7.70(5)(a)—see (115)				
June				
7.23—see (117)	7.23—see (117)	7.23—see (117)		
July				
7.23—see (119) and (121)	7.23—see (119) and (121)	7.23—see (119) and (121)		

\* Due to calendar fluctuations the 2 extremes are noted. Therefore, the first of the month may occur on or between these 2 points.

#### DECEMBER

(1) *December 1.* Earliest application may be made for absentee ballots for the spring primary—6.86.

(3) *2nd Tuesday in December.* (On or before) Secretary of state sends type A notice of the spring election to county clerks—10.06(1)(a).

(5) *Last Tuesday in December.* (The next day if Tuesday is a holiday). (a) The secretary of state publishes one type A notice for the spring election—10.06(1)(b).

(b) The county clerk uses the relevant parts of the notice received from the secretary of state, adds county offices and publishes the first of 2 type A notices—10.06(2)(a).

(c) The municipal clerk publishes one type A notice of the municipal spring election—10.06(3)(a).

#### JANUARY

(7) (a) *January 1.* Earliest candidates for delegates to party national conventions circulate nomination papers or proposed presidential candidates file list of delegates—8.12(2)(e), (3).

(b) *January 1.* Earliest nomination papers are circulated for candidates running for office in the spring election (Deadline is last

Tuesday in January)—8.05(3)(a), (4)(b), 8.10(2).

(c) *January 1.* Earliest application may be made for absentee ballots for the spring election—6.86.

(d) *60 days before spring primary.* Precincts or wards may be united to facilitate using voting machines—5.15(6)(b).

(9) *First Tuesday in January.* (The following day if Tuesday is a holiday). The county clerk publishes 2nd of 2 type A notices—10.06(2)(a).

(11) (a) *Last Tuesday in January.* 5 p.m. deadline for candidates running for office in the spring election to file nomination papers—8.05(3)(a), (4)(b), 8.10(2).

(b) *Day after last Tuesday in January.* 2 p.m., the ballot arrangement in 1st class cities, and counties over 500,000 population, determined by drawing lots—5.58(1)(b), (2).

(c) *3 days after last Tuesday in January.* Deadline for city to decide to hold a spring primary or for petition requesting a spring primary—8.11(1)(a), (c).

#### FEBRUARY

(13) (a) *February 1.* Preceding a primary, the municipal clerks certify the number of electors in the district—5.66(1).

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FEBRUARY cont'd.

(b) *60 days before spring election.* Deadline for petition requesting submission of question to require or abolish registration in municipalities under 5,000 population—6.27(3), (4).

(c) *60 days before spring election.* Precincts or wards may be united to facilitate using voting machines—5.15(6)(b).

(d) *30 days before spring primary.* Deadline for selecting tabulators to assist with the spring primary canvass—7.30(3).

(e) *30 days before spring primary.* Deadline for establishing polling places—5.25(1).

(15) *First week in February.* Towns and villages having a caucus establish date between last Tuesday in February and first Tuesday in March—8.05(1)(a).

(17) (a) *First February meeting.* In odd-numbered years the election officials are chosen for 2-year terms—7.30(4).

(b) *Within 5 days.* Municipal clerk notifies each election official appointee of his appointment—7.30(5).

(c) *Within 10 days of mailed notice.* Election official appointees file official oath with municipal clerk—7.30(5).

(19) (a) *February.* (Odd-numbered years) (a) In 1st class cities the board of election commissioners appoint the election officials for a 2-year term—7.30(4)(b) 1.

(b) *Within 5 days.* Municipal clerk notifies each election official appointee of his appointment—7.30(5).

(c) *Within 10 days of mailed notice.* Election official appointees file official oath with municipal clerk—7.30(5).

(21) *First Tuesday in February.* (a) (As soon as possible after sub. (11)(a), but no later than this date). Secretary of state sends county clerks notice of required primary and includes the certified list of candidates—10.06(1)(c).

(b) The county clerks upon receipt of the notice prepare the ballots and give notice to all municipal clerks that there will be a primary—10.06(2)(b).

(c) 1. 5 p.m. deadline for all persons filing nomination papers on the last Tuesday in January as a candidate for office which includes more than one county to decline nomination—8.35(1); 2. Vacancies may be filled within 2 days—8.35(2).

(23) (a) *3rd Wednesday before spring primary.* 5 p.m. deadline for registration—6.28(1), 6.30(3)(c).

(b) *3 days after registration closes.* Latest municipal clerk shall mail voting privilege

cancellation cards—6.40(1)(b).

(25) *3rd Tuesday before spring primary.* (a) Latest county clerks shall distribute spring primary ballots and election blanks to municipal clerks—7.10(3).

(b) Secretary of state publishes one notice of all candidates for each office in the spring primary, when held—10.06(1)(d).

(27) *2nd Friday before primary.* (Approximate) Secretary of state, county clerk or other filing official sends notice and forms to all committees and candidates for financial accounting—12.09(4)(b).

(29) *2nd Monday before spring primary.* (a) Latest 4th class cities, villages and towns can publish first of 2 notices of a change in the polling hours for a spring primary—6.78(2).

(b) When a primary is held, county clerk publishes the first of 2 type B notices. The municipal clerk, where a primary for municipal offices is scheduled, publishes first of 2 type B notices—10.06(2)(c), (3)(b).

(31) *Tuesday before primary.* (a) Every corporation and association indorsing, helping or opposing a political party shall file an expense account—12.09(5)(b).

(b) Every candidate and secretary of every committee shall file verified financial statement—12.09(1).

(33) *Last Tuesday in February.* (a) In odd-numbered years, whenever there is no regular meeting of the governing body of the municipality scheduled during February, the municipal clerk shall call a special meeting on this date—7.30(4)(a).

(b) 1. Earliest town or village caucus may be held—8.05(1)(a); 2. 5 days' notice shall be given—8.05(1)(b); 3. Declination of nomination may be filed within 5 days after the caucus—8.05(1)(j).

(c) Latest posting may be substituted for newspaper publication in villages, towns and school districts taking part in the spring primary—10.05.

MARCH (earliest)

(35) *Wednesday before spring primary.* First class city board of election commissioners sits to hear registration objections—6.48(2).

(37) *Thursday before primary.* (a) Candidates and personal committees for whom no financial account has been filed by the Tuesday before the primary shall be notified and an affidavit and order of the court sent to them—12.09(4)(b), 12.10.

(39) *Friday before spring primary.* (a)

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MARCH (earliest) cont'd.

5 p.m. deadline for application by mail for absentee ballots for spring primary—6.86.

(b) 1. Deadline for filing observer appointments—7.38(1)(b); 2. Vacancies may be filled in 4 days—7.38(3).

(41) (a) *March 1.* 1. 5 p.m. deadline for candidates for delegates to party national conventions to file nomination papers and declaration of acceptance or a statement of withdrawal or for proposed presidential candidates to consent to the use of their names by delegates filing nomination papers or to file list of delegates—8.12(2)(e), (f), (3); 2. Within one week, vacancies in the presidential candidate's lists shall be filled by a majority of the delegation and the names filed with the secretary of state—8.12(5).

(b) *30 days before spring election.* Deadline for selecting tabulators to assist with the spring election canvass—7.30(3).

(c) *30 days before spring election.* Deadline for establishing polling places—5.25(1).

(43) *2 days before spring primary.* Latest ballots in 1st class cities shall be ready when they print their own ballots—7.15(2)(b).

(45) *Monday before primary.* (a) The 2nd of 2 type B notices is published by the county clerks and municipal clerks as under sub. (29) (b). If there is a primary, municipal clerks shall also give a type D notice on this date—10.06(2)(c), (3)(b), (d).

(b) Latest 4th class cities, villages and towns publish 2nd of 2 notices of a change in the polling hours—6.78(2).

(c) Latest election materials shall be delivered to precincts—7.15(3)(b), (5).

(d) 5 p.m. deadline for application in person for absentee ballots for spring primary—6.86.

(e) 5 p.m. deadline for registration with freeholders—6.55.

MARCH (latest)

(47) (a) *First Tuesday in March.* 1. Latest town or village caucus may be held—8.05(1)(a); 2. 5 days' notice shall be given—8.05(1)(b); 3. Declination of nomination may be filed within 5 days after the caucus—8.05(1)(j).

(b) *First Tuesday in March.* 1. Spring primary—5.02(2).

2. Upon completion of the precinct canvass, the results shall be announced, the results telephoned to the proper clerks and all materials returned to the municipal clerk immediately—7.51(4)(b), (5), 7.53(1).

(c) *After primary.* Following spring primary any unused election materials shall be destroyed as municipal clerk directs—7.23(1)(a).

(49) *Day after spring primary.* (a) 2 p.m. deadline for municipal clerks to deliver election materials to the county clerk—7.51(5), 7.53(3).

(b) Within 24 hours after the polls close, municipalities with more than one precinct shall begin municipal canvass—7.53(2).

(51) *2 days after spring primary municipal canvass.* (a) 5 p.m. deadline for declination of nomination to office—8.35(1).

(b) Vacancy may be filled within 2 days—8.35(2).

(53) (a) *3 days after last day of municipal canvass.* 5 p.m. deadline to demand first recount—9.01(1)(a).

(b) *Day following filing of recount petition.* 9 a.m., board of canvassers reconvenes to begin recount procedure—9.01(1)(b).

(c) *2 days after completion of 1st recount.* 5 p.m. deadline to demand recount in any remaining precincts—9.01(4).

(d) *5 days after recount determination.* Latest any aggrieved parties may appeal to circuit court—9.01(6).

(55) *Thursday after spring primary.* (a) 9 a.m., latest county canvass shall begin—7.60(3).

(b) *2 days after spring primary county canvass.* 1. 5 p.m. deadline for declination of nomination to office—8.35(1); 2. Vacancy may be filled within 2 days—8.35(2).

(57) (a) *3 days after last day of county canvass.* 5 p.m. deadline to demand first recount—9.01(1)(a).

(b) *Day following filing of recount petition.* 9 a.m., board of canvassers reconvenes to begin recount procedure—9.01(1)(b).

(c) *2 days after completion of first recount.* 5 p.m. deadline to demand recount in any remaining precincts—9.01(4).

(d) *5 days after recount determination.* Latest any aggrieved parties may appeal to circuit court—9.01(6).

(59) *2nd Tuesday in March.* (a) 1. 5 p.m. deadline for filing petition in towns requesting submission of question whether to require nomination papers and a nonpartisan primary in lieu of the caucus—8.05(3)(e); 2. Separate notice 5 days before the election shall be given—8.05(3)(e).

(b) 1. 5 p.m. deadline for all persons nominated to office which includes more than one county to decline nomination—8.35(1);

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MARCH (latest) cont'd.

2. Vacancies may be filled within 2 days—8.35(2).

(c) Candidates and personal campaign committees verified financial statements shall be mailed—12.09(1).

(d) If the statements under par. (c) are not received within 2 days after the deadline, the violators shall be notified by affidavit and an order of the court—12.09(4)(b), 12.10.

(61) *2nd Wednesday after spring primary.* Absolute deadline for county clerk to make returns to secretary of state—7.70(1)(b).

(63) *2nd Thursday after spring primary.* Latest state board of canvassers shall meet—7.70(3)(a).

(65) (a) *3 days after last day of canvass.* 5 p.m. deadline to demand 1st recount—9.01(1)(a).

(b) *Day following filing of recount petition.* 9 a.m., board of canvassers reconvenes to begin recount procedure—9.01(1)(b).

(c) *2 days after completion of 1st recount.* 5 p.m. deadline to demand recount in any remaining precincts—9.01(4).

(d) *5 days after recount determination.* Latest any aggrieved parties may appeal to circuit court—9.01(6).

(67) *10 days after primary.* Deadline for submitting campaign bills for payment—12.08.

(69) *3rd Tuesday in March.* (a) (As soon as possible after the state canvass, but no later than this date). The secretary of state sends the county clerks a type B notice and a type C notice, when necessary, of the spring election—10.06(1)(e).

(b) The secretary of state publishes one notice—10.06(1)(e).

(c) The county clerk upon receipt of notice prepares the ballots and gives notice to all the municipal clerks—10.06(2)(d).

(d) Approximate deadline for notice sent to political organizations to file expense accounts of their contributions to help or hinder any political organization—12.09(5)(b).

(e) Deadline for political organization to file expense statements of their efforts to help or hinder any political organization or candidate—12.09(5)(b).

(f) Voting machines used in the spring primary may be reactivated—7.23(1)(b).

(71) *3rd Wednesday before spring election.* (a) 5 p.m. deadline for registration—6.28(1), 6.30(3)(c).

(b) *3 days after registration closes.* Latest municipal clerk shall mail voting privilege cancellation cards—6.40(1)(b).

(73) *2nd Thursday before spring election.* Latest county clerks shall distribute spring election ballots and election blanks to municipal clerks so they will arrive at least 10 days before the election—7.10(3).

(75) *10 days before spring election.* Latest filing official shall send notice and forms for financial accounting to all committees and candidates—12.09(4)(b).

(77) *2nd Monday before election.* (a) County clerks publish the first of 2 type B notices and first of 2 type C notices, when necessary—10.06(2)(e).

(b) Municipal clerks publish first of 2 type B notices for local offices and first of 2 type C notices for local referenda—10.06(3)(c).

(c) Latest 4th class cities, villages and towns can publish first of 2 notices of a change in the polling hours—6.78(2).

(79) *Tuesday before spring election.* (a) Latest posting may be substituted for newspaper publication in villages, towns and school districts taking part in the spring election—10.05.

(b) Candidates, campaign committees, corporations, associations, etc. making contributions to help or hinder any political action must mail a verified financial statement—12.09(1), (5)(b).

(c) If the statements under par. (b) are not received within 2 days after the deadline, the violators shall be notified by affidavit and an order of the court—12.09(4)(b), 12.10.

APRIL (earliest)

(81) *Wednesday before spring election.* First class city board of election commissioners sits to hear registration objections—6.48(2).

(83) *Thursday before spring election.* Latest town clerk shall give separate notice of question requiring nomination papers and non-partisan primary in lieu of the caucus—8.05(3)(e).

(85) *Friday before spring election.* (a) 1. Deadline for filing observer appointments—7.38(1)(b); 2. Vacancies may be filled in 4 days—7.38(3).

(b) 5 p.m. deadline for application by mail for absentee ballots for spring election—6.86.

(87) *2 days before spring election.* Latest ballots in 1st class cities shall be ready when they print their own ballots—7.15(2)(b).

(89) *30 days after spring primary.* Treasurer of each political committee shall file with the county register of deeds a sworn statement of all moneys received and dis-

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## MARCH (latest) cont'd.

bursed for 90 days before election through the date of filing—12.58(3)(a).

(91) *Monday before spring election.* (a) County clerks and municipal clerks publish 2nd of 2 type B and C notices under sub. (77)(a) and (b)—10.06(2)(c), (3)(b).

(b) Municipal clerks publish a type D notice on this date—10.06(3)(d).

(c) Latest election materials delivered to precincts—7.15(3)(b), (5).

(d) Latest 4th class cities, villages and towns publish 2nd of 2 notices of a change in the polling hours—6.78(2).

(e) 5 p.m. deadline for application, in person, for absentee ballots for spring election—6.86.

(f) 5 p.m. deadline for registration with freeholders—6.55.

## APRIL (latest)

(93) *First Tuesday in April.* (a) Spring election—5.02 (3).

(b) Upon completion of the precinct canvass, the results shall be announced, the results telephoned to the proper clerks and all materials returned to the municipal clerk immediately—7.51(4)(b), (5), 7.53(1).

(c) Following spring election any unused election materials and contents of blank ballot box destroyed as municipal clerk directs—7.23(1)(a).

(95) *Day after spring election.* (a) 2 p.m. deadline for municipal clerks to deliver election materials to the county clerk—7.51(5), 7.53(3).

(b) Within 24 hours after the polls close, municipalities with more than one precinct begin municipal canvass—7.53(2).

(97) (a) *3 days after last day of municipal canvass.* 5 p.m. deadline to demand first recount—9.01 (1) (a).

(b) *Day following filing of recount petition.* 9 a.m., board of canvassers reconvenes to begin recount procedure—9.01(1)(b).

(c) *2 days after completion of first recount.* 5 p.m. deadline to demand recount in any remaining precincts—9.01(4).

(d) *5 days after recount determination.* Latest any aggrieved parties may appeal to circuit court—9.01(6).

(99) *Thursday after spring election.* 9 a.m., latest county canvass shall begin—7.60(3).

(101) (a) *3 days after last day of county canvass.* 5 p.m. deadline to demand first recount—9.01 (1) (a).

(b) *Day following filing of recount peti-*

*tion.* 9 a.m., board of canvassers reconvenes to begin recount procedure—9.01(1)(b).

(c) *2 days after completion of first recount.* 5 p.m. deadline to demand recount in any remaining precincts—9.01(4).

(d) *5 days after recount determination.* Latest any aggrieved parties may appeal to circuit court—9.01(6).

(103) *Following recount period.* Immediately after expiration of recount period, the county clerk shall issue certificate of election to persons elected in the county and publish results in a newspaper—7.60(6), (7).

(105) *2nd Tuesday in April.* (a) Latest municipalities holding annual election can declare results of spring election—7.53(2).

(b) Candidates and personal campaign committees verified financial statements shall be mailed—12.09(1).

(c) If the statements under par. (b), are not received within 2 days after the deadline, the violators shall be notified by affidavit and an order of the court—12.09(4)(b), 12.10.

(107) *3rd Wednesday after spring election.* Absolute deadline for county clerk to make returns to secretary of state—7.70(1)(b).

## MAY

(109) *30 days after spring election.* Treasurer of each political committee shall file with county register of deeds a sworn statement of all money received and disbursed for 90 days before election through the date of filing—12.58(3)(a).

(111) *May 15.* Latest state board of canvassers shall meet to canvass spring election—7.70(3)(a).

(113) (a) *3 days after last day of state canvass.* 5 p.m. deadline to demand first recount—9.01 (1) (a).

(b) *Day following filing of recount petition.* 9 a.m., board of canvassers reconvenes to begin recount procedure—9.01(1)(b).

(c) *2 days after completion of first recount.* 5 p.m. deadline to demand recount in any remaining precincts—9.01(4).

(d) *5 days after recount determination.* Latest any aggrieved parties may appeal to circuit court—9.01(6).

(115) *After state canvass.* Following the canvass, the secretary of state shall issue the certificates of election and publish one notice of the canvass results—7.70(5)(a).

## JUNE

(117) *90 days after spring primary.* Most spring primary election materials may be destroyed—7.23.

NOTE: The revision of the Election Laws is effective July 1, 1967.

**JULY**

(119) 90 days after spring election. Most spring election materials may be destroyed—7.23.

(121) 6 years after any election. Financial statements may be destroyed—7.23 (1) (d).

History: 1965 c. 666.

**10.12 Date and notice chart; September primary and general election.** The following date and notice chart provides the chronological dates for the September primary and the general election.

Secretary of State	County Clerk	Municipal Clerk and Governing Body	Candidates	Public and General Provisions
<b>May</b>				
10.06(1)(f)—see (1)	10.06(2)(f)—see (3)(b)			
10.06(1)(g)—see (3)(a)				
<b>June</b>				
8.15(1)—see (5)(b)	8.15(1); 8.17(2)—see (5)(b) 10.06(2)(f)—see (7)	6.86—see (5)(a)	8.15(1); 8.17(2)—Nomination papers for candidates seeking party indorsement and precinct committeemen—see (5)(b)	6.86—Absentee ballots—see (5)(a)
<b>July</b>				
8.15(1)—see (11)(a)	8.15(1); 8.17(2)—see (11)(a)	5.15(3)—see (9)(b)	8.12(7)—State central committee meeting—see (9)(a)	12.09(5)(b)—Financial statements—see (11)(b)
12.09; 12.10—see (11)(b) and (c)	12.09; 12.10—see (11)(b) and (c)	5.15(6)(b)—see (9)(c)	8.15(1); 8.17(2)—Filing date for candidates seeking party indorsement and precinct committeemen—see (11)(a)	
10.06(1)(h)—see (15)(a)	8.15(8)(b)—see (13)		12.09(5)(b)—Financial statements—see (11)(b)	
			8.35(1)—Declination of nomination—see (15)(b) 1.	
			8.35(2)—Filling vacancies—see (15)(b) 2.	
<b>August</b>				
8.20(8)—see (17)(c)	8.20(8)—see (17)(c)	5.66(1)—see (17)(a)	8.20(8)—Nomination papers for independents—see (17)(c)	6.86—Absentee ballots—see (17)(b)
7.08(1)(b)—see (19)	7.10(3)—see (23)	6.86—see (17)(b) 5.25(1)—see (17)(d)		6.28(1); 6.30(3)(c)—Registration deadline—see (21)(a)

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Secretary of State	County Clerk	Municipal Clerk and Governing Body	Candidates	Public and General Provisions
August cont'd.		7.30(3)—see (17)(e)		
		6.28(1); 6.30(3)(c); 6.40(1)(b)—see (21)(a),(b)		
September				
8.50—see (25)(a)	8.50—see (25)(a)	5.15(6)(b)—see (25)(b)	12.09(1), (5)(b)—Financial statements—see (31)(a)	6.27(3), (4)—Petition to require or abolish registration—see (25)(c)
12.09(4)(b)—see (27)	12.09(4)(b)—see (27)	6.27(3), (4)—see (25)(c)	7.38(1)(b)—Filing observers list—see (35)(b) 1.	12.09(1), (5)(b)—Financial statements—see (31)(a)
12.09; 12.10—see (31)	10.06(2)(g)—see (29)(a)	6.78(2)—see (29)(b)	7.38(3)—Filling vacancies—see (35)(b) 2.	6.48(2)—Board of election commissioners hears registration objections—see (33)
5.02(4)—see (39)(a)	12.09; 12.10—see (31)	6.48(2)—see (33)	5.02(4)—SEPTEMBER PRIMARY—see (39)(a)	6.86—Absentee ballots—see (35)(a) and (37)(f)
8.20(8)—see (47)(a)	10.06(2)(g)—see (37)(c)	6.86—see (35)(a)	7.51(4)(b); 7.53(1)—Precinct canvass—see (39)(b)	6.55—Registration with freeholders—see (37)(e)
8.35—see (47)(b)	5.02(4)—see (39)(a)	7.38(1)(b), (3)—see (35)(b)	7.60(3)—County canvass—see (43)(a)	5.02(4)—SEPTEMBER PRIMARY—see (39)(a)
10.06(1)(i)—see (51)(b)	7.60(3)—see (43)(a)	7.15(3)(b), (5)—see (37)(a)	8.35(1)—Declination of nomination—see (43)(b) 1.	7.51(4)(b); 7.53(1)—Precinct canvass—see (39)(b)
12.09—see (51)(c)	8.35—see (43)(b)	6.78(2)—see (37)(b)	8.35(2)—Filling vacancies—see (43)(b) 2.	7.60(3)—County canvass—see (43)(a)
7.70(3)(a)—see (55)	9.01—see (45)	10.06(3)(d)—see (37)(d)	8.17(5)(a)—County statutory committee—see (43)(c)	12.08—Campaign bills—see (49)
9.01—see (57)	8.20(8)—see (47)(a)	6.55—see (37)(e)	9.01—Recount—see (45)	7.70(3)(a)—State canvass—see (55)
	8.35—see (47)(b)	6.86—see (37)(f)	8.20(8)—Independent nomination papers—see (47)(a)	9.01—Recount—see (57)
	12.09—see (51)(c)	5.02(4)—see (39)(a)	8.35(1)—Decline nomination—see (47)(b) 1.	
	7.70(1)(b)—see (53)	7.51(4)(b); 7.53(1)—see (39)(b)	8.35(2)—Filling vacancies—see (47)(b) 2.	
		7.23(1)(a)—see (39)(c)		
		7.51(5); 7.53(3)—see (41)		

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Secretary of State	County Clerk	Municipal Clerk and Governing Body	Candidates	Public and General Provisions
September cont'd.				
			12.09(1)—Financial statements—see (47)(c)	
			12.08—Campaign bills—see (49)	
			8.35(1)—Independents declination of nomination—see (51)(a) 1.	
			8.35(2)—Filling vacancies—see (51)(a) 2.	
			12.09(5)(b)—Financial statements—see (51)(c)	
			7.70(3)(a)—State canvass—see (55)	
			9.01—Recount—see (57)	
October				
8.18(3)—see (61)(b)	12.58(3)(a)—see (63)	7.30(3)—see (59)(a)	8.18—State central committee platform convention—see (61)(a)	12.58(3)(a)—Financial statements—see (63)
7.08(1)(b)—see (65)	7.10(3)—see (69)(b)	5.25(1)—see (59)(b)	8.18(3)—Filing platform—see (61)(b)	6.28(1); 6.30(3)(c)—Registration deadline—see (67)(a)
10.06(1)(j)—see (69)(a)	12.09; 12.10—see (71)	6.28(1); 6.30(3)(c); 6.40(1)(b)—see (67)	12.58(3)(a)—Financial statements—see (63)	
12.09; 12.10—see (71)	10.06(2)(i)—see (73)(b)	6.78(2)—see (73)(a)		
November (Earliest)*				
12.09; 12.10—see (75)	12.09; 12.10—see (75)	6.48(2)—see (77)	12.09(1), (5)(b)—Financial statements—see (75)(a)	12.09(1), (5)(b)—Financial statements—see (75)(a)
		7.38—see (79)(a)	7.38(1)(b)—Filing observers list—see (79)(a) 1.	6.48(2)—Board of election commissioners hears registration objections—see (77)
			7.38(3)—Filling vacancies—see (79)(a) 2.	

\* Due to calendar fluctuations the 2 extremes are noted. Therefore, the first of the month may occur on or between these 2 points.



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Secretary of State	County Clerk	Municipal Clerk and Governing Body	Candidates	Public and General Provisions
<b>November (Latest)*</b>				
5.02(5)—see (83)(a)	10.06(2)(i)—see (81)(c)	6.86—see (79)(b) and (81)(d)	5.02(5)—GENERAL ELECTION—see (83)(a)	6.86—Absentee ballots—see (79)(b) and (81)(d)
12.09; 12.10—see (97)	5.02(5)—see (83)(a)	6.78(2)—see (81)(a)	7.51(4)(b), (5); 7.53(1)—Precinct canvass—see (83)(b)	6.55—Registration with freeholders—see (81)(e)
	7.60(3)—see (89)	7.15(3)(b), (5)—see (81)(b)	7.60(3)—County canvass—see (89)	5.02(5)—GENERAL ELECTION—see (83)(a)
	9.01—see (91)	6.55—see (81)(e)	9.01—County recount—see (91)	7.51(4)(b), (5); 7.53(1)—Precinct canvass—see (83)(b)
	7.60(6), (7)—see (93)	5.02(5)—see (83)(a)	12.08—Campaign bills—see (95)	6.50(2)—Registration cancellation—see (85)(a)
	12.09; 12.10—see (97)	7.51(4)(b), (5); 7.53(1)—see (83)(b)	12.09(1), (5)(b); 12.10—Financial statements—see (97)(a), (b)	7.60(3)—County canvass—see (89)
	7.70(1)(b)—see (99)	7.23(1)(a)—see (83)(c)		9.01—County recount—see (91)
		6.50—see (85)		12.08—Campaign bills—see (95)
		7.51(5); 7.53(3)—see (87)		12.09(1), (5)(b); 12.10—Financial statements—see (97)(a), (b)
<b>December</b>				
7.70(3)(a), (5)(a)—see (101)	7.23—see (105)	7.23—see (105)	7.70(3)(a)—State canvass—see (101)(a)	7.70(3)(a)—State canvass—see (101)(a)
9.01—see (103)	12.58(3)(a)—see (109)	7.30(4)(c)—see (111)	9.01—State recount—see (103)	9.01—State recount—see (103)
7.23—see (105)	7.23—see (113) and (115)	7.23—see (113) and (115)	7.75—Presidential electors—see (107)(b)	7.75—Presidential electors—see (107)(b)
7.70(5)(b)—see (107)(a)			12.58(3)(a)—Financial statements—see (109)	12.58(3)(a)—Financial statements—see (109)
7.23—see (113) and (115)			7.30(4)(c)—Nominations for election officials—see (111)	

\* Due to calendar fluctuations the 2 extremes are noted. Therefore, the first of the month may occur on or between these 2 points.

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## MAY

(1) *2nd Tuesday in May.* (On or before) Secretary of state sends type A notice of the September primary and general election to the county clerks—10.06(1)(f).

(3) *Last Tuesday in May.* (a) Secretary of state publishes one type A notice—10.06(1)(g).

(b) County clerks give notice to municipal clerks and publish the first of 2 type A notices—10.06(2)(f).

## JUNE

(5) *June 1.* (a) Earliest application may be made for absentee ballots for the September primary—6.86.

(b) Earliest nomination papers shall be circulated for candidates seeking party indorsement at the September primary for offices to be filled at the general election and for party committeemen (Deadline is 2nd Tuesday in July)—8.15(1), 8.17(2).

(7) *First Tuesday in June.* County clerks publish the 2nd of 2 type A notices—10.06(2)(f).

## JULY

(9)(a) *State central committee meeting.* A meeting to elect alternates for the national convention shall be called by giving at least 10 days' notice of the meeting which shall be scheduled at least 15 days before the national convention—8.12(7).

(b) *4 months before general election.* Latest precincts can be divided—5.15(3).

(c) *60 days before September primary.* Precincts or wards may be united to facilitate using voting machines—5.15(6)(b).

(11) *2nd Tuesday in July.* (a) 5 p.m. deadline for candidates seeking party indorsement in the September primary and candidates for party committeemen to file nomination papers—8.15(1), 8.17(2).

(b) Any corporation, association, etc. contributing to the support or hindrance of any political organization or candidate shall file an account on this date covering period from last report filed—12.09(5)(b).

(c) If the statements under par. (b) are not received within 2 days after the deadline, the violators shall be notified by affidavit and an order of the court—12.09(4)(b), 12.10.

(13) *3rd Monday in July.* Latest county clerk shall send to secretary of state list of all legislative candidates when the district is within the county—8.15(8)(b).

(15) *3rd Tuesday in July.* (a) (Immediately after registration closes but no later than this date). Secretary of state certifies

candidates for offices for the September primary and mails notice to county clerks—10.06(1)(h).

(b) 1. 5 p.m. deadline for all persons filing nomination papers on the 2nd Tuesday in July as a candidate for office seeking party indorsement which includes more than one county—8.35(1); 2. Vacancies may be filled within 2 days—8.35(2).

## AUGUST

(17) *August 1.* (a) Preceding the September primary, the municipal clerks certify the number of electors in the district—5.66(1).

(b) Earliest application may be made for absentee ballots for the general election—6.86.

(c) Earliest independent candidates seeking office in the general election shall circulate nomination papers (deadline is 3rd Tuesday in September)—8.20(8).

(d) Deadline for establishing polling places is 30 days before September primary—5.25(1).

(e) Deadline for selecting tabulators to assist with the September primary canvass is 30 days before September primary—7.30(3).

(19) *2nd Friday in August.* Latest secretary of state shall send blanks for use at the September primary—7.08(1)(b).

(21) (a) *3rd Wednesday before September primary.* 5 p.m. deadline for registration—6.28(1), 6.30(3)(c).

(b) *3 days after registration closes.* Latest municipal clerk shall mail voting privilege cancellation cards—6.40(1)(b).

(23) *3rd Tuesday before September primary.* Latest county clerks shall distribute spring primary ballots and election blanks to municipal clerks—7.10(3).

## SEPTEMBER

(25) (a) *September 1.* In year of general election, no special election shall be scheduled between this date and the general election—8.50 (intro. par.).

(b) *60 days before general election.* Precincts or wards may be united to facilitate using voting machines—5.15(6)(b).

(c) *60 days before general election.* Deadline for petition requesting submission of question to require or abolish registration in municipalities under 5,000 population—6.27(3), (4).

(27) *10 days before primary.* Secretary of state, county clerk or other filing officer sends notice and forms to all committees and candidates for financial accounting—12.09(4)(b).

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SEPTEMBER cont'd.

(29) *2nd Monday before September primary.* (a) County clerks publish first of 2 type B notices—10.06 (2) (g).

(b) Latest 4th class cities, villages and towns can publish first of 2 notices of a change in the polling hours—6.78(2).

(31) *Tuesday before primary.* (a) Candidates, campaign committees, corporations, associations, etc. making contributions to help or hinder any political action shall mail a verified financial statement—12.09(1),(5) (b).

(b) If the statements under par. (a) are not received within 2 days after the deadline, the violators shall be notified by affidavit and an order of the court—12.09(4)(b), 12.10.

(33) *Wednesday before September primary.* First class city board of election commissioners sits to hear registration objections—6.48(2).

(35) *Friday before September primary.* (a) 5 p.m. deadline for application by mail for absentee ballots for September primary—6.86.

(b) 1. Deadline for filing observer appointments—7.38(1)(b); 2. Vacancies may be filled in 4 days—7.38(3).

(37) *Monday before September primary.* (a) Latest election materials shall be delivered to precincts—7.15(3)(b), (5).

(b) Latest 4th class cities, villages and towns shall publish 2nd of 2 notices of a change in the polling hours—6.78(2).

(c) County clerks publish 2nd of 2 type B notices—10.06(2)(g).

(d) Municipal clerks publish one type D notice—10.06(3)(d).

(e) 5 p.m. deadline for registration with freeholders—6.55.

(f) 5 p.m. deadline for application, in person, for absentee ballots for September primary—6.86.

(39) *2nd Tuesday in September.* (a) September primary—5.02(4).

(b) Upon completion of the precinct canvass, the results shall be announced, the results telephoned to the proper clerks and all materials returned to the municipal clerk immediately—7.51(4)(b), (5), 7.53(1).

(c) Following September primary any unused election materials and contents of blank ballot box shall be destroyed as municipal clerk directs—7.23(1)(a).

(41) *Day after September primary.* 2 p.m. deadline for municipal clerks to deliver

election materials to the county clerk—7.51(5), 7.53(3).

(43) (a) *Thursday after September primary.* 9 a.m., latest county canvass shall begin—7.60(3).

(b) *2 days after September primary county canvass.* 1. 5 p.m. deadline for declination of nomination to office—8.35(1); 2. Vacancy may be filled within 2 days—8.35(2).

(c) *2 days after completion of county canvass.* Chairman of each party committee calls county committee meeting by giving 5 days' notice of the meeting scheduled not more than 15 days after the date of calling it—8.17(5)(a).

(45) (a) *3 days after last day of county canvass.* 5 p.m. deadline to demand first recount—9.01(1)(a).

(b) *Day following filing of recount petition.* 9 a.m., board of canvassers reconvenes to begin recount procedure—9.01(1)(b).

(c) *2 days after completion of first recount.* 5 p.m. deadline to demand recount in any remaining precincts—9.01(4).

(d) *5 days after recount determination.* Latest any aggrieved parties may appeal to circuit court—9.01(6).

(47) *3rd Tuesday in September.* (a) 5 p.m. deadline for independent candidates seeking office in the general election to file nomination papers—8.20(8).

(b) 1. 5 p.m. deadline for all persons nominated at the September primary to decline nomination—8.35(1); 2. Vacancies may be filled within 2 days—8.35(2).

(c) Candidates and personal campaign committees verified financial statements shall be mailed—12.09(1).

(49) *10 days after primary.* Deadline for submitting campaign bills for payment—12.08.

(51) *4th Tuesday in September.* (a) 1. 5 p.m. deadline for all persons filing nomination papers on the 3rd Tuesday in September as an independent candidate for office which includes more than one county to decline nomination—8.35(1); 2. Vacancies may be filled within 2 days—8.35(2).

(b) (Immediately after deadline for independents filing but no later than this date) Secretary of state certifies candidates and referenda questions for the general election—10.06(1)(i).

(c) Corporations, associations, etc. making contributions to support or hinder any political organization or candidate shall file a financial report—12.09(5)(b).

(53) *3rd Wednesday after September primary.* Absolute deadline for county clerk

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## SEPTEMBER cont'd.

to make returns to secretary of state—7.70 (1)(b).

(55) *3rd Thursday after September primary.* Latest state board of canvassers shall meet to canvass September primary—7.70(3) (a).

(57) (a) *3 days after last day of state canvass.* 5 p.m. deadline to demand first recount—9.01 (1) (a).

(b) *Day following filing of recount petition.* 9 a.m., board of canvassers reconvenes to begin recount procedure—9.01(1)(b).

(c) *2 days after completion of first recount.* 5 p.m. deadline to demand recount in any remaining precincts—9.01(4).

(d) *5 days after recount determination.* Latest any aggrieved parties may appeal to circuit court—9.01(6).

## OCTOBER

(59) *30 days before general election.* (a) Deadline for selecting tabulators to assist with the general election canvass—7.30(3).

(b) Deadline for establishing polling places—5.25(1).

(61) *First Tuesday in October.* (a) 10 a.m., state central committee platform convention in state capitol—8.18.

(b) Within 10 days after the convention a certified copy of proceedings and platform shall be filed with secretary of state—8.18(3).

(63) *30 days after primary.* Treasurer of each political committee files with the county register of deeds a sworn statement of all money received and disbursed for 90 days before election through the date of filing—12.58(3)(a).

(65) *2nd Friday in October.* Latest secretary of state sends blanks for use at the general election—7.08(1)(b).

(67) (a) *3rd Wednesday before general election.* 5 p.m. deadline for registration—6.28 (1), 6.30 (3) (c).

(b) *3 days after registration closes.* Latest municipal clerk shall mail voting privilege cancellation cards—6.40(1)(b).

(69) *3rd Tuesday before general election.* (a) Secretary of state publishes one notice of all candidates for each office plus the full text and explanation of any amendments—10.06 (1)(j).

(b) Latest county clerks distribute ballots and election blanks to municipal clerks—7.10 (3).

(71) *10 days before election.* Latest filing official sends notice and forms for financial accounting to all committees and candi-

dates—12.09(4)(b), 12.10.

(73) *2nd Monday before general election.* (a) Latest 4th class cities, villages and towns can publish first of 2 notices of a change in the polling hours—6.78(2).

(b) County clerks publish first of 2 type B notices including county offices and first of 2 type C notices including county referenda questions, when necessary—10.06(2)(i).

## NOVEMBER (earliest)

(75) *Tuesday before election.* (a) Candidates, campaign committees, corporations, associations, etc. making contributions to help or hinder any political action shall mail a verified financial statement—12.09(1), (5)(b).

(b) If the statements under par. (a) are not received within 2 days after the deadline, the violators shall be notified by affidavit and an order of the court—12.09(4)(b), 12.10.

(77) *Wednesday before general election.* First class city board of election commissioners sits to hear registration objections—6.48 (2).

(79) *Friday before general election.* (a) 1. Deadline for filing observer appointments—7.38 (1)(b); 2. Vacancies may be filled in 4 days—7.38(3).

(b) 5 p.m. deadline for application by mail for absentee ballots for general election—6.86.

## NOVEMBER (latest)

(81) *Monday before general election.* (a) Latest 4th class cities, villages and towns can publish 2nd of 2 notices of a change in the polling hours—6.78(2).

(b) Latest election materials can be delivered to precincts—7.15(3)(b), (5).

(c) County clerks publish 2nd of 2 type B notices and 2nd of 2 type C notices when necessary—10.06(2)(i).

(d) 5 p.m. deadline for application, in person, for absentee ballots for general election—6.86.

(e) 5 p.m. deadline for registration with freeholders—6.55.

(83) *Tuesday after first Monday in November.* (a) General election—5.02 (5).

(b) Upon completion of the precinct canvass, the results shall be announced, the results telephoned to the proper clerks and all materials returned to the municipal clerk immediately—7.51(4)(b), (5), 7.53(1).

(c) Following general election any unused election materials shall be destroyed as municipal clerk directs—7.23(1)(a).

(85) *Following presidential election.* (a) Municipal clerks shall cancel registration of

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NOVEMBER (latest) cont'd.

persons who haven't voted for 2 years—6.50 (2).

(b) Four years after registration cancellation the cards may be destroyed—6.50(1)(a), (2)(f).

(87) *Day after general election.* 2 p.m. deadline for municipal clerks to deliver election materials to the county clerk—7.51(5), 7.53(3).

(89) *Thursday after general election.* 9 a.m., latest county canvass shall begin—7.60 (3).

(91) (a) *3 days after last day of county canvass.* 5 p.m. deadline to demand first recount—9.01 (1) (a).

(b) *Day following filing of recount petition.* 9 a.m., board of canvassers reconvenes to begin recount procedure—9.01(1)(b).

(c) *2 days after completion of first recount.* 5 p.m. deadline to demand recount in any remaining precincts—9.01(4).

(d) *5 days after recount determination.* Latest any aggrieved parties may appeal to circuit court—9.01(6).

(93) *After expiration of recount period.* Immediately after expiration of recount period, the county clerk shall issue certificate of election to persons elected in the county and publish results in a newspaper—7.60(6), (7).

(95) *10 days after election.* Deadline for submitting campaign bills for payment—12.08.

(97) *2nd Tuesday after election.* (a) Corporations, associations, etc. making contributions to support or hinder any political organization or candidate shall file a financial report—12.09(5)(b).

(b) Candidates and personal campaign committees verified financial statements shall be mailed—12.09(1).

(c) If the statements under par. (b) are not received within 2 days after the deadline, the violators shall be notified by affidavit and an order of the court—12.09(4)(b), 12.10.

(99) *3rd Wednesday after general election.* Absolute deadline for county clerk to make returns to secretary of state—7.70(1)(b).

DECEMBER

(101) *December 1.* (a) Latest state board of canvassers shall meet to canvass general election—7.70(3)(a).

(b) Following the canvass, the secretary of state shall issue the certificates of election and publish one notice of the canvass results—7.70 (5)(a).

(103) (a) *3 days after last day of state canvass.* 5 p.m. deadline to demand first recount—9.01 (1) (a).

(b) *Day following filing of recount petition.* 9 a.m., board of canvassers reconvenes to begin recount procedure—9.01(1)(b).

(c) *2 days after completion of first recount.* 5 p.m. deadline to demand recount in any remaining precincts—9.01(4).

(d) *5 days after recount determination.* Latest any aggrieved parties may appeal to circuit court—9.01 (6).

(105) *90 days after September primary.* Most September primary election materials may be destroyed—7.23.

(107) *First Monday after 2nd Wednesday in December.* (a) Latest secretary of state shall deliver to one of the presidential electors in presidential election years 3 lists of the electors—7.70 (5)(b).

(b) 12 noon, in presidential election years, the presidential electors meet at the state capitol—7.75.

(109) *30 days after election.* Treasurer of each political committee shall file with the county register of deeds a sworn statement of all money received and disbursed for 90 days before election through the date of filing—12.58 (3) (a).

(111) *December 15.* On this date in the year prior to the time for appointment of new election officials, the political parties shall submit their nominees for election officials—7.30 (4) (c).

(113) *90 days after general election.* Most general election materials may be destroyed—7.23.

(115) *6 years after any election.* Financial statements may be destroyed—7.23 (1) (d).

History: 1965 c. 666.

NOTE: The revision of the Election Laws is effective July 1, 1967.

**10.14 Date and notice chart; special primary and election.** The following date and notice chart provides the special chronological dates for a special primary and election.

Secretary of State	County Clerk	Municipal Clerk and Governing Body	Candidates	Public and General Provisions
See (1)	See (1)	See (1)	See (1)	See (1)
8.50(3)—see (3)	8.50(3)—see (3)	8.50(3)—see (3)	8.50(3)—Special dates—see (3)	8.50(2)(b)—Special primary—see (5)
8.50(2)—see (5) and (7)	8.50(2)—see (5) and (7)	8.50(2)(b)—see (5) and (7)	8.50(2)(b)—Special Primary—see (3)	8.50(2)—Special Election—see (7)
8.50(3)—see (9)	8.50(3)—see (9)	5.02(6)(a); 8.50—see (21)	8.50(2)—Special Election—see (7)	8.50(3)—Nomination papers—see (9) and (13)
8.50(1)(b)—see (11)	8.50(1)(b),(c)—see (11)	8.50—see (27)	8.50(3)—Nomination papers—see (9) and (13)	5.02(6)(a); 8.50—SPECIAL PRIMARY—See (21)
8.50(3)—see (13)	8.50(1)(d)—see (17) and (19)		5.02(6)(a); 8.50—SPECIAL PRIMARY—see (21)	8.50—SPECIAL ELECTION—see (27)
8.50(1)(d)—see (15)	7.70(1)(b)—see (23)		8.50—SPECIAL ELECTION—see (27)	
5.02(6)(a); 8.50—see (21)	8.50—see (27)			
7.70(3)(a)—see (25)	7.70(1)(b)—see (29)			
8.50—see (27)				
7.70(3)(a)—see (31)				

**SPECIAL ELECTION**

(1) The provisions for financial statements, recount, registration, absentee voting and other general provisions apply to special elections.

(3) *Special dates affecting filling vacancies by special election.* 8.50(3).

(5) *Date for special primary.* 4 weeks before the day of the special election—5.02(6)(a); 8.50(2)(b).

(7) *Date for special election.* Not less than 55 nor more than 70 days from date of order—8.50(2).

(9) *Date special election ordered.* Earliest nomination papers shall be circulated for special election—8.50(3).

(11) *Special election notice.* Notice shall be given upon filing of the order calling the election—8.50(1)(b). If the special election includes the secretary of state, he shall give one notice—8.50(1)(b). The county clerk shall give 2 notices—8.50(1)(b), (c).

(13) *18 days before special primary.* 5 p.m. deadline for filing nomination papers for special election—8.50(3).

(15) *15 days before special primary.* Secretary of state sends certified list of candidates to county clerk—8.50(1)(d).

(17) *2nd Monday before special primary and election.* Proper clerk publishes first of 2 type B notices—8.50(1)(d), 10.01.

(19) *Monday before special primary and election.* Proper clerk publishes 2nd of 2 type B notices—8.50(1)(d), 10.01.

(21) *4 weeks before special election.* Special primary—5.02(6)(a), 8.50.

(23) *2nd Wednesday after special primary.* Absolute deadline for county clerk to make returns to secretary of state—7.70(1)(b).

(25) *2nd Thursday after special primary.* Latest state board of canvassers shall meet—7.70(3)(a).

(27) *Special election.* 5.02(6)(b); 8.50.

(29) *3rd Wednesday after special election.* Absolute deadline for county clerk to make returns to secretary of state—7.70(1)(b).

(31) *25 days after special election.* Latest state board of canvassers shall meet to canvass general election—7.70(3)(a).

History: 1965 c. 666.

NOTE: The revision of the Election Laws is effective July 1, 1967.

CHAPTER 11. VOTING MACHINES AND ABSENT VOTING.

**Chapter 11. Repealed by chapter 666, laws of 1965. Effective July 1, 1967.**

CHAPTER 12. CORRUPT PRACTICES RELATING TO ELECTIONS.

**12.01 Definition of terms.**

(5) Any act concerning or affecting caucuses or elections which has been declared by Title II to be an "offense" shall also be an offense when the act concerns or relates to primaries, and shall be punished in the same form and manner and to the same extent.

**Note:** The above subsection is printed as created by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (5) is a restatement of s. 5.012(3). (Bill No. 755-A)

**12.45 Political party recognition and qualification.** (1) Notwithstanding any other provisions of this title, no party shall be recognized or qualified to participate in any election which is directly or indirectly affiliated, by any means whatsoever, with the communist party of the United States, the third communist international, or any other foreign agency, political party, organization or government which either directly or indirectly carries on, advocates, teaches, justifies, aids or abets the overthrow by any unlawful means of, or which directly or indirectly carries on, advocates, teaches, justifies, aids or abets a program of sabotage, force and violence, sedition or treason against, the government of the United States or of this state.

(2) The secretary of state shall, with the advice and consent of the attorney general, determine which parties are qualified to participate in any election. Such determination shall be subject to review under ch. 227.

(3) This section is declared to be enacted in the exercise of the police power of this state for the protection of the public peace, safety and general welfare of the residents of this state.

**Note:** The above section is printed as created by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This section is a restatement of s. 6.85. (Bill No. 755-A)

**12.49 Election restrictions on employers.**

(1) Any person who refuses an employe the privilege of time off for voting under s. 6.76, or who subjects an employe to a penalty therefor, or who directly or indirectly violates the provisions of s. 6.76, is guilty of a misdemeanor.

(2) No employer of labor in any city of

the 1st class shall require his employes to work during the afternoon of any day on which a primary election is held in the city for the nomination of candidates for city offices, except works of necessity or charity. Any person violating this section or knowingly contributing to such violation may be fined not exceeding \$25.

(3) Any employer of labor who refuses to allow an employe to serve as an election official, or makes any threats or offers any inducements of any kind to such employe for the purpose of preventing such employe from serving, may be fined not more than \$500 or imprisoned not exceeding 9 months.

**Note:** The above section is printed as created by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1965 c. 666.

**Cross Reference:** See 256.17 for provision that in the city of Milwaukee the day of any municipal election is a legal holiday and the day of a primary for city offices is a half holiday; that the Milwaukee county board can provide similar holidays for county employes.

**Legislative Council Note, 1965:** Sub. (1) is a restatement of s. 6.047 (last sentence).

Sub. (2) is a restatement of s. 6.048.

Sub. (3) is based on s. 10.071 but is broadened in scope to include the entire state instead of just Milwaukee. (Bill No. 755-A)

**12.54 Bribery at nominating conventions and primaries.** No person shall, directly or indirectly, himself or through another, give, or promise or offer to give, or with knowledge of the same permit to be given, promised or offered, to any elector or other person any money or thing of value of any pecuniary advantage or benefit, for the purpose of inducing or influencing such elector or other person to vote for him or for any specified person at any convention or meeting or primary held for the purpose of nominating a candidate or candidates to be voted for at an election, as a nominee of such convention or meeting or primary and a candidate to be voted for at such election; nor make any such gift, promise or offer to any elector or other person for the purpose of inducing or influencing such elector or other person to sign any nomination paper for the placing of any specified name upon any primary ballot; nor ask, solicit or receive any money, thing of value or pecuniary advantage from any candidate or other person as a consideration or inducement for his vote at any such con-

**NOTE: The revision of the Election Laws is effective July 1, 1967.**

vention or meeting or primary; or for his signature to any such nomination paper; nor knowingly cause a nomination paper or papers to be signed in his behalf by more than the maximum number of qualified electors provided for his district by s. 8.15(6). Every person violating this section shall be imprisoned in the county jail not more than one year or fined not exceeding \$500.

**Note: The above section is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.**  
**History: 1965 [13.32 (2) (e), (1)]; 1965 c. 666.**

**12.59 Illegal voting; fraudulent registration.** (1) Any person who shall vote at any general or special election, town meeting or election, school meeting or election, city, village or charter election, not having the requisite qualifications and residence as a legal voter, or having no right to vote by reason of disfranchisement or other disqualification at the time and place of such election, or who shall cause or procure his registration by any board of registry as a legal voter in any election district, when he shall not at the time have the requisite qualifications to entitle him to be registered in such district, or who shall wilfully make any false statement not under oath to the inspectors of any election or to any board of registry when offering to vote or to be registered as a voter in any election district in respect to his qualifications or residence as a voter in such district, or who shall cause or procure his name to be registered as a voter in more than one election district for one and the same election, or who shall falsely personate another person registered as a voter in any election district, or who shall vote more than once at the same election, or who shall procure, aid, assist, counsel or advise another to do any act hereinbefore specified shall be imprisoned in the state prison not more than 3 years nor less than one year or in the county jail not more than one year, or fined not exceeding \$200. It shall be the duty of the election board to post a copy of this law in a conspicuous place in the election booth prior to the holding of said election.

(2) Any person who knowingly deposits a ballot in the ballot box upon which ballot the names or initials of the ballot clerks, or those of the issuing municipal or county clerk, do not appear shall be punished as provided in s. 939.61. In the canvass of the votes any ballot which is not indorsed by the clerks shall be void, not counted and treated and preserved as a defective ballot.

(3) Any person intentionally swearing

falsely to any affidavit shall be punished pursuant to s. 946.32. If any county or municipal clerk or any election official refuses or neglects to perform any of the duties prescribed by s. 6.15 or violates any of its provisions, he may be fined not less than \$100 nor more than \$1,000 or imprisoned not to exceed 90 days.

(4) Whoever intentionally swears falsely to any absent elector affidavit is guilty of perjury and upon conviction shall be punished as provided by law. Whoever procures an official ballot and intentionally neglects or refuses to cast or return it or intentionally violates ss. 6.85 to 6.89 may be fined not to exceed \$100 or imprisoned not to exceed 30 days or both. Any county or municipal clerk or any election official who intentionally refuses or neglects to perform any of the duties prescribed by or violates ss. 6.85 to 6.89, may be fined not less than \$100 nor more than \$1,000 or imprisoned not to exceed 90 days or both.

**Note: Subs. (2), (3) and (4) are printed as created by chapter 666, laws of 1965, effective July 1, 1967.**

**History: 1965 [13.32 (2) (e), (1)]; 1965 c. 666.**

**Legislative Council Note, 1965: Sub. (2) is a restatement of s. 6.41.**

**Sub. (3) is a restatement of s. 9.046(8).**

**Sub. (4) is a restatement of s. 11.67 except the penalties are in both instances "or both" rather than in the alternative. (Bill No. 755-A)**

**12.62 Fraud as to nomination papers, ballots, etc.** (1) Any person who shall falsely make, or make oath to, or fraudulently deface or fraudulently destroy any certificate of nomination or nomination paper or any part thereof, or file or receive for filing any certificate of nomination or nomination paper knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination which has been duly filed or any part thereof, or forge or falsely make the official indorsement on any ballot, or wrongly print or cause to be printed, with intent to change the result of the election as to any candidate or nominee, any official ballot, or any ballot clerk who shall deliver to a voter a ballot bearing a mark opposite the name of a candidate made with a pencil or ink, that might be counted as a vote for such candidate, shall be imprisoned in the state prison not more than 3 years nor less than one year.

(2) Any person who, being in possession of nomination papers entitled by law to be filed, wrongfully either suppresses, neglects or fails to cause the same to be filed at the proper time in the proper office may be fined not to exceed \$500 or imprisoned not to exceed 6 months or both.



**NOTE: The revision of the Election Laws is effective July 1, 1967.**

Note: Sub. (2) is printed as created by chapter 666, laws of 1965, effective July 1, 1967.

History: 1965 [13.32 (2) (1)]; 1965 c. 666.

Legislative Council Note, 1965: Sub. (2) is a re-statement of s. 5.05(8m). (Bill No. 755-A)

**12.66 Neglect and fraud in conducting elections.** (1) Any inspector of elections who shall, after the polls are open to receive votes, put into any ballot box any vote, other than his own or the vote of another lawfully received, or who shall receive or consent to the reception of the vote of any person, knowing that such person has not the requisite qualifications and residence of a legal voter, or of any person who shall refuse to make the oath or affirmation required by law or to answer any proper question put to him in respect to his qualification or residence as a voter, or who shall refuse or wilfully neglect or sanction the refusal or wilful neglect of another inspector to put such proper questions or administer such oath or affirmation to any person offering to vote; or any member of a board of registry who shall register the name of any person as a legal voter in any election district or consent to such registration, knowing that such person has not the requisite qualifications to entitle him to be registered in such district, or when such person shall have refused to take the oath or affirmation required by law or to answer the questions put to him in respect to his qualifications to be registered in such district, or who shall refuse or wilfully neglect to put such questions or administer such oath or affirmation to such person; or any inspector or clerk of elections who shall knowingly make, assist in making or cause to be made any false statement or return of the votes cast at any election, or who shall wilfully alter or destroy any registration list, poll book or return of said votes, or who shall refuse or wilfully neglect to make any statement, canvass, certificate or return of said votes as required by law; or any inspector, member of any board of registry, member of any board of canvassers, or any officer or other person from whom any duty or service is required by law in respect to any election, who shall refuse or wilfully neglect to perform such duty or render such service, or who shall wilfully violate any provision of law or be guilty of any fraud in respect to any election shall be imprisoned in the state prison not more than 3 years nor less than one year, or in the county jail not more than one year, or fined not exceeding \$500, except as is otherwise provided in these statutes.

(2) Whoever violates s. 6.55, or falsifies

any affidavit filed pursuant to s. 6.55, may be fined not less than \$25 nor more than \$200 or imprisoned not more than 6 months or both. Each violation of this section shall constitute a separate offense.

Note: Sub. (2) is printed as created by chapter 666, laws of 1965, effective July 1, 1967.

History: 1965 [13.32 (2) (e), (1)]; 1965 c. 666.

Legislative Council Note, 1965: Sub. (2) is a re-statement of s. 6.44(5). (Bill No. 755-A)

**12.68 Breaking ballot box, etc.** (1) Any person not authorized by law who shall, during the progress of any election in this state or after the closing of the polls and before the ballots are counted and the result ascertained, break open or violate the seals or locks of any ballot box in which ballots have been deposited at such election, or who shall obtain unlawful possession of such ballot box containing such ballots, or shall conceal, withhold or destroy the same, or who shall wilfully, fraudulently or forcibly add to or diminish the number of ballots legally deposited in said ballot box, or any person who shall aid or abet in so doing shall be imprisoned in the state prison not more than 3 years nor less than one year, or fined not exceeding \$3,000 nor less than \$1,000.

(2) Any person other than an election official who, during or before any election, tampers with machines readied for voting, disarranges, defaces, injures or impairs the same in any manner, or mutilates, injures or destroys any ballot placed thereon or to be placed thereon or any other appliance used in connection with the machine, may be fined not more than \$1,000 or imprisoned not more than 10 years or both.

(3) Whenever an inspector of election intentionally permits or causes any voting machine to fail to correctly register or record any vote cast thereon, tampers with or disarranges the machine in any way, or any part or appliance thereof, or who causes or consents to the machine being used for voting at any election with knowledge of the fact that the same is not in order, or not perfectly set and adjusted so that it will correctly register or record all votes cast thereon or who, for the purpose of defrauding or deceiving any elector or of causing it to be doubtful for what ticket, candidate or proposition any vote is cast, or of causing it to appear upon the machine that votes cast for one ticket, candidate or proposition were cast for another ticket, candidate or proposition, or removes, changes or mutilates any ballot on the machine, or any part thereof, or does any other

**NOTE: The revision of the Election Laws is effective July 1, 1967.**

like thing may be fined not to exceed \$1,000 or imprisoned not more than 10 years or both.

Note: Subs. (2) and (3) are printed as created by chapter 666, laws of 1965, effective July 1, 1967.

History: 1965 [13.32 (2) (1)]; 1965 c. 666.

Legislative Council Note, 1965: Sub. (2) is a restatement of s. 11.18.

Sub. (3) is a restatement of s. 11.19. (Bill No. 755-A)

**12.69 Fraud or neglect in canvass or return of votes.** (1) Any member of a board of canvassers of votes cast at any election who shall knowingly make or assist in making any untrue or false statement or canvass of such votes or any false certificate thereof, or who shall wilfully alter or destroy any statement or canvass of such votes or certificate thereof truly made after the same is made, or any return, statement, canvass or certificate of such votes made to such board of canvassers, or any member of the state board of canvassers of votes cast at any election who shall make or assist in making any canvass or statement of such votes, or sign or make or assist in making any certificate of the correctness thereof which shall include or contain any votes or statement or return of votes in the form of additional or supplemental returns, or who shall count, canvass or consider any such additional or supplemental returns in determining the result of any election shall be imprisoned in the state prison not more than 3 years nor less than one year, or in the county jail not more than one year, or fined not exceeding \$500.

(2) If the person to whom the returns specified in ss. 7.51 and 7.53 are delivered fails or neglects to send or deliver them to the county clerk within the time specified therein, he shall be liable for all expenses incurred in procuring the returns, and may be fined not to exceed \$100 or imprisoned not more than 20 days or both.

(3) Whoever accepts from any board of election inspectors the statement of the canvass of the votes prepared by them for delivery to the proper municipal clerk as required by law, but who fails to deliver it or fails to cause its delivery to be made to the proper clerk within 48 hours after accepting it for that purpose without sufficient excuse

for the failure, may be fined not less than \$25 nor more than \$100 or imprisoned not less than 10 nor more than 30 days or both.

(4) Any chairman of any board of election inspectors or any inspector appointed by him to deliver to any municipal clerk any statement of the result of the canvass of any votes made by the board who fails or neglects to deliver such statement to the proper municipal clerk forthwith; any messenger sent by any board of canvassers for election returns or with the returns for the correction thereof, who wilfully fails to perform that duty or who unlawfully keeps back or fails to deliver any returns so entrusted to him, may, in addition to any other punishment provided by law for withholding, suppressing, destroying or failing to deliver the returns, be fined not less than \$25 nor more than \$50 or imprisoned not more than 30 days nor less than 10 days or both.

(5) Any inspector or clerk of an election who intentionally causes the vote registered or recorded on or in a voting machine to be incorrectly recorded as to any candidate or proposition voted on, or who knowingly causes any false statement, certificate or return of any kind, of such vote to be made or signed, or who knowingly consents to such things being done, may be fined not to exceed \$1,000 or imprisoned not more than 10 years or both.

Note: Subs. (2), (3), (4) and (5) are printed as created by chapter 666, laws of 1965, effective July 1, 1967.

History: 1965 [13.32 (2) (1)]; 1965 c. 666.

Legislative Council Note, 1965: Sub. (2) is a restatement of s. 6.591.

Sub. (3) is a restatement of s. 6.592.

Sub. (4) is a restatement of s. 6.593, except the provisions for the inspectors delivering to the county clerk is deleted for uniformity in this bill.

Sub. (5) is a restatement of s. 11.20. (Bill No. 755-A)

**12.75 Civil process not to be served on election day.** During the day on which any election is held no civil process shall be served on any elector entitled to vote at the election in the precinct in which he is entitled to vote or while going to or returning therefrom.

Note: The above section is printed as created by chapter 666, laws of 1965, effective July 1, 1967.

History: 1965 c. 666.

Legislative Council Note, 1965: This section is a restatement of s. 6.74. (Bill No. 755-A)

CHAPTER 13. LEGISLATIVE BRANCH.

CONVERSION TABLE

The table shows the sections of the 1963 Wisconsin Statutes (as amended through Chapter 532, Laws of 1965), from which the new sections of Chapter 13, as repealed and recreated by this draft, evolved. In some cases, the new sections are changed considerably from their predecessors.

New Section	1963 Stats.	New Section	1963 Stats.
SUBCHAPTER I		SUBCHAPTER II	
13.01	13.01	13.45 (1)	13.095(1) to (3)
13.02	13.02	(2)	13.095(4)
13.03	13.03	(3)	Ch. 428, Laws '65
13.04	13.36	(4), (5), (7)	extrapolated from new sections 13.47 to 13.53
13.05	13.73	(6)	13.09
13.06	13.74	13.47	13.057
13.07	13.75	13.48	13.351 and 1965 AB 531
13.08	13.04	13.49	13.353
13.09	13.05	13.50	13.40(1) to (7)
13.10	13.06	13.51	13.40(8) and (9)
13.11	13.07	13.52	13.44
13.12	13.08	13.53	245.33
13.13	13.097	13.54	14.75
13.14	13.055	13.55	14.76
13.15	13.10	13.56	227.041 and 1965 AB 835
13.16	13.11	SUBCHAPTER III	
13.17	13.22	13.60 to 13.72 remain unchanged	
13.18	13.12	SUBCHAPTER IV	
13.19	13.13	13.80	13.31
13.20	13.14	13.81	13.35 (generally)
13.21	13.145	13.82	13.35(2), (3) and (4)
13.22	13.15	13.83 (1)	13.35(6)
13.23	13.16	(2)	40.71(1)
13.24	13.17	(3)	13.352
13.25	13.18	(4)	new
13.26	13.19	13.84	Ch. 406, Laws '65
13.27	13.20	13.90 (1) to (4)	13.32(3) and 13.33(3)
13.28	13.23	(5) and (6)	new
13.29	13.24	13.91	13.35 (parts)
13.30	13.245	13.92	13.33
13.31	13.25	13.93	13.32
13.32	13.26	13.94	15.21, 15.22(1) to (7) and (8a) to (11) and 1965 AB 513
13.33	13.27		
13.34	13.28		
13.35	13.29		
13.36	13.30		

CHAPTER 13. LEGISLATIVE BRANCH

SUBCHAPTER I. LEGISLATURE.		
13.01	Number of legislators.	13.09 Joint committee on finance.
13.02	Regular sessions.	13.10 Reference of bills to joint committee on finance.
13.03	Oaths of members.	13.11 Records of joint committee on finance.
13.04	Legislators' eligibility to other civil office.	13.12 Committees on contingent expenditures.
13.05	Logrolling prohibited.	13.13 Speaker; speaker pro tempore; president pro tempore.
13.06	Executive favor.	13.14 Funeral committee.
13.07	Freedom of debate confirmed.	13.15 Chief clerks.
13.08	Mileage certificate.	13.16 Chief clerks' duties.

- 13.17 Journals.
- 13.18 Sergeants at arms.
- 13.19 Arrest of officers.
- 13.20 Legislative employes.
- 13.21 State departments to co-operate in providing legislative help.
- 13.22 Payroll, legislative employes.
- 13.23 Election contests; notice.
- 13.24 Testimony in election contests.
- 13.25 Expenses of election contest; limitation.
- 13.26 Contempt.
- 13.27 Punishment for contempt.
- 13.28 Interpellation of officers.
- 13.29 Time for interpellation and procedure.
- 13.30 State officers; removal by legislature.
- 13.31 Witnesses; how subpoenaed.
- 13.32 Summary process; custody of witness.
- 13.33 Service of process.
- 13.34 Refusal to testify.
- 13.35 Liability of witness.
- 13.36 Witness fees.

SUBCHAPTER II.  
LEGISLATIVE COMMITTEES.

- 13.45 General provisions on legislative committees.
- 13.47 Committee to visit state properties.
- 13.48 Long-range public building program.
- 13.49 Program for improvement of the legislative process.
- 13.50 Joint survey committee on retirement systems.
- 13.51 Retirement research committee.
- 13.52 Joint survey committee on tax exemptions.
- 13.53 Council for home and family.
- 13.54 Interstate co-operation commission.
- 13.55 Commission on uniform state laws.

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SUBCHAPTER I.  
LEGISLATURE.

**13.01 Number of legislators.** The senate consists of 33 and the assembly of 100 members.

**History:** 1965 c. 659.

**13.02 Regular sessions.** The regular session of the legislature shall commence at 12M. on the 2nd Wednesday of January in each odd-numbered year.

**History:** 1965 c. 659.

**13.03 Oaths of members.** The speaker of the assembly, president of the senate, governor, secretary of state, attorney general, any court of record or the clerk thereof, or any justice of the supreme court may administer the oath of office to the members and officers of the legislature. Such oath shall be filed with the secretary of state.

**History:** 1965 c. 659.

**13.04 Legislators' eligibility to other civil office.** Any member of the legislature who, during the term for which he was elected, is appointed or elected to any other civil office, the emoluments of which were increased during his term of office as a member of the legislature, shall be eligible to appointment or election to such office but shall be entitled to compensation only at the rate in effect prior to such increase. Any former member of the legislature, who, after expiration of the legislative term for which he was elected, is appointed or elected to any other civil office, shall be entitled to the full

statutory compensation and expenses therefor.

**History:** 1965 c. 659.

**Cross Reference:** See also 13.355 which requires approval of the legislature or building commission of conservation commission projects over \$50,000.

**13.05 Logrolling prohibited.** Any member of the legislature who gives, offers or promises to give his vote or influence in favor of or against any measure or proposition pending or proposed to be introduced, in the legislature in consideration or upon condition that any other person elected to the same legislature will give or will promise or agree to give his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced in such legislature, or who gives, offers or promises to give his vote or influence for or against any measure on condition that any other member will give his vote or influence in favor of any change in any other bill pending or proposed to be introduced in the legislature may be fined not less than \$500 nor more than \$1,000 or imprisoned not less than one year nor more than 3 years or both.

**History:** 1965 c. 659.

**13.06 Executive favor.** Any member of the legislature who gives, offers or promises to give his vote or influence in favor of or against any measure or proposition pending or proposed to be introduced in the legislature, or that has already been passed by either house of the legislature, in consideration of or on condition that the governor approve, dis-

approve, veto or sign, or agree to approve, disapprove, veto or sign, any other measure or proposition pending or proposed to be introduced in the legislature or that has already been passed by the legislature, or either house thereof, or in consideration or upon condition that the governor nominate for appointment or appoint or remove any person to or from any office or position under the laws of this state, may be fined not less than \$500 nor more than \$1,000 or imprisoned not less than one year nor more than 2 years or both.

**History:** 1965 c. 659.

**13.07 Freedom of debate confirmed.**

Nothing in ss. 13.05 and 13.06 shall be construed as prohibiting free discussion and deliberation upon any question pending before the legislature by members thereof, privately or publicly, nor as prohibiting agreements by members to support any single measure pending, on condition that certain changes be made in such measure, nor as prohibiting agreements to compromise conflicting provisions of different measures.

**History:** 1965 c. 659.

**13.08 Mileage certificate.** The chief clerk of each house, immediately after the commencement of each regular or special session of the legislature, shall certify to the department of administration the names of all qualified members and the number of miles for which each member is entitled to be reimbursed. All such certificates shall be approved by the presiding officer.

**History:** 1965 c. 659.

**13.09 Joint committee on finance.** A joint standing committee, to be called the joint committee on finance and to consist of 14 members, 5 from the senate and 9 from the assembly, shall be appointed at the commencement of each session of the legislature. The method of appointment of members in each house shall be governed by the rules thereof. The chairmen may appoint a subcommittee on small appropriations and claims consisting of members chosen from the committee membership. The subcommittee shall meet and hold hearings at the direction of the committee and report its recommendations to the committee. The subcommittee may act on bills not exceeding \$10,000 and claims not exceeding \$2,500.

**History:** 1965 c. 659.

**13.10 Reference of bills to joint committee on finance.** All bills introduced in either house of the legislature for the appropriation of money, providing for revenue or relating

to taxation shall be referred to the joint committee on finance before being passed.

**History:** 1965 c. 659.

**13.11 Records of joint committee on finance.** The joint committee on finance shall keep a complete record of all legislation referred to it, and of its proceedings thereon. At the close of the session, such record shall be transmitted to the chief clerks and deposited by them with the secretary of state. The secretary of state, upon request therefor, shall deliver any such records of previous sessions to the joint committee on finance. Records so delivered shall be returned to the secretary of state by the chairman of the committee at or before the close of the session.

**History:** 1965 c. 659.

**13.12 Committees on contingent expenditures.** Each house of the legislature, at the commencement of each session, shall designate a committee of its members to act as a committee on its contingent expenditures, and, by a standing rule, prescribe the duties of such committee.

**History:** 1965 c. 659.

**13.13 Speaker; speaker pro tempore; president pro tempore.** (1) **SPEAKER.** The assembly shall elect by roll call vote one of its members as speaker who shall hold office during the term for which elected to the assembly unless separated by death, resignation or removal by a majority of the total present membership of the assembly. If the office is permanently vacated during the session, a successor shall be chosen.

(2) **SPEAKER PRO TEMPORE.** The assembly shall elect a speaker pro tempore who shall hold office for the term for which elected to the assembly unless separated by death, resignation or removal and who shall possess all the powers and prerogatives of the speaker in the absence of the speaker. In the absence or inability of the speaker pro tempore to preside, the speaker may name any member to perform the duties of the chair temporarily but such selection shall not extend beyond a day's adjournment of the assembly, and such member shall be invested, during such time, with all the powers of the speaker to preside.

(3) **PRESIDENT PRO TEMPORE.** The senate shall elect a president pro tempore at the commencement of each regular session. The president pro tempore shall hold his office until the commencement of the next succeeding regular session unless separated by death, resignation or removal and shall possess all the powers and prerogatives of the president

of the senate in the absence of the president of the senate. In the absence or inability of the president pro tempore to preside, the president of the senate may name any member to perform the duties of the chair temporarily but such selection shall not extend beyond a day's adjournment of the senate, and such member shall be invested, during such time, with all the powers of the president to preside.

**History:** 1965 c. 659.

**13.14 Funeral committee.** A joint committee consisting of members of the senate appointed by the president pro tempore and members of the assembly appointed by the speaker shall attend the funeral of any deceased member of the legislature.

**History:** 1965 c. 659.

**13.15 Chief clerks.** Each house, at the commencement of each regular session, shall elect a chief clerk who shall perform all such duties as by custom appertain to his office and all duties imposed by law or by the rules. In the absence of the chief clerk his duties shall be performed by one of the clerks acting under him, appointed by him in writing.

**History:** 1963 c. 199; 1965 c. 659.

**13.16 Chief clerks' duties.** The chief clerk of each house shall be personally responsible for the safekeeping of every bill, memorial, joint resolution or other document or paper pertaining to legislation, which comes to his hands or to the hands of his deputy or assistant from any member, committee or officer of the legislature or of either branch thereof. He shall keep a full record thereof and shall enter in such record the disposition made of the same. Such chief clerks, at the close of each session shall deposit for safekeeping in the office of the secretary of state all books, bills, documents and papers in the possession of the legislature, correctly labeled. The chief clerk of the house in which a joint resolution or resolution originates shall deposit a copy of such resolution or joint resolution in the office of the secretary of state immediately upon its adoption by the legislature, enrollment and signing.

**History:** 1965 c. 659.

**13.17 Journals.** A journal of the senate and assembly shall be prepared under the direction of the chief clerks of the respective houses. When completed, each journal shall be printed as provided by law. The chief clerk of each house shall certify one copy of such journal to the secretary of state for deposit. The printed journals shall be the official record of each house of the legislature.

**History:** 1965 c. 659.

**13.18 Sergeants at arms.** Each house, at the commencement of each regular session, shall elect a sergeant at arms who shall perform all such duties as by custom appertain to his office and all duties imposed by law or by the rules.

**History:** 1963 c. 199; 1965 c. 659.

**13.19 Arrest of officers.** No officer of the senate or assembly, while in actual attendance upon the duties of his office, shall be liable to arrest on civil process.

**History:** 1965 c. 659.

**13.20 Legislative employes.** (1) The legislature or either house thereof may employ such clerical, professional or other assistants as in its judgment are necessary to enable it to perform its functions and duties and best serve the people of the state.

(2) Except as provided in s. 20.530(1)(a) 2, 3 and 4, appointments shall be made under the classified service as prescribed by the rules of the house wherein the appointment is made.

**History:** 1963 c. 199; 1965 c. 659.

**13.21 State departments to co-operate in providing legislative help.** (1) Because of the difficulty in securing necessary help to fill legislative positions in regular sessions of the legislature, due to the manpower shortage, each department and agency of the state government and the employes thereof shall co-operate with the legislature to the fullest extent in the transfer to the legislature of such employes as are necessary to fill all legislative positions.

(2) All employes so transferred shall receive such compensation as is prescribed by law for such legislative positions. Such employes shall continue their civil service rating, sick leave, vacation and other rights under ch. 16 and after termination of their employment in such legislative positions shall be returned to the respective departments and agencies from which they were transferred for resumption of their regular employment.

**History:** 1965 c. 659.

**13.22 Payroll, legislative employes.** The chief clerk and sergeant at arms of each house shall certify to the department of administration the payrolls for legislative employes in their respective houses. Such certificates shall be approved as provided by the rules of each house.

**History:** 1965 c. 659.

**13.23 Election contests; notice.** Any person wishing to contest the election of any senator or member of the assembly shall, within 30 days after the decision of the board of

canvassers, serve a notice in writing on the person whose election he intends to contest, stating briefly that his election will be contested and the cause of such contest, and shall file a copy thereof in the office of the secretary of state at least 10 days before the day fixed by law for the meeting of the legislature. If any contestant fails to so file a copy of such notice, he shall not be entitled to any mileage or salary in case payment has been made therefor to the sitting member.

**History:** 1965 c. 659.

Discussion of contested election to the legislature and compensation and oath of office of members. 52 Atty. Gen. 17.

**13.24 Testimony in election contests.** (1) After the service of the notice required by s. 13.23 either party may proceed to take the depositions of witnesses before any judge, court commissioner or justice of the peace in the district where the contest is pending, upon giving 10 days' notice in writing to the opposite party of the time and place at which and the officer before whom such depositions will be taken. No deposition shall be taken after the last Monday preceding the day fixed by law for the meeting of the legislature, except in case of sickness or unavoidable absence of witnesses.

(2) The officer before whom such depositions are taken shall carefully envelope and seal up the same, indorse on the envelope the names of the contestant and contestee, and direct the depositions so indorsed to the presiding officer of the branch of the legislature by which the contest is to be determined.

(3) The depositions so taken may be used and read in evidence by either party upon the hearing of such contest, and no other depositions than those so taken shall be used or heard, nor shall such branch of the legislature, by its committees or otherwise, hear or seek to procure other testimony, but shall proceed forthwith to determine the contest upon the depositions so furnished.

**History:** 1965 c. 659.

**13.25 Expenses of election contest; limitation.** Not more than \$300 shall be allowed by the legislature to any contestant or contestee for any fees or expenses of any kind incurred in a contest over a seat in either branch of the legislature.

**History:** 1965 c. 659.

**13.26 Contempt.** (1) Each house may punish as a contempt, by imprisonment, a breach of its privileges or the privileges of its members; but only for one or more of the following offenses:

(a) Arresting a member or officer of the

house, or procuring such member or officer to be arrested in violation of his privilege from arrest.

(b) Disorderly conduct in the immediate view of the house and directly tending to interrupt its proceedings.

(c) Refusing to attend or be examined as a witness, either before the house or a committee, or before any person authorized to take testimony in legislative proceedings, or to produce any books, records, documents, papers or keys according to the exigency of any subpoena.

(d) Giving or offering a bribe to a member, or attempting by menace or other corrupt means or device to control or influence a member in giving his vote or to prevent his giving the same.

(2) The term of imprisonment a house may impose under this section shall not extend beyond the same session of the legislature.

**History:** 1965 c. 659.

**13.27 Punishment for contempt.** (1) Whenever either house of the legislature orders the imprisonment of any person for contempt under s. 13.26 such person shall be committed to the Dane county jail, and the jailer shall receive such person and detain him in close confinement for the term specified in the order of imprisonment, unless he is sooner discharged by the order of such house or by due course of law.

(2) Any person who is adjudged guilty of any contempt of the legislature or either house thereof shall be deemed guilty also of a misdemeanor, and after the adjournment of such legislature, may be prosecuted therefor in Dane county, and may be fined not more than \$200 or imprisoned not more than one year in the county jail.

**History:** 1965 c. 659.

**13.28 Interpellation of officers.** (1) Upon the petition of 6 members of the senate, not more than 4 of whom belong to the same political party, or of 17 members of the assembly, not more than 9 of whom belong to the same political party, any appointive state officer shall appear before that branch of the legislature to which the petitioning members belong, to answer written and oral interrogatories relative to any matter, function or work of such officer, relative to any act, omission or other matter pertaining to the powers or privileges exercised or duties performed by him or by any employe or subordinate of such officer, relative to the manner, conditions or terms of his appointment or of any appointment made by him or relative to any

act, omission or conduct unbecoming the position of any such officer. Such petition shall be in writing, shall be accompanied by written interrogatories, shall be signed by the petitioning members and shall be filed with the presiding officer of that branch of the legislature to which such petitioning members belong.

(2) Upon the joint petition of 6 members of the senate, not more than 4 of whom belong to the same political party, and 17 members of the assembly, not more than 9 of whom belong to the same political party, filed with the presiding officer of the senate, requesting an examination of any appointive state officer made subject thereto by sub. (1) before a joint session of the 2 houses of the legislature, such officer shall appear before such joint session and answer written and oral interrogatories as to any matters included in sub. (1).

History: 1965 c. 659.

**13.29 Time for interpellation and procedure.** (1) Upon the filing of any petition, under s. 13.28, the presiding officer with whom the petition is filed, shall fix a time not later than 20 days after the filing of the petition, for the meeting of that branch of the legislature, or the joint session of the legislature, as the case may be, before which such interrogation and examination shall be held. A notice of such meeting, together with a copy of the written interrogatories, shall be forthwith delivered to the officer named therein.

(2) The legislature may adopt rules to govern such examinations. All proceedings, including all questions and answers, shall be fully recorded and a copy thereof shall be transmitted to the governor within 30 days after the close of the examination.

History: 1965 c. 659.

**13.30 State officers; removal by legislature.** Any appointive state officer after being examined under ss. 13.28 and 13.29 may be removed by the legislature by joint resolution adopted in each house by a majority of the members elected to such house. The power to remove appointive state officers provided in this section is additional to and shall not be construed as destroying the right of removal by other persons.

History: 1965 c. 659.

**13.31 Witnesses; how subpoenaed.** The attendance of witnesses before any committee of the legislature, or of either house thereof, appointed to investigate any subject matter, may be procured by subpoenas signed by the

presiding officer and chief clerk of the senate or assembly. Such subpoenas shall state when and where, and before whom, the witness is required to appear, and may require such attendance forthwith or on a future day named and the production of books, records, documents and papers therein to be designated, and may also require any officer of any corporation or other person having the custody of the keys, books, records, documents or papers of any such corporation to produce the same before such committee. Such subpoenas may be served by any person and shall be returned to the chief clerk of the house which issued the same as subpoenas from the circuit court are served and returned.

History: 1965 c. 659.

**13.32 Summary process; custody of witness.** (1) Upon the return of a subpoena issued under s. 13.31, duly served, and upon filing with the presiding officer of the house from which the subpoena issued a certificate of the chairman of the committee certifying that any person named therein failed or neglected to appear before the committee in obedience to the mandate of such subpoena, summary process to compel the attendance of such person shall be issued.

(2) Such summary process shall be signed by the presiding officer and chief clerk of the house which issued the subpoena, and shall be directed to the sergeant at arms thereof commanding him "in the name of the state of Wisconsin" to take the body of the person so failing to attend, naming him, and bring him forthwith before the house whose subpoena he disobeyed. When so arrested he shall be taken before the committee desiring to examine him as a witness, or to obtain from him books, records, documents or papers for their use as evidence, and when before such committee such person shall testify as to the matters concerning which he is interrogated.

(3) When such person is not on examination before such committee he shall remain in the custody of the sergeant at arms or in the custody of some person specially deputed for that purpose; and the officer having charge of him shall from time to time take him before such committee until the chairman of the committee certifies that the committee does not wish to examine such person further. Thereupon such witness shall be taken before the house which issued the summary process and that house shall order his release, or may proceed to punish him for any contempt of such house in not complying with



the requirement of this chapter or of any writ issued or served as herein provided.

**History:** 1965 c. 659.

**13.33 Service of process.** Either house ordering any summary process may also direct the sergeant at arms to specially depute some competent person to execute the same, and such deputation shall be indorsed on such process in writing over the signature of the sergeant at arms to whom the same is directed. The person so deputed shall have the same power as the sergeant at arms in respect thereto, and shall execute the same according to the mandate thereof, and for that purpose the sergeant at arms or his deputy may call to his aid the power of the county wherein such writ is to be executed the same as the sheriff of such county could do for the purpose of arresting a person charged with crime under process issued by a court of competent jurisdiction; and any sergeant at arms having any person in custody by virtue of any such summary process may depute any other person to have charge of the person so in his custody, and the person so deputed shall have the same power over such person as is conferred upon the sergeant at arms.

**History:** 1965 c. 659.

**13.34 Refusal to testify.** Every refusal to testify or answer any question, or to produce keys, books, records, documents or papers before any committee included within s. 13.31 shall be forthwith certified to the proper house by the chairman of such committee. Such certificate shall be transmitted, and the person so refusing taken, by the sergeant at arms or one of his assistants, before such house to be dealt with according to law.

**History:** 1965 c. 659.

**13.35 Liability of witness.** No person who is required to testify before either house of the legislature or a committee thereof, or joint committee of the 2 houses, and is examined and so testifies, shall be held to answer criminally in any court or be subject to any penalty or forfeiture for any fact or act touching which he is required to testify and as to which he has been examined and has testified, and no testimony so given nor any paper, document or record produced by any such person before either house of the legislature or any such committee shall be competent testimony or be used in any trial or criminal proceeding against such person in any court, except upon a prosecution for perjury committed in giving such testimony; and no witness shall be allowed to refuse to testify to any fact, or to produce any papers, docu-

ments or records touching which he is examined before either house or any such committee, for the reason that the testimony touching such fact, or the production of such papers, documents or records may tend to disgrace him or otherwise render him infamous.

**History:** 1965 c. 659.

**13.36 Witness fees.** The compensation of all witnesses who are subpoenaed and appear pursuant to s. 13.31 shall be \$2 for each day's attendance and 10 cents per mile, one way, for travel to attend as such witness. The department of administration shall audit the accounts of such witnesses upon the certificate of the chairman of the committee before which any such witness has attended, stating the number of days' attendance and the distance he has traveled, and the accounts so audited shall be paid out of the state treasury and charged to the appropriation for the legislature.

**History:** 1965 c. 659.

#### SUBCHAPTER II. LEGISLATIVE COMMITTEES.

**13.45 General provisions on legislative committees.** (1) **TERM; ELIGIBILITY; VACANCIES.** (a) Unless otherwise provided by law, the terms of all legislator members of legislative committees or committees on which there are legislator members selected by either house or the officers thereof shall expire on May 1 of each odd-numbered year. This provision shall not apply to the standing, special or select committees of each legislature which shall expire with the sine die adjournment of the legislature by which created or with the convening of the next succeeding legislature, whichever is earlier; but any special or select committee shall expire even earlier if the purpose for which it was created has been accomplished.

(b) If a member of the legislature, appointed to any committee by reason of such membership, ceases to be a member of the legislature, his membership on the committee terminates on the day he ceases to be a legislator.

(c) Vacancies shall be filled as are original appointments, but if a vacancy occurs after the sine die adjournment of the legislature or during any adjournment for a specific period of at least 30 days, in any position held by a legislator on a committee then functioning, and no provision for filling such vacancy exists by law or the existing provisions cannot be exercised, the legislative council may fill such vacancy, and such appointment shall expire as do the original appoint-

ments. This provision shall not affect s. 17.20(2).

(2) **APPOINTMENTS REPORTED.** The chief clerk of each house shall file a duplicate of each report required by s. 14.69(6) with the executive secretary of the legislative council.

(3) **EXPENSES.** For any day for which he does not file a claim under s. 20.530(1)(a) 1. f, any legislator appointed to serve on a legislative committee or a committee to which he was appointed by either house or the officers thereof shall be reimbursed from the appropriation under s. 20.530(1)(a) 1. c for his actual and necessary expenses incurred as a member of the committee.

(4) **ORGANIZATION.** Unless otherwise provided by law, every legislative committee or committee on which there are legislative members selected by either house or the officers thereof shall:

(a) Elect a chairman, vice chairman and secretary from among its members.

(b) Meet at such times, and at such locations within this state, as the chairman with the consent of the members announces.

(c) Maintain its office in the capitol.

(d) Maintain a written record of its proceedings.

(e) Submit a written report of its findings, conclusions and recommendations to the governor and legislature on or before May 1 of each odd-numbered year.

(5) **RULES OF PROCEDURE; QUORUM.** Unless otherwise provided by law, every legislative committee or committee on which there are legislative members selected by either house or the officers thereof may adopt such rules for the conduct of its business as are necessary, but a majority of the members appointed to a committee shall constitute a quorum to do business and a majority of such quorum may act in any matter within the jurisdiction of the committee.

(6) **COMMITTEEMEN MAY ADMINISTER OATHS.** Any senator or assemblyman, while acting as a member of a legislative committee, may administer oaths to persons to be examined before such committee.

(7) **CO-OPERATION OF STATE AGENCIES.** The departments, officers and employes of Wisconsin state government, and the governing bodies of the political subdivisions of this state, shall assist legislative committees in the completion of their tasks. They shall provide legislative committees with ready access to any books, records or other information relating to such tasks. Upon request by legislative committees, and within the limits of existing appropriations, departments of

state government shall supply such specialized staff assistance as a legislative committee may require.

**History:** 1965 c. 659.

**13.47 Committee to visit state properties.**

There is created a joint legislative committee to visit state properties, consisting of 5 senators and 6 assemblymen, appointed as are standing committees in the respective houses. The 2 major political parties shall be represented in the membership from each house.

(1) **MEETINGS.** The committee shall meet when the legislature is not in actual session.

(2) **DUTIES OF THE COMMITTEE.** The committee, in groups or individually as assigned by the chairman with the consent of the committee, shall visit all institutions and office buildings owned or leased by the state and the capitol building and inspect the grounds and the buildings thereon. Each member shall participate in the groups to which he is assigned, but if the appointed member of the state building commission is unable to participate in a specific visit he shall appoint an alternate member, selected from his house of the legislature, to participate in his place. It shall thoroughly inspect the state buildings or grounds and shall have free access to any part of such state buildings or the surrounding grounds and all persons therein in order to make such examination as it sees fit of the conditions found.

**History:** 1965 c. 66 s. 8; 1965 c. 249, 433 s. 121; 1965 c. 475, 659.

**13.48 Long-range public building program.**

(1) **POLICY.** The legislature finds and determines that it is necessary to improve the adequacy of the public building facilities that are required by the various state agencies including the educational institutions, for the proper performance of their duties and functions, and that it is in the interest of economy, efficiency and the public welfare that such improvement be accomplished by means of a long-range public building program, with funds to be provided by successive legislatures. Projects in such long-range program shall include the necessary lands, new buildings, and all facilities and equipment required and also the remodeling, reconstruction and re-equipping of existing buildings and facilities, but shall not include ordinary maintenance.

(2) **STATE BUILDING COMMISSION; POWERS AND DUTIES.** (a) There is created a state building commission which shall consist of the governor, who shall be chairman, and 6 members of the legislature of whom 3 shall be from each house, to be appointed as are standing committees in the respective houses. The

2 major political parties shall be represented in the membership from each house. Of the members appointed from either house, one shall be a member of the visiting committee created by s. 13.47. One citizen member shall be appointed by the governor to serve at the pleasure of the governor. The director of the bureau of engineering, the ranking architect in the department of administration, and the commissioner of administration shall be nonvoting advisory members. The terms of all legislative members shall expire on the 2nd Wednesday in January of the odd-numbered year. The members shall act without liability except for misconduct. Members of the commission who are not members of the legislature shall be reimbursed for their actual and necessary expenses incurred as members of the commission from the appropriation made by s. 20.125.

(b) 1. The commission shall have all the powers necessary to carry out its duties and may accept all donations, gifts and bequests made to the state for public building purposes, including any grants made by the federal government, and apply the same in accordance with the terms of the grant or the wishes of the donors, insofar as such is practicable. The commission with respect to any of such buildings shall have all the powers so far as applicable as were conferred by law on the state office building commission with respect to the state office building.

2. In the construction of all new buildings or additions to existing buildings used for housing state offices and constructed for general state purposes and not specially for the use of any particular state agency, the commission shall function with respect to such construction in the same manner as other state agencies function with respect to buildings constructed for such agencies. The commission shall fix the rental for all space in such buildings, and, notwithstanding any other statute, may remove to any building any department housed in the state capitol other than the offices enumerated in s. 16.85(5)(b). After the completion of such buildings, they shall be in the charge of the department of administration as provided by s. 16.85. The commission may lease space in such buildings to other governmental bodies or to nonprofit associations organized for public purposes and shall charge such bodies or associations an annual rental which shall be not less than the cost of operating, maintaining and amortizing the construction cost of such leased space.

(c) The commission may employ, outside the classified service, staff or consultants and

fix the salary or conditions of such employment.

(d) The commission, for the purpose of carrying out s. 36.34 relating to the sale and purchase of agricultural lands of the state university, may authorize the advance of sums from the state building trust fund for the purchase price, including option payments, of agricultural lands to be acquired by the state university and for expenses incurred in selling agricultural lands presently owned by the state university, including, without limitation because of enumeration, expenses of surveying, platting, constructing and improving streets and utilities and drainage in such a way as to realize the greatest return to the state in the sale of such lands, and other selling expenses. All such sums advanced shall be repaid to the state building trust fund from the appropriation made by s. 20.830(1)(j).

(e) 1. The commission shall report to the legislature at each regular session, for purposes of legislative review, the total authorizations for building program projects from all sources since the 1949 adjourned session. It shall report in detail the progress on projects authorized in the 2 preceding and current biennia including the authorization, the encumbrance and expenditure to date, and the unencumbered balance remaining for each project. Such report shall not be part of the budget document. The governor shall include in a separate building program message such additional amounts for projects in the state's public building program as he and the state building commission recommend should be appropriated by the legislature for the succeeding biennium.

2. It is the intent of the legislature that it be given a complete picture of the results of its past decisions regarding the state's building program which will serve as background for making further decisions.

(f) The commission may allocate funds from the state building trust fund or other sources available to them to equip university extension centers or state college branch campuses when the facilities have been provided by the counties or other units of local government in accordance with s. 66.51(1)(a) or 67.04(2)(zp).

(3) STATE BUILDING TRUST FUND. In the interest of the continuity of the program, there shall be appropriated from the general fund to the state building trust fund as a building depreciation reserve, on July 1, 1965, and annually thereafter, a sum equal to 1½% of the value of all state buildings, structures, utility plants and equipment therein excepting

those under the jurisdiction of the highway commission, as appraised by the department of administration in each even-numbered year. Such appraisal shall be an estimate of the cost of reproduction of such buildings, structures and facilities, and shall be certified by the department of administration not later than November 20 of each even-numbered year to the incoming governor who shall include the sums so to be transferred in his budget. Such sums, together with all donations, gifts, bequests or contributions of money or other property and any additional appropriations or transfers made thereto by the legislature, shall constitute the state building trust fund. At such times as the commission directs, the governor shall authorize releases from this fund to become available for projects in the long-range building program, and he shall direct the department of administration to allocate from this fund such amounts as are approved for these projects. In issuing such directions, the commission shall consider the cash balance in the state building trust fund, the necessity and urgency of the proposed improvement, employment conditions and availability of materials in the locality in which the improvement is to be made. The commission may enter into contracts for the construction of buildings for any state agency and shall be responsible for accounting for all funds released to projects. The commission may designate the agency for which the project is constructed to act as its representative in such accounting.

(4) STATE AGENCIES TO REPORT PROPOSED PROJECTS. Each state agency contemplating a project under this program shall report its proposed projects to the commission on such date and in such manner as the commission prescribes.

(5) ASSISTANCE TO COMMISSION. The department of administration shall assist the commission in the performance of its duties. The department of administration shall, when requested by the commission, make or cause to be made such studies, preliminary plans and specifications and cost estimates with respect to any proposed project as are necessary to permit the commission to consider intelligently the approval or disapproval of the project and the appropriation of funds. The costs of such studies shall be charged against the building trust fund.

(6) REVIEW OF PROJECTS. All reports submitted as provided by sub. (4) shall be reviewed by the commission, which shall make its report as soon after November 20 as is possible. Such report shall include specific

recommendations and establish priorities for the next 3 biennia from among all projects submitted which the commission deems essential and shall recommend additional appropriations if necessary for the execution thereof. The commission shall include in its report an appraisal and recommendation of available and alternative methods of financing buildings for the use of state agencies and shall file copies of its report with the governor-elect.

(7) EXPANSION AT GREEN BAY REFORMATORY OUTSIDE OF WALLS PROHIBITED. Further expansion at Green Bay reformatory outside of the walls is prohibited.

(9) LEASE RENTAL PAYMENTS. Annually, there is appropriated from the general purpose revenues to the state building trust fund a sum sufficient to make lease rental payments under ss. 20.670(9)(u), 20.760(9)(u) and 20.830(9)(u).

(10) APPROVAL BY COMMISSION. No state board, agency, officer, department, commission or body corporate shall enter into a contract or agreement for the construction, reconstruction, remodeling or addition to any building, structure, or facility, which involves a cost in excess of \$15,000 by any means whatsoever, without completion of final plans and arrangement for supervision of construction and prior approval by the commission, any other provision of law to the contrary notwithstanding and irrespective of the source of the funds to be used for such project. This section applies to the conservation and highway commission only in respect to buildings, structures and facilities to be used for administrative, laboratory, residential, storage and public exhibition functions.

(11) EXCEPTIONS. Nothing in this section prohibits the use of past policies and existing statutory authority to borrow funds for the construction of buildings.

(13) EXEMPTION FROM LOCAL ORDINANCES AND REGULATIONS. Where any building, structure or facility is constructed for the benefit of or use of the state or any state agency, board, commission or department, by any nonprofit corporation pursuant to the terms of any lease, sublease or other arrangement, such construction shall be in compliance with all applicable state laws, codes and regulations but such construction shall not be subject to the ordinances or regulations of the municipality in which the construction takes place, including without limitation because of enumeration, ordinances or regulations relating to zoning, materials used, permits, supervision of construction or installation, payment

of permit fees, or other restrictions of any nature whatsoever. This subsection applies to any construction heretofore or hereafter commenced.

(14) SALE OR LEASE OF LANDS. (a) The commission may sell or lease all or any part of the buildings and site including all farm lands of the present school for boys at Waukesha.

(b) The commission may also sell or lease all or any part of the farm at the Wisconsin school for the deaf.

(c) The commission may sell or lease all or any part of the property on which the present workshop for the blind and headquarters of the Milwaukee public welfare office are located.

(d) In selling or leasing the commission shall sell or lease on the basis of either 1. public bids with the commission reserving the right to reject any or all bids in the best interest of the state or 2. negotiated prices. Land and buildings mentioned in this subsection shall be subject to general property taxes levied by those taxing bodies within whose area they lie if used for commercial purposes, and shall upon resolution of the commission be subject to special assessments for public improvements in the same manner and to the same extent as privately owned land.

(e) Net proceeds from the sale or lease of the lands or buildings are appropriated to the state building trust fund.

**History:** 1961 c. 226, 239, 268, 432, 436; 1963 c. 224, 316, 419; 1965 c. 163, 433 s. 121; 1965 c. 659.

**13.49 Program for improvement of the legislative process.** (1) IMPROVEMENT OF LEGISLATIVE SERVICES. The 1961 legislature finds and determines that although services furnished to the legislature at the present time are commendable, there are areas in which the services are inadequate and should be strengthened so that the legislature may properly perform its historic duty and function to exercise close control over public expenditures, including the review of the budget and of the programs and efficiency of the administrative offices of the state, and to make effective inquiry into the large volume of current business brought before each legislative session. The legislature also finds that the review of the adequacy of important areas of existing statute law should be continued. To accomplish these ends, the legislature finds that it is desirable and in the public interest to accept the grant from the Ford foundation, as tendered on October 14, 1959. The project for the improvement of the legislative services shall be financed jointly by the Ford founda-

tion and the state.

(2) LEGISLATIVE PROGRAMS STUDY COMMITTEE. There is created a 10-member legislative programs study committee to supervise the program. The committee shall be composed of 5 senators and 5 assemblymen appointed as are standing committees in each house. Two members from each house shall be from the minority party. The committee shall report to the legislative council, but the council shall not restrict the projects and expenditures of the committee.

(3) FUNCTIONS. The committee shall study the procedure, organization, duties and functions of the legislature and its staff agencies with the objectives of modernizing its organization and procedures and clarifying the statutes and rules related to the legislative process. This program for improving the legislative process shall be organized in 3 phases.

(a) *Phase 1. Fiscal review.* Fiscal review and budget analysis for the purpose of developing new techniques and procedures for examining department appropriation requests, and particularly the effectiveness of the programs financed by such appropriations. This phase shall receive high priority.

(b) *Phase 2. Review of legislative organization and procedures.* In order to systematically evaluate and streamline legislative organization, procedures and functions, the committee shall divide its study into 3 areas:

1. Procedures involved in the legislative process, including revision of rules, and the advisability of regular annual sessions, annual budget sessions and bifurcated sessions.

2. Organization and adequacy of staff services needed to assist the legislature in carrying out its functions, and the interim duties of legislators and their distribution among members.

3. Techniques and procedures for reviewing existing state programs and the development of policy for new areas of statute law.

(c) *Phase 3. Demonstration projects.* After the committee has initiated phase 2 and when the need for staff services in particular areas has been examined, the committee may conduct demonstration projects to determine the value of staff services to the legislature and its committees.

(4) ADVISORY COMMITTEES. The committee may create advisory committees to provide assistance and advice in carrying out its functions. Members of advisory committees shall be reimbursed for their actual and necessary expenses incurred as members of such

committees.

(5) **REPORTS.** The committee shall report its progress and recommendations to the council not later than December 1 of each even-numbered year. Its final report shall include recommendations on organization and staff services required by the legislature based on demonstration projects conducted during this program.

(6) **STAFF.** The committee may employ, outside the classified service, such clerical and technical personnel, including consultants and other experts, as it requires in the completion of its studies and demonstration projects.

**History:** 1961 c. 686; 1963 c. 343; 1965 c. 659.

**13.50 Joint survey committee on retirement systems.** (1) **CREATION.** There is created a joint survey committee on retirement systems composed of 7 members, as follows:

(a) Two members of the senate and 2 members of the assembly, to be appointed as are standing committees in the respective houses.

(b) An assistant attorney general to be appointed by the attorney general.

(c) A member of the public to be selected by the governor.

(d) The commissioner of insurance or an experienced actuary in his office designated by him.

(2) **TERMS OF COMMITTEE.** Each appointment under sub. (1)(a), (b) and (c) shall be for a period of 4 years and until a successor is appointed and qualified. Any member shall cease to be a member of the committee upon losing the status upon which the appointment was based.

(3) **MEMBERSHIP COMPATIBLE WITH OTHER PUBLIC OFFICE.** Membership on the committee shall not be incompatible with any other public office.

(4) **STAFF.** The committee shall, under the classified service, employ a research director and such staff as is required for the performance of its duties, it being the determination of the legislature that such research director is more readily obtainable under s. 16.17(4). The committee may employ or contract for actuarial and technical assistance outside the classified service.

(5) **COMMITTEE ACTION.** All actions of the committee shall require the approval of a majority of all the members.

(6) **POWERS AND DUTIES.** The committee shall have the following powers and duties:

(a) No bill or amendment thereto creating or modifying any system for, or making any provision for, the retirement of or payment of pensions to public officers or em-

ployes, shall be acted upon by the legislature until it has been referred to the joint survey committee on retirement systems and such committee has submitted a written report on the proposed bill. Such report shall pertain to the probable costs involved, the effect on the actuarial soundness of the retirement system and the desirability of such proposal as a matter of public policy.

(b) No bill or amendment thereto creating or modifying any system for the retirement of public employes shall be considered by either house until the written report required by par. (a) has been submitted to the chief clerk. Each such bill shall then be referred to a standing committee of the house in which introduced. The report of the joint survey committee shall be printed as an appendix to the bill and attached thereto as are amendments.

(c) 1. Whenever a public employe qualifies for membership in the Wisconsin retirement fund or the state teachers retirement system, but a question or dispute arises as to which of the 2 retirement systems he should be a member of, a petition may be filed with the committee requesting that the committee determine in which of said systems such person is eligible for membership. The petition may be made by the public employe, his employer, the board of trustees of the Wisconsin retirement fund, the state teachers retirement board or the department of administration.

2. Upon the filing of any such petition the committee shall investigate the facts of the case and make its decision on the basis of such facts and the applicable statutes. The committee may conduct a hearing on any such petition if it deems such hearing necessary. The committee shall render its decision in writing, briefly stating the reasons therefor or referring to previous decisions.

3. The committee shall furnish a copy of such decision to the petitioner, the Wisconsin retirement fund and the state teachers retirement system. To the extent possible such decisions may be followed as precedents applicable to similar cases. The decisions of the committee under this paragraph may be reviewed under ch. 227. In the absence of such review the decision of the committee shall be followed by the Wisconsin retirement fund and the state teachers retirement system.

4. If the duties of the position of any such public employe include both teaching and the performance of other services, the committee shall make its determination according to the type of activity which occupies the

majority of the working time of the employe.

5. A public employe who is a member of the Wisconsin retirement fund or the state teachers retirement system on July 19, 1957, shall remain a member of such fund or system, if he continues to occupy the same position, and the procedure set forth in this paragraph shall not apply to such member.

History: 1965 c. 659.

**13.51 Retirement research committee.** (1) CREATION. There is created a broadly representative retirement research committee for the purpose of providing a continuous review and study of the retirement benefits afforded by the state and to allocate adequate study to the complexities of modern retirement programs. The officers and staff of the joint survey committee on retirement systems under s. 13.50 shall be the officers of the retirement research committee. Any 8 members of the committee shall constitute a quorum. The staff of the joint survey committee under s. 13.50 shall assist the committee in the performance of its functions.

(2) MEMBERS. Members of the committee under pars. (d) to (h) shall hold office for 4 years beginning July 1 and until their successors are appointed and qualified, but any member of the committee appointed under par. (d), (e), (f) or (g) who ceases to be a member or representative of the group represented shall forthwith cease to be a member of the committee. Any vacancy on the committee shall be filled as was the original appointment and shall be filled for the balance of the unexpired term. The committee shall consist of:

(a) The members of the joint survey committee on retirement systems.

(b) The executive director of the Wisconsin retirement fund.

(c) The executive secretary of the state teachers retirement board.

(d) One representative of state, county or municipal employes, appointed by the governor.

(e) A teacher who is a member of the state teachers retirement system, appointed by the governor.

(f) A member of the board of trustees of the teachers annuity and retirement fund created by s. 38.24, who is a member of the teachers annuity and retirement fund in cities of the 1st class, appointed by the governor.

(g) Three members of the public, appointed by the governor.

(h) One representative of county or municipal employers, appointed by the governor.

(i) One senator and one assemblyman, ap-

pointed as are standing committees in the respective houses, but if the legislator members under par. (a) do not include a member of the minority party from each house, then the respective appointments under this paragraph shall go to the minority party.

(3) DUTIES OF THE COMMITTEE. The retirement research committee shall:

(a) Investigate and report to the council on any retirement system for public employes. The officers and employes of any such system shall co-operate fully with the committee in any such investigation.

(b) Require of officers or employes having charge or control over or administering any public employe pension or retirement plan financial reports thereof showing the financial condition of such plan and the number, nature and amounts of its investments.

(c) Establish and keep current a library of all public employe pension and retirement plans throughout the United States and may study such plans of foreign countries.

(4) DUTIES OF THE RETIREMENT FUNDS. Each retirement fund or system to which the state contributes shall:

(a) Furnish the committee with a copy of each financial, actuarial and valuation report made by such fund or system, its actuary or treasurer, for the fiscal year beginning in 1965 and thereafter.

(b) Maintain records in such form that the committee or any other authorized agency can obtain such necessary information as it requires. Such information shall include censuses of active, deferred annuitant and retired annuitant classes by age, sex and membership service.

History: 1965 c. 433 s. 121; 1965 c. 659.

**13.52 Joint survey committee on tax exemptions.** (1) CREATION. There is created a joint survey committee on tax exemptions composed of 7 members, as follows:

(a) One senator member of the joint committee on finance, appointed by the senate chairman of that committee;

(b) The chairman of the assembly committee on taxation;

(c) One senator and one assemblyman selected as are standing committee members of the respective houses;

(d) A representative of the office of the attorney general selected by the attorney general;

(e) The commissioner of taxation or his designated representative; and

(f) A public member, selected by the governor by January 15 of each odd-numbered year, who is familiar with the tax problems of

subordinate levels of government throughout the state.

(2) **VACANCIES.** Vacancies shall be filled as are original appointments, but if a vacancy under sub. (1)(a) or (b) cannot be filled in such manner, it shall be filled from the remaining senate members of the joint committee on finance or the assembly committee on taxation, respectively.

(3) **TERM.** The terms of all members shall expire on January 15 of the odd-numbered years, and each member shall serve until his successor is appointed and qualified. Any member shall cease to be a member upon losing the status upon which the appointment is based.

(4) **COMMITTEE ACTION.** All actions of the committee shall require the approval of a majority of all the members.

(5) **POWERS AND DUTIES.** It is the purpose of this committee to provide the legislature with a considered opinion of the legality of the proposal, of the fiscal effect upon the state and its subdivisions and of the desirability as a matter of public policy of each legislative proposal which would modify existing laws or create new laws relating to the exemption of property or persons from any state or local taxes or special assessments. To this end the committee shall:

(a) Make such investigations as are required to carry out the duties assigned to it.

(b) Hold such hearings as are required to elicit information required to make its reports. Any member is empowered to administer oaths and examine witnesses. By subpoena, issued over the signature of the chairman and served in the manner in which circuit court subpoenas are served, it may summon and compel the attendance of witnesses and the production of records necessary or convenient to be examined or used by them in carrying out their functions. Any subpoenaed witness who fails to appear, refuses to answer inquiries, or fails or refuses to produce records within his control when demanded shall be reported by the committee to the circuit court of Dane county, whose duty it is to compel obedience to any such subpoena by attachment proceedings for contempt as in case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(6) **REPORT.** Upon the introduction in either house of the legislature of any proposal which affects any existing statute or creates any new statute relating to the exemption of any property or person from any state or local taxes or special assessments,

such proposal shall at once be referred to the joint survey committee on tax exemptions by the presiding officer instead of to a standing committee, and such proposal shall not be considered further by either house until the joint survey committee on tax exemptions has submitted a report, in writing, setting forth an opinion on the legality of the proposal, the fiscal effect upon the state and its subdivisions and its desirability as a matter of public policy and such report has been printed as an appendix to the bill and attached thereto as are amendments. Such printing shall be in lieu of inclusion in the daily journal of the house in which the bill was introduced.

(7) **STAFF.** The committee may employ such personnel as are required for the performance of its duties. Any intermittent employment of professional, technical or research personnel may be made outside the classified service.

**History:** 1963 c. 153; 1965 c. 659.

**13.53 Council for home and family.** (1) **CREATION.** There is created a council for home and family, consisting of the 4 chairmen of the senate and assembly public welfare and judiciary committees or a member of each such committee designated by the chairman thereof to serve in his place, and 13 members appointed by the joint legislative council for terms of 2 years and until their successors are appointed and qualified. Each appointive member shall be a resident of the state who has demonstrated a special and continuing interest in family problems and their solution. The legislative council shall select the appointive members as follows: 3 judges who preside over family court branches, 3 clergymen, 2 practicing attorneys, one trained sociologist or one college instructor with a rank of not less than assistant professor, one family court commissioner or assistant commissioner, one county corporation counsel or assistant counsel, one county public welfare director or assistant director and one representative of a voluntary social welfare agency. Members of the council for home and family shall be reimbursed for their actual and necessary expenses incurred as members of the council for home and family.

(2) **MEETINGS.** The council for home and family shall meet in the first week of January, April, July and October of each year, and may meet at such other times as the members determine or the chairman directs.

(3) **CONSULTING COMMITTEES.** Within the limits of its appropriation, the council for home and family may appoint consulting committees consisting of nonmembers, the ap-



pointees of which shall also receive their actual and necessary expenses.

(4) **POWERS AND DUTIES.** The council for home and family shall:

(a) Study the scope and operation of the laws of this state and surrounding states relating to marriage, actions affecting marriages, and support of children and other dependents, examine recent supreme court decisions affecting the same, and report annually to the legislative council, and also to the legislature when in session, its findings and recommendations and actions taken thereon. Such findings shall include all vital facts and statistics that the council for home and family deems necessary and useful, relating to marriages and actions affecting marriage in each county of this state, to be compiled with the co-operation of the state registrar of vital statistics, the judicial council, the director of public welfare, the county clerk and family court commissioner of each county and the clerk of every court having jurisdiction over actions affecting marriage.

(b) Study the causes of family disintegration, and examine the need for future publicly and privately sponsored programs, activities, services and facilities which would tend to preserve and promote family unity and wholesome family life with particular emphasis on premarital counseling and the prevention of divorce.

(c) Investigate the effect of divorce on public welfare costs and programs, and make recommendations to improve marital stability and accomplish changes in such programs which could bring about a decrease in the number of divorces in this state involving likely welfare recipients and an eventual reduction in welfare costs.

(d) Have authority to conduct public hearings within the state.

(e) Employ such staff as is necessary to implement the duties assigned to it, within the limits of its appropriation. Such staff shall be appointed by the council for home and family outside the classified service and shall serve at its pleasure.

(5) **CONSULTANTS.** The judicial council, director of public welfare, revisor of statutes and registrar of vital statistics may furnish consultants from their respective staffs to advise and assist the council for home and family in the performance of its functions.

**History:** 1963 c. 569; 1965 c. 59, 659.

#### **13.54 Interstate co-operation commission.**

(1) **CREATION.** There is created a commission on interstate co-operation in the legislative branch to consist of the members of the

joint committee on legislative organization and, in addition, 3 senators and 3 assemblymen appointed as are standing committees in the respective houses, the chief of the legislative reference bureau, the governor and 3 state officials to be appointed by him. The executive secretary of the legislative council shall serve as the nonvoting secretary of the commission. Subject to s. 14.69(6), alternates to attend specific meetings may be chosen as are persons to fill vacancies, and their terms shall expire when their mission is accomplished.

(2) **DUTIES.** The commission on interstate co-operation shall:

(a) Carry forward the participation of this state as a member of the council of state governments.

(b) Encourage and assist the legislative, executive and judicial branches of this state to develop and maintain friendly relations by correspondence, by conference, or otherwise, with officials and employes of other states, the federal government, and units of local government.

(c) Promote co-operation between this state and other units of government whenever it seems advisable to do so by formulating proposals for, and by facilitating the adoption of compacts, the negotiation of uniform or reciprocal agreements, either for administrative rules and regulations or for the co-operation of governmental officials, and any other suitable process, and all such acts as will, in the opinion of this commission, enable this state to do its proper part in forming a more perfect union among the various governments in the United States.

(d) Designate by its chairman one or more of its members or other state officials to represent this state in conference with officials of other states or units of government for the purposes set forth in par. (c). All appointments of nonmembers as conferees shall be approved by the governor. Each such conference shall be fully reported to the commission, which shall in turn make reports of such conferences to the governor and to the legislature. The commission shall prepare and submit a report of its activities and recommendations to the governor and to the legislature within 15 days after the convening of each regular legislative session and at such other times as it deems appropriate.

**History:** 1963 c. 323; 1965 c. 433 s. 121; 1965 c. 659.

#### **13.55 Commission on uniform state laws.**

(1) **CREATION.** There is created a 5-member commission on uniform state laws to advise

the legislature with regard to uniform laws and model laws. The commission shall consist of the executive secretary of the legislative council, the chief of the legislative reference bureau or a professional employe under s. 13.92(1)(b) designated by him, the revisor of statutes, and 2 members of the Wisconsin bar appointed by the governor for 4-year terms. The ex officio members may each designate an employe to represent them at any meeting of the conference under sub. (3).

(2) **QUORUM; SCHEDULED MEETINGS.** Any 3 members of the commission shall constitute a quorum. The commission shall meet at least once every 2 years.

(3) **NATIONAL CONFERENCE.** Each commissioner shall attend the annual meeting of the conference of commissioners on uniform state laws; examine subjects on which uniformity of legislation is desirable; ascertain the best methods to effect uniformity; cooperate with commissioners in other states in the preparation of uniform acts; and prepare bills adapting such uniform acts to the Wisconsin statutes, for introduction in the legislature.

(4) **REPORT.** The commission shall make a biennial report to the joint legislative committee on revisions, repeals and uniform laws.

**History:** 1963 c. 149; 1965 c. 659.

**13.56 Committee for review of administrative rules.** (1) **CREATION.** There is created a legislative joint committee for review of administrative rules, consisting of 4 senators and 5 assemblymen appointed as are standing committees in the respective houses. The 2 major political parties shall be represented in the membership from each house. The committee shall meet at the call of its chairman or upon a call signed by 2 of its members or signed by 5 members of the legislature.

(2) **REVIEW OF RULES BY COMMITTEE.** The committee shall promote adequate and proper rules by agencies and an understanding upon the part of the public respecting such rules. It may hold public hearings to investigate complaints with respect to rules if it considers such complaints meritorious and worthy of attention and may, on the basis of the testimony received at such public hearings, suspend any rule complained of by the affirmative vote of at least 6 members. If any rule is so suspended, the committee shall as soon as possible place before the legislature, at any regular session and at any special session upon the consent of the governor, a bill to repeal the suspended rule. If such bill is defeated, or fails of enactment in

any other manner, the rule shall stand and the committee may not suspend it again. If the bill becomes law, the rule is repealed and shall not be enacted again unless a properly enacted law specifically authorizes the adoption of that rule. The committee shall make a biennial report to the legislature and governor of its activities and include therein its recommendations.

(3) **PUBLIC HEARINGS BY STATE DEPARTMENTS.** By a vote of a majority of its members, the committee may request any department issuing rules to hold a public hearing in respect to recommendations made pursuant to sub. (2). Such department shall give notice as provided in s. 227.021 of a hearing thereon, to be conducted in accordance with s. 227.022, which hearing shall be held not more than 60 days after receipt of such request.

**History:** 1965 c. 659.

#### SUBCHAPTER III.

#### REGULATION OF LOBBYING

**13.60 Corrupt means to influence legislation; disclosure of interest.** Any person who gives or agrees or offers to give any thing of value to any person, for the service of such person or of any other person in procuring the passage or defeat of any measure before the legislature or before either house or any committee thereof, upon the contingency or condition of the passage or defeat of such measure, or who receives, or agrees to receive any thing of value for such service, upon any such contingency or condition, or who, having a pecuniary or other interest, or acting as the agent or attorney of any person in procuring or attempting to procure the passage or defeat of any measure before the legislature or before either house or any committee thereof, attempts in any manner to influence any member of such legislature for or against such measure, without first making known to such member the real and true interest he has in such measure, either personally or as such agent or attorney, may be fined not more than \$200 or imprisoned in the county jail not more than one year.

**History:** 1965 c. 659.

**13.61 Lobbying regulated; legislative purpose.** The purpose of this subchapter is to promote a high standard of ethics in the practice of lobbying, to prevent unfair and unethical lobbying practices and to provide for the licensing of lobbyists and the suspension or revocation of such licenses.

**History:** 1965 c. 659.

**13.62 Definitions.** In this subchapter:

(1) "Lobbying" means the practice of promoting or opposing the introduction or enactment of legislation before the legislature or the legislative committees or the members thereof.

(2) "Lobbyist" means any person who engages in the practice of lobbying for hire except in the manner authorized by s. 13.70. Lobbying for hire includes activities of any officers, agents, attorneys or employes of any principal who are paid a regular salary or retainer by such principal and whose duties include lobbying.

(3) "Unprofessional conduct" means:

(a) A violation of ss. 13.60 to 13.71, or soliciting employment from any principal, or instigating the introduction of legislation for the purpose of obtaining employment in opposition thereto, or attempting to influence the vote of legislators on any measure pending or to be proposed by the promise of support or opposition at any future election, or by any other means than a full and fair argument on the merits thereof, or by making public any unsubstantiated charges of improper conduct on the part of any other lobbyist or of any legislator, or engaging in practices which reflect discredit on the practice of lobbying or the legislature.

(b) Furnishing or being concerned in another's furnishing to the governor, any legislator, any officer or employe of the state or to any candidate for state office or for the legislature, any food, meal, lodging, beverage, transportation, money, campaign contributions or any other thing of pecuniary value. This paragraph does not apply to entertainment by a nonprofit organization at a bona fide social function or meeting of such organization.

(4) "Principal" means:

(a) Any person who engages a lobbyist or other person in connection with any legislation, pending before the legislature or to be proposed, affecting the pecuniary interest of such person, corporation or association.

(b) Any board, department, commission or other agency of the state, or any county or municipal corporation, which engages a lobbyist or other person in connection with any legislation pending or to be proposed affecting the statutory powers, duties or appropriation of such agency, county or municipal corporation.

(5) "File" means the file of licensed lobbyists maintained by the secretary of state pursuant to s. 13.65.

(6) "Report" means the statement of ex-

penses filed with the secretary of state by lobbyists pursuant to s. 13.67.

(7) "Pecuniary interest" means any legislation which creates, alters or repeals any statutory charge by way of tax, license fee, registration fee or otherwise, or which creates, alters or repeals any statutory privilege, power, restriction or obligation of any principal, or which creates, alters or repeals the powers or duties of any court or governmental agency before which the principal does business.

**History:** 1965 c. 66 s. 6; 1965 c. 433, 659.

**13.63 Licenses for lobbyists; suspension or revocation.** (1) **LICENSES; FEES; ELIGIBILITY.** Any adult of good moral character who is a U. S. citizen and otherwise qualified under ss. 13.61 to 13.71 shall be licensed as a lobbyist as herein provided. The secretary of state shall provide for the form of application for license. Such application may be obtained in the office of the secretary of state and filed therein. Upon approval of such application and payment of the license fee of \$10 to the secretary of state, a license shall be issued which entitles the licensee to practice lobbying on behalf of any one or more principals. Each license shall expire on December 31 of each even-numbered year. No application shall be disapproved without affording the applicant a hearing which shall be held and decision entered within 10 days of the date of filing of the application. Denial of a license may be reviewed under ch. 227.

(2) **SUSPENSION OR REVOCATION OF LICENSE.** Upon verified complaint in writing to the district attorney of Dane county charging the holder of a license with having been guilty of unprofessional conduct or with having procured his license by fraud or perjury or through error, the district attorney may bring civil action in the circuit court for Dane county against the holder and in the name of the state as plaintiff to revoke the license. Hearing shall be held by the court unless the defendant licensee demands a jury trial. The trial shall be held as soon as possible and at least 20 days after the filing of the charges and shall take precedence over all other matters pending before the court. If the court finds for the plaintiff, judgment shall be rendered revoking the license and the clerk of the court shall file a certified copy of the judgment with the secretary of state. Costs shall be paid by the county, but if the court determines that the complaint made to the district attorney was without proper cause, it shall enter judgment against the person making the complaint for the costs of the action and the payment of the same may be en-

forced by execution against the body as in civil action. The licensing authority may commence any such action on his own motion.

(3) **SUSPENSION OF LOBBYING PRIVILEGES.** No lobbyist whose license has been suspended or revoked and no person who has been convicted of a violation of ss. 13.61 to 13.71 shall engage in any activity permitted by s. 13.70 until he has been reinstated to the practice of lobbying and duly licensed.

**History:** 1965 c. 659.

**13.64 Lobby registry.** Except as provided in s. 13.70(2) every principal who employs any lobbyist shall within one week after such employment cause the name of said lobbyist to be filed with the secretary of state. The lobbyist shall also file his name with the secretary of state. Upon the termination of such employment such fact may be entered opposite the name of the lobbyist either by the lobbyist or the principal.

**History:** 1965 c. 163, 659.

**13.65 File; authorization.** (1) The secretary of state shall prepare and keep a file in which shall be entered the name and business address of each lobbyist, the name and business address of his principal and the subject of legislation to which the employment relates.

(2) Any principal employing any lobbyist shall when further subjects of legislation are introduced or arise which such lobbyist is to promote or oppose, make or cause to be made additional entries in the file stating such employment so that the file will show at all times all subjects of legislation in relation to which the lobbyist is employed. The file may also show the number or designation of bills, resolutions or other measures in relation to which the lobbyist is employed.

(3) Within 10 days after his registration, a lobbyist shall file with the secretary of state a written authorization to act as such, signed by his principal.

**History:** 1965 c. 163, 659.

**13.66 Restrictions on practice of lobbying.** (1) No person shall practice as a lobbyist unless he has been duly licensed under s. 13.63 and unless his name appears in the file as employed in respect to such matters as he is promoting or opposing. No principal shall authorize or permit any lobbyist employed by him to practice lobbying in respect to any legislation affecting the pecuniary interest of such principal until the lobbyist is duly licensed and the name of such lobbyist is duly entered in the file. No person shall be employed as a lobbyist for a compensation

dependent in any manner upon the passage or defeat of any proposed or pending legislation or upon any other contingency connected with the action of the legislature or of either branch thereof or of any committee thereof.

(2) Before or within 5 days after delivering any written or printed statement, argument or brief to the entire membership of either or both houses of the legislature, 3 copies shall be deposited with the secretary of state.

(3) The restrictions upon the practice of lobbying provided by ss. 13.61 to 13.71 shall be effective only during the regular and special sessions of the legislature and for the period between the general election and the commencement of the regular session.

**History:** 1965 c. 433, 659.

**13.67 Reports by lobbyists; reports to legislature.** (1) Every lobbyist required to have his name entered in the file shall, within 10 days after the end of each calendar month of any regular or special session of the legislature, file with the secretary of state a sworn statement of expenses made and obligations incurred by himself or any agent in connection with or relative to his activities as such lobbyist for the preceding month or fraction thereof, except that he need not list his own personal living and travel expenses in such statement.

(2) Beginning with the 3rd Tuesday following the beginning of any regular or special session of the legislature and on every Tuesday thereafter for the duration of such session, the secretary of state shall from his records report to each house of the legislature the names of lobbyists registered under s. 13.64 who were not previously reported, the names of the persons whom they represent as such lobbyist and the subjects of legislation in which they are interested. Such reports shall be incorporated into the journal of the senate and a copy filed in the office of the chief clerk of the assembly. The secretary of state shall also forward to each house a copy of each statement required to be filed under sub. (1). Such copy shall be open to public inspection but shall not be incorporated in the journal unless the house so orders. Any expenditures made or obligations incurred by any lobbyist in behalf of or for the entertainment of any state official or employe concerning pending or proposed legislative matters shall be reported according to this section.

**History:** 1965 c. 433, 659.

**13.68 Statement of expense by principal.** Within 30 days after the sine die adjournment of the legislature, every principal whose

name appears in the file or who has employed any person to engage in any activity permitted under s. 13.70 shall file with the secretary of state a complete and detailed statement verified under oath by the person making the same, or in the case of a corporation by its president or treasurer, of all expenses paid or incurred by such principal in connection with the employment of lobbyists or in connection with promoting or opposing in any manner the passage by the legislature of any legislation affecting the pecuniary interest of such principal. The accounts shall be rendered in the form prescribed by the secretary of state.

**History:** 1965 c. 433, 659.

**13.69 Penalties.** (1) Any principal violating ss. 13.61 to 13.68 may be fined not less than \$200 nor more than \$5,000.

(2) Any lobbyist who fails to comply with ss. 13.61 to 13.68 or any person who acts as a lobbyist without being duly licensed may be fined not less than \$100 nor more than \$1,000 and shall be disbarred from acting as a lobbyist for the period of 3 years from the date of such conviction.

(3) Any lobbyist who fails to make and file the statement required by s. 13.67 may be fined not to exceed \$500 or imprisoned not to exceed 6 months or both. Any lobbyist who files a false statement may be fined not less than \$500 nor more than \$1,000 or imprisoned in the county jail for not less than 30 days nor more than one year. The attorney general shall upon information bring prosecutions for the violation of ss. 13.61 to 13.70.

**History:** 1965 c. 66 s. 8; 1965 c. 659.

**13.70 Personal lobbying prohibited; exceptions.** (1) It is unlawful for any person other than a licensed lobbyist to attempt personally and directly to influence any member of the legislature to vote for or against any measure pending therein, or to be proposed, otherwise than by appearing before the regular committees thereof when in session, by newspaper publications, by public addresses to persons other than legislators or by written or printed statements, arguments or briefs delivered to each member of the legislature and before or within 5 days after delivering such statement, argument or brief, 3 copies thereof shall be deposited with the secretary of state. No officer, agent, appointee or employe of this state or of the United States, shall attempt to influence any member of the legislature to vote for or against any measure pending therein, affecting the pecuniary interests of such person, excepting in the manner authorized herein in the case of

lobbyists. Nothing in this section shall be construed to deprive any citizen not lobbying for hire of his constitutional right to communicate with members of the legislature.

(2) Any person who limits his lobbying solely to appearances before legislative committees or either house in committee of the whole and registers his appearance on the records of such committee or house in writing, is not required to be licensed as a lobbyist, pay a license fee, register with the secretary of state or make any reports of expenditures.

(3) Whoever violates this section may be fined not more than \$200 or imprisoned not more than 6 months.

**History:** 1965 c. 659.

**13.71 Lobbyists restricted during daily sessions.** It is unlawful for any person lobbying to go onto the floor of the chamber of either house of the legislature during the daily sessions, except upon the invitation of such house.

**History:** 1965 c. 659.

**13.72 Compensation for published articles on matters pending before legislature to be reported; penalty.** (1) Whenever any thing of value is paid or a promise or agreement to pay any thing of value is given to the owner or publisher or any editor, reporter, agent or employe of any newspaper or other periodical for the publication therein of any article, editorial or other matter favoring or opposing, or which is intended or tends to favor or oppose, any bill, resolution or other matter pending in the legislature, excepting a paid advertisement showing the name and address of the person authorizing the publication and the amount paid or agreed to be paid therefor, the owner or publisher of such newspaper or periodical shall, within 10 days after such publication, file with the secretary of state a statement showing the amount of money or other thing of value paid or agreed to be paid and the name and address of the person from whom such payment or agreement was received.

(2) Violation of this section is a misdemeanor and punishable by a fine of not less than \$500 nor more than \$5,000 for each offense.

**History:** 1965 c. 66 s. 6; 1965 c. 659.

#### SUBCHAPTER IV.

##### LEGISLATIVE SERVICE AGENCIES.

**13.80 Legislative organization, joint committee on.** The joint committee on legislative organization created by the joint rules of the legislature, hereafter referred to as the joint committee on legislative organization, is con-

stituted a permanent joint legislative committee with such powers and authority as are provided by law. The committee shall be the policy-making board for and in general supervise the operation of all staff services of the legislature.

**History:** 1963 c. 149; 1965 c. 659.

**13.81 Joint legislative council.** (1) **CREATION.** There is created a joint legislative council of 19 members to consist of the members of the joint committee on legislative organization, the speaker pro tempore of the assembly, the 2 cochairmen of the joint committee on finance, the ranking minority member of the joint committee on finance from each house and, in addition, 3 senators and 5 assemblymen appointed as are standing committees in the respective houses. The appointive members shall be selected so that each congressional district of the state is represented on the joint legislative council by at least one member. The terms of all members shall expire on May 1 of the odd-numbered year. In the case of appointive senate members, vacancies occurring while the legislature is not in session shall be filled by the president pro tempore of the senate.

(2) **MEETINGS.** The council shall meet at least once in every 4 months. It, or any committee under ss. 13.82 to 13.84, may meet at such time and place as it determines upon the call of the respective chairman, but when one-third of the total voting membership of the council or of any such committee request that a meeting be held at a specific time and place, the respective chairman shall call a meeting for such time and place. No committee shall meet at a place outside this state without the prior consent of the council.

(3) **REPORTS.** The council shall prepare a biennial report of its activities for the governor and the legislature. The council may issue special reports concerning any phase of its work or the work of any of its committees under ss. 13.82, 13.83 and 13.84 and shall provide for adequate distribution of such special reports. With any special report a committee may submit legislation recommended for passage to be introduced in the legislature by the council if a majority of the membership of the council vote to introduce such legislation.

(4) **STAFF.** The council may employ an executive secretary and such clerical, technical and professional assistants as may be necessary, within or without the classified service, and determine the qualifications and fix the compensation of such personnel.

**History:** 1965 c. 659.

**13.82 Committees appointed by council.**

For the purpose of providing information to the legislature, the joint legislative council may appoint committees consisting of one member of the council, members of the legislature and of citizens having special knowledge on the subject assigned by the council to be studied. Any vacancy on a committee shall be filled by the council. The executive secretary of the legislative council shall certify to the secretary of state the names of the membership of such committees.

(1) **STUDIES.** Every subject proposed by the legislature for study or investigation during the interim between legislative sessions shall be referred to the council and considered by the appropriate committee of the council. If the council determines that the proposed study or investigation is feasible and is not within a subject already assigned, it shall appoint a committee to conduct such study or investigation. The council, through its committees, may also make such surveys and studies, and compile such data, information and records, on any question, as in its judgment will be beneficial to the general welfare of this state. To this end the council:

(a) Shall maintain liaison with federal, state and local officials and agencies.

(b) May conduct research and secure information or data on any subject concerning the government and general welfare of the state and of its political subdivisions.

(c) Shall make recommendations for legislative or administrative action on any subject or question it has considered and, with the approval of a majority of its membership, submit, for introduction, legislation recommended for passage by one of its committees under this section or ss. 13.83 and 13.84.

(2) **PUBLIC HEARINGS.** The council or any committee thereof when so authorized by the council may hold public hearings at such times and places within the state as are determined, and make such investigations and surveys as are deemed advisable or necessary to accomplish the purposes and intent of this section. Any voting member of the council or of any committee may administer oaths to persons testifying before the council or any committee. By subpoena, issued over the signature of its chairman or acting chairman and served in the manner in which circuit court subpoenas are served, the council or any committee when authorized by the council, may summon and compel the attendance of witnesses. If any witness subpoenaed to appear before the council, or any committee thereof, refuses to appear or to answer in-

quiries propounded, the council or committee shall report the facts to the circuit court of Dane county, and such court shall compel obedience to such subpoena by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

History: 1965 c. 66 s. 8; 1965 c. 86, 249, 433, 659.

### 13.83 Permanent council committees.

The joint legislative council shall in each biennium create the committees enumerated in this section.

(1) REMEDIAL LEGISLATION COMMITTEE. The council shall in each biennium create a committee of 3 legislators, one of whom shall be a member of the council, to be known as the committee on remedial legislation, which shall consider such minor substantive correctional measures proposed by the various agencies of state government as will improve the administration of their offices. The committee on remedial legislation shall meet at intervals when the legislature is not in actual session and invite the agencies of government to submit their proposals of desirable minor substantive correctional measures at such meetings. The committee shall introduce in the house in which the chairman is a member those proposals which they consider desirable minor substantive correctional measures. The title and authorship of each proposal shall indicate the agency requesting the change. The revisor of statutes shall serve as the nonvoting secretary of the committee on remedial legislation.

(2) EDUCATION COMMITTEE; AIDS ADJUSTMENT. The council shall in each biennium create a committee on education.

(a) Biennially in even-numbered years the education committee shall meet with the 2 cochairmen and the ranking minority member from each house of the joint committee on finance and shall consider the advisability of adjusting the guaranteed equalized valuation and the aid per resident pupil in average daily membership in the basic and integrated aid districts. Consideration shall be given to changes in valuations and school costs and to the sources of revenue available to meet the state appropriation required to meet any recommended adjustment in the guaranteed valuation or per pupil aids.

(b) The committee may recommend either an annual or biennial guaranteed equalized valuation and aid per resident pupil in average daily membership.

(c) The committee may conduct studies of the operation of the state aid formula.

(d) The committee shall report its findings and recommendations to the legislative council. The legislative council shall report its action on the findings and recommendations of the committee to the legislature.

(3) MENOMINEE INDIANS COMMITTEE. (a) The council shall in each biennium create a committee to study the problems and develop specific recommendations and legislative proposals relating to the transition of the Menominee Indians from federal control to local self-government. The committee shall select a chairman and vice chairman from among its members and designate one of the members serving by virtue of par. (b) 3 as the committee's corresponding secretary.

(b) The committee shall be composed of the following:

1. Three members to be named by the Menominee Indian tribe.

2. Three members, one each from Oconto, Menominee and Shawano counties, to be named by the county board of those counties.

3. Eight members representing the following state departments, such members to be the department head or a representative named by him:

- a. The department of taxation;
- b. The attorney general;
- c. The state department of public welfare;
- d. The state superintendent of public instruction;
- e. The highway commission;
- f. The conservation commission;
- g. The state board of health;
- h. The governor's commission on human rights.

4. One senator and 2 assemblymen, to be named by the legislative council.

(c) The actual and necessary expenses incurred in attending meetings of the committee shall be paid as follows:

1. The tribe shall pay the expenses of the tribal representatives. The legislative council may pay expenses incurred by tribal representatives, in performing their functions on the committee from funds under the administration of the legislative council.

2. The counties shall pay the expenses of the county board representatives.

3. The state departments shall pay the expenses of their representatives.

(d) The committee shall study the problems created by the transfer of controls of the Menominee Indian tribe from federal to state and local control in such fields as taxation, public welfare, education, highways, law enforcement and the adjustments required in the statutes to implement such transfer.

(e) The committee shall report from time to time to the legislative council in accordance with the time schedule made possible by the action of congress.

(f) The committee shall co-operate with the U. S. secretary of the interior and the several state departments in formulating plans for the future control of tribal property.

(4) JUDICIARY COMMITTEE; STATUTES AFFECTED BY SUPREME COURT DECISION. The council shall in each biennium create a committee on judiciary.

(a) The judiciary committee shall make recommendations regarding those statutes which the state supreme court in its opinions has stated are in conflict or ambiguous or unconstitutional or that a particular proposal for change is a legislative matter.

(b) The revisor of statutes shall report these opinions to the judiciary committee no later than August 1 of each even-numbered year. The judiciary committee shall review the cases and report any recommended legislation to the council for its consideration under s. 13.82(1)(c).

History: 1961 c. 306 s. 1; 1963 c. 56, 522; 1965 c. 57, 163 s. 3; 1965 c. 659.

#### 13.84 Interim study of insurance laws.

(1) PURPOSE. The legislature finds that the rapidly growing field of insurance requires a unified, comprehensive study of the state insurance laws for the protection of the public welfare and interest, especially with respect to insurance policyholders and shareholders, insurers, their agents and personnel. This protection can best be achieved by a thorough, careful study and modernization, revision and codification of the insurance laws to reflect the expansion of the insurance field and its increased competitive nature under present conditions.

(2) INTERIM STUDY COMMITTEE. An interim committee of the legislative council is created to study the present insurance laws and make recommendations for their revision and codification. The committee shall consist of:

(a) Three senators and 3 assemblymen, at least one of whom shall be from each political party in each house, appointed as are standing committees of their respective houses;

(b) The commissioner of insurance or his representative;

(c) The attorney general or his representative;

(d) The president of the state bar of Wisconsin or his representative;

(e) Three public members appointed by the legislative council;

(f) A member of the legislative council, designated by the council, in addition to any council members appointed under par. (a).

(3) ADVISORY COMMITTEE. An advisory committee representing the insurance industry doing business in the state shall be appointed by the legislative council to advise and assist the committee and to provide such expert assistance to the committee staff as may be needed.

(4) TERMS. Committee members appointed under sub. (2)(a),(b),(c) and (d) shall retain their membership while they hold their qualifying status, and until their successors in status are appointed and qualified. Members appointed under sub. (2)(e) shall retain their membership at the pleasure of the legislative council. The member designated under sub. (2)(f) shall retain his membership until replaced by the legislative council at its pleasure or until he ceases to be a council member, whichever occurs first. Vacancies shall be filled as are original appointments.

(5) REPORTS. The committee shall report its findings, conclusions and recommendations to the legislative council at the completion of the study, and the council shall make its report of the study to the legislature, with suggested legislation, within a reasonable time thereafter.

(6) STAFF. The legislative council may authorize technical and clerical staff necessary to discharge the duties of the committee, and may fix their compensation.

History: 1965 c. 406, 659.

**13.90 Duties of the joint committee on legislative organization.** The joint committee on legislative organization shall act as the policy-making board of the legislative reference bureau, the revisor of statutes bureau, and the legislative audit bureau. The committee shall:

(1) Determine the types of tasks to be assigned to the 3 bureaus within statutory limitations and the quantity and quality thereof.

(2) Consider and approve the budget of each bureau.

(3) Meet not less than once in every 4 months to carry out its policy-making duties, and for the purposes of this subsection the committee may provide a method of procuring decisions by mail.

(4) Make such rules under ch. 227 and adopt such regulations as are required for the proper operation of the legislative reference bureau and the revisor of statutes bureau.



(5) Select the chief of each bureau. The appointment of each chief shall be made without regard to political affiliation in order to safeguard the nonpartisan character of each bureau. The committee shall designate an employe of each bureau to exercise the powers and authority of each bureau chief in case of his absence or disability.

(6) Beginning July 1, 1966, employ an outside staff of professional consultants for the purpose of studying ways to improve legislative staff services and organization. Without limitation because of enumeration, this study shall cover legislative service agencies, the management of legislative business, legislative compensation, legislative office space, and the increasing amounts of time required by legislative duties. The recommendations made by the consultants under this subsection shall be submitted to the committee under s. 15.70 for their review and recommendation before they are reported to the joint committee on legislative organization.

History: 1965 c. 659.

**13.905 Legislative conduct.** The joint committee on legislative organization may inquire into alleged misconduct by members or employes of the legislature.

History: 1965 c. 659.

**13.91 Legislative council staff.** There is created a bureau known as the "Legislative Council Staff," headed by the executive secretary of the legislative council. The legislative council staff may call upon any state department, agency or officer, or any agency of any political subdivision, for such facilities and data as are available and such departments and agencies shall co-operate with the legislative council staff to the fullest possible extent.

(1) DUTIES OF THE STAFF. The legislative council staff shall:

(a) Provide staff services to the joint legislative council under s. 13.81 and to any of the committees appointed under ss. 13.82, 13.83 and 13.84.

(b) As directed by the joint legislative council, gather information and prepare written studies on topics referred to the council by the legislature or which seem desirable to the council.

(c) Assist the legislative programs study committee under s. 13.49 in the completion of the tasks assigned to it.

(2) DUTIES OF THE EXECUTIVE SECRETARY. The executive secretary of the legislative council shall:

(a) Supervise and train the personnel as-

signed to him, including legislative interns under s. 13.49.

(b) Supervise all expenditures of the legislative council staff.

(c) Attend all scheduled meetings of the joint legislative council under s. 13.81, of any of its committees under s. 13.82 and of the committees under s. 13.83(2) and (4).

(d) Attend all scheduled meetings of the interim insurance law study committee under s. 13.84.

(e) Attend all meetings of the commission on interstate co-operation under s. 13.54 and the midwest and national meetings in which the commission participates.

(f) Attend all meetings of the commission on uniform state laws under s. 13.55 and the midwest and national meetings in which the commission participates.

History: 1965 c. 659.

**13.92 Legislative reference bureau.** There is created a bureau to be known as the "Legislative Reference Bureau," headed by the chief of legislative reference bureau under the classified service. The legislative reference bureau shall be strictly nonpartisan and shall at all times observe the confidential nature of the reference or drafting requests received by it.

(1) DUTIES OF THE BUREAU. (a) *Reference section.* The legislative reference bureau shall perform reference services for all members of the legislature equally and impartially and to the limits of its facilities and staff. Such reference services shall be available also to public officials, students of government and citizens generally. In the performance of its reference services, the bureau shall:

1. Collect, index and make available in the most suitable form to legislators, other public officials, students of government and citizens generally, information relative to governmental subjects which will aid the legislature, other public officials and the citizens generally, to perform their duties in the most efficient and economical manner.

2. Maintain an adequate collection of public documents of Wisconsin and other states and carry out loan arrangements with libraries.

3. Maintain the drafting records of legislation introduced in prior sessions of the legislature and utilize such records to provide information on questions of legislative intent. Such records shall be retained in the capitol building at all times.

4. Utilize the materials assembled in its collection and other suitable materials to prepare studies and reports providing pertinent information regarding subjects which are or

may become items of concern to the legislature, other public officials or the public generally, and where warranted publish such reports and studies in the most expeditious manner.

5. Prepare copy for the biennial Wisconsin Blue Book.

(b) *Drafting section.* The legislative reference bureau shall provide drafting services equally and impartially and to the limits of its facilities and staff. In the performance of its drafting services, the legislative reference bureau shall prepare in the proper form all legislation to be introduced in the legislature. While the legislature remains in session the drafting section shall maintain the files for all drafting requests received during such session, but after the adjournment sine die the drafting records to legislation introduced shall be turned over to the reference section under par. (a) 3. Records of drafting requests which did not result in legislation introduced shall remain confidential at all times and may be maintained by the drafting section in such form as will facilitate its operations.

(2) **DUTIES OF THE CHIEF.** The chief of the legislative reference bureau shall:

(a) Employ under the classified service, and supervise and train the personnel assigned to him.

(b) Supervise all expenditures of the legislative reference bureau.

(c) Serve as editor of the biennial Wisconsin Blue Book.

(d) Co-operate with the legislative service agencies of other states and foreign countries toward the better exchange of information.

(e) Attend all meetings of the commission on interstate co-operation under s. 13.54 and the midwest and national meetings in which the commission participates.

(f) Attend, by himself or through a professional employe under sub. (1)(b) designated by him, all meetings of the commission on uniform state laws under s. 13.55 and the midwest and national meetings in which the commission participates.

*History:* 1963 c. 149; 1965 c. 26, 66 s. 8; 1965 c. 249, 659.

**13.93 Revisor of statutes bureau.** There is created a bureau to be known as the "Revisor of Statutes Bureau," headed by a chief known as the "Revisor of Statutes" under the classified service. The revisor of statutes bureau shall be strictly nonpartisan.

(1) **DUTIES OF THE BUREAU.** The revisor of statutes bureau shall prepare copy for the biennial Wisconsin statutes, and for this purpose it:

(a) Shall formulate and prepare a definite plan for the order, classification, arrangement, printing and binding of the statutes and session laws, and between and during sessions of the legislature prepare and at each session of the legislature present to the judiciary committee of the senate or the assembly or to the joint committee on revisions, repeals and uniform laws, in such bill or bills as may be thought best, such consolidation, revision and other matter relating to the statutes or any portion thereof as can be completed from time to time.

(b) May renumber any chapter or section of the statutes for the purpose of revision, and shall change reference numbers to agree with any renumbered chapter or section. Where the term "preceding section" or similar expressions are used in the statutes the revisor of statutes may change the same by inserting the proper section or chapter reference.

(c) May, where the application or effect of a statute, by its terms, depends on the time when the act creating the statute took effect, substitute the actual effective date for the various forms of expression which mean that date, such as "when this act (or chapter, or section) takes effect", or "after (or before) the effective date of this act (or chapter, or section)", in preparing copy for the biennial printing of the Wisconsin statutes.

(d) May delete useless words such as "of the statutes", "of this section", "hereof", "immediately above", "inclusive" and the like, where such words appear immediately after a chapter, section or subsection reference.

(e) May delete useless words in statutory references such as "any of the provisions of" or "any of the requirements of" and the like when they appear immediately before a reference to a chapter, section, subsection or paragraph of the statutes.

(f) May delete the word "hereby" wherever used in connection with the verbs "consents", "grants", "gives" or "declares" or other verbs.

(g) May substitute the word "deems" for the words "may deem".

(h) May substitute the word "may" for the phrase "is hereby authorized to" or similar phrases.

(i) May substitute "this state" for the phrase "the state of Wisconsin".

(j) May change an incorrect form of a pronoun to the correct form.

(k) May insert the U.S.C. citations for federal acts.

(l) May delete surplus words and modern-

ize language in penalty provisions to correspond to current drafting style. No such change shall have the effect of increasing or decreasing any penalty.

(2) DUTIES OF THE REVISOR OF STATUTES. The revisor of statutes shall:

(a) Employ under the classified service, and supervise and train the personnel assigned to him.

(b) Supervise all expenditures of the revisor of statutes bureau.

(c) Serve as editor of the biennial Wisconsin statutes.

(d) Attend all scheduled meetings of the committee on remedial legislation under s. 13.83(1).

(e) Attend all scheduled meetings and serve as the nonvoting secretary of the committee for review of administrative rules under s. 13.56.

(f) Attend all meetings of the commission on uniform state laws under s. 13.55 and the midwest and national meetings in which the commission participates.

(g) Attend the midwest and national legislative service conferences of the council of state governments.

**History:** 1963 c. 149; 1965 c. 66 s. 8; 1965 c. 249, 659.

**Cross Reference:** For construction of a revised statute, see 990.001 (7) and cases cited under 990.001.

**13.94 Legislative audit bureau.** There is created a bureau to be known as the "Legislative Audit Bureau," headed by a chief known as the "State Auditor" outside the classified service. The legislative audit division shall be strictly nonpartisan. Subject to s. 16.275(6)(a) and (c), the state auditor or his designated employes shall at all times with or without notice have access to all state departments and to any books, records or other documents maintained by such agencies and relating to their expenditures, revenues, operations and structure. In the discharge of any duty imposed by law, the state auditor may subpoena witnesses, administer oaths and take testimony and cause the deposition of witnesses to be taken as prescribed for taking depositions in civil actions in circuit courts.

(1) DUTIES OF THE BUREAU. The legislative audit bureau shall be responsible for conducting postaudits of the accounts and other financial records of state agencies to assure that all financial transactions have been made in a legal and proper manner. In connection with such postaudits, the legislative audit bureau shall review the performance and program accomplishments of the agency during the fiscal period for which the audit is

being conducted to determine whether the agency carried out the policy of the legislature and the governor during the period for which the appropriations were made. The legislative audit bureau shall audit the fiscal concerns of the state as required by law. To this end, it shall:

(a) Annually, audit the books and accounts of the treasurer, the moneys on hand in the treasury and all bonds and securities belonging to all public funds on deposit in the treasury or properly accounted for by the treasurer, and report the result of such examination in writing to the governor and the joint committee on finance, specifying therein particularly the amount and kind of funds and of all such bonds and securities. The bureau shall transmit a certified copy of such report to the outgoing treasurer and his successor.

(b) Audit the records of every state department at least once each 3 years and, in conjunction therewith, reconcile the records of the department audited with those of the department of administration. Within 30 days after completion of any such audit, the bureau shall file with the governor, the department of administration, the legislative reference bureau and the department audited, a detailed report thereof, including its recommendations for improvement and efficiency and including specific instances, if any, of illegal or improper expenditures.

(c) Annually, audit the central accounting records of the department of administration. A detailed report of such audit shall be filed as provided by par. (b), and copies shall be provided to each member or member-elect of the legislature and shall be available in limited number to the public. The bureau shall also prepare a summary of such audit report, for distribution in the same manner as the Wisconsin Blue Book under s. 35.84.

(d) At least once in each year, and at such other times as the governor or legislature directs, examine and see that all the money appearing by the books of the department of administration and state treasurer as belonging to the several funds is in the vaults of the treasury or in the several state depositories. In case of a deficiency, the governor shall require the treasurer to make up such deficiency immediately; and if such treasurer refuses or neglects for 10 days thereafter to have the full sum belonging to said funds in the treasury the attorney general shall institute proceedings to recover the same.

(e) Make such special examinations of the accounts and financial transactions of any

department or officer as the governor or legislature directs.

(f) Certify to the treasurer the balance in the treasury when he came into office and all bonds and securities belonging to all public funds on deposit in the treasury or properly accounted for and transmit a certified copy thereof to the outgoing treasurer and his successor.

(g) Require each department of state government to file with the bureau on or before September 1 of each year a report on all receivables due the state as of the preceding June 30 which were occasioned by activities of the reporting department. Said report shall show the aggregate amount of such receivables according to fiscal year of origin and collections thereon during the fiscal year preceding the report. The state auditor may require any department to file with his bureau a detailed list of the receivables comprising the aggregate amounts shown on the above indicated reports.

(h) Disseminate information concerning state government accounting, auditing and fiscal matters.

(i) Prepare a statement of recommendations submitted in each audit report pertaining to state government operations, which statement shall be available to any person upon request.

(j) Prepare a biennial report of its activities, including recommendations for efficiency and economy in the expenditure of ap-

propriations made by the legislature. Such report shall be filed with the governor and the department of administration on or before December 1 in each even-numbered year and with each house of the legislature at the beginning of each regular session.

(2) STATE AUDITOR, PROFESSIONAL QUALIFICATIONS. To be eligible for appointment as state auditor a person shall have the following qualifications:

(a) Training equivalent to that represented by graduation from a college or university of recognized standing with major work in accounting, finance, economics and statistics.

(b) At least 5 years of successful experience involving the performance of responsible work in fiscal accounting, finance and administration.

(c) Recognition in the professional accounting field as a holder of the certificate of certified public accountant.

(3) DUTIES OF THE STATE AUDITOR. The state auditor shall:

(a) Direct the immediate operations of the state audit division.

(b) Supervise and train the personnel assigned to him.

(c) Supervise all expenditures of the state audit division.

(e) Subject to the approval of the joint committee on legislative organization, attend such midwest and national meetings as will benefit the operation of his division.

History: 1963 c. 225; 1965 c. 163, 249 s. 78; 1965 c. 659.

## CHAPTER 14. STATE OFFICERS.

### 14.29 Secretary of state, duties.

(10) PUBLISH PROPOSED CONSTITUTIONAL AMENDMENTS AND LAWS. Publish the laws as provided by s. 985.04(2) and to publish in the official state paper on the first Tuesday of each of the 3 months immediately preceding any general election, such proposed constitutional amendments as were approved for the first time by the legislature preceding the election.

Note: Sub. (10) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.  
History: 1961 c. 622; 1963 c. 224; 1965 c. 66 s. 7; 1965 c. 163, 666.

### 14.526 Division of criminal investigation.

(2) Of the assistant attorneys general appointed under s. 14.52, one shall be assigned to initiating and supervising the investigations referred to in sub. (1), and the attorney general shall appoint, under the classified service, not to exceed 5 investigators for said divi-

sion who shall have the same general police powers as are conferred upon peace officers.

History: 1963 c. 319; 1965 c. 571.

### 14.75 Commission on interstate co-operation. (1) to (3) Repealed.

(4) (as affected by chapter 433, laws of 1965) is renumbered to be 14.75 and amended.

### 14.75 Interstate Indian committee. (1)

There is created an interstate Indian committee of 2 members, one an Indian, appointed by the governor for such term as may be fixed by him, to represent the state on the governors' interstate Indian council. The members of the committee shall be reimbursed for their actual and necessary expenses as members of the committee from the appropriation made by s. 20.360(1)(b), on vouchers approved by the governor.

(2) The committee shall:

(a) Attend meetings of the governors' interstate Indian council;

(b) Assist in developing a program for the readjustment of Indian affairs which will be more in keeping with the present-day needs of the Indian;

(c) Assist in accomplishing the social and economic rehabilitation of Indians with emphasis upon the initiative and self-reliance of the Indian himself;

(d) Assist in equipping Indians for living with and in our American culture through education and training;

(e) Assist in encouraging Indians to preserve, as individuals, their best traditions and mores as an integral part of American life;

(f) Assist in bringing an early end to federal wardship, with adequate federal aid in the interim; and

(g) Join with representatives of other states having substantial Indian populations and in co-operation with the federal government, in finding a solution to Indian problems.

**History:** 1963 c. 323; 1965 c. 433 s. 121; 1965 c. 659.

#### 14.752 Boundary area commission.

(3) MICHIGAN-WISCONSIN. There is created a commission of 5 citizens appointed by the governor with the advice and consent of the senate, for staggered terms of 5 years, to constitute the representation of this state on the joint Michigan-Wisconsin boundary area commission. Vacancies shall be filled for the balance of the unexpired term. In order to assist the commission in the execution of its functions, there is further created a legislative advisory committee comprising 4 senators and 6 assemblymen appointed as are standing committees in the respective houses, and there is further created a technical advisory committee consisting of 2 members appointed by the governor and of one member each appointed by the governing board or chief executive head of each of the following agencies, to represent such agencies: the attorney general, the department of administration, the department of agriculture, the conservation commission, the state board of health, the public service commission, the department of resource development and the committee on water pollution. The members of the commission and the members of its advisory committees shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties, from the appropriation made by s. 20.230(3), on vouchers approved by the Wisconsin member of the commission selected

to serve as its chairman or vice chairman.

(a) The commission may appoint subcommittees for the purpose of conducting specific studies under article III, sec. 3, par. (a) of the compact enacted by chapter 274, laws of 1965.

(b) The departments and agencies of this state shall within existing appropriations cooperate with the commission and its advisory committees and subcommittees in the execution of their functions and, upon application by the commission, shall to the best of their respective abilities supply the commission with such staff services as the commission requires.

(c) The commission may accept on behalf of the state, from the federal government or from any other source, and may receive and use, gifts and grants of furniture, books, equipment, supplies, money or other property used or useful for the execution of its functions. All moneys received under this paragraph shall be deposited in the general fund and are appropriated therefrom to the commission in accordance with s. 20.230(3)(g).

**History:** 1965 c. 274, 573.

#### 14.76 Commissioners on uniform state laws. Repealed.

#### 14.86 State public building corporation.

(1) ORGANIZATION. The state building commission is authorized to organize a nonprofit-sharing corporation to be known as the Wisconsin state public building corporation. When so requested by the state building commission, such corporation shall have authority to lease any state-owned land that may be available for the purposes of this section and to construct thereon such building projects, including all necessary buildings, improvements, facilities, equipment and other capital items as are required for the proper use and operation of such building projects after their completion. Nothing in this subsection shall be construed to prohibit the commission from exercising the powers conferred upon it by this section and s. 14.89 with nonstock, nonprofit corporations other than the Wisconsin state public building corporation.

(2) COMMISSION MAY ACQUIRE AND LEASE LANDS. (a) For the purpose of providing housing for state departments and agencies, including housing for state offices and the completion of the state office building, and to enable the construction, financing and ultimate acquisition thereof by the state, the state building commission may acquire any necessary lands, and lease and re-lease any

lands owned by the state and available for the purpose to the Wisconsin state public building corporation or other nonstock, nonprofit corporation organized under ch. 181 or any law amendatory thereof or supplemental thereto for a term or terms not exceeding 50 years each, on condition that such corporation shall construct and provide on such leased lands such building projects, including buildings, improvements, facilities or equipment or other capital items, as the commission requires, and shall re-lease the same to the commission upon satisfactory terms as to the rental, maintenance and ultimate acquisition by the state as is in its best interests in the judgment of the commission. After such leases and re-leases are executed and until the projects are acquired by the state, they shall be operated by the commission through the department of administration, which shall have charge of such property as provided in s. 16.85. The commission shall operate the projects in such manner as to provide revenues therefrom sufficient to pay the costs of operation and maintenance of the project and to provide for the payments due the Wisconsin state public building corporation or other nonstock, nonprofit corporation but if the commission finds and declares that the housing available in any such project is in excess of the current housing needs or requirements of the state departments and agencies occupying or availing themselves of the space in or capacity of such project, the commission need not operate such project in a manner to provide revenues therefrom sufficient to pay the costs of operation and maintenance of the project and to provide for the rental payments due the Wisconsin state public building corporation or other nonstock, nonprofit corporation.

(b) The commission shall annually determine and fix the rate of annual rental and the share which shall be paid by each state department and agency occupying the building project. Such share shall be computed on a basis of square feet of floor space occupied or used by each department and agency, giving proper weight to the quality of space occupied. The commission in its discretion may continue to charge each such department and agency such rental after the project has been completed and acquired by the state. Such rentals shall be placed in the general fund and are appropriated to the commission to be used for operation and maintenance and any unused balances shall be credited to the state building trust fund created by s. 13.48(3). Plans for projects and all

contracts and leases and re-leases made pursuant to this section shall, before becoming effective, have the written approval of the commissioner of administration and the governor. Nothing herein contained shall authorize the commission to incur any state debt for the construction, lease or re-lease of such buildings, improvements, facilities or equipment for the housing of state departments and agencies.

(3) **POWERS.** In exercising the powers, functions and duties conferred upon the commission pursuant to this section, the commission shall have and may exercise all of the powers conferred upon it pursuant to s. 14.89 not inconsistent with this section. The state shall be liable for accrued rentals and for any other default under any lease or re-lease made with the Wisconsin state public building corporation or other nonstock, nonprofit corporation under this section and may be sued therefor on contract as in other contract actions pursuant to ch. 285, except that it shall not be necessary for the Wisconsin state public building corporation or other nonstock, nonprofit corporation or any assignee of any such corporation or any person or other legal entity proceeding on behalf of any such corporation to file any claim with the legislature prior to the commencement of any such action.

**History:** 1961 c. 45; 1965 [13.32 (2) (h)]; 1965 c. 591, 659.

**14.87 Limitation on certain building projects.** (1) This section does not apply to building projects which are amortized from private user charges such as, without limitation because of enumeration, student dormitories and food service buildings.

(2) No state building corporation may undertake any project or the financing of any project that would increase the total outstanding bonded indebtedness of all state building corporations to an amount in excess of 200% of that portion of all state taxes which were retained by the state during the preceding fiscal year and which became general purpose revenues in the general fund. Any project for which binding commitments have been made before July 1, 1966 and which is not in compliance with this section may be completed.

**History:** 1965 c. 591.

**14.89 State building commission; powers and duties.**

(6) If the state building commission finds and declares that the housing available in any building leased or subleased from a nonprofit-sharing corporation under sub. (1)(c) is in

excess of the current housing needs or requirements of the state departments and agencies occupying or availing themselves of the space in or capacity of such building, the commission need not operate such building in a man-

ner to provide revenue therefrom sufficient to pay the costs of operation and maintenance of such building and to provide for the rental payments due a nonprofit-sharing corporation.  
**History:** 1961 c. 45; 1965 [13.32 (2) (e)]; 1965 c. 591.

## CHAPTER 15. STATE AUDIT AND MISCELLANEOUS EXECUTIVE FUNCTIONS.

**15.21 Department of state audit. Repealed.**

### 15.22 Functions.

(1) to (11) Repealed.

(12) (as affected by chapters 66, 163, 432 and 433, laws of 1965) is renumbered 16.58 and amended.

**15.65 Division of state economic development.** There is created, in the executive office of the governor, a division of state economic development headed by a director outside the classified service, appointed by the governor and serving at his pleasure. All other employes of the division shall be under the classified service.

**History:** 1965 c. 614.

### 15.70 Reorganization committee. (1)

**CREATION.** In order to effect the functional reorganization of the executive and legislative branches of Wisconsin state government there is created a reorganization committee empowered to introduce bills in either house of the legislature.

(2) **TERM; MEETINGS.** The committee shall organize within 10 days from September 23, 1965, hold meetings at the call of the chairman, or at the written request of 5 members, and shall complete its work no later than February 1, 1967. After February 1, 1967, the committee shall continue to be available to hold the hearings under sub. (9), and shall cease to exist on December 31, 1967.

(3) **MEMBERS; OFFICERS.** The governor shall select one member of his staff to serve as his personal representative on the committee. The commissioner of administration shall be a member of the committee, and he shall furnish a member of his staff to serve as the committee's nonvoting secretary. The governor shall designate one of the members as chairman. The committee shall select 2 co-vice chairmen from among its membership. Three members of the committee shall be senators, one of whom shall be a member of the minority party, appointed as are standing committees, 3 shall be assemblymen appointed by the speaker, 2 shall be assemblymen appointed by the assembly minority leader, and

8 shall be public members appointed by the governor.

(4) **COMPENSATION.** All members shall serve on the committee without compensation for such services, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as committee members. Any payments to public members under this section shall be from the governor's contingent fund under s. 20.360 (1)(c).

(5) **STAFF SERVICES.** The legislative staff under s. 13.49 and the department of administration shall furnish such part-time temporary staff, and perform such services, as are required by the committee.

(6) **INVESTIGATIVE POWERS; CO-OPERATION.** The committee shall hold public hearings on all proposed legislation for reorganization of the executive or legislative branch and for this purpose has the investigative powers enumerated in s. 325.01(4).

(a) The heads of all departments, boards, councils, committees and commissions in the executive or legislative branch, and the heads of the various divisions, sections and departments thereunder, are instructed to extend their full and unlimited co-operation to the committee.

(b) In carrying out its duties relating to reorganization of legislative services, management, staff, salaries and office space, the committee shall work with the professional consultants under s. 13.90(6) and shall cooperate with the joint committee on legislative organization and the 2 may hold joint sessions and public hearings.

(7) **REORGANIZATION BILLS.** Each bill to carry out a recommendation of the committee shall be prepared in writing, may be introduced in either or both houses of the legislature at the option of the committee and shall state the full particulars of the proposal including a reasonable time limit after passage and publication within which the reorganization is to be put into effect.

(8) **REPORT TO 1967 LEGISLATURE.** The committee shall report its recommendations to the 1967 legislature pursuant to the procedure established by sub. (7).

(9) IMPLEMENTATION OF REORGANIZATION BILLS. Each reorganization bill enacted into law shall, within the time limit established in the act, tolled from the date of its publication in the official state paper as a session law, be implemented by the departments, boards, councils, committees and commissions affected thereby. Any state officer or employe who fails to comply with the reorganization provisions of such law within the prescribed period shall, if such period ends prior to December 31, 1967, appear before the committee, or, if after December 31, 1967, before the board on government operations at its next regularly scheduled meeting following such date of expiration and show cause why he should not be subject to the disciplinary provisions of ss. 17.07 and 17.16.

History: 1965 c. 265, 527, 659.

**15.98 Educational approval council.** (1) DEFINITIONS. In this section unless the context clearly requires otherwise:

(a) "Council" means educational approval council.

(b) "Solicitor" means a person employed by or representing a school located either within or outside this state who, in places other than the actual business premises of the school, personally attempts to secure the enrollment of a student in such school.

(c) "Person" means any individual, partnership, association, or corporation or any combination thereof.

(d) "School" means any person, located within or outside this state, maintaining, advertising or conducting any course or course of instruction for profit or a tuition charge; but in subs. (7) and (9) [(8)] "school" means any private trade, correspondence, business or technical school not excepted under sub. (9).

(e) "Course" means an organized unit of subject matter in which instruction is offered within a given period of time or which covers a specified amount of related subject matter.

(f) "Course of instruction" means a series of classroom or correspondence courses having a unified purpose which lead to a diploma or degree or to an occupational or vocational objective.

(2) PURPOSE. The purpose of the council is to approve schools and courses of instruction for the training of veterans of the armed forces and war orphans receiving assistance from the federal government, protect the general public by inspecting and approving private trade, correspondence, business and technical schools doing business within this state whether located within or outside this state

and courses of instruction offered by these schools and to regulate the soliciting of students for correspondence or classroom courses and courses of instruction offered by these schools.

(3) CREATION, MEMBERS, RULE-MAKING POWER. There is created the educational approval council to consist of such representatives of state agencies and such other persons with a demonstrated interest in educational programs as the governor selects. Members of the council shall serve at the convenience of the governor. The council shall prescribe rules and establish standards necessary to carry out its purpose.

(4) OFFICERS; MEETINGS. The officers of the council shall consist of a chairman, vice chairman and secretary selected by the council from among its members. The council shall determine the time and place of meeting, but may be called by the governor or the chairman at any time.

(5) EMPLOYES, QUARTERS. The council shall employ a person to perform the duties of an executive secretary and such other persons under the classified service as may be necessary to carry out its purpose. The administrative functions of the council shall be in charge of the person performing the duties of the executive secretary. The council shall keep its office at the state capitol.

(6) APPROVAL AGENCY FOR VETERAN'S TRAINING. (a) Except as provided in par. (b) the council shall be the state approval agency for the education and training of veterans and war orphans. It shall approve and supervise schools and courses of instruction for their training under Title 38, U.S.C., and may enter into and receive money under contracts with the veterans administration or other appropriate federal agencies.

(b) The governor may designate the following agencies for approval and supervision of special phases of the program of veterans education:

1. On the job and apprenticeship training program, the industrial commission.
2. On the farm training program, the state board of vocational and adult education.
3. Embalmers and funeral directors apprentices, the state board of health.

(7) APPROVAL OF SCHOOLS GENERALLY. In order to protect students, prevent fraud and misrepresentation in the sale and advertising of courses and courses of instruction and encourage schools to maintain courses and courses of instruction consistent in quality, content and length with generally accepted educational standards, the council shall:



(a) Investigate the adequacy of courses and courses of instruction offered by schools to residents of this state and establish minimum standards for such courses of instruction.

(b) Investigate the adequacy of schools' facilities, equipment, instructional materials and instructional programs and establish minimum standards therefor.

(c) Establish rules, standards and criteria to prevent fraud and misrepresentation in the sale and advertising of courses and courses of instruction.

(d) Establish rules restricting the negotiability of promissory instruments received by schools in payment of tuition and other charges.

(e) Establish minimum standards for refund of the unused portion of tuition, fees and other charges if a student does not enter a course or course of instruction or withdraws or is discontinued therefrom.

(f) Require schools offering courses and courses of instruction to residents of this state to furnish information concerning their facilities, curricula, instructors, enrollment policies, tuition and other charges and fees, refund policies and policies concerning negotiability of promissory instruments received in payment of tuition and other charges.

(g) Approve courses of instruction and schools meeting the requirements and standards established by the council and complying with rules established by the council and publish a list of such schools and courses of instruction.

(h) Issue permits to solicitors when all council requirements have been met.

(8) SOLICITING OF STUDENTS. (a) *In general.* No solicitor representing any school offering any course or course of instruction shall sell any course or course of instruction or solicit students therefor in this state for a consideration or remuneration, except upon the actual business premises of the school, unless he first secures a solicitor's permit from the council. If the solicitor represents more than one school, a separate permit shall be obtained for each school represented by him.

(b) *Solicitor's permit.* The application for a solicitor's permit shall be made on a form furnished by the council and shall be accompanied by a fee of \$5 and a surety bond acceptable to the council in the sum of \$1,000. Such bond may be continuous and shall be conditioned to provide indemnification to any student suffering loss as the result of any fraud or misrepresentation used in procuring his enrollment or as a result of the failure of the school to faithfully perform the agree-

ment made with him by the solicitor, and may be supplied by the solicitor or by the school itself as a blanket bond covering each of its solicitors in the amount of \$1,000. Upon approval of a permit the council shall issue an identification card to the solicitor giving his name and address, the name and address of his employing school, and certifying that the person whose name appears on the card is authorized to solicit students for the school. A permit shall be valid for one year from the date issued. Liability of the surety on the bond for each solicitor covered thereby shall in no event exceed the sum of \$1,000 as an aggregate for any and all students for all breaches of the conditions of the bond. The surety of a bond may cancel the same upon giving 30 days notice in writing to the council and thereafter shall be relieved of liability for any breach of condition occurring after the effective date of the cancellation. An application for renewal shall be accompanied by a fee of \$5, a surety bond if a continuous bond has not been furnished, and such information as the council requests of the applicant.

(c) *Refusal or revocation of permit.* The council may refuse to issue or renew, or may revoke, any solicitor's permit upon one or any combination of the following grounds:

1. Wilful violation of this subsection or any rule promulgated by the council under this section;

2. Furnishing false, misleading or incomplete information to the council;

3. Presenting information to prospective students relating to the school, a course or course of instruction which is false, fraudulent or misleading;

4. Refusal by the school to be represented to allow reasonable inspection or to supply information after written request therefor by the council;

5. Failure of the school which the solicitor represents to meet requirements and standards established by and to comply with rules prescribed by the council pursuant to sub. (7);

6. Cancellation of the solicitor's bond by surety;

7. That the applicant or holder of the permit is not of good moral character.

(d) *Notice of refusal to issue or renew permit.* Notice of refusal to issue or renew a permit or of the revocation of a permit shall be sent by registered mail to the last address of the applicant or permit holder shown in the records of the council. Revocation of a permit shall be effective 10 days after the no-

tice of revocation has been mailed to the permit holder.

(e) *Request for appearance.* Within 20 days of the receipt of notice of the council's refusal to issue or renew a permit or of the revocation of a permit, the applicant or holder of the permit may request that he be permitted to appear before the council in person, with or without counsel, to present reasons why the permit should be issued or reinstated. Upon receipt of such request the council shall grant a hearing to the applicant or holder of the permit within 30 days giving him at least 10 days' notice of the date, time and place.

(f) *Recovery by students.* The bond in force under par. (b) shall not limit or impair any right of recovery otherwise available under law, nor shall the amount of the bond be relevant in determining the amount of damages or other relief to which any plaintiff may be entitled.

(g) *Recovery on contracts.* No recovery shall be had by any school or its assignee on any contract for or in connection with a course or course of instruction if the representative who sold or solicited the course was not the holder of a solicitor's permit under this subsection at the time of the sale or solicitation.

(h) *Enforcement.* The attorney general or any district attorney may bring any appropriate action or proceeding in any court of competent jurisdiction for the enforcement of this subsection.

(i) *Penalty.* Whoever violates this subsection may be fined not more than \$500 or imprisoned not more than 3 months or both.

(j) *Effective date.* All permits issued prior to July 1, 1966 shall remain in effect until the date of their expiration and shall be subject only to the provisions of law under which they were issued.

(9) **EXCEPTIONS.** This section, except the provisions of sub. (6), shall not apply to the following:

(a) Schools organized on a nonprofit basis as defined by the U. S. internal revenue code.

(b) Schools that are supported mainly by taxes.

(c) Schools of a parochial or denominational character offering courses having a sectarian objective.

(d) Schools primarily offering instruction avocational or recreational in nature and not leading to a vocational objective.

(e) Courses conducted by employers exclusively for their employees.

(f) Schools, courses of instruction and training programs which are approved or licensed and supervised by other state agencies and boards.

(g) Schools approved by the department of public instruction for the training of teachers.

(h) Schools accredited by accrediting agencies recognized by the council.

**History:** 1961 c. 525; 1963 c. 568; 1965 [13.32 (2) (h)]; 1965 c. 595.

**15.995 Wisconsin federal surplus property development commission.**

(4) **BONG AIR BASE.** (a) Subsections (1), (2) and (3) do not apply to and the commission is not authorized to acquire any interest of any kind in the federally-owned lands within the Bong air base in Kenosha county.

(b) All lands within the Bong air base in Kenosha county which have been conveyed by the United States to the state of Wisconsin or to the federal surplus property development corporation on or before August 10, 1966 pursuant to this section or s. 182.60 are transferred to the state conservation commission.

(c) All agreements and contracts made or entered into by the commission which relate to or affect the lands within the Bong air base in Kenosha county are hereby canceled and terminated.

(d) All files, records and reports of every kind relating to the Bong air base in Kenosha county and in the possession or custody of the commission are hereby transferred to the state conservation commission.

**History:** 1965 c. 646.

**CHAPTER 16. DEPARTMENT OF ADMINISTRATION.**

**16.105 Classification and compensation plan.**

(4) The standard salary ranges submitted by the director pursuant to subs. (2) and (3), as may be modified by the joint committee on finance, shall constitute the state's compensation plan for positions in the

classified service; provided, that the personnel board, with the approval of the director and board on government operations, while the legislature is not in session, may change the compensation schedule for any grade and class when such action is made desirable by changing employment and economic condi-

tions. The authority of the joint committee on finance and the board on government operations shall be limited to the revising of the standard salary ranges and the reassignment of classes to salary ranges and approving features required to implement and administer such revisions and reassignments. Except as otherwise provided by law, the joint committee on finance and the board on government operations shall not be empowered under this section to establish longevity pay plans or to grant general salary adjustments to all employees. Any modification of the plan under this subsection may be disapproved by the governor within 10 calendar days. A vote of 9 members of the joint committee on finance, or 5 members of the board on government operations is required to set aside any such disapproval of the governor.

History: 1961 c. 277, 574, 645; 1963 c. 6, 224; 1965 c. 434, 592.

**16.18 Classified service; notice of vacancy, preference to veterans, appointment, objections to.**

Veterans' preference points are to be added only to the final or composite grade of the applicant. *Beghin v. State Personnel Board*, 28 W (2d) 422, 137 NW (2d) 29.

**16.275 State office tours; standard work week; leaves of absence; holidays.**

(6)

(b) Heads of departments shall give employes time off for voting under s. 6.76 without any deduction of compensation for time lost thereby.

Note: Sub. (6) (b) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

History: 1961 c. 271, 282, 645; 1963 c. 436; 1965 c. 81; 1965 [13.32 (2) (1)]; 1965 c. 666.

**16.305 Merit award to state employes.**

(3) PERSONNEL, FACILITIES AND EQUIPMENT. The board shall appoint, under the classified service, a secretary and such other employes as are necessary to carry out its duties. The director shall detail and assign, for the use of the board, such facilities and equipment as the board requires for the proper performance of its work. The board may request and shall receive from any state department such assistance as it requires.

(6) INCENTIVE AWARD PROGRAM. The board may, upon recommendation of the employing department, make special incentive awards to individuals or groups of employes within the state service for meritorious suggestions and accomplishments which promote efficiency and economy in the performance of the functions of state government. It is the intent of the legislature that this paragraph be interpreted liberally to provide incentive for improved management within the state

service. Savings resulting from suggestions made under this program shall be specifically enumerated in the subsequent budget requests for the agency within which the improvement is made. Awards made under this program to individuals or groups of employes shall equal one per cent of the annual dollar savings resulting from such suggestions or accomplishments, but shall not exceed \$1,000.

History: 1965 c. 66 s. 8; 1965 [13.32 (2) (h)]; 1965 c. 535.

**16.31 Hazardous employment, injuries, salary continued.**

(1) Whenever a conservation warden, conservation patrol boat captain, conservation patrol boat engineer, state forest ranger, field employe of the conservation department who is subject to call for fire control duty, member of the state patrol, state motor vehicle inspector, fire marshal, life-guard, special agent for the attorney general, special tax agent, state drivers' license examiner, member of the state fair police department, state university policemen, state beverage tax investigator, engineer, engineering aid, fire watchman employed at the Grand Army home, or guard or institutional aid or a state probation and parole officer or any other employe whose duties include supervision and discipline of inmates or wards of the state at the Wisconsin child center or at a state penal institution, including central state hospital, the state school for boys, the state school for girls, or while on parole supervision outside of the confines of the institutions, or supervision of persons placed on probation by a court of record, or supervision and care of patients at a state mental institution, and university hospitals suffers injury while in the performance of his duties, as defined in subs. (2) and (3), he shall continue to be paid his full monthly salary by his employing department upon the same basis as he was paid prior to the injury. Such full monthly salary shall be paid to the employe while he is unable to work as the result of the injury or until the termination of his employment upon recommendation of the appointing officer and approval of the director of personnel. When the employe is paid such salary under this section there shall be no deduction from his sick leave credits, compensatory time for overtime accumulations or vacation. At any time during the employe's period of disability the director may order physical or medical examinations to determine the degree of disability at the expense of the employing department.

Note: Section 2 of chapter 655, laws of 1965, provides that the amendment of (1) by that act is to be retroactive to June 1, 1965.

History: 1961 c. 262, 667; 1965 c. 171, 655.

**16.545 Federal aid management service.**

A federal aids management service shall be established in the department of administration:

(1) To fully inform the governor, the legislature, the state agencies and the public of available federal aid programs.

(2) To fully inform the governor and the legislature of pending federal aid legislation.

(3) To advise the governor and the legislature of alternative and recommended methods of administering federal aid programs.

(4) To study and interpret the effect of federal aid programs on the administration of state government and the pattern of state government finances.

(5) To assist in the co-ordination of broad federal aid programs which are administered by more than one state agency.

(6) To maintain an information center on federal aid programs.

(7) To analyze and advise on proposed federal aid budgets submitted to the governor and the joint committee on finance or the board on government operations pursuant to s. 16.54(5).

History: 1965 c. 660.

**16.58 Municipal auditing and reporting.**

(1) The department shall create a bureau of municipal audit headed by a director. The bureau shall collect annually from all town, city, village, county and other public officers, information as to the collection of taxes, receipts from licenses and other sources, the expenditure of public funds for all purposes, and such other information as is needful in the work of the department, in such form and upon such blanks as the department prescribes; and all public officers so called upon shall fill out properly and return promptly to the department all blanks so transmitted. The department shall examine all town, village, city, county and other public records for such purposes as are deemed needful by the department. The department shall publish annually the information collected, with such compilations, analyses or recommendations as are deemed necessary. The department shall disseminate information concerning local government accounting, auditing and fiscal matters.

(2) The department may inspect and examine or cause an inspection and examination of the records of any town, city, village, county or other public officer whenever such officer fails or neglects to return properly the information required by sub. (1) within the time set by the department.

(3) The officers responsible for the fur-

nishing of information collected pursuant to this section shall be jointly and severally liable for any loss the town, city, village, county or other local public body, board, commission or agency suffers through their delinquency; and no payment shall be made them for salary, or on any other accounts, until the total amount of charges for such inspection and examination as provided in sub. (5) has been paid into the treasury of the regular county or other local public body, board, commission or agency.

(4) The department shall inquire into the system of accounting of public funds in use by towns, villages, cities, counties, school districts, boards of education and all other local public bodies, boards, commissions, departments or agencies; devise, prescribe and at the request of any town, village, city, county, school district, board of education or other local public body, board, commission, department or agency, install a system of accounts which is as nearly uniform as practicable and when so installed the system shall be retained in use; and audit the books of the town, village, city, county, school district, board of education or other local public body, board, commission, department or agency upon the request of the governing board, council, commission or body thereof, or upon its own motion. Nothing herein shall be construed to be exclusive and prevent a local governing body from employing an auditor of its own choice duly licensed under ch. 135.

(5) The department shall establish a scale of charges for system installations, audits, inspections and other services rendered by the department in connection with financial records or procedures of towns, villages, cities, counties, school districts, boards of education and all other local public bodies, boards, commissions, departments or agencies. Upon the completion of such work the department shall transmit to the clerk of the town, village, city, county, school district, board of education or other local public body, board, commission, department or agency a statement of such charges, except that charges for the installation of cost accounting systems for county highway departments shall be transmitted to the state highway commission and paid from the appropriation made by s. 20.420(1)(x). Duplicates of such statements shall be filed in the offices of the state treasurer. Within 60 days after the receipt of the above statement of charges, the same shall be audited as other claims against towns, villages, cities, counties, school districts, boards of education, other local public bodies, boards, commissions, de-

partments or agencies and the state highway commission are audited, and shall be paid into the state treasury and credited to the appropriation under s. 20.125(3)(g). Past due accounts of towns, villages, cities, counties, school districts, boards of education and all other local public bodies, boards, commissions, departments or agencies shall be certified on October 1 of each year and included in the next apportionment of state special charges to local units of government.

(6) The department shall assist local units of government to install improved budgetary methods and upon request transmit proposed basic budget forms to each local unit of government.

(7) The municipal auditing functions of the department shall be performed so as to make auditing services under sub. (4) available to local units of government as quickly as possible.

(8) The department shall devise a system of cost accounting as nearly uniform as possible for all county infirmaries, which shall include an appraisal of present buildings and equipment. Such system shall include an annual charge of 2% of the original cost of new construction or purchase, or of the appraised value of existing infirmary structures and equipment. If the infirmary or any of its equipment is replaced, any net cost of replacement in excess of the original cost shall be subject to a similar charge. When the amounts charged under this subsection equal such cost, no further charge shall be recog-

nized in the determination of per capita costs. The cost thereof shall be paid from the appropriation made by s. 20.125(1)(a). The state department of public welfare, state board of health and the Wisconsin county boards association shall provide such assistance as is required by the department.

**History:** 1961 c. 191; 1963 c. 479; 1965 c. 66 s. 8; 1965 c. 163, 432 s. 6; 1965 c. 433, 659.

**16.85 Department of administration; powers, duties.**

(5) (b) To assign all office space in the capitol, other than the rooms reserved by either house of the legislature. In assigning office space in the capitol, any other section of the statutes notwithstanding, state agencies and departments shall be located in the capitol only to the extent that the space is not needed for the legislature, supreme court, governor, lieutenant governor, secretary of state, treasurer and attorney general. All assignment of rooms shall be subject to the approval of the governor. Applications for temporary quarters for committees or other bodies shall be made to the director who has authority to make assignments therefor.

(10) To prepare in co-operation with the state agencies concerned, plans for the future growth and development of various state institutions and to serve as technical advisor to the state building commission in connection with the development of the state long-range building program provided in ss. 13.48 and 14.86.

**History:** 1961 c. 191 ss. 3, 106; 1961 c. 622, 645; 1963 c. 6; 1965 c. 659.

CHAPTER 17. RESIGNATIONS, VACANCIES, AND REMOVALS FROM OFFICE.

**17.12 Removal and suspension of city officers.** (1) GENERAL AND SPECIAL CHARTER.

(a) *Elective.* Elective officers by recall as provided in s. 9.10, or by the common council, for cause.

**Note:** (1) (a) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

(2) COMMISSION FORM.

(a) *Elective.* Elective officers by recall as provided in s. 9.10.

**Note:** (2) (a) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1961 c. 495, 614; 1965 c. 249, 666.

**17.18 Vacancies, United States senator and member of congress; how filled.** (1) Vacancies in the office of member of congress from this state shall be filled by election, as provided in s. 8.50, for the residue of the unexpired term.

**Note:** Sub. (1) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1965 c. 666.

**17.19 Vacancies, elective state offices; how filled.**

(1) MEMBERS OF LEGISLATURE. In the office of state senator or assemblyman, by election, as provided in s. 8.50, for the residue of the unexpired term.

**Note:** Sub. (1) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

(2) JUDICIAL. In the office of justice of the supreme court or judge of the circuit court, by temporary appointment by the governor, which shall continue until a successor is elected, as provided in s. 8.50, and qualifies. When so elected such successor shall hold his office for a full term and shall take office as follows:

**Note:** (2) (intro. par.) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

(3) PRESIDENTIAL ELECTORS. In the office of presidential elector, by the remaining elec-

tors present in the manner prescribed by s. 7.75.

Note: Sub. (3) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

(4) OTHER ELECTIVE STATE OFFICERS. In the office of secretary of state, treasurer, attorney general or state superintendent, by appointment by the governor, and a person so appointed shall hold office until his successor is elected, as provided in s. 8.50, and qualifies, but if no such election is held, the person so appointed shall hold office for the residue of the unexpired term.

Note: Sub. (4) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

History: 1965 c. 666.

**17.21 Vacancies in elective county offices; how filled; term.**

(2) JUDGES. (a) In the office of county judge, by temporary appointment by the governor, which shall continue until a successor is elected, as provided in s. 8.50, and qualifies. When so elected the successor shall hold office for a full term and shall take office at the time of year specified for the beginning of term for the respective office.

Note: Sub. (2) (a) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

History: 1961 c. 495; 1963 c. 565; 1965 c. 666.

**17.23 Vacancies in city offices; how filled.**

(1) GENERAL AND SPECIAL CHARTER CITIES.

(a) In the office of mayor, except as provided in s. 9.10, by appointment by the common council. In the office of alderman in cities of the 1st class, by the mayor, and in cities of 2nd, 3rd and 4th class, by the common council, except in both cases as provided in s. 9.10. A person so appointed shall hold office until his successor is elected and qualified. His successor shall be elected for the residue of the unexpired term on the first Tuesday of April next after the vacancy happens, in case it happens 90 days or more before such day, but if such vacancy happens within 90 days before such first Tuesday of April, then such successor shall be elected on the first Tuesday of April of the next ensuing year; but no election to fill a vacancy in such

office shall be held at the time of holding the regular election for such office.

(b) In the office of any other elective officer, and except as provided in s. 9.10, by appointment by the mayor subject to confirmation by the council, except that in case of vacancies in the office of any such officer of a city of the first class who is authorized by law to have a deputy, such deputy shall perform the duties of such office, and he shall be entitled to the emoluments of such office during the remainder of the term. A person so appointed and confirmed shall hold office until his successor is elected and qualifies. His successor shall be elected as provided in par. (a).

Note: Sub. (1) (a) and (b) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

(2) COMMISSION FORM.

(a) 1. In the office of mayor or other member of the council, except as provided in s. 9.10, in the manner provided in sub. (1) (a). On failure of the council to make such appointment for 30 days after the vacancy exists the city engineer shall be a temporary acting member of the council until such vacancy is filled in the manner provided by law, and he shall have all the powers, prerogatives and duties of the vacant office except the right to vote to fill a vacancy in the office of mayor or councilman.

Note: Sub. (2) (a) 1. is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

History: 1961 c. 495, 614; 1965 c. 66 s. 3; 1965 [13.32 (2) (e)]; 1965 c. 666.

**17.29 Effect of chapter.** The provisions of this chapter supersede all contrary provisions in either the general law or in special acts, except ch. 7 relating to election officers appointed for the election precincts or polling places in the state and ch. 21 relating to the military staff of the governor and to officers of the Wisconsin national guard; and shall govern all offices whether created by general law or special act, unless otherwise specially provided.

Note: The above section is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

History: 1965 [13.32 (2) (e)]; 1965 c. 666.

CHAPTER 18. CUSTODY OF OFFICIAL PROPERTY AND PROCEEDINGS TO COMPEL THE DELIVERY THEREOF BY PUBLIC OFFICERS TO THEIR SUCCESSORS.

**18.01 Custody and delivery of official property and records.**

A report of an investigation of the police department by the city attorney in the hands of the mayor could be kept confidential if the harmful effect of publication on the public interest

outweighs the benefit to be gained. The decision is to be made by the person having the documents and, if action is brought, reviewed by the court in camera. State ex rel. Youmans v. Owens, 28 W (2d) 672, 137 NW (2d) 470, 139 NW (2d) 241.

## CHAPTER 19. OFFICIAL OATHS AND BONDS.

## 19.01 Oaths and bonds.

- (4) WHERE FILED.  
 (c) In the office of the clerk of the circuit court of any county: Of the county judge, of all court commissioners, of all family court

commissioners, of all justices of the peace and of all other judges or judicial officers elected or appointed in and for such county, or whose jurisdiction is limited thereto;

History: 1961 c. 614; 1963 c. 6, 407; 1965 c. 66 s. 8; 1965 [13.32 (2) (d)]; 1965 c. 249, 617.

## CHAPTER 20.

## APPROPRIATIONS AND SALARIES.

- |        |  |        |   |
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| 20.125 | Administration, department of.                   | 20.703 | Recreation committee, state.  |
| 20.130 | Aeronautics commission.                          | 20.706 | Resource development, department of.                                    |
| 20.135 | Aging, commission on.                            | 20.720 | Savings and loan department.  |
| 20.140 | Agriculture, department of.                      | 20.730 | Secretary of state.   |
| 20.150 | Archeological society.                           | 20.740 | Securities department.  |
| 20.160 | Architects and professional engineers, board of. | 20.750 | Soil and water conservation committee.                                  |
| 20.170 | Athletic (boxing and wrestling) commission.      | 20.760 | State colleges.   |
| 20.180 | Attorney general.                                | 20.776 | State scholarship committee.  |
| 20.200 | Banking department.                              | 20.780 | Supreme court.  |
| 20.210 | Bar commissioners.                               | 20.790 | Tax appeals board.  |
| 20.220 | Basic sciences, board of examiners.              | 20.800 | Taxation department.  |
| 20.230 | Boundary area commission.                        | 20.810 | Teachers' retirement board.   |
| 20.240 | Building commission.                             | 20.820 | Treasurer, state.   |
| 20.250 | Chiropractic, board of examiners.                | 20.822 | Turnpike commission.  |
| 20.260 | Circuit and county courts.                       | 20.830 | University of Wisconsin.  |
| 20.270 | Civil defense, bureau of.                        | 20.840 | Veterans affairs department.  |
| 20.273 | Civil war centennial commission.                 | 20.845 | Veterinary examiners board.   |
| 20.275 | Claims commission.                               | 20.850 | Vocational, technical and adult education board.                        |
| 20.280 | Conservation commission.                         | 20.860 | Watchmaking, board of examiners.  |
| 20.282 | Conservation warden pension fund.                | 20.890 | Wisconsin retirement fund.  |
| 20.290 | Crime laboratory.                                | 20.900 | Definition of department.   |
| 20.300 | Deaf, association of.                            | 20.901 | Appointment of subordinates.  |
| 20.320 | Dental examiners, board of.                      | 20.902 | Forestalling appropriations.  |
| 20.330 | Educational approval council.                    | 20.903 | Transfer of appropriation charges.                                      |
| 20.340 | Employment relations board.                      | 20.904 | Co-operation of functions.  |
| 20.360 | Executive department.                            | 20.905 | Attorneys' fees charged to operation or administration.                 |
| 20.365 | Exposition department.                           | 20.906 | Notary public.  |
| 20.385 | Government operations, board on.                 | 20.907 | Charges for printed booklets and pamphlets.                             |
| 20.390 | Governor's commission on human rights.           | 20.925 | Deductions from state payroll for bond purchases, group insurance, etc. |
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| 20.530 | Legislature.                                     | 20.953 | Gifts, grants, devises and bequests.                                    |
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| 20.550 | Miscellaneous general appropriations.            | 20.957 | State suit tax; notice of default.                                      |
| 20.552 | Miscellaneous tax apportionments.                | 20.958 | Reports of depositories.  |
| 20.553 | Miscellaneous agency accounts.                   | 20.979 | Institutional contingent funds.   |
| 20.555 | Miscellaneous refunds.                           | 20.980 | Fiscal year.  |
| 20.558 | Mississippi river parkway planning committee.    | 20.981 | Coal purchases.   |
| 20.560 | Motor vehicle department.                        | 20.982 | Summer sessions.  |
| 20.570 | National guard.                                  |        |   |
| 20.580 | Nurses, department of.                           |        |   |
| 20.580 | Optometry, board of examiners.                   |        |   |
| 20.600 | Personnel board.                                 |        |   |

**20.001 Definitions and abbreviations.** In this chapter terms and abbreviations have the following meanings:

(1) **GENERAL FUND GENERAL PURPOSE REVENUES.** "General purpose revenues" consist of general taxes, miscellaneous receipts and revenues collected by state agencies which are paid into the general fund, lose their identity, and are then available for appropriation by the legislature. Whenever the terms "executive budget revenues", "unappropriated revenues" or "unassigned receipts" or other similar designations appear in the statutes and when such terms have reference to the general fund, such terms mean "general purpose revenues." They shall be deposited pursuant to s. 20.951. The following types of appropriations may be made from the "general purpose revenues":

(a) *Annual appropriations.* Annual appropriations, indicated by the abbreviation A in s. 20.005, are appropriations which are expendable only for the fiscal year for which they are made. At the end of the fiscal year the unencumbered, unexpended balances shall revert to the general fund. In ss. 20.100 to 20.899 all appropriations of general fund general purpose revenues are annual unless otherwise indicated.

(b) *Biennial appropriations.* Biennial appropriations, indicated by the abbreviation B in s. 20.005, are appropriations which are expendable only for the biennium for which made. Dollar amounts shown in the schedule under s. 20.005 represent the most reliable estimates of the amounts which will be expended in each fiscal year, the total for both years being the biennial appropriation. For accounting purposes, for computation of the surplus at the close of the fiscal year, and for the administration of s. 20.002 (1) the expenditures from biennial appropriations in the 1st year of a biennium shall constitute the appropriations for that year and the unexpended balances of biennial appropriations at the end of the 1st year shall constitute the appropriations for the 2nd year of the biennium. At the end of the biennium the unencumbered, unexpended balances shall revert to the general fund.

(c) *Continuing appropriations.* Continuing appropriations, indicated by the abbreviation C in s. 20.005, are appropriations which are expendable until fully depleted, repealed or amended by subsequent action of the legislature. Whenever dollar amounts are shown in the schedule under s. 20.005 for previously authorized continuing appropriations such amounts represent additional appropriations being authorized.

(d) *Nonrecurring appropriations.* Nonrecurring appropriations, indicated by the abbreviation N in s. 20.005, are appropriations which cease to exist at the end of the fiscal year for which they are made. At that time the unencumbered, unexpended balances shall revert to the general fund. They shall not be subject to s. 20.002 (1).

(e) *Sum sufficient appropriations.* Sum sufficient appropriations, indicated by the abbreviation S in s. 20.005, are appropriations which are expendable in the amounts necessary to accomplish the purpose specified. Dollar amounts shown under s. 20.005 represent the most reliable estimates of the amounts which will be needed.

(2) **GENERAL FUND PROGRAM REVENUES.** "Program revenues" consist of revenues which are paid into the general fund and are credited by law to an appropriation to finance a specified program or agency. All program revenue appropriations are expendable for the general operation of the program unless otherwise limited in ss. 20.100 to 20.899. Whenever the terms "revolving budget revenues", "appropriated revenues" or "assigned receipts" or other similar descriptions appear in the statutes and when such terms have reference to the general fund, such terms mean "program revenues." They shall be deposited pursuant to s. 20.951. The following types of appropriations may be made from "program revenues":

(a) *Continuing appropriations.* Continuing appropriations, indicated by the abbreviation C in s. 20.005, are appropriations which are expendable until fully depleted or repealed by subsequent action of the legislature. The appropriations for any given year shall consist of the previous fiscal year ending balance together with the program revenues received during the current fiscal year. Unexpended balances shall continue forward to the next fiscal year. Dollar amounts shown in the schedule under s. 20.005 represent the most reliable estimates of the amounts which will be expended during any fiscal year, but shall not be limiting. All program revenue appropriations are continuing unless otherwise indicated in ss. 20.100 to 20.899.

(b) *Lapsing appropriations.* Lapsing appropriations, indicated by the abbreviation A in s. 20.005, are appropriations which are expendable only for the fiscal period for which made. At the end of such fiscal period the unencumbered, unexpended balances shall revert to the general fund. Dollar amounts shown in the schedule under s. 20.005 represent the most reliable estimates of the amounts which will be expended during any



fiscal year, but shall not be limiting.

(c) *Biennial appropriations.* Biennial appropriations, indicated by the abbreviation B in s. 20.005, are appropriations which are expendable only for the biennium for which made. Dollar amounts shown in the schedule under s. 20.005 represent the most reliable estimates of the amounts which will be expended in each fiscal year, the total for both years being the biennial appropriation. For accounting purposes, for computation of the surplus at the close of the fiscal year, and for the administration of s. 20.002 (1) the expenditures from biennial appropriations in the 1st year of a biennium shall constitute the appropriations for that year and the unexpended balances of biennial appropriations at the end of the 1st year shall constitute the appropriations for the 2nd year of the biennium. At the end of the biennium the unencumbered, unexpended balances shall revert to the source from which appropriated.

(d) *Mixed appropriations.* Mixed appropriations, indicated by the abbreviation M in s. 20.005, are identical to continuing appropriations described in par. (a), except that unexpended and unencumbered balances in excess of a specified amount shall revert to the general fund at the close of the fiscal period.

(3) **GENERAL FUND TAX REVENUE COLLECTIONS FOR LOCALITIES.** "Tax revenue collections for localities" consist of such portions of state-collected taxes which are paid into the general fund and are appropriated therefrom for distribution to localities under s. 20.552. The types of appropriations which may be made from general fund tax revenue collections for localities are identical to those which may be made from general fund general purpose revenues as described in sub. (1) (a), (b) and (e) and general fund program revenues as described in sub. (2) (a) and shall be indicated by identical alphabetic designations.

(4) **SEGREGATED FUND REVENUES.** "Segregated fund revenues" consist of revenues which, by law, are deposited into funds other than the general fund and are available for the purposes for which such funds are created. They shall be deposited pursuant to s. 20.951. The types of appropriations which may be made from segregated fund revenues are identical to those which may be made from general fund general purpose revenues and from general fund program revenues as described in subs. (1) and (2) and shall be indicated by identical alphabetic designations. All noncontinuing segregated fund appropriations shall revert to the fund from

which appropriated. In ss. 20.100 to 20.899 all appropriations of segregated fund revenues are annual unless otherwise indicated.

**History:** 1963 c. 224, 562; 1965 c. 163.

**20.002 General appropriation statutes.**

(1) **EFFECTIVE PERIOD OF APPROPRIATIONS.** Unless otherwise provided appropriations shall become effective on July 1 of the fiscal year shown in the schedule under s. 20.005 and shall be expendable until the following June 30. If the legislature does not amend or eliminate any existing appropriation on or before July 1 of the odd-numbered years, such existing appropriations provided for the previous fiscal year shall be in effect in the new fiscal year and all subsequent fiscal years until amended or eliminated by the legislature.

(2) **ACCRUED TAX RECEIPTS.** Solely for purposes of relating annual taxes to estimated expenses of the fiscal year ended June 30, 1964, and of fiscal years thereafter, amounts withheld in the last quarter of the fiscal year pursuant to s. 71.20 but not required to be deposited until July 31 following the close of the fiscal year and taxes imposed by subch. III of ch. 77 in the last quarter of the fiscal year but not payable until July 31 following the close of the fiscal year shall be deemed accrued tax receipts as of the close of the fiscal year.

(3) **PAYMENTS FROM REPEALED APPROPRIATIONS.** Where any appropriation is repealed or any balance of an appropriation is caused to revert, any indebtedness incurred under the authority of such appropriation or balance prior to the time as of which such repeal or reversion of balance is to take effect, shall be paid from the appropriation or balance thus repealed or reverted unless otherwise specifically provided by law.

(4) **PRIOR DEBTS PROHIBITED.** No appropriation shall be available for payment of any indebtedness incurred prior to the time such appropriation is to take effect or for any other purpose than that for which it is made unless otherwise specifically provided by law.

(5) **CONDITIONAL APPROPRIATIONS.** All appropriations to any department, expenditures from which, by law, may be made only with the approval of the governor or the commissioner of administration, shall be construed to be conditional appropriations, which shall become available only as contemplated expenditures therefrom are approved by these officers, as required by law.

(6) **UNUSED APPROPRIATIONS.** Whenever a continuing appropriation from any fund has accomplished its purpose or is no longer

deemed necessary for such purpose, the commissioner of administration is authorized to lapse such appropriation balance, in whole or in part, to the fund from which appropriated upon consultation with the director of the state agency concerned.

History: 1965 c. 163.

**20.003 Appropriation acts and bills.** (1) FISCAL NOTES. All bills making sum sufficient appropriations or increasing or decreasing existing appropriations or fiscal liability except bills referred to the joint survey committees on retirement systems and tax exemptions shall, before any vote is taken thereon by either house of the legislature if the bill is not referred to a standing committee, or before any public hearing is held before any standing committee, or if no public hearing is held, before any vote is taken by the committee, incorporate as a note a reliable estimate of the amount thereof. Such estimate shall be made by the agency receiving the appropriation. When a fiscal note is prepared after the bill has been introduced, it shall be printed and distributed as are amendments.

(2) IDENTICAL BILLS. If an appropriation bill is identical, except for amount, to another appropriation bill, the chief of the legislative reference bureau shall indicate that fact by note to the appropriation bill, giving the number of the other bill.

(3) REVISOR'S AUTHORITY. All appropriations made by the legislature shall be listed in ch. 20. The revisor of statutes shall assign numbers in ch. 20 to any appropriation not so numbered pursuant to sub. (5).

(4) NUMBERING APPROPRIATIONS. If appropriation laws are enacted which are not numbered to correspond with the alphabetic recodification of ch. 20, the revisor of statutes shall renumber such laws accordingly.

(5) NUMBERING SYSTEM FOR APPROPRIATIONS. In the schedule of s. 20.005 (2) (a) and in the text in ss. 20.100 to 20.899, all state agencies shall be arranged alphabetically

and each agency shall be assigned a section. Each subsection constitutes a program of such agency, and each paragraph constitutes an appropriation. Appropriations shall be identified according to their source of funds, so that pars. (a) to (f) are appropriations from general purpose revenues as defined in s. 20.001 (1), pars. (g) to (t) are appropriations from program revenues as defined in s. 20.001 (2), and pars. (u) to (z) are appropriations from segregated fund revenues as defined in s. 20.001 (4). Bill draftsmen shall adhere to such standard numbering system and format when creating, repealing or amending the appropriation statutes.

(6) REVISING INTRODUCTORY LANGUAGE. Upon receiving the composite corrected schedules from the department of administration pursuant to s. 20.006, the revisor shall substitute for the language in s. 20.005 (1) (intro. par.) and (2) (intro. par.) and (a) (intro. par.), as created by the several budget bills in each session, the language corresponding thereto and shall change the dates accordingly.

History: 1961 c. 191, 441; 1963 c. 149 s. 10; 1963 c. 153; 1965 c. 163, 432.

**20.004 Revenue Bills.** Any bill increasing or decreasing state revenue except bills referred to the joint survey committee on tax exemptions shall, before any vote is taken thereon by either house of the legislature if the bill is not referred to a standing committee, or before any public hearing is held before any standing committee, or if no public hearing is held, before any vote is taken by the committee, incorporate as a note a reliable estimate of the anticipated change in revenue under the provisions of the bill. Such estimate shall be made by the agency responsible for collecting the revenue. When a fiscal note is prepared after the bill has been introduced, it shall be printed and distributed as are amendments.

History: 1961 c. 441; 1965 c. 163.

**20.005 State Budget.** (1) SUMMARY OF ALL STATE FUNDS. The budget governing fiscal operations for the state of Wisconsin for all funds from July 1, 1965, to June 30, 1967, is summarized as follows:

BUDGET SUMMARY—ALL FUNDS

General fund appropriations:	1965-66	1966-67	1965-67
General purpose revenue appropriations ..	\$ 404,276,400	\$ 479,944,500	\$ 884,220,900
Program revenue appropriations .....	219,372,700	237,923,500	457,296,200
Tax revenue collections for localities .....	265,622,000	283,788,000	549,410,000
Total general fund appropriations .....	889,271,100	1,001,656,000	1,890,927,100

Segregated fund appropriations:			
Highway fund .....	203,820,700	234,740,400	438,561,100
Conservation fund .....	16,465,800	16,250,200	32,716,000
Miscellaneous segregated funds .....	99,159,700	111,257,300	210,417,000
Total segregated funds .....	319,446,200	362,247,900	681,694,100
Total appropriations, all funds .....	1,208,717,300	1,363,903,900	2,572,621,200
GENERAL FUND BUDGET SUMMARY			
Estimated taxes available .....	647,439,000	681,221,000	1,328,660,000
Minus shared taxes distributed to localities .....	—173,309,000	—182,768,000	—356,077,000
Minus property tax relief distributed to localities .....	—92,313,000	—101,020,000	—193,333,000
Net GPR available for state purposes .....	381,817,000	397,433,000	779,250,000
Plus GPR earned by departments .....	30,681,000	29,737,000	60,418,000
Plus estimated balance July 1 .....	47,465,100	58,186,700	47,465,100
Total GPR available for state purposes .....	459,963,100	485,356,700	887,133,100
Minus GPR appropriations .....	—404,276,400	—479,944,500	—884,220,900
Plus estimated lapsed balances .....	2,500,000	3,000,000	5,500,000
Estimated balance June 30 .....	58,186,700	8,412,200	8,412,200
CONSERVATION FUND BUDGET SUMMARY			
Opening balance July 1 .....	6,211,700	5,295,200	6,211,700
Plus estimated revenue .....	15,549,300	15,268,300	30,817,600
Total available .....	21,761,000	20,563,500	37,029,300
Minus appropriations .....	—16,465,800	—16,250,200	—32,716,000
Estimated closing balance June 30 .....	5,295,200	4,313,300	4,313,300
HIGHWAY FUND BUDGET SUMMARY			
Opening balance July 1 .....	10,501,500	11,728,700	10,501,500
Plus estimated revenue .....	205,047,900	237,388,600	442,436,500
Total available .....	215,549,400	249,117,300	452,938,000
Minus appropriations .....	—203,820,700	—234,740,400	—438,561,100
Estimated balance June 30 .....	11,728,700	14,376,900	14,376,900
MISCELLANEOUS SEGREGATED FUNDS BUDGET SUMMARY			
Opening balance July .....	861,719,100	955,638,200	861,719,100
Plus estimated revenue .....	193,078,800	206,773,600	399,852,400
Total available .....	1,054,797,900	1,162,411,800	1,261,571,500
Minus appropriations .....	—99,159,700	—111,257,300	—210,417,000
Estimated balance June 30 .....	955,638,200	1,051,154,500	1,051,154,500

(2) PROGRAM APPROPRIATIONS. There are appropriated to each agency named in par. (a) the amounts shown therein for the programs and other purposes indicated. All appropriations are authorized from the general fund unless otherwise indicated. The letter abbreviations shown designating the type of appropriation apply to both years in the schedule unless otherwise indicated.

(a) The following tabulation is an alphabetic arrangement by state agency of all appropriations made by the legislature, or anticipated expenditures of general fund and segregated fund program revenue appropriations made by the legislature.

Agency and purpose	Statute	Type	1965-1966	1966-1967	Code
<b>Accountancy board</b> .....	20.120				
Registration of accountants .....	(1)	\$	[21,500]	\$ [22,400]	
Program revenue					
Agency collections .....	(g)	C	21,500	22,400	
<b>Administration, department of</b> .....	20.125		[9,795,700]	[10,525,400]	
General purpose revenue .....			7,665,700	7,627,900	
Program revenue .....			2,125,000	2,867,500	
Program revenue - federal .....			5,000	30,000	
Administrative, supervisory, and manage- ment services .....	(1)		[9,740,500]	[10,473,200]	
General purpose revenue .....			(7,610,500)	(7,600,700)	
General program opns. ....	(a)	A	7,610,500	7,600,700	
County infirmaries cost accounting ..	(b)	S	—0—	—0—	
Program revenue .....			(2,130,000)	(2,872,500)	
Private consultants .....	(g)	C	2,125,000	2,125,000	
Municipal auditing and reporting .....	(h)	C	—0—	742,500	
Federal grants and contracts .....	(m)	C	5,000	5,000	
Governor's commission on employment of physically handicapped .....	(2)		[2,200]	[2,200]	
General purpose revenue					
General program opns. ....	(a)	A	2,200	2,200	
Management consultants .....	(3)		[50,000]		
General purpose revenue					
Consultant services .....	(a)	B	50,000		
Governor's commission on law enforcement and crime .....	(8)			[50,000]	
General purpose revenue					
General program opns. ....	(a)	C		25,000	
Program revenue					
Federal grants .....	(m)	C		25,000	
Joint study committee on civil service .....	(9)		[3,000]		
General purpose revenue					
General program opns. ....	(a)	B	3,000		
<b>Aeronautics commission</b> .....	20.130		[4,088,600]	[6,700,200]	
Program revenue - federal .....			1,704,500	3,092,600	
Program revenue - other .....			2,384,100	3,607,600	
Supervision, promotion & develop. of air- ports & aeronautical activ. ....	(1)		[4,088,600]	[6,700,200]	
Program revenue					
Aviation taxes and fees, (Administra- tion) .....	(g)	A	265,200	206,900	131
Aviation taxes and fees, (Aids) .....	(h)	C	134,800	193,100	132
Use of airplanes .....	(i)	A	1,000	1,000	133
Sponsors contrib., airports .....	(j)	C	1,983,100	3,206,600	134
Federal aid, airports .....	(m)	C	1,704,500	3,092,600	141
<b>Aging, commission on</b> .....	20.135				
Improve programs for the aging .....	(1)		[55,800]	[72,700]	
General purpose revenue .....			(54,300)	(72,700)	
General program opns. ....	(a)	A	54,300	72,700	
Program revenue .....			(1,500)		
Gifts and grants .....	(g)	C	1,500		131
<b>Agriculture, department of</b> .....	20.140		[4,296,900]	[4,404,269]	
General purpose revenue .....			3,801,200	3,900,169	
Program revenue - other .....			381,100	389,500	
Program revenue - federal .....			114,600	114,600	
Food and trade regulation .....	(1)		[1,507,400]	[1,549,769]	
General purpose revenue .....			(1,327,600)	(1,365,469)	

Agency and purpose	Statute	Type	1965-1966	1966-1967	Code
General program opns. ....	(a)	A	1,327,600	1,365,469	101
Program revenue .....			(179,800)	(184,300)	
Related services .....	(g)	C	61,800	61,800	131
Sale of supplies .....	(h)	C			132
Pesticide control .....	(i)	C	38,500	40,000	133
Weights and measures .....	(j)	C	21,500	22,500	134
Dairy trade practices .....	(k)	C	58,000	60,000	135
Animal disease and plant pest eradication ..	(2)		[1,938,300]	[1,983,000]	
General purpose revenue .....			(1,847,300)	(1,897,000)	
General program opns. ....	(a)	A	1,786,800	1,836,500	201
Animal disease indemnities .....	(b)	B	60,500	60,500	202
Program revenue .....			(91,000)	(86,000)	
Related services .....	(g)	C	2,000	2,000	231
Sale of supplies .....	(h)	C	10,000	10,000	232
Mink research .....	(i)	C	10,000	5,000	233
Federal funds .....	(m)	C	69,000	69,000	240
Economic and marketing services .....	(3)		[833,200]	[853,500]	
General purpose revenue .....			(608,300)	(619,700)	
General program opns. ....	(a)	A	590,100	601,500	301
Fruit and vegetable grading .....	(b)	A	18,200	18,200	302
Program revenue .....			(224,900)	(233,800)	
Related services .....	(g)	C	154,300	161,200	311
Sale of supplies .....	(h)	C	5,000	7,000	332
Marketing orders .....	(i)	C	20,000	20,000	333
Federal funds .....	(m)	C	45,600	45,600	341
Payment to agricultural societies .....	(4)		[18,000]	[18,000]	
General purpose revenue .....			(18,000)	(18,000)	
State payments .....	(a)				
Crop improve. assn. ....		A	2,000	2,000	401
Horticultural society .....		A	1,000	1,000	402
Livestock breeders assn. ....		A	12,500	12,500	403
Foreign type cheesemakers assn. ....		A	1,500	1,500	404
Co-op poultry improve. assn. ....		A	1,000	1,000	405
<b>Archeological Society</b> .....	20.150				
Printing society quarterly .....	(1)		[800]	[800]	
General purpose revenue .....					
General program opns. ....	(a)	A	800	800	101
<b>Architects and professional engineers,</b> <b>board of</b> .....	20.160				
Registration of architects, prof. eng. and land surveyors .....	(1)		[107,800]	[112,300]	
Program revenue .....					
Agency collections .....	(g)	C	107,800	112,300	131
<b>Athletic (boxing and wrestling) comm.</b> .....	20.170				
Regulation of boxing .....	(1)		[3,000]	[3,000]	
General purpose revenue .....					
General program opns. ....	(a)	A	1,500	1,500	101
Program revenue .....					
License fees and taxes .....	(g)	A	1,500	1,500	131
<b>Attorney general</b> .....	20.180				
Legal service for the state .....	(1)		[818,400]	[833,700]	
General purpose revenue .....					
General program opns. ....	(a)	A	643,400	658,700	101
Special counsel .....	(b)	A	10,000	10,000	102
Expert counsel .....	(c)	C			103
Aid to counties for law enforcement ....	(d)	A	15,000	15,000	104
Legal expenses .....	(e)	S	150,000	150,000	105

Agency and purpose	Statute	Type	1965-1966	1966-1967	Code
<b>Audit, department of</b> .....	20.190		[989,100]		
General purpose revenue .....			268,300		
Program revenue .....			720,800		See text for new statutory reference
State auditing and reporting .....	(1)		[268,300]		
General purpose revenue					
General program opns. ....	(a)	A	268,300		101
County infirmaries cost accounting .....	(2)				
General purpose revenue					
General program opns. ....	(a)	S			201
Municipal auditing and reporting .....	(3)		[720,800]		
Program revenue					
Agency collections .....	(g)	C	720,800		331
<b>Banking department</b> .....	20.200				
Supervision of banks and related financial agencies .....	(1)		[806,000]	[835,100]	
Program revenue					
Agency collections .....	(g)	C	806,000	835,100	131
Unclaimed funds .....	(h)	C			132
<b>Bar commissioners</b> .....	20.210				
Bar commission services .....	(1)		[3,000]	[3,000]	
General purpose revenue					
General program opns. ....	(a)	A	3,000	3,000	101
<b>Basic sciences, exam. in</b> .....	20.220				
Examination in basic sciences .....	(1)		[5,100]	[5,100]	
Program revenue					
Agency collections .....	(g)	C	5,100	5,100	131
<b>Boundary area commission</b> .....	20.230				
Minnesota-Wisconsin comm. ....	(1)		[12,500]	[12,500]	
General program opns .....	(a)	A	12,500	12,500	101
Michigan-Wisconsin comm. ....	(3)		[12,500]	[12,500]	
General program opns. ....	(a)	A	12,500	12,500	
<b>Building commission</b> .....	20.240		[20,962,700]	[21,529,400]	
General purpose revenue .....			17,820,400	18,376,900	
Program revenue - other .....			3,142,300	3,152,500	
Building operations .....	(1)		[3,142,300]	[3,152,500]	
Program revenue					
Agency collections .....	(g)	C	3,142,300	3,152,500	131
State building program .....	(2)		[17,820,400]	[18,376,900]	
General purpose revenue					
Lease rental payments .....	(a)	S	7,776,900	8,733,400	201
Construction program .....	(f)	S	9,643,500	9,643,500	202
New 4-yr. college inst. ....	(ff)	B	400,000		203
<b>Chiropractic examiners</b> .....	20.250				
Registration of chiropractors .....	(1)		[10,700]	[11,200]	
Program revenue					
Agency collections .....	(g)	C	10,700	11,200	131
<b>Circuit and county courts</b> .....	20.260		[3,602,907]	[3,938,524]	
Circuit courts .....	(1)				
General purpose revenue					
General program opns. ....	(a)	S	1,145,104	1,195,738	101
County courts .....	(2)				
General purpose revenue					
General program opns. ....	(a)	S	2,407,803	2,692,786	201
Counsel for indigent defendants .....	(3)				
General purpose revenue					
General program opns. ....	(a)		50,000	50,000	

## ADDENDUM

Agency and purpose	Statute	Type	1965-1966	1966-1967	Code
<b>Civil defense, bureau of</b> .....	20,270				
Preparation for disasters .....	(1)		[1,071,500]	[1,054,400]	
General purpose revenue .....			(96,800)	(95,500)	
General program opns. ....	(a)	A	96,800	95,500	101
Med. supplies and blood sets .....	(b)	C			102
Program revenue .....			(974,700)	(958,900)	
Federal aids .....	(m)	C	974,700	958,900	140
<b>Claims commission</b> .....	20,275				
Review and payment of claims against the state .....	(1)		[28,500]	[3,200]	
General purpose revenue .....					
General fund claims .....	(a)	S	28,500	3,200	102
<b>Conservation commission</b> .....	20,280				
General purpose revenue .....			[21,482,850]	[21,410,900]	
Program revenue (ORAP) .....			848,150	991,800	
Segregated revenue .....			3,868,900	3,868,900	
Conservation fund .....			(16,765,800)	(16,550,200)	
Highway fund .....			16,465,800	16,250,200	
Highway fund .....			300,000	300,000	
Fish and game operations .....	(1)		[9,955,500]	[9,730,900]	
Program revenue .....			(683,500)	(683,500)	
Land acquisition rights .....	(g)	B	614,400	611,600	131
Development .....	(i)	B	50,000	50,000	132
Aids in lieu of taxes .....	(m)	S	19,100	21,900	138
Segregated fund revenue .....			(9,272,000)	(9,047,400)	
General program opns. ....	(u)	A	7,616,100	7,543,500	171
Fringe benefits .....	(uc)	S	825,100	840,800	172
Duck and goose damage .....	(ue)	A	10,000	10,000	
Bear and deer damage .....	(uf)	A	40,000	40,000	173
Carp control research .....	(ug)	C	90,000		180
Water pollution .....	(uj)	S	50,000	50,000	174
Water regulatory board .....	(um)	A	6,000	6,000	175
Topographic mapping .....	(up)	A	5,000	5,000	176
Preserv. of scientific areas .....	(ut)	A	36,200	31,800	181
Taxes and assessments .....	(v)	S	10,000	10,000	177
Aids in lieu of taxes .....	(vc)	S	76,500	78,500	178
County conservation aids .....	(vm)	A	180,000	180,000	179
Gifts and donations .....	(w)	C	20,000	20,000	191
Boat regis. and enforce. ....	(x)	C	207,100	131,800	192
Boat registration aids .....	(xm)	C	100,000	100,000	193
Forestry operations .....	(2)		[7,070,500]	[7,125,000]	
General purpose revenue .....			(387,600)	(391,800)	
Forest crop law admin. ....	(a)	A	4,800	4,800	201
Forest aids .....	(b)	S	382,800	387,000	202
Program revenue .....			(501,700)	(501,700)	
Land acquisition rights, northern forests .....	(g)	B	359,800	357,100	231
Develop., northern forests .....	(i)	B	62,500	62,500	232
County forest rec. aids .....	(k)	B	74,200	74,200	234
Aids in lieu of taxes .....	(m)	S	5,200	7,900	238
Segregated fund revenue .....			(6,181,200)	(6,231,500)	
General program opns. ....	(u)	A	4,910,700	4,951,800	271
Fringe benefits .....	(uc)	S	742,600	750,400	272
Taxes and assessments .....	(v)	S	10,000	10,000	277
Aids in lieu of taxes .....	(vc)	S	116,500	117,100	278
County forest aids .....	(vm)	S	222,400	223,200	273
Gifts and donations .....	(w)	C	20,000	20,000	291
Reforestation fund .....	(z)	C	159,000	159,000	270

Agency and purpose	Statute	Type	1965-1966	1966-1967	Code
State parks and recreation areas	(3)		[3,506,750]	[3,451,500]	
General purpose revenue			(160,550)	(150,000)	
State park operations	(a)	A	150,000	150,000	301
Restore 1st Cap. State Park	(b)	C	10,550		373
Program revenue			(2,620,900)	(2,620,900)	
Land acquisition rights	(g)	B	1,463,700	1,462,800	331
Development	(i)	B	730,500	730,500	332
General program opns.	(k)	B	422,000	422,000	333
Aids in lieu of taxes	(m)	S	4,700	5,600	338
Segregated fund revenue			(725,300)	(680,600)	
General program opns.	(u)	A	496,600	510,500	371
Fringe benefits	(uc)	S	148,700	150,100	372
Taxes and assessments	(v)	S	10,000	10,000	377
Gifts and donations	(w)	C	10,000	10,000	391
Repair Princeton dam	(x)	C	60,000		375
Education and advertising	(4)		[820,900]	[824,300]	
General purpose revenue			(200,000)	(200,000)	
Advertising Wisconsin	(a)	A	200,000	200,000	401
Program revenue			(62,800)	(62,800)	
Tourist information centers	(g)	B	62,800	62,800	431
Segregated fund revenue			(558,100)	(561,500)	
General program opns.	(u)	A	245,400	248,500	471
Fringe benefits	(uc)	S	12,700	13,000	472
Gifts and donations	(w)	C			491
Advertising Wis.; hwy fund	(z)	A	300,000	300,000	471
Water research	(5)		[100,000]	[100,000]	
General purpose revenue	(a)	B	100,000	100,000	501
Wolf river preservation	(6)			[150,000]	
General purpose revenue					
General program opns.	(a)	A		150,000	
Formula payments	(b)	S			
General approp. and provisions	(9)		[29,200]	[29,200]	
Segregated fund revenue			(29,200)	(29,200)	
Car pool operations	(wc)	C	9,200	9,200	892
Cancelled drafts	(xf)	C	10,000	10,000	
Insurance loss	(xm)	C	10,000	10,000	
<b>Conservation warden pension fund</b>	20.282				
Operations and benefits	(1)		[129,800]	[143,800]	
Segregated fund revenue					
General program opns.	(u)		129,800	143,800	770
<b>Crime laboratory</b>	20.290				
Technical criminal investigation assist. for authorized officials	(1)		[248,200]	[245,100]	
General purpose revenue					
General program opns.	(a)	A	165,700	162,600	101
Program revenue					
Service fees	(g)	A	82,500	82,500	131
<b>Deaf, association of</b>	20.300				
Services to the deaf	(1)		[6,100]	[6,000]	
General purpose revenue					
General program opns.	(a)	A	6,100	6,000	101
<b>Dental examiners, board of</b>	20.320				
Registration of dentists and dental hygienists	(1)		[38,100]	[40,300]	
Program revenue					
Agency collections	(g)	C	38,100	40,300	131



Agency and purpose	Statute	Type	1965-1966	1966-1967	Code
<b>Educational approval council</b> .....	20.330		[18,945]	[19,439]	
Approval of educational courses .....	(1)				
General purpose revenue					
General program opns. ....	(a)	A	18,945	19,439	
<b>Employment relations board</b> .....	20.340				
Promotion of peace in labor rel. ....	(1)		[224,900]	[225,900]	
General purpose revenue					
General program opns. ....	(a)	A	224,900	225,900	101
Program revenue					
Publications .....	(g)	C			131
<b>Executive department</b> .....	20.360				
Executive office and residence opns. ....	(1)		[240,900]	[237,600]	
General purpose revenue					
Staff salaries .....	(a)	A	155,200	166,100	
General program opns. ....	(b)	S	28,171	30,500	
Contingent fund .....	(c)	S	49,429	41,000	
Midwest resource association .....	(d)	A	8,100		
Economic development .....	(2)		—0—	[364,642]	
General purpose revenue				(362,642)	
General program opns. ....	(a)	A		337,642	
Promotion of commercial fishing .....	(c)	A		25,000	
Program revenue				(2,000)	
Conference proceeds .....	(g)	C		2,000	
<b>Exposition department</b> .....	20.365		[1,800,500]	[1,806,300]	
General purpose revenue .....			324,400	325,500	
Program revenue .....			1,476,100	1,480,800	
State fair .....	(1)		[1,476,100]	[1,480,800]	
Program revenue					
General program opns. ....	(g)	A	1,476,100	1,480,800	
Capital improvements .....	(h)	C			
County and district fairs .....	(2)		[324,400]	[325,500]	
General purpose revenue					
Administration .....	(a)	A	9,400	10,500	201
Aids .....	(b)	A	315,000	315,000	202
<b>Government operations, board on</b> .....	20.385				
General fund supplementation .....	(1)		[1,000,000]	[1,700,000]	
General purpose revenue					
General program supp. ....	(a)	B	1,000,000	1,000,000	101
Higher educational supp. ....	(b)	B		700,000	103
<b>Governor's comm. on human rights</b> .....	20.390				
Education for human rights .....	(1)		[43,500]	[43,000]	
General purpose revenue .....			(43,100)	(42,600)	
General program opns. ....	(a)	A	43,100	42,600	101
Program revenue .....			(400)	(400)	
Gifts and grants .....	(g)	C	400	400	131
<b>Grain and warehouse commission</b> .....	20.400				
Regulation of grain movements .....	(1)		[960,200]	[971,000]	
Program revenue					
Agency collections .....	(g)	M	960,200	971,000	131
<b>Great Lakes compact commission</b> .....	20.403				
Develop. of seaways and ports .....	(1)		[9,000]	[9,000]	
General purpose revenue					
General program opns. ....	(a)	A	9,000	9,000	101
<b>Group insurance board</b> .....	20.408				
Group health & life insurance .....	(1)		[7,759,500]	[8,719,000]	
General purpose revenue .....			(1,405,800)	(1,596,000)	

Agency and purpose	Statute	Type	1965-1966	1966-1967	Code
Administration .....	(a)	S	45,800	46,000	101
Employer contributions .....	(b)	S	1,360,000	1,550,000	102
Segregated revenue .....			(6,353,700)	(7,123,000)	
Premium payments .....	(u)	C	6,353,700	7,123,000	171
<b>Health, board of</b> .....	20.410		[7,007,213]	[6,950,078]	
General purpose revenue .....			2,841,513	2,848,678	
Program revenue - other .....			794,100	806,800	
Program revenue - federal .....			3,371,600	3,294,600	
Public health services .....	(1)		[7,007,213]	[6,950,078]	
General purpose revenue .....			(2,841,513)	(2,848,678)	
General program opns. ....	(a)	A	1,712,100	1,724,852	101
Regulation of detergents .....	(b)	A	10,000	—0—	102
Aids for county nurses .....	(c)	S	67,000	67,000	111
Aids to T.B. sanatoria .....	(d)	S	1,030,000	1,030,000	112
Mental retard. testing adm. ....	(e)	A	13,413	26,826	105
Water research .....	(f)	B	9,000	—0—	106
Program revenue .....			(4,165,700)	(4,101,400)	
Licensing activities .....	(g)	C	656,200	668,500	120
Internal services .....	(h)	M	81,400	78,000	132
Transcripts and microfilm services .....	(i)	M	31,400	31,600	133
Fees for accreditations .....	(j)	C			134
Fees for outpatient services .....	(k)	C	11,000	14,000	135
Reimbursement for med. sup. ....	(l)	C			136
Radiation protection act .....	(m)	C	14,100	14,700	137
Investigations of pub. health problems .....	(n)	C			138
Gifts and grants .....	(o)	C			139
Fed. aid for pub. health .....	(p)	C	1,292,600	1,225,600	
Fed. aid for hosp. construct. ....	(q)	C	2,000,000	2,000,000	
Other fed. grants .....	(r)	C	79,000	69,000	
<b>Higher ed. aids, state comm. for</b> .....	20.415		[6,402,200]	[14,438,269]	
Higher educational aids .....	(1)		[6,402,200]	[7,233,100]	
General purpose revenue .....			(884,100)	(1,715,000)	
General program opns. ....	(a)	A	84,100	115,000	101
Grants to students .....	(b)	B	800,000	1,600,000	102
Program revenue .....			(5,518,100)	(5,518,100)	
Federal aid .....	(m)	C	5,518,100	5,518,100	141
Honor scholarships .....	(2)			[892,000]	
General purpose revenue .....					
Stipends .....	(a)	S		892,000	201
Student loans .....	(3)			[6,313,169]	
General purpose revenue .....				(430,800)	
Interest and administration .....	(a)	A		430,800	
Program revenue .....				(5,882,369)	
Loans .....	(g)	C		5,500,000	
Interest payments .....	(h)	C			
Gifts and grants .....	(i)	C			
Federal advances .....	(m)	C		382,369	
<b>Higher education, coord. comm. for</b> .....	20.417				
Administration .....	(1)		[145,000]	[154,000]	
General purpose revenue .....					
General program opns. ....	(a)	A	145,000	154,000	101
<b>Highway commission</b> .....	20.420		[190,626,400]	[220,996,200]	
Segregated revenue .....			190,451,400	220,821,200	
Program revenue .....			175,000	175,000	
State trunk and urban highways .....	(1)		[115,883,400]	[143,589,000]	
Segregated revenue .....					
General program opns. ....	(u)	A	5,355,600	5,525,300	

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Agency and purpose	Statute	Type	1965-1966	1966-1967	Code
STH allot, counties .....	(v)	S	7,680,000	7,630,000	
Fire protection .....	(vg)	S	10,000	10,000	
Municipal streets .....	(vm)	C	3,800,000	3,800,000	
Roadside improvement .....	(w)	C	200,000	200,000	
Outdoor advertising .....	(wg)	C	5,000	5,000	
State fund for const. and maint. ....	(x)	C	10,700,000	10,700,000	
Highway improvement .....	(xa)	C	1,053,000	2,106,000	
State fund supplemental .....	(xb)	C	18,809,800	19,926,100	
Additional fuel tax .....	(xd)	C	14,250,000	29,666,600	
Investment and misc. income .....	(xg)	C	1,200,000	1,200,000	
Federal aid .....	(y)	C	47,820,000	57,820,000	
Special funds .....	(z)	C	5,000,000	5,000,000	
Special roads and services .....	(2)		[1,432,600]	[1,462,000]	
Program revenue					
Scenic easements .....	(g)	B	175,000	175,000	
Segregated revenue					
General program opns. ....	(u)	A	72,600	62,000	
State park and forest roads .....	(v)	C	700,000	700,000	
Institution roads .....	(w)	C	100,000	140,000	
Public access roads .....	(x)	C	100,000	100,000	
Fed. aid; defense and forest roads and misc. ....	(y)	C	180,000	180,000	
Topographic maps .....	(z)	C	105,000	105,000	
Aids and assist. to local gov't. ....	(3)		[73,310,400]	[75,945,200]	
Segregated revenue					
General program opns. ....	(u)	A	412,500	380,200	
Bridge construction .....	(ug)	C	200,000	200,000	
Bridge maint. and oper. ....	(um)	C	225,000	225,000	
Bridge damages .....	(ut)	C	3,000	3,000	
RR grade cross. protection .....	(v)	C	100,000	100,000	
STH allotment; co. bonds .....	(w)	C	399,000	399,000	
Aids to localities .....	(x)	C	19,154,800	19,380,200	
Aids to localities, motor vehicle fees ..	(xc)	C	351,000	702,000	
Aids, supplemental .....	(xg)	C	28,215,100	29,889,100	
Additional fuel tax .....	(xm)	C	14,250,000	14,666,700	
Federal aid .....	(y)	C	5,000,000	5,000,000	
Special funds .....	(z)	C	5,000,000	5,000,000	
<b>Highway commission</b> .....	20.421				
Hwy work prog., Menominee co. ....	(1)		[300,000]		
General purpose revenue					
General program opns. ....	(a)	B	300,000		101
<b>Historical society</b> .....	20.430				
Collection and preservation of historical materials for research and publications ..	(1)		[1,234,400]	[1,353,400]	
General purpose revenue .....			(823,100)	(939,600)	
General program opns. ....	(a)	A	816,100	832,600	101
Heat .....	(b)	S	7,000	7,000	102
Development of historical sites .....	(c)	B		100,000	
Program revenue .....			(411,300)	(413,800)	
Fines and collections .....	(g)	C	286,000	288,200	131
Trust funds .....	(h)	C	103,300	103,600	132
Historical markers comm, gifts and donations .....	(i)	C			133
Federal funds .....	(m)	C	22,000	22,000	141
<b>Home and family advisory council</b> .....	20.435				
Research to strengthen family unity .....	(1)		[24,000]	See 20.530 (7)	
General purpose revenue					
General program opns. ....	(a)	A	24,000		101

Agency and purpose	Statute	Type	1965-1966	1966-1967	Code
<b>Industrial commission</b> .....	20.440		[10,330,600]	[11,005,718]	
General purpose revenue .....			1,600,000	1,925,618	
Program revenue .....			31,000	31,800	
Segregated fund revenues .....			8,699,600	9,048,300	
Services to labor and industry .....	(1)		[9,946,800]	[10,581,018]	
General purpose revenue .....			(1,600,000)	(1,925,618)	
General program opns. ....	(a)	A	1,600,000	1,925,618	101
Program revenue .....			(31,000)	(31,800)	
Federal funds .....	(m)	C	31,000	31,800	141
Segregated fund revenues .....			(8,315,800)	(8,623,600)	
Unemployment admin. fund, federal funds .....	(u)	C	8,060,800	8,318,600	172
Unemployment admin. fund, state money .....	(v)	C	5,000	32,000	182
Employment security building projects .....	(x)	C	250,000	273,000	191
Segregated funds .....	(7)		[383,800]	[424,700]	
Segregated fund revenue					
Death benefit fund .....	(u)	C	352,400	391,600	770
Injuries indemnity fund .....	(v)	C	31,400	33,100	780
<b>Insurance department</b> .....	20.460		[1,410,700]	[1,438,700]	
General purpose revenue .....			497,000	516,000	
Program revenue - other .....			267,900	269,800	
Segregated revenues .....			645,800	652,900	
Regulation & super. of ins. com. ....	(1)		[673,800]	[693,900]	
General purpose revenue .....			(405,900)	(424,100)	
General program opns. ....	(a)	A	405,900	424,100	101
Program revenue .....			(267,900)	(269,800)	
Examination of companies .....	(g)	A	178,300	178,400	131
Outside contractors .....	(h)	C			132
Agents training & licensing .....	(i)	C	89,600	91,400	133
Trust funds .....	(j)	C			134
Arson investigation .....	(2)		[91,100]	[91,900]	
General purpose revenue					
General program opns. ....	(a)	A	91,100	91,900	201
Operation of state ins. fund .....	(3)		[390,500]	[391,600]	
Segregated revenue					
Administration .....	(u)	A	42,200	42,800	371
Insurance losses .....	(v)	C	348,300	348,800	
Operation of state life fund .....	(4)		[255,000]	[261,000]	
Segregated revenue					
Administration .....	(u)	A	31,500	20,100	481
Opns. & benefits .....	(v)	C	223,500	240,900	
Workmens comp. sec. fund .....	(7)		[300]	[300]	
Segregated revenue					
Mutual workmen's compensation security fund .....	(u)	C	100	100	
Stock workmen's compensation security fund .....	(w)	C	200	200	
<b>Interstate co-op. comm.</b> .....	20.470				
Facilitating interstate co-op. ....	(1)		[18,500]	See 20.530 (2) (cm)	
General purpose revenue					
General program opns. ....	(a)	A	18,500	—0—	101
<b>Investment board</b> .....	20.480				
Investment of funds .....	(1)		[280,800]	[291,200]	
General purpose revenue					
General program opns. ....	(a)	A	280,800	291,200	101

Agency and purpose	Statute	Type	1965-1966	1966-1967	Code
<b>Judicial council</b> .....	20.490				
Advisory services to the courts and legis- lature .....	(1)		[25,300]	[44,680]	
General purpose revenue					
General program opns. ....	(a)	A	25,300	44,680	101
<b>Lands, commissioners of public</b> .....	20.500				
Investments and sales of state school lands ..	(1)		[72,200]	[76,000]	
General purpose revenues					
General program opns. ....	(a)	A	67,200	71,000	101
Program revenue					
Federal funds .....	(m)	C	5,000	5,000	141
<b>Law library</b> .....	20.510				
Law services .....	(1)		[64,600]	[68,700]	
General purpose revenue					
General program opns. ....	(a)	A	64,600	68,700	101
<b>Legislative council</b> .....	20.520		[199,200]	[214,200]	
General purpose revenue .....			138,000	153,000	
Program revenue .....			40,000	40,000	
Segregated revenue .....			21,200	21,200	
Administration and research .....	(1)		[85,000]	[85,000]	
General purpose revenue					
General program opns. ....	(a)	B	83,000	83,000	101
Contingent expenses .....	(b)	B	2,000	2,000	102
Legislative improvement .....	(2)		[78,000]	[78,000]	
General purpose revenue					
General program opns. ....	(a)	B	38,000	38,000	201
Program revenue					
Ford foundation grant .....	(g)	B	40,000	40,000	231
Menominee Indian study .....	(3)				
Program revenue					
Gifts and donations .....	(g)	C			331
Highway problems study .....	(4)		[21,200]	[21,200]	
Segregated fund revenue					
Highway fund .....	(u)	B	21,200	21,200	471
Study of insurance laws .....	(5)		[15,000]	[30,000]	
General purpose revenue					
General program opns. ....	(a)	C	15,000	30,000	501
Program revenues					
Gifts and donations .....	(g)	C			
<b>Legislature</b> .....	20.530		[1,880,250]	[2,300,250]	
Operation of the legislature .....	(1)		[1,663,100]	[1,657,100]	
General purpose revenue					
General program opns. ....	(a)	S	1,663,100	1,657,100	
Special study groups .....	(2)		[31,400]	[50,000]	
General purpose revenue					
Joint survey committee on retirement systems .....	(a)	A	21,900	22,300	
Administrative rules review comm. ....	(c)	A	1,000	1,000	
Uniform state laws .....	(cd)	A		3,200	
Interstate co-op. commission .....	(cm)	A		18,500	
Nat'l. conference of state legislative lead- ers .....	(d)	B	5,000	2,500	
Joint survey commission on tax exemp- tions .....	(e)	A	2,500	2,500	
Plumbing study comm. ....	(f)	A	1,000		
Revisor of statutes bureau .....	(3)		[48,900]	[49,700]	
General purpose revenue					
General program opns. ....	(a)	B	48,900	49,700	

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Agency and purpose	Statute	Type	1965-1966	1966-1967	Code
Legislative reference bureau	(4)		[136,850]	[174,050]	
General purpose revenue					
General program opns.	(a)	B	136,850	174,050	
Legislative audit bureau	(5)			[270,400]	
General purpose revenue					
General program opns.	(b)	A		270,400	
Joint comm. on legislative organization	(6)			[75,000]	
General purpose revenue					
Legislative study	(a)	C		75,000	
Home and family advisory council	(7)			[24,000]	
General purpose revenue					
General program opns.	(a)	A		24,000	
<b>Medical examiners</b>	<b>20.540</b>				
Registration of physicians, physical therapists & podiatrists	(1)		[65,700]	[66,900]	
Program revenue					
Agency collections	(g)	C	65,700	66,900	131
<b>Mental health advisory comm.</b>	<b>20.542</b>				
Improve mental health prog.	(1)		[23,500]	[23,500]	
General purpose revenue					
General program opns.	(a)	A	23,500	23,500	101
<b>Milwaukee teachers retire. fund</b>	<b>20.548</b>				
Milwaukee teachers retire.	(1)		[7,279,300]	[8,585,300]	
General purpose revenue			(4,273,000)	(5,455,000)	
State contribution	(a)	S	3,228,000	4,240,000	101
Social security contrib.	(b)	S	1,045,000	1,215,000	102
Segregated revenue			(3,006,300)	(3,130,300)	
Fund operations	(u)	C	3,006,300	3,130,300	170
<b>Miscellaneous general approp.</b>	<b>20.550</b>				
Comp., injured state employes	(1)		[360,000]	[320,000]	101
General purpose revenue		S	360,000	320,000	
Judgments against state officers	(2)		[25,000]	[25,000]	109
General purpose revenue		S	25,000	25,000	
Return of escaped convicts	(3)		[1,000]	[1,000]	102
General purpose revenue		S	1,000	1,000	
Taxes on state lands	(4)		[50,000]	[50,000]	103
General purpose revenue		S	50,000	50,000	
Interest on tax refunds	(5)		[3,500]	[3,500]	104
General purpose revenue		S	3,500	3,500	
Office building rentals	(8)		[525,000]	[525,000]	908
General purpose revenue		S	412,500	412,500	
Program revenue		S	22,500	22,500	
Segregated revenue		S	90,000	90,000	
Salary adjustments	(30)		[1,785,100]	[7,689,475]	
General purpose revenue		S	1,785,100	7,689,475	
Formula benefit retire.	(42)		—0—	—0—	
General purpose revenue		S	700,000	9,300,000	
Trf. to retirement programs		S	—700,000	—9,300,000	
Milwaukee World Fest. c. 268/65		C	[50,000]		125
General purpose revenue			50,000		
<b>Miscellaneous tax apportionments</b>	<b>20.552</b>				
General fund tax revenue collection for localities			[265,622,000]	[283,788,000]	
Income tax normal	(1)	C	126,760,000	132,874,000	
Conservation and regulation cos.	(3)	C	76,000	77,000	
Electric co-operatives	(4)	C	773,000	844,000	
Light, heat and power cos., municipal	(5)	C	135,000	144,000	

Agency and purpose	Statute	Type	1965-1966	1966-1967	Code
Light, heat and power cos., private .....	(6)	C	28,739,000	31,486,000	
Pipeline companies .....	(7)	C	1,995,000	2,125,000	
Railroad cos., terminal tax .....	(8)	C	425,000	425,000	
State ry.; electric companies .....	(9)	C	—0—	—0—	
Telephone companies .....	(10)	C	6,541,000	6,819,000	
Severance tax .....	(11)	C	20,000	20,000	
Fire department dues .....	(12)	C	822,000	842,000	
Liquor tax .....	(13)	C	7,023,000	7,112,000	
Real property tax relief .....	(15)	A	53,000,000	53,000,000	
Personal property tax relief .....	(16)	S	39,313,000	48,020,000	
<b>Miscellaneous agency accounts</b> .....	20.553		[4,324,000]	[4,424,000]	
Distrib. of nat'l forest income .....	(1)				
Program revenue					
Federal funds .....	(m)	C	120,000	120,000	131
Transient pauper care .....	(2)				
Program revenue					
Collections .....	(g)	C	4,000	4,000	231
County institutions; intercounty payments .....	(3)				
Program revenue					
Special charges .....	(g)	C	2,900,000	3,000,000	232
TB Sanatoria; inter-co. pay. ....	(4)				
Program revenue					
Special charges .....	(g)	C	1,300,000	1,300,000	233
<b>Mississippi river parkway planning comm.</b> .....	20.558				
National association dues .....	(1)		[2,000]	[2,000]	
General purpose revenue .....	(a)	A	2,000	2,000	101
<b>Motor vehicle department</b> .....	20.560		[10,395,900]	[10,647,300]	
Registration & licensing .....	(1)		[3,105,300]	[2,916,300]	
Segregated fund revenue					
General program opns. ....	(u)	A	2,961,200	2,771,500	171
Fringe benefits .....	(uc)	S	144,100	144,800	198
Filing fees .....	(v)	S			
Driver control .....	(2)		[2,485,300]	[2,578,100]	
Segregated fund revenue					
General program opns. ....	(u)	A	2,315,900	2,406,500	272
Fringe benefits .....	(uc)	S	169,400	171,600	298
Enforcement & inspection .....	(3)		[4,454,300]	[4,450,900]	
Segregated fund revenue					
General program opns. ....	(u)	A	4,192,800	4,190,000	372
Fringe benefits .....	(uc)	S	261,500	260,900	398
Highway safety program .....	(9)		[351,000]	[702,000]	
Segregated fund revenue .....	(w)	C	351,000	702,000	895
<b>National guard</b> .....	20.570				
Admin. and operation of the Wis. national guard .....	(1)		[1,266,600]	[1,270,600]	
General purpose revenue .....			935,700	(934,700)	
General program opns. ....	(a)	A	575,700	566,800	101
Repair and maintenance .....	(b)	B	340,800	347,700	102
Public emergencies .....	(c)	S	19,000	20,000	103
Nat'l. guard technicians .....	(d)	S			104
State service flags .....	(e)	C	200	200	105
Program revenue .....			(330,900)	(335,900)	
Military property .....	(g)	C	22,000	22,000	131
Fed. aid for armories .....	(m)	C	308,900	313,900	141
<b>Nurses, department of</b> .....	20.580				
Registration of nurses .....	(1)		[194,600]	[162,100]	

Agency and purpose	Statute	Type	1965-1966	1966-1967	Code
Program revenue .....					
General program opns. ....	(g)	C	159,100	161,300	131
Nursing education .....	(h)	C	35,500	800	132
Educational aids .....	(2)			[150,000]	
General purpose revenue					
Scholarships for nursing educators .....	(b)	A		150,000	
<b>Optometry, bd. of exam.</b> .....	20.590				
Registration of optometrists .....	(1)		[16,500]	[16,500]	
Program revenue					
Agency collections .....	(g)	C	16,500	16,500	131
<b>Personnel board</b> .....	20.600				
Regul. and review of state personnel management .....	(1)		[7,000]	[7,000]	
General purpose revenue					
General program opns. ....	(a)	A	7,000	7,000	101
<b>Pharmacy internship comm.</b> .....	20.605				
Supervision of internship comm. ....	(1)				
Program revenue					
Agency collections .....	(g)	C			
<b>Pharmacy, board of</b> .....	20.610				
Regist. of pharmacists and enforce. of narcotic laws .....	(1)		[98,400]	[99,200]	
Program revenue					
Agency collections .....	(g)	C	98,400	99,200	131
<b>Public employes soc. sec. fund</b> .....	20.640				
Admin. and operations .....	(1)		[50,493,600]	[57,927,400]	
General purpose revenue .....			(74,100)	(75,900)	
Administration .....	(a)	B	74,100	75,900	101
Contingency payments .....	(b)	S			102
Segregated fund revenues .....			(50,419,500)	(57,851,500)	
Payment to U.S. Treas. ....	(u)	C	50,419,500	57,851,500	170
<b>Public instruction department</b> .....	20.650				
General purpose revenue .....			116,747,700	137,131,100	
Program revenue - federal .....			11,336,600	12,234,500	
Program revenue - other .....			670,500	660,300	
Segregated revenue .....			1,682,800	1,961,800	
Educ. and auxiliary services to local schools .....	(1)		[10,264,200]	[11,306,300]	
General purpose revenue .....			(687,900)	(709,500)	
General program opns. ....	(a)	A	687,900	709,500	101
Program revenues .....			(9,576,300)	(10,596,800)	
Surplus property .....	(g)	C	203,000	203,700	131
School lunch program .....	(h)	C	400,000	400,000	132
Publications .....	(i)	C			133
Federal aids .....	(m)				
Fed. school lunch prog. ....		C	2,085,000	2,330,000	143
Fed. school milk prog. ....		C	2,889,800	3,100,000	144
Fed. lunch prog. salvage .....		C	1,800	2,000	145
Fed. Def. Educ. Act Title III .....		C	2,287,900	2,458,700	146
Fed. Def. Educ. Act Title V .....		C	424,100	465,300	147
Fed. vocational education .....		C	1,196,100	1,516,200	142
Fed. aid, other .....		C	88,600	120,900	
Financial assist. to local schools .....	(2)		[108,798,500]	[128,311,800]	
General purpose revenue .....			(106,805,800)	(126,163,600)	
General program opns. ....	(a)	A	129,500	132,100	201
Indian scholarships .....	(am)	S	20,000	20,000	202
State co-op educ. ser. comm. ....	(an)	B	17,500	8,800	203



Agency and purpose	Statute	Type	1965-1966	1966-1967	Code
Elem. and H. S. aids .....	(b)	B	96,750,000	115,276,500	210
Transportation aids .....	(bm)	B	8,376,000	8,952,000	211
Schl. tuition, foster home children .....	(c)	A	315,000	1,188,000	212
Tuition and transp. for certain children .....	(cm)	A	31,900	35,200	213
Co-op educ. serv. agen. ....	(d)	A	551,000	551,000	214
County superv. teachers .....	(e)	A	528,500		215
County supt. aids .....	(f)	S	86,400		216
Program revenue .....			(309,900)	(186,400)	
Federal aid .....	(m)				
Indian education .....		C	177,900	186,400	242
Other .....		C	132,000		
Segregated revenue .....			(1,682,800)	(1,961,800)	
School library aids .....	(u)	A	873,000	933,000	270
Driver education .....	(v)	C	809,800	1,028,800	272
Services for handicapped children .....	(3)		[8,952,100]	[10,004,500]	
General purpose revenue .....			(8,097,300)	(9,149,700)	
General program opns. ....	(a)	A	1,357,300	1,330,800	301
Deaf scholarships .....	(b)	S	7,000	7,000	302
Fuel .....	(c)	S	31,000	31,000	306
Aids for handicapped children .....	(d)	S	6,534,200	7,605,400	310
Aids for handicapped children, home instr. ....	(e)	A	140,000	140,000	311
Tuition, foster home children .....	(f)	A	27,800	35,500	312
Program revenue .....			(854,800)	(854,800)	
Activity therapy .....	(g)	C	6,200	6,200	331
Vocational rehab. service .....	(h)	C	40,000	40,000	332
Trust funds .....	(i)	C	2,000	2,000	330
Gifts and grants .....	(j)	C	1,000	1,000	
Federal aid .....	(m)	C	72,100	72,100	
Fed. aid for crippled children .....	(q)				
Fund A .....		C	428,500	428,500	
Fund B .....		C	305,000	305,000	
General educational services .....	(4)		[1,005,800]	[942,600]	
General purpose revenue .....			(909,700)	(855,800)	
General program opns. ....	(a)	A	171,600	178,400	401
County colleges .....	(b)	B	738,000	677,300	403
Substitute teachers .....	(c)	S	100	100	402
Program revenue .....			(96,100)	(86,800)	
Publications .....	(g)	C	4,000	4,000	431
Gifts and grants .....	(k)	C	13,500	2,600	432
Federal aid .....	(m)	C	78,600	80,200	440
Development of library services .....	(5)		[1,417,000]	[1,422,500]	
General purpose revenue .....			(247,000)	(252,500)	
General program opns. ....	(a)	A	247,000	252,500	501
Program revenue .....			(1,170,000)	(1,170,000)	
Gifts and grants .....	(g)	C	800	800	531
Federal funds .....	(m)	C	1,169,200	1,169,200	540
<b>Public service commission</b> .....	20.660				
Regulation of public services .....	(1)		[1,537,900]	[1,564,900]	
General purpose revenue .....			(229,600)	(226,800)	
General program opns. ....	(a)	A	229,600	226,800	101
Program revenue .....			(868,800)	(888,400)	
Utility & railroad regulation .....	(g)	C	868,800	888,400	131
Segregated revenue .....			(439,500)	(449,700)	
Motor transportation .....	(u)	A	439,500	449,700	173

Agency and purpose	Statute	Type	1965-1966	1966-1967	Code
<b>Public welfare, department of</b> .....	20.670		[152,133,600]	[146,198,400]	
General purpose revenue .....			100,282,200	97,776,500	
Program revenue - federal .....			42,247,100	43,369,100	
Program revenue - other .....			9,604,300	5,052,800	
Mental health services .....	(1)		[46,674,100]	[49,127,600]	
General purpose revenue .....			(46,098,800)	(48,597,800)	
General program opns. ....	(a)	A	27,979,500	29,181,300	101
Aids to community mental health clinics .....	(b)	A	1,003,300	1,043,300	102
Aids to day care centers for mentally handicapped .....	(c)	A	421,100	663,100	103
Aids to county institutions .....	(d)	S	16,269,500	17,271,000	104
Fuel .....	(f)	S	425,400	439,100	106
Program revenue .....			(575,300)	(529,800)	
Farm operations .....	(g)	M	195,800	185,400	131
Activity therapy .....	(h)	C	8,000	8,000	132
Federal aid for project participation .....	(m)	C	244,000	207,200	
Federal program participation .....	(n)	C	127,500	129,200	
Correctional services .....	(2)		[19,838,900]	[20,192,900]	
General purpose revenue .....			(16,119,200)	(16,595,900)	
General program opns. ....	(a)	A	15,092,900	15,477,800	201
Foster care .....	(b)	A	666,200	732,100	203
Fuel .....	(f)	S	360,100	386,000	206
Program revenue .....			(3,719,700)	(3,597,000)	
Farm operations .....	(g)	C	907,400	883,700	231
Activity therapy .....	(h)	C	11,900	11,900	232
Prison industries .....	(j)	M	2,480,000	2,381,600	234
Central generating sta. ....	(jm)	C	317,400	316,600	235
Girls school benevolent fund .....	(k)	C	500	500	
Absconding probationers .....	(km)	C	2,500	2,700	236
Sale of land .....	(L)	C			
Sale of land .....	(Lm)	C			
Family service .....	(3)		[80,018,800]	[76,150,400]	
General purpose revenue .....			(37,662,100)	(32,558,600)	
General program opns. ....	(a)	A	3,836,300	4,012,200	301
Workshop for the blind .....	(am)	A	3,500	3,500	304
Foster care .....	(b)	A	2,678,800	2,753,100	302
Menominee bonds .....	(c)	C			303
Social security aids .....	(d)	S	30,551,500	25,197,800	
Other public assistance aids .....	(e)	S	580,000	580,000	
Fuel .....	(f)	S	12,000	12,000	306
Program revenue .....			(42,356,700)	(43,591,800)	
Workshop for the blind .....	(j)	C	518,200	596,100	366
Federal aids, projects .....	(m)	C	18,500		
Federal aid, programs .....	(n)	C	863,600	878,700	
Federal social security aids .....	(o)	C	40,956,400	42,117,000	
Loans to students .....	(4)		[4,892,300]	[14,300]	
General purpose revenue .....			(392,300)	(14,300)	
Interest loss & adminis. ....	(a)	A	392,300	14,300	401
Program revenue .....					
Loans .....	(j)	C	(4,500,000)	—0—	434
Youth conservation camps .....	(5)		[232,800]	[232,900]	
General purpose revenue .....			(9,800)	(9,900)	
General program opns. ....	(a)	A	9,800	9,900	501
Program revenue .....			(223,000)	(223,000)	
Operation of youth camps .....	(j)	B	223,000	223,000	534
General administration approp. ....	(8)		[476,700]	[480,300]	

Agency and purpose	Statute	Type	1965-1966	1966-1967	Code
General purpose revenue					
Research .....	(a)	C			802
Program revenue .....			(476,700)	(480,300)	
Farm operations .....	(g)	M	19,100	21,400	831
Gifts & grants (trust fund) .....	(i)	C	1,000	1,000	833
Central warehouse .....	(j)	C	417,000	418,400	834
Collection at U.W. hospital .....	(k)	A	2,500	2,500	
Federal aid for civil defense .....	(o)	C	37,100	37,000	841
<b>Radio council</b> .....	20.690				
Educational broadcasting .....	(1)		[324,700]	[306,500]	
General purpose revenue					
General program opns. ....	(a)	A	324,700	306,500	601
Program revenue					
Gifts & grants .....	(g)	C			631
<b>Real estate commission</b> .....	20.700				
Registration of real estate brokers & salesmen & cemetery organizations & salesmen .....	(1)		[233,900]	[231,100]	
Program revenue					
Agency collections .....	(g)	C	233,900	231,100	131
<b>Recreation committee, state</b> .....	20.703				
Program revenue .....			[4,575,000]	[4,575,000]	
Estimate allocated to other departments .....			4,575,000	4,575,000	
Outdoor recreation & resource development .....	(1)		[-4,549,300]	[-4,549,300]	
Program revenue .....	(g)	C	[4,549,300]	[4,549,300]	131
Allocated to other departments .....			4,549,300	4,549,300	
Planning & co-ordination .....	(2)		[-4,549,300]	[-4,549,300]	
Program revenue .....	(g)	B	[25,700]	[25,700]	231
Program revenue .....	(g)	B	25,700	25,700	231
<b>Resource development</b> .....	20.705				See 20.706
Development of the state's resources .....	(1)		[1,477,100]	-0-	
General purpose revenue .....			(676,500)		
General program opns. ....	(a)	A	676,500		
Water research .....	(b)	B	-0-		
Program revenue .....			(800,600)		
Local government contribution .....	(g)	C	187,400		
Conference proceeds .....	(h)	C	2,000		
Aids for urban parks .....	(i)	B	98,900		
Federal aid .....	(m)	C	512,300		
<b>Resource development</b> .....	20.706				
General purpose revenue .....				[2,326,806]	
Program revenue .....				1,377,406	
Water resources .....	(1)			949,400	
General purpose revenue .....				[1,204,547]	
General program opns. ....	(a)	A		(1,057,847)	
Water research .....	(b)	B		815,847	
Payments to municipalities .....	(c)	S		242,000	
Rental payments .....	(d)	S			
Program revenue .....				(146,700)	
Licensing .....	(g)	C		23,000	
Gifts and grants .....	(h)	C		21,800	
Federal aid .....	(m)	C		101,900	
Planning and recreation .....	(2)			[1,122,259]	
General purpose revenue .....				(319,559)	
General program opns. ....	(a)	A		319,559	
Program revenue .....				(802,700)	
Local government contributions .....	(g)	C		209,700	
Aids for urban parks .....	(h)	B		98,900	
Federal aid .....	(m)	C		494,100	

Agency and purpose	Statute	Type	1965-1966	1966-1967	Code
<b>Savings and loan department</b> .....	20.720				
Supervision of savings & loan associations	(1)		[233,800]	[250,700]	
Program revenue					
Agency collections	(g)	C	233,800	250,700	131
<b>Secretary of state</b> .....	20.730				
General administration	(1)		[157,500]	[165,800]	
General purpose revenue					
General program opns.	(a)	A	157,500	165,800	101
Presidential electors	(b)	S			102
<b>Securities, department of</b> .....	20.740				
Regulation of the sale of sec.	(1)		[117,300]	[120,400]	
General purpose revenue					
General program opns.	(a)	A	117,300	120,400	101
<b>Soil and water conservation comm.</b> .....	20.750				
Artificial lake creation	(1)		[205,500]	[205,500]	
Program revenue					
General program opns.	(g)	B	133,500	133,500	131
State aids	(2)		[72,000]	[72,000]	
General purpose revenue	(a)	A	72,000	72,000	102
<b>State colleges</b> .....	20.760				
General purpose revenue			[46,854,500]	[61,971,800]	
Program revenue - federal			23,040,200	31,832,200	
Program revenue - other			1,572,000	1,933,100	
Instruction	(1)		[28,957,600]	[38,816,200]	
General purpose revenue			(19,449,500)	(26,119,100)	
General program opns.	(a)	A	19,449,500	26,119,100	101
Program revenue			(9,508,100)	(12,697,100)	
Academic student fees	(g)	A	9,508,100	12,697,100	131
Organized research	(2)		[59,100]	[59,100]	
General purpose revenue					
General program opns.	(a)	A	59,100	59,100	201
Student assistance	(3)		[1,628,000]	[3,399,500]	
General purpose revenue			(162,800)	(1,574,300)	
General program opns.	(a)	A	162,800	1,574,300	301
Program revenue			(1,465,200)	(1,825,200)	
Student loans, Stout	(g)	C			331
Federal grants	(m)	C	1,465,200	1,825,200	340
Care and maintenance of physical facilities	(4)		[3,368,800]	[4,079,700]	
General purpose revenue					
General program opns.	(a)	A	2,968,800	3,669,700	401
Fuel	(b)	S	400,000	410,000	402
Auxiliary prog. and services	(5)		[12,711,500]	[15,485,700]	
Program revenue					
Student activity fees	(g)	C	1,057,700	1,210,500	531
Auxiliary enterprises	(h)	C	11,644,500	14,265,900	530
Special projects	(i)	C	8,000	8,000	536
Eichelberger trust fund, activities	(j)	C	1,300	1,300	537
General approp. and provisions	(9)		[129,500]	[131,600]	
Gifts and grants	(k)	C	22,700	23,700	
Federal grants	(m)	C	106,800	107,900	
<b>State scholarship comm.</b> .....	20.776				
Scholarships	(1)			[170,000]	
Program revenue					
Gifts and grants	(g)	C			131
Tuition reimbursement	(2)			[170,000]	
General purpose revenue					
Non-resident tuition pay.	(a)	C		170,000	201

Agency and purpose	Statute	Type	1965-1966	1966-1967	Code
<b>Supreme court</b> .....	20.780				
Supreme court proceedings .....	(1)		[374,600]	[383,900]	
General purpose revenue					
General program opns. ....	(a)	S	374,600	383,900	101
<b>Tax appeals, board of</b> .....	20.790		[41,800]	[43,500]	
Determination of tax appeals .....	(1)		[39,300]	[41,000]	
General purpose revenue					
General program opns. ....	(a)	A	39,300	41,000	101
Determination of equalization appeals .....	(2)		[2,500]	[2,500]	
General purpose revenue					
General program opns. ....	(a)	S	2,500	2,500	201
<b>Taxation, department of</b> .....	20.800		[11,615,100]	[13,755,700]	
General purpose revenue .....			11,185,200	13,316,500	
Segregated fund revenue .....			429,900	439,200	
Admin. of prop. & excise tax laws .....	(1)		[2,649,400]	[2,705,300]	
General purpose revenue .....			(2,219,500)	(2,266,100)	
General program opns .....	(a)	A	2,194,000	2,236,100	101
Reassessments and review .....	(b)	S	25,500	30,000	102
Segregated fund revenue .....			(429,900)	(439,200)	
Motor fuel tax admin. ....	(u)	A	429,900	439,200	174
Admin. of income, sales & use tax laws .....	(2)		[6,800,700]	[6,949,200]	
General purpose revenue .....			(6,800,700)	(6,949,200)	
General program opns. ....	(a)	A	6,800,700	6,949,200	201
Program revenue					
Processing services .....	(g)	M			231
Relief for persons over 65 .....	(3)		[2,165,000]	[4,101,200]	
General purpose revenue .....			(2,165,000)	(4,101,200)	
Tax relief payments .....	(a)	S	2,165,000	4,101,200	301
<b>Teachers retirement board</b> .....	20.810				
State teachers retirement .....	(1)		[38,819,800]	[49,434,900]	
General purpose revenue .....			(24,522,000)	(33,972,000)	
State contributions .....	(a)	S	13,880,000	20,773,000	101
Adj. benefits for retired teachers .....	(b)	S	417,000	399,000	102
Social security contrib. ....	(c)	S	9,675,000	11,850,000	103
Supplemental benefit pay. ....	(d)	S	550,000	950,000	104
Segregated fund revenue .....			(14,297,800)	(15,462,900)	
Administration .....	(u)	A	242,800	247,900	171
Operations and benefits .....	(v)	C	14,010,000	15,190,000	170
Admin., supplemental .....	(w)	B	45,000	25,000	
<b>Treasurer, state</b> .....	20.820				
Custodian of state funds .....	(1)		[120,500]	[112,400]	
General purpose revenue					
General program opns. ....	(a)	A	117,900	112,400	101
Insurance .....	(b)	S	2,600		102
<b>Uniform state laws, comm. on</b> .....	20.825				
Uniform state laws .....	(1)		[3,400]		
General purpose revenue				See 20.530 (2) (cd)	
General program opns. ....	(a)	A	3,400		101
<b>University of Wisconsin</b> .....	20.830		[139,846,500]	[165,689,500]	
General purpose revenue .....			55,036,000	75,711,100	
Program revenue - federal .....			29,841,900	29,841,900	
Program revenue - other .....			53,765,600	58,933,500	
Segregated revenue .....			1,203,000	1,203,000	
Educational, general and related services .....	(1)		[110,976,900]	[124,866,600]	
General purpose revenue .....			(50,444,400)	(61,194,400)	
General program opns. ....	(a)	A	49,738,200	60,438,200	101

Agency and purpose	Statute	Type	1965-1966	1966-1967	Code
General program opns. ....	(a)	B	115,000	115,000	101
Space heating .....	(b)	S	541,200	596,200	102
Dutch elm disease studies .....	(c)	C	50,000		109
Handicapped industries assistance .....	(d)	C		20,000	
Fish research .....	(e)	C		25,000	
Program revenue .....			(60,032,500)	(63,172,200)	
Academic student fees .....	(g)	A	16,987,600	19,632,700	131
General operations, addl. ....	(h)	C	5,703,000	6,197,600	132
Gifts and donations .....	(i)	C	7,500,000	7,500,000	133
Sale of real property .....	(j)	C			134
Federal appropriations .....	(m)	C	3,141,900	3,141,900	
Fed. grants and contracts .....	(r)	C	26,700,000	26,700,000	
Segregated fund revenue .....			(500,000)	(500,000)	
Univ. trust fund income .....	(x)		500,000	500,000	180
Auxiliary enterprises and services .....	(2)		[15,992,500]	[17,518,700]	
Program revenue					
Residence halls .....	(g)				
Residence halls .....		C	8,495,800	9,158,500	230
Short course dorms .....		C	64,100	64,100	231
University houses .....		C	181,800	183,300	232
Athletic council .....	(h)	C	1,191,200	1,384,400	233
Memorial union .....	(i)	C	2,741,000	3,013,800	234
Milw. auxiliary enter. ....	(j)	C	2,385,200	2,711,300	235
Auxiliary enterprises .....	(k)	C	933,400	1,003,300	236
Store division .....	(l)	C			237
Service dept's. ....	(m)	C			239
Construction, acquisition, improve- ments - revolving surpluses .....	(n)	C			240
Medical education and treatment .....	(3)		[12,174,100]	[12,601,200]	
General purpose revenue .....			(4,591,600)	(4,516,700)	
Special program opns. ....	(a)	A	295,000	295,000	301
Public patient treatment .....	(b)	S	4,161,700	4,079,000	302
State veterans treatment .....	(c)	A	134,900	142,700	304
Program revenue .....			(7,582,500)	(8,084,500)	
University hospitals .....	(g)	C	6,794,500	7,202,500	331
Student health service .....	(h)	C	788,000	882,000	332
Accelerator site acquisition and auxiliary facilities .....	(8)			[10,000,000]	
General purpose revenue					
Purchase of site .....	(a)	S		10,000,000	
General provisions .....	(9)		[703,000]	[703,000]	
Program revenue					
Transfers .....	(g)	C			
Cash fund .....	(h)	C			
Segregated fund revenue .....			(703,000)	(703,000)	
Construction .....	(u)				
Fed. funds; physical plant .....	(v)				
Univ. trust fund operations .....	(w)		650,000	650,000	
Univ. trust fund income .....	(x)		53,000	53,000	
<b>Veterans affairs department</b> .....	20.840		[2,405,389]	[2,372,844]	
General purpose revenue .....			1,823,300	1,771,200	
Program revenue .....			14,000	14,000	
Segregated revenue .....			568,089	587,644	
Home for veterans .....	(1)		[1,837,300]	[1,785,200]	
General purpose revenue .....			(1,823,300)	(1,771,200)	
General program opns. ....	(a)	A	1,787,800	1,732,200	101
Fuel .....	(c)	S	35,000	38,500	103

Agency and purpose	Statute	Type	1965-1966	1966-1967	Code
Cemetery maintenance and beautification .....	(d)	C	500	500	104
Program revenue .....			(14,000)	(14,000)	
Home exchange .....	(g)	C	14,000	14,000	131
Gifts and bequests .....	(h)				132
Federal aid .....	(m)				141
Loans and aids to veterans .....	(2)		[568,089]	[587,644]	
Segregated fund revenue .....			(568,089)	(587,644)	
Admin. of loans and aids to veterans..	(u)	A	449,589	459,444	271
Veterans aids .....	(um)	S	96,600	106,300	272
Operation of memorial hall .....	(v)	A	5,700	5,700	273
Veterans memorial comm. ....	(vm)	A	300	300	274
United Spanish War Veterans .....	(vn)	A	1,000	1,000	277
Payments to veterans organ. for claim service .....	(w)	S	14,900	14,900	276
Repairs and improvements to homes for needy veterans .....	(wm)	C			275
<b>Veterinary examiners, board of</b> .....	20.845				
Registration of veterinarians .....	(1)		[7,700]	[7,700]	
Program revenue .....					
Agency collections .....	(g)	C	7,700	7,700	131
<b>Vocational, technical and adult ed.</b> .....	20.850		[16,928,900]	[20,119,200]	
General purpose revenue .....			5,784,300	8,046,100	
Program revenue - federal .....			11,027,600	11,956,000	
Program revenue - other .....			17,000	17,100	
Segregated revenue .....			100,000	100,000	
Vocational, technical and adult education for youth and adults .....	(1)		[12,233,400]	[14,184,900]	
General purpose revenue .....			(4,277,500)	(6,051,600)	
General program opns. ....	(a)	A	276,400	320,300	101
Student aids .....	(b)	A	6,500	167,300	102
Student aids, tech. train. for Indians...	(bm)	A	30,000	30,000	106
Fire schools .....	(c)	A	45,500	46,300	103
State aid for vocational and adult education .....	(d)	A	3,824,100	5,392,700	104
State aid to vocational education in agriculture .....	(e)	A	95,000	95,000	105
Program revenue .....			(7,855,900)	(8,033,300)	
Text material .....	(g)	C	2,000	2,000	131
Gifts and grants .....	(h)	C			139
Conferences .....	(i)	C			132
Fed. aid, vocational and adult education .....	(m)	C	7,853,900	8,031,300	140
Segregated revenue .....			(100,000)	(100,000)	
Driver education .....	(u)	C	100,000	100,000	176
Vocational rehabilitation for the handicapped .....	(2)		[4,214,500]	[5,445,900]	
General purpose revenue .....			(1,506,500)	(1,994,200)	
General program opns. ....	(a)	A	1,506,500	1,994,200	201
Program revenue .....			(2,708,000)	(3,451,700)	
Artificial limbs and app. ....	(g)	C	1,000	1,000	211
Gifts and donations .....	(h)	C	10,500	10,600	229
Homebound supplies .....	(i)	C	3,500	3,500	212
Fed. aid, vocational rehab. ....	(m)	C	2,693,000	3,436,600	
Disability determinations .....	(3)		[481,000]	[488,400]	
General purpose revenue .....					
General program opns. ....	(a)	S	300	300	301

ADDENDUM

Agency and purpose	Statute	Type	1965-1966	1966-1967	Code
Program revenue					
Federal aid	(m)	C	480,700	488,100	341
<b>Watchmaking, bd. of examiners</b>	20.860				
Registration of watchmakers	(1)		[7,100]	[7,100]	
Program revenue					
Agency collections	(g)	C	7,100	7,100	131
<b>Water pollution comm.</b>	20.870				
Water pollution control	(1)		[261,500]	—0—	
General purpose revenue			(137,800)	—0—	
General program opns.	(a)	A	137,800	—0—	101
Water research	(b)	B	—0—	—0—	102
Program revenue			(123,700)	—0—	
Gifts and grants	(g)	C	21,800	—0—	131
Federal aid, water pollution control	(m)	M	101,900	—0—	141
<b>Wisconsin retirement fund</b>	20.890		[21,280,400]	[25,315,000]	
General purpose revenue			7,534,300	9,351,000	
Segregated revenue			13,746,100	15,964,000	
Municipal & state employe retirement	(1)		[14,077,400]	[16,462,000]	
General purpose revenue			(331,300)	(498,000)	
Annuities state employes retirement system (old)	(a)	S	18,000	13,000	101
Aids to certain counties	(b)	S	313,300	485,000	102
Segregated fund revenue			(13,746,100)	(15,964,000)	
Administration	(u)	A	272,700	286,500	171
Operations & benefits	(v)	C	13,441,400	15,649,500	170
Administration, supplemental	(x)	B	32,000	28,000	172
Employer contributions	(2)		[7,203,000]	[8,853,000]	
General purpose revenue					
Retirement	(a)	S	4,378,000	5,428,000	
Social security	(b)	S	2,825,000	3,425,000	

SUMMARY OF GENERAL FUND

General fund appropriations				
General purpose revenue		404,276,400	479,944,500	
Program revenue		(219,372,700)	(237,923,500)	
Federal		108,814,800	113,814,500	
Other		110,557,900	124,109,000	
Taxes collected for localities		265,622,000	283,788,000	
Segregated fund appropriations		(319,446,200)	(362,247,900)	
Highway		203,820,700	234,740,400	
Conservation		16,465,800	16,250,200	
Miscellaneous, segregated		99,159,689	111,257,344	
Grand Totals, 1965 Statutes		1,208,717,300	1,363,903,900	

In addition to the schedule of appropriations, the 1965 legislature appropriated the following amounts:

Chap.	Agency and purpose	Statute	Fiscal Year
15.	Agriculture—Worlds Fair	20.140(5)	1964-65 \$ 50,000
95.	Conservation—Recreational Adv.	20.551(1)(m)	20,000
133.	Public Instruction—Foster Home Tuition	20.650(14)	72,000
255.	Public Welfare—Medical Assist. for the Aged	20.670(26)	476,446
	Total Additional		\$618,446



**20.006 Revising schedule and text.** Immediately following the adjournment sine die of the legislature, or at convenient intervals prior thereto, the department of administration shall amend the schedule set forth in s. 20.005 to include all fiscal acts of the legislature, and submit such composite amended schedules to the revisor of statutes who shall print such revised schedule of all state funds in the ensuing issue of the statutes as s. 20.005. Any dollar amounts, program revenue expenditure limitations or dates, shown in ss. 20.100 to 20.899, shall be changed for each biennium to correspond with s. 20.005 except where the text contains language indicating that the appropriation is not to exceed a specified amount, in which case the text shall not be changed.

**History:** 1961 c. 191, 621; 1965 c. 163, 396.

**20.007 Appropriation detail.** The detail explanation of the appropriations made to the several state agencies, including specific program purposes and restrictions, is contained in ss. 20.100 to 20.899. All appropriations shall be made from the general fund, unless otherwise indicated. Whenever the text in ss. 20.100 to 20.899 refers to "schedule" it means the appropriation schedule under s. 20.005 (2) (a).

**History:** 1965 c. 163.

**20.120 Accountancy, board of.** There is appropriated to the state board of accountancy for the following program:

(1) REGISTRATION OF ACCOUNTANTS. (g) *Agency collections.* All moneys received under ch. 135.

**History:** 1965 c. 163.

**20.125 Administration, department of.** There is appropriated to the department of administration for the following programs:

(1) ADMINISTRATIVE SUPERVISION AND MANAGEMENT SERVICES. (a) *General program operations.* The amounts in the schedule for administrative supervision, policy and fiscal planning and management services and for the payment of awards pursuant to s. 16.305 and to defray the expenses incurred by the merit award board and the state building commission not otherwise appropriated.

(b) *County infirmaries cost accounting.* A sum sufficient for the purposes specified in s. 16.58(8).

(g) *Private consultants.* All moneys received in reimbursement for services rendered by private consultants on the state's building program, to be used for the employment of private consulting architects, engineers and other technical specialists formally requested by the state building commission in connec-

tion with the state building program. All amounts paid from this appropriation shall be reimbursed from moneys authorized for building projects under the state's long-range building program, and such reimbursements shall be deposited in the state general fund to the credit of this paragraph.

(h) *Municipal auditing and reporting.* All moneys received under s. 16.58, for the purposes of said subsection.

(m) *Federal grants and contracts.* All moneys received from the federal government to carry out the purposes for which made.

(2) GOVERNOR'S COMMITTEE ON THE EMPLOYMENT OF THE PHYSICALLY HANDICAPPED.

(a) *General program operations.* The amounts in the schedule for expenses of the committee on the employment of the physically handicapped.

(3) MANAGEMENT CONSULTANTS. (a) *Consultant services.* The amounts in the schedule to hire management consultants to study the department of public welfare.

(8) GOVERNOR'S COMMISSION ON LAW ENFORCEMENT AND CRIME. (a) *General program operations.* As a continuing appropriation, the amounts in the schedule for general program operations of the governor's commission on law enforcement and crime.

(m) *Federal grants.* Any federal grants to this state as matching funds for the appropriation under par. (a).

(9) JOINT STUDY COMMITTEE ON CIVIL SERVICE. (a) *General program operations.* Biennially, the amount in the schedule to the joint study committee on civil service to carry out the provisions of s. 14.73.

**History:** 1961 c. 191 ss. 9 to 12; 1961 c. 622; 1963 c. 224; 1965 c. 163, 404, 559, 625, 659.

**20.130 Aeronautics commission.** There is appropriated to the state aeronautics commission for the following program:

(1) SUPERVISION, PROMOTION AND DEVELOPMENT OF AIRPORTS AND AERONAUTICAL ACTIVITIES. (g) *Aviation taxes and fees (administration).* All moneys received from taxes on air carrier companies under ch. 76, from moneys received for registration of aircraft under s. 114.20 and from the state highway fund the excess of the amount collected over the amount refunded under ch. 78 during the preceding fiscal year on motor fuel used in aircraft as determined by the department of taxation. Of this there is allotted for administration the amounts indicated in the schedule. Any balance lapsing from this appropriation shall be credited to the appropriation under par. (h).

(h) *Aviation taxes and fees (aids)*. The unencumbered balance in s. 20.130 (41), 1963 Stats., on June 30, 1965, and the unallotted balance of the moneys received from the sources enumerated in par. (g) for the state's share of airport projects as provided by s. 114.34, for developing airmarking and other air navigational facilities and to reimburse the highway fund for motor fuel taxes on aviation motor fuel refunded in excess of the amount of such taxes collected during the prior fiscal year.

(i) *Use of airplanes*. All moneys received pursuant to s. 114.316 to be used, in addition to the appropriation made by par. (g) for the operation of airplanes. The unencumbered balance on June 30 of each year shall revert to the general fund.

(j) *Sponsors contributions, airports*. All moneys received by the state from any unit of local government for the promotion of aeronautics or for airports or other aeronautical activities under s. 114.33.

(m) *Federal aid, airports*. All moneys received by the state from the United States for the promotion of aeronautics or for airports or other aeronautical activities under s. 114.32.

**History:** 1961 c. 191; 1965 c. 163.

**20.135 Aging, commission on.** There is appropriated to the state commission on aging for the following program:

(1) IMPROVE PROGRAMS FOR THE AGING.

(a) *General program operations*. The amounts in the schedule to carry out the purposes of s. 14.95.

(g) *Gifts and grants*. All moneys received as gifts or grants for the purposes for which made.

**History:** 1961 c. 581; 1965 c. 163.

**20.140 Agriculture, department of.** There is appropriated to the state department of agriculture for the following programs:

(1) FOOD AND TRADE REGULATION. (a) *General program operations*. The amounts in the schedule for general program operations.

(g) *Related services*. All moneys received from such service fees as are authorized by law for the conduct of related services, including receipts for the testing and analysis of seed under s. 94.46.

(h) *Sale of supplies*. All moneys received from the sale of publications and other informational material and supplies to be used for the purchase and sale of such material and supplies.

(i) *Pesticide control*. All moneys received under s. 94.68 for the registration and

control of pesticides under ss. 94.67 to 94.71.

(j) *Weights and measures*. All moneys received under s. 98.04 (2) and from other state agencies for the performance of weights and measures services.

(k) *Dairy trade practices*. All moneys received under s. 100.201 (6) for the regulation of trade practices in the dairy industry under s. 100.201.

(2) ANIMAL DISEASE AND PLANT PEST ERADICATION. (a) *General program operations*. The amounts in the schedule for general program operations.

(b) *Animal disease indemnities*. Biennially, the amounts in the schedule for the payment of animal disease indemnities under ch. 95.

(g) *Related services*. All moneys received from such service fees as are authorized by law for the conduct of related services.

(h) *Sale of supplies*. All moneys received from the sale of publications and other informational material, and vaccines, identification tags, seals and tools for livestock and poultry, to be used for the purchase and sale of such materials and supplies, including 35% of the moneys received for dog license fees under s. 174.09 for furnishing dog tags to counties.

(i) *Mink research*. All moneys received under s. 70.425 for mink research under s. 94.755.

(m) *Federal funds*. All federal moneys received as authorized by the governor under s. 16.54 for the purposes of the program.

(3) ECONOMIC AND MARKETING SERVICES.

(a) *General program operations*. The amounts in the schedule for general program operations.

(b) *Fruit and vegetable grading*. The amounts in the schedule for fruit and vegetable grading services under ch. 93.

(g) *Related services*. All moneys received from such service fees as are authorized by law for the conduct of related services, including moneys received for accounting or audit services under ss. 93.06 (6) (b), 100.06 (1) (c) and 100.07, and for fruit and vegetable grading or supervisory services under ss. 93.06 (1m) and 93.09 (10).

(h) *Sale of supplies*. All moneys received from the sale of publications and other informational material and supplies to be used for the purchase and sale of such material and supplies.

(i) *Marketing orders*. All moneys received under ch. 96 for the formulation, issuance, administration and enforcement of marketing orders and making refunds under s. 96.17.

(m) *Federal funds*. All federal moneys

received as authorized by the governor under s. 16.54 for the purposes of the program.

(4) PAYMENTS TO AGRICULTURAL SOCIETIES. (a) *State payments.* The amounts in the schedule for the purpose of aid to agricultural societies for the execution of their functions under ss. 94.14 and 94.80.

**History:** 1961 c. 33, 149, 191 s. 16; 1961 c. 242, 659, 664; 1963 c. 137, 224, 445; 1965 c. 15, 163, 421, 433, 588, 625.

**20.150 Archeological society.** There is appropriated to the Wisconsin archeological society for the following program:

(1) PRINTING SOCIETY QUARTERLY. (a) *General program operations.* The amounts in the schedule for printing the society quarterly, and to otherwise carry on the work of said society. After July 1 of each year the society shall make a report to the department of administration setting forth in detail the receipts and disbursements of the society for the preceding year in such form and detail together with such other information as the department requires. If the department is satisfied that the state aid paid under this section has been accounted for and disbursed for the necessary and proper purposes of the society, it shall approve the payment of the respective amount appropriated under this section.

**History:** 1965 c. 163.

**20.160 Architects and professional engineers, board of.** There is appropriated to the state registration board of architects and professional engineers for the following program:

(1) REGISTRATION OF ARCHITECTS, PROFESSIONAL ENGINEERS AND LAND SURVEYORS. (g) *Agency collections.* All moneys received under ss. 101.31 and 101.315.

**History:** 1965 c. 66 s. 10; 1965 c. 163.

**20.170 Athletic (boxing and wrestling) commission.** There is appropriated to the state athletic (boxing and wrestling) commission for the following program:

(1) REGULATION OF BOXING. (a) *General program operations.* The amounts in the schedule to carry out the purposes of ch. 169.

(g) *License fees and taxes.* All moneys received under ch. 169, but any unencumbered balance on June 30 of any year shall revert to the general fund.

**History:** 1961 c. 191, 509, 621; 1965 c. 163, 243, 433.

**20.180 Attorney general.** There is appropriated to the attorney general for the following programs:

(1) LEGAL SERVICE FOR THE STATE. (a) *General program operations.* The amounts

in the schedule for general program operations including s. 14.525.

(b) *Special counsel.* The amounts in the schedule for the compensation and expenses of special counsel appointed as provided in ss. 14.13 and 21.13.

(c) *Expert counsel.* The balance remaining in the appropriation under s. 20.180 (4), 1963 Stats., on June 30, 1965, for the employment of expert counsel to represent the state in matters before the federal communications commission and for the payment of expenses in connection with such proceedings in which any state radio stations are or may become involved. Such expert counsel shall be employed by the attorney general exclusively for the purposes stated herein and shall not be subject to s. 14.13 or come under the classified service.

(d) *Aid to counties for law enforcement.* The amounts in the schedule for distribution to counties containing tax-exempt Indian reservations, to defray the expense of performing additional law enforcement duties of sheriffs arising by reason of federal legislation removing governmental controls over Indians. Distribution shall be made from this appropriation to such counties on the basis of \$2,500 per county annually. Aid shall be released to any such county from this appropriation only upon application therefor by its board of supervisors to the attorney general showing that a problem exists under this paragraph in such county and certification thereof by the attorney general.

(e) *Legal expenses.* A sum sufficient for the payment of expenses incurred by the attorney general, his deputy or assistants in the prosecution or defense of any action or proceeding in which the state may be a party or may have an interest, for any abstract of title, clerk of court's fees, sheriff's fees, or any other expense actually necessary to the prosecution or defense of such cases, for the payment of expenses incurred where the attorney general's office is not involved, and where the statutes provide that such expenses shall be paid from this appropriation, unless such cost or expenses are charged to some other appropriation.

(9) GENERAL APPROPRIATIONS AND PROVISIONS. At the end of each fiscal year, the attorney general shall render to each of the several state agencies listed in s. 14.53 (5m) a statement of the total cost of legal and other services furnished such agency, including travel expenses and the legal expenses enumerated in sub. (1) (e). Upon receipt of such statement, the respective department head shall certify the amount thereof to the

department of administration to be paid into the general fund out of his proper appropriation.

**History:** 1963 c. 18, 292, 544; 1965 c. 163, 432, 433.

**20.200 Banking department.** There is appropriated to the state banking department for the following programs:

(1) SUPERVISION OF BANKS AND RELATED FINANCIAL AGENCIES. (g) *Agency collections.* All moneys received by the department for the execution of its functions, but on July 1, 1965, \$200,000 shall be transferred to the general fund.

(h) *Unclaimed funds.* All moneys received from unclaimed funds turned over to the state treasurer pursuant to s. 220.08 (14) for disposition in accordance with s. 220.08 (14) and (14a).

(2) LOSSES ON PUBLIC DEPOSITS. (a) *Losses on public deposits.* Such sums as are necessary for the payment to public depositors of losses as defined by s. 34.01 (6) and the expenses of administration and any reinsurance costs. The aggregate of said payments shall not exceed the balance in the state deposit fund as of the close of business on June 30, 1955, plus interest at the rate of 2½% per annum computed to the date of any such payment.

(b) *Bank scrip redemption.* Such sums as are necessary for the redemption of bank scrip.

(u) *State deposit fund.* All moneys received in the state deposit fund to carry out the purposes for which said fund was created and to be used as provided in ch. 34.

**History:** 1961 c. 507, 682; 1965 c. 163.

**20.210 Bar commissioners.** There is appropriated to the state bar commissioners for the following program:

(1) BAR COMMISSION SERVICES. (a) *General program operations.* The amounts in the schedule for general program operations. All moneys received under s. 256.28 (5) shall be paid into the general fund as general purpose revenue.

**History:** 1965 c. 163.

**20.220 Basic sciences, board of examiners.** There is appropriated to the state board of examiners in basic sciences for the following program:

(1) EXAMINATION IN BASIC SCIENCES. (g) *Agency collections.* All moneys received under ss. 147.01 to 147.12.

**History:** 1965 c. 66 s. 10; 1965 c. 163.

**20.230 Boundary area commission.** There is appropriated from the general fund to the boundary area commissions:

(1) MINNESOTA-WISCONSIN. (a) *General program operations.* The amounts in the schedule to cover the costs of the Minnesota-Wisconsin commission including the cost of the actual and necessary expenses incurred by the members of the commission and members of the advisory committees in the performance of their duties under s. 14.752(1).

(g) *Gifts or grants.* All moneys received from gifts or grants under s. 14.752(1), to carry out the purposes for which made or received.

(3) MICHIGAN-WISCONSIN. (a) *General program operations.* The amounts in the schedule to cover the costs of the Michigan-Wisconsin commission including the cost of the actual and necessary expenses incurred by the members of the commission and members of the advisory committees in the performance of their duties under s. 14.752(3).

(g) *Gifts or grants.* All moneys received from gifts or grants under s. 14.752(3), to carry out the purposes for which made or received.

**History:** 1965 c. 274, 433, 573.

**20.240 Building commission.** There is appropriated to the state building commission for the following programs:

(1) BUILDING OPERATIONS. (g) *Agency collections.* All moneys received by the commission under ss. 14.86 and 14.89 from building project rentals and charges, including moneys received from conveyances and leases consummated under ss. 14.86 and 14.89 shall be paid into the general fund and are appropriated therefrom to the state building trust fund subject to the limitations hereinafter provided, for payments of the costs of operation and maintenance of building projects leased or subleased by the commission under ss. 14.86 and 14.89 and for payment to the state insurance fund of one-twentieth of the amounts transferred by chapter 325, laws of 1959. The amount so appropriated shall not exceed the amounts paid into the general fund as aforesaid after deducting therefrom an amount equal to the amount appropriated under par. (v) for the payment of rentals by the commission under ss. 14.86 and 14.89 on such projects. The amount appropriated and available under this paragraph shall be determined by the department of administration.

(u) *Additional appropriation.* A sum sufficient from the state building trust fund for the purposes of par. (g) to the extent that said appropriation is insufficient.

(v) *Rentals and improvements.* A sum sufficient from the state building trust fund for payment of rentals by the state building

commission for permanent improvements and the acquisition of all equipment therefor and for remodeling and purchase of land under ss. 14.86 and 14.89 on projects designated and approved by the state building commission when the projects are initiated and on projects designated and approved by the state building commission after initiation thereof.

(2) STATE BUILDING PROGRAM. In addition to such other appropriations as are made by law and in the interests of continuity of the state building program there is appropriated to the state building trust fund:

(a) *Lease rental payments.* A sum sufficient to make the rental payments under ss. 20.670 (9) (u), 20.760 (9) (u) and 20.830 (9) (u). The state building commission may approve lease agreements for the rental of buildings, structures and facilities having a total project value which in the aggregate does not exceed \$284.5 million on those building projects for which the payment of rentals is appropriated by this section.

(b) *Lease rental payments.* A sum sufficient to make the rental payments under ss. 20.760(9)(um) and 20.830(9)(um).

(c) *Lease rental payments.* A sum sufficient to make the rental payments under sub. (1)(v).

(d) *Lease rental payments.* A sum sufficient to make the rental payments under s. 20.365(1)(um).

(e) *Lease rental payments.* A sum sufficient to make the rental payments under s. 20.560(9)(y).

(f) *Construction program.* A sum sufficient equal to 1½% of the value of state buildings, structures, utility plants and equipment therein, excepting those under the jurisdiction of the highway commission, as appraised by the department of administration in accordance with s. 13.48(3), for purposes of carrying out the long-range building program under s. 13.48.

(ff) *New 4-year college institutions.* Biennially, the amounts in the schedule to be allocated by the commission for preliminary planning, surveys and architectural design of new collegiate institutions, as authorized by s. 39.024(4). Of these amounts, a sum sufficient shall be used to reimburse the coordinating committee for higher education for any expenses incurred for this purpose.

(x) *Long-range building program.* All moneys not otherwise appropriated from the state building trust fund for purposes of carrying out the long-range building program under s. 13.48. The state building trust fund shall consist of all appropriations or

transfers made thereto by the legislature, together with all donations, gifts, bequests or contributions of money or other property, all restored advances and all investment income.

**History:** 1961 c. 36, 45; 1963 c. 316, 388, 532; 1965 c. 94, 163, 433, 526, 591, 659.

**20.250 Chiropractic, board of examiners.**

There is appropriated to the state board of examiners in chiropractic for the following program:

(1) REGISTRATION OF CHIROPRACTORS. (g) *Agency collections.* All moneys received under ss. 147.23 to 147.26.

**History:** 1965 c. 66 s. 10; 1965 c. 163.

**20.260 Circuit and county courts.** There is appropriated to the administrator of courts:

(1) CIRCUIT COURTS. (a) *General program operations.* A sum sufficient for salaries and expenses of the judges, reporters and assistant reporters of the circuit courts, upon vouchers duly verified and certified by the administrator of courts, and filed with the department of administration.

(2) COUNTY COURTS. (a) *General program operations.* A sum sufficient for salaries and expenses of the judges, reporters and assistant reporters of the county courts, and for employer contributions under ss. 66.89 and 253.07 (1), upon vouchers duly verified and certified by the administrator of courts, and filed with the department of administration.

(3) COUNSEL FOR INDIGENT DEFENDANTS. (a) *General program operations.* A sum sufficient to reimburse counties for court costs as provided by s. 957.26 (1m).

**History:** 1961 c. 642; 1963 c. 536; 1965 c. 163.

**20.270 Civil defense, bureau of.** There is appropriated to the state bureau of civil defense for the following program:

(1) PREPARATION FOR DISASTERS. (a) *General program operations.* The amounts in the schedule for general program operations.

(b) *Medical supplies and blood sets.* The balance remaining in the appropriation under s. 20.270 (2), 1963 Stats., on June 30, 1965, for the purchase of medical supplies and blood sets.

(m) *Federal aid.* All moneys from the United States pursuant to any act of congress or pursuant to federal authority for civil defense purposes, and any gifts or grants of money from any person to the state for civil defense purposes.

(u) *Emergency disaster fund.* All moneys in the emergency disaster fund under s. 25.39 to be used on a matching basis with the federal government to purchase equipment for emergency disaster training and in case of natural or man-made emergency. The

moneys appropriated by this paragraph shall not become available until released by the governor at such times and in such amounts as he determines.

**History:** 1965 c. 163, 247.

**20.273 Civil war centennial commission.**

There is appropriated to the civil war centennial commission:

(1) **GENERAL ADMINISTRATION.** For the administration of its program as set forth in chapter 21, laws of 1959.

(a) *General program operations.* The balance remaining in the appropriation under s. 20.273 (1), 1963 Stats., on June 30, 1965, for the administration of chapter 21, laws of 1959. The unencumbered, unexpended balance remaining on June 30, 1966, shall lapse to the general fund.

(g) *Gifts and grants.* All moneys, gifts and grants received to carry out the purposes for which made or received.

**History:** 1961 c. 489; 1965 c. 163.

**20.275 Claims commission.** There is appropriated to the state claims commission for the following program:

(1) **REVIEW AND PAYMENT OF CLAIMS AGAINST THE STATE.** (a) *General fund claims.* A sum sufficient for the program under s. 15.94.

(u) *Other claims.* From the conservation fund and the highway fund a sum sufficient for the program under s. 15.94.

**History:** 1961 c. 146; 1965 c. 163.

**20.280 Conservation commission.** There is appropriated from the conservation fund, or from other funds if indicated herein, to the conservation commission for the following programs:

(1) **FISH AND GAME OPERATIONS.** (g) *Land acquisition rights.* Biennially from the general fund, the amounts in the schedule from moneys allocated under s. 20.703 (1) (g) for the acquisition of additional fish and game management land, land use easements under s. 23.09 (7) (d) 3 and (16) and other land use rights.

(i) *Development.* Biennially from the general fund, the amounts in the schedule from moneys allocated under s. 20.703 (1) (g) for the development of fish and game management lands.

(m) *Aids in lieu of taxes.* Biennially from the general fund, a sum sufficient from moneys allocated under s. 20.703 (1) (g) for paying aids to municipalities on lands pursuant to s. 70.113.

(u) *General program operations.* The amounts in the schedule for fish and game operations under s. 23.09.

(ue) *Wild duck and goose damage.* Not to exceed the amounts in the schedule for the payment of wild duck and goose damage claims under s. 29.594(1) and (3).

(uf) *Bear and deer damage.* Not to exceed the amounts in the schedule for payment of bear and deer damage claims under s. 29.595.

(ug) *Carp control research.* The amount in the schedule as a nonlapsible appropriation for carp control research pursuant to s. 23.093.

(uj) *Water pollution.* As a transfer to the general fund, a sum sufficient equal to one-half of the actual costs for the fiscal year of the committee on water pollution under s. 20.870 (1) (a) on a cash basis according to the records of the department of administration as of June 30.

(um) *Water regulatory board.* As a transfer to the general fund, the amounts in the schedule for the conservation fund's share of the operating costs of the water regulatory board.

(up) *Topographic mapping.* As a transfer to the general fund, the amounts in the schedule for the conservation fund's share of topographic mapping.

(ut) *Preservation of scientific areas.* The amounts in the schedule to be used by the state board for the preservation of scientific areas for the employment of staff and other expenses in the execution of its functions under s. 23.27.

(vm) *County conservation aids.* Not to exceed the amounts in the schedule for county fish and game projects or county bounty payments as provided in s. 23.09 (18).

(x) *Boat registration and enforcement.* All moneys received under ss. 30.50 to 30.55, for boat registration and enforcement under ss. 30.50 to 30.80, except s. 30.79. Of these receipts there shall be transferred annually a sum sufficient for the payment of state aids under par. (xm).

(xm) *Boat registration aids.* The amounts in the schedule from the moneys received under ss. 30.50 to 30.55 for the payment of state aids under s. 30.79. Any portion of this appropriation which remains unexpended at the end of the fiscal year shall be added to the appropriation for the succeeding fiscal year.

(2) **FORESTRY OPERATIONS.** (a) *Forest crop law administration.* From the general fund, the amounts in the schedule for administration of the forest crop law.

(b) *Forest aids.* From the general fund, a sum sufficient to pay forest crop aids under s. 28.11 (8) (a) and ch. 77.

(g) *Land acquisition rights, northern forests.* Biennially from the general fund, the amounts in the schedule from moneys allocated under s. 20.703 (1) (g) for the acquisition of northern forest recreational lands and land use easements and other land rights under s. 23.09 (7) (d) 1 and (16).

(i) *Development, northern forests.* Biennially from the general fund, the amounts in the schedule from moneys allocated under s. 20.703 (1) (g) for the development of northern forest recreational lands.

(k) *County forest recreation aids.* Biennially from the general fund, the amounts in the schedule from moneys allocated under s. 20.703 (1) (g) for state aid for recreational development on county forest lands under s. 23.09 (17).

(m) *Aids in lieu of taxes.* Biennially from the general fund, a sum sufficient from moneys allocated under s. 20.703 (1) (g) for paying aids to municipalities on lands pursuant to s. 70.113.

(u) *General program operations.* The amounts in the schedule for general program operations under s. 23.09 and chs. 26 and 28, relating to forestry.

(vm) *County forest aids.* A sum sufficient to pay county forest aid under s. 28.11 (8).

(z) *Reforestation fund.* All moneys received in the reforestation fund to be used as provided in s. 25.30.

(3) STATE PARKS AND RECREATION AREAS.

(a) *State park operations.* From the general fund, the amounts in the schedule for state parks under ss. 23.09 (7) (d) 2 and 27.01.

(b) *Restoration, first capitol state park.* From the general fund, \$10,550 as a nonlapsible appropriation to be used by the commission in co-operation with the state historical society in restoring the state's first capitol building, located in the First Capitol state park in the town of Belmont, Lafayette county, so that said building will purvey to the visitor a realistic impression of the furnishing of the building at the time it was used as this state's capitol.

(g) *Land acquisition rights.* Biennially from the general fund, the amounts in the schedule from moneys allocated under s. 20.703 (1) (g) for the acquisition of state park and recreation lands, land use easements and other land rights under s. 23.09 (7) (d) 2 and (16).

(i) *Development.* Biennially from the general fund, the amounts in the schedule from moneys allocated under s. 20.703 (1) (g) for development of park and recreation lands.

(k) *General program operations.* Biennially from the general fund, the amounts in the schedule from moneys allocated under s. 20.703 (1) (g) for operation of park and recreation lands.

(m) *Aids in lieu of taxes.* Biennially from the general fund, a sum sufficient from moneys allocated under s. 20.703 (1) (g) for paying aids to municipalities on lands pursuant to s. 70.113.

(u) *General program operations.* The amounts in the schedule for general program operations under ss. 23.09 (7) (d) 2 and 27.01, relating to parks and recreation areas.

(x) *Princeton dam.* A nonlapsible sum of \$60,000 for the repair of the Princeton dam on the Fox river as provided in s. 30.24 (2).

(y) *Federal funds, Princeton dam.* All moneys received from the federal land and water conservation fund for the purposes specified in par. (x) and s. 30.24 (2).

(4) EDUCATION AND ADVERTISING. (a) *Advertising Wisconsin.* From the general fund, the amounts in the schedule for the execution of its functions under s. 23.09 (7) (1).

(g) *Tourist information centers.* Biennially from the general fund, the amounts in the schedule from moneys allocated under s. 20.703 (1) (g) for operation of tourist information centers.

(u) *General program operations.* The amounts in the schedule for general program operations under s. 23.09 (7) (1), relating to education and information.

(z) *Advertising Wisconsin; highway fund.* From the state highway fund, the amounts in the schedule for education and advertising under s. 23.09 (7) (1).

(5) WATER RESEARCH. (a) *General purpose revenue.* There is appropriated from the general fund to the conservation commission on July 1, 1965, for the 1965-67 biennium, \$200,000 for a joint accelerated water resources research and data collection program.

(6) WOLF RIVER PRESERVATION. (a) *General program operations.* Annually the amounts in the schedule for Wolf river preservation.

(b) *Formula payments.* A sum sufficient for payment of the amounts agreed upon under s. 30.251(3)(f), but the payment to present owner or lessees other than the company, town or county shall not exceed \$5,000.

(9) GENERAL APPROPRIATIONS AND PROVISIONS. (u) *Administrative services.* Administrative services may be charged to a special account as determined by the department of administration and shall be charged back to the general program operations appropriation

for the several programs at the end of each fiscal year, including fringe benefits related to administrative payrolls.

(uc) *Fringe benefits.* A sum sufficient to pay the cost of living bonus under ss. 20.550 (37) and 20.932 and the state conservation fund's share of employer contributions to the Wisconsin retirement fund, teachers retirement fund, public employes social security fund, conservation warden's pension fund, group life insurance, health and accident insurance, workmen's compensation and unemployment insurance and employe salary adjustments. In this section, expenditure estimates for these outlays for the several programs of the department shall appear in the schedule of each applicable subsection as par. (uc).

(v) *Taxes and assessments.* A sum sufficient to pay taxes and assessments that are or may become a lien on property acquired by the conservation commission prior to date of conveyance to the state. In this section, expenditure estimates for these outlays for the several programs of the department shall appear in the schedule of each applicable subsection as par. (v).

(vc) *Aids in lieu of taxes.* A sum sufficient to pay aids to municipalities for state forest lands and hunting and fishing grounds pursuant to s. 70.113. In this section, expenditure estimates for these outlays for the several programs of the department shall appear in the schedule of each applicable subsection as par. (vc).

(w) *Gifts and donations.* All moneys received from gifts, grants, bequests and devises shall be paid into the conservation fund and are appropriated to the several programs of the department to be used in accordance with s. 25.29. In this section, expenditure authority for gifts and donations shall appear in the schedule of each applicable subsection as par. (w).

(wc) *Car pool operations.* All moneys received from car pool use for operation, maintenance and replacement of car pool vehicles. Whenever the unencumbered balance of this appropriation exceeds the amount necessary for operation, maintenance and replacement of car pool vehicles, the excess shall revert to the program funds from which the original vehicle purchase was made in the same ratio as such funds were used for the original vehicle purchase.

(x) *Imprest petty cash fund.* An imprest fund of \$5,000 from the conservation fund may be established for the purpose of law enforcement and tree cone and seed purchases and for petty cash. The operation and main-

tenance of such fund and the character of expenditures therefrom shall be pursuant to rules prescribed to the conservation commission by the director of the bureau of finance.

(xf) *Canceled drafts.* All moneys received pursuant to s. 20.550 (41) to be used for payment of demands under s. 20.956 (3).

(xm) *Insurance loss.* All moneys received as reimbursement for fire and wind loss to be used for repair or replacement of such damage under s. 210.03 (2).

(y) *Revenues and appropriations.* All moneys received pursuant to the operation of a program under subs. (1) to (4) shall be credited to the proper program, but the expenditure from unassigned revenues shall be limited to the general program revenue appropriations. Whenever the estimated unassigned revenues and available unassigned revenue appropriation balances are insufficient to cover the general program revenue appropriations under each program, the conservation commission shall so inform the department of administration and shall indicate the amounts which should be deducted from respective unassigned revenue appropriations to bring the appropriated amounts into agreement with the money available, and the department of administration shall adjust its records accordingly. Actual unassigned revenues in excess of estimated unassigned revenues appropriated may not be spent unless released by the board on government operations.

(ym) *Program balances.* At the close of each fiscal year the unencumbered balances of appropriations financed by unassigned revenues of the conservation fund under subs. (1) to (3) shall revert to the respective programs under subs. (1) to (3) and, together with the anticipated respective unassigned revenues by programs in the succeeding year, shall constitute the source of moneys available for appropriation to the programs under such subsections in the succeeding year. Unencumbered balances of appropriations financed by unassigned revenues for the program under sub. (4) and administrative services at the close of each fiscal year shall revert to the respective programs under subs. (1) to (3) in the ratio that revenues were allocated from such programs for the program under sub. (4) and administrative services.

**History:** 1961 c. 191, 349, 413, 427, 443, 536, 559, 608, 625, 634; 1963 c. 137, 317, 345, 400, 440, 459, 512; 1965 c. 163, 276, 277, 298, 408, 433, 502, 623, 652.

**20.282 Conservation warden pension fund.**

There is appropriated from the conservation warden pension fund to the board of trustees of said fund for the following program:

(1) OPERATIONS AND BENEFITS. (u) Gen-



*eral program operations.* A sum sufficient to carry out the purposes of s. 23.14.

**History:** 1965 c. 247.

**20.290 Crime laboratory.** There is appropriated to the state crime laboratory for the following program:

(1) TECHNICAL CRIMINAL INVESTIGATION ASSISTANCE FOR AUTHORIZED OFFICIALS. (a) *General program operations.* The amounts in the schedule for the purposes specified under ch. 165.

(g) *Service fees.* All moneys collected from counties pursuant to s. 165.01 (8) and from contracts with other state agencies for technical services rendered, but revenues in excess of the expenditure amounts shown in the schedule may not be spent unless released in whole or in part by the board on government operations. At the close of each fiscal year any balance in this paragraph shall revert to the general fund, but in event of an overdraft such overdraft shall be carried forward to the succeeding fiscal year.

**History:** 1961 c. 191; 1965 c. 163.

**20.300 Deaf, association of.** There is appropriated to the Wisconsin association of the deaf for the following program:

(1) SERVICES TO THE DEAF. (a) *General program operations.* The amounts in the schedule for general program operations upon the certification by the treasurer of the Wisconsin association of the deaf.

**History:** 1965 c. 163.

**20.320 Dental examiners, board of.** There is appropriated to the state board of dental examiners for the following program:

(1) REGISTRATION OF DENTISTS AND DENTAL HYGIENISTS. (g) *Agency collections.* All moneys received under ch. 152.

**History:** 1965 c. 66 s. 10; 1965 c. 163.

**20.330 Educational approval council.** (1) APPROVAL OF EDUCATIONAL COURSES. (a) *General program operations.* There is appropriated from the general fund to the educational approval council on July 1, 1965, \$18,945 and annually beginning July 1, 1966, \$19,439 for the execution of its functions under s. 15.98. The administrative detail of handling this appropriation shall be carried out by the department of public instruction without remuneration.

**History:** 1965 c. 595.

**20.340 Employment relations board.** There is appropriated to the Wisconsin employment relations board for the following program:

(1) PROMOTION OF PEACE IN LABOR RELATIONS. (a) *General program operations.* The amounts in the schedule as provided in subchs. I and IV of ch. 111.

(g) *Publications.* All moneys received from the sale of publications, reports and other copied material, for the preparation of such materials.

**History:** 1965 c. 163.

**20.360 Executive department.** There is appropriated to the governor for the following program:

(1) EXECUTIVE OFFICE AND RESIDENCE OPERATION. (a) *Staff salaries.* The amounts in the schedule for the executive office salaries.

(b) *General program operations.* Such sums as are necessary for the general operation of the executive office. The lieutenant governor when acting as governor, because of the temporary absence or temporary disability of the governor, shall receive additional compensation at the rate of \$25 per day. When acting as governor because of a vacancy in the office of governor created by the happening of any contingency specified in s. 17.03, he shall receive the annual salary and all other rights, privileges and emoluments of the office of governor. The annual salary paid in such instance shall be in lieu of all other compensation provided for the lieutenant governor. The governor shall be entitled to his expenses and any expenses in connection with any conferences of governors, as prescribed in s. 14.24.

(c) *Contingent fund.* A sum sufficient for contingent expenses at the discretion of the governor, including, without limitation because of enumeration, the operation of the executive residence and travel and miscellaneous expenses of committees created by executive order, but a statement of all such expenditures shall be rendered to the legislature at the beginning of each regular session.

(d) *Midwest resources association.* On July 1, 1965, \$8,100 for the purpose of paying the state's share of the budget of the midwest resources association.

(2) ECONOMIC DEVELOPMENT. For the division of state economic development:

(a) *General program operations.* The amounts in the schedule for general program operations.

(c) *Promotion of commercial fishing.* On July 1, 1957, \$100,000, on July 1, 1959, \$20,000, on July 1, 1960, \$40,000, on July 1, 1961, \$40,000, on July 1, 1962, \$40,000, on July 1, 1963, \$25,000 and on July 1, 1964, \$25,000 as a nonlapsible appropriation, to be used by the department of resource development for promotion, advertising, related research and studies of benefit and use in attracting and maintaining industry, and necessary expense in providing inspection tours to

various state sites by representatives of prospective industry; and on July 1, 1964, \$25,000, and on July 1, 1966, \$25,000 to be used for the purpose of advertising Wisconsin's commercial fishing industry. Expenditures from this appropriation shall be made for purposes consistent with the program formulated pursuant to s. 109.06.

(g) *Conference proceeds.* All moneys received from the conduct of conferences to carry out the purposes of the program.

**History:** 1961 c. 191; 1963 c. 6, 224, 225; 1965 c. 163, 428, 459, 614, 637.

**20.365 Exposition department.** There is appropriated to the Wisconsin exposition department for the following programs:

(1) STATE FAIR. (g) *General program operations.* The unencumbered balance remaining under s. 20.365(61)(b) 1, 1963 stats., on June 30, 1965, and the remainder of all moneys received for or on account of the operation of the state fair, other events, or state fair park except as provided by subd. 1 after deducting the amount appropriated by s. 20.240(2)(d). The amount appropriated and available under this paragraph shall be determined by the department of administration. The amounts in the schedule are allocated for general program operations. With the approval of the board on government operations, the appropriations made by this paragraph may be supplemented from the department's receipts. Any surplus of receipts shall be transferred to par. (h) when determinable.

1. Agency agreements. All moneys received under agency agreements, under which the state exposition department assumes no official liability, to be accounted for in detail, as agency transactions, and to be paid to the persons entitled thereto.

2. State fair receipts, prompt audit. All moneys collected or received for or on account of the operation of the state fair and the Wisconsin Olympic sports commission shall be deposited within one week into the general fund, except as provided in subd. 1. The state treasurer and commissioner of administration or their duly authorized representatives shall be in attendance at the state fair each year to receive such moneys and to audit and pay expenditures duly certified by the state exposition department as having been necessarily incurred in the operation of the state fair.

3. Revolving fund for special events and change purposes. Of the receipts from the operation of the state fair park, not to exceed \$60,000 during the period one month preceding and one week after the annual

state fair and \$15,000 at all other times may be deposited as an imprest cash fund in a Milwaukee or West Allis bank approved by the state treasurer as a fund upon which to draw to obtain sufficient change for operation of the state fair and state fair park.

(h) *Capital improvements.* The unencumbered balance under s. 20.365(61)(b) 2, 1963 stats., on June 30, 1965, and the surplus of receipts transferred from par. (g) after the appropriations are made for general program operations, to be used for the acquisition of land, the payment of construction costs, including architectural and engineering services, furnishings and equipment, and temporary financing necessary to provide facilities for exposition purposes. In the purchase of land the department shall comply with s. 20.926.

(u) *Construction.* There is appropriated from the state building trust fund \$495,000 realized from the sale of land pursuant to chapter 40, laws of 1959, as a nonlapsible appropriation for construction and improvement.

(um) *Rental payments.* A sum sufficient from the state building trust fund for the payment of rentals on leases and subleases entered into under s. 27.305 on projects designated and approved by the state building commission when the projects are initiated and on projects designated and approved by the state building commission after initiation thereof.

(2) COUNTY AND DISTRICT FAIRS. (a) *Administration.* The respective amounts in the schedule for the inspection and supervision of organizations receiving aids for fairs.

(b) *Aids.* The respective amounts in the schedule for state aids to counties and agricultural societies, associations or boards and to incorporated dairy or livestock associations, not to exceed \$10,000 per fair as provided in s. 27.30 (5). If the total due to the several counties and agricultural societies under s. 27.30 (5) exceeds the amount herein appropriated, the Wisconsin exposition department shall equitably prorate this appropriation.

**History:** 1961 c. 149, 609; 1963 c. 101, 224, 446; 1965 c. 66 s. 10; 1965 c. 163, 247, 529, 591.

**20.385 Government operations, board on.** There is appropriated to the board on government operations:

(1) GENERAL FUND. (a) *General program supplementation.* Biennially, the amounts in the schedule to be used to supplement appropriations of the general fund which prove insufficient because of unforeseen emergencies or which prove insufficient to accomplish the

purposes for which made, for payment of actual and necessary expenses of members other than the governor in attending meetings of the board, and other miscellaneous expense not to exceed \$250. Allotments from this appropriation shall be made as provided in s. 14.72. The governor may under this paragraph allot sums not in excess of \$1,000 to any department when necessary, without a meeting of the board. All allotments made by the board or by the governor in an emergency shall be certified to the department of administration, and expenditures therefrom shall be shown in the state budget report as an additional cost of the department, board, commission, institutions or programs to which such allotments were made.

(b) *Higher education program supplementation.* Biennially, the amounts in the schedule to be used to supplement the appropriations of public higher education programs which prove insufficient because of unforeseen enrollment increases.

(2) SEGREGATED FUNDS. (u) *General program supplementation.* A sum sufficient from any state fund other than the general fund to be used to supplement appropriations made from such fund, as provided in s. 14.72. The governor may under this paragraph allot sums not in excess of \$1,000 to any department when necessary, without a meeting of the board. All supplements made pursuant to this subsection to an appropriation shall be certified to the department of administration, and expenditures therefrom shall be shown in the state budget report as an additional cost of the department or commission and program for which such supplements were made.

(6) SCHOOLS IN FINANCIAL DISTRESS. (a) On March 1, 1943, as a nonlapsible appropriation, \$200,000, and on July 1, 1945, \$100,000 from the general fund as a special state aid to elementary and high schools which are in such financial distress that they cannot continue. This appropriation shall be distributed as aid to such schools at such times, in such amounts, and under such conditions as the board may determine to be necessary to adequately provide for the purposes for which this appropriation is made, with due regard for the whole amount available for such purposes. The necessary travel expenses of any person delegated by the board to investigate the needs of any such schools may be paid from this appropriation.

(9) SUPPLEMENTAL APPROPRIATIONS. (a) *Federal projects.* Not to exceed \$250,000 annually may be allotted under subs. (1) and

(2) by the board on government operations to any state activity to which a federal project has been granted.

(b) *State employes, salary ranges.* From the respective funds from which employes' and officers' salaries are paid, annually, beginning July 1, 1940, a sum sufficient to be used to supplement:

1. Appropriations which shall prove insufficient to pay the added amount which may be required due to changes in basic salary ranges of the state's compensation schedule pursuant to s. 16.105 (4) under the provisions relating to such changes during the interim when the legislature is not in session.

2. All allotments made by the board on government operations shall be certified to the department of administration, and expenditures therefrom shall be shown in the state budget report as an additional cost of the department, board, commission or institution or activities to which such allotments were made.

(c) *Reduction of certain appropriations.*

1. As an emergency measure necessitated by decreased state revenues and to prevent the necessity for a state tax on general property, the board on government operations is authorized to reduce any appropriation made to any board, commission, bureau, department, the university or to any other state agency or activity by such amount as it deems feasible, not exceeding 25% of the appropriations, except appropriations made by s. 20.280 (2) and ss. 20.410 (1) (c) and (d), 20.420, 20.650 (2) (b), (bm), (c), (e) and (3) (e) and 20.670 (1) (d), (3) (a), (d) and (e) or any other moneys distributed to any county, city, village, township or school district. Appropriations of receipts and of a sum sufficient shall for the purposes of this section be regarded as equivalent to the amounts expended thereunder in the prior fiscal year which ended June 30. It is the intent of this section that all functions of said departments shall be continued in an efficient manner, but because of the uncertainties of the existing situation it is necessary that no public funds be expended or obligations incurred unless there shall be adequate revenues to meet the expenditures therefor. For such reasons the board on government operations shall, if it deems it necessary, make such reductions of such appropriations as in its judgment will secure sound financial operations of the government for said departments and at the same time interfere least with their services and activities.

2. No reduction in any such appropriation shall be made under authority of this section until after an opportunity to be heard is

given, in writing or through publication in the official state paper, to the department, board, commission, bureau or university to whom such appropriation is made. Any reduction in appropriations determined upon shall be communicated to the department, board, commission, bureau or university affected, and to the department of administration. Thereafter the director shall not release and shall not draw his warrant in payment of any amount exceeding the reduced appropriations.

(d) *Conditions of releases.* Whenever in the statutes an appropriation or a portion of an appropriation is available only upon release by the board on government operations, such moneys shall be made available by the board on government operations at such times and in such amounts as the board may determine to be necessary to adequately provide for the purposes for which they are appropriated, with due regard for the whole amount available for such purposes. If the provisions relating to release by the board on government operations is invalid, the appropriation or portion of the appropriation which is subject to such release shall not be invalidated but shall be considered to be made without any condition as to time or manner of release.

(e) *Approval of appropriations.* No part of any appropriation which is made conditional upon approval by the board on government operations shall be effective and available until approval in writing signed by the governor and at least one other member of the board on government operations has been filed in the office of the department of administration.

**History:** 1961 c. 349, 622; 1963 c. 224 s. 126; 1965 c. 163, 247, 432 s. 6; 1965 c. 433 s. 121; 1965 [13.32 (2) (e)].

See note to 16.50, citing 52 Atty. Gen. 193, 226.

**20.390 Governor's commission on human rights.** There is appropriated to the governor's commission on human rights for the following program:

(1) **EDUCATION FOR HUMAN RIGHTS.** (a) *General program operations.* The amounts in the schedule for general program operations.

(g) *Gifts and grants.* All moneys received from gifts, grants, bequests, and devises, for use as provided in ss. 15.85 and 15.855.

**History:** 1965 c. 163.

**20.400 Grain and warehouse commission.** There is appropriated to the grain and warehouse commission for the following program:

(1) **REGULATION OF GRAIN MOVEMENTS.** (g) *Agency collections.* All moneys received under ch. 126; but any unexpended balance in excess of \$100,000 as of June 30 of any

year shall revert to the general fund.

**History:** 1965 c. 66 s. 10; 1965 c. 163.

**20.403 Great lakes compact commission.**

There is appropriated to the great lakes compact commission for the following program:

(1) **DEVELOPMENT OF SEAWAYS AND PORTS.** (a) *General program operations.* The amounts in the schedule for the program as provided under s. 30.22.

**History:** 1965 c. 163.

**20.408 Group insurance board.** There is appropriated for the following program:

(1) **GROUP HEALTH AND LIFE INSURANCE.** (a) *Administration.* To the group insurance board, annually, a sum sufficient for the execution of its functions under s. 66.919.

(b) *Employer contributions.* To the various state agencies from the respective funds from which state employes and officers' salaries are paid from the general purpose revenues or from segregated fund revenues, as the case may be, annually, beginning July 1, 1965, a sum sufficient to supplement the respective appropriations of the state agencies in the amount necessary to pay the cost of state contributions for state employes' group health and life insurance under s. 66.919 and s. 66.905 (8). Payments from this appropriation shall be upon vouchers certified by the director of the group insurance fund.

1. In this paragraph any segregated fund revenues credited by law directly to an appropriation shall be deemed "program revenue" as defined for the general fund.

2. All contributions by the state for employes of activities financed from program revenues shall be charged to such self-supporting appropriations from which salaries of employes are paid, but if said appropriations are exhausted or not available the contributions for fringe benefits shall be charged to the general purpose revenues of the program and fund from which such salaries are paid.

(u) *Premium payments.* To the group insurance board, all moneys received from group life and health insurance contributions pursuant to s. 66.919 for payments by the board to insurance carriers.

(9) **DIVIDENDS OR PREMIUM REFUNDS.** To the group insurance board, all dividends or premium credits becoming available under the terms of the group life and health insurance contracts to be apportioned by said board, prior to the close of each fiscal year, 1st to reimburse the general fund for the administrative expenses paid from the appropriations made under sub. (1) (a) during the preceding fiscal year, and 2nd any excess may be

used to reimburse the respective funds for contributions made in the ratio in which the contributions were made or may be applied for the benefit of employes continuing to be insured under the contract, or to the reduction of premium payments in the following contract year, or to establish reserves to stabilize the costs in subsequent years, or to purchase additional insurance to be in effect during the following contract year.

**History:** 1961 c. 191 s. 109; 1965 c. 163, 247, 433.

**20.410 Health, board of.** There is appropriated to the state board of health for the following program:

(1) PUBLIC HEALTH SERVICES. (a) *General program operations.* The amounts included in the schedule for general program operations.

(b) *Regulation of detergents.* The amounts included in the schedule for the regulation of detergents as described in s. 144.14.

(c) *Aids for county nurses.* A sum sufficient for the payment of aids to counties employing county nurses as provided in s. 141.065.

(d) *Aids to tuberculosis sanatoria.* A sum sufficient for state aid to tuberculosis sanatoria to be expended as provided in ss. 50.04 and 58.06 (2) and for outpatient diagnosis or treatment at public health dispensaries to be expended as provided in s. 50.06 (6).

(e) *Mental retardation testing administration.* The amounts in the schedule for administration only, in carrying out the purpose of s. 146.02.

(f) *Water research.* On July 1, 1965, for the 1965-67 biennium, \$152,000 for a joint accelerated water resources research and data collection program.

(g) *Licensing activities.* Eighty-eight per cent of all moneys received under chs. 145, 156, 158, 159 and 160 to be used for the purposes provided in said chapters, except that on July 1, 1965, \$50,000 of the balance remaining in the account for cosmetology shall lapse to the general fund.

(h) *Internal services.* All moneys received from services rendered by the internal services division to be expended for clerical licensing operations and such other similar services as are required. Insofar as is practicable, all such internal services shall be billed at cost. Whenever the unencumbered balance of this appropriation exceeds \$16,000 on June 30, the excess shall revert to the general fund.

(i) *Transcripts and microfilm services.* All moneys received under s. 69.02 (3) (c)

and (e) for the functions under said paragraphs. Whenever the unencumbered balance of this appropriation exceeds \$10,000 on June 30, the excess shall revert to the general fund.

(j) *Fees for accreditations.* All moneys received from fees for accrediting nursing homes, convalescent homes, and homes for the aged.

(k) *Fees for outpatient services.* All moneys received under s. 50.06 (6) for the execution of the board's functions under s. 50.06 (6).

(l) *Reimbursement for medical supplies.* All moneys received as reimbursement for medical supplies to be used for the purchase and distribution of such supplies.

(m) *Radiation protection act.* All moneys received under s. 140.54 for the administration of ss. 140.50 to 140.60.

(n) *Investigations of public health problems.* All moneys received under s. 140.05 (14).

(o) *Gifts and grants.* All moneys received from gifts and grants for the purpose for which made.

(p) *Federal aid for public health.* All moneys received from the federal government as aid for public health services, for the purposes specified in the acts of congress pursuant to which such federal aid is given and in accordance with plans prepared by the board and approved by the U.S. children's bureau and the U.S. public health service for public health assistance to the states.

(q) *Federal aid for hospital construction.* All moneys received from the federal government for a construction project approved by the surgeon general under ss. 140.10 to 140.22 to be used solely for payments due applicants for work performed or purchases made in carrying out the approved projects.

(r) *Other federal grants.* All moneys received from such other federal funds as authorized by the governor under s. 16.54 in carrying out the program.

(s) *Mental retardation facilities construction; federal aid.* All moneys received from the federal government for a construction project approved by the secretary of health, education and welfare of the U. S. under ss. 140.65 to 140.76 shall be deposited within one week after receipt into the general fund and are appropriated therefrom to be used solely for payments due applicants for work performed, or purchases made, in carrying out approved projects for mental retardation facilities construction.

(t) *Mental health center construction; federal aid.* All moneys received from the

federal government for a construction project approved by the secretary of health, education and welfare of the U. S. under ss. 140.65 to 140.76 shall be deposited within one week after receipt into the general fund and are appropriated therefrom to be used solely for payments due applicants for work performed, or purchases made, in carrying out approved projects for mental health center construction.

**History:** 1961 c. 191; 1963 c. 154, 224, 325, 434, 459; 1965 c. 163, 176, 372, 433, 502.

**20.415 Higher educational aids, state commission for.** There is appropriated to the state commission for higher educational aids for the following program:

(1) HIGHER EDUCATIONAL AIDS. (a) *General program operations.* The amounts in the schedule for general program operations.

(b) *Grants to students.* Biennially, the amounts in the schedule to carry out the purposes of s. 39.023(5).

(m) *Federal aid.* All moneys received from federal aids and grants under s. 16.54 as authorized by the governor to carry out the purpose for which made.

(2) HONOR SCHOLARSHIPS. (a) *Stipends.* The amounts in the schedule to carry out the purposes of s. 39.023(6).

(3) STUDENT LOANS. (a) *Interest and administration.* The amounts in the schedule for administration of the student loan program, and for interest on investments under s. 25.17(3)(bf) if the amounts appropriated under par. (h) are insufficient, and for repayment of defaulted notes under s. 39.023(7) if the amounts appropriated under par. (m) are insufficient. These amounts shall not become available unless released by the board on government operations.

(g) *Loans.* The balances remaining in the appropriation under s. 20.670(4), as renumbered and amended by chapter 163, laws of 1965, on June 30, 1966, the principal repaid on student loans made under s. 49.42, the principal repaid on student loans made under s. 39.023(7) and all proceeds of advances by the state of Wisconsin investment board, under s. 25.17(3)(bf), to be used for additional loans under s. 39.023(7) and for repayment of advances by the investment board. It is the intent of the legislature that all loans assigned and physically conveyed to the investment board pursuant to ss. 25.17(3)(bf) and 20.670(47), 1961 stats., be returned to the department of public welfare files and from there on June 30, 1966, or as soon thereafter as is practicable, be transferred to the files of the state commission for higher educational aids together with other records

and files of loans made by the department of public welfare and any moneys in the possession of the department of public welfare from repayment of loans and upon the completion of such transfer the department shall have no further responsibility for the administration of student loans nor financial responsibility to the investment board for advances made by the investment board to the department of public welfare and that in lieu thereof the total of all investment board advances on the student loan program be covered by the certificate of the state commission for higher educational aids. Beginning July 1, 1966, the state auditor may annually audit the portfolio of student loans and notes thereon in the possession of the state commission for higher educational aids and report his determination of the current condition of the student notes receivable portfolio to the investment board, the state commission for higher educational aids and the department of administration.

(h) *Interest payments.* The amounts received as interest on loans made under s. 49.42, the amounts received as interest on loans made under s. 39.023(7), and the amounts received as interest payments from the federal government under P.L. 89-329 and P.L. 89-287 for the payment of interest under s. 25.17(3)(bf).

(i) *Gifts and grants.* All moneys received from gifts and grants, for the purposes for which made.

(m) *Federal reserve fund advance.* The amounts in the schedule as an advance to establish a reserve fund for the repayment of defaulted loans made under s. 39.023(7).

**History:** 1965 c. 163, 264, 433, 463, 566.

**20.417 Higher education, co-ordinating committee for.** There is appropriated to the co-ordinating committee for higher education for the following program:

(1) ADMINISTRATION. (a) *General program operations.* The amounts in the schedule to carry out its functions under s. 39.024.

**History:** 1965 c. 291, 433.

**20.420 Highway commission.** There is appropriated to the state highway commission for the following programs the amount remaining from highway fund revenues collected by the motor vehicle department, department of taxation and public service commission after deducting the amounts appropriated from the state highway fund by ss. 20.130 (1) and 20.650 (2) and the amounts paid from appropriations from the state highway fund made by ss. 20.275 (1), 20.280 (4) (z), 20.520 (4), 20.560, 20.660 (1) and 20.800

(1). The revenues treated by this paragraph received in each fiscal year shall be apportioned and allotted by the commission in the amounts and at the dates specified in this section or, if unspecified, as the commission determines.

(1) STATE TRUNK AND URBAN HIGHWAYS.

(u) *General program operations.* The amounts in the schedule for the costs of administration not otherwise financed.

(v) *State trunk highway allotment; counties.* The amounts required to meet the provisions of s. 84.03 (3), except for retiring bonds.

(vg) *Fire protection.* Annually, there is appropriated from the highway funds available to the state highway commission under sub. (1) (xb) a sum sufficient to reimburse towns for claims arising under s. 60.29 (20) (e) 2 on or after January 15, 1964.

(vm) *Municipal streets.* The amounts in the schedule for the improvement of connecting streets and state trunk highways in cities and villages and to supplement the appropriation made under par. (x) to carry out the purposes of s. 84.03 (9). These amounts may be used either independent of or in conjunction with any other funds which may be available for the same purposes.

(w) *Roadside improvement.* Not to exceed \$200,000 for the execution of its functions under s. 84.04.

(wc) *County reimbursement.* An amount sufficient annually to reimburse any county for money it may contribute after July 1, 1966 for that portion of the capital improvement or construction project costs of the national system of interstate highways under s. 84.29 which is not paid by federal aid.

(wg) *Outdoor advertising.* All moneys received from permits imposed by s. 84.30 for the execution of its functions thereunder.

(x) *State fund for construction and maintenance.* The amounts in the schedule for the execution of its functions under ss. 84.01 (7) and (21), 84.03(6) and (9) and 84.07. From the appropriations credited to this paragraph an amount equal to the amount appropriated under s. 20.421(2)(a) shall be paid into the general fund as required for payments under such appropriation.

(xa) *Highway improvement.* Beginning on January 1, 1966, \$1.20 of each fee under ss. 341.25 (1) (a) and (2) (intro. par.) and 341.26 (3) (a) and (g), for highway improvement and the elimination of road hazards.

(xb) *State fund, supplemental.* On June 30, 40% of the amount remaining from high-

way fund revenues collected by the motor vehicle department, department of taxation and public service commission after deducting the amounts appropriated from the state highway fund by ss. 20.130 (1) and 20.650 (2), the amounts paid from the appropriations from the state highway fund made by ss. 20.275 (1), 20.280 (4) (z), 20.520 (4), 20.560, 20.660 (1) and 20.800 (1) and the amounts allotted from the appropriations made by pars. (u), (v), (vm), (w), (x), (xa) and (xd) and subs. (2) (u) to (x) and (z) and (3) (u) to (um), (v) to (x), (xc) and (xm) have been set aside, to supplement the appropriation made by par. (x).

(xd) *Additional fuel tax.* Two-sevenths of the taxes collected under ss. 78.01(1) and 78.40(1), to supplement the appropriation made by par. (x). One-half of the amount received under this paragraph shall be dedicated to accelerated construction of portions of the state arterial system and those state trunk highways designated as freeways or expressways.

(xg) *Investment and miscellaneous income.* All profits from investments of the highway fund and the service fees and sales of and by the highway commission, to be added to the appropriation made by par. (x). Expenses or losses relating to such investments and sales shall be charged to the appropriation made herein.

(y) *Federal aid.* All allotments of federal aid funds made to this state for use on the state trunk and urban highway system, as received in the state treasury.

(z) *Special funds.* All funds paid into the state treasury by any local unit of government or other source for use on the state trunk and urban highway system, for the purpose for which paid.

(2) SPECIAL ROADS AND SERVICES. (g) *Scenic easements.* Biennially, the amounts allocated by the state recreation committee under s. 20.703 (1) for the acquisition of scenic easements, development of historical markers, overlooks, waysides and related functions specified in ss. 84.04 and 84.09 (1).

(u) *General program operations.* The amounts in the schedule for the costs of administration.

(v) *State park and forest roads.* Not to exceed \$700,000 for the execution of its functions under s. 84.28.

(w) *Institution roads.* Not to exceed \$100,000 for the fiscal year 1965-66 and \$140,000 for the fiscal year 1966-67, for the purposes specified in s. 84.27.

(x) *Public access roads.* The amounts in the schedule for providing public access roads

to navigable waters. Such funds shall be used as provided for state park roads in s. 84.28.

(y) *Federal aid; defense and forest roads and miscellaneous.* All federal highway funds made available for use in this state for the improvement of federal defense and federal forest roads and miscellaneous roads, as received in the state treasury.

(z) *Topographic maps.* Not to exceed \$105,000 for the preparation of topographic maps of parts of Wisconsin in co-operation with the federal government. This appropriation shall not exceed amounts made available for this purpose by the federal government.

(3) AIDS AND ASSISTANCE TO LOCAL GOVERNMENTS. (u) *General program operations.* The amounts in the schedule for the costs of administration.

(ug) *Bridge construction.* Not to exceed \$200,000 to pay the state's portion of the cost of bridges under ss. 84.11 and 84.12 not on the state trunk highway system or a connecting street.

(um) *Bridge maintenance and operation.* Not to exceed \$225,000 for the purposes specified in s. 84.10.

(ut) *Bridge damages.* Any receipts available from other sources for the maintenance and operation of bridges specified in s. 84.10, to supplement the appropriation made by par. (um).

(v) *Railroad grade crossing protection.* Not to exceed \$250,000 to pay the cost of crossing protection under s. 195.28.

(w) *State trunk highway allotment; county bonds.* The amounts necessary to retire bonds issued under ss. 67.13 and 67.14 in accordance with the allotment procedure specified in s. 84.03 (3).

(x) *Aids to localities.* The amounts necessary to meet the provisions of ss. 59.965 (11), 83.10, 86.31, 86.32, 86.33, 86.34 and 86.35.

(xc) *Aids to localities, motor vehicle fees.* Beginning on January 1, 1966, 40 cents of each fee under ss. 341.25 (1) (a) and (2) (intro. par.) and 341.26 (3) (a) and (g) shall be allotted to the city, village or town in which the vehicle was customarily kept in the fiscal year ending the previous June 30. In cities of the 1st class the city shall apportion its allotment according to the formula under s. 86.35 (3).

(xg) *Aids to localities, supplemental.* On June 30, 60% of the amount remaining from highway fund revenues collected by the motor vehicle department, department of taxation and public service commission after de-

ducting the amounts appropriated from the state highway fund by ss. 20.130 (1) and 20.650 (2), the amounts paid from the appropriations from the state highway fund made by ss. 20.275 (1), 20.280 (4) (z), 20.520 (4), 20.560, 20.660 (1) and 20.800 (1) and the amounts allotted from the appropriations made by subs. (1) (u), (v), (vm), (w), (x), (xa) and (xd) and (2) (u) to (x) and (z) and pars. (u) to (um), (v) to (x), (xc) and (xm) have been set aside, to supplement the appropriation made by par. (x).

(xm) *Additional fuel tax.* One-seventh of the taxes collected under ss. 78.01(1) and 78.40(1), to supplement the appropriation made by par. (x).

(y) *Federal aid.* All allotments of federal highway aid funds made to this state for use on county trunk highways and town roads, as received in the state treasury.

(z) *Special funds.* All funds paid into the state treasury by any local unit of government or other source for use on county trunk highways and town roads, for the purpose for which paid.

(9) GENERAL PROVISIONS. (u) *Administrative overhead.* Costs of administration and supervision not otherwise financed may be charged to a special account as determined by the department of administration and shall be charged back to the general program operations appropriation for the several programs at the end of each fiscal year, including fringe benefits related to administrative appropriations. Any cash balance remaining under the appropriations made by subs. (1) (u), (2) (u) and (3) (u) on August 15 following the close of any fiscal year shall be transferred to and is appropriated under sub. (1) (x). Any prior year's outstanding encumbrance and any claim of a prior fiscal year not evidenced by an encumbrance presented for payment after August 15 shall be charged to such appropriations for the fiscal year in progress.

(v) *Matching federal aid and other funds.* All or part of any allotment from the appropriations made by subs. (1) (v) to (xg), (2) (v) to (x) and (3) (ug), (um) and (v) to (xm) may be used to match or supplement federal aid or other funds made available by any act of congress or any county, city, village or town for the purposes set forth in such paragraphs, provided the commission and any municipality or other commission or official given any control over the disposition of any such allotment deems it advisable, and provided that every part of every allotment made from an appropriation in this section



shall be expended only for the purpose for which the allotment is made. The intent of this subsection is to permit, where state funds are as herein provided made available for such purposes, the matching or supplementing of federal aid funds in accordance with the purposes of any act of congress, including without limitation because of designation the elimination of hazards to life at railroad grade crossing, the construction, reconstruction and improvement of secondary or feeder roads and any other highway purpose within the purview of any such act of congress.

(y) *Appropriation of federal aid and other special funds.* Appropriations made by subs. (1) (y), (2) (y) and (3) (y) shall be expended by the commission in connection with the appropriation provided in this section where applicable and in accordance with the requirements of and regulations made under and pursuant to any applicable act of congress. Section 20.902 shall not apply to that part of any debt or liability contracted or created on any highway project in anticipation of payment thereof out of federal aid funds pursuant to any applicable act of congress.

(z) *Special funds.* Appropriations made by subs. (1) (z) and (3) (z) shall be expended by the commission in accordance with the purposes for which such moneys were paid into the state treasury and may, where applicable, be used as state funds to match or supplement federal aid on projects for such purposes.

(za) *Supplementation.* The appropriations made by subs. (3) (xg) and (xm) shall be used to supplement the appropriation made by sub. (3) (x) as follows:

1. 30% to counties, apportioned in the same ratio as and to supplement the allotment under sub. (3) (x) pursuant to s. 83.10.

2. 30% to towns, apportioned in the same ratio as and to supplement the allotment under sub. (3) (x) pursuant to s. 86.31.

3. 15% to all villages and to cities with populations of not more than 10,000, to supplement the allotment under sub. (3) (x) pursuant to s. 86.31, to be allocated to each village and city in proportion to the mileage in each on which aids were allocated in s. 86.31.

4. 25% to applicable counties and to cities with populations of more than 10,000 to supplement the allotments under sub. (3) (x) pursuant to ss. 59.965 (11) and 86.31, apportioned in the same ratio as such allotments.

5. On April 15 an amount equal to one-half of the amount that was paid to such county, town, village and city under subs.

(3) (xg) and (xm) from the revenues of the previous fiscal year shall be prepaid as part of the allotment due on the following June 30 pursuant to said paragraphs. The commission may adjust, as it deems necessary to avoid duplication or overpayment, the amounts of prepayments or payees to compensate for changes in incorporation status or boundaries of municipalities which have occurred since the payments from the revenues of the previous fiscal year.

**History:** 1961 c. 205, 427, 531, 539, 579; 1963 c. 6, 277, 318; 1965 c. 232, 297, 395, 396, 398, 432, 499, 575, 593.

**Note:** The changes in the distribution of the additional motor fuel tax, which is made by the amendment of subs. (1)(xd) and (3)(xm) by chapter 595, laws of 1965, were effective only as to motor fuel taxes collected beginning August 1, 1966.

**20.421 Highway commission.** (1) **EMERGENCY WORK PROGRAM IN MENOMINEE COUNTY.** (a) *General program operations.* For the purpose of providing immediate and necessary employment for the Indians residing in Menominee county and for the necessary improvement of county and town highways in said county, there is appropriated from the general fund to the state highway commission \$300,000 for such improvement, which is additional to any appropriations otherwise available. The program herein provided shall be administered by the commission. The commission and the county board of Menominee county shall enter into an agreement providing that contractors shall employ Indian residents of Menominee county under this subsection whenever possible. The commission shall be the exclusive authority to co-operate with the federal government in programs for highway development or recreational road development in Menominee county. This subsection is emergency legislation and expires June 30, 1967.

(2) **INTERSTATE ACCELERATION.** (a) *Lease rental payments.* The amounts necessary to the state highway commission from the general fund for the payment of rentals on leases and subleases entered into pursuant to s. 84.40 on highway projects on the interstate system in this state when the projects are initiated.

**History:** 1965 c. 395, 593.

**20.430 Historical society.** There is appropriated to the state historical society for the following program:

(1) **COLLECTION AND PRESERVATION OF HISTORICAL MATERIALS FOR RESEARCH AND PUBLICATIONS.** (a) *General program operations.* The amounts in the schedule for general program operations.

(b) *Heat.* A sum sufficient to reimburse

the board of regents of the university for heat supplied the state historical society.

(g) *Fines and collections.* All fines, fees or other moneys received by the society, except such moneys as are otherwise specifically appropriated by law.

(h) *Trust funds.* All moneys, securities or other assets received from gifts, grants, bequests or devises to be used to carry out the purposes for which made or received. Gifts or bequests which, because of the stipulation of the donor or the provisions of the bequests, must be invested shall be placed under the management and supervision of the state of Wisconsin investment board. The income from such investments shall be credited to this appropriation and, except where reinvestment is required by the terms of the gift or bequest, shall be expended by the state historical society in accordance with provisions of the trust, gift or bequest.

(i) *Historical markers commission—gifts and donations.* All moneys received from gifts, and bequests made to the historical markers commission as provided by s. 44.15 (3) to carry out the purposes of s. 44.15.

(m) *Federal funds.* All federal funds received as authorized by the governor under s. 16.54 in carrying out the purposes of the program.

**History:** 1963 c. 491; 1965 c. 163.

**20.440 Industrial commission.** There is appropriated to the industrial commission for the following program:

(1) **SERVICES TO LABOR AND INDUSTRY.** (a) *General program operations.* The amounts in the schedule for general program operations.

(m) *Federal funds.* All federal funds received as authorized under s. 16.54 to carry out the purposes of the program.

(u) *Unemployment administration fund; federal moneys.* All federal moneys paid to the industrial commission or the state for the Wisconsin state employment service pursuant to s. 101.37 or for the administration of unemployment compensation under ch. 108, and any moneys paid to the industrial commission and deposited by it with the state treasurer pursuant to s. 108.20, and all moneys duly transferred to the unemployment administration fund pursuant to s. 20.440, are appropriated to the industrial commission for the performance of the functions of the commission under ch. 108, and for its conduct of public employment offices consistently with s. 101.37, and for its other efforts to regularize employment; to pay the compensation and expenses of appeal boards and of advisory committees; and to pay allowances stimulating education during unemployment. Any

balance remaining in this fund at the close of any fiscal year shall not lapse but shall remain available for the purposes herein specified.

(v) *Unemployment administration fund; state moneys.* All vouchers covering expenditures under ch. 108, if duly drawn and approved in accordance with the Wisconsin statutes applicable to the disbursement of state funds, shall be paid from the administration fund by the state treasurer, without regard to the sources from which this fund is derived. The treasurer of the unemployment reserve fund, however, shall maintain a separate record of all moneys received for the administration fund as interest on delinquent payments under ch. 108, and of all moneys (other than the contributions paid by certain "exempted" employers for January 1936) received for the administration fund as contributions for months ending prior to February 1936, namely the month in which federal grants were first authorized for the administration of ch. 108, and all expenditures made from said moneys. He shall charge against said moneys such expenditures and transfers heretofore made by the industrial commission as the commission may by resolution decide were not properly and validly chargeable against federal grants (or other funds) received for the administration fund on or after February 1936. Said moneys shall not be expended or available for expenditure in any manner which would permit their substitution for (or a corresponding reduction in) federal funds which would in the absence of said moneys be available to finance expenditures for the administration of ch. 108. But nothing in this section shall prevent said moneys from being used as a revolving fund, to cover expenditures (necessary and proper under ch. 108) for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when received. The industrial commission may also, by resolution duly entered in its minutes, authorize to be charged against said moneys any expenditures which it deems proper and desirable under ch. 108, provided the commission in such resolution finds that no other funds are available or can properly be used to finance such expenditures. So much of the moneys specified in this subsection as the industrial commission may direct shall be invested in United States bonds, and the interest received thereon and the proceeds therefrom shall be included in said moneys.

(w) *Administrative financing account.* Any amount appropriated for employment security administration pursuant to s. 108.161 shall be available for expenditure accordingly,

and shall not lapse; but any unexpended remainder thereof shall be restored pursuant to that section.

(x) *Employment security building projects.* 1. There is appropriated, from the unemployment reserve fund's employment security administrative financing account created by s. 108.161, to the administration fund created by s. 108.20, for use on employment security building projects in accordance with those sections:

a. On July 1, 1965, or on the official publication date of this act, whichever date is later, \$335,000, but not to exceed the total amount credited to that account but not yet obligated from July 1, 1956 through June 30, 1965.

b. From July 1, 1965 through June 30, 1966, various amounts (on the dates when credited to that account) totaling \$155,000, but not to exceed the total amount credited to that account within that fiscal year.

c. From July 1, 1966 through June 30, 1967, various amounts usable under federal law (on the dates when credited to that account) totaling \$120,000, but not to exceed the total of such amounts credited to that account within that fiscal year or within any part thereof which ends 2 years after the enactment date of this act.

2. The amounts thus appropriated shall be used for employment security administration (including unemployment compensation, employment service and related statistical operations), namely for capital outlay to buy suitable parcels of land, with a view to future construction thereon of modern office buildings designed for employment security operations, and to finance the designing and construction of such buildings, including such equipment, facilities, paving, landscaping and other improvements as may be required for the proper use and operation of such building projects after their completion.

3. The treasurer of the unemployment reserve fund shall transfer the amounts thus appropriated, from the account created by s. 108.161 to the fund created by s. 108.20, only as and to the extent that they are currently needed for expenditures pursuant to this section. Any amount thus transferred which has ceased to be needed or available for such expenditures shall be restored to that account.

4. The amount obligated pursuant to this subsection during any fiscal year shall not exceed the aggregate of all amounts credited under s. 108.161 (1), including amounts credited pursuant to s. 108.161 (8), within that fiscal year and the 9 preceding fiscal years,

reduced by the sum of any moneys obligated and charged against any of the amounts thus credited within those 10 years.

5. As to any building project to be financed under this subsection, the industrial commission shall secure advance assurance that the federal bureau of employment security will apply to that project, after its completion and occupancy, the bureau's policy of gradually reimbursing the unemployment reserve fund for the necessary capital costs of any suitable employment security building project (thus financed) by federal grants covering the amounts which would otherwise be payable (during the reimbursement or amortization period) for the rental of substantially equivalent office quarters.

7. The governor, before approving any land purchase (including any transfer) or building project to be financed under this subsection, shall consult with the state building commission as to those cities and sites where early construction of a combined state office building is under active consideration, with a view to determining where employment security building projects (thus financed) would be desirable.

8. If the state building commission with the approval of the governor determines as to any city or site that employment security offices should be part of a combined state office building project, or should be built on state-owned land or on land owned by the Wisconsin state public building corporation, the amounts appropriated by this subsection shall be available to finance such offices or a proper employment security share of such combined project, subject to the requirements of subd. 5.

9. Any amount, appropriated by subd. 1, which has not been obligated shall be available for employment security local office building projects, consistently with this subsection and ss. 108.161 and 108.20.

(7) **SEGREGATED FUNDS.** (u) *Death benefit fund.* All moneys paid into the death benefit fund under s. 102.49, to carry out the purposes of said fund.

(v) *Injuries indemnity fund.* All moneys paid into the injuries indemnity fund under s. 102.59, to carry out the purposes of said fund.

**History:** 1961 c. 334; 1963 c. 316, 325; 1965 c. 66 s. 7; 1965 c. 163, 231, 247.

**20.460 Insurance department.** There is appropriated to the insurance department for the following programs:

(1) **REGULATION AND SUPERVISION OF INSURANCE COMPANIES.** (a) *General program operations.* The amounts in the schedule for

general program operations.

(g) *Examination of companies.* All moneys received from insurance organizations examined by the department, but revenues credited herein in excess of the expenditure amounts shown in the schedule may not be spent unless released in whole or in part by the board on government operations. At the close of each fiscal year any balance in this paragraph shall revert to the general fund, but in the event of an overdraft such overdraft shall be carried forward to the succeeding fiscal year.

(h) *Outside contractors.* All moneys received under ss. 200.04 (4) and 211.07 for the examination of those insurance companies and employe welfare funds not conducted by the insurance department to be used for payment to outside contractors appointed by the commissioner under chs. 200 and 211.

(i) *Agents' training and licensing.* All moneys received under s. 200.13(16m) for the preparation, printing and distribution of agents' qualification training manuals and the administration of the agents' licensing program and for the expenses of the insurance agents advisory board and the administration of s. 209.039.

(j) *Trust funds.* All moneys received pursuant to ss. 200.09, 220.08 (14) and 268.31 for disposition in accordance with ss. 220.08 (14) and (14a) and 268.31.

(2) **ARSON INVESTIGATION.** (a) *General program operations.* The amounts in the schedule for the general program operations.

(3) **OPERATION OF STATE INSURANCE FUND.** All moneys paid into the state insurance fund under ss. 210.02 and 210.04, for the following purposes:

(u) *Administration.* The amounts in the schedule for administration.

(v) *Insurance losses.* The balance of moneys received under ss. 210.02 and 210.04, after the appropriation for administrative expenses, for the payment of insurance losses. Payments to the state of Wisconsin investment board pursuant to s. 20.480 (1); payments to the general fund pursuant to s. 200.17 (4), loss adjustment expenses and fire rating bureau dues shall be charged directly to this subsection.

(4) **OPERATION OF STATE LIFE FUND.** All moneys paid into the state life fund under s. 210.05, for the following purposes:

(u) *Administration.* The amounts in the schedule for administration.

(v) *Operations and benefits.* The balance of moneys received under s. 210.05, after the appropriation for administrative expenses, to carry out the purposes of said fund. Pay-

ments to the state of Wisconsin investment board pursuant to s. 20.480 (1), for payments for medical examinations and inspection reports shall be charged directly to this subsection.

(7) **WORKMEN'S COMPENSATION SECURITY FUNDS.** (u) *Mutual workmen's compensation security fund.* All moneys paid into the mutual workmen's compensation security fund under s. 102.65 (4), to carry out the purposes of said fund as provided in s. 102.65.

(v) *Reciprocal workmen's compensation security fund.* All moneys paid into the reciprocal workmen's compensation security fund under s. 102.65 (6), to carry out the purposes of said fund as provided in s. 102.65.

(w) *Stock workmen's compensation security fund.* All moneys paid into the stock workmen's compensation security fund under s. 102.65 (2), to carry out the purposes of said fund as provided in s. 102.65.

**History:** 1961 c. 191 ss. 30, 31, 109; 1961 c. 358; 1963 c. 224, 344, 459; 1965 c. 163, 247, 249, 433, 461, 625.

**20.480 Investment board.** There is appropriated to the state of Wisconsin investment board for the following program:

(1) **INVESTMENT OF FUNDS.** (a) *General program operations.* The amounts in the schedule for general program operations. At the end of each fiscal year the board shall bill the funds which it controls for the amount expended in investing such funds, including the cost of employer contributions to group insurance plans, the Wisconsin retirement fund and public employe social security fund, and the general fund shall be reimbursed by the income of said funds or through s. 25.17 (9) for the amount expended under this appropriation.

**History:** 1961 c. 191 s. 32; 1961 c. 507, 682; 1965 c. 163, 247.

**20.490 Judicial council.** There is appropriated to the judicial council for the following program:

(1) **ADVISORY SERVICES TO THE COURTS AND LEGISLATURE.** (a) *General program operations.* The amounts in the schedule for the program under s. 251.181.

**History:** 1965 c. 163.

**20.500 Lands, commissioners of public.** There is appropriated to the commissioners of the public lands for the following program:

(1) **INVESTMENT AND SALE OF STATE SCHOOL LANDS.** (a) *General program operations.* The amounts in the schedule for general program operations.

(m) *Federal funds.* All moneys received from the U. S. government, on account of

leasing land under the U. S. flood control act of 1954 and subsequent amendments thereto, to be paid out as provided in s. 24.39 (3).

(u) *Agricultural college fund.* The commissioners shall invest and loan the agricultural college fund as provided in s. 25.01.

(v) *Common school fund.* The commissioners shall invest and loan the common school fund as provided in s. 25.01.

(w) *Normal school fund.* The commissioners shall invest and loan the normal school fund as provided in s. 25.01.

(x) *University fund.* The commissioners shall invest and loan the university fund as provided in s. 25.01.

History: 1965 c. 163, 247.

**20.510 Law library.** There is appropriated to the trustees of the state library for the following program:

(1) LAW SERVICES. (a) *General program operations.* The amounts in the schedule for general program operations.

History: 1965 c. 163.

**20.520 Legislative council.** There is appropriated to the legislative council for the following programs:

(1) ADMINISTRATION AND RESEARCH. (a) *General program operations.* Biennially, the amounts in the schedule for the execution of the functions of the joint legislative council under s. 13.81 and its committees to conduct research, and to develop studies on such problems as are referred to the council by the legislature. Expenditures from this appropriation shall be by voucher signed by the chairman or the executive secretary of the council.

(b) *Contingent expenses.* Biennially, the amounts in the schedule for general contingent expenses to be expended on the order of the chairman or executive secretary of the council at their discretion, but a statement of all such expenditures shall be rendered to the legislature at the beginning of each regular session.

(2) LEGISLATIVE IMPROVEMENT. (a) *General program operations.* The amounts in the schedule for general program operations as a nonlapsible appropriation to June 30, 1967, if the grant from the Ford foundation is received by the state.

(g) *Ford foundation grant.* For the biennium, the amounts in the schedule from moneys received from the Ford foundation pursuant to s. 13.49.

(3) MENOMINEE INDIAN STUDY. (a) *General program operations.* The balances in the appropriation made by s. 20.520(5)(a), 1963 Stats., on June 30, 1965, as a nonlapsing

appropriation for the purposes provided in s. 13.83(3).

(b) *Establish county government.* The balances in the appropriation made by s. 20.520 (5) (b), 1963 Stats., on June 30, 1965, as a nonlapsing appropriation for the purpose of assisting the Menominee Indians in the establishment of the government for Menominee county.

(g) *Gifts and donations.* All gifts and donations received pursuant to sub. (9).

(4) HIGHWAY PROBLEMS STUDY. (u) *Highway fund.* Biennially, the amounts in the schedule from the state highway fund for the continuation of the study of highway problems. Payments from this appropriation for reimbursement of expenses and compensation for services shall be made only to persons not on the state highway commission payroll except that employes of the commission may be compensated for work performed on the study in excess of the standard work week. The highway commission and its employes shall, when requested, fully co-operate with and assist the council and the advisory committee in making such study. Payments from the appropriation made by this subsection shall be by voucher signed by the chairman or executive secretary of the council.

(5) STUDY OF INSURANCE LAWS. (a) *General program operations.* Annually, the amounts in the schedule as a nonlapsible appropriation for the purpose of conducting the study under s. 13.84.

(g) *Gifts and donations.* All gifts and donations received pursuant to the study authorized under s. 13.84.

(9) GENERAL APPROPRIATIONS AND PROVISIONS. (a) *Gifts and donations.* The council may accept and use any funds available to it in connection with any research or study undertaken by it.

(b) *Reimbursement.* At the end of each fiscal year, the general fund shall be reimbursed, from any other state fund, the amounts actually expended under this subsection for the cost of making and publishing surveys and analyses of activities and policies related to such funds. The legislative council shall bill such state funds at the end of each fiscal year for the costs so incurred, in accordance with cost records maintained by the council. Such reimbursements shall be deposited in the general fund as general purpose revenue.

History: 1961 c. 6, 191, 686; 1963 c. 6, 547; 1965 c. 163, 406, 659.

**20.530 Legislature.** There is appropriated to the legislature for the following programs:

(1) OPERATION OF THE LEGISLATURE. (a) *General program operations.* A sum sufficient to carry into effect its functions. Of this there is allotted:

1. Members. Compensation, mileage and a monthly allowance for expenses to each member of the legislature, as follows:

b. Once for each special or regular session, mileage at the rate of 10 cents per mile for every mile traveled in going to and returning from the state capitol on the most usual route.

c. Members of the legislature authorized by law, by the governor, by legislative rule or by resolution or joint resolution to attend meetings other than sessions of the legislature or to represent the state in their official capacity shall be paid no additional compensation for such services but shall be reimbursed their actual and necessary expenses. A legislator shall not be reimbursed under subd. 1. c for expenses incurred for any day, for which day he makes claim under subd. 1. f.

d. Members of the legislature elected, appointed or employed in or to any other office or employment under the state government not incompatible with their membership in the legislature shall be paid only such part of the salary fixed for such office or employment as is in excess of the salary paid them as members of the legislature.

e. The salary of any member who dies during his term of office shall be paid monthly to a beneficiary named by him in writing and filed with the clerk of the house of which he is a member, until a personal representative has been appointed and qualified, and then to such personal representative until a successor has been elected and qualified. When any person elected a member dies before commencement of the term of office to which he is elected, he shall be deemed a member dying during such term of office and his salary shall be paid monthly to his estate or personal representative until a successor is elected and qualified.

f. Any member of the legislature who has signified, by affidavit filed with the department of administration, the necessity of establishing a temporary residence at the state capital for the period of any regular or special legislative session shall be entitled to an allowance of \$15 for expenses incurred for food and lodging, for each day that he is in Madison on legislative business, but not including any Saturday or Sunday unless he is in actual attendance on such day at a session of the legislature or a meeting of a standing committee of which he is a member. No such allowance shall be paid for any day during a

recess of the legislature for 30 days or more; nor shall any such allowance be paid for any day following the 110th day on which the legislature meets in a regular or special session, not including days on which no roll call is taken in either house. The 110-day limitation on regular and special sessions shall be computed separately, and no days of one shall be applied against the limit of the other. Each member shall certify to the chief clerk of his house, as promptly as may be following the 1st of each month, the number of days during the previous calendar month on which he was in Madison on legislative business and for which he seeks the allowance provided by this paragraph. Such allowances shall be paid within one week after each calendar month; and shall be paid, upon the filing with such director, the chief clerk's affidavit stating the number of days in Madison on legislative business for all members of his house. Legislators shall be entitled to an expense allowance for travel, postage, clerical assistance, toll calls, and other expenses for each full calendar month during which the legislature is not actually in session. For assemblymen representing one county or less such expense allowance shall be at the rate of \$25 per month, but for assemblymen representing more than one county, it shall be at the rate of \$25 per month for the first county plus \$15 per month for each additional county in the district. For senators representing one county or less such expense allowance shall be at the rate of \$40 per month, but for senators representing more than one county, it shall be at the rate of \$40 per month for the first county plus \$20 per month for each additional county, or part thereof, in the district.

g. All members of the legislature shall be entitled, in addition to the mileage allowed in subd. 1. b, to an allowance for transportation expenses incurred in going to and returning from the state capitol once every week during each regular legislative session, at the same rate per mile for each mile traveled in going to and returning from the state capitol on the most usual route as is provided for transportation for state officers and employes under ss. 20.940 and 20.941. Such allowances shall be paid monthly upon presentation to the department of administration of a verified written statement containing such information as the director requires.

2. Speaker. a. To the speaker of the assembly, for his services as speaker, \$25 per month, payable monthly, in addition to his compensation and mileage as a member.

b. In addition to the appropriation made

in subd. 2. a, a sum sufficient to compensate a secretary appointed by the speaker under s. 16.08 (2) (g) or under the classified service at the same rate as legislative stenographers without regard to the restrictions on interim employment.

c. In the period when the legislature is not in session the speaker shall be paid his actual and necessary expenditures incurred in the performance of his duties. Such expenditures shall be by voucher signed by the chief clerk.

3. Lieutenant Governor. To the lieutenant governor as follows:

a. For his services as president of the senate \$15,000 per term, payable monthly.

b. In addition to the appropriation made in subd. 3. a, a sum sufficient to compensate a secretary appointed by the lieutenant governor under s. 16.08 (2) (g) or under the classified service at the same rate as legislative stenographers for such period and upon such terms as the lieutenant governor determines and an administrative assistant II under s. 16.08 (2) (g) for the term. For each regular session of the legislature, such sums as are necessary for office supplies and expenses, and in addition his actual and necessary expenses incident to attending the lieutenant governors' conference and other actual and necessary expenses incident to the performance of his duties as lieutenant governor and acting governor.

4. Clerical staff for leaders. The president pro tempore, the majority and minority leaders of the senate, the majority and minority leaders of the assembly and the senate and assembly chairmen of the joint committee on finance may each employ a stenographer outside the classified service, and the employment of such stenographers for the minority and majority leaders may be without regard to the restrictions on interim employment. Each month such employer shall certify the portion of the month the employes were actually employed to the chief clerk who is responsible for certifying such employes on the payroll. "Majority and minority leaders" means the senate and assembly members selected by their respective party caucuses as floor leaders.

5. Chief clerks. To the chief clerk of the senate and of the assembly, each:

a. For services during the regular session of the legislature, \$600 per month for 6 months beginning at 12 m. on the 2nd Wednesday in January of each odd-numbered year, payable monthly;

b. For such services as are required during the remainder of the term of the legislature,

\$150 per month for each of the remaining 18 months during which he holds the position of chief clerk, payable monthly;

c. For each legislative day of any special session, or for each legislative day of any regular session lasting more than 6 months, \$30 in addition to the compensation under subd. 5. d.; and

d. For travel to and from the capitol and for expenses incurred for food and lodging necessitated by the establishment of a temporary residence in Madison during any session of the legislature, the same reimbursement as is provided members of the legislature by subd. 1. f and g.

e. For attendance at conferences and other official meetings approved by the president pro tempore for the senate and the speaker for the assembly, their actual and necessary expenses.

f. In the period when the legislature is not in session the chief clerks shall be paid their actual and necessary expenditures incurred in the performance of their duties in addition to the compensation provided by subd. 5. d. Such expenses shall be by voucher signed by the presiding officer.

6. Sergeant at arms. To the sergeant at arms of the senate and of the assembly, each:

a. For services during the regular session of the legislature, \$500 per month for 6 months beginning at 12 m. on the 2nd Wednesday in January of each odd-numbered year, payable monthly;

b. For such services as are required during the remainder of the term of the legislature, \$125 per month for each of the remaining 18 months during which he holds the position of sergeant at arms, payable monthly;

c. For each legislative day during any special session, or for each legislative day of any regular session lasting more than 6 months, \$25 in addition to the compensation under subd. 6. b.; and

d. For travel to and from the capitol and for expenses incurred for food and lodging necessitated by the establishment of a temporary residence in Madison during any session of the legislature, the same reimbursement as is provided members of the legislature by subd. 1. f and g.

e. During the interim between regular sessions, to one assistant each to the sergeants at arms of the senate and assembly for services performed by him in looking after and caring for business in the sergeant at arms office, \$175 per month commencing on the 1st day of the month following sine die adjournment. The working day office hours of such assistant during the interim shall be from

9 a.m. to 12 m. and from 1 to 3 p.m.

f. In the period when the legislature is not in session the sergeants at arms shall be paid their actual and necessary expenditures incurred in the performance of their duties in addition to the compensation provided by par. (b). Such expenses shall be by voucher signed by the presiding officer.

7. Contingent expenses. All moneys appropriated for the contingent expenses of the senate and the assembly shall be credited to the contingent funds of the senate and assembly, respectively, and shall be paid from such funds only as provided by the rules of the senate or assembly and as directed by a resolution of each house or by a joint resolution specifying the amount to be paid and the purpose of the expenditure. Payments from the contingent funds of either house shall be made upon certification by the chief clerk of that house citing, in each instance, the rule or resolution authorizing the payment.

8. Chaplains. To the officiating chaplains of the senate and assembly the sum of \$5 for each such day of service, to be paid on certification by the chief clerks of the senate and assembly, respectively, showing the amounts to which each such chaplain is entitled.

9. Funeral committee. To the members of the legislature appointed pursuant to s. 13.14, their necessary and actual expenses, to be certified by them to the department of administration.

10. Expenditures for flowers by legislature. For expenses incurred in procuring floral pieces for deceased or ill members of the legislature and for deceased state officers who in the judgment of the presiding officer and chief clerk have been identified with the legislative process, to be presented by voucher signed by the presiding officer or chief clerk of the proper house.

11. A sum sufficient for a state flag to be procured by the director of purchases in the department of administration and sent to the commandant of the Marine Corps Schools, Quantico, Virginia, there to be displayed with other state flags during numerous official ceremonies beginning February 19, 1965. The state flag to be so procured and sent shall be approximately 4 feet by 6 feet and meet the specifications in s. 1.08 (2).

(2) SPECIAL STUDY GROUPS. (a) *Joint survey committee on retirement systems.* For the joint survey committee on retirement systems, the amount in the schedule to perform its functions as set forth in s. 13.50.

(b) *Special retirement study.* The unencumbered balance in s. 20.530(20)(b), 1963 Stats., on June 30, 1965, for the use of the

retirement research committee to obtain competent actuarial services to support a special study program of the committee, relating specifically to the long-range adequacy of the benefit programs of those public retirement programs to which the state contributes, and to assist the committee in developing such program changes as are found necessary as a result of such study, to assure the attainment of realistic benefit goals under such public retirement programs.

(c) *Administrative rules review committee.* For the administrative rules review committee, the amounts in the schedule to perform its functions as set forth in s. 13.83(5).

(cd) *Uniform state laws, commission on.* For the commission on uniform state laws, the amounts in the schedule for the program under s. 13.55 and to pay the state's annual contribution to the conference.

(cm) *Interstate co-operation commission.* For the interstate co-operation commission, the amounts in the schedule for the program under s. 13.54.

(d) *National conference of state legislative leaders.* Biennially, the amounts in the schedule for the membership fee to the national conference and the Wisconsin delegation's expenses. The membership fee and expenses of the senate delegates shall be certified by the president pro tempore and the expenses of the assembly delegates shall be certified by the speaker. The delegates shall be designated by the president pro tempore for the senate and the speaker for the assembly.

(e) *Joint survey committee on tax exemptions.* For the joint survey committee on tax exemptions, the amounts in the schedule for the execution of its functions under s. 13.52.

(f) *Plumbing, study committee.* There is appropriated from the general fund \$1,000 for the purpose of reimbursing the actual and necessary expenses of the committee [temporary committee on plumbing and the installation of water supply appliances] created by this act [chapter 474, laws of 1965].

(3) REVISOR OF STATUTES BUREAU. (a) *General program operations.* For the revisor of statutes bureau, biennially, the amounts in the schedule for general program operations.

(4) LEGISLATIVE REFERENCE BUREAU. (a) *General program operations.* For the legislative reference bureau, biennially, the amounts in the schedule for general program operations.

(5) LEGISLATIVE AUDIT BUREAU. (a) *General program operations.* For the legislative audit bureau, biennially, the amounts in the



schedule for general program operations.

(6) JOINT COMMITTEE ON LEGISLATIVE ORGANIZATION. (a) *Legislative study*. As a continuing appropriation, the amounts in the schedule to hire outside professional consultants for the study of legislative services and organization under s. 13.90(6).

(7) HOME AND FAMILY COUNCIL. For the home and family council:

(a) *General program operations*. The amounts in the schedule for the program specified under s. 13.53.

**History:** 1961 c. 5, 316, 336, 361, 444, 577, 579, 687, 689; 1963 c. 6, 7, 59, 148, 149, 153, 169, 199, 225, 230, 423, 429, 459, 482, 500; 1965 c. 5, 72, 163, 194, 249, 428, 433, 474, 592, 659 ss. 11, 14, 15, 16, 17, 18, 23, 24.

Discussion of expense allowances for legislators during recesses when the legislature is not actually in session. 53 Atty. Gen. 28.

**20.540 Medical examiners.** There is appropriated to the state board of medical examiners for the following program:

(1) REGISTRATION OF PHYSICIANS, PHYSICAL THERAPISTS AND PODIATRISTS. (g) *Agency collections*. All moneys received under s. 147.175.

**History:** 1965 c. 163.

**20.542 Mental health advisory committee.** There is appropriated to the state mental health advisory committee for the following program:

(1) IMPROVE MENTAL HEALTH PROGRAMS. (a) *General program operations*. The amounts in the schedule for general program operations under s. 46.52.

(m) *Gifts and grants*. All moneys received by the committee under s. 46.52 (7) for the purpose of carrying out its duties.

**History:** 1965 c. 137, 163, 433.

**20.548 Milwaukee teachers retirement fund.** There is appropriated to the board of trustees of the Milwaukee teachers annuity and retirement fund for the following program:

(1) MILWAUKEE TEACHERS RETIREMENT. (a) *State contribution*. A sum sufficient to make the payments required by s. 71.14 (8) (c).

(b) *Social security contributions*. A sum sufficient to make the payments to the public employes social security fund required by ss. 38.24 and 66.99 as determined and certified by the executive director of the Wisconsin retirement fund. Payments from this appropriation shall be upon vouchers certified by the director of the public employes social security fund.

(c) *Supplemental benefit payments*. A sum sufficient to provide the supplemental benefit payments authorized by s. 38.24 (12a).

(u) *Fund operations*. All moneys received from contributions for Milwaukee teachers annuities and retirement for payments by the board under s. 38.24.

**History:** 1965 c. 163, 247, 324.

**20.550 Miscellaneous general appropriations.** There is appropriated from the general fund, or such other funds as may be indicated, annually, to be paid as herein provided:

(1) COMPENSATION, INJURED STATE EMPLOYEES. Annually, such sums as are necessary for payments under ch. 102 and ss. 56.21 and 66.191, but payments of increased compensation payable under ss. 102.57 and 102.60, shall be paid from the appropriation covering the salary or maintenance of the person injured, if such appropriation has not been exhausted; otherwise payments shall be made from the general fund and the first \$500 of compensation thus paid from the general fund in the case of any person whose work was financed from a segregated fund or account shall be charged to that fund or account.

(2) JUDGMENTS AGAINST STATE OFFICERS. Such sums as may be necessary to pay all fees, costs, disbursements, expenses and judgments chargeable against the state as provided in ss. 59.31, 270.58, 285.04, 285.05 (5), 285.06 (7), 286.43, and ch. 582, laws of 1911.

(3) RETURN OF ESCAPED CONVICTS. Annually, a sum sufficient to pay all valid claims made by county clerks of counties containing certain state institutions as provided in s. 16.51 (7).

(4) TAXES AND ASSESSMENTS ON STATE LANDS. Annually, beginning July 1, 1961, a sum sufficient for the administration of s. 74.57 and the payment of special assessments on state property pursuant to s. 66.64.

(5) INTEREST ON OVERPAYMENT OF TAXES. From the general fund such sums as may be necessary to pay interest on overpayments of taxes refunded under s. 71.12 (2).

(6) INCENTIVE AWARDS. A sum sufficient from the respective funds from which state employes and officers salaries are paid for the payment of incentive awards to state employes under s. 16.305(6).

(8) OFFICE BUILDING RENTALS. For the biennium ending June 30, 1967, there is appropriated to the various state agencies from the respective funds from which state employes salaries are paid a sum sufficient to supplement the respective appropriations of said state agencies in the amounts necessary to pay the cost of office building rent charges set by the state building commission for the 1965-67 biennium, to be allocated by the com-

missioner of the department of administration.

(9) JUDGMENT DEBTOR RELIEF COMMISSION. There is appropriated to the judgment debtor relief commission from the respective funds from which the salaries of state law enforcement officers are paid, a sum sufficient for the payment of amounts awarded toward the payment of judgments, counsel fees and costs as provided in s. 285.06.

(10) COMPENSATION FOR IMPRISONMENT OF INNOCENT PERSONS. For compensation to prisoners who have served terms of imprisonment upon conviction for an offense or crime against the state of which they are innocent, such sums as are necessary to pay awards certified to the department of administration under s. 285.05.

(11) TRANSFER TO STATE DEPOSIT FUND. There is appropriated from each state fund, such sums as may be necessary for payment into the state deposit fund of amounts required to be paid upon the deposits of each of said funds, and the department of administration shall draw its warrant and the state treasurer shall pay such amounts into the state deposit fund not later than the 25th day of January, April, July and October of each year. There is appropriated from the general fund such sums as may be necessary for payment into the state deposit fund of amounts required to be paid upon public moneys deposited by the state treasurer where such moneys are subject to state, federal or trust restrictions which prevent the use of such moneys or the interest therefrom for payments required by ch. 34, and the department of administration shall draw its warrant and the state treasurer shall pay such amounts into the state deposit fund not later than the 25th day of January, April, July and October of each year.

(30) SUPPLEMENTAL APPROPRIATION; SALARY ADJUSTMENTS. (a) There is appropriated to the various state agencies from the respective funds from which state employes' and officers' salaries are paid, annually beginning July 1, 1965, a sum sufficient to supplement the respective appropriations of said state agencies in the amount necessary to pay the cost of salary adjustments approved by the 1965 legislature, for employes of the classified service and comparable adjustments for those employes in the unclassified service, except those included under ss. 16.08 (2) (f) and 20.930 (2) (d) and (j), as determined and allocated pursuant to pars. (b) and (c).

(b) Each department head or officer shall certify to the commissioner of administration, at such time and in such manner as the

commissioner prescribes, the sum of money needed for the appropriation in par. (a) for the payment of salary adjustments approved by the 1965 legislature. Upon receipt of said certifications together with such additional information as may be required, the commissioner shall determine the sum of money necessary to supplement the respective executive budget appropriations of state agencies for said salary adjustments and he shall supplement, at such times and such amounts as he determines, the respective appropriations. The commissioner may also supplement those appropriations in which receipts are appropriated or reappropriated in such amounts and under such conditions as he determines. Conservation fund appropriations shall be supplemented from (a) the unallocated funds of each revolving appropriation or (b) the respective unallocated program balances under s. 20.280 (9) (ym).

(c) Any department feeling itself aggrieved by the action of the commissioner of administration under this subsection may appeal such action to the governor, who, after whatever investigation he deems necessary, may set aside or modify such action.

(d) All employes in the classified service on July 1, 1965, except trainees, shall be eligible to receive a mandatory \$5 per month basic salary increase on October 1, 1965, except that no employe shall receive this increase who received a salary adjustment, other than merit increase, equal to or greater than \$5 per month pursuant to the classification and compensation plan effective July 1, 1965, nor shall this increase be granted to any employe whose resulting salary would then be above the salary range maximum. This paragraph shall not apply to employes paid on a prevailing rate basis, employes paid under the separate pay schedules for state fair employments paid on an hourly rate basis or the separate pay schedules for short-term project, part-time and student employments established pursuant to s. 16.105 (2) (bn).

(31) FRINGE BENEFITS. All fringe benefit contributions by the state pursuant to ss. 66.905 (1), 66.919 and 66.99 for salaries paid from the appropriations in s. 20.420 of the highway fund shall be charged to the respective appropriations from which the salaries are paid.

(35) TRANSFER TO STATE INSURANCE FUND. There is appropriated, annually beginning January 1, 1961, from the respective funds from which the insurance premiums on state property and property for which the state is liable are paid, such sums as may be necessary to make the payments to be made for

them by the state pursuant to s. 210.02, except that:

(a) All payments by the state pursuant to s. 210.02 for premiums chargeable to revolving activities of the general fund shall be charged to such respective revolving appropriations.

(b) All payments by the state pursuant to s. 210.02 for premiums chargeable to segregated funds shall be charged to the appropriations within such funds based on the allocation of property to such appropriations.

(36) UNCOLLECTIBLE SHORTAGES. There is appropriated to the several agencies of state government biennially, beginning July 1, 1957, from the respective state funds from which embezzlements occur, a sum sufficient to reimburse the several agencies for such amounts as are determined by the attorney general to be uncollectible as provided in s. 16.55.

(37) SUPPLEMENTAL APPROPRIATION; BONUS PAYMENTS. There is appropriated in the various departments as defined in s. 16.02 (6) annually, beginning July 1, 1949, from the respective funds from which employees' and officers' salaries are paid, a sum sufficient to supplement the appropriation of any department in the amount necessary to pay any salary adjustment made under s. 20.932.

(38) SALARY DEDUCTIONS DEPOSITED WITH STATE TREASURER. All sums deposited in the state treasury on account of deductions from salaries of state officers and employes in accordance with s. 20.939 are appropriated from the respective funds in which deposited to the respective departments or other agencies of state government on whose account they were deposited, for payment to the person entitled to receive them, or for necessary adjustments to correct errors.

(41) RESERVE FOR CANCELED DRAFTS. All receipts deposited pursuant to s. 20.956 (1) shall be credited as a continuing reserve for drafts canceled of the state fund concerned, to be used for the payment of demands under s. 20.956 (3). Any check canceled on which demand for payment has not been presented within 6 years from date of issue shall be reverted and lapsed from this subsection to the general revenues of the respective state fund upon which such check was originally drawn.

(42) FORMULA BENEFIT RETIREMENT. From the general fund, a sum sufficient to be allocated by the commissioner of administration to the various retirement funds to finance the employer's cost of any changes enacted by the 1965 legislature which will institute retirement programs based on a

formula benefit concept. It is the intent of the legislature that any such programs so instituted shall not increase the cost of the existing retirement programs financed from the general purpose revenue by more than \$10,000,000 during the 1965-67 biennium.

(68) FEDERAL FUNDS. Any and all funds which may be paid to this state under the authority of s. 16.54, shall, upon receipt, be paid into the state treasury, and the same shall be and are appropriated to the state board, commission or department designated by the governor to administer the same. Expenditures of such funds shall be made in the same manner and subject to the laws, rules and regulations governing payments made by the state treasury, and further such expenditures shall be made in accord with federal rules and regulations. If funds made available be retained by the government of the United States, then the officers and employes of this state designated to administer same shall be governed by the act of congress and the rules and regulations of the federal government.

(69) GIFTS, GRANTS, DEVISES, BEQUESTS. All moneys received from gifts, grants, bequests and devises as authorized by s. 20.953 shall be paid into the general fund and are appropriated to the proper state agency or officer, to be used to carry out the purposes for which made and received.

(71) BUILDINGS AND IMPROVEMENTS; FEDERAL AID. Unless otherwise provided by law all moneys received from the federal government or from other sources for the construction, remodeling, repairing, equipment or otherwise improving any of the state's buildings or institutions shall be paid into the state building trust fund and are appropriated therefrom to the proper department for the purposes for which received, as certified by the governor. The state of Wisconsin hereby assents to the provisions of any act of congress making such funds available to this state for such purposes. When the legislature is not in session or during any recess thereof the governor is authorized on behalf of the state to accept such federal or other moneys upon such terms and conditions as he deems advisable and as provided in s. 13.48. Specifically excluded from this subsection are all moneys received under s. 20.840(1)(m) or received in connection with projects already started in other funds. Such moneys shall be credited to the respective fund from which such projects were heretofore started.

History: 1961 c. 191 ss. 36, 38; 1961 c. 277, 472, 620, 652; 1963 c. 224, 225, 317, 528, 540, 546; 1965 c. 50, 163 ss. 23, 32; 1965 c. 247, 262, 328, 396, 433 s. 121; 1965 [13.32 (2) (e), (g)]; 1965 c. 535, 659.

**20.552 Miscellaneous tax apportionments.**

There is appropriated from general tax revenue collections for localities for distribution as follows:

(1) **INCOME TAX, NORMAL.** The counties, towns, villages and cities share of normal income taxes under s. 71.14.

(3) **CONSERVATION AND REGULATION COMPANIES.** The counties, towns, villages and cities share of the tax on conservation and regulation companies under ss. 76.28 and 76.29.

(4) **ELECTRIC CO-OPERATIVES.** The counties, towns, villages and cities share of the license fees paid by electric co-operative associations under s. 76.48.

(5) **LIGHT, HEAT AND POWER COMPANIES, MUNICIPAL.** The counties, towns, villages and cities share of the taxes on municipal light, heat and power companies under ss. 76.28 and 76.29.

(6) **LIGHT, HEAT AND POWER COMPANIES, PRIVATE.** The counties, towns, villages and cities share of the taxes on private light, heat and power companies under ss. 76.28 and 76.29.

(7) **PIPELINE COMPANIES.** The counties, towns, villages and cities share of the taxes on pipeline companies under ss. 76.28 and 76.29.

(8) **RAILROAD COMPANIES, TERMINAL TAX.** The towns, villages and cities share of the taxes on railroad companies under ss. 76.28 and 76.29.

(9) **STREET RAILWAY AND ELECTRIC COMPANIES.** The counties, towns, villages and cities share of the taxes on street railway and electric companies under ss. 76.28 and 76.29.

(10) **TELEPHONE COMPANIES.** The towns, villages and cities share of the license fees paid by telephone companies under s. 76.38.

(11) **SEVERANCE TAX.** The towns and villages share of severance taxes under s. 77.07.

(12) **FIRE DEPARTMENT DUES.** The cities, villages and towns share of moneys received under s. 200.17 to be distributed under s. 201.59. Any unencumbered balance on June 30 shall revert to the general fund.

(13) **LIQUOR TAX.** The cities, towns and villages share of revenues received from the occupational tax on intoxicating liquors under s. 139.03, subject to s. 139.13. Certification of the amounts due to the several cities, towns and villages shall be made by the commissioner of taxation.

(15) **REAL PROPERTY TAX RELIEF.** The amounts in the schedule for real property tax relief under s. 77.63.

(16) **PERSONAL PROPERTY TAX RELIEF.** The towns, villages and cities share of state taxes as provided in s. 77.64 to provide a 50% credit against the general property tax levy on the local assessments of property made on merchants' stock-in-trade, manufacturers' materials and finished products, and livestock. On December 15, 1965, and annually thereafter, such credit shall be increased by 5% until 60% is reached based on the local assessments of May 1, 1966; thereafter such percentage shall be 60.

**History:** 1961 c. 620, 652; 1963 c. 141, 566, 580; 1965 c. 163.

**20.553 Miscellaneous agency accounts.**

There is appropriated from the general fund, annually, to be paid as herein provided:

(1) **DISTRIBUTION OF NATIONAL FOREST INCOME.** (m) *Federal funds.* All moneys received from the U. S. government for allotments to counties containing national forest lands, and designated for the benefit of public schools and public roads in such counties, shall be distributed in proportion to the national forest acreage in each county as certified by the U. S. forest service. Such distribution shall be made annually within 60 days after receipt of the money from the federal government.

(2) **TRANSIENT PAUPER CARE; INTERCOUNTY PAYMENTS.** (g) *Collections.* All moneys collected under s. 49.11 (7) (e), to be remitted to the county or municipality as provided in said paragraph.

(3) **COUNTY INSTITUTIONS; INTERCOUNTY PAYMENTS.** (g) *Special charges.* All moneys collected under s. 46.106 as special charges on account of patients in county infirmaries, hospitals or facilities for the mentally infirm under ss. 49.173, 51.08, 51.09, 51.12, 51.25 (2) and 51.27 (2), to be apportioned and paid to the respective counties under s. 46.106.

(4) **TUBERCULOSIS SANATORIA; INTERCOUNTY PAYMENTS.** (g) *Special charges.* All moneys collected under s. 50.09 (2) as special charges on account of patients in county tuberculosis sanatoria and private sanatoria qualified under s. 58.06 (2), to be apportioned and paid to the respective counties and private sanatoria as provided in s. 50.09 (2).

**History:** 1965 c. 163.

**20.555 Miscellaneous refunds.** There are appropriated from the proper respective funds, such sums as may be necessary, for refunding or paying over moneys paid into the state treasury as follows:

(41) Moneys paid into any fund of the

treasury as a deposit or advance payment; and if such moneys have been credited to an appropriation, such appropriation shall, at the time of making such refunds, be charged therewith. License fees may be refunded under this section when the license for which a fee was paid cannot be issued for any reason, or when a refund is requested prior to the beginning of the license year for which the fee was paid, unless other procedures are provided by law. Nonresident general hunting license fees and resident deer hunting license fees may be refunded upon approval of the conservation commission when an open season for hunting deer with firearms has been postponed or canceled and said commission has found that the applicant for such refund was unable to avail himself of the privileges of the license because of such postponement or cancellation.

(42) Moneys paid into the state treasury in error; or in overpayment, such refunds to be made by voucher in accordance with procedure established by the department of administration.

(43) Taxes collected and paid into the state treasury in excess of lawful taxation, when claims therefor have been established as provided in ss. 71.10 (10) and (11), 71.11 (19), 71.12 (2) and (4), 72.08, 74.73, 76.13 (3), 76.19, 76.20, 76.38, 76.39, 78.19, 78.20, 78.75, 139.12, 139.36, 139.39 (4) and 168.12 (2), (3) and (4).

(44) The proportionate parts of taxes paid into the state treasury and due to municipalities as provided in ss. 76.28 and 76.29.

(45) Any balances remaining at the end of any calendar year, of any deposits in the state treasury made by insurers in anticipation of fees, as provided in s. 209.02.

(46) Any moneys escheated to the state for which claims are established as provided by statute.

(47) Such sums as may be necessary for repayment of moneys paid to the state on purchases of public or escheated lands, as provided in ss. 24.11, 24.33, 24.34, and 24.35.

(48) Any fund or property escheated to the state under s. 220.25 whenever claim or judgment for refund has been established in accordance therewith.

(49) Principal and interest on void sales of public lands and on sales for which the certificates or patents have been annulled, to be paid as provided in ss. 24.34 and 24.35.

(50) Such sums as may be necessary for repayment of moneys paid into the general fund under ss. 46.07 (1) and 46.106, such payments to be made upon the certification of the state department of public welfare.

(51) Such sums as may be necessary for repayment of moneys paid into the general fund under s. 50.09, such payments to be made upon the certification of the state board of health.

**History:** 1961 c. 604; 1963 c. 141, 280, 343; 1965 c. 66 s. 7; 1965 c. 67; 1965 [13.32 (2) (d), (e)].

**20.558 Mississippi river parkway planning committee.** There is appropriated to the Mississippi river parkway planning committee for the following program:

(1) NATIONAL ASSOCIATION DUES. (a) *Payment.* The amounts in the schedule to pay the annual membership dues for the committee to the Mississippi river parkway committee, an interstate tourism promotional organization.

**History:** 1965 c. 288, 625.

**20.560 Motor vehicle department.** There is appropriated from the highway fund to the motor vehicle department for the following programs:

(1) REGISTRATION AND LICENSING. (u) *General program operations.* The amounts in the schedule for vehicle registration and licensing.

(v) *Filing fees.* A sum sufficient to pay the county registers of deeds as provided in s. 342.14 (6).

(2) DRIVER CONTROL. (u) *General program operations.* The amounts in the schedule for driver control and licensing.

(3) ENFORCEMENT AND INSPECTION. (u) *General program operations.* The amounts in the schedule for enforcing the motor vehicle code.

(9) GENERAL APPROPRIATIONS AND PROVISIONS. (u) *Administration.* All administrative expenses may be charged to a special account determined by the department of administration and charged back to the applicable program appropriations at the end of the fiscal year.

(uc) *Fringe benefits.* The sums necessary to pay the cost of living bonus under ss. 20.550 (37) and 20.932 and the state highway fund's share of the motor vehicle department employer's contributions to the Wisconsin retirement fund, public employes social security fund, group life insurance, health and accident insurance, workmen's compensation and unemployment insurance. In this section expenditure estimates for these outlays shall appear in the schedule under the applicable program as par. (uc).

(w) *Highway safety program.* On January 1, 1966, and annually beginning July 1; 1966, 40 cents of each fee under ss. 341.25 (1)(a) and (2)(intro. par.) and 341.26(3)(a)

and (g), to be allocated to supplement the appropriations under subs. (2)(u) and (3)(u) in the ratio and on the dates determined necessary by the department with the concurrent approval of the commissioner of administration. The expenses of the governor's council on traffic law enforcement shall be charged to the appropriation made by this subsection.

(x) *Vehicle equipment safety commission.* Such sums as may be necessary to pay the state's share of the budget of the vehicle equipment safety commission.

(y) *Rental payments.* A sum sufficient from the state building trust fund for the payment of rentals on leases and subleases entered into by the department under s. 110.20 on projects designated and approved by the state building commission when the projects are initiated and on projects designated and approved by the state building commission after initiation thereof.

**History:** 1961 c. 33, 191, 510, 539, 621; 1963 c. 318; 1965 c. 232, 237, 396, 485, 499, 591, 625.

**20.570 National guard.** There is appropriated to the adjutant general for the following program:

(1) ADMINISTRATION AND OPERATION OF THE WISCONSIN NATIONAL GUARD. (a) *General program operations.* The respective amounts in the schedule for general program operations.

(b) *Repair and maintenance.* Biennially, the amounts in the schedule for the improvement, repair, maintenance and utility costs of state-owned military lands or buildings.

(c) *Public emergencies.* A sum sufficient to defray all expenditures of the Wisconsin national guard or the Wisconsin state guard when either is called into state service to meet situations arising from war, riot or great public emergency.

(d) *National guard technicians.* A sum sufficient to make the payments for national guard technicians required pursuant to s. 66.9025.

(e) *State service flags.* On July 1, 1965, and annually thereafter, a nonlapsible appropriation of \$200 for the purchase and mailing of state service flags pursuant to s. 21.19(10).

(g) *Military property.* All moneys received on account of lost military property or from the sale of obsolete or unserviceable military property and all moneys received from the United States on account of military property and supplies purchased with funds raised by private subscriptions for the use of the Wisconsin national guard in the

service of the United States during World Wars I and II, and all moneys received from the sale of any state-owned military property, real and personal, under s. 21.19(3), and all moneys received for rent under contracts for the leasing of state-owned military lands or buildings used by, acquired for or erected for the Wisconsin national guard pursuant to s. 21.19(2), for the repair of state-owned military lands or buildings and for the purchase and construction of new military property, real and personal.

(m) *Federal aid for armories.* All moneys received from the United States pursuant to any act of congress or pursuant to federal authority for the improvement, repair, maintenance or operation of state-owned armories or other military property.

(u) *Construction of state armories.* All moneys appropriated from the building trust fund on July 1, 1955, and on July 1, 1957, together with all amounts allocated by the federal government under the national defense facilities act of 1950 or any acts amendatory thereof or supplementary thereto for the purposes specified in s. 21.616 subject to release by the state building commission. All moneys received from the federal government under s. 21.616 shall be credited to the appropriation made by s. 20.550(71).

**History:** 1961 c. 206; 1965 c. 66 s. 5; 1965 c. 163, 446.

**20.580 Nurses, department of.** There is appropriated to the state department of nurses for the following program:

(1) REGISTRATION OF NURSES. (g) *General program operations.* Ninety-five per cent of all moneys received under ch. 149.

(h) *Nursing education.* The unencumbered cash balance in par. (g) in excess of \$15,000 on June 30 of any year, as a special nonlapsible appropriation to be used by the department for nursing education as provided in s. 149.01(5).

(2) EDUCATIONAL AIDS. (b) *Scholarships for nursing educators.* On July 1, 1966, \$150,000 to provide scholarships for nursing school instructors and administrative personnel under s. 149.01(6). Out of such appropriation \$5,000 is allotted for the expense of administration of s. 149.01(6); and the balance is allotted for the purpose of granting scholarships under s. 149.01(6).

**History:** 1965 c. 163, 645.

**20.590 Optometry, board of examiners.** There is appropriated to the state board of examiners in optometry for the following program:

(1) REGISTRATION OF OPTOMETRISTS. (g)

*Agency collections.* All moneys received under ch. 153.

**History:** 1965 c. 66 s. 10; 1965 c. 163.

**20.600 Personnel board.** There is appropriated to the state personnel board for the following program:

(1) REGULATION AND REVIEW OF STATE PERSONNEL MANAGEMENT. (a) *General program operations.* The amounts in the schedule for general program operations under s. 16.05.

**History:** 1963 c. 224; 1965 c. 163.

**20.605 Pharmacy internship commission.** There is appropriated to the pharmacy internship commission for the following program:

(1) SUPERVISION OF INTERNSHIP PROGRAM. (g) *Earmarked portion of fees.* That portion of each fee collected under s. 151.02(3) set aside for the use of the internship commission.

**History:** 1965 c. 563.

**20.610 Pharmacy board.** There is appropriated to the state board of pharmacy for the following program:

(1) REGISTRATION OF PHARMACISTS AND ENFORCEMENT OF NARCOTICS LAWS. (g) *Agency collections.* All moneys received under ch. 151, except as provided in s. 20.605.

**History:** 1965 c. 66 s. 10; 1965 c. 163, 563.

**20.640 Public employes social security fund.** There is appropriated to the director of the public employes social security fund for the following program:

(1) ADMINISTRATION AND OPERATION. (a) *Administration.* Biennially, the amounts in the schedule for administration under s. 66.99.

(b) *Contingency payments.* A sum sufficient to make all payments due the secretary of the U. S. treasury under s. 66.99 as determined by the executive director of the Wisconsin retirement fund.

(u) *Payment to U.S. treasury.* All moneys received from social security contributions pursuant to s. 66.99 for payment to the secretary of the U.S. treasury under s. 66.99 (9).

**History:** 1965 c. 163, 247.

**20.650 Public instruction department.** There is appropriated to the state department of public instruction for the following programs:

(1) EDUCATIONAL AND AUXILIARY SERVICES TO LOCAL SCHOOLS. (a) *General program operations.* The amounts in the schedule for educational and auxiliary services to local schools, including the matching of federal funds available under the national defense education act.

(g) *Surplus property.* All moneys received for the acquisition, storage and handling of surplus federal materials for transfer in accordance with federal law pertaining to surplus federal property, at cost plus handling charges to schools, school districts, nonprofit or tax-supported nonprofit medical institutions, public health agencies and such other agencies, institutions and units of government as are hereafter declared eligible to receive the same by act of congress, desiring such property. From this appropriation there may be paid such sums as are necessary for the purchase of land and construction or improvement of buildings for the purpose of storing and handling surplus property. All proceeds from the sale of land or buildings shall be credited to this appropriation.

(h) *School lunch program.* All moneys received from contracts made pursuant to s. 39.04, under which food products granted to the state by the federal government are utilized, for the transportation, warehousing, processing and insuring of such food products.

(i) *Publications.* All moneys received from the sale of publications as authorized by s. 39.02 for the publication of such materials.

(m) *Federal aids.* All federal moneys received as authorized by the governor under s. 16.54 to carry out the purposes of the program.

(2) FINANCIAL ASSISTANCE TO LOCAL SCHOOLS. (a) *General program operations.* The amounts in the schedule for the program of state financial assistance to local schools.

(am) *Indian scholarships.* A sum sufficient for the payment of Indian scholarships as provided in s. 39.022.

(an) *State co-operative educational service committee.* Biennially, the amounts in the schedule to carry out the duties of the state co-operative educational service committee under ss. 39.52 and 39.53.

(b) *Elementary and high school aid.* Biennially, the amounts in the schedule for the payment of educational aids provided in ss. 40.655 (1) (a) and 40.66 to 40.73. Of the amounts appropriated by this paragraph there is allotted a sum sufficient to meet the requirements of s. 40.71 (6).

(bm) *Transportation aids.* Biennially, the amounts in the schedule for the payment of state aid for transportation of public school pupils under ss. 40.53 to 40.56, of which \$250,000 shall be apportioned upon the approval of the state superintendent among public school districts which are unable to provide the transportation required by said sections on the sum provided by a 2 mill tax

levy on their equalized valuations and the normal transportation aids, and for aids to counties for transportation of crippled children to and from the Wisconsin orthopedic hospital for children or any other hospital, or for mentally handicapped children including those who are mentally retarded or emotionally disturbed, or epileptics referred to any approved evaluation center, such aid to be distributed as provided in s. 142.05 (3).

1. Whenever it becomes apparent in any fiscal year that any of the appropriations made by pars. (b), (bm) and (c) exceed the legal claims for state educational aids thereunder, such excess shall be transferred upon order of the state superintendent and the department of administration from the original appropriation and be used to supplement or increase any of the other appropriations made by pars. (b), (bm) and (c) for the same fiscal year.

2. The provisions of s. 16.52 (2) with respect to refunds and s. 16.52 (5) (a) with respect to reimbursements for the prior fiscal year shall not apply to pars. (b) and (bm).

(c) *School tuition, foster home children.* On July 1, 1963, \$200,000, and annually, beginning July 1, 1964, \$230,000 for payment of the legal tuition of children in foster homes attending school as provided in s. 40.655(1)(b) and (e).

Note: The sub. (2)(c) as printed above was renumbered from 20.650(14) as amended by chapter 658, laws of 1965. The provision had earlier been revised by chapters 538 and 625, laws of 1965, to read:

"(2)(c) *School tuition, foster home children.* The amounts in the schedule for payment of the legal tuition of children in foster homes attending school under s. 40.655(1)(b)."

(cm) *Tuition and transportation for certain children.* The amounts in the schedule for payment of tuition and transportation to school districts entitled thereto under s. 40.655 (1) (c).

(d) *Co-operative educational service agencies.* The amounts in the schedule for payment of \$29,000 for each co-operative educational service agency, for the current operational expenses of these agencies.

(e) *County supervising teachers.* The amounts in the schedule for the salaries and expenses of supervising teachers as provided in s. 39.20 (6) and (7). This appropriation shall not be extended beyond June 30, 1966.

(f) *County superintendent aids.* A sum sufficient to assist the counties in paying for services of the office of the county superintendent of schools for gathering data and information and making reports to the department of public instruction and to aid the county superintendent's office in administering educational services to the schools of the

counties under s. 39.06 (6). This appropriation shall not be extended beyond June 30, 1966.

(m) *Federal aid.* All federal moneys received as authorized by the governor under s. 16.54 to carry out the purposes of the program.

(u) *School library aids.* All moneys received as the common school fund income to be distributed as provided in ss. 25.23 and 43.19.

(v) *Driver education.* An amount from the state highway fund as a nonlapsible appropriation equal to the fees collected by the motor vehicle department from chauffeurs' licenses for the prior fiscal year, less the cost of administering such license fees, plus a sum equal to 50 cents collected on all operators' licenses under s. 343.21 (1) (a) and (b) and \$1 collected on all renewals of operators' licenses, except chauffeurs' licenses under s. 343.21 (1) (c) and (d) issued after November 1, 1961, to be used for driver training in the high schools and schools of vocational and adult education of this state. The apportionment of such funds shall be made by the state superintendent of public instruction to the school districts which operate driver training courses in accordance with s. 40.71 (12) and to the state board of vocational, technical and adult education for distribution to schools of vocational and adult education which operate driver training courses in accordance with s. 40.71 (12). The amounts apportioned to the state board of vocational, technical and adult education shall be credited to the appropriation made by s. 20.850 (1) (u). Such apportionment shall be made to school districts and the state board of vocational, technical and adult education upon such reports in such form and containing such information as the state superintendent requires. Of this amount such sums are allotted to the department as are necessary for the administration of the driver education program.

(3) SERVICES FOR HANDICAPPED CHILDREN.

(a) *General program operations.* The amounts in the schedule for services for handicapped children, including the operation and maintenance of institutions for handicapped children.

1. Maintenance credits. All moneys received in reimbursement for services rendered institutional employes, participants in institutes and training programs and visitors at the state schools for the deaf and the visually handicapped pursuant to s. 39.02 (5b) and (5c) to be refunded to the appropriation made by this paragraph and to be used for materi-



als and expense. Such reimbursements shall be accumulated in an account named "maintenance credits".

2. Contingent fund. From the appropriation for the operation of the several institutions under the jurisdiction of the state superintendent of public instruction there is allotted to each institution, subject to the approval of the board on government operations, such sums as are necessary to be used as a contingent fund to be expended as provided in s. 20.979.

(b) *Deaf scholarships.* A sum sufficient for the payment of scholarships for deaf and hard of hearing students as provided by s. 41.77.

(c) *Fuel.* A sum sufficient for the cost of heating fuel purchased pursuant to s. 16.71 (4) for institutions and the freight and local hauling charges thereon. Expenditures for fuel shall be made as provided in s. 16.91.

(d) *Aids for handicapped children.* A sum sufficient for state aid for day schools, instruction centers or classes for the instruction of children who are blind, partially sighted, defective in speech, hard of hearing, mentally handicapped who are either educable or trainable or emotionally disturbed, and for schools, classes or treatment centers for children who are physically disabled and otherwise physically handicapped, pursuant to s. 41.01, to be distributed as provided in s. 41.03.

(e) *Aids for handicapped children, home instruction.* The amounts in the schedule for home instruction or extension courses as provided in s. 41.01 (9) and (9a).

(f) *Tuition, foster home children.* The amounts in the schedule for the payment of the legal tuition of children in foster homes attending school as provided in s. 40.655 (1) (d).

(g) *Activity therapy.* All moneys received in connection with the sale of products resulting from activity therapy to be used for the purchase of necessary materials, equipment and supplies for activity therapy.

(h) *Vocational rehabilitation services.* All moneys received for vocational rehabilitation services performed at the institutions administered by the department for the operation of such services.

(i) *Trust funds.* All moneys received under s. 46.03 (3), 1939 Stats., to be used in accordance with the trust.

(j) *Gifts and grants.* All moneys received from any private funds granted for services for handicapped children.

(m) *Federal aid.* All federal moneys received as authorized by the governor under

s. 16.54 to carry out the purposes of the program.

(q) *Federal aid for crippled children.* All moneys received as federal aid for services for crippled children. Any funds received in repayment for expenditures made under this paragraph for appliances, x-rays, emergency hospitalization, emergency medical care or transportation to or from a hospital, for crippled children under orthopedic care, which had been authorized by the bureau for handicapped children, pending other arrangements for final payments, shall be credited to the appropriation made under this paragraph.

(4) GENERAL EDUCATIONAL SERVICES. (a) *General program operations.* The amounts in the schedule for the general educational services program, for the purposes of matching federal funds available under the national defense education act and the functions of the governor's educational advisory committee under s. 15.98.

(b) *County colleges.* Biennially, the amounts in the schedule for the payment of aids as provided in s. 41.44 to county teachers colleges and joint county teachers colleges organized, equipped and maintained pursuant to ss. 41.36 to 41.46.

(c) *Substitute teachers.* A sum sufficient for the administration of s. 39.35 and for making the payments thereunder.

(g) *Publications.* All moneys received from the sale of publications, as authorized by s. 39.02 for the publication of such materials.

(k) *Gifts and grants.* All moneys received by the department from gifts, grants and donations to carry out the purposes for which made and received.

(m) *Federal aid.* All federal moneys received as authorized by the governor under s. 16.54 for carrying out the purposes of the program.

(5) DEVELOPMENT OF LIBRARY SERVICES. (a) *General program operations.* The amounts in the schedule for general program operations.

(g) *Gifts and grants.* All moneys received from private gifts and grants under s. 43.10.

(m) *Federal funds.* All federal moneys received as authorized under s. 16.54.

History: 1961 c. 79, 191, 330, 336, 382, 481, 510, 569, 621, 652; 1963 c. 6, 8, 161, 224, 404, 405, 417, 436, 564, 565; 1965 c. 133, 150, 163, 285, 289, 292 s. 11 (3); 1965 c. 433 ss. 29, 32, 33, 120; 1965 c. 514, 538, 625, 658.

**20.660. Public service commission.** There is appropriated to the public service commission for the following program:

(1) REGULATION OF PUBLIC SERVICES. (a) *General program operations.* The amounts in the schedule for the administration of its function not otherwise covered by pars. (g) and (u), except that expenses of members of the commission and other administrative overhead shall be apportioned to the various activities conducted by the commission.

(g) *Utility and railroad regulation.* All moneys received by the commission under s. 184.10 (2), 196.85 or 196.855 for the regulation of utilities and railroad transportation. Receipts from the sale of miscellaneous printed reports and other copied material, the cost of which was originally paid under this paragraph, shall be credited herein.

(u) *Motor transportation.* The amounts in the schedule from the state highway fund for the regulation of motor transportation under ch. 194.

History: 1965 c. 163.

**20.670 Public welfare department.** There is appropriated to the state department of public welfare for the following programs:

(1) MENTAL HEALTH SERVICES. (a) *General program operations.* The amounts in the schedule to operate institutions and provide boarding home care, field services and administrative services within the mental health program. Sums required for travel expenses in connection with recruitment of psychiatrists and hard-to-recruit professional medical personnel outside the classified service may also be expended from this appropriation.

(b) *Aids to community mental health clinics.* The amounts in the schedule as authorized by s. 51.36.

(c) *Aids to day care centers for mentally handicapped.* The amounts in the schedule as authorized by s. 51.38.

(d) *Aids to county institutions.* A sum sufficient for state aid to county institutions as provided in ss. 48.58 (2), 49.173, 51.08, 51.09, 51.12, 51.24, 51.26 and 51.27 (2).

(2) CORRECTIONAL SERVICES. (a) *General program operations.* The amounts in the schedule to operate institutions and provide field services and administrative services, including \$1,000 per year to supplement the appropriations made under par. (km).

(b) *Foster care.* The amounts in the schedule for foster care, foster homes or institutions for individuals supervised under the correctional program pursuant to ss. 48.48 (4) and 48.52.

(j) *Prison industries.* All moneys received from prison industries under ss. 53.01 and 56.01 at correctional institutions to be

used to carry on such industries and for the construction and equipment of buildings, for permanent property and improvements. Whenever said unencumbered program revenue appropriation balance is in excess of \$150,000 on June 30 of any year, such excess shall revert to the general fund. No expenditure will be made from this appropriation for the construction of buildings or purchase of equipment for new industries, except upon certification of the board on government operations that such moneys are needed and that no other appropriation is available for that purpose.

(jm) *Central generating station.* All revenues of the central generating station at Waupun derived from the sale of utilities and services to the Wisconsin state prison, prison industries, and central state hospital, to carry on such utility service and for equipment and building repairs and improvements at the central generating station.

(k) *Girls' school benevolent fund.* All continuing income balances and the earnings from the benevolent fund to be used for purposes expressed in s. 25.31.

(km) *Absconding probationers.* All moneys reserved belonging to absconding probationers and parolees under ss. 46.07 (2) and 57.075, to be used for the purposes of such sections.

(l) *Sale of land.* Proceeds from the sale of land under chapter 50, laws of 1963, for the purchase, subject to approval of the state building commission, of other institutional farm land including buildings and for the remodeling or construction of buildings.

(lm) *Sale of land.* Proceeds from the sale of land under chapter 381, laws of 1959, for the purchase of other institutional farm land including buildings and for the remodeling or construction of buildings.

(3) FAMILY SERVICES. (a) *General program operations.* The amounts in the schedule for general program operations, including field services, administrative services and the operation of the Wisconsin child center.

(am) *Workshop for the blind.* The amounts in the schedule to supplement the operations of the workshop for the blind under par. (j) to enable payment of a minimum wage to blind employees.

(b) *Foster care.* The amounts in the schedule for foster care for dependent and neglected children under ss. 48.48 (4) and 48.52.

(c) *Menominee bonds.* All balances remaining on June 30, 1965, of the appropriation made by s. 20.670 (6), 1963 Stats., as a

nonlapsing appropriation for the purposes set forth in s. 49.70.

(d) *Social security aids.* A sum sufficient to provide state aid for county administered public assistance programs under s. 49.52(2), (3) and (4). The joint committee on finance as part of its budget determinations in each session shall review the standard allowances for assistance in relation to the social security aid programs and the formula for state reimbursement to counties for such aid program and make recommendations to the legislature relating to changes they deem advisable.

(e) *Other public assistance aids.* A sum sufficient for state aid under ss. 49.04 and 49.046, for direct aid for poor relief to counties and local units of government.

(j) *Workshop for the blind.* All moneys received from the sale of products through the workshop for the blind for the operation of the workshop or the operation of business enterprises and homework under ss. 47.01 to 47.10.

(o) *Federal social security aids.* All federal moneys received for meeting costs of public assistance programs under ss. 49.046 and 49.52(1) to be expended for the purposes specified in the agreement between the state department of public welfare and the federal government.

(4) **LOANS TO STUDENTS.** (a) *Interest losses and administration.* The amounts in the schedule for interest on investments under s. 25.17 (3) (bf), and to pay the cost of administering the program. Said amounts shall not become available unless released by the board on government operations. The board on government operations may also release funds from this appropriation when it determines that the appropriation made by par. (j) is not sufficient to make loans to needy students under s. 49.42 or to repay investments under s. 25.17 (3) (bf).

(j) *Loans.* All balances remaining on June 30, 1965, in s. 20.670 (47), 1963 Stats., and all moneys repaid on student loans pursuant to s. 49.42, and all proceeds of advances by the state of Wisconsin investment board pursuant to s. 25.17 (3) (bf), to be used for additional loans to students under s. 49.42, and for repayment of advances by the state of Wisconsin investment board. It is the intent of the legislature that all loans assigned and physically conveyed to the state of Wisconsin investment board pursuant to ss. 25.17 (3) (bf) and 20.670 (47), 1961 Stats., be returned to the state department of public welfare files and in lieu thereof, the total of all investment board advances on the student

loan program be covered by the certificate of the state department of public welfare, as to the current status of all student loans. The state auditor shall annually, beginning July 1, 1965, audit the portfolio of student loans and notes thereon in the department of public welfare and report his determination of the current condition of the student notes receivable portfolio to the investment board, the department of public welfare and the department of administration.

(5) **YOUTH CONSERVATION CAMPS.** (a) *General program operations.* The amounts in the schedule for general program operations.

(j) *Operation of youth camps.* Biennially, the amounts in the schedule from moneys allocated under s. 20.703 (1) (g), for the construction and operation of youth conservation camps under s. 46.70.

(8) **GENERAL ADMINISTRATIVE APPROPRIATIONS.** The amounts in the schedule for expenses not immediately identifiable with a specific program. When practicable, the expenditures from these appropriations shall be distributed to the various programs.

(a) *Research.* All balances in the appropriation made by s. 20.670 (8), 1963 Stats., on June 30, 1965, as a nonlapsing appropriation to be used for special research activities carried on by the department. This appropriation may be supplemented by gifts and grants received by the department for conducting research projects.

(g) *Farm operations.* All balances and all moneys received to administer the farm connected with the Wisconsin school for the deaf pursuant to s. 47.02.

(j) *Central warehouse.* All moneys received from sales to institutions and sales under s. 16.74 of obsolete supplies, materials and equipment salvaged, to carry out s. 56.01.

(k) *Collections at university hospitals.* Fifteen per cent of the receipts collected under s. 46.105 for accounts at the university hospitals to be used for the purchase of materials, supplies and equipment. The unencumbered balance in this appropriation shall lapse to the general fund on June 30 of each year.

(o) *Federal aid for civil defense.* All moneys received as aid or assistance from the federal government or its agencies for civil defense purposes.

(9) **GENERAL APPROPRIATIONS AND PROVISIONS.** The following general appropriations and provisions shall apply to all of the programs of the department unless otherwise specified.

(a) *Contingent funds.* Out of the appropriations for the operation of the several institutions and the division of child welfare and youth service in the state department of public welfare there is allotted, subject to the approval of the board on government operations, such sums as are necessary as a contingent fund for said institutions and for payment of medical, clothing, school books and similar incidental needs for children in foster homes under the supervision of the division, such contingent funds to be administered as provided in s. 20.979.

(b) *Services to institutional employes.* All moneys received in reimbursement for services rendered institutional employes, pursuant to s. 46.03 (13), are to be refunded to the respective appropriations under subs. (1) (a), (2) (a) and (3) (a) for operation of the institutions. Such reimbursements shall be accumulated in an account named "employe maintenance credits".

(c) *Witness fees of inmates.* All moneys received in reimbursement of expenses incurred in taking inmates of state institutions into court, pursuant to s. 51.11 or 292.45, to be refunded to the appropriations made by subs. (1) (a) and (2) (a) for operation of the institutions.

(d) *Water and sewer services receipts.* All moneys received from the collection of water and sewer services furnished, pursuant to s. 46.37, to be refunded to the appropriation made by sub. (1) (a) for operation of the institutions.

(f) *Fuel.* A sum sufficient to cover the cost of fuel used for space heating, and the freight charges and local hauling charges thereon. Coal and other heating fuel purchases under this paragraph shall be purchased pursuant to s. 16.71 (4) and expenditures hereunder are to be made as provided in s. 16.91. Expenditure authority for the programs under subs. (1), (2) and (3) shall appear in the schedule as subs. (1) (f), (2) (f) and (3) (f), respectively.

(g) *Farm operations.* All moneys received from the sale of livestock and farm products and from premiums on exhibits at fairs to be used for operations, maintenance and permanent property and improvements of the respective institutional farms and for incidental expenses connected with exhibits at fairs. Whenever said unencumbered appropriation balance is in excess of \$200,000 on June 30 of any year, such excess shall revert to the general fund. Expenditure authority for farm operations for the several programs of the department shall in this section appear in the schedule of each applicable sub-

section as par. (g).

(h) *Activity therapy.* All moneys received in connection with the sale of products resulting from activity therapy and sheltered workshops, to be used for the purchase of necessary materials, equipment and supplies for such activities. Expenditure authority for activity therapy for the several programs of the department shall in this section appear in the schedule of each applicable subsection as par. (h).

(i) *Gifts and grants.* All balances in the appropriations made by ss. 20.670 (46) and 20.670 (63), 1963 Stats., on June 30, 1965, and all moneys received from gifts, grants and donations for the execution of its functions consistent with the purpose of the gift, grant or donation. Expenditure authority for gifts and grants for the several programs of the department shall in this section appear in the schedule of each applicable subsection as par. (i).

(m) *Federal aid, projects.* All moneys received from the federal government or any of its agencies for specific limited term projects within a program to be expended for the purposes specified. Expenditure estimates for federal expenditures for projects for the several programs of the department shall in this section appear in the schedule of each applicable subsection as par. (m).

(n) *Federal aid, programs.* All moneys received from the federal government or any of its agencies for continuing programs within the department to be expended for the purposes specified. Expenditure estimates for federal aid for continuing programs shall in this section appear in the schedule of each applicable subsection as par. (n).

1. Federal aid for administration. All moneys received from the federal government to the extent earned by each county for the administration of old-age assistance, aid to dependent children, aid to the blind and aid to the totally and permanently disabled persons to be allotted under s. 49.52. All moneys received from the federal government, to the extent earned by the state for the administration of these forms of public assistance, shall be paid into the general fund as general purpose revenues.

2. Federal aid for administration of medical care to the aged. All moneys received from the federal government for administration of medical assistance to the aged under s. 49.47 shall be paid into the general fund as general purpose revenues.

(u) *Construction.* A sum sufficient from the state building trust fund for the payment

of rentals by the department and for permanent improvements and the acquisition of all equipment therefor, remodeling and purchase of land under s. 46.035 on projects designated by the state building commission when the projects are initiated.

**History:** 1961 c. 152, 191, 267, 268, 283, 314, 427, 475, 506, 528, 591, 622; 1963 c. 50, 224, 343, 413; Spl. S. 1963 c. 2; 1963 c. 479, 487, 571, 574; 1965 c. 163, 247, 433, 590 ss. 1, 24(2).

**20.690 Radio council.** There is appropriated to the state radio council for the following program:

(1) EDUCATIONAL BROADCASTING. (a) *General program operations.* The amounts included in the schedule for educational, cultural and public service broadcasting under s. 43.60.

(g) *Gifts and grants.* All moneys received from gifts and grants to carry out the purposes for which made.

**History:** 1965 c. 163.

**20.700 Real estate commission.** There is appropriated to the Wisconsin real estate commission for the following program:

(1) REGISTRATION OF REAL ESTATE BROKERS AND SALESMEN AND CEMETERY ORGANIZATIONS AND SALESMEN. (g) *Agency collections.* All moneys received under ch. 136.

**History:** 1965 c. 123, 163, 433.

**20.703 Recreation committee, state.** There is appropriated to the state recreation committee:

(1) OUTDOOR RECREATION AND RESOURCE DEVELOPMENT. (g) *Program revenue.* All moneys received under ss. 139.31 (2) and 139.33 (2) for an outdoor recreation and resource development program. Of this amount the state recreation committee may allocate funds in general accordance with s. 15.60 to the programs specified in sub. (2) and ss. 20.280 (1), (2), (3) and (4), 20.420 (2) (g), 20.670 (5), 20.705 (1) [20.706 (2)] and 20.750 (1).

1. Additional programs. The state recreation committee may authorize expenditures from funds allocated to programs under s. 20.280 (1) (g), (2) (g) and (3) (g) and for such appraisal, surveying, negotiation and legal costs as are directly and specifically related to the additional land acquisition programs herein described.

2. With the approval of the board on government operations, the committee may reduce, supplement or transfer between the allocations made to programs under s. 20.280 when the committee finds that such action will expedite its program.

3. The moneys allocated to programs

under s. 20.280 may be transferred quarterly and the department of administration may approve allotment requests of the agencies receiving such allocations in anticipation of these transfers.

4. Any unencumbered balance of the allocations made for programs under this paragraph shall revert to the appropriation made by this paragraph at the end of the biennium.

(2) PLANNING AND CO-ORDINATION. (g) *Program revenue.* Biennially, the amounts shown in the schedule from moneys collected under sub. (1) (g) for planning, co-ordination and the execution of its functions under s. 15.60.

**History:** 1961 c. 427; 1963 c. 400; 1965 c. 67, 163, 432, 433.

**20.706 Resource development, department of.** There is appropriated to the department of resource development for the following programs:

(1) WATER RESOURCES. (a) *General program operations.* The amounts in the schedule for the development, management and protection of the state's water resources.

(b) *Water research.* Biennially, the amounts in the schedule for an accelerated water resources research and data collection program.

(c) *Payments to municipalities.* A sum sufficient to make payments to municipalities on agreements entered into pursuant to s. 144.21(6)(a).

(d) *Rental payments.* A sum sufficient to make payment of rentals on leases and subleases entered into pursuant to s. 144.21(7).

(g) *Licensing of well drillers and pump installers.* All moneys received under s. 162.04.

(h) *Gifts and grants.* All moneys received from gifts and grants to carry out the purposes for which made.

(m) *Federal aid.* All moneys received as federal aid as authorized by the governor under s. 16.54.

(2) PLANNING AND RECREATION. (a) *General program operations.* The amounts in the schedule for the functions of the department related to planning and recreation.

(g) *Local government contributions.* All moneys received from units of local governments to carry out the purposes of the program.

(h) *Aids for urban parks.* Biennially, the amounts in the schedule from moneys allocated under s. 20.703(1)(g) for the state's share of aids for urban parks under ss. 66.36 and 109.05(3).

(m) *Federal aid.* All moneys received

as federal aid as authorized by the governor under s. 16.54.

History: 1965 c. 614.

**20.720 Savings and loan department.**

There is appropriated to the savings and loan department for the following program:

(1) SUPERVISION OF SAVINGS AND LOAN ASSOCIATIONS. (g) *Agency collections*. All fees and other moneys received by the department for the supervision of savings and loan associations under ch. 215, except that on July 1, 1965, \$40,000 shall be transferred to the general fund.

History: 1965 c. 163.

**20.730 Secretary of state.** There is appropriated to the secretary of state for the following programs:

(1) GENERAL ADMINISTRATION. (a) *General program operations*. The amounts in the schedule for the purpose of carrying out the functions of the office including the function under s. 7.08(3).

Note: Sub. (1)(a) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

(b) *Presidential electors*. A sum sufficient for the execution of the functions of the presidential electors. Of this there is allotted to each presidential elector in this state who casts his vote for president and vice president, \$2.50 for each day's attendance and 10 cents for every mile he travels in going to and returning from the place where the electors meet, on the most usual route.

(2) LICENSING CHARITIES. (g) *Licensing and fees*. All moneys received for the licensing of charities under s. 175.13, for the enforcement of that section.

History: 1961 c. 600; 1965 c. 163, 666.

**20.740 Securities department.** There is appropriated to the department of securities for the following program:

(1) REGULATION OF THE SALE OF SECURITIES. (a) *General program operations*. The amounts in the schedule for the regulation of the sale of securities.

History: 1965 c. 163.

**20.750 Soil and water conservation committee.** There is appropriated to the state soil and water conservation committee for the following program:

(1) ARTIFICIAL LAKE CREATION. (g) *General program operations*. Biennially, the amounts in the schedule from moneys allocated under s. 20.703 (1) (g) for artificial lake creation under s. 92.18.

(2) STATE AIDS. (a) *General purpose revenues*. There is appropriated from the general fund to the state soil and water conservation committee on July 1, 1965, and an-

nually thereafter, \$72,000 to carry out s. 92.20.

History: 1961 c. 40, 427; 1965 c. 163, 511.

**20.760 State colleges.** There is appropriated to the board of regents of state colleges for the following programs:

(1) INSTRUCTION. (a) *General program operations*. The amounts in the schedule for instruction. Of these amounts, there is allotted to each institution, subject to the approval of the board on government operations, a sum sufficient to be used as a contingent fund to be expended as provided in s. 20.979.

(g) *Academic student fees*. All moneys received from academic student fees on behalf of the state colleges. Revenues in excess of the expenditure amounts shown in the schedule may not be spent unless released in whole or in part by the board on government operations. At the close of each fiscal year any balance in this paragraph shall revert to the general fund, but any overdraft shall be carried forward to the succeeding fiscal year.

(2) ORGANIZED RESEARCH. (a) *General program operations*. For organized research, the amounts in the schedule from the general purpose revenues of the state.

(3) STUDENT ASSISTANCE. (a) *General program operations*. The amounts in the schedule for student assistance.

(g) *Student loans, Stout*. All moneys received on account of the Stout state college student loan fund to be used for the exclusive benefit of Stout state college.

(4) CARE AND MAINTENANCE OF PHYSICAL FACILITIES. (a) *General program operations*. The amounts in the schedule for the care and maintenance of physical facilities.

(b) *Fuel*. A sum sufficient to cover the cost of coal and other heating fuel purchased pursuant to s. 16.71 (4) for the several state colleges including freight charges and local hauling charges thereon. Expenditures for coal or other heating fuel hereunder shall be made as provided in s. 16.91. This program expenditure shall be reimbursed from the proper appropriation under sub. (5) for the cost of all fuel furnished to dormitories and dining halls, including freight charges and local hauling charges thereon.

(5) AUXILIARY PROGRAMS AND SERVICES.

(g) *Student activity fees*. All moneys received as student activity fees or from operations in connection therewith and including such moneys received under conveyances and leases consummated under ss. 36.06(6) and 37.02(3) as the regents designate to be receipts under this paragraph shall be paid into the general fund and are appropriated there-

from, subject to the limitation hereinafter provided, to be used for 1) the operation, maintenance and capital expenditures of such student activities, including the transfer of funds to nonprofit corporations under ss. 36.06(6) and 37.02(3) to be used by such corporations for the payment of construction costs, including architectural and engineering services, for furnishings and equipment, and for temporary financing, and for 2) optional rental payments in addition to the mandatory rental payments under the leases and subleases, in connection with the providing of facilities for such student activities. The amount so appropriated shall not exceed the amounts paid into the general fund as aforesaid after deducting therefrom an amount equal to the amount appropriated under sub. (9)(um) for the payment of rentals by the regents under ss. 36.06(6) and 37.02(3) on projects for such activities. The amount appropriated and available under this paragraph shall be determined by the department of administration.

(h) *Auxiliary enterprises.* All moneys received for or on account of any dormitory, commons, dining hall, cafeteria, stationery stand or model farm, and including such moneys received under conveyances and leases consummated under ss. 36.06(6) and 37.02(3) as the regents designate to be receipts under this paragraph shall be paid into the general fund and are appropriated therefrom, subject to the limitation hereinafter provided, to be used for 1) the operation, maintenance and capital expenditures for such activities, including the transfer of funds to nonprofit corporations under ss. 36.06(6) and 37.02(3) to be used by such corporations for the payment of construction costs, including architectural and engineering services, for furnishings and equipment, and for temporary financing, and 2) for optional rental payments in addition to the mandatory rental payments under the leases and subleases, in connection with the providing of facilities for such activities. The amount so appropriated shall not exceed the amounts paid into the general fund as aforesaid after deducting therefrom an amount equal to the amount appropriated under sub. (9)(um) for the payment of rentals by the regents under ss. 36.06(6) and 37.02(3) on projects for such activities. The amount appropriated and available under this paragraph shall be determined by the department of administration. The regents may establish at any state college a contingent fund not to exceed \$500 out of the balances of this appropriation to be used for the payment of

cash in advance and which are incident to the operation of cafeterias and dining halls.

(i) *Special projects.* All moneys received from sales of student construction and laboratory projects at Stout state college to be used as funds for procuring personal services, supporting expenses and capital acquisitions necessary for such projects.

(j) *Eichelberger trust fund.* All moneys received on account of the Eichelberger trust fund to be used for the exclusive benefit of Stout state college.

(9) GENERAL APPROPRIATIONS AND PROVISIONS. (k) *Gifts and grants.* All moneys received from gifts, grants, bequests and devises, to carry out the purposes for which made and received. Moneys received under this paragraph may be shown as an expenditure of the program for which received and expended.

(m) *Federal grants.* All moneys received from federal grants or subventions for the state colleges or any department thereof, as authorized by the governor under s. 16.54, to carry out the purposes for which made and received. Moneys received under this paragraph may be shown as an expenditure of the program for which expended.

(u) *Construction.* A sum sufficient from the state building trust fund for the payment of rentals by the regents and for permanent improvements and the acquisition of all equipment therefor, remodeling and purchase of land under s. 36.06 (6) on projects designated by the state building commission when the projects are initiated.

(um) *Rentals and improvements.* A sum sufficient from the state building trust fund for the payment of rentals by the regents for permanent improvements and the acquisition of all equipment therefor, remodeling and purchase of land under ss. 36.06(6) and 37.02(3) on projects referred to in sub. (5) (g) and (h) designated and approved by the state building commission when the projects are initiated and on projects designated and approved by the state building commission after initiation thereof.

History: 1961 c. 191; 1965 c. 163, 247, 591.

**20.776 State scholarship committee.** There is appropriated to the state scholarship committee for the following program:

(1) SCHOLARSHIPS. (g) *Gifts and grants.* All moneys received from gifts, grants, bequests or devises for use by the state scholarship committee for establishing and granting scholarships and carrying out its functions under s. 36.165.

(2) TUITION REIMBURSEMENTS. (a) *Non-*

*resident tuition payments.* There is appropriated from the general fund to the state scholarship committee, on July 1, 1966, and annually thereafter, \$170,000 as a nonlapsing appropriation to reimburse state residents for tuition paid as approved in s. 36.165 (4). The administrative detail of disbursing such funds shall be handled by existing personnel of the university of Wisconsin specifically designated to draw on this account by the scholarship committee.

History: 1965 c. 163, 257, 433.

**20.780 Supreme court.** There is appropriated to the supreme court for the following program:

(1) SUPREME COURT PROCEEDINGS. (a) *General program operations.* A sum sufficient to carry into effect its functions and the court administrator's functions under s. 256.54.

History: 1961 c. 261; 1965 c. 163.

**20.790 Tax appeals board.** There is appropriated to the state board of tax appeals for the following programs:

(1) DETERMINATION OF TAX APPEALS. (a) *General program operations.* The amounts in the schedule for the determination of tax appeals.

(2) DETERMINATION OF EQUALIZATION APPEALS. (a) *General program operations.* A sum sufficient for determination of property tax equalization appeals and for the review and reassessment of taxable general property as provided in s. 70.64.

History: 1965 c. 163.

**20.800 Taxation department.** There is appropriated to the state department of taxation for the following programs:

(1) ADMINISTRATION OF PROPERTY AND EXCISE TAX LAWS. (a) *General program operations.* The amounts in the schedule for the administration of property and excise tax laws.

(b) REASSESSMENTS AND REVIEWS. A sum sufficient to defray the expenses of executing the functions of reassessments and review of assessment proceedings under ss. 70.75 and 70.85.

(u) *Motor fuel tax administration.* The amounts in the schedule from the state highway fund to cover the cost of administering the motor fuel tax law.

(2) ADMINISTRATION OF INCOME, SALES AND USE TAX LAWS. (a) *General program operations.* The amounts in the schedule for the administration of income, sales and use tax laws.

1. Contingent fund. From the appropriation for the administration of the individual income tax, selective sales and use tax and

the withholding provisions, there is allotted, subject to the approval of the board on government operations, such sums as are necessary to be used as contingent funds to redeem bad checks returned to the state treasurer or state depositories and for establishing change funds in the amount deemed necessary by the department.

(g) *Processing services.* All moneys received from services rendered to other state agencies by the process center of the tax department. All such services shall be approved in advance by the department of administration. Insofar as practicable, all such services shall be billed at cost. Whenever the unencumbered balance of this appropriation exceeds \$10,000 on June 30 of any year the excess shall revert to the general fund.

(3) RELIEF FOR PERSONS OVER 65. (a) *Tax relief payments.* A sum sufficient to pay the aggregate claims approved under s. 71.09 (7).

History: 1961 c. 620, 652; 1963 c. 224, 279, 566, 580; 1965 c. 163.

**20.810 Teachers' retirement board.** There is appropriated to the teachers' retirement board for the following program:

(1) STATE TEACHERS' RETIREMENT. (a) *State contributions.* A sum sufficient to make the payments into the retirement deposit fund and the contingent fund required by s. 42.46.

(b) *Adjusted benefits for retired teachers.* A sum sufficient to pay the adjusted benefits to retired teachers under s. 42.49 (10).

(c) *Social security contributions.* A sum sufficient to make the contributions required for members of the state teachers' retirement system pursuant to ss. 42.241 and 66.99. Payments from this appropriation shall be upon vouchers certified by the director of the public employees social security fund.

(d) *Supplemental benefit payments.* A sum sufficient to provide the supplemental benefit payments authorized by s. 42.49 (16).

(u) *Administration.* From the moneys received by the state teachers' retirement system under ss. 42.20 to 42.54, the amounts in the schedule for administration, other than investment expenses, audit charges, and transfers to the state deposit fund established by ch. 34. Any balance lapsing from this allotment shall be credited to the appropriation under par. (v).

(v) *Operations and benefits.* All moneys received under ss. 42.20 to 42.54, after the appropriation for administrative expenses, for operations and benefits, including investment expenses, audit charges, transfers to the state deposit fund established by ch. 34 and the payment of annuities, death benefits and sep-



aration benefits as provided in said sections.

(w) *Administration, supplemental.* From the moneys received by the state teachers' retirement system under ss. 42.20 to 42.54, in addition to other amounts provided for administration, such amounts for administration as are necessary to implement chapter 250, laws of 1965, but not to exceed \$70,000 for the 1965-67 biennium.

**History:** 1961 c. 191 s. 109; 1961 c. 358; 1965 c. 163, 247, 250, 324.

**20.820 Treasurer, state.** There is appropriated to the state treasurer for the following program:

(1) CUSTODIAN OF STATE FUNDS. (a) *General program operations.* The amounts in the schedule for the custody of state funds.

(b) *Insurance.* A sum sufficient for burglary and robbery insurance, which shall be purchased from the lowest responsible bidder under s. 16.75 (1).

**History:** 1965 c. 163, 252, 433.

**20.822 Turnpike commission.** There is appropriated from the state highway fund to the Wisconsin turnpike commission for the following program:

(1) GENERAL ADMINISTRATION. (u) *General program operations.* As a continuing appropriation the unencumbered balance remaining in s. 20.822 (71), 1963 Stats., on June 30, 1965, which shall not be subject to any other laws regulating the use of highway funds, for the purpose of carrying out the duties and functions of the commission. Expenditures shall be made upon vouchers signed by the chairman or secretary of the commission.

**History:** 1965 c. 247.

**20.830 University of Wisconsin.** There is appropriated to the board of regents of the university of Wisconsin for the following programs:

(1) EDUCATIONAL, GENERAL AND RELATED SERVICE. (a) *General program operations.* The amounts in the schedule for the purposes of the educational and general and related programs.

(b) *Space heating.* A sum sufficient for the cost of fuel and steam used for space heating and freight charges thereon.

(c) *Dutch elm disease studies.* There is appropriated from the general fund to the board of regents of the university on July 1, 1965, as a nonlapsible appropriation, \$50,000 for studies, research and experiments to determine the cause and ways of controlling Dutch Elm disease under s. 36.217.

(d) *Handicapped industries assistance.* As a continuing appropriation, the amounts in the

schedule to be used by the department of agricultural and extension education of the university for the purpose of assisting the development of business operations involving the handicapped. Receipts from the sale of products, to the extent of the amount appropriated hereunder for materials expense in connection with such products, shall be credited to this appropriation for use in financing this activity. Any balance remaining at the end of a fiscal year shall not lapse, but shall remain available for the purposes herein specified.

(e) *Fish research.* On July 1, 1966, \$25,000 as a nonlapsible appropriation for continuing research on fish products and their uses.

(g) *Academic student fees.* All moneys received from academic student fees on behalf of the university of Wisconsin, except adult education fees, but revenues in excess of the expenditure amounts in the schedule may not be spent unless released in whole or in part by the board on government operations. At the close of each fiscal year any balance in this paragraph shall revert to the general fund, but any overdraft shall be carried forward to the succeeding fiscal year.

(h) *General operations, additional.* All moneys received for or on account of the university of Wisconsin unless otherwise specifically appropriated or nonappropriated. Revenues and balances available credited herein in excess of the expenditure amounts in the schedule may not be spent unless released in whole or in part by the board on government operations. At the close of each fiscal year the balance in this paragraph shall be carried forward to the succeeding fiscal year to constitute, together with the revenues of such year, the source of moneys appropriated for that year.

(i) *Gifts and donations.* All moneys received from gifts, grants, bequests and devises, to carry out the purposes for which made and received.

(j) *Sale of real property.* All net proceeds from the sale of real property by the regents of the university pursuant to s. 36.34 for purposes provided for in s. 36.34 including such expenses incurred in selling such real property as are enumerated in s. 13.48(2) (d), except such sums as have been advanced to the regents of the university by the state building commission under s. 13.48(2)(d) which shall be refunded to the appropriation made by s. 20.550(71), 1963 Stats.

(m) *Federal appropriations.* All moneys received from the federal government to carry

out the purposes for which made.

(r) *Federal grants and contracts.* All moneys received from federal grants and contracts to carry out the purposes for which made.

(x) *University trust fund income.* All moneys received as trust fund income under s. 36.03.

(2) AUXILIARY ENTERPRISES AND SERVICES.

(g) *Residence halls.* All moneys received for or on account of residence halls at the university, including the sale of supplies used by students, and including such moneys received under conveyances consummated under s. 36.06(6)(b) 1 and leases entered into under s. 36.06(6)(b) 2 as the regents designate to be receipts under this paragraph shall be paid into the general fund and are appropriated therefrom, subject to the limitation hereinafter provided, to be used for 1) the operation, maintenance and capital expenditures for such residence halls including the transfer of funds to nonprofit corporations referred to in s. 36.06(6) to be used by such corporations for the payment of construction costs, including architectural and engineering services, for furnishings and equipment, and for temporary financing, and 2) for optional rental payments in addition to the mandatory rental payments under the leases and subleases, in connection with the providing of facilities for residence halls. The amount so appropriated shall not exceed the amounts paid into the general fund as aforesaid after deducting therefrom an amount equal to the amount appropriated under sub. (9)(um) for the payment of rentals by the regents under s. 36.06(6) on residence hall projects. The amount appropriated and available under this paragraph shall be determined by the department of administration.

(h) *Athletic council.* All moneys received for or on account of the athletic council or any similar organization of the university, including such moneys received under conveyances consummated under s. 36.06(6)(b) 1 and leases entered into under s. 36.06(6)(b) 2 as the regents designate to be receipts under this paragraph, shall be paid into the general fund and are appropriated therefrom, subject to the limitation hereinafter provided, to be used for 1) the purposes of such athletic council or other similar organization of the university, respectively, for carrying out its powers, duties and functions, including the transfer of funds to nonprofit corporations referred to in s. 36.06(6) to be used by such corporations for the payment of construction costs, including architectural and engineering

services, for furnishings and equipment, and for temporary financing, and 2) for optional rental payments in addition to the mandatory rental payments under the leases and subleases, in connection with the providing of facilities for the athletic council, and 3) including payment of scholarships and other financial aids to students. The amount so appropriated shall not exceed the amounts paid into the general fund as aforesaid after deducting therefrom an amount equal to the amount appropriated under sub. (9)(um) for the payment of rentals by the regents under s. 36.06(6) on athletic council projects. The amount appropriated and available under this paragraph shall be determined by the department of administration.

(i) *Student unions.* All moneys received for or on account of the student unions, including such moneys received under conveyances consummated under s. 36.06(6)(b) 1 and leases entered into under s. 36.06(6)(b) 2 as the regents designate to be receipts under this paragraph shall be paid into the general fund and are appropriated therefrom, subject to the limitation hereinafter provided, to be used for 1) the operation, maintenance, and capital expenditures of the student unions, and including the transfer of funds to nonprofit corporations referred to in s. 36.06(6) to be used by such corporations for the payment of construction costs, including architectural and engineering services, for furnishings and equipment, and for temporary financing, and for 2) optional rental payments in addition to the mandatory rental payments under the leases and subleases, in connection with the providing of facilities for the student unions. The amount so appropriated shall not exceed the amounts paid into the general fund as aforesaid after deducting therefrom an amount equal to the amount appropriated under sub. (9)(um) for the payment of rentals by the regents under s. 36.06(6) on student union projects. The amount appropriated and available under this paragraph shall be determined by the department of administration.

(j) *Milwaukee auxiliary enterprises.* All moneys received at the university of Wisconsin-Milwaukee for or on account of any residence halls, commons, dining halls, cafeteria, student union, stationery stand or bookstore, parking facilities, or such other activities as the university of Wisconsin board of regents designates and including such fees covering student activities as allocated by the board of regents and including such moneys received under conveyances consummated under s.

36.06(6)(b) 1 and leases entered into under s. 36.06(6)(b) 2 as the regents designate to be receipts under this paragraph shall be paid into the general fund, and are appropriated therefrom, subject to the limitation hereinafter provided, to be used for 1) the operation, maintenance and capital expenditures of such activities, and including the transfer of funds to nonprofit corporations referred to in s. 36.06(6) to be used by such corporations for the payment of construction costs, including architectural and engineering services, for furnishings and equipment, and for temporary financing, and for 2) optional rental payments in addition to the mandatory rental payments under the leases and subleases, in connection with the providing of facilities for such activities. The amount so appropriated shall not exceed the amounts paid into the general fund as aforesaid after deducting therefrom an amount equal to the amount appropriated under sub. (9)(um) for the payment of rentals by the regents under s. 36.06(6) on projects for such activities. The amount appropriated and available under this paragraph shall be determined by the department of administration.

(k) *Auxiliary enterprises.* All moneys received for or on account of the following activities and including any cash balances pertaining to the university of Wisconsin press, parking facilities, car fleet, secondary schools testing program and such other activities as the regents of the university of Wisconsin designate and including such moneys received under conveyances consummated under s. 36.06(6)(b) 1 and leases entered into under s. 36.06(6)(b) 2 as the regents designate to be receipts under this paragraph, shall be paid into the general fund, and are appropriated therefrom, subject to the limitation hereinafter provided, to be used for 1) the operation, maintenance and capital expenditures of such activities, and including the transfer of funds to nonprofit corporations referred to in s. 36.06(6) to be used by such corporations for the payment of construction costs, including architectural and engineering services, for furnishings and equipment, and for temporary financing, and for 2) optional rental payments in addition to the mandatory rental payments under the leases and subleases, in connection with the providing of facilities for such activities. The amount so appropriated shall not exceed the amounts paid into the general fund as aforesaid after deducting therefrom an amount equal to the amount appropriated under sub. (9)(um) for the payment of rentals by the regents under

s. 36.06(6) on projects for such activities. The amount appropriated and available under this paragraph shall be determined by the department of administration.

(l) *Store division.* The board of regents of the university may use balances in revolving appropriations for the operation of the university store division, and to permit co-operation between the store division and any board, commission or department of the state or federal government and the university. The regents may transfer moneys from or to any other university revolving appropriation to or from the revolving appropriation authorized by this paragraph.

(m) *Service departments.* All moneys transferred by the regents from other appropriations made by this section to be used as a revolving appropriation for the operation of the university service departments, and to permit co-operation between the service departments and any board, commission or department of the state or federal government and the university, and to be available for the purchase of materials and the payment of wages. The regents may transfer moneys from or to any other university revolving fund to or from the revolving fund authorized by this section.

(n) *Construction, acquisitions, improvements; revolving surpluses.* Any moneys in any university revolving appropriation which the regents determine to be surplus not required for the succeeding fiscal year is appropriated to the regents for the construction or acquisition of dormitories, commons, field house or other buildings, or for other permanent improvements, purchase of land, equipment of such buildings or investment in bonds or securities, as provided in s. 36.06(6) and (7), as the regents determine. The approval of the governor shall be necessary for the purchase of land under this subsection.

(3) **MEDICAL EDUCATION AND TREATMENT.**

(a) *Special program operations.* The amounts in the schedule for partial payment of the stipends of the resident-intern staff and for deferred maintenance items. The deferred maintenance expenditures shall be fully coordinated with the over-all building and remodeling program separately authorized or undertaken for the university hospitals and student health service.

(b) *Public patient treatment.* A sum sufficient for the treatment of state dependents and public patients under s. 142.08.

(c) *State veterans' treatment.* The amounts in the schedule to be used for reimbursement to the university hospitals for the state's share of veterans' care under s. 142.10.

(g) *University hospitals.* All fees and other moneys received for or on account of the operation of the university hospitals for the treatment of patients, the operations of the hospital cafeteria, outpatient housing, parking service and other services, to be used for operating expenses of the hospitals and related services.

(h) *Student health service.* All moneys collected from fees of the student health service for the treatment of university students.

(8) ACCELERATOR SITE ACQUISITION AND AUXILIARY FACILITIES. (a) A sum sufficient for the purchase of a site and the construction of suitable auxiliary facilities for the proposed 200 BEV accelerator if the accelerator is located in Wisconsin. The regents are authorized to expend moneys from this appropriation for the specified purposes at such time as Wisconsin has been designated as the site of the accelerator. This appropriation shall continue in full force and effect until such time as its intended purposes have been accomplished.

(9) GENERAL PROVISIONS. (g) *Transfers.* Any moneys in revolving appropriations to the board of regents of the university for operation may be temporarily transferred to or from any other revolving appropriation, but any money so transferred shall be repaid to the appropriation from which taken before the close of the fiscal year in which the transfer was made.

(h) *Cash fund.* The board of regents of the university may use balances in university revolving funds as a contingent fund for the payment of such miscellaneous expenses where immediate payment is deemed necessary. The regents are authorized to transfer moneys from or to any other revolving appropriation to or from the revolving appropriation authorized by this subsection.

(u) *Construction.* From the state building trust fund, a sum sufficient for the payment of rentals by the regents and for permanent improvements and the acquisition of all equipment therefor, remodeling and purchase of land under s. 36.06 (6) on projects designated by the state building commission when the projects are initiated.

(um) *Rentals and improvements.* From the state building trust fund, a sum sufficient for the payment of rentals by the regents for permanent improvements and the acquisition of all equipment therefor, remodeling and purchase of land under s. 36.06(6) on projects referred to in sub. (2)(g), (h), (i), (j) and (k) designated and approved by the state building commission when the projects

are initiated and on projects designated and approved by the state building commission after initiation thereof.

(v) *Federal funds; physical plant.* All federal matching funds granted to the board of regents shall be deposited in the state building trust fund and are appropriated therefrom to the regents for the construction, remodeling, improvement and revision of the physical plant of the university.

(w) *University trust fund operations.* All moneys available for university trust fund operations pursuant to s. 36.03.

(x) *University trust fund income.* All moneys received as trust fund income under s. 36.03.

**History:** 1961 c. 191, 464; 1963 c. 6, 224, 549; 1965 c. 66 s. 10; 1965 c. 163, 165, 247, 376, 433, 591, 637, 644, 659.

**20.840 Veterans affairs department.** There is appropriated to the Wisconsin department of veterans affairs for the following programs:

(1) HOME FOR VETERANS. (a) *General program operations.* The amounts in the schedule for general program operations, including not to exceed \$250 for the burial of each deceased member as defined in s. 45.37 (15) who is buried in the cemetery of the Grand Army home. Of the amount included for general program operations, the department may use not to exceed \$2,000 to maintain a contingent fund for the payment of petty cash items, to be expended and accounted for insofar as applicable under s. 20.979. All moneys received in reimbursement for services rendered institutional employes pursuant to s. 45.365 (1) and all moneys received in payment of meals to guests are to be accumulated in an account named "employee maintenance credits" and refunded to the appropriation under this paragraph.

(c) *Fuel.* A sum sufficient to cover the cost of coal and other solid fuel purchased for the Grand Army home pursuant to s. 16.71 (4), including freight and hauling charges thereon.

(d) *Cemetery maintenance and beautification.* The amounts in the schedule as a nonlapsible appropriation for cemetery maintenance and beautification, to be used for said purposes at the Wisconsin veterans memorial cemetery at the Grand Army home at King.

(g) *Home exchange.* All moneys received from the sale of products authorized by s. 45.37 (9) for the purchase of the necessary materials, supplies and equipment for the operation of the home exchange, and compensation for members' labor.

(h) *Gifts and bequests.* All moneys received under s. 45.37 (10) and (11), or any moneys received by gifts or bequests, to carry out the purposes of s. 45.365.

(m) *Federal aid.* All moneys received from the federal government for care of veterans of any war or military expedition of the United States who have been admitted to and are cared for at the Grand Army home for veterans, to be used by the department exclusively for constructing and equipping buildings inclusive of such other land as are necessary therefor, and to replace inadequate and dangerous housing accommodations. Annually, beginning June 30, 1963, the net revenues accruing under this paragraph shall be transferred to the state building trust fund until such time as the moneys advanced by the state building trust fund have been completely reimbursed.

(2) **LOANS AND AIDS TO VETERANS.** All moneys received in the veterans trust fund for the purposes of said fund. Of this there is allocated for the following purposes:

(u) *Administration of loans and aids to veterans.* The amounts in the schedule for the administration of loans and aids to veterans.

(um) *Veterans loans and aids.* A sum sufficient but not to exceed \$1,500,000 each year for payment of benefits to veterans and their dependents under ss. 45.351 and 45.396.

(v) *Operation of memorial hall.* The amounts in the schedule for the operation of the G.A.R. memorial hall under s. 45.01.

(vm) *Veterans memorial commission.* The amounts in the schedule to reimburse the members of the veterans memorial commission for their actual and necessary expenses incurred in the performance of their duties under s. 45.60.

(vn) *United Spanish war veterans.* The amounts in the schedule to help defray the expenses of the annual encampment of the United Spanish war veterans.

(w) *Payments to veterans organizations for claims service.* A sum sufficient to pay veterans organizations for claims services as prescribed in s. 45.353.

(wm) *Repairs and improvements to homes for needy veterans.* The unencumbered balance remaining in s. 20.840 (85), 1963 Stats., on June 30, 1965, as a continuing appropriation for the repair and improvement of facilities operated in this state by bona fide veterans organizations as homes for the retreat or asylum of needy veterans. Allocations shall be made from this appropriation to bona fide veterans organizations qualifying upon application showing the appli-

cant's eligibility and requirements for an allocation and such other pertinent matters as the department of veterans affairs prescribes.

(x) *Veterans loans.* All moneys received from loans sold to the state of Wisconsin investment board pursuant to s. 25.17 (3) (bg), for additional loans to veterans in accordance with s. 45.352. Loans so sold shall be segregated on the records of the department, and principal collection thereon together with interest received from said loans so sold shall be remitted after the close of each month to the investment board. Not later than 90 days after July 1 and January 1 of each year the state of Wisconsin investment board shall determine and certify to the department of veterans affairs the amount of any loss sustained during the 6-month period prior to said July 1 and January 1, respectively, on account of loans purchased pursuant to s. 25.17 (3) (bg). The amount of such loss shall consist of principal amounts of loans so sold which are more than 12 months delinquent in accordance with the monthly instalment dates of the original note securing any particular veterans loan and the amount of income loss arising by reason of veterans loans. The income loss shall be the difference between the amount of interest income received during the 6-month period from all such veterans loans sold to the investment board and the amount that would have been received thereon at the average rate of interest income during the 6-month period from all other investments of the state investment fund; and on any veterans loan investments sold by the investment board pursuant to s. 25.17 (3) (bg), the income loss shall be the difference between the average rate of interest income during the 6-month period from all other investments of the state investment fund and the amount of additional interest and guaranteed principal and interest paid by the investment board to any purchasers of veterans loan investments upon resale. The amount of loss so certified by the state of Wisconsin investment board shall, each period, be paid to the board out of the appropriation under par. (xm).

(xm) *Transfer to state of Wisconsin investment board.* A sum sufficient to pay to the state of Wisconsin investment board for the losses sustained as defined in par. (x).

(y) *Veterans housing loans and expense.* After deducting the appropriations made under pars. (u) to (xm) a sum sufficient for the payment of housing loans granted to veterans and the payment of expense and other payments as a consequence of being mortgagee or owner under s. 45.352. All repayments of

loans and payments of interest made on loans under s. 45.352 shall revert to the veterans trust fund.

(z) *Gifts*. All moneys received under s. 45.35 (13) to be used as provided in that section.

**History:** 1961 c. 191, 398, 513, 548, 622; 1963 c. 6, 224, 307, 316, 321, 326, 381, 443, 459, 509; 1965 c. 163, 247, 295, 433.

**20.845 Veterinary examiners board.** There is appropriated to the state board of veterinary examiners for the following program:

(1) REGISTRATION OF VETERINARIANS. (g) *Agency collections*. All moneys received under ch. 150.

**History:** 1961 c. 294; 1965 c. 163.

**20.850 Vocational, technical and adult education board.** There is appropriated to the state board of vocational, technical and adult education for the following programs:

(1) VOCATIONAL, TECHNICAL AND ADULT EDUCATION FOR YOUTH AND ADULTS. (a) *General program operations*. The amounts in the schedule for general program operations. In case any allotment under this paragraph is made to a state university or any other wholly state-controlled educational institution, the program appropriations for the operation of such school or institution for the year in which such allotment was made shall be reduced by an amount equal to the amount of such allotment.

(b) *Student aids*. The amounts in the schedule for such scholarships as the board directs and as authorized by s. 41.13 (11) and funds to reimburse local boards who have secured national defense student loans as provided by the national defense education act of 1958, P.L. 85-864, as amended. On July 1, 1965, and annually thereafter, the state board shall reimburse local boards with sums equal to the amounts spent by the local boards during the prior fiscal year for obtaining federal student loans under the national defense education act of 1958, P.L. 85-864, as amended.

(bm) *Technical training scholarships for Indians*. The amounts in the schedule for technical training scholarships for Indians, as provided in s. 41.13 (10).

(c) *Fire schools*. The amounts in the schedule for supervising and conducting schools for instruction in fire protection and prevention under s. 41.14.

(d) *State aid for vocational and adult education*. The amounts in the schedule for state aids for schools of vocational and adult education, including area schools and programs, established and maintained under the supervision of the board to be distributed un-

der s. 41.21. Of the amount in the schedule for 1966-67, not exceeding \$100,000 may be spent to match federal funds made available by the manpower development and training act of 1962, as amended.

(e) *State aid for vocational education in agriculture*. The amounts in the schedule for state aids for maintaining part-time instruction in agriculture under s. 41.60.

(g) *Text materials*. All moneys received from local vocational and adult school boards for the preparation, publication and distribution of text material.

(h) *Gifts and grants*. All moneys received from gifts, grants, bequests and devises to be used in the execution of the vocational and adult education program.

(i) *Conferences*. All moneys received for the conduct of conferences.

(m) *Federal aid for vocational and adult education*. All moneys received as federal aids for vocational and adult education programs for which the board is responsible, to be expended in conformity with the purposes and requirements of the several acts of congress under which such federal aid is granted.

(u) *Driver education*. All moneys allocated to this program from the state highway fund by the state superintendent of public instruction to be distributed to local schools of vocational and adult education operating driver training programs under s. 40.71 (12).

(2) VOCATIONAL REHABILITATION FOR THE HANDICAPPED. (a) *General program operations*. The amounts in the schedule for general program operations.

(g) *Artificial limbs and appliances*. All moneys received from the sale of artificial limbs and other appliances under s. 41.71 (6) (e).

(h) *Gifts and donations*. All moneys received as gifts and donations under s. 41.71 (11), for vocational rehabilitation.

(i) *Homebound supplies*. All moneys received from the sale of products made by severely handicapped persons under s. 41.71 (12) (d), for purchasing raw material.

(m) *Federal aid for vocational rehabilitation*. All moneys received from the federal government for vocational rehabilitation, including all moneys received for special vocational rehabilitation projects and for matching gifts and grants. If the actual revenues exceed the estimated expenditures of revenues in the schedule, the board may expend such excess for aids to individuals or for special projects designated and approved by the state board under this program, but any supplement to other program expenditures may be

effected only with the approval of the board on government operations. That portion of any fringe benefit payments for which federal financial participation is available shall be charged to federal funds by the board. Any overdraft shall be carried forward to the next fiscal year.

(3) **DISABILITY DETERMINATIONS.** (a) *General program operations.* The amount in the schedule for determining disability under s. 42.242 (4).

(m) *Federal aid.* All moneys received from the United States for determining disability of OASI applicants.

**History:** 1961 c. 33, 191 ss. 61, 62, 109; 1961 c. 510, 680; 1963 c. 6, 224, 530; 1965 c. 163, 287, 292, 433 ss. 46, 120; 1965 c. 463.

**20.860 Watchmaking, board of examiners.** There is appropriated to the state board of examiners in watchmaking for the following program:

(1) **REGISTRATION OF WATCHMAKERS.** (g) *Agency collections.* Ninety per cent of all moneys received under ch. 125.

**History:** 1965 c. 163.

**20.890 Wisconsin retirement fund.** There is appropriated for the following programs:

(1) **MUNICIPAL AND STATE EMPLOYEE RETIREMENT.** (a) *Annuities, state employes retirement system (old).* To the executive director of the Wisconsin retirement fund, a sum sufficient to pay all annuities authorized by ss. 42.65 to 42.68.

(b) *Aids to certain counties.* To the executive director of the Wisconsin retirement fund, a sum sufficient to pay the state aid provided under s. 66.902 (6) (b).

(u) *Administration.* From the moneys received by the Wisconsin retirement fund under ss. 66.90 to 66.9185, the amounts in the schedule for administration, other than investment expenses, audit charges, and transfers to the state deposit fund established by ch. 34. Any balance lapsing from this allotment shall be credited to the appropriation under par. (v).

(v) *Operations and benefits.* All moneys received under ss. 66.90 to 66.9185 after the appropriation for administrative expenses, for operations and benefits, including investment expenses, audit charges, transfers to the state deposit fund established by ch. 34 and the payment of all annuities, death benefits and separation benefits provided in said sections.

(w) *Retirement fund integration.* To the executive director of the Wisconsin retirement fund such amounts in such fund as are necessary to complete the integration of the Wisconsin retirement fund with the federal old-age and survivors insurance system

pursuant to ss. 66.9185 and 66.99 (3).

(x) *Administration, supplemental.* From the moneys received by the Wisconsin retirement fund under ss. 66.90 to 66.9185, in addition to other amounts provided for administration, such amounts for administration as are necessary to implement chapter 251, laws of 1965, but not to exceed \$60,000 for the 1965-67 biennium.

(2) **EMPLOYER CONTRIBUTIONS.** To the various state agencies from the respective funds from which state employes' and officers' salaries are paid from the general purpose revenues or from segregated fund revenues, as the case may be, annually, beginning July 1, 1965, a sum sufficient to supplement the respective appropriations of the state agencies in the amount necessary to pay the cost of state contributions for state employes: (a) Wisconsin retirement fund under s. 66.905 (1) (a) and county judges under s. 66.905 (8). Payments from this appropriation shall be upon vouchers certified by the executive director of the Wisconsin retirement fund. (b) Public employes social security fund under s. 66.99 and county judges under s. 66.905 (8). Payments from this appropriation shall be upon vouchers certified by the director of the public employes social security fund. (c) In this subsection any segregated fund revenues credited by law directly to an appropriation shall be deemed "program revenue" as defined for the general fund. (d) All fringe benefit contributions by the state for employes of activities financed from program revenues shall be charged to such self-supporting appropriations from which salaries of employes are paid, but if said appropriations are exhausted or not available the contributions for fringe benefits shall be charged to the general purpose revenues of the program and fund from which such salaries are paid.

**History:** 1961 c. 191 s. 109; 1961 c. 459; 1965 c. 163, 247, 251.

**20.900 Definition of department.** Any officer whose office is created by constitution or statute, or any agency so created, is a department of state government, except legislative and judicial officers and agencies, and offices and agencies created within departments as herein defined.

**20.901 Appointment of subordinates.** Unless otherwise provided by statute, each department is authorized to appoint such deputies, assistants, experts, clerks, stenographers or other employes as are necessary for the execution of its functions, and to designate the titles, prescribe the duties, and fix the compensation of such subordinates, but these

powers shall be exercised subject to the state civil service law, unless the position filled by any such subordinate has been expressly exempted from the operation of ch. 16 and subject, also, to the approval of such other officer or body as may be prescribed by law. If a department contains a board or commission which is authorized to appoint an executive officer by whatever name called, the appointing power resides in the executive officer and the board or commission has no further appointing power except as it is specifically given such power.

**20.902 Forestalling appropriations.** (1) It shall be unlawful for any state officer, department, board, commission, committee, institution or other body, or any officer or employe thereof, to contract or create, either directly or indirectly, any debt or liability against the state for or on account of any state officer, department, board, commission, committee, institution or other body, for any purpose whatever, without authority of law therefor, or prior to an appropriation of money by the state to pay the same, or in excess of an appropriation of money by the state to pay the same. It shall also be unlawful for any of the above-mentioned persons or bodies to authorize, direct or approve the diversion, use or expenditure, directly or indirectly, of any funds, money or property belonging to, or appropriated or set aside by law for a specific use, to or for any other purpose or object than that for which the same has been or may be so set apart. Nothing herein contained shall be construed to prevent the employment of the inmates or ordinary laborers at any institution to aid in the prosecution of work for which appropriations have been made. Any person who violates this section shall be fined not less than \$200 nor more than \$1,000 or imprisoned not less than one month nor more than 6 months or both.

(2) Revolving appropriations may be encumbered and moneys expended therefrom in an amount not exceeding the total of the unencumbered appropriation balance plus accrued accounts receivable outstanding, but not in excess of the amount allotted by the department of administration without violating sub. (1). The commissioner may require such statements of outstanding accounts receivable as he deems necessary before allotting sums in excess of the unencumbered appropriation balance. For the purposes of this subsection only, the commissioner shall consider as accrued accounts receivable on June 30, 1963 and annually on June 30 thereafter, the federal aid funds allotted and \$8,000,000 of the

revenues from imposts which the state highway commission has obligated pursuant to s. 84.01 (23).

History: 1961 c. 539; 1963 c. 318; 1965 [13.32 (2) (e), (1)].

**20.903 Transfer of appropriation charges.**

(1) Whenever for economy or convenience, any materials or services are purchased, or expense is incurred by any state officer, department, board, commission, committee, institution or other body and the same is properly apportionable and chargeable to more than one appropriation, but such proportionate amounts are not determinable at that time, such officer or body is authorized to direct payment of the same out of an appropriation, to the officer or body, chargeable with some part of such materials, services or expense.

(2) In any such case the officer or body making the purchase or incurring the expense shall be held and required to determine as soon as practicable, the amounts chargeable to the several appropriations and shall issue transfer vouchers setting forth in each the reason therefor and the department of administration shall credit the appropriation from which payment was originally made and shall debit the appropriation directed to be charged by the transfer voucher in the amount named therein.

(3) Such charges and subsequent transfers shall not be construed as subjecting any person to the penalty provided in s. 20.902, but in case the appropriation first charged is not fully reimbursed by such transfers, the penalty provided in the above-named section shall be held to apply as in other cases.

**20.904 Co-operation of functions.** (1)

The several state officers, commissions and boards shall co-operate in the performance and execution of state work and shall interchange such data, reports and other information, and, by proper arrangements between the officers, commissions and boards directly interested, shall interchange such services of employes, or shall so jointly employ or make such assignments of employes as the best interests of the public service require. All interchanges of services and joint employments and assignments of employes for particular work shall be consistent with the qualifications and principal duties of such employes.

(2) Whenever the employe of any state officer, commission or board is assigned or required hereunder to perform services for any other such officer, commission or board, such employe is vested with all powers and may enjoy all privileges necessary to perform



the duties and execute the functions imposed upon and delegated to him and may perform such services and exercise such powers in the same manner, to the same extent and with like effect as though regularly appointed therefor.

(4) Each officer, commission and board shall keep a record of all work done for or in co-operation with other officers, commissions and boards under this section.

**20.905 Attorneys' fees charged to operation or administration.** No department, board, commission, institution or officer of the state shall employ any attorney, or attorneys, until such employment has been approved by the governor; and the compensation of such attorney or attorneys so employed shall be charged to the appropriation for operation or administration of such department, board, commission, institution or officer.

**20.906 Notary public.** Each department is authorized to expend from its proper appropriation a sum sufficient to pay all fees and expenses necessarily incurred in qualifying an employe as a notary public, and securing a notarial seal or rubber stamp; but such notary shall receive no fees for notarial services rendered to the state.

History: 1965 c. 365.

**20.907 Charges for printed booklets and pamphlets.** Except where distribution to or exchange with specified persons, officers or agencies is provided by law, or where the state agency determines that distribution is to be free of charge, any state agency may make such charge for printed booklets and pamphlets prepared or compiled by it as shall be fixed by it, provided a written statement by the state agency to the department of administration justifying the making and the amount of such charge has accompanied the printing requisition or is filed with said department before any such charge is made. Such charge shall not exceed the cost of publication and handling, and shall be consistent with any sale price otherwise fixed or provided by law. If the agency so determines such booklets or pamphlets may be retained by or delivered to the department of administration for sale and distribution.

History: 1961 c. 316.

**20.925 Deductions from state payroll for bond purchases, group insurance, etc.** (1) Any state officer or employe may request in writing through the department in which he is employed that a specified part of his salary be deducted and paid by the state to a payee

designated in such request for any of the following purposes:

- (a) The purchase of U.S. savings bonds.
- (b) Payment of dues to employe organizations.
- (c) Payment of premiums for group hospital and surgical-medical insurance or plan, group life insurance, and other group insurance, where such groups consist of state officers and employes.
- (d) Other group or charitable purposes approved by the governor and the department of administration under the rules of the department of administration.

(2) The request shall be made to the department in such form and manner and contain such directions and information as shall be prescribed by each department. The request may be withdrawn or the amount paid to the payee may be changed by notifying the department to that effect, but no such withdrawal or change shall affect a payroll certification already prepared.

(3) The written requests shall be filed in the department and shall constitute authority to the department to make certification for each such officer or employe and for payment of the amounts so deducted, which shall be done in accordance with s. 20.939.

(4) (a) For the purpose of handling savings bond purchases, the department shall designate an officer or employe thereof who shall serve as trustee. The trustee shall serve without compensation as such. The department shall furnish the trustee the necessary files, supplies and clerical and accounting assistance. Each trustee shall file with the department a bond in such amount as the department shall determine, with a corporation authorized to do surety business in this state as surety, which bond shall be conditioned upon the trustee's faithful execution of his trust. The trustee shall file another or additional bond whenever the department so determines. The cost of any bond required shall be paid out of the appropriation made to the department for its administration.

(b) The trustee shall make purchases of savings bonds in the name of the officer or employe (or other beneficiary named in the request) whenever the amount to their credit is sufficient for that purpose and transmit them to the person entitled thereto. In the event that such officer or employe cancels his request, or upon termination of the trust, the amount remaining to a person's credit is not sufficient to purchase a bond the trustee may purchase savings stamps and transmit them to the person entitled thereto or refund the amount.

(c) No portion of the salary so requested to be used for the purchase of savings bonds, not exceeding 10% of the salary, shall be liable to seizure on execution or on any provisional or final process issued from any court or any proceedings in aid thereof, and such exemption shall be in addition to any exemption provided by s. 272.18 (15). Section 241.09 relating to assignments shall not apply to the requests made under sub. (1).

(d) The executive department shall prepare a statement explaining the bond purchase plan and its purpose and transmit copies of such statement to the several departments for distribution to their officers and employees.

History: 1965 [13.32 (2) (e)].

**20.926 Land purchase, governor's approval.** No land shall be purchased and no contract or contracts entered into for the purchase of any land by any department, board or commission until the complete estimates of the total cost thereof shall have been submitted to and approved in writing by the governor, who shall withhold such approval until he shall satisfy himself by a personal investigation or by such other means as he may adopt, that such land is required for the purpose proposed, and can be purchased for the sum proposed out of the appropria-

tions made therefor for such purpose.

History: 1965 c. 66 s. 9.

**20.927 Executive control of construction work.** All appropriations made by law for the construction of new buildings or additions to existing buildings shall be expended only in accordance with the following conditions:

(1) Except as expressly provided otherwise, all construction shall be in the order of the greatest need therefor, as determined by the officer or board to whom the appropriation is made.

(2) No plan or plans shall be finally adopted, and no contract or contracts entered into, 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 have satisfied himself, by a personal examination or by such other means as he may adopt, that such building is required for the purpose proposed, and that it can and will be erected and fully completed according to such plan or contracts for the sum proposed for the same out of the appropriation made for such purpose.

History: 1965 c. 66 s. 9.

**20.930 Statutory salaries.** (1) (a) The annual salary for each of the following positions shall be as follows:

3	20.180	Attorney general .....	20,000
7	20.260	Circuit court reporter .....	8,100
8	20.260	Circuit judge (terms commencing June 1, 1959 and thereafter) .....	15,000
9	20.260	Circuit judge (terms commencing after September 1, 1963) ..	16,000
10	20.260	Circuit judge (terms commencing September 1, 1965, and thereafter) .....	20,000
11	20.260	County judge .....	13,500
12	20.260	County judge (terms commencing after September 15, 1965) ..	17,500
13	20.260	County court reporter .....	7,200
18	20.360	Executive department, governor .....	25,000
19	20.400	Grain and warehouse commission, member .....	6,800
28	20.540	Medical examiners, secretary (not less than) .....	1,900
30	20.570	National guard, adjutant general (pay of rank less allowances) .....	
31	20.650	Public instruction, state superintendent .....	21,000
37	20.730	Secretary of state .....	13,500
38	20.730	Secretary of state, assistant .....	6,300
40	20.780	Supreme court, chief justice (term commencing after July 8, 1957) .....	18,000
41	20.780	Supreme court, chief justice (term commencing after September 1, 1963) .....	25,000
42	20.780	Supreme court, justice (term commencing after July 8, 1955) .....	14,000

43	20.780	Supreme court, justice (term commencing after July 8, 1957) -----	17,500
44	20.780	Supreme court, justice (term commencing after September 1, 1963) -----	24,000
45	20.780	Supreme court, clerk (maximum of \$12,000 as established by the justices of the supreme court) -----NE	12,000
46	20.780	Supreme court, deputy clerk (salary as established by the justices of the supreme court) -----NE	7,500
47	20.790	Tax appeals board, member -----	6,300
50	20.820	Treasurer, state -----	13,500
51	20.820	Treasurer, state, assistant -----	6,300
53	20.840	Veterans' affairs department, superintendent of memorial hall -----NE	4,800
54	20.850	Vocational, technical and adult education, appointed board members -----	100

Note: Lines 1, 2, 4, 5, 6, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 29, 32, 33, 34, 35, 36, 39, 48, 49, 52, 55, 56 and 57 are repealed.

The repeal of department head salary lines by chapter 592, laws of 1965, was subject to the establishing of a new salary by the appointing authority and subject to Article IV, section 26, Const., which prohibits raises during a term of office for public officers.

(b) The symbol "NE" preceding a salary in par. (a) means that the appointing authority may set the salary at a figure not to exceed the amount listed.

(1m) It is the finding of the legislature that salaries for the department head positions contained in this subsection shall be determined on a comprehensive systematic basis, bear equitable relationship to each other and to the salaries of their classified service subordinates, and be reviewed and established with the same frequency as those of state employees in the classified service. To this end, the following groups of department head positions are established, and the dollar value for the salary range minimum and maximum for each group shall be reviewed and established in the same manner as that provided for positions in the classified service under s. 16.105(2)(a), (3) and (4). The salary rate for department heads upon appointment and subsequent thereto, shall be set at the discretion of the appointing authority within the range for the group to which the position is assigned, subject to the provisions of article IV, section 26 of the constitution of this state.

(a) Group I consists of:

1. 20.125 Administration commissioner.
2. 20.480 Investment board, executive director.
3. 20.705 Resource development department, director.
4. 20.800 Taxation commissioner.

(b) Group II consists of:

1. 20.140 Agriculture director.
2. 20.280 Conservation director.

2m. 20.340 Employment relations board, chairman.

3. 20.420 Highway commission, chairman.

4. 20.440 Industrial commission, chairman.

5. 20.460 Insurance commissioner.

6. 20.560 Motor vehicle commissioner.

7. 20.660 Public service commission, chairman.

8. 20.850 Vocational, technical and adult education, director.

(c) Group III consists of:

1. 20.190 Auditor, state.

2. 20.340 Employment relations board, member.

3. 20.365 Exposition department, administrator.

4. 20.420 Highway commission, member.

5. 20.440 Industrial commission, member.

6. 20.520 Legislative council, executive secretary.

7. 20.530 (4) Legislative reference bureau, chief.

8. 20.660 Public service commission, member.

8m. 20.530 (3) Revisor of statutes.

9. 20.840 Veterans affairs director.

(d) Group IV consists of:

1. 20.200 Banking commissioner.

3. 20.740 Securities director.

4. 20.810 Teachers retirement board, executive secretary.

5. 20.890 Wisconsin retirement fund, executive director.

(e) Group V consists of:

1. 20.130 Aeronautics director.

2. 20.270 Civil defense director.

3. 20.290 Crime laboratory, superintendent.

4. 20.415 Higher educational aids commission, executive secretary.

4m. 20.530 Members of the legislature. The basic salary of the members of the legislature shall be the minimum of the range.

6. 20.720 Savings and loan commissioner.  
7. 20.790 Tax appeals board, chairman.

(2) Salaries for the following positions may be set by the appointing authority, subject to the restrictions otherwise set forth in the statutes:

(a) Legislative council: clerical and expert assistants.

(b) Department of administration: deputy commissioner.

**Note: 20.930(2)(b) is printed as amended by Chapter 592, laws of 1965. An earlier amendment by Chapter 496, laws of 1965, was not included. See printed rule stated in the Preface, par. 6(c).**

(d) Organized militia: offices and positions.

(e) Department of veterans' affairs: assistants to carry out functions under ch. 627, laws of 1949.

(f) State historical society: director, chief of the American history research center and chief of interpretation and education.

(g) Department of public welfare: director, deputy director and division heads.

(h) Commissioners of public lands: persons employed as surveyors and appraisers pursuant to ss. 24.05 and 24.08.

(i) Department of public instruction: deputy superintendent.

(j) University of Wisconsin, state colleges: all presidents, deans, principals, professors, instructors, research assistants, librarians and other teachers, as defined in s. 42.20.

(k) Department of agriculture: division heads.

(l) Supreme court: assistants, clerks and employees.

(m) Trustees of state law library: librarian, assistant librarian, clerical and expert assistants.

(o) State crime laboratory board: scientific personnel.

(p) Each elected executive officer: a stenographer.

(q) Each examining board (except medical examiners): a secretary.

(r) Judicial council: executive secretary and technical and clerical help.

(t) Board of health: state health officer.

(u) Attorney general: deputy attorney general.

(v) Wisconsin council on natural beauty: director.

(w) Department of resource development: deputy director.

**History:** 1961 c. 191 ss. 64, 109; 1961 c. 349, 509; 1963 c. 149, 224, 225, 402, 459; 1965 c. 18, 113, 150, 163, 218, 239, 254, 279, 292, 293, 411, 432 s. 6; 1965 c. 433 ss. 47, 121; 1965 c. 495, 496, 548, 575, 579, 592, 614.

**20.931 Merit increase.** Consistent with s. 16.105 (2) it is the declared public policy that salaries of employes in the classified service, as defined in s. 16.08 (3), shall be increased from year to year consistent with good personnel management practices and to recognize and encourage meritorious service, until the maximum of the salary range for the position has been reached. Except as otherwise provided herein and in s. 16.105 (2) (d) such merit increases shall be made only at the beginning of a fiscal year. Appointing officers, as defined in ch. 16, shall at such time after July 1 each year as specified by the director of personnel file with him and with the department of administration a list of employes showing their then existing salaries and their proposed new salaries. Subject to rules of the personnel board, if any employe terminates with a department during the fiscal year, the monthly amount of the merit increase granted to him on July 1 of that fiscal year may be distributed by the appointing officer to other eligible employes in the department, in \$5 multiple amounts, the total monthly distribution of which shall not exceed the monthly increase granted to the terminated employe on July 1. This redistribution shall be subject to the limitations and requirements of the merit increase program under s. 16.105. No salary increase shall take effect unless the resulting salary is certifiable under s. 16.105.

**History:** 1961 c. 277; 1963 c. 197; 1965 c. 136, 434.

**20.932 Annual bonus payments.** In a rapidly changing economy it has been found necessary to adjust salaries in accordance with changes in consumer prices. Such adjustments, beginning July 1, 1961, shall be derived as follows:

(1) The salary rates and ranges set forth in the compensation plan effective July 1, 1961, approved by the joint committee on finance or the board on government operations shall be adjusted by any changes in the cost of living bonus which became or would have become effective January 1, 1961, April 1, 1961, and July 1, 1961.

(2) Thereafter salaries shall be adjusted annually on July 1 to reflect the changes in the cost of living. The revised consumer price index, all items, all cities combined, established by the bureau of labor statistics of the U. S. department of labor, as printed in the monthly labor review or as otherwise released, shall be used for computing increases

or decreases in the salary.

(3) The base salary established by sub. (1) shall be adjusted upward or downward effective July 1 of each year in the amount of \$1 for each 0.6 points of change between the cost of living index on April 15 of that year and April 15, 1961. The salary range for each classification shall be adjusted by the same amount.

(4) Such cost of living bonus payment shall not be deemed or construed to constitute a change in classification, rank, promotion or compensation and the civil service status of such employe shall be determined without reference thereto.

(5) All employes employed on a part-time basis shall be paid such portion of the cost of living bonus payment as their actual time employed shall bear to full-time employment.

(6) The payments under this section shall begin with the first regular payroll period beginning July 1, 1961, or with the first day of the month following the effective date of this subsection, whichever occurs last.

(7) Upon certification of the department head or officer to the department of administration, such director shall forthwith determine the sum of money necessary from the appropriation provided in s. 20.550 (37) for the payment of the cost of living bonus and the adjustments thereof of employes of such board, department, commission or institution, and the director shall thereupon extend a credit in like sum therefor, to all appropriations and including those in which the receipts are appropriated or reappropriated wherein the director shall determine whether a supplementary appropriation is necessary therefor.

(8) The payment of such initial cost of living bonus shall commence in the first full calendar month and for the first regular payroll period occurring therein following March 31, 1953.

**History:** 1961 c. 277; 1965 c. 66 s. 7.

**20.939 Deductions from salaries.** (1) Whenever it shall become necessary, in pursuance of any federal or state law, to make deductions from the salaries of state officers or employes for any purpose, each department is responsible for making such deductions and paying over the total thereof for the purposes provided by the laws under which they were made. Each such department shall indicate on its pay rolls the amount or amounts to be deducted from the salary of each officer and employe, the reason for each such deduction, the net amount due each offi-

cer or employe, the total amount due for each purpose for which deductions have been made; and the person or officer or department in each case entitled to receive such deductions. The department of administration shall then issue warrants for the respective amounts due the persons listed on each pay roll, including the person or officer or department designated to receive the amounts deducted from the salaries listed therein, and the checks for such payments when received by the respective departments shall be transmitted to the persons entitled to receive them.

(2) In cases where the law or regulations governing deductions from salaries and the payment of the sums deducted to the person entitled to receive them, require payment at intervals greater than one month, the sums so deducted may be paid to the state treasurer, to be deposited by him in the fund from which the salaries were paid. Such sums shall be credited, in each case, to the department which made the deductions, to be paid over at the proper time to the person entitled to receive them.

(3) Circuit and county court judges and reporters are excepted from this section to the extent that deductions from their salaries shall be made, accounted for and paid over to the person entitled to receive them by the court administrator.

**History:** 1963 c. 6; 1965 [13.32 (2) (e)].

**20.940 Traveling expenses.** (1) State officers and employes shall be reimbursed for actual and necessary traveling expenses incurred in the discharge of their duties. The officers and employes of any department shall when, for reasons of economy or efficiency, they are stationed at any other place than the official location of such department, receive their actual and necessary traveling and other expenses when called to such official location for temporary service. The members of departments who are entitled to expenses but not compensation, the members of departments who are entitled to a per diem for time actually spent in state service, and the members of departments who receive an honorarium, shall be entitled to travel and other expenses while attending meetings of such department held at the city of Madison; provided, that no such traveling or other expenses shall be allowed to any such member of any department who actually resides in the city of Madison while attending any such meeting at said city.

(2) The payment of travel expenses not authorized by statute is prohibited. Any unauthorized payment made shall be recover-

able as for debt from the person to whom made.

(3) Subject to rules of the personnel board, and approval of the director, reimbursement may be made to applicants for professional and technical positions for all or part of actual and necessary travel expenses incurred in connection with employment interviews.

History: 1961 c. 645.

**20.941 Allowance for use of automobiles.**

(1) Whenever any department determines that the duties of any employe require the use of an automobile, it may authorize such employe to use his personal automobile in his work for the state, and reimburse him for such at a rate of 7 cents per mile for the first 2,000 miles per month and 6 cents per mile for each mile over 2,000 miles per month.

(2a) Upon recommendation of the department head and approval by the commissioner of administration, an additional reimbursement at the rate of one cent per mile may be paid to any employe for the use of his personal automobile when used as an emergency vehicle or under conditions which may cause excessive wear or depreciation including pulling trailers or which require the installation of special equipment.

(3) For travel between points convenient to be reached by railroad or bus without unreasonable loss of time the allowance for the use of a personal automobile shall not exceed the railroad or bus fare between such points.

(4) All allowances for the use of a personal automobile shall be paid upon the certification of the amounts payable by the head of the department to the department of administration.

History: 1961 c. 658.

**20.942 Allowance for moving expense.**

Whenever any department head or officer determines and orders that any employe in the classified service be relocated or reassigned to another place of employment within the state, and thereby requires a change of residence, he shall authorize such employe to be reimbursed for the actual and necessary expense of transporting the immediate members of his family and household effects to such other place of employment. No such reimbursement shall be granted to any employe reporting to his first place of employment. Not more than 2 allowances not exceeding \$250 for each such reimbursement shall be granted to any employe in a calendar year. Such reimbursement for transportation expense shall be allowed and paid in the same

manner as other traveling expenses. The amount of reimbursement for moving household effects shall not exceed the maximum level of rates as prescribed by the public service commission covering the actual expenses of transporting household effects. No reimbursement shall be made for any expenses incurred by the employe in the preparation of household effects incident to moving.

History: 1961 c. 297.

**20.943 Use of airplanes.**

(1) Whenever any department determines that the duties of any member or employe require the use of an airplane, it may authorize him to charter such airplane with or without a pilot; and it may authorize any member or employe to use his personal airplane and reimburse him for such use at the rate of 10 cents per mile for airplanes capable of carrying 2 passengers, 20 cents per mile for airplanes capable of carrying 3 or 4 passengers, and 30 cents per mile for airplanes capable of carrying 5 or 6 passengers; except that such reimbursement shall not exceed 10 cents per mile for each passenger carried. Such reimbursement shall be made upon the certification of the amount by the chief officer of the department to the department of administration.

(2) The chief officer of every department whose members or employes are authorized to use their own airplanes in their work for the state shall file with the department of administration a list of all persons so authorized and the airplanes so to be used with a statement of the passenger capacity of each such airplane.

**20.944 Purchase of motor vehicles and aircraft.**

Each department, board or commission, upon written approval of the governor, may purchase necessary aircraft, trucks and automobiles for its general use, of such style and make as it may determine. Such aircraft, trucks and automobiles shall be purchased through the department of administration, pursuant to ss. 16.70 to 16.82.

**20.945 Insuring state vehicles and aircraft.**

The several departments, boards and commissions of the state government are authorized to secure public liability, property damage and fire, theft and windstorm insurance for the protection of state automobiles, trucks and aircraft. Such insurance may provide public liability and property damage coverage for state traffic patrol officers and conservation department employes when, in the performance of their official duties, it is necessary to move other vehicles. The cost of such insurance by such departments, boards

and commissions shall be audited and paid in the same manner as other departmental expense.

**History:** 1963 c. 336.

**20.949 Transportation of employes.** The state department of public welfare and the conservation commission may, with the approval of the governor and the department of administration, provide group transportation, in the absence of convenient and public scheduled transportation, for employes to and from the Mendota and Winnebago state hospitals, the northern, central and southern colonies and training schools, the Wisconsin school for girls, the Wisconsin home for women, the Wisconsin school for boys at Wales and the Wisconsin correctional institution at Fox Lake in the case of employes of the state department of public welfare, and to and from its temporary branch offices located at the Nevin fish hatchery grounds in the case of the employes of the conservation commission. Any employe, if injured while being so transported, shall be deemed to have been in the course of his employment.

**20.950 Conditions precedent to release of appropriations.** All appropriations made by law from state revenues for any department, board, commission, or institution of the state, or for the state historical society, are made on the express conditions that such department, board, commission, institution, or society pays all moneys received by it into the state treasury within one week of receipt, and conforms with ss. 16.53 (1) and 20.002, 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 department of administration shall refuse to draw its warrant, and the state treasurer shall refuse to pay any moneys appropriated to any such department, board, commission, institution, or society, from state revenues, until compliance is made with said conditions; and upon failure or refusal to so comply, after due notice received from the department of administration, any appropriations made by law from state revenues to such department, board, commission, institution, society, shall permanently revert to the fund from which appropriated.

**History:** 1965 [13.32 (2) (d), (e)]; 1965 c. 433 s. 121.

**20.951 Receipts and deposits of money; procedure; penalties.** (1) Unless otherwise provided by law, all moneys collected or received by each and every officer, board, commission, society, or association for or in be-

half of the state, or which is required by law to be turned into the state treasury, shall be deposited in or transmitted to the state treasury at least once a week and also whenever required by the governor, and shall be accompanied by a statement in such form as the treasurer may prescribe showing the amount of such collection, and from whom and for what purpose or on what account the same was received. All moneys paid into the treasury shall be credited to the general fund unless otherwise specifically provided by law.

(2) The department of administration shall prescribe a form of official blank receipts to be issued by or for each officer, board, commission, society or association collecting or receiving any money for the state, or collecting any money required by law to be turned into the state treasury, and such officer, board, commission, society or association shall issue such official receipts to each person from whom money is received. All such official receipts shall be prenumbered consecutively. The commissioner of administration may waive the issuance of official receipts in cases where he prescribes other adequate collection control measures, but receipts shall be issued on demand.

(3) Any person who shall issue or deliver such official receipt or pass or utter the same except in the manner required by law shall be deemed guilty of a misdemeanor.

(4) In case any officer, board, commission, society or association included within the provisions of this section neglects or refuses to make such deposits of money, or to make such reports as are required by this section, the department of administration, with the approval of the governor, shall withhold all moneys due such officer, board, commission, society or association until this section is complied with; and provided further that upon such failure to make such deposits of money, the officer or official so failing shall be liable to the state treasurer for an amount equal to the interest upon the moneys so withheld from deposit at the same rate as that received by the state upon state deposits, for the period for which such deposit is withheld; and such interest shall be a charge against said officer or official and shall be deducted from his compensation.

**History:** 1961 c. 191, 439, 622; 1963 c. 6; 1965 c. 66 s. 8; 1965 [13.32 (2) (e)]; 1965 c. 396.

**20.952 Disposition of abandoned, lost or escheated property.** (1) Any personal property lost or abandoned in any building or on any lands belonging to the state and unclaimed for a period of 60 days may be returned to the person finding the same or may

be sold at private or public sale by the board, commission, officer, agency, society or association having charge of the place where such personal property is found. All receipts from such sales, after deducting the necessary expenses of keeping such property and selling the same, shall be paid promptly into the state treasury and credited to the school fund.

(2) The state treasurer is authorized to sell either at public or private sale any personal property turned over to him as an escheat. The proceeds of any such sale shall become a part of the state school fund, and shall be subject to refund as specified by the provision of law pursuant to which the property escheated.

**20.953 Gifts, grants, devises and bequests.**

(1) Unless otherwise provided by law, all gifts, grants, bequests and devises to the state or to any department, board, commission, agency or officer thereof for the benefit or advantage of the state, whether made to trustees or otherwise, shall be legal and valid when approved by the board on government operations and shall be executed and enforced according to the provisions of the instrument making the same, including all provisions and directions in any such instrument for accumulation of the income of any fund or rents and profits of any real estate without being subject to the limitations and restrictions provided by law in other cases; but no such accumulation shall be allowed to produce a fund more than 20 times as great as that originally given. When such gifts, grants, bequests or devises include common stocks or other investments which are not authorized by s. 320.01, such common stocks or other investments may be held and may be exchanged, invested or reinvested in similar types of investments without being subject to the limitations provided by law in other cases.

(2) The state treasurer shall have custody of all such gifts, grants, bequests and devises in the form of cash or securities. The department of administration shall keep a separate account for each state agency receiving such gifts, grants, bequests and devises, including therein investments, accumulations, payments and any other transaction pertaining to such moneys. If no state agency is designated by the donor to carry out the purposes of the conveyance, the board on government operations shall appoint a state agency to act as trustee.

(3) Nothing contained in this section or s. 20.550 (69) shall be deemed to abrogate any other statutes pertaining to gifts, grants,

bequests and devises to specifically named state officers or agencies or to or for the use of the state.

**History:** 1961 c. 336.

**20.954 Receipts from gifts and other outside sources, how audited.** All moneys received by any state institution or the state historical society as income on the principal of funds received by such institutions, or society as gifts, legacies, and devises and from membership fees and sale of publications and duplicates shall be expended under the direction of the proper authorities and the audit of the department of administration shall be for the sole purpose of ascertaining that such expenditures are lawfully made and authorized by the proper authorities of such institution or society.

**20.955 Payments to state, protested check.** Payments to the state may be made in legal tender, postal money order, express money order, bank draft or certified check. Payments to the state may also be made by personal check or individual check drawn in the ordinary course of business unless otherwise required by individual state departments and agencies. If any such personal or individual check is not paid by the bank on which it is drawn, the person by whom such check has been tendered shall remain liable for the payment of the amount for which such check was tendered and for all legal penalties and additions, and in such case the officer to whom such check was tendered shall lay the facts before the district attorney of the proper county for prosecution as provided by law. In case any license shall have been granted upon any such check, such license shall be subject to cancellation for the nonpayment of such check.

**20.956 Checks, drafts or warrants may be canceled; reissue.** (1) If any check or draft drawn and issued by the state treasurer upon the funds of the state in any state depositories is not delivered or called for within one year after issue and remains in or is returned to the hands of the state treasurer without being paid, the state treasurer may receipt for the same, credit the amount thereof to the fund on which it is drawn and deposit such check or draft in the same manner that other state collections are deposited.

(2) All receipts deposited pursuant to sub. (1) shall be credited by the department of administration to a continuing reserve for drafts canceled of the fund concerned, to be used for the payment of demands under sub. (3). Any check canceled on which demand



for payment has not been presented within 6 years from date of issue shall be reverted from the reserve for canceled drafts to the general revenues of the fund concerned by the department of administration.

(3) When the payee or person entitled to any check or draft so canceled by the state treasurer, or the payee or person entitled to any warrant so canceled by the department of administration, demands such check, draft or warrant or payment thereof, the director shall, and he is hereby authorized to, issue a new warrant therefor, to be paid out of the proper fund by the state treasurer.

(4) When the bank on which any check or draft is drawn by the state treasurer shall before payment of such check or draft become insolvent or shall be taken over by the commissioner of banks or comptroller of the currency, the state treasurer shall on the demand of the person in whose favor such check or draft was drawn and upon the return to the treasurer of such check or draft issue a duplicate for the same amount. This subsection shall apply to checks or drafts heretofore issued and not paid.

(5) If any check or draft drawn and issued by the state treasurer is lost or destroyed and the bank on which such check or draft is drawn has been notified to stop payment thereon, the state treasurer may, after the expiration of 7 days from the date of notice to stop payment, issue a duplicate check or draft and thereafter the state treasurer shall be relieved from all liability thereon.

**History:** 1965 [13.32 (2) (d), (h)].

**20.957 State suit tax; notice of default.**

If the department of administration does not receive from the clerk of the circuit court the statement relative to suit tax required by s. 59.395 (5) together with a receipt for the sum required by law to be paid on the actions so entered during the preceding quarter, on or before the first day of the next succeeding month, it shall forthwith notify the judge of the circuit court of the county of the failure to transmit such statement or receipt or both; and such judge shall thereupon notify the clerk to show cause why he should not be removed from office in the manner provided by law.

**20.958 Reports of depositories.** Every state depository shall, on the first day of each month, and oftener when required, file with the department of administration a sworn statement of the amount of public moneys deposited with it, and, within 10 days after

the first day of each January, April, July and October, shall make a full statement of all deposits and payments of state moneys during the preceding quarter, together with a computation and statement of the interest earned thereon, computed upon the daily balance on deposit, which interest shall thereupon be added to and become part of the deposit balance, such statement shall be accompanied by an affidavit of the president and cashier of such depository to the effect that it is in all respects true and correct, and that, except for the interest therein credited, neither said depository nor any officer, agent or employe thereof, nor any person in its behalf, has in any way whatsoever given, paid or rendered, or promised to give, pay or render to the state treasurer or to any other person any money, credit, service or benefit whatsoever by reason or in consideration of the deposit with it of any portion of the state moneys. Any person who shall make any false statement in any affidavit required by this section shall be guilty of perjury.

**20.979 Institutional contingent funds. (1)**

As used in this section:

(a) "Department" means the state department of public welfare, state board of health, state superintendent of public instruction, board of regents of state colleges and department of veterans affairs.

(b) "Institution" means all state colleges and the several institutions under the jurisdiction of the state department of public welfare, state superintendent and department of veterans affairs.

(c) "Superintendent" means the head of any institution as defined herein.

(2) (a) From the contingent fund authorized by ss. 20.650 (3), 20.670 (9), 20.760 (1) and 20.840 (1), institutional bills of less than \$75 may be paid, but no part of the fund shall be used for payment of salary or wages of an employe. The amount allotted to each institution shall be deposited in a separate account to be known as the "contingent fund" in a public depository to be designated by the respective departments. Payment of institutional bills of less than \$75 shall be made by check drawn by the superintendent against such account, except as herein otherwise provided, without the necessity of being first submitted to the department and to the department of administration for approval and audit. The superintendent shall file claim for reimbursement on a sworn voucher which shall be accompanied by the bills to be reimbursed. Bills paid by check need not be receipted by the payee, but the number of the check shall

be placed on the bill. Bills may be paid by cash if approved by the superintendent and receipted by the payee. After approval of such claim by the department and audit by the department of administration, the contingent fund shall be reimbursed the total amount lawfully paid therefrom. If the superintendent pays any bill which is subsequently disapproved either by the department or the department of administration as unlawful or unauthorized, he shall, within 10 days after notification by the department, personally make good such unlawful or unauthorized payment. All moneys received in reimbursement for payments made from the contingent fund shall be deposited to the credit of said account and are added to the appropriation. Each respective department, with the approval of the department of administration, shall make written rules and regulations for carrying out this subsection. Each department shall require the superintendent of each institution to execute and file a surety bond in such sum as the board on government operations requires, guaranteeing the faithful discharge of his duties and obligations under this section, the premium to be paid out of the proper appropriation for each department. Any check drawn against the contingent fund of an institution which is not paid within 2 years of the date of its drawing because of inability to locate the drawee or his failure to submit same for payment, after the bank has been requested to stop payment, shall be treated as a canceled check and added to the checking account balance. A check for the amount so added shall be drawn in favor of the state treasurer and deposited in the general fund as a non-appropriated receipt. If the person entitled to a check so canceled presents a satisfactory claim therefor to the department, said department shall direct the department of administration to draw a warrant in payment of such claim and charge it to a sum sufficient appropriation for the repayment of canceled checks. In those institutions in which the financial and business affairs are under the jurisdiction of a financial or business officer, the contingent fund shall be under said officer's jurisdiction and all of the above provisions applying to the superintendent shall apply to said officer.

(b) By the procedure provided in par. (a) the board of regents of state colleges and the several institutions under its control may use money in the respective contingent funds to pay bills of \$500 or less which allow the taking of a discount if paid in 30 days or less and for the payment of necessary expenses

which must be met by the payment of cash.

(c) Out of the appropriations in s. 20.670 (2) (km) there is allotted, subject to the approval of the board on government operations, such sums as may be necessary to be used as a contingent fund for the purchase of clothing and other necessities for and transportation of probationers and parolees who are without means to secure the same, such contingent fund to be administered in conformity with the procedure provided in s. 20.979 (2) (a).

**History:** 1961 c. 191, 336; 1965 c. 163, 433 s. 121.

**20.980 Fiscal year.** The fiscal year of the state commences on the first day of July in each year and closes on the June 30th next succeeding. All books and accounts of the department of administration and of the state treasurer shall be kept, and all their duties shall be performed with reference to the beginning and ending of the fiscal year. All officers and persons required to render annual accounts to the department of administration and treasurer shall close such accounts on June 30 in each year, and shall render such accounts as soon thereafter as may be practicable, and the fiscal year of all departments, boards and bodies connected with the state government in any manner shall commence and close on the same dates as the fiscal year of the state. A fiscal year ending in an even-numbered calendar year may be designated as an even-numbered fiscal year, and a fiscal year ending in an odd-numbered calendar year may be designated as an odd-numbered fiscal year.

**20.981 Coal purchases.** Whenever coal is purchased for any institution of the state, and the same is received and paid for during the fiscal year prior to the time when the same is to be consumed, the department, board or commission under whose authority said coal was ordered, may certify to the department of administration the facts in relation to said matter, and thereupon the purchase price of said coal and cost of handling same, or so much thereof as may remain unconsumed at the beginning of the succeeding fiscal year, may be charged to the appropriation for operation of such institution, for the fiscal year during which said coal is to be consumed.

**20.982 Summer sessions.** For all fiscal purposes the entire summer session of any state education institution or school under the supervision of the state board of vocational, technical and adult education shall be considered as occurring in the fiscal year in which such session terminates, and expenditures

therefor and revenues thereof shall be charged or credited to the appropriation for such fiscal year. All bills for printing incurred prior to the beginning of such fiscal year may be paid out of current funds and be replaced at the beginning of such fiscal year.

History: 1965 c. 163, 433 s. 120.

## CHAPTER 23. COMMISSIONERS OF THE PUBLIC LANDS AND THE CONSERVATION COMMISSION.

### 23.09 Conservation act.

(19) BONG AIR BASE. The commission is authorized to acquire by gift, purchase or otherwise the federally-owned lands, improvements and appurtenances thereto within the Bong air base in Kenosha county which may be disposed of by the federal government to be used by the commission for any of the purposes in sub. (7) (d).

History: 1961 c. 174, 250, 346, 339, 427, 446, 520; 1963 c. 283, 340, 345; 1965 c. 252, 276, 367, 646.

### 23.26 Natural resources committee.

(2) There is created a natural resources committee of state agencies consisting of the governor as chairman, ex officio; 2 members of the joint legislative council appointed by the chairman of the council; 2 representatives of the state conservation department appointed by the conservation commission; 2 representatives of the university of Wisconsin appointed by the president of the university; 2 representatives of the public service commission appointed by the public service commission; 2 representatives of the state department of agriculture appointed by the state board of agriculture; one representative of the state board of health appointed by the state board of health; one representative of the department of resource development appointed by the director of resource development; one representative of the attorney general's office appointed by the attorney general; one representative of the state department of taxation appointed by the commissioner of taxation; one representative of the highway commission appointed by the state highway commission and one representative of the state soil and water conservation committee appointed by the committee. After July 1, 1967, the 2 representatives of the public service commission shall cease to serve as members of the committee and shall be replaced by an additional representative of the department of resource development appointed by the director of resource development. Each such representative shall be a member of the staff of his respective board, commission, department, office or agency and, with the exception of the governor, shall continue in office at the pleasure of his appointing body.

History: 1961 c. 336; 1965 c. 614.

## CHAPTER 24. ENTRY AND SALE OF PUBLIC LANDS.

24.085 Sale of state-owned lands under the jurisdiction of the conservation commission. (1) The state conservation commission is authorized and empowered to sell at public or private sale, lands and structures owned by the state under the jurisdiction of the state conservation commission when said commission determines that said lands are no longer necessary for the state's use for conservation purposes.

History: 1963 c. 467; 1965 c. 163, 433, 646.

## CHAPTER 25. TRUST FUNDS AND THEIR MANAGEMENT.

### 25.17 Powers and duties of state of Wisconsin investment board.

(3)

(bf) To invest sums not exceeding \$20,000,000 outstanding at any one time of the balances of the general fund in advance to the state commission for higher educational aids for the purpose of making additional loans to needy students under s. 39.023(7). Such loans shall initially be made by the state commission for higher educational aids from the appropriations under s. 20.415(3)(g). Despite the specific provisions of sub. (1), the responsibility for collection of the interest and principal on such loans to students shall rest in the state commission for higher educational aids and the function of the investment board shall be limited to advancing funds to the state commission for higher educational aids for not to exceed 95% of such loans outstanding and collectible,

based upon the certificates of the state commission for higher educational aids as to the current status of the student loans made, due and collectible under s. 39.023(7), and to periodically receiving from the appropriations made by s. 20.415(3)(a), (g) and (h) payments of principal and interest on the advances made to the state commission for higher educational aids, interest to be computed monthly at 4% per annum on the unpaid principal balance of the advances made prior to July 1, 1966, and at the maximum rate allowable under P.L. 89-329 and P.L. 89-287, or 4%, whichever is the greater, on all loans made on or after July 1, 1966, computed as of January 1 and July 1 of each year and payable within 90 days thereafter.

(7) To make all loans and investment purchases from any funds under its control in the name of the board, except that mortgages on real estate outside of Wisconsin may be made to, and the title to real estate outside of Wisconsin may be acquired in the name of, a trustee under a trust agreement between the board and a bank or trust company organized under the laws of the United States or any state thereof having a combined capital and surplus of at least \$25,000,000; and any such mortgages or real estate acquired prior to June 24, 1966 may be assigned or conveyed to such trustee under an appropriate trust agreement between it and the board.

(14)

(b) The accrued liability as of said fiscal year end of all participating municipalities under the Wisconsin retirement fund, as certified by the board of trustees of the Wisconsin retirement fund after determination by the actuary for said fund.

**History:** 1961 c. 506, 507, 513; 1963 c. 34, 291, 443, 523, 552, 574; 1965 c. 247, 432 s. 6; 1965 c. 433 ss. 51, 121; 1965 c. 551, 566, 581.

#### 25.18 Additional powers of board. (1)

(f) To maintain and repair any building or other structure or premises which it owns in fee or in which it owns the beneficial interest and, notwithstanding the provisions of any other statutes, it shall have exclusive authority to make such agreements and enter into such contracts as it deems necessary for such purpose.

**History:** 1961 c. 507; 1963 c. 523, 552; 1965 c. 550.

#### 25.40 Highway fund. (1)

(a) All collections of the motor vehicle department except sales taxes, other revenues specified in chs. 129 and 218 and an amount equal to that appropriated by s. 20.240(2) (e), which shall be paid into the general fund.

**History:** 1965 c. 396, 591.

### CHAPTER 27. PUBLIC PARKS AND PLACES OF RECREATION.

#### 27.012 Field archaeology.

(4) PERMITS.

(c) The director may waive sub. (3)(b) 7 in an emergency in which objects of archaeological interest are found in the course of construction or demolition work, or in other situations in which time is of the essence to save objects or gather data.

**History:** 1965 c. 424, 625.

#### 27.30 Wisconsin exposition department.

(3) POWERS OF THE BOARD.

(a) Shall appoint a full-time manager as the chief administrative officer. He shall be appointed outside the classified service.

(c) Renumbered 27.305 and revised.

**History:** 1961 c. 149, 621, 622; 1965 c. 29, 249, 252, 433 ss. 53, 121; 1965 c. 591, 592.

27.305 Wisconsin exposition department, additional powers to provide structures, facilities and permanent improvements. (1) As used in this section unless the context requires otherwise:

(a) The term "existing building" in relation to any conveyance, lease or sublease made under sub. (2) means all administrative buildings, all storage facilities and garages, all buildings used for exhibition or promotional events for agricultural, industrial, education, recreational or athletic purposes and such other buildings, structures, facilities and permanent improvements as in the judgment of the board are needed or useful for the purposes of the department and all equipment therefor and all improvements and additions thereto which were erected, constructed or installed prior to the making of such conveyance, lease or sublease.

(b) The term "new building" in relation to any conveyance, lease or sublease made under sub. (2) means all administrative buildings, all storage facilities and garages, all buildings used for exhibition or promotional events for agricultural, industrial, educa-

tional, recreational or athletic purposes and such other buildings, structures, facilities and permanent improvements as in the judgment of the board are needed or useful for the purposes of the department and all equipment therefor and all improvements and additions thereto which are erected, constructed or installed after the making of such conveyance, lease or sublease.

(c) The term "corporation" in relation to any conveyance, lease or sublease made under sub. (2) means a nonstock, nonprofit corporation organized under ch. 181 or any law amendatory thereof or supplemental thereto.

(d) The term "department" means Wisconsin exposition department.

(2) In order to provide new buildings and to enable the construction and financing thereof, to refinance indebtedness hereafter created by a corporation for the purpose of providing new buildings or additions or improvements thereto which are located on land owned by or owned by the state and held for the department or by a corporation or for any one or more of said purposes but for no other purpose unless authorized by law, the department has the following powers and duties:

(a) Without limitation by reason of any other provisions of the statutes, the power to sell and to convey title in fee simple to a corporation any land and any existing buildings thereon owned by or owned by the state and held for the department for such consideration and upon such terms and conditions as in the judgment of the board are in the public interest.

(b) The power to lease to a corporation for a term or terms not exceeding 50 years each any land and any existing buildings thereon owned by or owned by the state and held for the department upon such terms and conditions as in the judgment of the board are in the public interest.

(c) The power to lease or sublease from a corporation and to make available for public use any such land and existing buildings conveyed or leased to such corporation under pars. (a) and (b) and any new buildings erected on such land or on any other land owned by such corporation, upon such terms, conditions and rentals, subject to available appropriations, as in the judgment of the board are in the public interest.

(d) The duty to submit the plans and specifications for all such new buildings and all conveyances, leases and subleases made under this section to the department of administration and the governor for written approval before they are finally adopted, executed and delivered.

(e) The power to pledge and assign all or any part of the revenues derived from the operation of such new buildings as security for the payment of rentals due and to become due under any lease or sublease of such new buildings under par. (c).

(f) The power to covenant and agree in any lease or sublease of such new buildings made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of such new buildings in an amount calculated to produce net rentals sufficient to pay the rentals due and to become due under such lease or sublease.

(g) The power to covenant and agree in any lease or sublease made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of existing buildings in an amount calculated to produce net rentals sufficient to pay the rentals due and to become due under such lease or sublease.

(h) The power and duty, upon receipt of notice of any assignment by a corporation of any lease or sublease made under par. (c), or of any of its rights under any such sublease, to recognize and give effect to such assignment, and to pay to the assignee thereof rentals or other payments then due or which may become due under any such lease or sublease which has been so assigned by such corporation.

(3) The state shall be liable for accrued rentals and for any other default under any lease or sublease made under sub. (2)(c) and may be sued therefor on contract as in other contract actions under ch. 285, except that it shall not be necessary for the lessor under any such lease or sublease or any assignee of such lessor or any person or other legal entity proceeding on behalf of such lessor to file any claim with the legislature prior to the commencement of any such action.

(4) Nothing in this section empowers the department to incur any state debt.

(5) All powers and duties conferred upon the board or the department pursuant to this section shall be exercised and performed by resolution of the board. All conveyances, leases and subleases made pursuant to this section, when authorized pursuant to resolution of the board, shall be made, executed and delivered in the name of the department and shall be signed by the manager as the chief administrative officer of the department.

(6) All laws conflicting with provisions of this section are, insofar as they conflict with this section and no further, superseded by this section.

**History:** 1965 c. 591.

## CHAPTER 29. FISH AND GAME.

**29.09 Hunting, trapping and fishing licenses.**

(12) **ARMED FORCES; STUDENTS.** (a) Fishing licenses, small game hunting licenses and deer hunting licenses shall be issued at resident fees by the commission and by the county clerks to any student or to any member of the armed forces of the United States applying therefor, who exhibits proof that he is in active service with such armed forces and that he is stationed in Wisconsin or that he is a registered full-time undergraduate student in residence of a college or university, public or private, located in this state and offering a bachelor's degree or is a citizen of a foreign country temporarily residing in this state while attending a Wisconsin high school or an agricultural short course at the university of Wisconsin.

(b) Fishing licenses and small game hunting licenses shall be issued without charge by the commission and by the county clerks to any member of the armed forces of the United States applying therefor who exhibits proof that he is in active service with such armed forces and that he is a Wisconsin resident on furlough or leave.

**History:** 1961 c. 339; 1965 c. 170, 208, 244, 245, 433, 628.

**29.29 Noxious substances.**

(3) **DELETERIOUS SUBSTANCES.** No person shall cast, deposit, or throw overboard from any boat, vessel or other craft into any waters within the jurisdiction of the state, or deposit or leave upon the ice thereof until it melts, any fish offal; or throw or deposit, or permit to be thrown or deposited, into any waters within the jurisdiction of the state any lime, tanbark, ship ballast, stone, sand, except where permitted by s. 30.12(2)(b), slabs, decayed wood, sawdust, sawmill refuse, planing mill shavings, or any acids or chemicals or waste or refuse arising from the manufacture of any article of commerce, or any other substance deleterious to game or fish life other than authorized drainage and sewage from municipalities and industrial or other wastes discharged from mines or commercial or industrial or ore processing plants or operations, through treatment and disposal facilities installed and operated in accordance with plans submitted to and approved by the department of resource development under ch. 144, or in compliance with orders of that department. Any such order shall be subject to modification by subsequent orders.

(4) **TOXIC INSECTICIDES.** No person shall cast, deposit, throw overboard, dust, spray, diffuse or otherwise disperse any toxic insecticide in any form either by hand or from any apparatus, airplane, boat, vessel, craft, automobile or other equipment in forest and noncrop areas in amounts sufficient to be of possible danger to the health of persons or wild animals. The amounts of the various types of insecticides which may be dangerous shall be established by rules and regulations issued jointly by the conservation commission, the department of resource development, and the Wisconsin department of agriculture. The conservation commission, upon recommendation of the department of agriculture and the department of resource development, is authorized to issue permits for use of larger amounts where it is established that no serious hazards are involved or for experimental purposes.

**History:** 1965 c. 614.

**29.545 Removal of aquatic plants from waters.** No person shall cut, harvest or remove wild rice, wild celery, sago or other aquatic plants of any variety whatsoever from Lakes Partridge, Partridge Crop, Poygan, Winneconne, Big Lake Butte des Morts, and the Wolf river from the mouth of the Rat river to its outlet from Big Lake Butte des Morts, and the Fox river from its junction with the Wolf river to where it empties into Lake Winnebago except that such growth of aquatic plants of any variety may be cut, removed or controlled in any portion of the above named waters on authorization from the conservation commission if the department of resource development determines that they constitute a menace to public health, or by authorization from the conservation commission to such extent and during such periods of the time as the conservation commission may, with or without public hearing, determine that any such aquatic plants either are not reasonably necessary for propagation of fish or wildlife or that property or esthetic values are unreasonably impaired, provided that such cutting or other control activities are conducted in compliance with the rules of the public service commission so as not to create an obstacle or hazard to navigation. Such cutting, removing, controlling or harvesting of aquatic plants in the above named waters shall be done only by persons after obtaining from the conservation commission a written permit therefor, which shall be issued without charge.

**History:** 1963 c. 218; 1965 c. 614.

**29.594 Damages caused by wild ducks or geese.** (1) Any owner or grower of crops on any agricultural land, except lands under state or federal control, may claim damage

to such crops caused by wild ducks or geese, by filing a verified statement of his claim with the commission within 5 days after such damage allegedly occurred. Such claim shall certify that the damage was caused on agricultural lands to crops or to old or new seedings except unharvested sweet corn or any crops on farms where any crops are planted or manipulated for purposes of attracting wild ducks or geese or crops not harvested in accordance with normal agricultural practices. However, if the condition causing damage is in the nature of a continuing trespass or depredation, the claimant may, in lieu of a claim, file with the commission within 5 days from the time such damage first occurs, a notice of claim, stating the nature of the condition and that damages will be claimed as soon as the total damage can be ascertained. In such case, the claimant, if he has co-operated with the commission to prevent or alleviate the damage by dispersal of waterfowl or other means, shall be entitled to recover the total damages but not to exceed \$750 sustained during the continuance of the condition but not beyond 6 months after the date of the notice, provided he files a verified statement of his claim with the commission within 10 days after the abatement of the condition but not after 6 months of the date of the notice if the condition persists. Any claim for damages which occurred after October 7, 1965, and prior to and including December 5, 1965, in the area in Fond du Lac and Dodge counties known as the "Horicon Quota Zone" shall be paid by the commission if the claim or notice of claim is filed with it within 10 days after December 5, 1965. No person shall be entitled to damages under this section caused by wild ducks or geese during the open season for shooting same. Any owner or occupant of agricultural lands shall deduct from his claim any amounts received by both the owner and occupant for hunting or shooting rights upon said lands during said crop season.

(3) All claims for damage caused by wild ducks or geese shall be filed with the commission and shall be paid on a pro rata basis at the end of each fiscal year from the funds provided under s. 20.280(1) (ue).

**History:** 1965 c. 408, 652.

#### CHAPTER 30. NAVIGABLE WATERS, HARBORS AND NAVIGATION.

**30.02 General provision for notice and hearing.** In any proceeding under ch. 30 or 31 where a hearing by the department of resource development is required by statute and there is no specific provision as to the time and manner of giving notice thereof, the department shall, not less than 10 days before such hearing, mail a written notice thereof to the clerk of each municipality directly affected thereby, and may give such further or other notice as it deems proper.

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**30.03 Enforcement of forfeitures; abatement of nuisances; infringement of public rights.** (1) The department of resource development shall report to the governor every forfeiture incurred under and every nuisance committed in violation of ch. 30 or 31.

(2) The attorney general, when so requested by the governor, or a person authorized by the governor to act instead of the attorney general, and otherwise the district attorney of the proper county, shall institute proceedings to recover any forfeiture incurred or abate any nuisance committed under ch. 30 or 31.

(3) All forfeitures shall be recovered by civil action as provided in ch. 288 and when collected shall be paid directly into the state treasury.

(4)(a) Whenever there comes to the attention of the department a possible violation of the statutes relating to navigable waters, or a possible infringement of the public rights therein, and it appears to the department that the public interest may not be adequately served by imposition of penalty or forfeiture, the department may proceed as follows, either in lieu of or in addition to such other relief as may be provided by law. The department may, upon at least 10 days' notice, conduct a hearing respecting such violation or infringement, pursuant to ch. 227 and issue an order directing the parties responsible therefor to perform or refrain from performing such acts as may be necessary to fully protect and effectuate the interests of the public in the navigable waters. If any person fails or neglects to obey such an order while the same is in effect, the department may request the attorney general to institute proceedings for the enforcement of the department's order and it is the duty of the attorney general to conduct such proceedings in the name of the state. Such proceedings shall be brought in the manner and with the effect of proceedings under s. 111.07(7).

(b) No penalty shall be imposed for violation of an order of the department

under this subsection, but violation of a judgment enforcing the order may be punished in civil contempt proceedings.

**History:** 1961 c. 148; 1963 c. 313; 1965 c. 199, 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**30.06 Waiver of certain provisions of chapter 30.** The department of resource development, by rule, may waive the applicability to specified navigable waters of the United States of all or part of those provisions of ch. 30 which relate to the establishment of bulkhead or pierhead lines or the placing of structures or deposits in navigable waters or the removal of materials from the beds of navigable waters. The department may adopt such rule only after it has entered into an agreement with the appropriate federal agency wherein it is agreed that the comparable federal law will be enforced on the waters in question in lieu of the state law which is being waived. The objective of such agreement shall be to avoid duplication of administration with respect to navigable waters over which this state and the United States government have concurrent jurisdiction, in those situations wherein administration by a single governmental agency will tend to avoid confusion and the necessity of obtaining permits from both the state and federal governments by those who are subject to the law and at the same time will adequately protect the public interest. The agreement may contain such further provisions as are designed to achieve this objective.

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**30.11 Establishment of bulkhead lines.** (1) **WHO MAY ESTABLISH.** Any municipality may, subject to the approval of the department of resource development, by ordinance establish a bulkhead line and from time to time re-establish the same along any section of the shore of any navigable waters within its boundaries.

(2) **STANDARDS FOR ESTABLISHING.** Bulkhead lines shall be established in the public interest and shall conform as nearly as practicable to the existing shores, except that in the case of leases under sub. (5) and s. 24.39(4) bulkhead lines may be approved farther from the existing shoreline if they are consistent with and a part of any lease executed by the commissioners of the public lands.

(3) **HOW ESTABLISHED.** Whenever any municipality proposes to establish a bulkhead line or to re-establish such a line already in existence, the municipality shall indicate both the existing shore and such proposed bulkhead line upon a map and shall file with the department of resource development for its approval 3 copies thereof together with 3 copies of the ordinance establishing the bulkhead line. Such map shall use a scale of not less than 100 feet to an inch or such other scale as may be required by the department of resource development. Upon approval by the department, the municipality shall file the copies of the map and ordinance as follows: one in the office of the department of resource development, one in the office of the clerk of the municipality, and one in the office of the register of deeds of the county in which the waters lie. No such lines are legally established until such copies of the map and ordinance have been so approved and filed.

(4) **RIPARIAN RIGHTS PRESERVED.** Establishment of a bulkhead line shall not abridge the riparian rights of riparian proprietors. Riparian proprietors may place solid structures or fill up to such line.

(5) **FINDING OF PUBLIC INTEREST.** (a) Prior to the execution of any lease by the commissioners of the public lands of rights to submerged lands or rights to fill in submerged lands held in trust for the public under s. 24.39, the department of resource development shall determine either with or without a public hearing whether or not the proposed physical changes in the area contemplated as a result of the execution of such lease are consistent with the public interest. Thirty days before determining whether such finding should or should not be made the department of resource development shall notify in writing the clerk of the county and clerk of the city or village or town in which such changes are contemplated, the directors of the state conservation department, department of resource development, and state board of health, and the U. S. Army Corps of Engineers, of the application for the lease. In making its finding the department of resource development shall give consideration to any and all reports submitted to it. For leases applied for under s. 24.39 (4) (a) 2, the department of resource development shall not approve the lease if the conservation commission objects to the destruction of wildlife habitat.

(b) When considering leases to allow certain initial improvements such as, but not restricted to, filling on submerged lands to create sites for harbor facilities, the department of resource development may determine whether such initial improvements are consistent with the public interest in the navigable waters involved even though the exact final use to which these improvements will be put is not known. The department of



resource development, at the time it finds that a proposed lease would be consistent with the public interest in the navigable waters involved, may include in its findings such limitations upon the use of improvements as it considers necessary to confine their use to functions primarily related to water transportation or otherwise of public benefit. The commissioners of the public lands shall include in the lease such limitations on final use as is determined by the department of resource development.

(c) Upon the complaint of any person to the department of resource development that current use made of rights leased under s. 24.39(4) is inconsistent with both 1. its original findings, and 2. the public interest, the department shall hold a public hearing thereon after the publication of a class 2 notice, under ch. 985. If the department of resource development finds that the present use conforms neither to its original finding nor to the present public interest, it shall submit its findings to the governor, and the governor may cause the attorney general or the district attorney of the proper county to bring action in the name of the state in a court of competent jurisdiction to declare the lease terminated and to institute appropriate action for removal of structures or cessation of practices in violation of such lease.

**History:** 1961 c. 535; 1965 c. 252, 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

### 30.12 Structures and deposits in navigable waters prohibited; exceptions; penalty.

(1) **GENERAL PROHIBITION.** Unless a permit has been granted by the department of resource development pursuant to statute or the legislature has otherwise authorized structures or deposits in navigable waters, it is unlawful:

(a) To deposit any material or to place any structure upon the bed of any navigable water where no bulkhead line has been established; or

(b) To deposit any material or to place any structure upon the bed of any navigable water beyond a lawfully established bulkhead line.

(2) **PERMITS TO PLACE STRUCTURES OR DEPOSITS IN NAVIGABLE WATERS.** (a) The department of resource development may, upon application and after notice and hearing, grant to any riparian owner a permit to build or maintain for his own use a structure otherwise prohibited by statute, provided such structure does not materially obstruct navigation or reduce the effective flood flow capacity of a stream and is not detrimental to the public interest.

(b) A riparian owner may place a layer of sand or other similar material on the bed of a lake adjacent to his property for the purpose of improving recreational use upon obtaining approval as stated in this paragraph. An application for approval to put sand or other similar material on the bed of a lake for such purpose shall be made to the department of resource development. Thereupon the department shall notify the conservation director of such application, and the latter shall cause an inspection to be made of such proposal and of the location involved and shall report in writing to the department of resource development whether the proposal will materially impair navigation or be inconsistent with the public interest. Thereafter the department of resource development may disapprove such application if it finds the proposed work will materially impair navigation or be detrimental to the public interest. If the department does not disapprove within 15 days after receipt of the report of the conservation director, approval is deemed granted. The applicant shall be notified by mail as to the manner of disposition of his application.

(3) **PENALTY.** Any person violating this section or any term or condition of a permit issued pursuant thereto shall be fined not more than \$1,000 or imprisoned not more than 6 months or both.

**History:** 1961 c. 366; 1965 c. 28, 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

### 30.13 Regulation of wharves and piers; establishment of pierhead lines. (1)

**RIGHTS OF RIPARIAN PROPRIETORS.** Riparian proprietors may construct wharves or piers in navigable water in aid of navigation without obtaining a permit under s. 30.12, provided such wharves or piers do not interfere with public rights in navigable waters or with rights of other riparian proprietors, and subject to any pierhead line which may have been established and to the regulations contained in sub. (2) and in any ordinances enacted pursuant thereto. Except as otherwise expressly provided, any wharf or pier which does not comply with this subsection constitutes an unlawful obstruction of navigable waters.

(2) **WHARVES AND PIERS REGULATED.** All wharves and piers extending beyond the natural shore or established bulkhead line shall be so constructed as to allow the free movement of water underneath and in such manner as will not cause the formation of land upon the bed of the water. A municipality may enact ordinances not inconsistent with this section regulating the construction of wharves and piers located within, or attached to land within, such municipality.

(3) **ESTABLISHMENT OF PIERHEAD LINES.** Any municipality authorized by s. 30.11 to establish a bulkhead line may also establish a pierhead line in the same manner as it is authorized to establish a bulkhead line, except that if such municipality has created a board of harbor commissioners, the municipality must obtain the approval of such board to the establishment of the pierhead line in addition to the approval of the department of resource development. Any pierhead line established by a municipality shall be established in the interest of the preservation and protection of its harbor or of public rights in navigable waters.

(4) **WHARVES AND PIERS BEYOND PIERHEAD LINES PROHIBITED; EXCEPTIONS.** Any wharf or pier extending into navigable water beyond a lawfully established pierhead line constitutes an unlawful obstruction of navigable water unless a permit for such wharf or pier has been obtained pursuant to s. 30.12(2).

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**30.14 Reports of and hearings on violations.** (1) **MUNICIPALITIES TO REPORT VIOLATIONS.** The governing body of each municipality shall promptly report to the department of resource development every violation of s. 30.12 or 30.13 which occurs or which it has reason to believe is likely to occur within the municipal boundaries.

(2) **HEARINGS BY DEPARTMENT OF RESOURCE DEVELOPMENT.** Upon complaint by any person to the department of resource development that any wharf, pier or other structure exists in navigable water in violation of s. 30.12 or s. 30.13 or that any wharf, pier or other structure proposed to be built in navigable water will violate s. 30.12 or 30.13, the department of resource development shall hold a hearing thereon to determine whether such structure is or will be in violation of those sections.

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**30.18 Diversion of water from lakes and streams.** (1) **WHEN DIVERSION LAWFUL.** (a) It is lawful to temporarily divert the surplus water of any stream for the purpose of bringing back or maintaining the normal level of any navigable lake or for maintaining the normal flow of water in any navigable stream, regardless of whether such navigable lake or stream is located within the watershed of the stream from which the surplus water is diverted.

(b) Water other than surplus water may be diverted with the consent of riparian owners damaged thereby for the purpose of agriculture or irrigation but no water shall be so diverted to the injury of public rights in the stream or to the injury of any riparian located on the stream, unless such riparians consent thereto.

(2) **SURPLUS WATER DEFINED.** "Surplus water" as used in this section means any water of a stream which is not being beneficially used. The department of resource development may determine how much of the flowing water at any point in a stream is surplus water.

(3) **APPLICATION FOR PERMIT.** (a) It is unlawful for any person to divert water for the purposes set forth in sub. (1) without a permit. The applicant shall file an application with the department of resource development setting forth the name and post-office address of the applicant, the name of the stream, the point in the stream from which it is proposed to divert the surplus water, the name of the navigable lake or navigable stream or lands to which such water is to be diverted, the location and description of the canal, tunnel or pipes and other works through which the water is to be diverted, the amount of water to be diverted, the periods of time when it is proposed to divert such water, and the time required for the completion of the canal and other structures necessary for the completed project, which shall not be greater than 2 years from the filing of the application.

(b) A map shall accompany the application on a scale of not less than 4 inches to the mile, showing the land topography and the course of the proposed diversion canal and other works, and the ownership of all lands upon which will be located the canal and all other works for the completed project.

(c) Plans in duplicate showing cross sections and profiles for the canal, showing all tunnels, pipes or other diversion works, the dam and control works at the point of diversion and at the point of discharge, must accompany the application.

(d) The department may require such additional information as may be pertinent.

(4) **NOTICE OF HEARING ON APPLICATION.** On the receipt of the application, the department shall set the application for a public hearing, notice of which shall be given by publication and by mailing a copy of the notice, as provided in s. 31.06, to every person upon whose land any part of the canal or other structures will be located, to the clerk of the town, village or city and county in which the diversion will take place, the

clerk of the town next downstream, and the clerk of any village or city through which the stream runs and which is adjacent to said municipalities in which the diversion takes place.

(5) **ISSUANCE OF PERMIT.** At the conclusion of the hearing, if it appears that the water to be diverted is surplus water, or if not surplus water the riparians injured by such diversion have consented thereto, the department shall so find and shall issue a permit for the diversion of such water. No new permit shall issue for diversion of water from any trout stream designated as such by the conservation commission in publication 213-57 and subsequent issues of said publication without prior written approval by the conservation commission. The department shall determine and fix the quantity of water to be diverted and the time when such water may be diverted. When it is determined that a riparian permittee is authorized to withdraw a stated flow of water, he may use that water on any other land contiguous to his riparian land, but he may not withdraw more water than he did prior to August 1, 1957. The department of resource development shall annually review with the conservation commission all permits to divert water issued since August 1, 1957. Upon making such annual review, the department of resource development may revoke any permit upon finding that the withdrawal is detrimental to other riparians or to the stream or lake and shall revoke any permit issued for diversion of water from any trout stream designated as aforesaid when requested to do so for conservation purposes by the conservation commission.

(6) **DEPARTMENT TO HAVE CONTINUING JURISDICTION.** The quantity of water to be taken and the time or times when it may be taken shall be under the control of the department of resource development, to the end that only surplus water be diverted from its natural channel, and that when any water in a stream ceases to be surplus water, the diversion of such water shall cease except that the department may permit the diversion of other than surplus water with the consent of the riparian owners damaged thereby.

(7) **PREREQUISITES TO PROJECT CONSTRUCTION.** After an application under this section has been filed with the department of resource development, the applicant may enter any land through which it is proposed to divert the water for the purposes of making any surveys required for drafting the plans for the project, but no work shall be commenced on the canal, headworks or other structures necessary for the project until the plans for the same have been approved by the department. Any person having received a permit to divert water under this section may construct upon the land of another the canal and other works authorized by the permit after the damage which will be sustained by the owner or owners of such land has been satisfied, or has been determined as provided for in ch. 32, and after the final sum so determined and all costs have been paid to the persons entitled thereto or to the clerk of the circuit court on their account.

(8) **PERMIT TO CONSERVATION COMMISSION.** When after due examination and investigation, the conservation commission determines it to be necessary for conservation purposes that water elevations in any navigable stream or lake be raised, the commission may, whenever it has funds available from any source other than license fees, file with the department of resource development an application for a permit under this section or ch. 31. The department of resource development shall grant such permit, and shall determine and fix the elevations to which the water may be raised or maintained, but such water elevation shall in no case be fixed below the normal elevation without the consent of the conservation commission. If any lands are damaged by the raising of the water levels above normal, pursuant to the permit, and the conservation commission cannot acquire the right to flow such lands by agreement with the owner, it may acquire such lands or the right to flow the same by condemnation under ch. 32.

(9) **JUDICIAL REVIEW.** Any order or determination made by the department of resource development is subject to judicial review as prescribed in ch. 227.

(10) **PENALTY.** Any person violating this section or any term or condition of a permit issued pursuant thereto shall be fined not more than \$1,000 or imprisoned not more than 6 months, or both.

**History:** 1961 c. 134, 366; 1963 c. 32; 1965 c. 125, 252, 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

See note to §4.26, citing 54 Atty. Gen. 24.

**30.19 Enlargement and protection of waterways.** (1) **PERMITS REQUIRED.** Unless a permit has been granted by the department of resource development or authorization has been granted by the legislature, it is unlawful:

(a) To construct, dredge, commence or do any work with respect to any artificial waterway, canal, channel, ditch, lagoon, pond, lake or similar waterway where the purpose is ultimate connection with an existing navigable stream, lake or other body of

navigable water, or where any part of such artificial waterway is located within 500 feet of the ordinary highwater mark of an existing navigable stream, lake or other body of navigable water.

(b) To connect any natural or artificially constructed waterway, canal, channel, ditch, lagoon, pond, lake or similar waterway with an existing body of navigable water, for navigation or any other purpose.

(c) To grade or otherwise remove top soil from the bank of any navigable stream, lake or other body of navigable water where the area exposed by such grading or removal will exceed 10,000 square feet.

(d) The provisions of this section shall not apply to the construction and repair of public highways or to any agricultural uses of land, nor to any navigable body of water located wholly or partly in any county having a population of 500,000 or more.

(2) PERMITS FOR WORK OR TO ENLARGE WATERWAYS. Before any work or connection specified in sub. (1) is undertaken the applicant shall file an application with the department setting forth the following:

(a) The name and address of the applicant.

(b) The legal description of the lands included in the project.

(c) A summary statement of the purpose of the project.

(d) A map or diagram showing the proposal on an adequate scale with contours and cross-section profiles of the waterways to be constructed or grading to be undertaken.

(e) The name and address of the secretary of any property owners' association pertaining to the bodies of water affected by the project or if there is no such association, the names and addresses of at least 5 persons who own real property located adjacent to the bodies of water. If fewer than 5 persons own real property located adjacent to the bodies of water, the names and addresses of such persons that own real estate so located shall be given.

(f) Such other information that may be required by the department.

(3) NOTICE OF HEARING. Upon receipt of the application the department shall mail copies to the conservation commission, state board of health, clerks of the municipality and county in which the project or bodies of water affected are located, and to the other persons named in sub. (2)(e), accompanied by a statement that unless written objection is filed with the department of resource development within 30 days after the mailing of the application, the department may take action to grant the application without public hearing. If the application affects the Milwaukee river, the Menomonee river, the Kinnickinnic river, the Root river or any of the tributaries thereof, notice shall also be given to the metropolitan sewerage district of the county of Milwaukee. If timely objection is filed, the department shall set the application for public hearing. Notice of such hearing shall be given by publication and by mailing a copy of the notice, as provided in s. 31.06, to the persons named in this subsection.

(4) ISSUANCE OF PERMIT. If the department finds that the project will not injure public rights or interest, including fish and game habitat, that the project conforms to the requirement of laws for the platting of land and for sanitation and that no material injury to the rights of any riparian owners on any body of water affected will result, the department shall issue a permit authorizing the enlargement of the waterways affected.

(5) CONDITIONS OF PERMIT. The permit shall provide that all artificial waterways constructed under this section shall be public waterways. The department may impose such further conditions in the permit that it finds reasonably necessary to protect public health, safety, welfare, rights and interest and to protect private rights and property.

(6) PENALTY. Any person violating this section or any term or condition of a permit issued pursuant thereto shall forfeit not more than \$1,000.

**History:** 1961 c. 284; 1963 c. 313; 1965 c. 148, 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**30.195 Changing of stream courses.** (1) PERMIT REQUIRED. No person shall change the course of or straighten a navigable stream without a permit therefor having been granted pursuant to this section or without otherwise being expressly authorized by statute to do so. Any person violating this section shall be fined not more than \$1,000 or imprisoned not more than 6 months, or both.

(2) APPLICATIONS. Applications for permits required by this section shall be made to the department of resource development upon forms prescribed by it. Applications shall contain such information as the department reasonably requires to enable it to act on the application.

(3) GRANTING OF PERMIT. Upon application therefor, the department of resource development shall grant a permit to the owner of any land to change the course of or

straighten a navigable stream on such land, if such change or straightening will improve the economic or aesthetic value of the owner's land and will not adversely affect the flood flow capacity of the stream or otherwise be detrimental to public rights or to the rights of other riparians located on the stream. If the department finds that the rights of such riparians will be adversely affected, it may grant the permit only with their consent. Such permit may be granted on the department's own motion after its own investigation or after public hearing and after giving prior notice of such investigation or hearing to the conservation commission. If the conservation commission requests a public hearing, the department of resource development shall not act on the application for the permit until such hearing has been held.

(4) **LIABILITY FOR NEGLIGENCE.** No common law liability, and no statutory liability which may be provided elsewhere in these statutes, for damages resulting from the changing of the course of or from the straightening of a stream is in any manner affected by this section, nor does this section create any liability on the part of the state for any such damages, but a person who changes the course of a stream or straightens a stream in accordance with a permit granted pursuant to this section is presumed to have exercised due care in such changing or straightening.

(5) **RESTORATION OF UNLAWFULLY STRAIGHTENED STREAM.** The department of resource development, upon its own finding that the course of a stream has been changed or the stream straightened in violation of this section and that it is in the public interest to restore such stream to its former course, may order the person who straightened or changed the course of the stream in violation of this section to restore such stream to its former course. If the person fails to comply, or in good faith to begin to comply, with such order within the time specified therein, or in the case of appeal, within 20 days after final judgment, he is subject to a forfeiture of not more than \$25 for each day such failure to comply, or begin to comply, continues.

(6) **CEASE AND DESIST ORDER.** The department may order any person violating or threatening to violate this section to cease and desist from such violation or threatened violation. If such person fails to comply with such order within 5 days after issuance thereof, the department may cause an action for injunction to be commenced in a court of competent jurisdiction to have such order enforced. Such order is not reviewable under ch. 227.

(7) **APPLICATION OF SECTION.** The provisions of this section shall not apply to municipal or county-owned lands in counties having a population of 500,000 or more.

**History:** 1961 c. 454, 622; 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**30.20 Removal of material from beds of navigable waters.** (1) **UNLAWFUL REMOVAL.** (a) No person shall remove any material from the bed of any navigable lake or from the bed of any outlying waters of this state without first obtaining a contract therefor as provided in sub. (2).

(b) No person shall remove any material from the bed of any lake or stream not mentioned in par. (a) without first obtaining a permit from the department under sub. (2)(c).

(c) Any person violating any provision of this section shall forfeit not more than \$1,000 for each such violation.

(2) **CONTRACTS FOR REMOVAL.** (a) The department of resource development, whenever consistent with public rights, may enter into contracts on behalf of the state for the removal of any material from the bed of any navigable lake or any of the outlying waters, and for the lease or sale of such material. Every such contract shall contain such conditions as may be necessary for the protection of the public interest and the interests of the state and shall fix the compensation to be paid to the state for material so removed, except that no compensation shall be paid for such material if the contract is with a municipality and the material is to be used for a municipal purpose and not for resale. No contract entered into pursuant to this paragraph shall run for a longer period than 5 years.

(b) The department of resource development, whenever consistent with public rights, may enter into contracts on behalf of the state for the removal of any mineral, ore and material from beneath the bed of navigable lakes and waters, where the waters would not be disturbed in the removal operation and for the lease and sale of such mineral, material and ore and provide the necessary regulations for all acts incident thereto. Every such contract shall contain such conditions as may be necessary for the protection of the public interest and the interests of the state, and shall fix the compensation to be paid to the state for the material, mineral and ore so removed. No contract entered into, pursuant to this paragraph, shall run for a longer period than 75 years. Should any doubt exist as to whether the state, in fact, owns such lake bed or

stream bed such contract or lease shall be for such interests, if any, as the state may own. Title to the royalties to be paid when mining operations are begun shall be determined at such future time as royalties for ores so sold are paid or are due and payable.

(c) A permit to remove material from the bed of any lake or stream not included in sub. (1) (a) may be issued by the department if it finds that the issuance of such a permit will be consistent with the public interest in the water involved. The department may adopt rules to enable it to administer this section.

(3) **OUTLYING WATERS DEFINED.** In this section, "outlying waters" has the meaning designated in s. 29.01 (4).

**History:** 1961 c. 632; 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**30.205 Zoning for certain lake bed removals.** (1) When any lake area, either through siltation or because of a lowered water level, becomes unfit for recreational use, the department of resource development may establish zones within which the owners of developed riparian lands adjacent thereto may at their own expense remove material from the lake bed to restore the area to recreational use. Once the zone is established, s. 30.20(1) (a) shall not apply.

(2) Upon application by a riparian owner for the establishment of a zone under this section or on its own motion, the department shall hold a hearing on the question of establishing the zone. Notice of the hearing shall be published in the area affected as a class 2 notice, under ch. 985. The zone shall be established by the department only if it finds that the interests of the general public or of other riparian owners will not be adversely affected by such action. If the department determines to establish a zone, it shall fix the zone's boundaries, determine the amount of material which may be removed and issue orders governing such removal.

(3) The department of resource development may establish such rules and procedures as are necessary to implement this section and all actions by the department under this section are reviewable under ch. 227.

(4) This section applies only to outlying waters as defined in s. 29.01.

**History:** 1963 c. 359; 1965 c. 252, 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**30.21 Use of beds of Great Lakes by public utilities.**

(2) **HARBOR FACILITIES; PUBLIC UTILITY STRUCTURES.**

(b) Place any public utility structure, including all or part of any plant for the generation of electricity and the appurtenances, upon the bed of any of the waters specified in sub. (1), provided the utility first obtains approval under this chapter and obtains the approval of the public service commission as required by s. 196.49 or rules or orders of the public service commission issued pursuant thereto, and also obtains the approval of the department of resource development to the making of any payment to be made to the municipality with respect to the erection of such structure.

**History:** 1963 c. 444, 501; 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**30.251 Wolf River preservation.** (1) As used in this section unless the context requires otherwise:

(a) "County" means Menominee county and "county board" means the county board of that county.

(b) "Town" means the town of Menominee, and "town board" means the town board of that town.

(c) "Company" means Menominee Enterprises, Inc.

(d) "Area" means the area described in sub. (3) (a).

(2) The legislature finds that the scenic beauty, wildlife and recreational resources of the Wolf river in the county are seriously threatened by cottage development now built and to be built along the shores. It is probable that there will be federal legislation which will provide for such preservation of the river; and, therefore, the legislature for the purpose of preserving such waters as a scenic waterway, makes the following offer to the county, the town, the company, and other owners and lessees in the area specified in sub. (3) (a).

(3) The state will pay, from the appropriation made by s. 20.280(6), sums as provided in sub. (2) and on the following conditions:

(a) Beginning one week after the acceptance of the offer, no new structure of any kind shall be commenced on or in the waters of the Wolf river in Menominee county nor within 200 feet outward from the shore lines of said river from the northern county boundary through Keshena Falls and all construction in progress in said area shall be discontinued by all parties concerned.

(b) There shall be free public access for fishing and camping privileges but hunting shall be forbidden by the general public.

(c) In the acceptance of the offer it shall be specified just how the appropriation made by s. 20.280(6)(a) shall be prorated among those initially accepting this offer.

(d) The county and the town agree that the moneys under this section shall be paid to Menominee Enterprises, Inc. for the following purposes:

1. Cost sharing in federal projects or matching funds.
2. Debt retirement including retirement of common stock and bonds.
3. Interest or dividends to Menominee Enterprises, Inc. shareholders.
4. Payment to Menominee county for tax relief.

(e) That this agreement terminates at the end of 3 years or when the legislature fails to appropriate funds for this purpose or when federal legislation superseding this section is enacted and approved by the county, town and company.

(f) If any private owner or lessee, other than the company, of property in the area or waters specified in par. (a) fail to join any such agreement between the county, town and the company, the governor may approve the agreement made by the parties, and payments shall be made to the parties of the agreement as made, but the agreement shall also provide that the county, town and the company shall endeavor to have such private owners and lessees join in the agreement and provide a formula for ascertaining the amount to be paid to each. Any such separate agreement shall be effective when approved by the governor and the amount agreed upon shall be certified from the appropriation made by s. 20.280(6)(b).

(g) The county board and the town board are directed to meet in special session within 30 days after August 3, 1966, or if such day is a legal holiday, then on next business day, and, together with the officials of the company, and representatives of owners and lessees of property in the areas described in par. (a), consider and act on said offer. The officials of the company and other area representatives of owners and lessees are requested to attend such meetings. The district attorney of the county, the attorney general or his representative, a representative of the conservation commission, and a representative of the department of resource development shall, and any other representative attorney or person may, attend such meetings. The chairman of the county board shall as soon as possible after August 3, 1966 cause to be published in the newspaper in which county resolutions or ordinances are published, a notice of the time, place and purpose of the meeting.

(h) The conservation commission, in agreement with the county board of Menominee county, town and company, shall make such rules as are necessary for the protection and reasonable use of the area.

(4) No payment shall be made from the appropriation made by s. 20.280(6) unless approved by the governor.

(5) The conservation commission shall inspect the area to ascertain the participants' compliance with the agreement, and if noncompliance is found the commission shall institute proper proceedings to effect compliance.

(6) Payments from the appropriation made by s. 20.280(6) shall be made on certification by the conservation commission.

**History:** 1965 c. 623.

### 30.31 Procedural and other requirements to be followed in making harbor improvements.

(2) WORK REQUIRING APPROVAL OF STATE OR FEDERAL GOVERNMENT. No work for which the approval of the department of resource development or of the United States is required shall be commenced unless the plans and specifications for such work have been submitted to and approved by the department of resource development or the proper officer of the United States, as the case may be. When the plans and specifications have been so approved, the work shall be done only in accordance with such plans and specifications.

**History:** 1963 c. 2; 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

### 30.52 Certificates of number; applications; issuance; renewals; fees.

A different fee for boats depending upon Atty. Gen. 1.  
their size would be unconstitutional. 54

30.71 Boats equipped with toilets. (1) No persons shall operate any boat equipped with toilets on inland waters of this state, except the Mississippi river, unless the toilet wastes are retained for shore disposal by means of facilities constructed and operated in accordance with rules adopted by the state board of health. "Inland waters" means the waters defined as inland waters by s. 29.01(4).

(2) Until October 31, 1967, sub. (1) shall not apply to the St. Croix river below Houlton-Stillwater.

**History:** 1963 c. 576; 1965 c. 565.

**30.76 Deposit of money to obtain release from arrest.** (1) A person arrested without a warrant for a violation of ss. 30.50 to 30.80 or any rule or local regulation enacted pursuant thereto, who is not released at the time of arrest or without unnecessary delay brought before a magistrate or a court, shall be allowed to make a deposit of money by mailing the deposit as directed by the arresting officer, at the nearest mail box, to the office of the sheriff, area conservation headquarters, city or village police headquarters or precinct stations or to the office of the clerk of court or justice of the peace before whom he is summoned to appear, or by going in the custody of the arresting officer to any of those places to make the deposit.

**History:** 1961 c. 495; 1965 c. 617.

## CHAPTER 31. REGULATION OF DAMS AND BRIDGES AFFECTING NAVIGABLE WATERS.

### 31.01 Definitions.

(1) "Department" means the department of resource development.

**History:** 1961 c. 568; 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**31.02 Powers of department.** (1) The department, in the interest of public rights in navigable waters or to promote safety and protect life, health and property is empowered to regulate and control the level and flow of water in all navigable waters and may erect, or may order and require bench marks to be erected, upon which shall be designated the maximum level of water that may be impounded and the lowest level of water that may be maintained by any dam heretofore or hereafter constructed and maintained and which will affect the level and flow of navigable waters; and may by order fix a level for any body of navigable water below which the same shall not be lowered except as provided in this chapter; and shall establish and maintain gauging stations upon the various navigable waters of the state and shall take other steps necessary to determine and record the characteristics of such waters.

(2) The department is vested with authority and power to investigate and determine all reasonable methods of construction, operation, maintenance, and equipment for any dam so as to conserve and protect all public rights in navigable waters and so as to protect life, health and property; and the construction, operation, maintenance and equipment, or any or all thereof, of dams in navigable waters shall be subject to the supervision of the department and to the orders and regulations of the department made or promulgated under the provisions of this chapter of the statutes.

(3) The department or any member or any agent or employe thereof shall at all times be accorded free access to any and all parts of any dam and appurtenances constructed or maintained in navigable waters and may enter upon any property to investigate a waterway or use of water from any lake or stream.

(4) The department may order and require any dam heretofore or hereafter constructed to be equipped and operated, in whole or part, as follows:

(a) With slides and chutes for the passage of logs and timber products.

(b) With a lock, boat hoist, marine railway or other device of a size and construction sufficient to accommodate navigation.

(c) With good and sufficient fishway or fishways, or in lieu thereof the owner may be permitted to enter into an agreement with the conservation commission to pay for or to supply to the state of Wisconsin annually such quantities of game fish for stocking purposes as may be agreed upon by the owner and the conservation commission.

(d) With spillways or flood gates capable of permitting the passage through or over the same of freshets and floods during all seasons of the year.

(e) With booms, piers or other protection works ample to safeguard flood gates from trash or other floating material.

(5) The department of resource development shall give written notice to the public service commission of any hearing under this chapter involving public utilities and similar notice to the conservation commission of any hearing under this chapter involving conservation interests.

(6) The department shall have the following duties:

(a) The operation, repair and maintenance of the dams and dykes constructed across drainage ditches and streams in drainage districts, in the interest of drainage



control, water conservation, irrigation, conservation, pisciculture and to provide areas suitable for the nesting and breeding of aquatic wild bird life and the propagation of fur-bearing animals.

(b) The construction, strengthening and maintenance of the Portage levee in such manner as will best protect the vicinity from the overflow of the Wisconsin river.

(7) The department shall confer with the drainage commissioners in each drainage district on the formation of policies for the operation and maintenance of the dams; in districts having no commissioners, the department shall confer in like manner with the committee appointed by the county board, if any, to represent either such drainage district, or in the event that the drainage district is dissolved, to represent the interests of the county in all matters whatsoever pertaining to water conservation and control within the area which theretofore constituted such drainage district.

(8) The department shall give careful consideration to the suggestions of the drainage commissioners or committee of the county board, but the final decision in all matters under consideration shall rest with the department.

(9) So far as seems practicable, the department may designate or employ the drainage commissioners of any drainage district, or the committee of the county board above referred to, to operate the dams in such district or area formerly comprising a drainage district or perform services in the repair and maintenance of the dams, dykes and other works.

**History:** 1961 c. 35, 191 s. 69; 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**31.03 Public utilities law applicable.** Repealed effective 7-1-67 by chapter 614.

**31.05 Applications for permits to construct.** Any person, firm, corporation or municipality desiring a permit to construct, operate and maintain a dam shall file with the department a written application therefor, setting forth:

(1) The name of the navigable waters in or across which a dam is proposed to be constructed and a specific description of the site for the proposed dam.

(2) The purpose or purposes for which the proposed dam is to be constructed, operated and maintained.

(3) In case the application is for a permit to construct, operate and maintain a dam for a private purpose, proof satisfactory to the department that the applicant owns or has an enforceable option to purchase the described dam site and at least 65% of the land to be flowed, or the flowage rights on at least 65% of such land. This subsection shall not apply to a person who has the power of eminent domain.

(4) A general description of the proposed dam, of the material to be used in the construction thereof, and a general description of all booms, piers, and other protection works to be constructed in connection therewith.

(5) The approximate amount of hydraulic power that the proposed dam is capable of developing.

(6) The location of the nearest city or village and of the nearest existing dam above and below the site of the proposed dam.

(7) A map on the scale of not less than four inches to the mile showing the lands that may be affected by the construction, operation or maintenance of the proposed dam, or by any flowage that may be caused thereby and approximately the outline of such flowage, which map shall indicate the ownership of each tract of land within the flowage.

(8) Such additional information of any nature that may be required by the department.

**History:** 1961 c. 568; 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**31.06 Hearing.** (1) Upon receipt of an application for a permit the department shall fix a time, not more than 8 weeks thereafter, and a convenient place, for a public hearing thereon. It shall give notice of such time and place to the applicant who shall cause the same to be published in each county in which riparian lands will be affected by the proposed dam as a class 3 notice, under ch. 985. The department shall also give notice of such time and place to the county clerk of the county in which the proposed dam and flowage created thereby are located.

(2) In addition to such publication the applicant, not less than 20 days prior to such hearing, shall mail to every person interested in any lands that will be affected by the proposed dam and whose post-office address can by due diligence be ascertained, notice of the time and place set for such hearing. This notice shall be accompanied by a general statement of the nature of the application and shall be forwarded to such persons by registered mail in a sealed and postpaid envelope properly addressed. Proof of such publication and notice shall be filed with the department.

(3) At such hearing or any adjournment thereof the department of resource development shall consider the application, and shall take evidence offered by the applicant and other persons in support thereof or in opposition thereto, may require the amendment of the application, and if it appears that the construction, operation or maintenance of the proposed dam is in the public interest, considering esthetic, economic and recreational values, the department shall so find and grant a permit to the applicant, provided the department also finds that the applicant has complied with s. 31.14 (2) or (3) and, where applicable, with s. 31.05(3), based on the department's own estimate of the area of the flowage. The enjoyment of natural scenic beauty is declared to be a public right to be considered along with other public rights and the economic need of electric power for the full development of agricultural and industrial activity and other useful purposes in the area to be served. In considering public rights to the recreational use and natural scenic beauty of the river, the department shall investigate the potentialities of the lake and lake shore created by the flowage and shall weigh the recreational use and scenic beauty thereof against the known recreational use and scenic beauty of the river in its natural state, and the department shall further weigh the known recreational use and scenic beauty of the particular section of river involved against the known recreational use and scenic beauty of other sections of the same river and other rivers in the area remaining in their natural state (without regard to plans of other dams subsequently filed or to be filed); if it appears that the river in its natural state offers greater recreational facilities and scenic value for a larger number of people than can by proper control of the flowage level be obtained from the use of the lake and lake shore and that the remaining sections of the river and other rivers in the area in their natural state provide an insufficient amount of recreational facilities and scenic beauty, and if it further appears that the economic need of electric power is less than the value of the recreational and scenic beauty advantages of such river in its natural state, the department shall so find and the permit be denied.

(4) Not more than 20 days after receiving notice as provided in sub. (1) each county clerk may and upon request of the chairman of the county board shall give written notice as provided in s. 59.04(2) of a special meeting of the county board to be held at a time and place set by the county clerk, not less than 2 weeks nor more than 3 weeks after mailing of such notice, for the purpose of making findings as hereinafter provided. He shall give notice of the time, place and purpose of such special meeting to the department and to the applicant, who shall cause the same to be published in the county, as a class 2 notice, under ch. 985, and the applicant shall cause a copy thereof to be mailed at least 7 days prior to such special meeting to every person interested in any lands that will be affected by the proposed dam and whose post-office address can by due diligence be ascertained. Proof of such publication and notice shall be filed with the county clerk. At such special meeting the county board shall hear evidence offered by the applicant and other persons and shall find and determine by a majority vote of the county board members-elect whether the lake and lake shore created by the flowage or the river in its natural state offers greater recreational facilities and scenic beauty value for the larger number of people. The county clerk shall forthwith certify such finding and determination to the department. The jurisdiction and findings of each county board shall apply to that part of the proposed dam and flowage which is within the county.

**History:** 1961 c. 563; 1965 c. 252, 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**31.07 Applications for permits to operate and maintain existing dams.** Any person, firm, corporation or municipality desiring a permit to operate and maintain a dam constructed in or across navigable waters without legislative permission prior to the tenth day of July, 1915, shall file with the department a written application therefor setting forth:

(1) The name of the navigable waters in or across which such dam was constructed and a specific description of the dam site.

(2) The year in which the construction of the dam was completed, and a detailed description of the dam and equipment, including the maximum height or head of water that may be maintained thereby and the kind and character of material of which the dam is constructed.

(3) The purpose for which the dam was theretofore operated and is operated at the time application hereunder is made, and the purpose for which it is proposed to operate and maintain the dam.

(4) The approximate amount of hydraulic power developed thereby.

(5) The location of the nearest city or village and of the nearest existing dam above and below the dam site.

(6) Such additional information of any nature whatsoever as may be required by the department.

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**31.08 Hearing.** Upon receipt of an application under s. 31.07 procedure shall be had substantially as required by s. 31.06, and if the department finds that such operation and maintenance does not materially obstruct existing navigation or violate other public rights and will not endanger life, health or property, a permit is hereby granted to the applicant, provided the department also finds that the applicant has complied with s. 31.14(2) or (3).

**History:** 1961 c. 563; 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**31.09 Proposals to accompany applications.** Each applicant for a permit to construct, operate and maintain a dam for the purpose of developing power or for the purpose of aiding in the development of power by other dams through the creation of reservoirs or otherwise, and each applicant for a permit to construct, operate and maintain a dam for any other purpose whatsoever, which is capable of developing 50 theoretical horse power or more available for 50% of the time throughout the year, shall file with his application for a permit, in addition to the requirements of s. 31.05 or 31.07, as the case may be, the following proposals:

(1) That the department prior to the time the permit is granted shall value the dam site and all flowage rights and other property necessary for the purposes set forth in the application for the permit, whether the same or any part thereof are owned by the applicant or not.

(2) That the department shall audit all outlays for property and for the construction of the dam, buildings, and other structures and works constructed, maintained, and operated and used and useful under the permit.

(3) That the permit, if granted, shall be granted and accepted subject to the express condition that the state of Wisconsin, if it shall have the constitutional power, or any municipality, on not less than one year's notice, at any time after the expiration of 30 years after the permit becomes effective, may acquire all of the property of the grantee, used and useful under the permit, by paying therefor, the cost of reproduction in their then existing condition of all dams, works, buildings, or other structures or equipment, used and useful under the permit, as determined by the department, and by paying in addition thereto the value of the dam site and all flowage rights and other property as determined by the department prior to the time the permit was granted, as provided in sub. (1), plus the amounts paid out for additional flowage rights, if any, acquired after the valuation made by the department as provided in sub. (1); and that the applicant waives all right to any further compensation.

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**31.095 Water power permits, condition precedent.** (1) (intro. par.) Except where the stream to be improved forms a boundary line between this and another state, no permit shall be granted or transferred in accordance with this chapter until the applicant has filed with both the department of resource development and the public service commission, in addition to all other things required by law to be filed, an agreement setting forth:

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**31.11 Certificate of terms and forfeiture of permits.** The department shall issue to every grantee of a permit a certificate evidencing a grant of the permit allowed by law. Every permit, and every franchise heretofore granted by the legislature, to construct, maintain and operate a dam shall become null and void, unless the dam thereby authorized be completed within 5 years from the time when the permit or the franchise was granted; but the department, for good cause, may extend such time for a period not exceeding 2 years.

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**31.12 Map, profile and plans.** (1) The grantee of a permit under s. 31.06, to construct, maintain and operate a dam, before commencing any work of construction authorized by the permit, shall submit to the department a complete map and profile on the scale of not less than one inch per thousand feet showing the land that may be affected by the construction and maintenance of the dam, or by any flowage that may be caused thereby, and the outline of the flowage, and such other hydrographic and topographic

data as the department may prescribe, and shall also file complete detailed plans and specifications for the proposed dam, including all booms, piers, or other protection works.

(2) The department shall examine the map, profile, plans and specifications; shall hear the grantee thereon and may reject the same or any part thereof, if unsatisfactory or incomplete, or may suggest and require modifications thereof. If the map, profile and plans and specifications are satisfactory and complete, or, if the same shall be modified as suggested and required, the department shall so find and approve the same, and thereupon the grantee shall have authority to construct the proposed dam in accordance therewith, but the department may, at any time during the construction of any dam and in the interest of the public safety, or of any public rights in navigable waters, authorize, order or require such changes in the plans and specifications and the construction of the dam as shall be necessary.

(3) If the department, in the case of an application for a permit to construct a dam with a capacity of less than 250 hydraulic horse power at ordinary stage of water, shall find that the information and data furnished in the original or amended application is sufficient, the applicant shall not be required to furnish the additional or more detailed information or data specified in subs. (1) and (2) of this section. The department may, however, at any time during the construction of any such dam authorize, order or require changes in the construction or the method or plan of construction thereof, as provided in sub. (2) of this section.

(4) Within ten days after the completion of any dam the grantee shall file with the department a verified statement that the same was constructed in accordance with the plans and specifications approved by the department; or in case no plans and specifications were required to be filed, then that the dam was constructed in accordance with the description contained in the application.

History: 1965 c. 614.

Note: The amendment of this section by ch. 614 is effective 7-1-67.

31.13 Raising or enlarging existing dams. (1) If the owner of any existing dam wishes to raise or enlarge the same, he may apply to the department for permission so to do, but the permission granted under this section shall be in amendment of any existing franchise, license, or permit previously granted authorizing the construction or maintenance of such dam only to the extent of giving the right so to raise or enlarge such dam, and shall in no way enlarge, alter, abridge or nullify property rights, privileges or obligations as to such dam, or the maintenance or operation thereof theretofore acquired or incurred. In addition to the requirements of s. 31.05(1), (6) and (7), his application shall state:

(a) The year in which his dam was completed.

(b) If constructed by legislative permission, a statement of the act of the legislature authorizing the same.

(c) A detailed description of the dam, including the maximum height or head of water that may be maintained thereby and the kind and character of material of which the same is constructed.

(d) The purpose for which such dam has been and is now used and the purpose for which it is proposed to use the same.

(e) The approximate amount of hydraulic power developed thereby.

(f) Such additional information of any nature whatsoever as the department may require.

(2) Upon receipt of an application under this section procedure shall be had substantially as required by s. 31.06; and if the department finds that the dam, raised or enlarged or rebuilt, or rebuilt, enlarged and raised in accordance with the application, will not materially obstruct existing navigation or violate other public rights, and will not endanger life, health or property, and that the applicant has complied with s. 31.14(2) or (3), permission is hereby granted to raise or enlarge or rebuild, or rebuild, enlarge and raise the same in accordance with the application.

History: 1961 c. 568; 1965 c. 614.

Note: The amendment of this section by ch. 614 is effective 7-1-67.

31.14 Proof of ability to maintain dams required. (1) It is the policy of this section to preserve public rights in navigable waters, including those created by dams, and to provide a means of maintaining dams and the developments which have been made adjacent to the flowage of such dams.

(2) Except as provided in sub. (3), a permit shall not be granted under s. 31.06, 31.08 or 31.13:

(a) Unless the applicant furnishes to the department proof of ability to operate and maintain the dam in good condition, either by the creation of a special assessment

district under ss. 31.38 and 66.60, or by any other means which in the department's judgment will give reasonable assurance that the dam will be maintained for a reasonable period of time not less than 10 years; or

(b) If a majority of the municipalities in which 51% or more of the dam or flowage is or will be located files with the department, prior to the granting of the permit, their objections to the granting of such permit in the form of resolutions duly adopted by the governing bodies of such municipalities.

(3) Subsection (2) does not apply if the applicant complies with each of the following requirements:

(a) Furnishes proof satisfactory to the department that he owns or has an enforceable option to purchase all the land which is or will be flowed by the impoundment, together with the shore line and an immediately adjacent strip of land at least 60 feet in width, but the department may in a particular case permit a narrower strip where the 60-foot minimum is impractical and may, in furtherance of the policy stated in sub. (1), require ownership of a wider strip.

(b) Files with the department a writing in such form as the department requires in which he agrees that following the initial filling of the proposed pond he will not convey the dam to another without first obtaining department approval. The department may require from an applicant who does not have the power of eminent domain a bond or other reasonable assurances that he will adhere to such agreement.

(c) Furnishes proof satisfactory to the department that he has dedicated or will dedicate a parcel of land for public access to the impounded waters.

(4) No person shall assume ownership of any dam after October 21, 1961, without first complying with sub. (2) or (3). Every transfer of the ownership of a dam made without so complying is void unless a permit to abandon the dam has been granted or unless the transfer occurred by operation of law. Every person who accepts ownership by operation of law is subject to the requirements of this chapter.

(5) For the purpose of implementing the policy stated in sub. (1), the department may by rule require all or specified classes of persons operating a dam for profit to create a fund or reserve to be used for major repairs, reconstruction or removal of the dam when necessary. Such rules shall prescribe the manner in which such fund or reserve is to be created, maintained and expended. This subsection shall not apply to a person who has the power of eminent domain.

**History:** 1961 c. 568; 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**31.18 Obligations of owners of bridges and dams.** (1) The grantee of any permit, the owner of any dam constructed before permits were required by law, and the owner of any bridge at the city of Portage or at any point above that city, over the Wisconsin river, shall maintain and operate all such dams, slides, chutes, piers, booms, guide booms, weirs, tunnels, races, flumes, sluices, pits, fishways, locks, boat hoists, marine railways and all other equipment required by the department for the protection of public rights in such waters, and for the preservation of life, health and property, in good repair and condition, and shall not wilfully, or otherwise, injure, remove or destroy the same, or any part thereof, unless the department shall have approved such removal or destruction in writing. In the event of emergency the department shall have power, pending investigation and hearing, to order the repair of any dam without notice and hearing.

(2) The owner of any such dam shall open such slide or chute for the passage of any craft or material lawfully navigating the stream, whenever requested so to do by the person in charge of such navigation, without charge or toll therefor. But such owner shall be under no obligation to otherwise aid passage through the slide or chute.

(3) Except when emergency shall require the same for the protection of life, health or property, no substantial alteration or addition shall be made to any dam heretofore or hereafter constructed without obtaining an order therefor from the department, which order may be issued only after an investigation and upon a finding that the proposed alterations or additions will not impair the sufficiency of such dam or any existing public rights in such waters.

(4) The department of resource development shall in the interest of public rights in navigable waters, or to promote safety and protect life, health and property, require the grantee of any permit, under this chapter, or of any permit or authorization heretofore provided for by legislative enactment, prior to flowing any lands by the construction of a dam thereunder, to remove from such lands all or any portion of the standing and fallen timber and all or any portion of the brush. Provided that in cases where the application for permit proposes construction of a dam for water reservoir or water storage purposes, and not for the purpose of operating a hydroelectric generating

plant, the nature, extent and time for such removal shall be determined prior to the granting of a permit, except that subsequent to the granting of a permit the department may make such modification in the removal requirements as may be in the public interest and which will not materially alter the economics of the project; and in making such original determination or any modification thereof the economic need for the project shall be considered.

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**31.185 Permits to abandon dams.** (1) No owner of any dam shall abandon or remove or alter or transfer ownership of such dam without first obtaining a permit therefor from the department.

(2) An application for a permit to abandon, remove, alter or transfer ownership of a dam shall be made to the department upon forms prescribed by it and shall contain the owner's name and address, a brief description of the dam and its location, and such other information as the department requires for the purpose of enabling it to act on the application.

(3) Upon receipt of an application for such a permit, the department shall fix a time and place for a public hearing thereon and shall give written notice of such hearing to the conservation department, the public service commission and the clerk of each municipality in which the dam and flowage are located. The department of resource development may give such additional notice as it deems necessary and may require the applicant to give notice of the hearing substantially as provided in s. 31.06(2) with respect to hearings on applications for construction of dams.

(4) Prior to the hearing the department shall have its staff make its own investigation of the dam and, on the basis of such investigation, shall make recommendations as to the type of requirements, if any, which it would impose on the applicant under sub. (5) as a condition to granting the permit. Such recommendations shall be presented at the hearing. If no one registers opposition to the application at the hearing, the department shall grant the permit, subject to such conditions as it deems necessary under sub. (5). If someone registers opposition to the abandonment at the hearing and such opposition is not withdrawn, the department shall defer action on the application for a period of 120 days after the hearing. Within a reasonable time after the expiration of such period, the department shall deny the permit, or grant the permit, subject to such conditions as it imposes under sub. (5), unless, within such 120-day period, one or more municipalities or other persons or associations have agreed to acquire ownership of the dam and have furnished satisfactory proof of intent to comply with s. 31.14 (2) or (3).

(5) As a prerequisite to the granting of a permit under this section, the department may require the applicant to comply with such conditions as it deems reasonably necessary in the particular case to preserve public rights in navigable waters, to promote safety, and to protect life, health and property.

**History:** 1961 c. 568; 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**31.19 Complaint of insufficiency of dam; inspection.** The department of resource development shall examine at least once in each year each dam having a theoretical horse power capacity of 750 horse power or more and which is maintained or operated in or across navigable waters, and in addition thereto and upon complaint in writing from the mayor of any city, supervisor of any town, or the president or trustee of any village, that any dam maintained or operated in or across any waters whether navigable or non-navigable, or any reservoir is in an unsafe condition, or from any person that his property or any property under his control is endangered by a dam or reservoir, the department shall investigate or cause an investigation to be made of such complaint, or the department may, upon its own motion, examine any dam or reservoir, and, in any case, if it shall find that any dam or reservoir is not sufficiently strong, or is unsafe, and dangerous to life or property, it shall determine what alterations, additions or repairs are necessary to be made and shall order the owner, or person having control of such dam or reservoir to cause such alterations or repairs to be made within a time to be limited by the order; and the department may cause to be drawn off, in whole or in part, the water in said reservoir or impounded by said dam, when it shall determine that such action is necessary to prevent impending danger to persons or property.

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**31.20 Inspection fee.** Every owner, excepting municipalities, of a dam heretofore or hereafter constructed in or across navigable waters shall pay to the department annually, on or before the first day of February, for the purpose of defraying the actual

expenses of the department incurred in inspecting and supervising the construction or maintenance, or both, of such dam and equipment, an inspection fee of not to exceed 10 cents per theoretical horse power capacity of such dam at an ordinary stage of water, said fee however, not to be less than \$25 in any case, if such actual expenses of the department shall equal that amount. The amount of such fee shall be determined annually by the department, and notice of the amount due shall be forwarded by mail to each such owner, or the agent thereof, not later than December 1 of each year. Inspection fees received by the department shall be paid into the state treasury.

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**31.21 Transfer of permit.** (1) No transfer or assignment of any permit granted under s. 31.06 or 31.08 shall be of any effect whatsoever unless it is in writing and a certified copy thereof within 10 days after the execution thereof, is filed with the department and unless such transfer or assignment is approved in writing by the department; and no such transfer or assignment shall be approved by the department except after an investigation and a finding that the transfer or assignment is not made or intended to be made for a purpose or to create a condition prohibited by s. 31.22 and that the transferee or assignee has complied with s. 31.14(2) or (3). No permit shall be transferred or assigned to a foreign corporation, nor shall any permit granted to a municipality be assigned or transferred to any person, otherwise than as security for a loan made in good faith and concurrently with and as consideration for such transfer or assignment, and no foreign corporation shall have power to acquire title to any such permit, nor shall any person have power to acquire title to a permit granted to or acquired by a municipality, otherwise than in the enforcement of such security, and in no case shall any such foreign corporation hold title to or operate under any such permit for a period longer than 3 years.

(2) No municipality shall make or execute any lease or other contract with any person, firm, or corporation for the sale or use of hydraulic or hydroelectric power developed or generated by such municipality under a permit granted under s. 31.06 or 31.08 for a period longer than 10 years, unless the same shall be first approved by the department, after investigation and upon a finding that such lease or contract will not impair or interfere with the purpose or uses for which such dam was acquired or constructed by the municipality.

**History:** 1961 c. 568; 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**31.23 Forfeitures; private bridges and dams.** (1) Every person who constructs or maintains in navigable waters or aids in the construction or maintenance therein of any bridge or dam not authorized by law, shall forfeit for each such offense, and for each day that the free navigation of such waters are obstructed by such bridge or dam a sum not exceeding \$50.

(2) Every person or corporation violating any of the provisions of this chapter, other than those mentioned in sub. (1) of this section, or violating any order made by the department pursuant to any provision of this chapter, shall forfeit for each such violation not more than \$1,000.

(3) (a) There shall be no forfeiture under the provisions of this section in any case where a bridge is built by a private citizen across any navigable waters having a width of 35 feet or more, providing such bridge does not impair the rights of the public for purposes of navigation or fishing.

(b) No such bridge shall be maintained unless its construction shall first be approved by the department of resource development after public hearing and on not less than 10 days' written notice to the applicant and to the county and town clerks of the county and town wherein all or a portion of the proposed bridge is to be located.

(c) Each applicant who shall apply to the department of resource development for a permit to construct any such bridge shall state in his application the proposed location of the bridge, the depth of the water to be spanned, the materials to be used in the construction of the bridge, the plans of the proposed bridge, together with such other facts as the department may require.

(d) Every such bridge used by the public shall at all times be maintained in a safe condition by the owners of the land abutting the approaches of the bridge, and the owners shall make such repairs as are reasonably necessary therefor. The town shall not become liable for any damages resulting from the insufficiency or want of repairs of such bridge. If the department of resource development upon inspection finds that such bridge is in need of repairs, it shall notify the owners responsible for the repairs thereof, and also send a copy of such notice to the town board, to make all repairs as are reasonably necessary therefor. If such repair work as ordered by the department of

resource development is not commenced within 60 days after receipt of such notice, the department of resource development may close such bridge until it is so repaired. Whenever any owner responsible for such bridge shall fail to repair or maintain the bridge in a good and safe condition, after having been notified so to do by the department of resource development for 60 days after such notification, such town board upon its own initiative may make such required repairs on such bridge, and the cost thereof shall be paid by the owners responsible therefor, and the town clerk shall enter such amount of the cost of repairs upon the next tax roll of the town.

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**31.25 Nuisances, abatement.** Every dam, bridge or other obstruction constructed or maintained in or over any navigable waters of this state in violation of this chapter, and every dam not furnished with a slide, chute or other equipment prescribed by the department, is hereby declared to be a public nuisance, and the construction thereof may be enjoined and the maintenance thereof may be abated by action at the suit of the state or any citizen thereof.

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**31.28 Court review of commission orders.** Repealed effective 7-1-67 by chapter 614.

**31.29 May employ hydraulic engineer and assistants.** The department is authorized to employ and fix the salaries of a competent hydraulic engineer and other assistants necessary to carry out the provisions of this chapter.

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**31.30 Dams on Brule river.** It is declared to be the policy of the state to prohibit forever the building or maintaining of any dam or dams across the Brule river or any of its tributaries in Douglas county, except that a dam with an adequate fishway may be constructed across said Brule river at each of the 3 sites hereinafter described, or at such other site or sites as may be selected jointly by the conservation commission and the department of resource development in place of either or all of the sites hereinafter mentioned, the purpose of which shall be to provide a method whereby fish declared to be undesirable for said stream by the conservation commission may be eliminated or prevented from ascending the stream, and to permit said stream to be developed for trout in different stretches thereof as may be determined by the conservation commission: site No. 1 known as Clevedon site in the southeast quarter of the northwest quarter of section 10, township 49 north, range 10 west; site No. 2 known as the Old Mill site in the northwest quarter of the southeast quarter, section 11, township 47 north, range 10 west; and site No. 3, known as the Upper or Rock dam site in the northeast quarter of the southeast quarter of section 22, township 47 north, range 10 west; and all rights, privileges, and franchises granted prior to June 26, 1905, to any person or corporation to improve said Brule river or any of its tributaries in said county for any purpose whatever, are repealed and annulled. No domestic corporation organized subsequent to the date aforesaid shall exercise any of the powers or privileges authorized or conferred by ss. 180.15 to 180.18, inclusive, [Stats. 1925] in, across or along said river or any of its tributaries in the county of Douglas.

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**31.33 Jurisdiction of resource development department.** (1) DAMS HERETOFORE OR HEREAFTER CONSTRUCTED; ACTION FOR DAMAGES. All mills and milldams lawfully erected or constructed, on streams not navigable at the time, under ch. 48, territorial laws of 1840, ch. 62, laws of 1857, ch. 56, R.S. 1858, ch. 146, R.S. 1878, ch. 146, R.S. 1898, ch. 146, Wisconsin Statutes of 1911, 1913 or 1915 or any special, private or local act, or under any other act whatsoever, which are not now abandoned but are still in existence and use, and all dams heretofore or hereafter erected or constructed on streams not navigable in fact for any purpose whatsoever, shall be subject to and regulated and controlled, so far as applicable, by ss. 31.02, 31.12, 31.18, 31.19, 31.20, 31.22, 31.25 and 31.26, except that said sections shall not prevent the owner of any land flooded or otherwise injured by any milldam from recovering by action at law, full compensation for all damages resulting to him in times past and that will result to him in the future in consequence of such flooding and injury but no damages suffered more than 3 years before the commencement of such action shall be recovered. The amount recovered shall constitute a first lien upon the milldam and upon the mill, if any, and such lien may be enforced by execution sale of the property affected. In



every such action the amount paid or secured to be paid under prior laws as damages shall be considered and proper allowance made therefor. The authority hereby granted to bring such action shall not be construed as precluding the owner from proceeding under ch. 32. Such owner may not exercise his option to bring such action after condemnation proceedings have been commenced against his property under ch. 32.

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**31.34 Flow of water regulated.** Each person, firm or corporation maintaining a dam on any navigable stream shall pass at all times at least 25% of the natural low flow of water of such stream, except as otherwise provided by law. This section, however, shall not apply to a plant or dam where the water is discharged directly into a lake, mill pond, storage pond or cranberry marsh, nor shall it apply to cases where in the opinion of the department of resource development such minimum discharge is not necessary for the protection of fish life. Any person, firm or corporation violating any of the provisions of this section shall be subject to a fine of not less than \$50 nor more than \$1,000.

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**31.36 Water regulatory advisory board. (1) to (5) Repealed.**

(6) Renumbered to be 31.02 (6).

(7) Repealed.

(8) Renumbered to be 31.02 (7).

(9) Renumbered to be 31.02 (8).

(10) Repealed.

(11) Renumbered to be 31.02 (9).

(12) Repealed.

**Note:** The above changes were made by chapter 614 effective 7-1-67. Old subsections (14) to (17) were not affected.

**History:** 1961 c. 191; 1965 c. 163, 614.

**31.38 Municipal authority to construct and maintain dams.** (1) Every municipality may, subject to this chapter, authorize the acquisition, construction, maintenance or repair of dams across any lake or stream adjoining or within the limits of such municipality, and may locate such dam within or without such limits.

(2) Whenever it is deemed necessary to acquire, construct, maintain or repair any such dam, a plan therefor, with specifications and cost estimates, shall be prepared and presented to the governing body of the municipality for adoption. Cost estimates may include the estimated cost of maintenance for a period of years. When adopted by the governing body, the plan shall, where required, be submitted to the department of resource development or proper officer of the United States for approval. No work shall be done in pursuance of such plan until it has been so approved.

(3) For the purpose of this section, a municipality may purchase or condemn lands within and, when necessary, without its limits in order to protect any property situated within such limits.

(4) The municipality shall proceed in accordance with s. 66.60 to make special assessments to property on account of benefits resulting to the property from the improvement mentioned in sub. (2) or from the acquisition and maintenance of a dam. If the excess of benefits over damages accruing to property within the assessment district is not sufficient to pay the cost of the improvement, the municipality may pay the balance, either out of its general fund or out of any special fund created for that purpose. The municipality may issue its negotiable bonds, as provided in ch. 67, to pay for such improvement. The department upon request of a municipality shall assist in engineering, surveying and determination of charges necessary in establishing special assessment districts under this section, cost of which shall be advanced by the requesting municipality and later charged against the various parcels of the special assessment district in direct proportion to the assessed benefits of each parcel in the district.

(5) Whenever 2 or more municipalities propose to co-operate in acquiring, constructing, maintaining or repairing a dam, their governing bodies shall first meet and adopt a method of proceeding and a plan of apportioning to each its share of the entire cost. Such method of proceeding and plan of apportionment shall be embodied in a resolution adopted by the governing bodies of the co-operating municipalities acting jointly and later such resolution shall be adopted by each of the governing bodies acting separately.

(6) Whenever a county or town acts under this section, the references in s. 66.60 to

a city or village or clerk thereof mean the county or town or clerk thereof, as the case may be.

History: 1961 c. 568; 1965 c. 614.

Note: The amendment of this section by ch. 614 is effective 7-1-67.

## CHAPTER 32. EMINENT DOMAIN.

32.05 **Condemnation for streets, highways, storm or sanitary sewers, watercourses, alleys and airports.** This section does not apply to town highways created or altered under ch. 80 except as to jury trials on appeals under ss. 80.24 and 80.25, nor to proceedings in cities of the 1st class under chapter 275, laws of 1931, as amended (Kline Law). In cities of the 1st class, condemnation for housing under ss. 66.40 to 66.404, or for urban renewal under s. 66.431 may proceed under this section or under s. 32.06 at the option of the condemning authority. All other condemnation of property for public alleys, streets, highways, airports or storm sewers and sanitary sewers or watercourses shall proceed as follows:

(1) **RELOCATION ORDER.** The state highway commission, turnpike commission, county board of supervisors (or the county highway committee when so authorized by said board), county expressway commission, city council, village board, sewerage commission governing metropolitan sewerage district created by s. 59.96 or s. 66.20, state aeronautics commission, a commission created by contract under s. 66.30, housing authority under ss. 66.40 to 66.404 or redevelopment authority under s. 66.431 shall make an order providing for the laying out, relocation and improvement of the public highway, street, alley, storm and sanitary sewers, watercourses, airport, housing project or redevelopment project which shall be known as the relocation order. This order shall include a map or plat showing the old and new locations and the lands and interests required. A copy of the order shall, within 20 days after its issue, be filed with the county clerk of the county wherein the lands are located.

(3) **JURISDICTIONAL OFFER TO PURCHASE.**

(i) Stating that the owner, subject to subs. (9) (a) and (11), will have 2 years from the date of taking his property by award in which to appeal for greater compensation without prejudice to his right to use the compensation given him by the award. If the condemning authority is a housing authority organized under ss. 66.40 to 66.404 or a redevelopment authority organized under s. 66.431, the notice shall also state that in the case of an appeal under sub. (9) (a) the parties having an interest in the property who are taking the appeal may initiate such appeal by filing with the condemning authority a letter requesting that the issue of the amount of such compensation be determined by the condemnation commission.

(7) **AWARD OF COMPENSATION.**

(a) The award shall be in writing. It shall state that it is made pursuant to relocation order of (name of commission, authority, board or council having jurisdiction to make the improvement) No. . . . dated . . . . filed in the office of the County Clerk, County of . . . . It shall name all persons having an interest of record in the property taken and may name the other persons. It shall describe such property by legal description and state the interest therein sought to be condemned and the date when actual occupancy of the property condemned will be taken by condemnor. The award shall also state the compensation for the taking which shall be an amount at least equal to the amount of the jurisdictional offer. The award shall state that the condemnor has complied with all jurisdictional requirements. An amended award for the purpose of correcting errors wherein the award as recorded differs from the jurisdictional offer may be made, served and recorded as provided by this section.

(c) When service of the award has been completed, and after payment of the award as provided in par. (d), the award shall be recorded in the office of the register of deeds of the county wherein the property is located. Thereupon title in fee simple to the property described in the award, or the lesser right in property acquired by the award shall vest in the condemnor as of the time of recording. The date of such recording is the "date of evaluation" and also the "date of taking". If the condemning authority is a housing authority organized under ss. 66.40 to 66.404 or a redevelopment authority organized under s. 66.431, the award shall not be recorded sooner than 60 days after service of the award has been completed.

(9) **APPEAL FROM AWARD BY OWNER OR OTHER PARTY IN INTEREST.** (a) (intro. par.) Any party having an interest in the property condemned may, within 2 years after the date of taking, appeal from the award, except as hereinafter limited by applying to the judge of the circuit or county court of the county wherein the property is located for assignment to a commission of county condemnation commissioners as provided in

s. 32.08, except that if the condemning authority is a housing authority organized under ss. 66.40 to 66.404, or a redevelopment authority organized under s. 66.431, the appeals may be initiated by filing with the condemning authority a letter requesting that the issue of the amount of such compensation be determined by the condemnation commission. The condemning authority shall, upon receipt of such letter, apply to the judge of the circuit or county court of the county wherein the property is located for assignment to a commission of county condemnation commissioners as provided in s. 32.08. Such application shall contain a description of the property condemned and the names and last known addresses of all parties in interest but shall not disclose the amount of the jurisdictional offer nor the amount of the basic award. Violation of this prohibition shall nullify such application. Notice of such application shall be given to the clerk of the court and to all other persons other than the applicant who were parties to the award. Such notice may be given by certified mail or personal service. Upon proof of such service the judge shall forthwith make such assignment. Where one party in interest has appealed from the award, no other party in interest who has been served with a notice of such appeal may take a separate appeal, but may join in the appeal by serving notice upon the condemnor and the appellant of his election to do so. Such notice shall be given by certified mail or personal service within 10 days after receipt of notice of the appeal and shall be filed with the clerk of the court. Upon failure to give and file such notice all other parties of interest shall be deemed not to have appealed. The result of such appeal shall not affect parties who have not joined in the appeal as hereinabove provided. In cases involving more than one party in interest with a right to appeal, the first of such parties filing an appeal under this subsection or under sub. (11) shall determine whether such appeal shall be under this subsection or under sub. (11). No party in interest may file an appeal under this subsection if another party in interest in the same lands has filed a prior appeal complying with the requirements of sub. (11). Thereafter the procedure shall be as prescribed in s. 32.08. In cases involving multiple ownership or interests in lands taken the following rules shall also apply:

**History:** 1961 c. 52, 202, 486, 622, 682; 1963 c. 6; 1965 c. 219, 233, 252, 596.

Under (10) there is no authority for State Highway Comm. 28 W (2d) 290, 137 the imposition of terms on dismissal of NW (2d) 25. an appeal to the circuit court. Schrab v.

#### 32.06 Condemnation procedure in other than highway, etc., matters.

The party who appeals from the award of the commissioners has the burden of proof. Loeb v. Board of Regents, 29 W (2d) 159, 138 NW (2d) 227.

#### 32.09 Rules governing determination of just compensation.

Compensation for damages caused by loss of existing rights of access constitute remuneration for a partial taking of premises under the power of eminent domain pursuant to 84.09 and ch. 32. A contention that the taking of an access right was ipso facto an exercise of police power and not compensable under the power of eminent domain (and hence the contention that the latter procedure was mistakenly utilized), could not be successfully maintained, where the highway from which access rights to the leased premises were eliminated was not declared a controlled-access road pursuant to law. Hastings Realty Corp. v. Texas Co. 28 W (2d) 305, 137 NW (2d) 79.

### CHAPTER 35. PUBLIC PRINTING AND THE DISTRIBUTION OF LAWS AND PUBLIC DOCUMENTS.

#### 35.001 Definitions.

(3) "Contract printer" is the person under contract to do public printing, other than printing of the 5th class.

**History:** 1965 c. 567.

**35.09 Enrolled bills and resolutions.** (1) Immediately after the passage of any bill, any joint resolution amending the constitution, or any other resolution determined by the chief clerks to require enrollment, the chief clerk of the house in which the proposal originated shall cause the legislative reference bureau to enroll the proposal. The legislative reference bureau shall retain the camera-ready original of the enrolled proposal and deliver 40 copies thereof to said chief clerk.

(2) One such copy shall be used as the enrolled bill or resolution to be authenticated as provided by the rules and, in the case of an enrolled bill, to be submitted to the governor for his approval. The remaining copies shall be distributed as provided by the rules and as determined by the chief clerks.

(3) Each enrolled proposal, or printed copy thereof, shall carry a heading "State of Wisconsin" as do bills and joint resolutions.

(4) No later than the day before the act's publication, the secretary of state shall inform the legislative reference bureau of the act number and the date on which the

act will be published in the official state paper. The legislative reference bureau shall enter the act number and date of publication on the camera-ready original of the enrolled proposal and immediately deliver it to the contract printer.

(5) Printed copies shall be available on the day of publication of the act in the official state paper; but, if such day of publication is a Saturday, Sunday or holiday as defined in s. 16.275(6), then printed copies shall be available no later than the first business day following the date of publication.

(6) The number of copies printed, and the quality of paper used, shall be as provided in the joint rules and as further determined by the joint committee on legislative organization.

**History:** 1961 c. 211; 1963 c. 60, 465; 1965 c. 554.

WISCONSIN BOOK, BLUE BOOK AND REPRINTS; CLASS 2 PRINTING.

**35.24 Blue Book; Wisconsin Book.** (1) (a) The legislative reference bureau shall compile, index, prepare and deliver to the director biennially copy for a book to be denominated "Wisconsin Blue Book," which shall contain the biographies and pictures of state officers, senators and assemblymen and officers of each house, and statistical and other information of the same general character as that heretofore published, but so selected and condensed as will limit the number of pages to 900 or less. In making such selection the legislative reference bureau is directed to consult freely with the state superintendent and the director of the state historical society, and insofar as possible, make the book useful for civics classes in schools. The director shall deliver said copy to the contract printer not later than January 1 in each even-numbered year, to be printed and delivered not later than June 15 of the same year.

(b) As much of the Blue Book information as is available by January 31 of each odd-numbered year relating to pictures and brief biographies of elective state officers and legislators, brief descriptions of the 3 branches of Wisconsin state government, of political party organization and of the election process, the text of the state constitution, the party platforms of the preceding general election and the precinct results of such election, shall be compiled by the legislative reference bureau and submitted to the director not later than February 15 of that year, to be published as a "Wisconsin Book", limited to not more than 304 pages. Distribution of the Wisconsin Book shall begin not later than April 1 of the same year.

(c) The plates used in the printing of the Wisconsin Book shall be the property of the state and, as far as possible, shall be reused in the printing of the Wisconsin Blue Book.

(2) (a) The Blue Book shall be machine sewed, bound in blue cloth except 300 copies reserved for distribution to state officers, which shall be bound in blue half morocco with the name of the distributee in gilt letters upon the back.

(b) The Wisconsin Book shall be reproduced on inexpensive paper stock and shall be paper bound.

(3) Reprints of the feature article shall be bound in paper covers and shall be in such quantity as is authorized for each specific reprint by the board on government operations on the basis of funds allotted by the board for this purpose.

(4) The cost of printing shall be charged to the appropriation made to the director for this purpose.

**History:** 1963 c. 149; 1965 c. 23, 553, 621.

**35.25 Wisconsin Constitution. Repealed.**

**35.35 Specifications.**

(4) Whenever possible, state publications, other than printing of classes 4 and 5, shall be restricted to finished outside dimensions which shall not exceed 9 by 14 inches and shall not be less than 3½ by 7 inches.

**History:** 1963 c. 465; 1965 c. 585.

**35.46 Bids; what to contain.** (1) Every such bid shall be in writing, enclosed in a sealed envelope, having endorsed thereon "Proposals for State Printing" and shall be filed in the office of the director on or before the time specified in the advertisement therefor as the day when the bids will be opened. The bid shall specify the class or classes of printing for which it is made and the per cent of discount off from or the per cent above base prices (which shall be uniform for every item) at which the bidder proposes to do the work. The bid shall be accompanied by a bond, executed by a surety company authorized to do business in this state, in the sum of \$5,000, to the effect that it guarantees the bidder will, if his bid is accepted, execute the contract and bond required by law within the time prescribed by the director.

**History:** 1965 c. 584.

**35.48 Rejection of bids; return of bond.** No bid shall be considered that does not fully comply with the requirements of s. 35.46; and if a bid is rejected for any reason the bid bond shall be returned to the bidder. With every accepted bid the bid bond shall be retained until the bidder has entered into the printing contract, and furnished the bond, required of him by s. 35.49. Upon execution of such contract and the furnishing of such bond the bid bond shall be returned to him.

**History:** 1965 c. 584.

**35.50 Breach of printing contracts.** If a successful bidder fails to enter into a printing contract and execute a bond as required the bid bond shall be forfeited to the state. If such bidder or contractor enters upon the performance of his printing contract, and thereafter at any time during the term thereof refuses or neglects to comply with its terms and conditions or with the law relating to public printing, he shall be liable to the state in damages to the amount of the difference between the cost of public printing under his printing contract and the cost thereof under any subsequent contracts let by the director. It is the duty of the attorney general, in all cases of damages and of forfeitures arising under this chapter, to commence and prosecute to final judgment all necessary actions for the recovery thereof with costs, which when collected shall be paid into the state treasury.

**History:** 1965 c. 584.

**35.76 Advertisement for bids; supreme court reports.** Commencing in the first week in October next preceding each contract period, the director shall advertise as a class 3 notice, under ch. 985, in the official state newspaper, that sealed proposals for printing, publishing and delivering the supreme court reports as required by this chapter will be received by said director and there publicly opened and read at a specified time, and that upon application said director will furnish to bidders all necessary information and blanks. The director may include in the specification proposals a provision that the contract price shall be adjusted from time to time during the term of the contract as affected by an increase or decrease in the printers' wage scale and paper and binding costs.

**History:** 1965 c. 252, 558.

**35.77 Bid bond; content of bid.** Each bid shall be accompanied by a bond, executed by a surety company authorized to do business in this state, in the sum of \$2,000, to the effect that it guarantees bidder will, if his bid is accepted, execute contract and bond required by law within the time prescribed by the director. Each proposal shall specify the price per volume at which the volumes to be published during the contract period will be sold to the state and to residents of this state which bid price shall not exceed the maximum specified by the director.

**History:** 1965 c. 584.

**35.84 Distribution, to whom.**

**TABLE**

Column D is repealed.

**History:** 1961 c. 336, 522; 1963 c. 149, 429; 1965 c. 19, 409, 440, 659.

**35.85 Other distribution.**

(2)

(b) Of every governor's message to the legislature and of every public document or circular printed at the expense of this state including, without limitation because of enumeration, the operating reports of the several departments and agencies of state government and reports publishing the results of studies by state departments and agencies, to every depository library under s. 43.14 the number of copies designated by the superintendent of public instruction.

(6) The superintendent of public instruction shall receive for his own use one copy of each document distributed under sub. (2)(b) and shall file with the director lists of public documents to be distributed to libraries designated as depositories of public documents under s. 43.14.

(14) The free distribution of the Wisconsin Book shall be the same as shown for the Wisconsin Blue Book under s. 35.84.

**History:** 1961 c. 532; 1963 c. 149; 1965 c. 18, 30, 150 s. 22; 1965 c. 249 s. 78; 1965 c. 455, 621, 625.

**35.91 Future distribution; sales.** (1) The director shall file in his office a statement of the number of copies of each book, report, or other document printed for the state which he is required to reserve for future distribution according to law; also a statement of the cost of each publication. He shall also maintain current lists of books, reports, magazines, pamphlets and other documents, printed or otherwise reproduced at

the expense of the state, for which free distribution is not provided by statute, the number of copies, and the cost of each such publication. He may sell, at a price to be determined by him, to any person any such publication out of any surplus on hand beyond the reservation required, except that the latest edition of the Wisconsin statutes shall be sold at a price (calculated to the nearest dollar) to be fixed by said director, based on cost plus 75% of the revisor's expenditures under s. 20.530 (3) during the preceding biennium. The director is authorized to sell older editions of the Wisconsin statutes and copies of the 1950 Wisconsin annotations at reduced prices to be fixed by him. This section shall not be so construed as to exclude from free distribution the staff reports and other research publications of the legislative council and the legislative reference bureau; legislative bills, resolutions, and joint resolutions; and bulletins, catalogues, announcements, and other administrative materials published by the university of Wisconsin and the state colleges. The provisions of this section do not apply to the free distribution of publications between the agencies of the state. For the purposes of this section the term "publication" is defined as containing more than 8 pages of reading matter and reproduced in quantities of 500 copies or more.

(3) The Wisconsin Book shall be sold at 25 cents per copy. The director may charge an additional fee to recover the cost of shipping and handling.

**History:** 1965 c. 249 ss. 22, 78; 1965 c. 621, 625.

## CHAPTER 36. UNIVERSITY OF WISCONSIN.

### 36.16 Nonresident tuition at university.

See note to 37.11, citing 54 Atty. Gen. 27.

### 36.225 State laboratory of hygiene.

(6) The state laboratory of hygiene shall be operated to furnish a complete laboratory service to the state board of health and the department of resource development and to make available to the university of Wisconsin, the state board of health and the department of resource development such facilities for teaching in the fields of public health and water quality as may be derived from such a laboratory.

(7) For the purpose of co-ordination between the state board of health, the department of resource development and the university board of regents and for the purpose of determining policies, an administrative committee for the state laboratory of hygiene is created to be composed of the president of the university, the dean of the medical school, the director of resource development, the president of the state board of health, the secretary of the state board of health and the director of the laboratory or their representatives. The regents, upon the recommendation of the dean of the medical school with the administrative committee approving, shall appoint the director of the laboratory and such other members of its professional staff as are required for the administration of the duties of the laboratory. The technical staff and other employes necessary to the administration of the laboratory shall be employed by the director from the eligibility rolls of the department of administration.

**History:** 1965 c. 614.

36.245 Water resources programs co-ordinator. Funds made available to the conservation commission, department of resource development and geological and natural history survey of the university of Wisconsin, respectively, by ss. 20.280(5), 20.706(1)(b) and 20.830(1) for a joint accelerated water resources research and data collection program shall be administered and co-ordinated by the director of the water resources center of the university of Wisconsin. No such funds shall be made available to any of the agencies specified until, on application from the state agency concerned, such director finds that such funds will be used for water resource investigations needed for the solution of existing or emerging water resource problems and that these investigations will wherever practical be co-ordinated with such investigations by other state or federal agencies and with research in progress or proposed under the sponsorship of the water resources center of the university of Wisconsin. The director shall make biennial reports thereon to the legislature at the convening thereof. In connection with his review of applications hereunder, the director of the water resources center shall seek the advice of the water subcommittee of the natural resources committee of state agencies.

**History:** 1965 c. 502, 614.

## CHAPTER 37. STATE COLLEGES.

**37.11 Powers of board as to state colleges.**

Under (8) (a) a resident minor student from the state subsequent to student's 21st birthday does not lose status when parents remove birthday. 54 Atty. Gen. 27.

## CHAPTER 38. MILWAUKEE SCHOOL LAWS.

**38.11 City comptroller; lists and statements for; audit and warrants.**

In an action for negligence against a 3rd party the school board cannot be impleaded as a defendant; such an action lies only against the city. *Helmin v. Student Transportation Co.* 29 W (2d) 302, 139 NW (2d) 103.

**38.16 Report of board; school taxes. (1)**

(c) Whenever the board proposes to erect a building or an addition to a building or to remodel a building, and any such proposed construction work shall involve an estimated expenditure of \$250,000 or more, the board shall take action designating the site upon which the proposed work is to be done, the general plan and purpose of said construction or remodeling work, and the estimated expenditure therefor. Said board shall not advertise for bids or let contracts with respect to any such proposed construction work until at least 90 days after such action has been taken. If within 90 days after such action a petition signed by the electors of such city equal in number to not less than 15% of the vote cast therein for governor at the last general election shall be filed with the city clerk requesting that the board's proposal to do such work be referred to a vote of the electors therein, said board shall not advertise for bids or let contracts with respect to any such proposed construction work until said proposal has been voted upon favorably by a majority of those voting thereon at such election. The city clerk shall advise the board at once of the filing of any such petition. In the event that no such petition is filed within such 90 days the board may advertise for bids and let contracts with respect to such proposed construction work. The preparation of any such petition shall be governed as to the use of more than a single piece of paper, the dates of signatures, the places of residence of signers, and the verification thereof, by the provisions of s. 8.15; within 15 days following such filing the city clerk shall determine by examination the sufficiency or insufficiency of such petition and state his finding in a signed certificate dated and attached thereto; if the petition is found insufficient, the particulars of such insufficiency shall be set forth in the certificate, and the petition may thereupon be amended within 10 days next following the date of said certificate by the addition of signatures or otherwise; if originally, or after amendment, such petition is found sufficient the clerk shall so state in his attached certificate and submit the same forthwith to the common council and the question of doing the construction work as proposed by the board shall then be submitted by such common council to the electors of the city at the next regular election, if one is held not less than 40 days after such date, otherwise at the next succeeding regular election; however, the council may, by a three-fourths vote of the members-elect, order it submitted at a special election called for that purpose at any time prior to the next succeeding regular election, but not more than one such special election shall be called in any period of 6 months; not more than 20 nor less than 5 days before the election, the city clerk shall cause the question to be voted upon to be printed in at least 2, not to exceed 4, daily newspapers published in such city; if a majority of the electors voting thereon shall vote in favor of said proposed construction work, said board shall be authorized to advertise for bids and let contracts in connection therewith.

Note: Sub. (1) (c) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

History: 1963 c. 85; 1965 c. 666.

**38.24 Teachers' retirement fund in cities of the first class.****(2) DEFINITIONS.**

(n) "Membership teaching" means employment as a teacher in the public schools of a city of the 1st class; provided, that "membership teaching" shall include any period of teaching service before September 1, 1958, for which a teacher would have received credit under sub. (12) if he had remained a member of the separate group.

**(7a) BENEFITS UNDER THE FORMULA GROUP.****(b) Retirement annuities.**

2.

b. The initial amount of annuity in the normal form under subd. 2. a. 1) or 2) shall not exceed the amount which, when added to the primary or disability insurance benefit for which he is eligible, or for which he will be eligible upon attaining the lowest age at which old-age benefits are payable, under the federal old-age and survivors in-

surance program, equals 75% of the member's final average compensation. If a member does not receive such OASDI amount by reason of his failure to apply therefor or by virtue of the suspension thereof, he will notwithstanding such fact be deemed to receive such amount. If a member fails to establish the amount of, or his eligibility for, such OASDI benefits, determinations thereof shall be made by the board on such basis as the board, by rule, establishes.

9. Notwithstanding the provisions of sub. (7) (a), an election to become a member of the formula group may be made at any time prior to December 1, 1965, by any member who made a required deposit pursuant to sub. (11) based on teaching service in the month of May or June, 1965, and who had not received an annuity at any time prior to May 1, 1965. The election permitted by this subdivision may also be made by any member who would have made a required deposit pursuant to sub. (11) based on teaching service in the month of May or June, 1965, if not exempted from making such deposit by sub. (14) (d), if such election is made not more than 60 days after July 8, 1966. Any member so electing shall be subject to all provisions applicable to members of the formula group, including the right to have his retirement annuity adjusted in accordance with the provisions of subd. 7, any provision thereof to the contrary notwithstanding.

**History:** 1961 c. 33, 116, 223, 450, 473, 622, 660; 1963 c. 71, 72, 115, 117, 125, 267; 1965 c. 37, 242, 247, 248, 252, 324, 407, 433 s. 121; 1965 c. 581.

## CHAPTER 39. SCHOOL ADMINISTRATION.

### 39.023 State commission for higher educational aids. (1)

(a) Five members shall be nominated by the co-ordinating committee for higher education from the membership of such committee who shall represent the state institutions of higher education.

(2) The commission shall annually select a chairman and a secretary from its membership. The commission shall hold meetings at the call of the chairman at such time and place as the chairman determines. Special meetings may be called at the request of a majority of the commission. Members of the commission shall be compensated for their actual and necessary expenses.

(5) The commission shall establish a program of grants to full-time resident students enrolled in accredited, nonprofit, post high school, educational institutions in this state.

(a) *Eligibility requirements.* To each full-time resident student registered as a freshman after September 1, 1965, as a freshman or sophomore after September 1, 1966, as a freshman, sophomore or junior after September 1, 1967, as a freshman, sophomore, junior or senior after September 1, 1968, and as a freshman, sophomore, junior, senior or graduate student after September 1, 1969, in an accredited, nonprofit, post high school, educational institution in this state, the state shall grant an amount as provided in this section for each semester of attendance. No student shall be eligible for grants in more than the equivalent of 8 semesters of undergraduate education and in more than the equivalent of 6 semesters of graduate education. No student shall be eligible for grants unless he maintains such minimum standards of academic performance as are determined by the commission. No grant shall be paid for the first semester of attendance at any institution until the student has completed the semester and attained minimum standards of academic performance as determined by the commission.

(b) *Basis of grants.* The amount of the grant to be paid for each semester shall be based on the figure represented by the effective income of the eligible student or on the effective income of the parent or parents providing a majority of the eligible student's support. The amount of the grant to be paid for each semester shall be computed and determined according to the following schedule, exceptions, limitations and variations:

1. When a parent or parents provide the majority of the support of an eligible student and the student applies for a grant the figure represented by the combined effective income of such parent or parents shall be used in determining the amount of the grant under the schedule.

2. If more than one eligible student for which such parents provide a majority of support is registered in any such institution and qualifies for a grant hereunder, such combined effective income of the parents shall be divided by the number of such eligible students in the family in determining the amount of the grant payable under said schedule to each such student.

3. No grant shall be made under this section to any student enrolled in a course of study leading to a degree in theology, divinity, religious education or to religious aspirants.



4. Any student attending an institution with an academic term shorter than a 16-week semester shall be eligible for grants based on the ratio which such term bears to a 16-week semester.

5. The amount of a grant under this section for any semester shall not be more than that portion of a student's tuition and instruction related fees for a semester in excess of \$200; and the amount of a grant under this section for any term shorter than a 16-week semester shall not be more than such portion of the student's tuition and instruction related fees for the term in excess of such part of \$200 as the number of weeks in the shorter term bears to 16.

6. Schedule for determining amounts

Effective income	Amount of grant each semester of study
\$ 0—2,000	\$250
2,001—3,000	225
3,001—4,000	200
4,001—5,000	175
5,001—6,000	150
6,001—7,000	125
7,001—8,000	100
8,001—9,000	75
9,001—10,000	50
over 10,000	None

(c) *Administration by state commission for higher educational aids.* This section shall be administered by the state commission for higher educational aids herein referred to as the "commission." The commission shall prescribe, furnish and make available, at locations in the state convenient to the public, application forms for grants under this subsection. It shall, upon request, advise and assist applicants in making out such forms.

(d) Any student who becomes eligible and receives a grant under this subsection, who subsequently does not complete the semester for which the grant was received shall return a prorated share of the grant based on the number of weeks of the semester left unattended.

(e) *Definitions.* As used in this subsection:

1. "Semester" is any term 16 or more weeks in length.
2. "Net taxable income" is the figure reported as such on the Wisconsin income tax return for the previous calendar year.
3. "Effective income" is net taxable income plus tax exempt income less \$600 per dependent.
4. "Accredited" means accredited by a nationally recognized accrediting agency or by the state board of nursing pursuant to s. 149.01 (4), or, if not so accredited, is a non-profit institution of higher learning, whose credits are accepted on transfer by not less than 3 institutions which are so accredited, on the same basis as if transferred from an institution so accredited.

5. "Resident student" is deemed to have the same meaning as defined in s. 36.16, so far as applicable.

(6) **HONOR SCHOLARSHIPS.** (a) For the purpose of recognizing and awarding scholastically talented graduates of Wisconsin high schools who are residents of the state as defined in s. 36.16, so far as applicable, there are created, on July 1, 1966, honor scholarships which may be awarded to qualified students who plan to enroll as first-time, full-time freshmen at any approved, nonprofit publicly or privately supported institution of higher education in Wisconsin, including first-time, full-time students enrolling in associate degree programs approved by the state board of vocational, technical and adult education and nursing schools approved by the Wisconsin state board of nursing. Honor scholarships shall be cash stipends awarded directly to students. No honor scholarships shall be awarded to persons who plan to enroll in a course of study leading to a degree in theology, divinity, religious education or to religious aspirants.

(b) Honor scholarship recipients shall receive stipends based on individual financial need which is calculated by deducting resources available to the student from total educational costs. The amount of tuition used in calculating total educational costs shall not exceed \$400 for 2 semesters or its equivalent; and any amounts received under chapter 264, laws of 1965 [39.023 (4m)], shall not be included in calculating available resources. The minimum honor scholarship awarded to any student shall be \$100, notwithstanding the student's need. The maximum scholarship awarded to a student shall be \$300.

(c) The state commission for higher educational aids shall be the body responsible for administering the honor scholarship program. The commission shall formulate a

method for identifying Wisconsin high school graduates who are scholastically talented. Honor scholarships shall be awarded to the most scholastically talented graduates of Wisconsin high schools through employment of the following methods:

1. Honor scholarships shall be awarded to 2 graduates at each Wisconsin publicly or privately supported secondary school enrolling less than 250 students who are scholastically ranked in the top 10% of their graduating classes; to 4 graduates at each Wisconsin publicly or privately supported secondary school enrolling 250 to 750 students who are scholastically ranked in the top 10% of their graduating classes; to 6 graduates at each Wisconsin publicly or privately supported secondary school enrolling 750 or more students who are scholastically ranked in the top 10% of their graduating classes.

2. To those who scholastically rank within the top 10% of their high school graduating class, scholarships shall be awarded in rank order based on criteria to be determined by the commission.

(7) **STUDENT LOAN PROGRAM.** It is the purpose of this subsection to provide Wisconsin resident students with greater freedom to choose a higher educational opportunity enabling them to achieve their individual desires and goals consistent with the interests and welfare of society through the consolidation of the administration of the state's programs of financial aid to students by the transfer of the state student loan program and personnel from the department of public welfare to the state commission for higher educational aids.

(a) The state commission for higher educational aids shall:

1. Make and authorize loans to be made to resident students who have satisfactory academic records, who need financial assistance and are desirous of attending institutions of higher education, when such loans are to assist them in meeting expenses of post high school education in accordance with this subsection.

2. Establish standards and methods for determining the amount of loans, rates of interest, financial need and other administrative procedures consistent with P.L. 89-329 and P.L. 89-287.

(b) The commission is empowered to make, and authorize to be made, loans to students if:

1. The student is enrolled or accepted for enrollment in an institution of higher education.

2. The student's eligibility for loan is certified to the commission by the institution of higher education in which he is enrolled or has been accepted for enrollment.

3. The student has a satisfactory academic record.

4. The student is a resident student.

5. The student needs financial assistance.

(c) Loans may be made to minors and minority shall not be a defense to the collection of the debt.

(d) The commission is empowered to collect any loans made or authorized to be made by the commission pursuant to this subsection or made prior to July 1, 1966 under s. 49.42.

(e) In this subsection, "institution of higher education" means an educational institution that meets the requirements defined in P.L. 89-329 for institutions covered therein and in P.L. 89-287 for business, trade, technical or vocational schools and full-time post high school schools of vocational, technical and adult education in the state.

(f) In this subsection, "resident student" has the meaning in s. 36.16 insofar as applicable.

(8) **CONTRACTS.** The commission may enter into such contracts as are necessary to carry out its functions under this section.

(8) (d) (as created by chapter 463, laws of 1965) is repealed.

(9) The commission may establish such rules as are necessary to carry out its functions under this section. The commission may also accept and use any funds which it receives from participating institutions under this section.

(10) The Wisconsin association of independent colleges and universities, the Wisconsin association of presidents and deans of institutions of higher learning, the co-ordinating committee for higher education and the state department of administration shall make available such staff services as are requested by the commission. Such staff services shall be co-ordinated by an executive secretary outside the classified service appointed by the commission.

(11) **ADVISORY COMMITTEE.** The state commission for higher educational aids shall appoint an advisory committee composed of guidance counselors from Wisconsin publicly and privately supported secondary schools and financial aid officers from institutions of higher education to advise the commission on methods of identifying scholastically talented high school graduates. The committee shall also advise the com-

mission on all matters pertaining to the operation, administration and improvement of the state's student financial aid program. All advisory committee members who are not employes of state agencies shall receive reimbursement for actual and necessary expenses while attending committee meetings. Advisory committee members who are employes of state agencies shall receive reimbursement for actual and necessary expenses from their employing state agencies.

(12) ANNUAL REPORT. The commission shall make an annual report to the legislature and governor which shall contain the status of present financial aid programs and shall include recommendations for improvement of the state's student financial aid program.

**History:** 1963 c. 573; 1965 c. 163, 264, 463, 566, 625.

### SUBCHAPTER III.

#### COMPACT FOR EDUCATION.

39.75 Compact for education. The compact for education is hereby enacted into law and entered into by this state with all other jurisdictions legally joining therein, in the form substantially as follows:

#### COMPACT FOR EDUCATION.

##### Article I. Purpose and Policy.

(A) It is the purpose of this compact to:

1. Establish and maintain close co-operation and understanding among executive, legislative, professional educational and lay leadership on a nationwide basis at the state and local levels.

2. Provide a forum for the discussion, development, crystallization and recommendation of public policy alternatives in the field of education.

3. Provide a clearinghouse of information on matters relating to educational problems and how they are being met in different places throughout the nation, so that the executive and legislative branches of state government and of local communities may have ready access to the experience and record of the entire country, and so that both lay and professional groups in the field of education may have additional avenues for the sharing of experience and the interchange of ideas in the formation of public policy in education.

4. Facilitate the improvement of state and local educational systems so that all of them will be able to meet adequate and desirable goals in a society which requires continuous qualitative and quantitative advance in educational opportunities, methods and facilities.

(B) It is the policy of this compact to encourage and promote local and state initiative in the development, maintenance, improvement and administration of educational systems and institutions in a manner which will accord with the needs and advantages of diversity among localities and states.

(C) The party states recognize that each of them has an interest in the quality and quantity of education furnished in each of the other states, as well as in the excellence of its own educational systems and institutions, because of the highly mobile character of individuals within the nation, and because the products and services contributing to the health, welfare and economic advancement of each state are supplied in significant part by persons educated in other states.

##### Article II. State Defined.

As used in this compact, "state" means a state, territory, or possession of the United States, the District of Columbia, or the commonwealth of Puerto Rico.

##### Article III. The Commission.

(A) The educational commission of the states, hereinafter called "the commission", is hereby established. The commission shall consist of 7 members representing each party state. One of such members shall be governor; 2 shall be members of the state legislature selected by its respective houses and serving in such manner as the legislature may determine; and 4 shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. If the laws of a state prevent legislators from serving on the commission, 6 members shall be appointed by and serve at the pleasure of the governor, unless the laws of the state otherwise provide. In addition to any other principles or requirements which a state may establish for the appointment and service of its members of the commission, the guiding principle for the composition of the membership on the commission from each party state shall be that the members representing such state shall, by virtue of their training, experience, knowledge or affiliations be in a position collectively to reflect broadly the interests of the state government, higher education, the state education system, local education, lay and professional,

public and nonpublic educational leadership. Of those appointees, one shall be the head of a state agency or institution, designated by the governor, having responsibility for one or more programs of public education. In addition to the members of the commission representing the party states, there may be not to exceed 10 non-voting commissioners selected by the steering committee for terms of one year. Such commissioners shall represent leading national organizations of professional educators or persons concerned with educational administration.

(B) The members of the commission shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the commission are cast in favor thereof. Action of the commission shall be only at a meeting at which a majority of the commissioners are present. The commission shall meet at least once a year. In its bylaws, and subject to such directions and limitations as may be contained therein, the commission may delegate the exercise of any of its powers to the steering committee or the executive director, except for the power to approve budgets or requests for appropriations, the power to make policy recommendations pursuant to article IV and adoption of the annual report pursuant to article III (j).

(C) The commission shall have a seal.

(D) The commission shall elect annually, from among its members, a chairman, who shall be a governor, a vice chairman and a treasurer. The commission shall provide for the appointment of an executive director. Such executive director shall serve at the pleasure of the commission, and together with the treasurer and such other personnel as the commission may deem appropriate shall be bonded in such amount as the commission shall determine. The executive director shall be secretary.

(E) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the executive director subject to the approval of the steering committee shall appoint, remove or discharge such personnel as may be necessary for the performance of the functions of the commission, and shall fix the duties and compensation of such personnel. The commission in its bylaws shall provide for the personnel policies and programs of the commission.

(F) The commission may borrow, accept or contract for the services of personnel from any party jurisdiction, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of 2 or more of the party jurisdictions or their subdivisions.

(G) The commission may accept for any of its purposes and functions under this compact any and all donations and grants of money, equipment, supplies, materials and services, conditional or otherwise, from any state, the United States, or any other governmental agency, or from any person, firm, association, foundation or corporation, and may receive, utilize and dispose of the same. Any donation or grant accepted by the commission pursuant to this paragraph or services borrowed pursuant to paragraph (F) of this article shall be reported in the annual report of the commission. Such report shall include the nature, amount and conditions, if any, of the donation, grant or services borrowed, and the identity of the donor or lender.

(H) The commission may establish and maintain such facilities as may be necessary for the transacting of its business. The commission may acquire, hold and convey real and personal property and any interest therein.

(I) The commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states.

(J) The commission annually shall make to the governor and legislature of each party state a report covering the activities of the commission for the preceding year. The commission may make such additional reports as it may deem desirable.

#### Article IV. Powers.

In addition to authority conferred on the commission by other provisions of the compact, the commission shall have authority to:

1. Collect, correlate, analyze and interpret information and data concerning educational needs and resources.

2. Encourage and foster research in all aspects of education, but with special reference to the desirable scope of instruction, organization, administration and instructional methods and standards employed or suitable for employment in public educational systems.

3. Develop proposals for adequate financing of education as a whole and at each of its many levels.

4. Conduct or participate in research of the types referred to in this article in any

instance where the commission finds that such research is necessary for the advancement of the purposes and policies of this compact, utilizing fully the resources of national associations, regional compact organizations for higher education and other agencies and institutions, both public and private.

5. Formulate suggested policies and plans for the improvement of public education as a whole, or for any segment thereof, and make recommendations with respect thereto available to the appropriate governmental units, agencies and public officials.

6. Do such other things as may be necessary or incidental to the administration of any of its authority or functions pursuant to this compact.

#### Article V. Co-operation with Federal Government.

(A) If the laws of the United States specifically so provide, or if administrative provision is made therefor within the federal government, the United States may be represented on the commission by not to exceed 10 representatives. Any such representative or representatives of the United States shall be appointed and serve in such manner as may be provided by or pursuant to federal law, and may be drawn from any one or more branches of the federal government, but no such representative shall have a vote on the commission.

(B) The commission may provide information and make recommendations to any executive or legislative agency or officer of the federal government concerning the common educational policies of the states, and may advise with any such agencies or officers concerning any matter of mutual interest.

#### Article VI. Committees.

(A) To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of 30 members which, subject to the provisions of this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission. One-third of the voting membership of the steering committee shall consist of governors, and the remainder shall consist of other members of the commission. A federal representative on the commission may serve with the steering committee, but without vote. The voting members of the steering committee shall serve for terms of 2 years, except that members elected to the first steering committee of the commission shall be elected as follows: 15 for one year and 15 for 2 years. The chairman, vice chairman, and treasurer of the commission shall be members of the steering committee and, anything in this paragraph to the contrary notwithstanding, shall serve during their continuance in these offices. Vacancies in the steering committee shall not affect its authority to act, but the commission at its next regularly ensuing meeting following the occurrence of any vacancy shall fill it for the unexpired term. No person shall serve more than 2 terms as a member of the steering committee: provided that service for a partial term of one year or less shall not be counted toward the 2-term limitation.

(B) The commission may establish advisory and technical committees composed of state, local, and federal officials, and private persons to advise it with respect to any one or more of its functions. Any advisory or technical committee may, on request of the states concerned, be established to consider any matter of special concern to 2 or more of the party states.

(C) The commission may establish such additional committees as its bylaws may provide.

#### Article VII. Finance.

(A) The commission shall advise the governor or designated officer or officers of each party state of its budget and estimated expenditures for such period as may be required by the laws of that party state. Each of the commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states.

(B) The total amount of appropriation requests under any budget shall be apportioned among the party states. In making such apportionment, the commission shall devise and employ a formula which takes equitable account of the populations and per capita income levels of the party states.

(C) The commission shall not pledge the credit of any party states. The commission may meet any of its obligations in whole or in part with funds available to it pursuant to article III (G) of this compact, provided that the commission takes specific action setting aside such funds prior to incurring an obligation to be met in whole or in part in such manner. Except where the commission makes use of funds available to it pursuant to article III (G) thereof, the commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

(D) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit

and accounting procedures established by its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant, and the report of the audit shall be included in and become part of the annual reports of the commission.

(E) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the commission.

(F) Nothing contained herein shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the commission.

#### Article VIII. Eligible Parties; Entry Into and Withdrawal.

(A) This compact shall have as eligible parties all states, territories, and possessions of the United States, the District of Columbia and the commonwealth of Puerto Rico. In respect of any such jurisdiction not having a governor, the term "governor", as used in this compact, shall mean the closest equivalent official of such jurisdiction.

(B) Any state or other eligible jurisdiction may enter into this compact and it shall become binding thereon when it has adopted the same: provided that in order to enter into initial effect, adoption by at least 10 eligible party jurisdictions shall be required.

(C) Adoption of the compact may be either by enactment thereof or by adherence thereto by the governor; provided that in the absence of enactment, adherence by the governor shall be sufficient to make his state a party only until December 31, 1967. During any period when a state is participating in this compact through gubernatorial action, the governor shall appoint those persons who, in addition to himself, shall serve as the members of the commission from his state, and shall provide to the commission an equitable share of the financial support of the commission from any source available to him.

(D) Except for a withdrawal effective on December 31, 1967, in accordance with paragraph (C) of this article, any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the governor of the withdrawing state has given notice in writing of the withdrawal to the governors of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

#### Article IX. Construction and Severability.

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any state or of the United States, or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating therein, the compact shall remain in full force and effect as to the state affected as to all severable matters.

**History:** 1965 c. 641.

**39.76 Compact commission delegation.** (1) STATE REPRESENTATION ON THE EDUCATIONAL COMMISSION OF THE STATES. There is created a 7-member delegation to represent the state of Wisconsin on the educational commission of the states. The delegation shall consist of the governor, the state superintendent of public instruction, one member of the assembly and one member of the senate selected by the respective houses and serving in such manner as the legislature determines, and 3 members appointed by the governor in compliance with Article III (A) of the compact under s. 39.75 who shall serve at the pleasure of the governor. The chairman of the delegation shall be designated by the governor from among its members. Members of the delegation shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties, from the appropriation in s. 20.360 (1)(e), upon vouchers signed by the chairman.

(2) ADMINISTRATION SERVICE. The executive officer of the governor shall provide administrative and staff services for the delegation to the educational commission of the states.

(3) REPORTS; BYLAWS. Pursuant to Article III (j) of the compact, the educational commission of the states shall file a copy of its bylaws and any amendments thereto with the secretary of state and the executive office on or before January 15 of each odd-numbered year. The delegation or the educational commission of the states

shall submit to the governor and the legislature a report of the activities of the delegation and the commission.

(4) CO-OPERATION OF STATE AGENCIES. Any existing state department or board in the field of public education shall within existing appropriations co-operate with the education compact delegation in the execution of its functions.

**History:** 1965 c. 641.

#### CHAPTER 40. SCHOOL DISTRICTS.

**40.025 General provisions relating to reorganization. (1) JURISDICTION; ACQUISITION, CONTINUANCE AND LOSS THEREOF.**

(c) Jurisdiction, when acquired as prescribed in par. (a), continues until the reorganization authority disposes of the matter before it, unless lost as provided in par. (d). When the making of a reorganization order is pending before a reorganization authority or such order has been made, any other reorganization proceeding or order made by that or any other reorganization authority, after jurisdiction has been acquired as provided in par. (a) and prior to the going into effect of an order made and filed pursuant thereto, pertaining to all or any part of the territory included in the order, is void.

**History:** 1961 c. 312, 375, 622; 1963 c. 76, 163, 565; 1965 c. 19, 249, 252, 388, 625.

A school reorganization order or an appeal therefrom which affects only part of a district does not bar a further order as to parts not included in the first. Olson v. Rothwell, 28 W (2d) 233, 137 NW (2d) 86.

**40.08 Dissolution of district by neglect to keep school.**

(3)

(b) If an order issued by the agency school committee pursuant to this section is voided by a circuit court the nonoperating district designated in the order of the court shall arrange for the attendance of its pupils in the elementary grades of some other district or districts on a nonresident tuition basis and provide transportation to and from such school by the methods provided in s. 40.53 for all of its pupils who reside 2 miles or more from the school of such other district or districts that they attend, and may use such funds on hand as have been raised or appropriated for operation and maintenance or levy taxes to pay for such tuition and transportation, until a valid order has been issued. The agency school committee shall in such cases issue new orders within the succeeding year.

**History:** 1963 c. 565 s. 41; 1965 c. 388, 625.

**40.09 Creation of joint school districts between states.**

(2) GOVERNMENT. (a) The order creating the district shall fix the date, time and place of holding the first annual meeting of the district and shall provide for a board of 7 members. Thereafter the district annual meeting shall be held on the corresponding date, time and place. The annual meeting will elect a chairman and secretary and shall elect the officers of the district by ballot. The 3 candidates receiving the highest number of votes shall hold office for 3 years; and 2 candidates receiving the next highest number of votes shall hold office for 2 years and the 2 candidates receiving the next highest number of votes shall hold office for one year. The elected candidate shall file statements of acceptance of office with the secretary of the agency school committee of the school district concerned within 5 days after the election.

**History:** 1963 c. 565; 1965 c. 19, 388, 625.

**40.095 Unified school district. (1) CREATION.** Except as to school districts organized under ch. 38 and school districts operating under the city school plan, the agency school committee may, under s. 40.13, create or alter a unified school district for the operation of public schools in any territory containing more than 1,000 electors and containing a village or villages, a village or villages and surrounding territory, a city, a city or cities and surrounding territory, a city and village or villages, a city and village or villages and surrounding territory, or any territory containing not less than 1,000 electors. In a joint city school district a unified school district may be created by petition and referendum of the electors, which petition and referendum shall be governed by the procedures set forth in s. 9.20 as far as possible, and the petition submitted to the city clerk and then referred to the body as provided in s. 40.807 (2) in lieu of the city council. The determination of the number of electors shall be governed by s. 40.01 (6). All orders affecting unified school districts shall be made effective as provided in s. 40.025 (4). A reorganization order under this subsection which is subject to a referendum election shall not become effective until approved at such election by a

majority of the electors, voting thereon, residing within each city and incorporated village in the proposed unified school district and a majority of the electors residing within the remainder of such district. An order made or approved under s. 40.807 (1), (2) and (4) affecting a joint city school district containing an incorporated village shall not be effective until approved by the village board.

**Note:** Sub. (1) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

(2) REORGANIZATION. Except as to school districts organized under ch. 38, the agency school committee may, under s. 40.13, create or alter a unified school district for the operation of public schools in any territory containing more than 1,000 electors and containing a village or villages, a village or villages and surrounding territory, a city, a city or cities and surrounding territory, a city and village or villages, a city and village or villages and surrounding territory, or any territory containing not less than 1,000 electors. Section 40.807 (4a) is applicable to this section but other provisions of s. 40.807 shall not be applicable to unified school districts created pursuant to this subsection. All orders affecting unified school districts shall be made effective as provided in s. 40.025 (4). Failure of an agency school committee to make an order under this subsection shall not be subject to s. 40.13 (3) and (4).

**History:** 1961 c. 38, 322; 1963 c. 163, 459; 1965 c. 388, 625, 666.

#### 40.23 Duties of district meeting.

(1m) ALTERNATIVE AUDIT. No district wherein an audit of school accounts has been provided for under ss. 16.58 (4), 40.22 (18), 40.29 (14) or 40.30 (1) shall be subject to sub. (1).

**History:** 1965 c. 659.

#### 40.26 Optional number of board members.

(5) If the agency school committee is satisfied that the territory comprising a newly created school district contains a population of 500 or more it may, upon creating the order for a new district, direct that a district board of 5 members be elected; the state appeal board, acting under the authority of s. 40.13, may likewise in its order creating a new district containing a population of 500 or more direct that a board of 5 members be elected. When a 5-member board is elected either at a district meeting or at an election held pursuant to this section, the 5 members shall be elected for terms as follows: The 2 candidates receiving the highest vote shall serve for a term expiring 2 years after the next annual meeting, the 2 receiving the next highest vote for a term expiring one year after the next annual meeting, and the candidate receiving the next highest number of votes for a term expiring the 4th Monday in July following. Thereafter each member shall be elected for a term of 3 years and shall serve until his successor is elected and qualifies. The board shall organize and elect officers as provided in sub. (4). The agency school committee shall prepare a plan for allocating candidates to terms, as provided in sub. (3). In union high school districts the 3rd Monday in July shall apply.

(7) If an agency school committee in its order creating a school district designates a board of 5, 7 or 9 members, it shall prepare a plan for allocating candidates for terms as specified in sub. (3).

**History:** 1961 c. 153, 299; 1965 c. 388, 625.

#### 40.27 Election of board members.

(2) SCHOOL BOARD ELECTION ON DAY OF ANNUAL MEETINGS.

(f) *Ballots.* The board shall provide and the clerk shall prepare an official ballot which shall conform as nearly as may be to the ballot provided in s. 5.60. It shall list the offices to be filled and the candidates who filed a valid declaration of candidacy and shall provide for write-in votes. The order in which the names of candidates are to be printed on such ballot shall be determined by drawing lots at 8 p.m. on the day following the last day for filing written declarations of candidacy, by or under the supervision of the officer with whom such declaration is filed. Suitable ballot boxes shall be provided by the board.

(g) *Inspectors.* The board may act as inspectors of such elections, but may appoint 2 to 4 persons to serve in lieu of board members as inspectors of such elections, and the board shall appoint 2 clerks who shall make and keep duplicate lists of the electors voting at such election. The inspectors and clerks shall be paid as provided in s. 7.03. In counties having a population of 500,000 or more the board may appoint 5 or more persons who shall act as inspectors, clerks and tellers who shall be paid as provided in s. 7.03.

**Note:** Sub. (2) (f) and (g) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

(3) SCHOOL BOARD ELECTION ON FIRST TUESDAY IN APRIL.



(f) *Primary election.* At the expiration of the deadline for the filing of declarations, the district board shall forthwith verify the declarations, and if there are more than twice as many candidates for any office as there are positions to be filled, the board may require a primary election for such positions which election shall be held on the first Tuesday in March.

**Note:** Sub. (3) (f) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

(4) GENERAL PROVISIONS.

(c) *Absentee voting.* Except in elections conducted at the annual district meeting, the provisions of ss. 6.85 to 6.89 relating to absentee voting shall apply.

**Note:** Sub. (4) (c) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

(k) *Challenges.* The privilege of voting may be challenged as provided in s. 6.92 or 40.20 (6).

**Note:** Sub. (4) (k) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

(11) In a newly created school district, for which no school board exists, proceedings to choose officers by election from the beginning of such school district may be initiated under this section by petition to the agency school committee. For the purposes of such initial election only, the agency school committee shall perform functions assigned to the school board and the secretary of the agency school committee shall perform functions assigned to the clerk under this section. All expenses of such election shall be paid by the school district for which such election is held.

(a) When a new common, union or unified school district is created by reorganization authority the procedure set forth in sub. (2) may be used except that the petition requesting an election shall be filed with the agency school committee secretary with whom the order of reorganization is filed. Declaration of candidacy shall also be filed with the agency school committee secretary. Such person shall then perform the duties that are assigned to the district clerk in this section. In performing his duty, the secretary may proceed according to s. 40.025 (6) in obtaining assistance for the actual conduct of the election.

**History:** 1961 c. 84, 303, 429; 1963 c. 163, 365, 459, 565; 1965 c. 19, 305, 625, 666.

**40.30 District board; powers.** (1) The district board may request the department of administration to audit the books of the school district, to install a system of accounts and to advise and make recommendations concerning existing systems of accounts and to pay for the same as provided in s. 16.58 (4).

**History:** 1961 c. 212, 222; 1963 c. 329, 365, 565; 1965 c. 19, 103, 149, 388, 442, 659.

**40.655 Tuition paid by state.** (1)

(e) For children in the care, custody or control of the state department of public welfare in such public schools in such districts as the state department of public welfare may, in the best interests of such children, designate; and the limitations imposed by sub. (2) shall not apply to such designations.

**History:** 1961 c. 569; 1965 c. 433 s. 121; 1965 c. 514, 658.

**40.657 County to pay tuition.**

Tuition is not payable by county under institution is located. 54 Atty. Gen. 39. this section to a district in which the county

**40.70 State aids, computation.**

(6) AID TO INTEGRATED AID DISTRICTS. (a) State aids shall be paid to integrated aid districts for both elementary and high school resident pupils on the following basis: The state shall provide a sum equal to the amount produced by applying the required mill rate levied by the district on that equalized valuation indicated in sub. (5) (a) upon which the eligibility for receipt of aids is determined up to 17 mills on the amount by which that equalized valuation per resident pupil in average daily membership for the previous year not exceeding 25 resident pupils in average daily membership per teacher is less than \$34,000 in the year on which the aids paid in 1965-66 are based and \$38,000 in the year on which the aids paid in 1966-67 and subsequent years are based and in such districts as levy the required mill rate of 17 mills for operation the state aid shall include the amount of the required operating costs in excess of the amount produced by such 17 mill levy, but in no case shall the state pay less than \$42 per resident elementary pupil in average daily membership in the year on which the aids paid in 1965-66 are based and \$44 in the year on which the aids paid in 1966-67 and subsequent years are based and \$55 per resident high school pupil in average daily membership in the year on which the aids paid in 1965-66 are based and \$57 in the year on which the aids paid in 1966-67 and subsequent years are based not exceeding 25 resident pupils in average daily membership per teacher. Aids under this subsection shall be payable only to such integrated districts

which did levy a tax of 5 mills or more in the year prior to that in which the aid is granted on the equalized valuation of the districts for the year prior to the levy of such tax.

Revisor's Note: (6) (a) is printed as chapter 261, laws of 1965. See Preface, par. amended by chapter 534, laws of 1965, which 6 (c) for printing rule in such cases. did not reflect the changes made earlier by

(b) State aid shall be paid to integrated districts for nonresident high school pupils at the rate of \$55 per nonresident high school pupil in average daily membership in the year on which the aids paid in 1965-66 are based and \$57 in the year on which the aids paid in 1966-67 and subsequent years are based which sum shall be deducted from the nonresident tuition claim made under s. 40.91 (4) and (5).

(7) ELEMENTARY SCHOOL DISTRICTS OFFERING APPROVED PROGRAM OF SERVICES.  
(a) State aids shall be paid to each elementary school district providing education from 1st grade to 8th grade or kindergarten to 8th grade, in a sum equal to the amount produced by applying the required mill rate levied in the elementary school districts on that equalized valuation of the districts indicated in this section upon which eligibility for receipt of aids is determined up to 17 mills, on the amount by which the equalized valuation per resident pupil in average daily membership for the preceding year in such elementary school district, not exceeding 25 resident pupils in average daily membership per teacher, is less than \$28,500 in the year on which the aids paid in 1965-66 are based and \$29,500 in the year on which the aids paid in 1966-67 and subsequent years are based if the elementary school district meets the requirements of s. 40.67 (2) (a), (b), (d), (e), (f) and (g) 1, 3 and 4, and provided such elementary district has been at some prior date a part of an integrated school district, or employs not less than 4 teachers in the elementary school.

(b) In no case shall any elementary school district to which this subsection applies receive state aid of less than \$42 per resident elementary pupil in average daily membership, in the year on which the aids paid in 1965-66 are based and \$44 in the year on which the aids paid in 1966-67 and subsequent years are based not exceeding 25 resident pupils in average daily membership per teacher. Aids under this subsection shall be payable only to those elementary school districts which levied a tax of 3 mills or more in the year prior to that in which the aid is granted on the basis of the equalized valuation of the district for the year prior to the levy of the tax.

Revisor's Note: (7) (a) and (b) are earlier by chapter 261, laws of 1965. See printed as amended by chapter 534, laws of Preface, par. 6 (c) for printing rule in such cases. 1965, which did not reflect the changes made cases.

History: 1961 c. 114, 120, 222; 1963 c. 398, 564; 1965 c. 11, 261, 534.

40.71 State aids, miscellaneous provisions. (1) BIENNIAL AID ADJUSTMENT. Repealed.

(6) STATE SUPERINTENDENT MAY VARY AIDS.

(b) If the state superintendent is satisfied that the educational program of any union high school district meets the requirements of s. 40.67(1), (2)(d), (f), (g) 2 and 3 and that the district did levy a tax of 3 mills, or more in the year prior to that in which the aid is granted on the equalized valuation of the district for the year prior to the levy of such tax, the state superintendent shall grant in aids an amount equal to the required mill levy made by the district up to 10 mills on the amount by which the equalized valuation per resident pupil in average daily membership up to 25 resident pupils in average daily membership per teacher is less than \$72,000 in the year on which the aids paid in 1965-66 are based and \$75,000 in the year on which aids paid in 1966-67 and subsequent years are based, but not less than \$55 per resident pupil in average daily membership in the year on which the aids paid in 1965-66 are based and \$57 in the year on which the aids paid in 1966-67 and subsequent years are based up to 25 resident pupils in average daily membership per teacher. State aids shall be paid on account of nonresident union high school pupils at the rate of \$55 per nonresident in average daily membership in the year on which the aids paid in 1965-66 are based and \$57 in the year on which the aids paid in 1966-67 and subsequent years are based which \$55 shall be deducted from the nonresident tuition claims under s. 40.91 (4) and (5) in the year on which the aids paid in 1965-66 are based and \$57 in the year on which the aids paid in 1966-67 and subsequent years are based.

Revisor's Note: (6) (b) is printed as chapter 261, laws of 1965. See Preface, par. amended by chapter 534, laws of 1965, which 6 (c) for printing rule in such cases. did not reflect the changes made earlier by

History: 1961 c. 114, 306, 316, 510; 1963 c. 564; 1965 c. 163, 261, 433 s. 121; 1965 c. 534, 659.

40.803 City school board. (1) ELECTION, TERM, OATH, CHANGES.

(b) When a city school district or joint city school district desires to change the number of members of its board of education within the limits prescribed in s. 40.26 or

the manner of selecting them, or both, it may, in addition to the method specified in the introductory paragraph of this subsection, do so either by an ordinance adopted by the council and approved by a referendum vote of the electors of the city school district or joint city school district or by an initiated ordinance under s. 9.20 or by resolution adopted by the electors of such school district at a referendum election initiated by a petition signed by 300 electors of the district. Either of the following 2 plans may be adopted and the provisions thereof shall be set forth in the ordinance:

**Note:** Sub. (1) (b) (intro. par.) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1961 c. 23; 1965 c. 252, 666.

#### 40.87 High school board; election, terms, powers.

(2) The high school board shall conduct the affairs of the district on the general plan provided for common school districts, and shall possess, with respect to such high school district, all the powers exercised by and be charged with all the duties and liabilities imposed on the officers and board of the common school district. The treasurer shall give a like bond to be approved by the director and filed with the clerk. The clerk shall report to the state superintendent the facts required by s. 40.74, excepting sub. (1) (a).

**History:** 1965 c. 388, 625.

### CHAPTER 41. SPECIAL SCHOOLS.

#### 41.05 Trade schools.

##### (2) REFERENDUM.

(c) Such election shall be noticed and conducted and canvassed in accordance with the provisions of s. 7.15 (2) (d). All electors within the territory constituting such school district shall be entitled to vote.

(d) If any of said school district territory shall be beyond the limits of the city, the city clerk shall immediately upon the passage of the resolution or ordinance of the council, transmit a copy thereof to the clerk of the town or towns of which such territory is constituted. The clerks of the towns shall thereupon cause a notice of such election to be given, and such election shall be held and canvassed as provided in s. 8.06.

**Note:** Sub. (2) (c) and (d) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1965 c. 252, 666.

#### 41.155 Vocational, technical and adult education districts.

##### (3)

(b) The governing body of any municipality, county or school district operating a high school may request the state board to detach its territory from a district and attach it to another district. If the transfer is approved by the governing body of both districts involved, the state board may approve it. If the governing body of either district disapproves the transfer, the state board shall determine the case on its merits.

(4) Upon the creation of a vocational, technical and adult education district under this section all property, assets, claims, contracts, obligations, rights, duties and liabilities of any nature and kind relating and pertaining to the vocational and adult education schools operated in the territory of the district shall become properties, assets, claims, contracts, obligations, rights, duties and liabilities of such district; except as otherwise provided in sub. (4m).

(4m) (a) Upon the creation of a vocational, technical and adult education district under this section, all property, assets, claims, contracts, obligations, rights, duties and liabilities of any nature and kind relating and pertaining to any vocational and adult education school operated in any city or village located in the area included in such district shall remain the property, assets, claims, contracts, obligations, rights, duties and liabilities of such city or village, unless at the option of the governing body of such city or village, the whole or any portion thereof, is transferred to the district under an agreement between such city or village and the district as to the use, obligation and ownership thereof.

(b) The purchase price of such property, except as otherwise agreed upon under par. (a), shall be the fair market value as determined by an independent appraiser selected jointly by the governing bodies of the city or village and of the vocational, technical and adult education district, less any outstanding obligations against the property which shall be assumed by said district.

(c) A vocational, technical and adult education district in financing the purchase of property transferred to the district under this subsection may issue its bonds or promis-

sory notes under ch. 67 to pay the cost thereof including assumption of outstanding obligations.

(d) The city or village shall deposit the proceeds of the sale of vocational and adult education school property in the sinking fund or funds, if any, created for payment of existing vocational and adult education school obligations and the indebtedness of such city or village shall, for purposes of computing its legal debt limit, be deemed reduced by the amount of such deposit. The city or village may invest these sinking fund moneys under s. 66.04 (2) or 67.11 (2) and (3). Bonds and notes issued by vocational, technical and adult education districts for purposes of this subsection shall not be subject to referendum. The purchase agreement shall include an irrevocable clause providing that the district shall pay annually to the city or village a sum of money equal to the amount in which the interest received by the city or village upon investments authorized hereunder is less than the amount of interest paid by the city or village on the bonds of the city or village for vocational and adult education school purposes.

(e) The vocational, technical and adult education district purchasing property under this subsection may, with approval by the city council or village board involved, pay the purchase price by issuing and delivering directly to the city or village the general obligation promissory notes or notes of the district under the provisions, including an irrevocable tax levy, of s. 67.12 (12), except that no referendum shall be held and the 10-year limitation on such notes under s. 67.12 (12) shall be inapplicable to such notes issued under this paragraph. Such notes shall mature and be payable at such times, in such amounts and at such rate of interest as will amortize and pay when due the principal and interest on the outstanding obligations of the city or village for vocational and adult education school purposes. All such notes, upon execution and delivery to the city or village, shall in all respects be held and considered as an authorized investment under s. 66.04 (2) or 67.11 (2) and (3) of the sinking fund created for payment of the city or village obligations issued for vocational and adult education school purposes and shall be offset against city or village indebtedness in computing legal debt limit to the same extent as other authorized investments of the sinking fund and such notes may be sold and hypothecated. If the offset against city or village indebtedness under this paragraph is determined to be invalid in any respect, such city or village may immediately require the district issuing to such city or village promissory notes hereunder to comply with pars. (c) and (d) to the extent necessary to cure such invalidity.

**History:** 1963 c. 414; 1965 c. 20, 163, 292, 625, 653.

#### 41.16 Estimate for maintenance; tax.

(2) The municipality shall levy and collect and the clerk shall spread on the roll a tax which, together with the other funds provided for the same purpose, shall be equal to the amount so required by said local board, but such tax shall not exceed 3 mills on the dollar in cities of the 1st class, or 2 mills on the dollar in all other municipalities, except that when such tax will not produce sufficient revenue in any such other municipality, that municipality may by ordinance provide that such tax shall not exceed 2 mills on the last equalized valuation on the taxable property in the municipality.

**History:** 1963 c. 6, 414; 1965 c. 627.

#### 41.44 State aid to county teachers colleges.

(1m) If it appears from an actual inspection by direction of the state superintendent that the work of such county teachers college has been efficient, and that the college has been devoted exclusively to the training of teachers, the state superintendent shall certify, in favor of the county operating such teachers college, the amount of the salary paid to each teacher and president but not to exceed an amount to which such teacher or president is entitled under a salary schedule for teachers and presidents of county teachers colleges to be adopted and promulgated by him. The salary schedule shall provide for a salary range of from \$5,000 to \$7,800 per year, varying with length of service and professional training.

**History:** 1965 c. 433 s. 121; 1965 c. 632.

## CHAPTER 42. TEACHERS' AND STATE EMPLOYEES' RETIREMENT ACTS.

### 42.243 Variable annuities.

(5) EARNINGS—APPORTIONMENT AND CREDITING.

(c) *Crediting.* Earnings will be credited to the individual accounts in the retirement deposit fund only on amounts which have been on deposit for the full year except that, whenever a member's deposit accumulation, or state deposit accumulation, or both, are to be paid out in a single sum as a death benefit pursuant to sub. (7)(d) or

s. 42.50, or are transferred to the annuity reserve fund pursuant to s. 42.48, interest shall be credited to the amount to be so paid out or transferred for each 3-month period which has elapsed since the preceding June 30 at one-fourth of the rate at which earnings were apportioned on such June 30. The interest so credited shall be charged to the earnings for the current fiscal year and shall be paid out or transferred with the amount to which it was so credited. Earnings credited pursuant to this paragraph shall be excluded from the determination of the excess or deficiency resulting from participation in the variable annuity division as required by s. 42.245 (2) (b) 1 or (d) 4.

(7) BENEFITS.

(g) *Annuities.*

6. The first payment of an annuity under this paragraph shall not be made before the 50th birthday anniversary of the member unless he has qualified for a disability annuity under s. 42.242 (4), 42.245 (3) or 42.49 (9).

**History:** 1961 c. 150, 194, 422; 1963 c. 235, 357; 1965 c. 250, 482, 581.

**42.244 Creation of formula group; election by members.** (1) There is created as of September 11, 1965, as a part of the system a formula group, to be composed of: (a) Any combined group or separate group member, except any member who on September 11, 1965, is a member receiving an annuity or a member whose annuity is being withheld pursuant to s. 42.242 (6) or 42.49 (13), who at any time on and after September 11, 1965, but prior to December 1, 1965, is employed as a teacher in Wisconsin teaching and makes a required deposit pursuant to s. 42.40, and who elects in accordance with this section to become a member of the formula group; (b) any combined group or separate group member who on September 11, 1965, is on authorized leave of absence, and who elects in accordance with this section to become a member of the formula group, but no such election shall be effective unless and until such member resumes employment as a teacher in Wisconsin teaching concurrently with the termination of such leave of absence; (c) any member who is a member of the system on September 11, 1965, but who is not eligible for an election under (a) or (b), who prior to July 1, 1966, or, who within 90 days from the last day of the month in which he is first employed as a teacher in Wisconsin teaching after September 11, 1965, elects in accordance with this section to become a member of the formula group, but his participation as a member of the formula group shall not include or relate to any benefit, compensation or employment for any period prior to July 1, 1966; and (d) any person who becomes a member of the system after November 30, 1965. For purposes of s. 66.99 each member of the formula group shall also be classified as a member of the combined group or of the separate group, as determined pursuant to s. 42.241; such classification shall also be applicable with respect to any benefit, compensation or employment which is not includable for formula group purposes.

**History:** 1965 c. 250, 407, 581.

**42.245 Benefits under the formula group.**

(1) CREDITABLE SERVICE. (a) Creditable service shall be expressed in years and such fractions thereof as the board determines. The creditable service of each member any time prior to July 1, 1966, shall be the number of years of service as a teacher in Wisconsin teaching (including prior service) theretofore creditable to him pursuant to the applicable statutes and rules, provided that military service meeting the requirements of s. 42.45 (3) shall be included for any such period for which the member makes deposits as provided by s. 42.45 (4). The creditable service of a member with respect to teaching after June 30, 1966, shall be the number of years of subsequent service as a teacher in Wisconsin teaching until such service as a teacher is terminated, but not including any period subsequent to the June 30 following or coincident with his 70th birthday. The board shall fix and determine by proper rules and regulations how much teaching in any year is equivalent to one year of creditable service. Military service after June 30, 1966, shall be creditable on the same basis as military service prior thereto.

(2) RETIREMENT ANNUITIES.

(d)

4. An amount equal to the excess, if any, of a) the accumulation from the required deposits of the member over b) the accumulation therefrom which would have resulted if the accumulation therefrom in the variable annuity division at June 30, 1966, had been transferred to, and all subsequent deposits had been made in, the fixed annuity division. If a) is less than b), the accumulation under either subd. 2 or 3 shall be reduced by the amount of such deficiency.

(h) Notwithstanding the provisions of s. 42.244, an election to become a member of the formula group may be made at any time prior to July 1, 1966, by any member who

made a required deposit pursuant to s. 42.40 based on teaching service in the month of May or June, 1965, who was not eligible to make an election to participate in the formula group pursuant to s. 42.244 (1)(a), (b) or (c) or who did not become a member of the formula group pursuant to s. 42.244 (1)(d), and who had not received an annuity at any time prior to May 1, 1965. Any member so electing shall be subject to all provisions applicable to members of the formula group, including the right to have his retirement annuity adjusted in accordance with par. (g), any provision thereof to the contrary notwithstanding.

(3) **DISABILITY ANNUITIES.**

(b)

2. The lesser of the following amounts: 50% of the final average compensation, or 1½% of the final average compensation multiplied by the number of years of creditable service, including in the latter assumed service between the date the disability occurred and the 65th birthday of the member. Whenever the annuitant becomes eligible for disability benefits or for old-age benefits as a retired worker under the federal old-age and survivors insurance system, the amount of his disability annuity, other than any amount attributable to his additional deposits, shall be reduced by 20% of the amount thereof, but in no event shall such reduction lower the disability annuity below that which could have been provided under subd. 1. Such reduction shall be effective with the annuity payment for the 8th month after the annuity begins except during such period as the disability annuitant furnishes evidence to the fund that he is not eligible for benefits from the federal old-age and survivors insurance system. Any annuity payable under this paragraph shall not be subject to optional modification. All available required deposit accumulations, state deposit accumulations and state contributions shall be applied to the cost of any annuity provided under this paragraph.

3. In addition to a disability annuity a member may elect to receive his additional deposits in the fixed annuity division in a lump sum or in the form of an annuity in any of the optional forms set forth in s. 42.49 (2)(a) to (e), but additional deposits in the variable annuity division may be received only in the form of an annuity in any of the optional forms set forth in s. 42.243 (7)(g).

**History:** 1965 c. 242, 250, 407, 581.

**42.40 Required deposits.**

(6) Effective July 1, 1966, each member of the formula group shall make a deposit in the retirement deposit fund equal to 4½% of all compensation received for teaching service performed by such teacher which is subject to contributions under s. 66.99, plus 7% of such compensation not subject to such contributions, but no deposit shall be required with respect to compensation for teaching service subsequent to the June 30 following or coincident with the 70th birthday of any such member; but each member of the formula group who performs services in connection with an activity carried on co-operatively by the federal government and the state or any political subdivision thereof, which services have been determined not to be subject to s. 66.99, shall for purposes of this subdivision and s. 42.20 (17) be deemed to be subject to s. 66.99 with respect to such services.

**History:** 1965 c. 250, 482, 581.

**42.46 Maintaining status of funds.**

(3)

(a) The accrued liability shall be determined as of June 30, 1966, as the then present value of all future benefits to or for the then members of the formula group of each retirement association to be paid or purchased from the state accumulation fund, less the present value of a percentage of the prospective future compensation of such members, and less the amount then credited to the state accumulation fund for the benefit of the members of the respective associations. The percentage referred to in the preceding sentence shall be determined as the uniform percentage of the compensation of all such members of each retirement association which if contributed throughout the entire period of the employment of each as a teacher in Wisconsin teaching would be sufficient to provide for all benefits to be paid or purchased on their behalf from the state accumulation fund. The accrued liability contribution shall be the uniform annual amount required to liquidate the accrued liability within 40 years from July 1, 1966.

(b) The normal contribution rate for any fiscal year commencing after June 30, 1965, shall be the uniform percentage of the compensation of all members of the formula group of each retirement association determined as of the first day of such fiscal year by deducting from the then present value of all future benefits to be paid or purchased from the state accumulation fund on behalf of the then members of the formula group of each retirement association, the amount then credited to said fund for the benefit of

the members of the respective associations and the present value of future accrued liability contributions of the members of the respective association, and dividing the remainder by the present value of the prospective future compensation of all such members.

**History:** 1965 c. 250, 564.

**42.475 Interest on withdrawals and transfers.** Whenever a member's deposit accumulation, state deposit accumulation or an amount in the state accumulation fund is to be paid out as a death benefit pursuant to s. 42.50, or is transferred to the annuity reserve fund pursuant to s. 42.48, interest shall be credited to the amount to be so paid out or transferred for each 3-month period which has elapsed since the preceding June 30 at one-fourth of the rate at which earnings were apportioned on such June 30. The interest so credited shall be charged to the earnings for the current fiscal year and shall be paid out or transferred with the amount to which it was so credited. Interest credited pursuant to this section shall be excluded from the determination of the excess or deficiency resulting from participation in the variable annuity division as required by s. 42.245 (2) (b) 1 or (d) 4.

**History:** 1965 c. 250, 581.

**42.50 Death benefits, how paid.**

(5) Upon the death of a member of the formula group receiving a disability annuity under s. 42.245, a death benefit shall be payable to his beneficiary in the amount of the excess, if any, of the accumulations from member required deposits applied to provide the annuity over the aggregate amount of disability annuity payments received by the member. If the beneficiary or beneficiaries to whom a death benefit is payable is or are a wife, minor child, or dependent husband designated as beneficiary on the date the disability annuity was approved, the death benefit shall not be less than:

(b) If such death occurs on or after the 65th birthday of the member, the excess, if any, of the accumulations from member required deposits applied to provide the annuity over the aggregate amount of disability annuity payments received by the member after his 65th birthday.

**History:** 1965 c. 250, 482, 581.

**42.52 Exemption of benefits from process; waiver of benefits.** The benefits payable to, or other right and interest of any member, beneficiary or distributee of any estate under any provision of the state teachers retirement law shall be exempt from any tax levied by the state or any subdivision thereof, and exempt from levy and sale, garnishment, attachment or any other process whatsoever, and shall be unassignable except as specifically provided herein. An annuitant may, however, direct the board to deduct premiums for group insurance carried under s. 66.919 and to pay such moneys into the general fund to the credit of s. 20.408 (41). Any member, beneficiary or distributee of any estate under any provision of the state teachers retirement law may waive, absolutely and without right of reconsideration or recovery, the right to, or the payment of all or any portion of, any benefit payable or to become payable under any provision of the state teachers retirement law. The exemption from taxation contained herein shall not apply with respect to any tax on income.

**History:** 1963 c. 267; 1965 c. 433, 605.

**Note:** This section is printed as amended by chapter 605, laws of 1965. An earlier amendment by chapter 433, laws of 1965, is not included. See the printing rule stated in the Preface, section 6 (c).

CHAPTER 43. LIBRARIES, MUSEUMS, CIVIC AND COMMUNITY CENTRES,  
AND SPECIAL USES OF MUNICIPAL BUILDINGS.

**43.12 Public library certifications.**

(4)

(d) Grade 4: Requiring high school graduation, and including such additional requirements as shall satisfy the director that the applicant is able to do successful library work in the position to which such library certificate makes such applicant eligible.

**History:** 1965 c. 18 s. 9; 1965 c. 150 ss. 10, 23; 1965 c. 625.

**43.14 Depositories of public documents.** The director shall ascertain which public libraries in this state, including the libraries of public or private colleges, can suitably care for and advantageously use copies of the public documents printed at the expense of this state including printing under ss. 35.28 and 35.29. The director shall designate such libraries as depositories of state documents. The director shall furnish lists of such depositories to the department of administration, to govern the distribution

under s. 35.85 (2) (b). Such lists shall show, for each depository library, the number of copies of each printed state document it is to receive.

**History:** 1965 c. 18, 150, 455, 625.

**43.26 Library board, constitution.** (1) Each such library shall be administered by a library board composed in each city of the 2nd or 3rd class of 9 appointive members, in each city of the 4th class or county of 7 appointive members, and in each village or town of 5 appointive members, who shall be citizens of the municipality except that not more than 2 appointive members thereof may be citizens of towns adjacent to such municipality, of either sex, appointed by the mayor, county chairman, village president, or town chairman, respectively, with the approval of the municipal governing body. Upon their first appointment such members shall be divided as follows: the 9-member committee into 3 equal classes, to serve 1, 2 and 3 years respectively, the 7-member committee into 3 classes, 3 to serve for 3 years, 2 to serve for 2 years and 2 to serve for one year; the 5-member committee into 3 classes, 2 to serve for 3 years, 2 to serve for 2 years and one to serve for one year, from July 1 in the year of their appointment in the case of towns, cities and villages and from January 1 following their appointment in the case of counties, and thereafter each regular appointment shall be for a term of 3 years. The appointing authority shall appoint as one of the members enumerated above, one school administrator, or his representative, to represent the public school district or districts in which the public library is located. Not more than one member of the council or county, village or town board shall at any one time be a member of the library board. No compensation shall be paid to the members of any municipal library board for their services as such but they may be reimbursed for their actual and necessary expenses incurred in performing duties outside the municipality if so authorized by the board.

**History:** 1963 c. 128; 1965 c. 557.

**43.28 Acquisition of library property.**

(5) If a gift be offered to any county, city, village or town for a public library or a library building in consideration thereof such municipality may obligate itself, by an ordinance adopted by a two-thirds vote, to levy and collect an annual tax for the support and maintenance of such library or building of not to exceed 15% of such gift, and if such gift be accepted such obligation shall not be repealed. Such ordinance shall be subject to the referendum provided for in s. 9.20. In the case of any such gift for a library building, the library board of directors of such municipality shall have the exclusive right to select and contract for the purchase of a site therefor, at a cost of not to exceed one-third of such gift. Such board of directors shall report forthwith to such city council or county, village or town board the amount required to pay for such site, and the council or county, village or town board shall thereupon by resolution, include such sum in the next succeeding annual tax levy, or provide for an issue of bonds in the required amount.

**Note:** Sub. (5) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1965 c. 18 s. 10; 1965 c. 150 s. 22; 1965 c. 666.

**CHAPTER 45. VETERANS' AFFAIRS, BENEFITS AND MEMORIALS.**

**45.16 Burial allowance.** Each county veterans service officer shall cause to be interred in a decent and respectable manner in any cemetery in this state, other than those used exclusively for the burial of paupers, the body of any person who served in any war of the United States, in the Korean conflict, under section 1 of executive order 10957, dated August 10, 1961, or had service which entitled him to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the Viet Nam service medal established by executive order 11231 on July 8, 1965, and who was discharged under honorable conditions therefrom after 90 days or more of active service, in the U.S. armed forces, or if having served less than 90 days was honorably discharged for disability incurred in line of duty and who was living in such county at the time of his death, and who dies not leaving sufficient means to defray the necessary expenses of a decent burial, or under financial circumstances which would distress his family to pay the expenses of such burial, and the body of a wife or widow of any such person who dies not leaving such means or under the same financial circumstances and who was living in such county at the time of her death, at an expense to the county of not more than \$150 in addition to the burial allowance payable under laws administered by the veterans administration.

**History:** 1963 c. 326; 1965 c. 648.



**45.35 Wisconsin department of veterans' affairs.**

(5a) "Veteran" as used in this chapter, except in s. 45.37 and unless otherwise modified, means any person who served on active duty under honorable conditions in the U.S. armed forces which service entitled him to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the Viet Nam service medal established by executive order 11231 on July 8, 1965, or for 90 days or more during a war period as enumerated below or under section 1 of executive order 10957, dated August 10, 1961, or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service-connected, who has been a resident of this state for at least 10 years next preceding his application or was a resident of this state at the time of his enlistment or induction into service and is a resident of and living in this state at the time of making application. If the service was in more than one wartime period, service in one entire period must have been under honorable conditions or have been terminated by an honorable discharge. The benefits available to veterans shall also be made available to the unremarried widows, widowers and children of persons who were residents of the state at the time of their enlistment or induction into service, who served on active duty under honorable conditions in the U.S. armed forces and who were officially reported missing in action, killed in action or who died in service during a wartime period.

(5c) Repealed.

**History:** 1961 c. 34, 513, 660; 1963 c. 326, 453, 463; 1965 c. 292 s. 11 (3); 1965 c. 295, 433 s. 121; 1965 c. 610, 648.

**45.352 Veterans' housing loans.**

(8) The board shall make such necessary rules and regulations, not inconsistent with law, for the effective and efficient administration of the department's powers, duties and functions under this chapter. Such rules shall be expressly subject to the authority of the committee for review of administrative rules created by s. 13.83 (5).

**History:** 1961 c. 513; 1963 c. 6, 326; 1965 c. 293, 295, 433 s. 121; 1965 c. 659.

**45.37 Who are eligible to membership.**

(1a) DEFINITION OF VETERAN. "Veteran" as used in this section means any person who served on active duty under honorable conditions in the U.S. armed forces who was entitled to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the Viet Nam service medal established by executive order 11231 on July 8, 1965, or for at least one day during a war period, as defined in s. 45.35 (5a) (a) to (g) or under section 1 of executive order 10957, dated August 10, 1961, and who was officially reported missing in action, killed in action or who died in service, or who was discharged under honorable conditions therefrom after 90 days or more of active service, or if having served less than 90 days was honorably discharged for a service-connected disability or for a disability subsequently adjudicated to have been service connected, or who died as a result of service-connected disability.

**History:** 1961 c. 136, 364, 448, 516, 622; 1963 c. 326; 1965 c. 295, 433 s. 121; 1965 c. 648.

**45.396 Courses for World War II and Korean conflict veterans.** Any veteran upon the completion of any correspondence courses or part-time classroom study from the university of Wisconsin, the university of Wisconsin extension division, or any state college or its extension division or from any school of vocational, technical and adult education as established under s. 41.15 receiving aids from the state board of vocational, technical and adult education, taken upon authorization of the Wisconsin department of veterans affairs, may be reimbursed for the cost of such courses, including necessary textbooks, by the department upon presentation to the department of a certificate from the school indicating that he has completed the courses and stating the cost of such courses and necessary textbooks. Benefits granted under this section shall be paid out of the appropriation under s. 20.840 (2) (um).

**History:** 1961 c. 513; 1963 c. 326; 1965 c. 293, 433 s. 121; 1965 c. 610, 648.

**45.42 Burial places compiled.** (1) The Wisconsin department of veterans affairs shall compile a record of the burial places within the state of persons who served in the U.S. armed forces under honorable conditions in time of war as defined in s. 45.35 (5a) (a) to (g), or under section 1 of executive order 10957, dated August 10, 1961, or whose service entitled them to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the Viet Nam service medal established by executive order 11231 on July 8, 1965. Such record, so far as practicable, shall indicate the name of each such person; the service in which he was engaged; the appropriate designation of his armed forces unit; the rank and period of service; the name and location of the cemetery or other place in which his body is interred; the loca-

tion of the grave in such cemetery or other place; and the character of headstone or other marker, if any, at such grave.

(2) The department shall have blank forms prepared whereby the information required for such record may be transmitted to it. The county veterans service officer within whose county any cemetery or burial place is located in which are interred the bodies of persons who served in the U.S. armed forces in time of war as defined in s. 45.35 (5a)(a) to (g) or under section 1 of executive order 10957, dated August 10, 1961, or whose service entitled them to receive either the armed forces expeditionary medal, established by executive order 10977 on December 4, 1961, or the Viet Nam service medal established by executive order 11231 on July 8, 1965, shall file with the department a certificate on the forms provided by it of the facts required for such record, so far as the same are within the knowledge of such county veterans service officers. The department shall cause blank certificates to be distributed to such county veterans service officers as it deems advisable, with a request that such information be transmitted to it.

**History:** 1963 c. 326; 1965 c. 648.

#### CHAPTER 46. PUBLIC WELFARE.

**46.015 Department divisions.** The department shall be organized to include a deputy director and the following divisions: mental hygiene, corrections, children and youth, public assistance and business management. The director may, with the approval of the board, allocate and reallocate departmental functions and institutions among these divisions and combine and create divisions as necessary for effective administration of the department.

**History:** 1965 c. 590.

**46.018 Disbursement of funds and facsimile signatures.** Withdrawal or disbursement of moneys deposited in a public depository, as defined in s. 34.01 (2), to the credit of the department or any of its divisions or agencies shall be by check signed by the director or by one or more persons in the department designated by written authorization of the director; such checks to be signed personally or by use of a mechanical device adopted by the director or his designees for affixing a facsimile signature. Any public depository shall be fully warranted and protected in making payment on any check bearing such facsimile signature notwithstanding that the same may have been placed thereon without the authority of the director or his designees.

**History:** 1965 c. 555.

**46.064 Allowances to inmates.** The department may allow as pay to inmates at its institutions not to exceed 10 cents per day and not to exceed 50 cents per calendar week for employment to be paid from the appropriation made by s. 20.670 (2)(a). The department shall prescribe the amount of pay and such reasonable hours, health and other conditions as shall be observed in connection with the employment. This section shall not affect any other statutory provision providing for pay to inmates nor shall these provisions act as a limitation on wages paid inmates at the state prisons or to juveniles transferred to a forestry or conservation camp organized under s. 48.52 (1)(d).

**History:** 1961 c. 365; 1965 c. 625.

#### **46.18 Trustees of county institutions.**

(13) **BUILDING RESERVE FUND.** The county board shall maintain as a segregated cash reserve the 2% charge authorized by s. 16.58 (8). It may from time to time appropriate from such reserve sums to be expended solely for the enlargement, modernization or replacement of such infirmary and its equipment.

**History:** 1965 c. 39, 154, 659.

#### **46.20 Joint county institutions.**

(7)  
(b) The board of trustees shall maintain as a segregated cash reserve the 2% charge authorized by s. 16.58 (8). It may from time to time appropriate from such reserve sums to be expended solely for the enlargement, modernization or replacement of such infirmary and its equipment.

**History:** 1965 c. 39, 659.

#### **46.22 County public welfare department.**

(4)  
(c) To administer old-age assistance under ss. 49.20 to 49.37.

**History:** 1963 c. 265; 1965 c. 590 s. 24 (1).

## CHAPTER 48. CHILDREN'S CODE.

**48.06 Services for court.**

(3) STATE AND FEDERAL AID. Regardless of the form of court service adopted by any county under this section or s. 48.56, the same state and federal aid shall be paid to each county as if such court services were integrated in the county public welfare department. Such state aid shall be administered and prorated in the same manner as other aids under s. 49.52, as though such co-operative services were requested by the state department of public welfare.

**History:** 1965 c. 462, 590.

**48.55 Liability of counties.** The county of legal settlement shall be liable for the cost of care of children in legal custody of the department, except for children in homes which do not receive board payments. The charge for children placed in licensed child-caring institutions by the department for which payments are made shall be one-half of the average licensed child-caring institution costs excluding administration. The charge for all other children in the legal custody of the department shall be one-half of the average costs, excluding administration, for children placed in foster homes by the department and for which board payments are made. These charges shall be adjusted in accordance with s. 46.106.

**History:** 1965 c. 604.

## CHAPTER 49. PUBLIC ASSISTANCE.

**49.046 Relief to needy Indians.** From the appropriation made in s. 20.670(3)(e) and (o) the department may grant relief to needy Indians not eligible for aid under ss. 49.18, 49.19, 49.20 to 49.37, 49.46 or 49.47, or 49.61 and residing on tax-free lands or may appoint the welfare agency in the county or municipality wherein such needy Indians reside to administer such relief. Any such agency so appointed shall make such reports as are required and such accounting for funds as are made available under this section. The department shall adopt and publish suitable rules and regulations governing eligibility for the amount of and the furnishing and paying of relief under this section. The department may enter into suitable agreements with any appropriate agency of the federal government for provision of relief to needy Indians. The sums appropriated in s. 20.670(3)(e) and (o) for the purposes of this section shall not become available until released by the board on government operations. Such sums shall be made available by the board on government operations at such times and in such amounts as the board may determine to be necessary to adequately provide for the purposes for which they are appropriated, with due regard for the whole amount available for such purposes. If the provision relating to release by the board on government operations is invalid, the appropriation in s. 20.670(3)(e) and (o) shall not be invalidated but shall be considered to be made without any condition as to time or manner of release.

**History:** 1965 c. 433 s. 121; 1965 c. 590 s. 24 (1), (3).

**49.05 Work relief.**

(8)(a) For the purpose of conserving and developing work skills through community work and training programs of a constructive nature, the department may authorize work and training projects which are designed to provide opportunity for employable recipients of aid to dependent children who have attained the age of 18 to perform work for any public agency. The department shall reimburse county welfare departments pursuant to s. 49.52(1) and (2) for payments made by such county welfare departments to recipients of aid to dependent children for work performed under this section, but it shall not make reimbursement for any equipment, materials, supplies or supervision of such work and training projects. The department through its supervision shall ascertain:

1. That appropriate standards for the health, safety and other work conditions on the job are established and maintained.
2. That the rate of pay for such work is not less than exists for similar work in the community.
3. That such projects serve a public purpose, do not supplant any regular workers or employes of the state or public agency, except emergencies or nonrecurring projects, and are of a type not normally performed in the past by the state or public agencies.
4. That the workers will be covered by workmen's compensation.

(b) The department may make any necessary rules in relation to the administration

of work relief and retraining projects as are necessary to carry out the purposes of the employment and retraining of unemployed recipients of aid to dependent children.

**History:** 1965 c. 590.

**49.08 Recovery from dependents; property in joint tenancy** (1) If any person at the time of receiving relief under this chapter or as an inmate of any county or municipal institution in which the state is not chargeable with all or a part of the inmate's maintenance or as a tuberculosis patient provided for in ch. 50 and s. 58.06(2), or at any time thereafter, is the owner of property, the authorities charged with the care of the dependent, or the board in charge of the institution, may sue for the value of the relief from such person or his estate; but except as hereinafter provided the 10-year statute of limitations may be pleaded in defense in any such action to recover relief. Where the relief recipient is deceased, a claim may be filed against his estate and the statute of limitations specified in s. 313.08 shall be exclusively applicable. The court may refuse to render judgment or allow the claim in any case where a parent, wife or child is dependent on such property for support, provided that the court in rendering judgment shall take into account the current family budget requirement as fixed by the United States department of labor for such community or as fixed by the authorities of such community in charge of public assistance. The records kept by the municipality or institution are prima facie evidence of the value of the relief furnished. This section shall not apply to any person who receives care for pulmonary tuberculosis as provided in s. 50.04.

**History:** 1965 c. 663.

**49.173 County infirmaries; cost of treatment, care and maintenance of patients.**

(4) Beginning with the fiscal year ending June 30, 1952, the records and accounts of each county infirmary shall be audited annually. Such audits shall be made by the department of administration as provided in s. 16.58 (4) and (5) as soon as practicable following the close of the infirmary's fiscal year. In addition to other findings, such audits shall ascertain compliance with the mandatory uniform cost record-keeping system requirements of s. 46.18 (8), (9) and (10), and verify the actual per capita cost of maintenance, care and treatment of patients. Any resulting adjustments to settlements already made under ss. 49.173 and 46.106 shall be carried into the next such settlement.

**History:** 1965 c. 659.

**49.18 Aid to the blind.** (1)(a) Any needy person who is blind shall receive aid from the county of his residence as provided in this section. The amount granted shall be determined on the basis of need taking into consideration all income and resources as well as ordinary and special expenses incidental to blindness, except that the first \$85 plus one-half of the excess over \$85 of payments made to or on behalf of any person for or with respect to any month under Title I or II of the federal economic opportunity act of 1964 or such payment made to or in behalf of any person and any excess remaining after this exclusion shall be considered as income for any other individual only to the extent made available to or for the benefit of such other individual and except that as permitted or required for federal aid in making such determination of need, the first \$85 per month of earned income together with one-half of any earned income in excess of the first \$85 shall be disregarded in determining such amount. Any amount of earned income so disregarded in determining the amount of aid to the blind a recipient of such aid is eligible for; shall not be taken into consideration in determining the need of any other individual for aid to the blind, old-age assistance, aid to dependent children or aid to totally and permanently disabled persons. Under a plan approved by the department a recipient may during a period not in excess of 12 months accumulate additional amounts of other income and resources for the purpose of achieving self-support through self-activity as set out in the approved plan.

(b) For the purposes of this section, the term "aid to the blind" means money payments to, or medical care in behalf of or any type of remedial care recognized under this section or s. 49.46 in behalf of blind individuals who are needy, but does not include any such payments to or care in behalf of any individual who is an inmate of a public institution (except as a patient in a medical institution) or any individual who is a patient in an institution for tuberculosis or mental diseases. Beginning July 1, 1953, no payment of aid to the blind shall be made to any individual in a private or public institution unless a standard-setting authority has been designated or established which shall be responsible for establishing and maintaining standards for such institution. Such individuals shall not be barred from receiving general aid under ss. 49.02 and 49.03. Aid to the blind shall also be granted to blind dependent persons residing voluntarily in county or city homes and the department shall make claim for federal reimbursement

therefor when federal funds are made available for that purpose and pay the same to the county.

(8) No aid to the blind shall be payable under this section to any person for any period with respect to which he is receiving aid to dependent children under s. 49.19, old-age assistance under ss. 49.20 to 49.37 or aid to totally and permanently disabled persons under s. 49.61.

(10) Repealed.

**History:** 1961 c. 462, 524, 543, 578; 1963 c. 170; 1965 c. 78, 138, 433 ss. 67, 121; 1965 c. 590.

**49.19 Aid to dependent children.** (1)(a) A "dependent child" as used in this section means a child under the age of 18, who has been deprived of parental support or care by reason of the death, continued absence from the home or incapacity of a parent, or the financial inability of his parent or parents to support him due to the unemployment of such parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousins, nephews or nieces in a residence maintained by one or more such relatives as his or their own home, or living in a residence maintained by one or more of such relatives as his or their own home because the parents of said child have been found unfit to have its care and custody, or who is living in a foster home having a license under s. 48.62, when a license is required under such section, or a child-caring institution licensed under s. 48.60 and placed in such home or institution by a county agency pursuant to ch. 48.

(c) "Aid to dependent children" means money payments with respect to, or medical care in behalf of or any type of remedial care recognized under subs. (1) to (10) or s. 49.46 or necessary burial expenses as defined in sub. (5) in behalf of, a dependent child or dependent children including such aid to meet the needs of the relative with whom any dependent child is living and the spouse of such relative if living with him and if such relative is the child's parent and the child is a dependent child by reason of the physical or mental incapacity of a parent or payments made to another individual not a relative enumerated under par. (a), pursuant to federal regulations, when such individual has been appointed by a court of competent jurisdiction as a legal representative of the dependent child or when such individual who may be a caseworker has been designated by the county welfare department to receive payment of the aid or cash payments to recipients who are engaged in an approved work relief or training project.

(4)

(d) Aid may be granted to the mother or stepmother of a dependent child only if she:

1. Is without a husband; or
2. Is the wife of a husband who is incapacitated for gainful work by mental or physical disability; or
3. Is the wife of a husband who has been sentenced to a penal institution; or
4. Is the wife of a husband who has been committed to the department pursuant to s. 959.15, irrespective of the probable period of such commitment; or
5. Is the wife of a husband who has continuously abandoned or failed to support her, if the husband has been legally charged with abandonment under s. 52.05 or with failure to support under s. 52.055 or in proceedings commenced under s. 52.10 (1) to (31); or
6. Has been divorced or legally separated from her husband and is unable through use of the provisions of law to compel her former husband to adequately support the child for whom aid is sought; or
7. Has commenced an action for divorce or legal separation and obtained a temporary order for support under s. 247.23 which order is either insufficient to adequately meet the needs of the child or cannot be enforced through the provisions of law; or
8. Has obtained an order under s. 247.08 from the court to compel support, which order is either insufficient to adequately meet the needs of the child or cannot be enforced through the provisions of law; or
9. Is incapacitated and the county agency believes she is the proper payee.

(dm) Aid may be paid to parents of a dependent child if the parents are unable to supply the needs of the child because of unemployment of the parent or parents if the parent or parents have been in the labor market sometime during the 12-month period prior to application but are not currently gainfully employed. Parents are not included if they have been self-employed or unless they are working fewer hours than is customary with those employed in their industry. No benefits shall be paid until a parent has been unemployed for 2 weeks. Aid to dependent children of unemployed parents may be granted only so long as federal aid for this purpose is available to the

state. No aid shall be granted when the unemployed parent, without good cause, refuses to:

1. Apply for work when referred by the state employment service;
2. Accept work if offered;
3. Accept vocational retraining;
4. Participate in a public work project, but such parent shall be given reasonable opportunity to seek regular private employment.

(5) The aid shall be sufficient to enable the person having the care and custody of such children to care properly for them. The amount granted shall be determined by a budget for the family in which all income except under s. 49.18 (1) (a) as well as expenses shall be considered, except that the first \$85 plus one-half of the excess over \$85 of payments made to or on behalf of any person for or with respect to any month under Title I or II of the federal economic opportunity act of 1964 or such payment made to or in behalf of any person and any excess remaining after this exclusion shall be considered as income for any other individual only to the extent made available to or for the benefit of such other individual, and except of the first \$80 of earned income of each dependent child under the age of 18 the first \$20 shall be disregarded together with one-half of the remaining \$60 per month but the total so disregarded shall not exceed \$150 per month for earned income of children in the same home. Such family budget shall be based on a standard budget, including the parents or other person who may be found eligible to receive aid under this section. Medical and dental aid may be granted to a minor child, to the person having his care and custody, and to the incapacitated father when he is in the home, as necessary. The aid allowed under this subsection may be given in the form of supplies or commodities or vouchers for the same, in lieu of money, as a type of remedial care authorized under sub. (1) (c), whenever the giving of aid in such form is deemed advisable by the county welfare director dispensing such aid as a means either of attempting to rehabilitate a particular person having the care and custody of any such children or of preventing the misuse or mismanagement by such person of aid in the form of money payments. Not to exceed \$200 shall be allowed to cover the funeral and burial expenses of a dependent child or its parents, exclusive of and in addition to the actual cemetery charges which shall also be paid by the county responsible for the burial of the recipient. No aid shall continue longer than one year without reinvestigation. This subsection does not prohibit such public assistance as may legitimately accrue directly to persons other than the beneficiaries of this section who may reside in the same household.

(8) Repealed.

(10) (a) Aid under this section may also be granted to a nonrelative who cares for a child dependent upon the public for proper support in a foster home having a license under s. 48.62, regardless of the cause or prospective period of dependency. The state shall reimburse any county for one-half of the amount of aid granted under this subsection except that if the child does not have legal settlement in the granting county, state reimbursement shall be at 100%. The county agency shall determine the legal settlement of the child. The county treasurer and the county agency administrator shall certify monthly in the manner provided in s. 49.52 to the department the claim of the county for state reimbursement under this subsection, setting forth the entire amount granted by the county under this subsection. If the department is satisfied that the aid was granted under this subsection it shall certify to the department of administration for payment to the county one-half of such entire amount from the appropriation for state aid made under s. 20.670 (3) (d) and if there is federal reimbursement for such aid then such certification shall also include for payment to the county the amount allowed as federal aid to be paid out of the appropriation made by s. 20.670 (3) (o). A child under one year of age shall be eligible for aid under this subsection irrespective of any other residence requirement for eligibility within this section.

(b) Aid under this section may also be granted on behalf of a child in the legal custody of a county agency providing child welfare services when such child is placed in a licensed child-caring institution by such county agency. Reimbursement shall be made by the state pursuant to par. (a).

(c) Reimbursement under par. (a) may also be paid to the county when the child is placed in a licensed foster home or child-caring institution by a licensed child welfare agency, if the child is in the legal custody of the county agency providing child welfare services and the placement is made pursuant to an agreement with the county agency.

**History:** 1961 c. 379, 462, 505, 576; 1963 c. 412; 1965 c. 138, 157, 361, 433 ss. 68, 121; 1965 c. 450, 590, 602 s. 4; 1965 c. 604, 625.

**49.20 County old-age assistance.** (1) For the more humane care of aged, dependent persons a state system of old-age assistance is hereby established. Such system of

old-age assistance shall be administered in each county by the county agency, under the supervision of the state department of public welfare. The cost of old-age assistance shall in the first instance be borne by the county, but the county shall be entitled to state and federal aid as provided in s. 49.52.

(2) The term "old-age assistance" means money payments to or medical care in behalf of or any type of remedial care recognized under ss. 49.20 to 49.38 or s. 49.46 in behalf of needy individuals who are 65 years of age or older (or 60 years or older in the event of the change in the federal law as provided in s. 49.22 (1) ) but does not include any such payments or care in behalf of any individual who is an inmate of a public institution (except as a patient in a medical institution) or any individual who is a patient in an institution for tuberculosis. Beginning July 1, 1953, no payment of old-age assistance shall be made to any individual in a private or public institution unless a standard-setting authority has been designated or established which shall be responsible for establishing and maintaining standards for such institutions. Such individuals shall not be barred from receiving general aid under ss. 49.02 and 49.03. Old-age assistance shall also be granted to aged dependent persons residing voluntarily in county or city homes and the department shall make claim for federal reimbursement therefor when federal funds are made available for that purpose and pay the same to the county.

**History:** 1965 c. 590.

**49.22 Persons eligible.** (1) (intro. par.) Any needy person who complies with ss. 49.20 to 49.37 shall be entitled to financial assistance in old age. The amount granted shall be determined by a budget in which all income and resources, except that the first \$85 plus one-half of the excess over \$85 of payments made to or on behalf of any person for or with respect to any month under Title I or II of the federal economic opportunity act of 1964 or such payment made to or in behalf of any person and any excess remaining after this exclusion shall be considered as income for any other individual only to the extent made available to or for the benefit of such other individual and except in making such determination, of the first \$80 per month of income which is earned there shall be disregarded not more than the first \$20 thereof plus one-half of the remainder and except as provided by s. 49.18 (1) (a), as well as expenses shall be considered, the payment of the aid to be made monthly, except that the director of the county agency may, for the purpose of protecting the public, direct that the monthly allowance be paid in 2 or more instalments. Old-age assistance may be granted to a person only if:

(3)

(b) Any person applying for or receiving old-age assistance who owns an insurance policy with a cash value not to exceed \$1,000 and requests the county welfare agency to provide for payment of premiums thereon shall name the county welfare agency as beneficiary of the policy and in naming the county welfare agency as beneficiary shall provide that the beneficiary so named can not be changed nor such policy cashed without the written consent of said beneficiary. From the proceeds of such policy, the welfare department shall first make an allowance for recipient's funeral expenses in an amount which combined with other funds of recipient shall not exceed \$300. After payment of funeral expenses, the proceeds from the policy shall be retained by the county agency named as beneficiary in payment of aid paid under ss. 49.20 to 49.37 or 49.46 furnished by such agency or other county agencies (on a pro rata basis if insufficient to pay in full) and any proceeds in excess of the amount needed to pay the claim for old-age assistance shall be disposed of as provided by the insured.

**History:** 1961 c. 22, 462; 1965 c. 138, 433, 590.

**49.26 Transfer of property; liens on real property.**

(5) **LIEN, COVERAGE, EXCEPTIONS; JOINT TENANCY.** (a) Upon such filing the lien herein imposed attaches to all real property of the beneficiary including a house trailer used as an abode presently owned or subsequently acquired (including joint tenancy and homestead interests) in any county in which such certificate is filed for any amount paid or thereafter paid under ss. 49.20 to 49.37 and 49.40, and remain such lien until satisfied. Such lien shall not sever a joint tenancy nor affect the right of survivorship except that the lien shall be enforceable to the extent that the beneficiary had an interest prior to his decease. The county court may order sale of such realty free and clear of the lien and the lien shall attach to the net proceeds of such sale after taxes, prior encumbrances and the costs of the sale have been deducted.

**History:** 1961 c. 566, 622; 1963 c. 114; 1965 c. 252, 590 s. 24 (1).

**49.27 Application for assistance; continued eligibility; county liability.**

(2) If a person eligible for or receiving old-age assistance, aid to the totally and

permanently disabled or aid to the blind goes to another county to reside in a private tax-exempt, charitable, benevolent or fraternal institution or home for the aged, or a county home, or a municipal home, or a private nursing or convalescent home, and continues to be eligible for old-age assistance, aid to the totally and permanently disabled or aid to the blind as defined in this chapter while therein residing, he shall receive such assistance, including care given under s. 49.46, from the county from which he moved, or continue to receive his assistance from the county paying the same at the time he moved, respectively, unless he has a legal settlement under s. 49.10 in the county in which the institution or home is located, in which case such county shall make payment of such assistance as he is eligible to receive. As used herein a private nursing or convalescent home means a place not public, admitting 3 or more unrelated persons for indefinite residence for the purpose of furnishing them board, room, laundry and care because of prolonged illness or defect or during recovery from injury or disease, including the procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of diets, bedside care, application of dressings and bandages and treatments prescribed by a physician.

(3) If a person eligible for or receiving old-age assistance, aid to totally and permanently disabled or aid to the blind who resides in any of the facilities enumerated in sub. (2) goes to another county to reside and within the period of 6 months thereafter takes residence in any of said facilities and continues to be eligible for old-age assistance, aid to totally and permanently disabled or aid to the blind as defined in this chapter while therein residing, he shall receive such assistance, including care given under s. 49.46, from the county from which he moved, or continue to receive his assistance from the county paying the same at the time he moved, respectively, unless he has a legal settlement under s. 49.10 in a county in which the facility is located in which case such county shall make payment of such assistance as he is eligible to receive.

**History:** 1965 c. 78, 590 s. 24 (7).

**49.35 General penalty.** (1) Any person who violates any provision of ss. 49.22 to 49.37, for which no penalty is specifically provided, shall be subject to a fine not exceeding \$500 or to imprisonment not exceeding one year, or both.

**History:** 1965 c. 590 s. 24 (8).

**49.37 County appropriation, disbursement of funds.** (1) The county board shall annually appropriate a sum of money sufficient to carry out the provisions of ss. 49.20 to 49.37, taking into account the money expected to be received during the ensuing year as state and federal aid. Upon the orders of the county agency, the county treasurer shall pay out the amounts ordered to be paid as old-age assistance.

**History:** 1965 c. 117, 590 s. 24 (1).

**49.38 State aid; reimbursement to county. Repealed.**

**49.395 Additional aid to certain counties. Repealed.**

**49.40 Medical care. Repealed.**

**49.42 Loans to students. Repealed.**

#### Medical Assistance.

**49.45 Medical assistance; administration.** (1) **PURPOSE.** To provide appropriate health care for eligible persons and obtain the most benefits available under Title XIX of the federal social security act, the department shall administer medical assistance, rehabilitative and other services to help eligible individuals and families attain or retain capability for independence or self-care as hereinafter provided.

(2) **DUTIES.** (a) The department shall:

1. Exercise responsibility relating to fiscal matters, the eligibility for benefits under standards set forth in ss. 49.46 and 49.47 and general supervision of the medical assistance program;

2. Employ necessary personnel under the classified service for the efficient and economical performance of the program and shall supply residents of this state with information concerning the program and procedures;

3. Determine the eligibility of persons for medical assistance, rehabilitative and social services pursuant to ss. 49.46 and 49.47 and rules and policies adopted by the department and may designate this function to the county agency administering the social security aid program;

4. Certify all proper charges and claims for administrative services to the department of administration for payment and the department of administration shall draw its warrant forthwith;



5. Co-operate with the state bureau of handicapped children, state board of health and the state board of vocational, technical and adult education to carry out the provisions of Title XIX;

6. Appoint such advisory committees as are necessary and proper; and

7. Co-operate with the federal authorities for the purpose of providing the assistance and services available under Title XIX to obtain the best financial reimbursement available to the state from federal funds.

(b) The department may:

1. Designate other functions, responsibilities and services as may be appropriate to be performed by the county welfare agency in each county;

2. Contract with nonprofit organizations incorporated or existing under and by virtue of s. 148.03 or 182.032 or with insurance companies licensed and authorized to do business in this state, to administer the benefits under the medical assistance program in full or in part for and in behalf of the department and may accept the contract deemed most advantageous to the department for such administrative services;

3. Audit all claims filed by any contractor making the payment of benefits paid under ss. 49.46 and 49.47 and make proper fiscal adjustments.

(3) REIMBURSEMENT. (a) Reimbursement shall be made to each county agency for the administrative services performed in the medical assistance program on the basis of s. 49.52 (1) (b) and (2).

(b) The contractor, if any, making payment of benefits under s. 49.46 or 49.47 shall be entitled to reimbursement from the department for benefits so paid when a certification of eligibility is properly on file with the contractor in addition to the payment of administrative expense incurred pursuant to the contract and as provided in sub. (2) (a) 4, but the contractor shall not be reimbursed for benefits erroneously paid where no certification is on file.

(4) INFORMATION RESTRICTED. The use or disclosure of any information concerning applicants and recipients of medical assistance not connected with the administration of this section is prohibited.

(5) APPEAL. Any person whose application for medical assistance is denied or is not acted upon promptly or who believes that the payments made in his behalf have not been properly determined may file an appeal with the department pursuant to s. 49.50 (8).

(6) PAYMENTS. Payment for services provided under this section shall be made directly to the hospital, skilled nursing home, other organization or individual providing such services and no additional charge shall be made to the beneficiary of such service by such hospital, skilled nursing home, other organization or individual who provided such service except for or to the extent that benefits are not provided pursuant to this section.

(7) PENALTY. Any person who receives or assists another in receiving assistance under this section, to which he is not entitled, shall be subject to the penalties under s. 49.12.

(8) RECOVERY OF PAYMENT. (a) Medical assistance paid in behalf of any recipient cannot be recovered from such beneficiary unless such benefits were incorrectly paid. Any benefits incorrectly paid shall be recoverable from the beneficiary or from his estate.

(b) All amounts recovered pursuant to this section shall be deposited in the state treasury and the net amount recovered shall be prorated among the federal government, the state and the county on the basis of the proportionate amount which each contributed.

(9) FREE CHOICE. Any person eligible for medical assistance under ss. 49.46 and 49.47 may be entitled to use the physician, dentist, pharmacist, hospital, skilled nursing home or other provider of care which he has designated as his choice, and nothing herein shall vitiate the legal responsibility of the physician or dentist or hospital to patients and all contract and tort relationships with patients shall remain as though dealings are direct between the physician, dentist or hospital and the patient. No physician or dentist shall be required to practice exclusively in the medical assistance program.

(10) RULE-MAKING POWERS. The department is authorized to make such rules as are consistent with its duties in administering medical assistance.

(11) DEFINITIONS. As used in this section, unless the context indicates otherwise:

(a) "Charge" means the customary, usual and reasonable demand for payment as established by the department for services, care or commodities which does not exceed the general level of charges by others who render such service or care, or provide such commodities, under similar or comparable circumstances within the community in which the charge is incurred.

(b) "Hospital" means an institution, approved by the appropriate state agency, providing 24-hour continuous nursing service to patients confined therein; which provides standard dietary, nursing, diagnostic and therapeutic facilities; and whose professional staff is composed only of physicians and surgeons, or of physicians and surgeons and doctors of dental surgery.

(c) "Physician" means a person licensed to practice medicine and surgery, and includes graduates of osteopathic colleges holding an unlimited license to practice medicine and surgery.

(d) "Dentist" means a person licensed to practice dentistry.

(e) "Skilled nursing home" means a facility, licensed or approved by the state board of health or a facility approved by the department for the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care and which employs sufficient registered nursing practitioners for supervision of those giving nursing care to patients.

**History:** 1965 c. 590.

**49.46 Medical assistance; recipients of social security aids. (1) ELIGIBILITY. (a)** All persons included in the grant of old-age assistance, aid to dependent children, aid to the blind or aid to totally and permanently disabled shall be furnished medical assistance pursuant to this section.

(b) Any person shall be considered a recipient of aid for 2 months prior to the month of application if the proper agency determines eligibility existed during such prior month.

(c) Medical assistance shall be paid to any person currently not receiving old-age assistance, aid to the blind, aid to dependent children or aid to totally and permanently disabled persons if the only reason that such person is not eligible for such aid is the lack of the required period of residence within the state.

(d) For the purposes of this section:

1. Children placed in licensed foster homes by the division for children and youth and which children would be eligible for payment of aid to dependent children in foster homes except that such placement is not made by a county agency will be considered as recipients of aid to dependent children.

2. Any person who would be eligible for aid to the blind, old-age assistance or aid to totally and permanently disabled except that his income and resources are sufficient to meet his budgetary needs as computed pursuant to s. 49.18 (1) (a), 49.22 (1) or 49.61 (6) but who is living in an approved medical facility and does not have sufficient income and resources to meet his expenses while living in such facility shall be considered a recipient for purposes of this section.

(2) **BENEFITS.** The department shall audit and pay charges made in accordance with s. 49.45 (1) (a) for medical assistance to recipients for inpatient hospital services other than services in an institution for tuberculosis or mental diseases (except as hereinafter provided); hospital outpatient services; physicians', dentists', podiatrists', optometrists' and nurses' services; laboratory and X-ray services; eye glasses prescribed by a physician skilled in the diseases of the eye or by an optometrist; transportation to obtain medical care; the following services when prescribed by a physician: skilled nursing home services excluding services in an institution for tuberculosis or mental diseases (except as hereinafter provided), home health care, physical and occupational therapy and related services, medical supplies and equipment, including rental of durable equipment, drugs, prosthetic devices and other diagnostic, screening, preventive and rehabilitative and other medical services, and inpatient hospital and skilled nursing home services for individuals 65 years of age and over when a patient in an institution for mental diseases. Nursing services rendered in connection with treatment by prayer or spiritual means alone and in accordance with the tenets and practice of any recognized church or religious denomination and given by a duly accredited practitioner thereof may be furnished such individuals by any visiting nurse service, sanatorium, nursing home and private duty nursing services given in conformity with the tenets and practices of such church or religious denomination upon referral by and certification of said accredited practitioner that in his or her opinion such services are necessary for the health and well-being of the said individual. Medical assistance shall also include payment of any of the deductible and coinsurance portions of the above services which are not paid under Title XVIII and the monthly premiums payable under section 1839 of the social security act.

(3) **EFFECTIVE DATE.** The benefits under this section shall take effect on July 1, 1966, and benefits under s. 49.40 shall continue in effect until such date. Payment of medical services performed pursuant to s. 49.40 prior to this date shall be paid by the

county welfare agency responsible for the same after July 1, 1966 but no such medical services shall be paid more than one year after the completion of such service.

History: 1965 c. 590, 602.

**49.47 Medical assistance; medically indigent.** (1) **PURPOSE.** Medical assistance as set forth herein shall be provided to persons over 65, all children under 21 and, if the child is "dependent" pursuant to s. 49.19, the relatives enumerated in s. 49.19 with whom the child is living, or blind or disabled if eligible under this section.

(2) **DEFINITIONS.** As used in this section, unless the context indicates otherwise:

(a) "Beneficiary" means a person eligible for, and a recipient of, medical assistance under this section.

(b) "Illness" means a bodily disorder, bodily injury, disease or mental disease. All illnesses existing simultaneously which are due to the same or related causes shall be considered "one illness." Successive periods of illness less than 6 months apart, which are due to the same or related causes, shall also be considered "one illness."

(c) "Spouse" means the legal husband or wife of the beneficiary, whether or not eligible for benefits under this chapter.

(d) "Visiting nurse" means a registered nurse or a trained practical nurse employed by an organized, voluntary home nursing agency or by an official agency established under s. 141.10, and rendering home nursing services to patients who are under the care of a physician.

(3) **APPLICATION.** (a) At any time any resident of this state who believes himself medically indigent and qualified for aid under this section may make application, on forms prescribed by the department. If eligibility is questionable by reason of the information contained on the application or is incomplete, further investigation shall be made to determine eligibility.

(b) The agency shall promptly review the application and shall issue a certificate to the individual showing eligibility when eligibility has been established.

(4) **ELIGIBILITY.** (a) Any person who meets the limitations on income and resources under pars. (b) and (c) and is 65 years of age or older, blind pursuant to s. 49.18, 18 years or older and totally and permanently disabled pursuant to s. 49.61, or a child under the age of 21 living in the family group dependent pursuant to s. 49.19 and the enumerated relatives of such child with whom the child is living and any medically indigent child under 21.

(b) Eligibility exists if his property does not exceed a home and the land used and operated in connection therewith, or a mobile home used as a place of abode; household and personal possessions, including an automobile; resources needed for income producing; and additional property not in excess of \$2,300, if single, or \$3,000, if a family of 2, and \$500 additional for each legal dependent in any combination of real property, tangible personal property, cash value of life insurance, or cash or other liquid assets. "Resources" as used herein include without limitation by reason of enumeration, all moneys received from insurance payments for loss, damage or injury to property or person, life insurance proceeds paid upon death or surrender of the policy, cash proceeds from the sale of property enumerated herein, gifts, inheritances and bequests.

(c) 1. Eligibility exists if his income does not exceed \$1,800, if single, or \$2,700, if a family of 2, with an additional allowance of \$500 for each legal dependent. "Income" as used herein includes, without limitation by reason of enumeration, all pensions from state, federal or private sources, annuities, social security payments and recurrent insurance payments from state, federal and private sources, wages, salaries, alimony, returns on investments, net rents and net profits from business or professional enterprises. "Income" shall not include earned income which would be excluded in determining income in computing the budget pursuant to s. 49.18 (1) (a), 49.19 (5), 49.22 (1) or 49.61 (6) (a).

2. Whenever an applicant has excess income, no certification shall be issued until such time as the excess income above the applicable limits has been expended for medical care or for any other type of remedial care recognized under state law or for personal health insurance premiums or both.

(d) A certificate of eligibility shall not be given to any person who has within one year of the date of making application hereunder conveyed, transferred or disposed of property so as to make himself eligible for benefits under this section.

(e) Temporary absence of a resident from the state shall not be grounds for denying the certificate or for the cancellation of an existing certificate.

(f) If the application under sub. (3) shows the income and resources of the applicant are within the limitations of the old-age assistance, aid to the blind, aid to dependent children, or aid to totally and permanently disabled persons programs such person or persons shall be found eligible for the benefits enumerated under s. 49.46 (2).

(5) INVESTIGATION BY DEPARTMENT. The department may make additional investigation of eligibility when there is reasonable ground for belief that an applicant may not be eligible, that the beneficiary may have received benefits to which he is not entitled, or upon the request of the secretary of the U.S. department of health, education and welfare.

(6) BENEFITS; EXCLUSIONS. (a) The department shall audit and pay charges made in accordance with s. 49.45 (11)(a) for medical assistance to beneficiaries for the following:

1. Inpatient hospital services in a semiprivate room (other than services in an institution for tuberculosis or mental diseases);

2. Outpatient hospital services;

3. Diagnostic laboratory and X-ray procedures;

4. Skilled nursing home services directly following hospitalization (other than services in an institution for tuberculosis or mental diseases) for individuals 21 years of age or older when authorized by a physician;

5. Physicians' services whether furnished in the office, the patients' home, a hospital or a skilled nursing home or elsewhere;

6. Dental services;

7. Inpatient hospital services and skilled nursing home services following hospitalization for individuals 65 years of age or over in an institution for mental diseases not exceeding 45 days per illness.

8. The deductible portion and coinsurance of any health care benefits paid under Title XVIII of the social security act reduced by the amount of available excess income and conforming to the scope, amount and duration of benefits payable under the state plan, and

9. The following services when prescribed by a physician, physical or occupational therapy when rendered by a licensed or registered therapist, home nursing care by a visiting nurse, or in localities not under or within the jurisdiction of an organized, voluntary home nursing agency or an official agency established under s. 141.10 or a private proprietary home health agency licensed under s. 141.15, services by a registered nurse or licensed trained practical nurse rendering home nursing services to patients who are under the care of a physician who directs such home nursing services, and pharmaceutical services.

(b) Benefits shall not include any payments with respect to care or services for an individual who is an inmate of a public institution, except as a patient in a medical institution, or who is a patient in an institution for tuberculosis; care or services in any other private or public institution unless it has been approved by a standard-setting authority responsible by law for establishing and maintaining standards for such institution or that part of any services otherwise authorized under this section which are payable through insurance, 3rd party liability, or any federal, state, county, municipal or private benefit systems to which the beneficiary may otherwise be entitled.

(c) Payments shall not include care for services rendered earlier than 2 months preceding the month of application, but in no event may payments be made for medical assistance rendered during a period when the beneficiary would not have been eligible for benefits under this section.

(d) The maximum combined liability for payment for care in a hospital and skilled nursing home under this section shall not exceed 45 days per illness and skilled nursing home care will be paid only for beneficiaries transferring directly to such facility from a hospital.

(7) REDUCTION OF BENEFITS. If the funds appropriated become or are estimated to be insufficient to make full payment of benefits provided under this section, all charges for service so authorized shall be prorated on the basis of funds available or by limiting the benefits provided.

(8) EFFECTIVE DATE. The benefits under this section shall take effect on July 1, 1966, and benefits under ch. 163 shall continue in effect until such date. Payment of medical services performed pursuant to ch. 163 prior to this date shall be paid by the contractor responsible for the same presented after July 1, 1966, but no such medical services or care shall be paid more than one year after the completion of such services or care.

History: 1965 c. 590, 602 ss. 1, 4.

49.51 County administration. (2) COUNTY DEPARTMENTS OF PUBLIC WELFARE. (a) Administration in counties having a population of 500,000 and others.

9. The administration of old-age assistance under ss. 49.20 to 49.37.

(3) REIMBURSEMENT. Repealed.

(4) PRORATION WHEN STATE APPROPRIATIONS ARE INSUFFICIENT. Repealed.  
 History: 1963 c. 265, 571; 1965 c. 433 s. 121; 1965 c. 590.

49.52 Reimbursement to counties. (1) FEDERAL AID. (a) From the federal funds received by the state for grants of aid, excluding medical aid issued under s. 49.46, in the aid to the blind, aid to dependent children, old-age assistance and aid to totally and permanently disabled persons there shall be determined in each of said programs the percentage of the federal fund in relation to the total amount expended for such purpose and the state shall reimburse from these moneys to each county the percentage as computed of the total amount expended by such county in each program.

(b) From the federal funds received by the state for the administration by counties of aid to the blind, aid to dependent children, old-age assistance and aid to totally and permanently disabled persons including medical assistance there shall be computed the percentage that such federal funds relate to the total cost of county administration of said programs and the state shall pay to the counties from these moneys the amount determined on the basis of such percentage to the total administrative costs of each county.

(2) STATE AID. (a) The state aid to which any county shall be entitled shall be determined according to the amount expended by the county for aid to the blind, aid to dependent children, old-age assistance and aid to totally and permanently disabled persons including services and medical administration and child welfare services, mental hygiene services and other welfare services performed by the county agency administering such aids in co-operation with or at the request of the state department, pursuant to express authorization, but excluding general relief, after deducting the reimbursement received from federal funds pursuant to sub. (1) and paid as follows:

1. For all months prior to January 1, 1968, the following counties shall receive 80% of such nonfederally reimbursed expenditures: Ashland, Bayfield, Burnett, Douglas, Florence, Forest, Iron, Jackson, Menominee, Pepin, Rusk, Sawyer, Trempealeau, Vernon and Washburn; the following counties shall receive 70% of such nonfederally reimbursed expenditures: Buffalo, Crawford, Langlade, Taylor; the following counties shall receive 65% of such nonfederally reimbursed expenditures: Barron, Juneau, Polk and Richland; the following counties shall receive 60% of such nonfederally reimbursed expenditures: Adams, Clark, Dunn, Monroe, Price and Waushara; the following counties shall receive 55% of such nonfederally reimbursed expenditures: Chippewa, Eau Claire, Grant, Marinette, Marquette, Oconto, Shawano and Waupaca; the following counties shall receive 50% of such nonfederally reimbursed expenditures: Columbia, Dane, Dodge, Fond du Lac, Iowa, Kenosha, La Crosse, Lafayette, Lincoln, Milwaukee, Oneida, Pierce, Portage, Racine, St. Croix, Sauk and Wood; and the following counties shall receive 45% of such nonfederally reimbursed expenditures: Brown, Calumet, Door, Green, Green Lake, Jefferson, Kewaunee, Manitowoc, Marathon, Outagamie, Ozaukee, Rock, Sheboygan, Vilas, Walworth, Washington, Waukesha and Winnebago.

2. Beginning January 1, 1968, and for each year thereafter, the amount of state aid to be received by each county shall be determined as follows: The department shall determine a state-wide mill rate by dividing the total of expenditures remaining after deduction of the federal reimbursement for 1) approved expenditures under this paragraph together with 2) expenditures under ss. 49.46 and 49.47 for the fiscal year ending June 30, by the state full value of all general taxable property as determined by the state department of taxation the following September 15 in accordance with s. 70.57. The mill rate for each county shall be computed in the same manner by dividing the total of expenditures remaining after deduction of the federal reimbursement for 1) approved expenditures by such county under this paragraph together with 2) expenditures under ss. 49.46 and 49.47 for residents of such county for the fiscal year ending June 30, by the state full value of all general property in the county as determined by the state department of taxation the following September 15 in accordance with s. 70.57. The state aid to be paid to each county shall be determined by the percentage relationship between the mill rate for each county and the state-wide mill rate in accordance with the following schedule:

Mill rate necessary to meet the total nonfederal share of expenditures (exclusive of general relief) as a per cent of the state-wide mill rate	Percentage rate of participation by:	
	State	County
Under 75%	45	55
75% but less than 125	50	50
125% but less than 150	55	45
150% but less than 175	60	40

175% but less than 200	65	35
200% but less than 225	70	30
225% and over	80	20

4. If the cost for any county as determined under this section for 1966-67 exceeds the cost of the 1964-65 base year the county shall be reimbursed for the full amount of that excess. In fiscal years after 1966-67 such counties shall receive additional reimbursement only to the extent that the state's total participation is less than the state's total participation in 1966-67, but never more than necessary to reduce the county's participation to the 1964-65 level. At the point where the state's reimbursement to the county equals the state's percentage of the nonfederal share under the formula, no additional reimbursement shall be provided.

(3) REIMBURSEMENT PROCEDURE, CLAIM AND AUDIT. (a) The county treasurer and county agency administrator of each county shall monthly certify under oath to the department, in such manner as the department prescribes, the claim of the county for state and federal reimbursement under this section, and if the department approves such claim, it shall certify to the department of administration for reimbursement to the county the amounts due under subs. (1) and (2) and payment claimed shall be made to the counties monthly.

(b) Each county shall be liable for its prorata share of the medical expenses paid by the state under ss. 49.46 and 49.47 and shall reimburse the state for such prorata share. For the purposes of administration the state may deduct the amount of such medical payment owing to the state from the claim submitted under par. (a) and pay the remaining balance to the county pursuant to par. (c).

(c) To facilitate prompt reimbursement the certification of the department may be based on the certified statements of the county officers filed pursuant to par. (a). Any necessary audit adjustments for any month of current or prior fiscal years may be included in subsequent certifications.

(5) Any county which is financially unable to fully perform its duties under ss. 49.18 to 49.37 and 49.61 after having received payments under subs. (1) and (2) and s. 20.670 (3) (d) may make application to the department for financial assistance to enable it to perform such duties. Before making a determination upon the application, the department shall hold hearings, investigate and obtain or receive proof as to total indebtedness and tax levy limitations, cash on hand, anticipated revenues from all sources, reasonableness of amounts of its expenditures and necessity therefor, tax delinquencies, reasonableness of valuation for taxation purposes and such other factors not enumerated which are probative on the applicant's financial condition. If the department is satisfied that the applicant's financial condition is such that it cannot provide money for such forms of public assistance, the department shall certify to the department of administration for payment to the applicant out of the appropriations provided by s. 20.670 (3) (d) an amount which will, together with money that the applicant can provide, be sufficient to enable the applicant to properly perform its duties. No such payment shall be made unless the department's certification is approved by the board on government operations. The department shall fix the time and place of hearing, issue subpoenas, take testimony and make reasonable rules and regulations which are necessary to enable it to effectively perform its duties under this section.

History: 1965 c. 433 s. 121; 1965 c. 590 ss. 14, 20.

#### 49.61 Aid to totally and permanently disabled persons.

(1m) DEFINITION OF AID; INSTITUTION INMATES. In this section, "aid to the totally and permanently disabled" means money payments to, or medical care in behalf of, or any type of remedial care recognized under this section or s. 49.46 in behalf of, needy individuals more than 18 and less than 65 years of age who are totally and permanently disabled, but does not include any such payments to or care in behalf of any individual who is an inmate of a public institution (except as a patient in a medical institution) or any individual who is a patient in an institution for tuberculosis or mental diseases. No payment of aid to totally and permanently disabled persons shall be made to any individual in a private or public institution unless a standard-setting authority has been designated or established which is responsible for establishing and maintaining standards for such institutions. Such individuals shall not be barred from receiving general aid under ss. 49.02 and 49.03. Aid to the totally and permanently disabled shall be granted to totally and permanently disabled dependent persons residing voluntarily in county or city homes and the department shall make claim for federal reimbursement therefor when federal funds are made available for that purpose and pay the same to the county.

(6) AMOUNT OF AID. (a) The amount of aid which a person may receive under this section shall be according to his need. The agency shall, in determining need, take

into consideration any other income and resources, but when permitted by federal regulation the first \$50 of earned income shall be disregarded but in making such determination, of the first \$80 per month of income which is earned there shall be disregarded the first \$20 thereof plus one-half of the remaining \$60 in determining the amount of the grant and the earned income exemption provided in s. 49.18 (1) (a) shall not be considered in computing a grant of disabled aid when the disabled person is a member of the family of a recipient of blind aid and except that the first \$85 plus one-half of the excess over \$85 of payments made to or on behalf of any person for or with respect to any month under Title I or II of the federal economic opportunity act of 1964 or such payment made to or in behalf of any person and any excess remaining after this exclusion shall be considered as income for any other individual only to the extent made available to or for the benefit of such other individual. Any person receiving aid under this section shall not be eligible for old-age assistance, aid to the blind or aid to dependent children.

(9) STATE AID REIMBURSEMENT TO COUNTY. Repealed.

**History:** 1961 c. 370, 462, 524, 542, 565, 578, 682; 1965 c. 138, 362, 433 s. 121; 1965 c. 590.

## CHAPTER 50. TUBERCULOSIS SANATORIUMS.

### 50.04 Maintenance charges.

(9) Beginning with the fiscal year ending June 30, 1959, the records and accounts of each county tuberculosis sanatorium and each private sanatorium approved by the state board of health under s. 58.06 shall be audited annually. Such audits shall be made by the department of administration as provided in s. 16.58 as soon as practicable following the close of the institution's fiscal year. In addition to other findings, such audits shall ascertain compliance with the mandatory uniform cost record-keeping requirements of s. 46.18 (8), (9) and (10) and verify the actual per capita cost of maintenance, care and treatment of patients. Any resulting adjustments to settlements already made under s. 50.09 shall be carried into the next such settlement.

**History:** 1961 c. 329; 1965 c. 419, 659.

### 50.06 Public health dispensaries.

(6)

(b) The state reimbursement for each patient visit shall amount to two-sevenths of the state credit as established in s. 50.04 (7) (a) less the fees collected for services rendered in the public health dispensaries for outpatient visits eligible for state aid. The state total reimbursement is computed at the end of each fiscal year by subtracting the sum of the fees collected for dispensary outpatient visits eligible for state aid, from the state credit due for all visits as established in pars. (c) and (d).

**History:** 1963 c. 6, 154; 1965 c. 160, 368, 552.

## CHAPTER 51. STATE MENTAL HEALTH ACT.

### 51.001 Definitions.

(1) "Mental illness" means as defined in s. 51.75; "mental deficiency" means as defined in s. 51.75; and "mental infirmity" means senility.

**History:** 1963 c. 479; 1965 c. 611.

### 51.08 Maintenance.

(6) The records and accounts of such county hospital or facility for the mentally ill shall be audited annually for each fiscal year ending June 30. Such audits shall be made by the department of administration under s. 16.58 (4) and (5) as soon as practicable following the close of the institution's fiscal year. In addition to other findings, such audits shall ascertain compliance with the mandatory uniform cost record-keeping requirements of s. 46.18 (8), (9) and (10) and verify the average per capita costs of maintenance, care and treatment of patients as defined in s. 51.001 (4) and (5). Any resulting adjustments to settlements already made under s. 46.106 shall be carried into the next such settlement.

**History:** 1963 c. 479; 1965 c. 659.

51.13 Conditional release of patients; presumption of competency and discharge by lapse of time. (1) The superintendent of the Mendota state hospital and of the Winnebago state hospital and of the Milwaukee county mental health center, north division and south division, may grant any patient a conditional release if in his opinion it is proper to do so.

(2) The superintendent of any county hospital or home may, upon the written recommendation of the visiting physician, grant any patient a conditional release for such time and under such conditions as the physician directs, except patients committed under ss. 957.11 and 957.13.

**History:** 1961 c. 621; 1965 c. 616.

**51.135 Return by sheriff.** If it becomes unsafe or improper to allow any patient on conditional release, parole or temporary discharge to remain at large, the superintendent of the institution from which such patient was released shall require his return to such institution. It is the duty of the sheriff of the county in which such patient is found, and upon request of the superintendent of the institution from which such patient was released, to take charge of and return such patient to such institution, and the costs incident to such return shall be paid out of the institution's operating fund and be charged back to the county of the patient's legal settlement.

**History:** 1965 c. 616.

**51.21 Central state hospital.**

(4) STATUTES APPLICABLE. All statutes relating to state hospitals, except s. 51.12 (1), (2), (4) and (5), are applicable to the central state hospital. Sections 51.13 (1) and (3) and 51.22 (4) are applicable only to patients committed under ch. 51 and to patients whose prison sentences have expired.

**History:** 1961 c. 621; 1965 c. 616.

**51.22 Colonies and training schools.**

(2m) LIMITATION OF LIABILITY. After August 14, 1966, wherever the actual per capita cost for care and maintenance of patients under 21 years of age at the colonies and training schools, Mendota state hospital, Winnebago state hospital and central state hospital exceeds \$60 for a month of 31 days, liability of such patients or parents under s. 46.10 (2) shall be limited to \$60 per month. In any case the department may grant a lesser special rate per month based on the ability to pay of the patient or parent, and no liability shall accrue for the difference between the lesser special rate and \$60. Where parents hold hospitalization insurance paying benefits in excess of \$60 a month, they shall be liable to the extent of the coverage provided by the hospitalization insurance but not in excess of the actual per capita cost of care and maintenance.

**History:** 1961 c. 181; 1965 c. 664.

**51.24 Milwaukee county mental health center.**

(2) Commencing July 1, 1964, the state shall contribute toward the expense of maintenance, care and treatment of each patient hospitalized in the north division, providing he has legal settlement in that county, an amount equal to 60% of such hospital's individual average per capita cost for the fiscal year ending June 30 in which such care is furnished. The records and accounts of the north division shall be audited annually commencing as of July 1, 1964. Such audits shall be made by the department of administration under s. 16.58 (4) and (5) as soon as practicable following the close of the institution's fiscal year. In addition to other findings, such audits shall ascertain compliance with the mandatory uniform cost record-keeping requirements of s. 46.18 (8), (9) and (10) and verify the average per capita costs of maintenance, care and treatment of patients as defined in s. 51.001 (5). Any resulting adjustments to settlements already made under s. 46.106 shall be carried into the next settlement. The formula for contribution by the state for the maintenance, care and treatment of patients at the Milwaukee county mental health center, north division, in existence just prior to the repeal and recreate of this section (1963) shall remain in effect until July 1, 1964.

**History:** 1961 c. 101, 394, 621; 1963 c. 479; 1965 c. 659.

**51.33 Resident escaped patients, retaking.** If any patient escapes from any institution for the mentally ill or mentally retarded, it is the duty of the sheriff of the county in which such patient is found, and upon request of the superintendent of the institution from which such patient has escaped, to take charge of and return such patient to the institution from which he escaped, and the costs incident to such return shall be paid out of the institution's operating funds and be charged back to the county of the patient's legal settlement.

**History:** 1965 c. 616.

**51.36 Community mental health clinic services.**

(8) GRANTS-IN-AID. (a) *Formula.* The director may make state grants-in-aid which shall be based upon 40% state and 60% local sharing of the total expenditures for: 1. salaries; 2. contract facilities and services; 3. operation, maintenance and service costs; 4. per diem and travel expense of members of community mental health



boards; 5. purchase of community mental health clinic services from clinics established elsewhere, including out-of-state clinics; and 6. other expenditures specifically approved and authorized by the director. The grants may not be used to match other state or federal funds which may be available to clinics. No grants shall be made for capital expenditures.

**History:** 1965 c. 631.

51.75 **Interstate compact on mental health.** The interstate compact on mental health is enacted into law and entered into by this state with all other states legally joining therein substantially in the following form:

THE INTERSTATE COMPACT ON MENTAL HEALTH.

The contracting states solemnly agree that:

Article I.

The party states find that the proper and expeditious treatment of the mentally ill and mentally deficient can be facilitated by co-operative action, to the benefit of the patients, their families and society as a whole. Further, the party states find that the necessity of and desirability for furnishing such care and treatment bears no primary relation to the residence or citizenship of the patient but that, on the contrary, the controlling factors of community safety and humanitarianism require that facilities and services be made available for all who are in need of them. Consequently, it is the purpose of this compact and of the party states to provide the necessary legal basis for the institutionalization or other appropriate care and treatment of the mentally ill and mentally deficient under a system that recognizes the paramount importance of patient welfare and to establish the responsibilities of the party states in terms of such welfare.

Article II.

As used in this compact:

(a) "Sending state" means a party state from which a patient is transported pursuant to the provisions of the compact or from which it is contemplated that a patient may be so sent.

(b) "Receiving state" means a party state to which a patient is transported pursuant to the provisions of the compact or to which it is contemplated that a patient may be so sent.

(c) "Institution" means any hospital or other facility maintained by a party state or political subdivision thereof for the care and treatment of mental illness or mental deficiency.

(d) "Patient" means any person subject to or eligible as determined by the laws of the sending state, for institutionalization or other care, treatment or supervision pursuant to the provisions of this compact.

(e) "After-care" means care, treatment and services provided a patient, as defined herein, on convalescent status or conditional release.

(f) "Mental illness" means mental disease to such extent that a person so afflicted requires care and treatment for his own welfare, or the welfare of others, or of the community.

(g) "Mental deficiency" means mental deficiency as defined by appropriate clinical authorities to such extent that a person so afflicted is incapable of managing himself and his affairs, but shall not include mental illness as defined herein.

(h) "State" means any state, territory or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

Article III.

(a) Whenever a person physically present in any party state is in need of institutionalization by reason of mental illness or mental deficiency, he shall be eligible for care and treatment in an institution in that state irrespective of his residence, settlement or citizenship, qualifications.

(b) The provisions of par. (a) of this article to the contrary notwithstanding any patient may be transferred to an institution in another state whenever there are factors based upon clinical determinations indicating that the care and treatment of said patient would be facilitated or improved thereby. Any such institutionalization may be for the entire period of care and treatment or for any portion thereof. The factors referred to in this paragraph include the patient's full record with due regard for the location of the patient's family, character of the illness and probable duration thereof, and such other factors as are considered appropriate.

(c) No state is obliged to receive any patient pursuant to par. (b) of this article unless the sending state has given advance notice of its intention to send the patient, furnished all available medical and other pertinent records concerning the patient and given the qualified medical or other appropriate clinical authorities of the receiving

state an opportunity to examine the patient if said authorities so wish, and unless the receiving state agrees to accept the patient.

(d) If the laws of the receiving state establish a system of priorities for the admission of patients, an interstate patient under this compact shall receive the same priority as a local patient and shall be taken in the same order and at the same time that he would be taken if he were a local patient.

(e) Pursuant to this compact, the determination as to the suitable place of institutionalization for a patient may be reviewed at any time and such further transfer of the patient may be made as seems likely to be in the best interest of the patient.

#### Article IV.

(a) Whenever, pursuant to the laws of the state in which a patient is physically present, it is determined that the patient should receive aftercare or supervision, such care or supervision may be provided in a receiving state. If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state have reason to believe that aftercare in another state would be in the best interest of the patient and would not jeopardize the public safety, they shall request the appropriate authorities in the receiving state to investigate the desirability of affording the patient such aftercare in said receiving state, and such investigation shall be made with all reasonable speed. The request for investigation shall be accompanied by complete information concerning the patient's intended place of residence and the identity of the person in whose charge it is proposed to place the patient, the complete medical history of the patient and such other documents as are pertinent.

(b) If the medical or other appropriate clinical authorities having responsibility for the care and treatment of the patient in the sending state and the appropriate authorities in the receiving state find that the best interest of the patient would be served thereby, and if the public safety would not be jeopardized thereby, the patient may receive aftercare or supervision in the receiving state.

(c) In supervising, treating or caring for a patient on aftercare pursuant to the terms of this article, a receiving state shall employ the same standards of visitation, examination, care and treatment that it employs for similar local patients.

#### Article V.

Whenever a dangerous or potentially dangerous patient escapes from an institution in any party state, that state shall promptly notify all appropriate authorities within and without the jurisdiction of the escape, in a manner reasonably calculated to facilitate the speedy apprehension of the escapee. Immediately upon the apprehension and identification of any such dangerous or potentially dangerous patient, he shall be detained in the state where found, pending disposition in accordance with law.

#### Article VI.

The duly accredited officers of any state party to this compact, upon the establishment of their authority and the identity of the patient, shall be permitted to transport any patient being moved pursuant to this compact through any state party to this compact, without interference.

#### Article VII.

(a) No person shall be deemed a patient of more than one institution at any given time. Completion of transfer of any patient to an institution in a receiving state shall have the effect of making the person a patient of the institution in the receiving state.

(b) The sending state shall pay all costs of and incidental to the transportation of any patient pursuant to this compact, but any 2 or more party states may, by making a specific agreement for that purpose, arrange for a different allocation of costs as among themselves.

(c) No provision of this compact shall be construed to alter or affect any internal relationships among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs or responsibilities therefor.

(d) Nothing in this compact shall be construed to prevent any party state or subdivision thereof from asserting any right against any person in regard to costs for which such party state or subdivision thereof may be responsible pursuant to any provision of this compact.

(e) Nothing in this compact shall be construed to invalidate any reciprocal agreement between a party state and a nonparty state relating to institutionalization, care or treatment of the mentally ill or mentally deficient or any statutory authority pursuant to which such agreements may be made.

#### Article VIII.

(a) Nothing in this compact shall be construed to abridge, diminish or in any way impair the rights, duties and responsibilities of any patient's guardian on his own behalf

or in respect of any patient for whom he may serve, except that where the transfer of any patient to another jurisdiction makes advisable the appointment of a supplemental or substitute guardian, any court of competent jurisdiction in the receiving state may make such supplemental or substitute appointment and the court which appointed the previous guardian shall, upon being duly advised of the new appointment, and upon the satisfactory completion of such accounting and other acts as such court by law requires, relieve the previous guardian of power and responsibility to whatever extent is appropriate in the circumstances. In the case of any patient having settlement in the sending state, the court of competent jurisdiction in the sending state has the sole discretion to relieve a guardian appointed by it or continue his power and responsibility, whichever it deems advisable. The court in the receiving state may, in its discretion, confirm or reappoint the person previously serving as guardian in the sending state in lieu of making a supplemental or substitute appointment.

(b) The term "guardian" as used in par. (a) of this article includes any guardian, trustee, legal committee, conservator or other person or agency however denominated who is charged by law with power to act for or responsibility for the person or property of a patient.

#### Article IX.

(a) No provision of this compact except Article V applies to any person institutionalized while under sentence in a penal or correctional institution or while subject to trial on a criminal charge, or whose institutionalization is due to the commission of an offense for which, in the absence of mental illness or mental deficiency, said person would be subject to incarceration in a penal or correctional institution.

(b) To every extent possible, it is the policy of states party to this compact that no patient shall be placed or detained in any prison, jail or lockup, but such patient shall, with all expedition, be taken to a suitable institutional facility for mental illness or mental deficiency.

#### Article X.

(a) Each party state shall appoint a "compact administrator" who, on behalf of his state, shall act as general co-ordinator of activities under the compact in his state and who shall receive copies of all reports, correspondence and other documents relating to any patient processed under the compact by his state either in the capacity of sending or receiving state. The compact administrator or his duly designated representative shall be the official with whom other party states shall deal in any matter relating to the compact or any patient processed thereunder.

(b) The compact administrators of the respective party states shall have power to promulgate reasonable rules and regulations to carry out more effectively the terms and provisions of this compact.

#### Article XI.

The duly constituted administrative authorities of any 2 or more party states may enter into supplementary agreements for the provision of any service or facility or for the maintenance of any institution on a joint or co-operative basis whenever the states concerned find that such agreements will improve services, facilities or institutional care and treatment in the fields of mental illness or mental deficiency. No such supplementary agreement shall be construed so as to relieve any party state of any obligation which it otherwise would have under other provisions of this compact.

#### Article XII.

This compact enters into full force and effect as to any state when enacted by it into law and such state shall thereafter be a party thereto with all states legally joining therein.

#### Article XIII.

(a) A state party to this compact may withdraw therefrom by enacting a statute repealing the same. Such withdrawal takes effect one year after notice thereof has been communicated officially and in writing to the governors and compact administrators of all other party states. However, the withdrawal of any state shall not change the status of any patient who has been sent to said state or sent out of said state pursuant to the provisions of the compact.

(b) Withdrawal from any agreement permitted by Article VII (b) as to costs or from any supplementary agreement made pursuant to Article XI shall be in accordance with the terms of such agreement.

#### Article XIV.

This compact shall be liberally construed so as to effectuate the purpose thereof. The provisions of this compact are severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state, or of the United States or the applicability thereof to any government, agency, person or

circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact is held contrary to the constitution of any party state thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

**History:** 1965 c. 611.

**51.76 Compact administrator.** Pursuant to the interstate compact on mental health, the director of public welfare shall be the compact administrator and, acting jointly with like officers of other party states, may promulgate rules to carry out more effectively the terms of the compact. The compact administrator shall co-operate with all departments, agencies and officers of and in the government of this state and its subdivisions in facilitating the proper administration of the compact or any supplementary agreement entered into by this state thereunder.

**History:** 1965 c. 611.

**51.77 Transfer of patients.** (1) In this section "relatives" means the patient's spouse, parents, grandparents, adult children, adult siblings, adult aunts, adult uncles and adult cousins, and any other relative with whom the patient has resided in the previous 10 years.

(2) Transfer of patients out of Wisconsin to another state under the interstate compact on mental health shall be upon recommendation of no less than 3 physicians licensed under ch. 147 appointed by the court of competent jurisdiction and shall be only in accord with the following requirements:

(a) That the transfer be requested by the patient's relatives or guardian or a person with whom the patient has resided for a substantial period on other than a commercial basis. This requirement does not preclude the compact administrator or the institution in which the patient is in residence from suggesting that relatives or the guardian request such transfer.

(b) That the compact administrator determine that the transfer of said patient is in his best interest.

(c) That the patient have either interested relatives in the receiving state or a determinable interest in the receiving state.

(d) That the patient, guardian and relatives, as determined by the patient's records, whose addresses are known or can with reasonable diligence be ascertained, be notified.

(e) That none of the persons given notice under par. (d) object to the transfer of said patient within 30 days of receipt of such notice.

(f) That records of the intended transfer, including proof of service of notice under par. (d) be reviewed by branch 1 of the county court of the county in which the patient is confined or by any other court which a relative or guardian requests to do so.

(3) If the request for transfer of a patient is rejected for any of the reasons enumerated under sub. (2), the compact administrator shall notify all persons making the request as to why the request was rejected and of his right to appeal the decision to a competent court.

(4) If the patient, guardian or any relative feels that the objections of other relatives or of the compact administration raised under sub. (2) are not well-founded in preventing transfer, such person may appeal the decision not to transfer to a competent court having jurisdiction which shall determine, on the basis of evidence by the interested parties and psychiatrists, psychologists and social workers who are acquainted with the case, whether transfer is in the best interests of the patient. The requirements of sub. (2)(c) shall apply to this subsection.

(5) The determination of mental illness in proceedings in this state shall require a finding of insanity, mental infirmity because of senility, or mental deficiency because of feeble-mindedness in accordance with the procedures contained in ss. 51.01 to 51.04.

**History:** 1965 c. 611.

**51.78 Supplementary agreements.** The compact administrator may enter into supplementary agreements with appropriate officials of other states pursuant to Articles VII and XI of the compact. If such supplementary agreements require or contemplate the use of any institution or facility of this state or county or require or contemplate the provision of any service by this state or county, no such agreement shall take effect until approved by the head of the department or agency under whose jurisdiction said institution or facility is operated or whose department or agency will be charged with the rendering of such service.

**History:** 1965 c. 611.

**51.79 Transmittal of copies.** Duly authorized copies of this act shall, upon its approval, be transmitted by the secretary of state to the governor of each state, the

attorney general and the administrator of general services of the United States and the council of state governments.

**History:** 1965 c. 611.

51.80 Patients' rights. Nothing in the interstate compact on mental health shall be construed to abridge, diminish or in any way impair the rights or liberties of any patient affected by the compact.

**History:** 1965 c. 611.

#### CHAPTER 52. SUPPORT OF DEPENDENTS.

##### 52.25 Paternity; proceedings on and contents of complaint.

A district attorney may not issue a v. Simpson, 28 W (2d) 590, 137 NW (2d) warrant for arrest. State ex rel. White 391.

#### CHAPTER 53. PRISONS; STATE, COUNTY AND MUNICIPAL.

##### 53.11 Credit for good conduct; forfeiture for bad; parole.

The provision in (7) entitling an inmate petitioner served his sentence, less good who has served his sentence, less good time time earned, for a crime committed prior earned, to a conditional release, applies thereto, he was entitled to an unconditional only to inmates convicted of crimes com- release. State ex rel. Eastman v. Burke, mitted after May 27, 1951; hence where 28 W (2d) 170, 136 NW (2d) 297.

#### CHAPTER 56. PRISON LABOR.

##### 56.065 Work release plan for prison inmates.

(3) The department shall designate and adapt facilities of the state prisons for the purpose of quartering inmates with work release privileges or it may arrange and contract for other facilities, including portions of county jails for inmates employed in the area. No inmate shall be granted work release privileges until such suitable quarters have been provided in the area of accepted or proffered employment.

(4) (a) Every inmate gainfully employed under a work release program shall be liable for the cost of his board and clothing and for any expenses incident to such employment.

**History:** 1965 c. 300, 636.

##### 56.08 "Huber Law"; employment of county jail prisoners.

(7) (a) If the prisoner was convicted in a justice court, a court having criminal jurisdiction (other than the circuit court) located in the county seat (designated for this purpose by the judges of all such courts if there is more than one) has authority and jurisdiction to make all determinations and orders under this section and s. 53.43 as might otherwise be made by the sentencing court after the prisoner is received at the jail.

(13) Any county board may contract with the department of public welfare for the quartering in the county jail of inmates under s. 56.065.

**History:** 1961 c. 495; 1965 c. 39, 617, 636.

#### CHAPTER 57. PROBATION, PAROLES AND PARDONS.

##### 57.04 Probation of misdemeanants.

Where probation was revoked after pro- revocation will stand even though the con- bationer pleaded guilty to 2 misdemeanors viction on the misdemeanors is set aside but the revocation was based on general and a new trial ordered. Hughes v. State, violations of the terms of probation includ- 28 W (2d) 665, 137 NW (2d) 439. ing other acts than the misdemeanors, the

#### CHAPTER 59. COUNTIES.

##### 59.07 General powers of board.

(56) HOUSING AUTHORITIES, COUNTIES HAVING ONLY ONE TOWN. (a) The provisions of ss. 66.40 to 66.404 shall apply to any county having only one town, except as otherwise provided in this subsection or clearly indicated otherwise by the context, and any housing authority established under this subsection shall be entitled to participate in

any state grants-in-aid for housing in the same manner as city housing authorities created under ss. 66.40 to 66.404.

(b) The powers and duties conferred and imposed by ss. 66.40 to 66.404 upon mayors and councils are hereby conferred upon county boards, and the powers and duties of specified city officials under those sections are hereby conferred upon county officials performing duties similar to the duties of such specified city officials.

(c) Eligible low-income residents of the county who are 62 years of age or older may be given first preference in the selection of tenants for housing provided under the authority of this section. The housing may, insofar as possible, be designed specifically for the foregoing class of residents.

(d) The area of operation of a housing authority created in and for a county pursuant to this subsection is all of the county for which it is created.

(59) COUNTY NATURAL BEAUTY COUNCILS. Create a county natural beauty council as a committee of the county board, composed of such county board members, public members and governmental personnel as the county board designates. The council shall advise governmental bodies and citizens in the county on matters affecting the preservation and enhancement of the county's natural beauty, and aid and facilitate the aims and objectives of the Wisconsin council on natural beauty.

**History:** 1961 c. 40, 41, 95, 155, 217, 325, 447, 496, 508, 540, 552, 594; 1963 c. 216, 222, 345, 419, 506, 528, 543, 565; 1965 c. 22, 34, 134, 159, 238, 252, 281, 306, 458, 537, 574.

#### 59.071 Industrial development agencies.

(7) EXAMINATION AND AUDIT. The accounts and books of the agency, including its receipts, disbursements, contracts, mortgages, investments and other matters relating to its finances, operation and affairs shall be examined and audited annually by the county auditor, by the department of administration under s. 16.58 or by an independent certified public accountant designated by the county board or boards where counties have joined in the formation of the agency.

**History:** 1965 c. 90, 659.

59.083 Milwaukee county, consolidation of municipal services, home rule, metropolitan district. (1) Except as elsewhere specifically provided in these statutes, the county board of any county with a population of 250,000 or more, is hereby vested with all powers of a local, legislative and administrative character, including without limitation or restriction because of enumeration, the subject matter of water, sewers, streets and highways, fire, police, and health, and to carry out these powers in districts which it may create for different purposes, or throughout the county, and for such purposes to levy county taxes to issue bonds, assessment certificates and improvement bonds, or any other evidence of indebtedness. The powers hereby conferred may be exercised by the county board in any town, city or village, or part thereof located in such county upon the request of any such town, city or village, evidenced by a resolution adopted by a majority vote of the members-elect of its governing body, designating the particular function, duty or act, and the terms, if any, upon which the same shall be exercised by the county board or by a similar resolution adopted by direct legislation in such town, city or village in the manner provided in s. 9.20. Such resolution shall further provide whether the authority or function is to be exercised exclusively by the county or jointly by the county and the town, city or village, and shall also find that the exercise of such power by the county would be in the public interest. Upon the receipt of the resolution, the county board may, by a resolution adopted by a majority vote of its membership, elect to assume the exercise of such function, upon the terms and conditions set forth in the resolution presented by the town, city or village.

(2) The county board of any such county may, by a resolution adopted by a majority of its membership, propose to the towns, cities and villages located in such county, or any of them, that it offers to exercise such powers and functions therein in order to consolidate municipal services and functions in said county. Such resolution shall designate the particular function, duty or act and the terms and conditions, if any, upon which the county board will perform the same. The powers conferred in sub. (1) and designated in such resolution may thereafter be exercised by the county board in each such town, city or village which shall accept such proposal by the adoption of a resolution by a majority vote of the members-elect of its governing body or by direct legislation in the manner provided in s. 9.20 of the statutes.

(3) Whenever the request under sub. (1) or acceptance under sub. (2) of a town, city or village shall be by resolution of its governing board, such request or acceptance shall not go into effect until the expiration of 60 days from the adoption of the resolution. If a petition pursuant to s. 9.20 for direct legislation on such request or acceptance shall be filed before the expiration of said 60 days, the resolution of the

governing board shall be of no effect but the request or acceptance of such town, city or village shall be determined by such direct legislation.

**Note:** Subs. (1), (2) and (3) are printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1965 c. 666.

**59.395 Clerk of court; duties.**

(4) Send to the secretary of state on or before June 1 of each year certified lists of all justices of the peace who filed their official bonds during the preceding year.

**History:** 1963 c. 407, 427; 1965 c. 617.

**59.42 Clerk of court; fees.**

(4) FOREIGN JUDGMENT. On filing of a foreign judgment under s. 270.96, \$5.

**History:** 1961 c. 505, 519; 1963 c. 407; 1965 c. 73, 379, 625.

**59.51 Register of deeds; duties.**

(11) File, indorse, enter and index all bills of sale not pertaining to security interests and all documents pertaining to security interests in personal property, crops or fixtures which are required or authorized by law to be filed with him. These documents shall be executed on white or light colored sheets of paper, 8 or 8½ inches wide and 5, 7, 10½ or 14 inches long. Whenever there is offered for filing any document which varies more than one-eighth of an inch from the approved size, then in addition to the regular filing fee an additional filing fee shall be charged by such register of deeds, as prescribed by s. 59.57. No assignment, release or other instrument shall be offered for filing which is executed or indorsed on any other document, but each shall be a separate and distinct document, excepting those assignments or notices thereof printed or written on and immediately following the original agreement or financing statement, offered for filing at the same time, shall be considered as one document. All these documents shall be legibly written, and shall have the names of the debtor and secured party plainly printed or typed thereon and shall provide a space for filing data of the register of deeds on the outside of said document.

**History:** 1961 c. 156, 159; 1963 c. 153, 237; 1965 c. 51, 139, 625.

**59.57 Register of deeds; fees.**

(6) For filing and entering each bill of sale not pertaining to a security interest and each document pertaining to security interests in personal property, crops or fixtures which is required or authorized by law to be filed with him, including those required to be filed with him pursuant to ss. 409.403 to 409.406, \$1. For performing functions under s. 409.407, the register shall charge the fees stated in that section. A financing statement and an assignment or notice of assignment of the security interest, offered for filing at the same time, shall be considered as only one document for the purpose of this subsection. Whenever there is offered for filing any document which varies more than one-eighth of an inch from the approved size as prescribed by s. 59.51, an additional filing fee of one-half the regular fee shall be charged by such register.

**History:** 1961 c. 554, 621; 1963 c. 153; 1965 c. 249, 485, 625.

**59.82 Magistrates' dockets, audit and report.** The auditing committee of the county board in counties which have such a committee and in other counties the county auditor, or the county clerk if there is no county auditor, shall personally, before the meeting of the county board in each year, inspect the docket of every justice of the peace or other magistrate in the county who is authorized to receive fines under s. 960.34, when such magistrate has had any criminal case during the previous year and ascertain therefrom the amount of such fines received by any such magistrate during the preceding year ending October 31 and make a separate written report for each such magistrate, which report shall be verified by his affidavit, embrace the title of each case in which any such fine was received, the date of conviction and the total amount of fines received during the period covered by such report. To facilitate the making of such examinations and reports the several magistrates shall deliver their dockets to the auditing committee, county auditor or county clerk, at such time before or during the annual meeting of the county board and at such place as such committee, auditor or clerk designates, to be forthwith examined and to be returned to such magistrate on the same day of delivery. The county board shall, at their annual meeting, compare the reports upon such examinations with those made by magistrates pursuant to s. 960.34.

**History:** 1961 c. 614; 1965 c. 617.

**59.96 Metropolitan sewerage commission.**

(6) POWERS AND DUTIES.

(k) Whenever the plans and specifications for any main sewer have been completed and approved by the sewerage commission of such city of the 1st class and by the de-

partment of resource development as provided in ch. 144 and the commission has determined as provided in this section to proceed with the work of the construction thereof, it shall advertise by a class 2 notice, under ch. 985, for bids for the construction of the main sewer and its appurtenances in part or as a whole, as it deems advisable. Contracts for such work shall be let to the lowest responsible bidder, or the commission may reject any and all bids and if in its discretion the prices quoted are unreasonable or the bidders irresponsible, or the bids informal, it may readvertise the work or any part of it. With the consent of all its members it may itself do any part of any such works, by any labor under such conditions in every respect as it may prescribe. All contracts shall be protected by such bonds, penalties and conditions as the commission shall require.

**History:** 1961 c. 37, 236, 486, 544, 622; 1963 c. 171, 459, 506; 1965 c. 252, 614.

**59.971 Zoning of shorelands on navigable waters.** (1) To effect the purposes of s. 144.26 and to promote the public health, safety and general welfare, counties may, by ordinance enacted separately from ordinances pursuant to s. 59.97, zone all lands (referred to herein as shorelands) in their unincorporated areas within the following distances from the normal high-water elevation of navigable waters as defined in s. 144.26 (2)(d): 1,000 feet from a lake, pond or flowage; 300 feet from a river or stream or to the landward side of the flood plain, whichever distance is greater. If the navigable water is a glacial pothole lake, the distance shall be measured from the high watermark thereof.

(2)(a) Except as otherwise specified, all provisions of s. 59.97 apply to ordinances and their amendments enacted under this section, but they shall not require approval or be subject to disapproval by any town or town board.

(b) If an existing town ordinance relating to shorelands is more restrictive than an ordinance later enacted under this section affecting the same shorelands, it continues as a town ordinance in all respects to the extent of the greater restrictions, but not otherwise.

(c) Ordinances enacted under this section shall accord and be consistent with any comprehensive zoning plan or general zoning ordinance applicable to the enacting counties, so far as practicable.

(3) All powers granted to a county under s. 236.45 may be exercised by it with respect to shorelands, but it must have or provide a planning agency as defined in s. 236.02 (1).

(4)(a) Section 66.30 applies to this section, except that for the purposes of this section any agreement under s. 66.30 shall be effected by ordinance. If the municipalities as defined in s. 144.26 are served by a regional planning commission under s. 66.945, the commission may, with its consent, be empowered by the ordinance of agreement to administer each ordinance enacted hereunder throughout its enacting municipality, whether or not the area otherwise served by the commission includes all of that municipality.

(b) Variances and appeals regarding shorelands within a county are for the board of adjustment for that county under s. 59.99, and the procedures of that section apply.

(5) An ordinance enacted under this section supersedes all provisions of an ordinance enacted under s. 59.97 that relate to shorelands.

(6) If any county does not adopt an ordinance by January 1, 1968, or if the department, after notice and hearing, determines that a county has adopted an ordinance which fails to meet reasonable minimum standards in accomplishing the shoreland protection objectives of s. 144.26 (1), the department shall adopt such an ordinance. As far as possible, s. 87.30 shall apply to this subsection.

**History:** 1965 c. 614.

**59.997 Consolidation of counties; procedure; referendum.**

(11) At the next succeeding regular November election, held at least 60 days after the election at which consolidation is approved by the voters, there shall be elected for the consolidated county all county officers provided for by law, except as provided in sub. (12), and such officers shall be nominated as provided in ch. 6. Their terms shall begin on the first Monday of January next succeeding their election, at which time they shall replace all elective county officers of the counties consolidated into the consolidated county whose terms shall on such day terminate. All appointive county officers shall be appointed by the person, board or authority upon whom the power to appoint such officers in other counties is conferred. The terms of such officers shall commence on the first Monday of January next succeeding the first election of officers for the consolidated county, and shall continue, unless otherwise removed, until their successors have been appointed and qualified. The successors of all such officers whose first election or appointment is herein provided for shall thereafter be elected or appointed at the time, in the manner and for the terms provided by law.

**Note:** Sub. (11) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1965 c. 19, 252, 666.



## CHAPTER 60. TOWNS.

**60.07 Annual town meeting.** (1) There shall be an annual town meeting of each town on the first Tuesday of April at which all business shall be transacted which is by law required or permitted to be transacted at such meeting; no notice of holding any annual town meeting need be given. The hour for holding succeeding annual town meetings may be fixed at any such meeting. Any annual or special town meeting may be held in the town or in any village or city within or adjoining the town.

(2) The location of the annual town meeting and all elections shall be held at the same place as the last town meeting unless changed at that meeting or as designated by the supervisors when more than one precinct is established. Newly organized towns shall have their first meeting at the place designated in the documents which established the town. The meeting place designated need not be within the town, but shall be convenient to the town within an incorporated city or village within the county. Not more than 6 nor less than 4 weeks before the meeting date the town board, by recorded resolution, or 12 electors of the town, by a filed petition, may have the question of whether to change the meeting place submitted to a vote at the regular town meeting. The resolution or petition shall designate a qualified alternative place with reasonable certainty. Notice of the proposed question shall be given at the same time as the notice of the town meeting. The change shall be made if a majority vote in favor of the change.

**Note:** Sub. (2) is printed as created by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** Sub. (2) and (5), but posting is deleted. (Bill No. based on ss. 6.04 (3), 10.53 (1), (2), (3) 755-A)

**60.24 Continuance of justices in newly organized towns.** Repealed.

**60.25 Terms decided by lot.** Repealed.

**60.26 Same.** Repealed.

**60.27 Certificate of result.** Repealed.

**60.302 Petition.** (1) WHO TO MAKE. Before any town board shall establish a district as heretofore authorized, a petition requesting such establishment shall be filed with the town clerk, addressed to the town board and signed by at least 51% of the persons owning real estate or the owners of at least 51% of the land, within the limits of the territory proposed to be organized into such district.

**History:** 1965 c. 614.

**60.303 Hearings, time, notice, boundaries, approval, limitations.**

(5) The state board of health and the department of resource development shall be notified of the hearing to be held for the creation of such district, by mailing notice addressed to them, such notice to be deposited in the mail not less than 10 days prior to the date set for such hearing, and the state board of health and the department of resource development shall be represented at the hearing and shall advise with the town board.

(8) In the case of additions to any such district, the petition requesting such addition shall be signed by at least 51% of the persons owning real estate or the owners of at least 51% of the land within the limits of the territory proposed to be added to such district. All additions heretofore made to town sanitary districts under petitions as set forth in this subsection are validated.

**History:** 1965 c. 252, 614.

**60.305 Commissioners, appointment, qualifications, terms, pay; contracts, malfeasance.** (1)(a) When a town sanitary district is situated in territory lying within 2 or more towns, or when such district has been created in territory in one or more towns and a portion thereof is incorporated as or annexed to a city or village, the town board of the town containing the largest assessed valuation of taxable property of such district lying in 2 or more towns, or the town board of a town in which the major portion of the patrons reside when a portion of such district is incorporated as a city or village, shall within 60 days after December 1, 1955, or of the creation of a new district having territory in 2 or more towns, or of incorporation or annexation of part of such district, appoint or provide for an election for the purpose of selecting 3 town sanitary district commissioners. Commissioners shall be so appointed or elected by the qualified electors of the district for a term of 2 years. Successor commissioners shall be appointed in the same manner or elected by the qualified electors of the district for like terms at the regular spring election in such towns and villages held in odd-numbered years. The terms of all commissioners appointed or elected in 1955 shall expire on the first Monday of April 1957. If

the commissioners have been appointed and a change to election of the commissioners be requested by a petition submitted to the town board of the town containing the largest assessed valuation of taxable property or the major portion of the patrons in the district it shall call a special election for the election of commissioners within 60 days from the date of receipt of the petition. The petition shall be signed by at least 20% of the qualified electors of the district. Commissioners elected at a special election shall take office 30 days after such election and shall serve until the first Monday of April of the next year in which a regular town election is held. Successor commissioners shall be elected at such election or at the regular spring election of such year or both. Any vacancy may be filled by appointment for the remainder of the unexpired term. The salary, if any, of the commissioners and the treasurer shall be fixed by the town board of the town having the largest assessed valuation of taxable property or the major portion of the patrons in the district. Where all the territory of a town sanitary district lies within one town, the town board may by a two-thirds vote constitute itself as ex officio the commissioners of the town sanitary district. In the event the town board does not constitute itself as ex officio the commissioners of the town sanitary district, then such town shall within 60 days provide for appointment or election of 3 sanitary commissioners as provided in this section. All sanitary district commissioners shall be property owners and residents of the sanitary district, except that where the sanitary district is composed primarily of summer resort property only one of the commissioners is required to be a resident of the district. The requirements of this section for appointment or provision for election of commissioners within 60 days after December 1, 1955 shall not apply to districts where-in commissioners were elected in 1955 prior to December 1, 1955. So far as applicable ss. 5.01 (2), 5.60, 7.15 (2) (d) and 8.50 shall apply to special elections of commissioners under this section.

**Note:** Sub. (1) (a) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1961 c. 198; 1965 c. 666.

**60.306 Commission; powers, duties.**

(2) The commission shall project, plan, construct and maintain in such district a system or systems of waterworks, garbage or refuse disposal or sewerage, including sanitary sewers, surface sewers or storm water sewers, provide for sewage collection, provide chemical treatment of waters for the suppression of swimmers' itch, algae and other nuisance-producing aquatic growths, or all of such improvements or any combination thereof necessary for the promotion of the public health, comfort, convenience or public welfare of such district, and such commission is authorized to enter into contracts and take any or all proceedings necessary to carry out such powers and duties. The commission may require the installation of private sewage systems.

(4) The commission may provide an office, fix and collect charges for garbage disposal and sewage collection, and collect water rentals in the manner provided by law which charges and rentals shall constitute a general fund for the operation and maintenance of the garbage or waterworks systems the same as for any public utility.

**History:** 1965 c. 252, 614.

**60.315 Town board or department of resource development may establish sanitary district.** (1)(a) When the department of resource development (referred to in this section as "the department") through public hearing finds that private sewage disposal systems or private water supply systems or both, in towns are so located and operated that they cause or tend to cause a menace to health or comfort, or pollution of surface waters, and determines that there is no local action to correct the situation, it shall certify such fact to the towns in which such area is located and specify the proposed work which is necessary and the property which is to be included in the district. The town clerks of the area to be affected shall be given at least 30 days' notice by mail of the hearing and the town board shall publish a class 2 notice, under ch. 985, of the hearing.

(2) Upon receipt of such certification from the department of resource development the town board may order the establishment of a sanitary district pursuant to ss. 60.302 to 60.305 without the necessity of a petition requesting the establishment of such a district as is provided for in s. 60.302, subject to review proceedings under sub. (4).

(3) If the town board fails to proceed under sub. (2) for a period of 45 days following receipt of the certification provided for in sub. (1), the department shall issue an order establishing the district, which order shall describe the district. A copy of the order shall be filed with the register of deeds in the county or counties in which the district is situated and a copy shall be filed with the town clerk or clerks in which the district is situated. Making and filing the order shall establish the district without any

further action by the town board or boards, subject to review proceedings under sub. (4).

(4)(a) Substantially as provided in s. 144.56 (1), 10% of the persons owning real estate within the district or the owners of 10% of the land therein may upon petition secure a review by the town board or department of the necessity and reasonableness of such order or the town board or boards in which the district is situated may upon petition secure a review by the department.

(b) The determination of the department shall be subject to judicial review in the manner provided by ch. 227.

(5) After the district has been established the provisions of s. 60.305 relating to commissioners shall apply. If no review proceedings are brought under sub. (4)(a) within 60 days after the establishment of the district, or if review proceedings under sub. (4) are had resulting in the affirmance of the order establishing the district and no steps are taken to appoint commissioners within 60 days after final affirmance the department may appoint 3 commissioners residing within the district for 2-year terms. If at any time thereafter there is a failure to appoint or elect commissioners or to fill vacancies as provided in s. 60.305 and such failure shall continue for a period of more than 60 days the department may make the appointments and fill the vacancies by appointment of persons residing within the district. Notice of all appointments of commissioners by the department shall be filed with the town clerk or clerks in which the district is situated.

(6) Except as otherwise provided in this section and unless clearly inapplicable all other statutes relating to town sanitary districts shall apply to town sanitary districts created by order of the town board or department.

(7) In lieu of establishing a sanitary district pursuant to sub. (2), a town board may create a utility district as specified in s. 66.072 following certification by the department as to necessity for community action.

(8) The town board, upon request of the commissioners of a sanitary district, may after public hearing increase the territory of a sanitary district to include lands contiguous to and benefited by the sanitary district. The town board of the area to be affected shall publish notice of the hearing in a newspaper of general circulation in the proposed area being considered for addition to the district at least 10 days prior to the hearing.

**History:** 1961 c. 33; 1963 c. 506; 1965 c. 252, 307, 614, 625.

**60.32 Auditing accounts; meetings for; vacancies in board.** The town board shall meet on the 2nd Tuesday next preceding the annual town meeting and also on the first Tuesday of December, and at such other times as they deem necessary to audit and settle all charges against the town and if the 3 supervisors are not present, the chairman, or in his absence, either of the other supervisors attending, shall call the justice of the town to act instead of the absent supervisor or supervisors, and if any such vacancy cannot be filled by reason of there being no legally qualified justice of the peace in the town, the vacancy may be filled by selecting a qualified elector thereof. Said elector if so chosen shall take and file the usual oath of office, so as to make a board of audit composed of 3. No such special meeting shall be held unless notice of the same is given to each supervisor at least 2 days prior to the time fixed therefor, and none but supervisors shall act on the board of audit at such special meetings.

**History:** 1965 c. 617.

**60.57 Justices; number; terms. Repealed.**

**60.595 Municipal justice of the peace.**

See note to art. VII, sec. 2, citing 54 Atty. Gen. 28.

**60.81 Towns may become cities.**

(9) **FIRST CITY ELECTION.** Within 10 days after incorporation of the city, the board with the clerk of which the petition was filed shall fix a time for the first city election, designate the polling place or places, and name 3 inspectors of election for each place. Ten days' previous notice of the election shall be given by the clerk by publication in the newspapers selected under sub. (3) and by posting notices in 3 public places in such city; but failure to give such notice shall not invalidate the election. The election shall be conducted as is prescribed by Title II, except that no registration of voters shall be required. The inspectors shall make returns to such board which shall, within one week after such election, canvass the returns and declare the result. The clerk shall notify the officers-elect and issue certificates of election. If the first election shall be on the first Tuesday in April the officers so elected shall commence and hold their offices as for a regular term, as shall also their appointees. Otherwise they shall commence within 10

days and hold until the regular city election and the qualification of their successors, and the term of their appointees shall expire as soon as successors qualify.

**Note:** Sub. (9) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1961 c. 33; 1965 c. 666.

#### CHAPTER 61. VILLAGES.

**61.187 Dissolution.** (1) **PROCEDURE.** Whenever an application in writing, signed by one-third as many electors of any village as voted for village officers at the next preceding election therefor, shall be presented to the village board praying for dissolution of the village corporation, such board shall submit to the electors of such village, for determination by ballot in substantially the manner provided by ss. 5.64 (2) and 10.02, at a general election or at a special election called by them for that purpose, the question whether or not such village corporation shall be dissolved.

**Note:** Sub. (1) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1965 c. 666.

**61.19 Annual elections; appointments.** At the annual spring election in each village in odd-numbered years, except as otherwise provided herein, there shall be chosen: A president, a clerk, a treasurer, an assessor and a constable. In villages in counties having a population of 500,000 or more, the officers named shall be elected for a term of 2 years on the first Tuesday of April of each year in which a general election for state officers is to be held. Any other officers shall be appointed annually by the village board at their first meeting after the first Tuesday in April unless the board otherwise provides. No person not a resident elector in such village shall be elected to any office therein. The village clerk may appoint a deputy clerk for whom he shall be responsible, and who shall take and file the oath of office, and in case of the absence, sickness or other disability of the clerk, may perform his duties and receive the same compensation unless the village board appoints a person to act as such clerk.

**History:** 1963 c. 6; 1965 c. 20, 617.

**61.195 Discontinuance and change of term of offices.** Any village may proceed pursuant to s. 66.01 to discontinue the office of marshal or constable, to change the method of selection of or tenure of any officer other than members of the village board, to consolidate any such office or to change the term of office of members of the village board.

**History:** 1965 c. 20, 617.

**61.21 Clerk to notify officers-elect; oath of office.** Within 5 days after the election or appointment of any village officer the village clerk shall notify the person so selected thereof unless he voted at such election, and every person elected or appointed to any office named in s. 61.19 shall within 5 days after such election or appointment or notice thereof, when so required to be given, take and file the official oath.

**History:** 1965 c. 617.

#### **61.305 Municipal justice of the peace.**

See note to art. VII, sec. 2, citing 54 Atty. Gen. 28.

#### CHAPTER 62. CITIES, GENERAL CHARTER LAW.

**62.09 Officers.** (1) **ENUMERATION AND CHANGE.** (a) The officers shall be a mayor, treasurer, clerk, comptroller, attorney, engineer, one or more assessors, one or more constables as determined by the common council, a health commissioner or board of health, street commissioner, a board of police and fire commissioners, except in cities where not applicable, chief of police, chief of the fire department, a board of public works, a board of education or of school commissioners, except in cities where not applicable, 2 aldermen from each ward, and such other officers or boards as are created by law or by the council. If one alderman from each ward is provided pursuant to s. 66.018 (1), the council may, by ordinance adopted by a two-thirds vote of all its members and approved by the electors at the general or special election, provide that there shall be 2 aldermen from each ward.

(3) **MANNER OF CHOOSING.** (a) The mayor and aldermen shall be elected by the voters.

**History:** 1961 c. 33, 495, 534; 1963 c. 190, 365, 436; 1965 c. 20, 252, 617.

**62.13 Police and fire departments.****(6) OPTIONAL POWERS OF BOARD.**

(b) The provisions of this subsection shall apply only if adopted by the electors. Whenever not less than 30 days prior to a regular city election a petition therefor, signed by electors equal in number to not less than 20% of the total vote cast in the city for governor at the last general election, shall be filed with the clerk, he shall give notice in the manner of notice of the regular city election of a referendum on the adoption of this subsection. Such referendum election shall be held with the regular city election, and the ballots shall conform with the provisions of ss. 5.64 (2) and 10.02, and the question shall be "Shall subsection (6) of section 62.13 of the statutes be adopted?"

**Note:** Sub. (6) (b) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1961 c. 281; 1963 c. 233, 295; 1965 c. 666.

**62.24 Municipal justice of the peace. PRESIDING JUSTICE.** (a) The common council of any city may by ordinance provide for the election of a justice of the peace, and in cities of the 1st class, one or more such justices, to be "municipal justice of the peace" and such municipal justice of the peace shall be elected at large as provided by the council. He shall qualify pursuant to s. 62.09 (4) and file pursuant to s. 19.01 (4) (c). If any city which has created the office of municipal justice of the peace consolidates with or has previously consolidated with another municipality which also had created such office, such city may provide for the election of 2 municipal justices of the peace.

(c) In case of his absence, sickness or disability, he may, by written order filed in his court, designate another municipal justice of the peace to perform his duties during such time. When such incumbent justice is incompetent, unable or fails to make such designation, the mayor may make such designation subject to confirmation by the council.

(2) JURISDICTION. (a) The municipal justice of the peace shall have the jurisdiction, both as to subject matter and as to territory, prescribed by law for a justice of the peace and in addition shall have:

8. Jurisdiction of garnishment actions and actions commenced by warrant of attachment against the property of a debtor, as provided by and subject to the limitations set forth in ch. 304.

**(c) REPEALED.****(3) PROCEDURE.**

(b) The procedure shall be that applicable to justices of the peace, except as otherwise provided in this section.

(d) When juries are selected in criminal cases, either side may challenge 2 talesmen peremptorily.

**History:** 1961 c. 257, 495, 498, 643; 1963 c. 6, 150, 407; 1965 c. 161, 249, 433, 617.

See note to art. VII, sec. 2, citing 54 Atty. Gen. 28.

**62.26 General provisions.****(6) CITIES IN MORE THAN ONE COUNTY.**

(a) Justices of the peace shall qualify and have jurisdiction in each county the same as though the city lay wholly therein, and may hold court in one county while exercising jurisdiction in the other. If a defendant resides in either of said counties, venue upon appeal or certiorari in civil cases shall be in such county, otherwise in that one of said counties where the cause of action arose, if it arose in either, otherwise in either county. In criminal cases venue upon appeal or certiorari shall be in the county where the offense was committed. In cases of removal of a cause, the papers shall be transmitted to the nearest justice of the peace of the city competent to try the same, and if there is none or he is absent or sick, then to the nearest justice of the peace of the county where a defendant was served and in criminal cases of the county where the offense was committed.

**History:** 1961 c. 614; 1965 c. 617.

**CHAPTER 64. OTHER FORMS OF CITY GOVERNMENT.**

**64.01 How to organize under 64.01 to 64.15.** (1) Any city of the second, third or fourth class may reorganize under the provisions of ss. 64.01 to 64.15, either by enactment of a charter ordinance or by a petition and referendum election as provided by s. 66.01. Such petition and election shall be governed by s. 9.20 (1) to (6).

**Note:** Sub. (1) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

(3) Any village qualified under s. 61.189 to become a city may organize under ss. 64.01 to 64.15 by the adoption of a charter ordinance or by a petition and referendum election as provided by s. 66.01. Such petition and election shall be governed by s. 9.20 (1) to (6).

**Note:** Sub. (3) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1961 c. 570; 1965 c. 666.

**64.06 Recall.** Any councilman may be recalled from office in accordance with the provisions of s. 9.10 of the statutes. This method of removal shall be in addition to the other methods provided by law.

**Note:** The above section is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1965 c. 666.

**64.10 City department, administrative and educational boards.**

(3) The board of education shall continue to be elected or appointed as provided by law and shall continue to have the same power and authority as possessed prior to the reorganization of such city under ss. 64.01 to 64.15, provided that such board may be discontinued by a vote of the people held in accordance with the provisions of s. 9.20 of the statutes, and in such case the powers and duties of such board shall be exercised and performed by the council and city manager in accordance with the general provisions of ss. 64.01 to 64.15.

**Note:** Sub. (3) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1965 c. 666.

**64.25 City commission plan; adoption; cities applicable to.** Any city of the second, third or fourth class may reorganize under the provisions of ss. 64.25 to 64.40, either by enactment of a charter ordinance or by a petition and referendum election as provided by s. 66.01. Such petition and election shall be governed by s. 9.20 (1) to (6).

**Note:** The above section is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1965 c. 666.

**64.36 Boards and commissions.**

(2) Any other board or commission, except the board of police and fire commissioners, may be dispensed with or the number of members thereof be changed by a vote of the people held in the manner provided by s. 9.20, and in case of discontinuance the powers and duties of any such board or commission, shall be exercised and performed by the council. Unless the board of public works shall be dispensed with or changed by ordinance, or other boards or commissions shall be dispensed with by such vote of the people, they shall continue to have and perform the same powers and functions that they possessed and exercised at the time when the city adopted the commission form of government, and shall continue to be elected or appointed as then provided by law, except that members then appointed by the mayor shall be elected by a majority vote of the council like other city officers under s. 64.30.

**Note:** Sub. (2) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

(4) All boards and commissions in any city of the 2nd class under commission form of government shall continue to be elected or appointed as provided by law at the time when said city adopted such commission form, and shall continue to have and exercise all the authority they then possessed. Any such board or commission, excepting the board of education and the board of police and fire commissioners, may be dispensed with or changed in membership by a vote of the people held in the manner provided by s. 9.20.

**Note:** Sub. (4) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1965 c. 666.

CHAPTER 65. MUNICIPAL BUDGET SYSTEMS.

**65.07 Power of council to levy taxes. (1)**

(h) A vocational and adult education fund, not exceeding 3 mills.

**History:** 1963 c. 85, 363; 1965 c. 627.

**65.90 Municipal budgets.**

(6) A copy of each county budget including comparable figures for the 2 preceding years shall be filed with the department of administration in such form and on such blanks as the department shall prescribe.

**History:** 1961 c. 222; 1963 c. 38; 1965 c. 252, 659.

## CHAPTER 66. GENERAL MUNICIPALITY LAW.

**66.01 Home rule; manner of exercise.**

(3a) Every charter ordinance enacted pursuant to s. 66.01, which charter ordinance was adopted by the governing body prior to December 31, 1944, and which has also been published prior to such date in the official newspaper of such city or village, or if there be none in a newspaper having general circulation therein, shall be valid as of the date of such original publication notwithstanding the failure to publish such ordinance as provided in s. 10.43 (5) and (6).

**Note:** Sub. (3a) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

(5) Any city or village by charter ordinance may make the election mentioned in sub. (4) of this section, or enact, amend or repeal the whole or any part of its charter; but such ordinance shall not take effect until 60 days after its passage and publication. If within such 60 days a petition signed by a number of electors of the city or village equal to not less than 7% of the votes cast therein for governor at the last general election shall be filed in the office of the clerk of said city or village demanding that such ordinance be submitted to a vote of the electors it shall not take effect until submitted to a referendum and approved by a majority of the electors voting thereon. Said petition and the proceedings for its submission shall be governed by s. 9.20 (2) to (6).

**Note:** Sub. (5) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

(6) Any charter ordinance may be initiated in the manner provided in s. 9.20 (1) to (6), but alternative adoption thereof by the legislative body shall be subject to referendum as provided in sub. (5) of this section.

(7) Any charter ordinance may be submitted to a referendum by the legislative body, in the manner prescribed in s. 9.20 (4) to (6), without initiative petition, and shall become effective when approved by a majority of the electors voting thereon.

(8) Every charter, charter amendment or charter ordinance enacted or approved by a vote of the electors shall control and prevail over any prior or subsequent act of the legislative body of the city or village. Whenever the electors of any city or village by a majority vote shall have adopted or determined to continue to operate under either ch. 62 or 64, or shall have determined the method of selection of members of the governing board, the question shall not again be submitted to the electors, nor action taken thereon within a period of 2 years. Any election to change or amend the charter of any city or village, other than a special election as provided in s. 9.20 (4) shall be held at the time provided by statute for holding regular city elections.

(9) The legislative body of any city or village, by resolution adopted by a two-thirds vote of its members-elect may, and upon petition complying with s. 9.20 shall, submit to the electors in the manner prescribed in s. 9.20 (4) to (6) of said section the question of holding a charter convention under one or more plans proposed in said resolution or petition.

**Note:** Subs. (6), (7), (8) and (9) are printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

(11) Such charter convention shall have power to adopt a charter or amendments to the existing charter. Such charter or charter amendments adopted by such convention shall be certified, as soon as may be, by the presiding officer and secretary thereof to the city or village clerk and shall thereupon be submitted to the electors in the manner prescribed in s. 9.20 (4) to (6), without the alternative mentioned therein, and shall take effect only when approved by a majority of the electors voting thereon.

**Note:** Sub. (11) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1965 c. 252, 666.

**66.019 Powers of new village or city: elections; adjustment of taxes; reorganization as village.**

(4) **FIRST VILLAGE OR CITY ELECTION.** (a) Within 10 days after incorporation of the village or city, the clerk of the circuit court with whom the petition was filed shall fix a time for the first election, and where appropriate designate the polling place or places, and name 3 inspectors of election for each place. The time for the election shall be fixed no less than 40 nor more than 50 days after the date of the certificate of incorporation issued by the secretary of state, irrespective of any other provision in the statutes. Nomination papers shall conform to ch. 6 insofar as applicable. Such papers shall be signed by not less than 5% nor more than 10% of the total votes cast at the referendum election, and be filed no later than 15 days before the time fixed for the election. Ten days' previous notice of the election shall be given by the clerk of the circuit court by publication in the newspapers selected under s. 66.018 (2) and by posting notices in 3

public places in such village or city, but failure to give such notice shall not invalidate the election.

**Note:** Sub. (4) (a) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1965 c. 666.

#### 66.021 Annexation of territory.

(5) REFERENDUM.

(d) *How conducted.* The referendum shall be conducted by the town election officials but the town board may reduce the number of such officials for that election. The ballots shall contain the words "For annexation" and "Against annexation" and shall otherwise conform to the provisions of s. 5.64 (2). The election shall be conducted as are other town elections in accordance with chs. 6 and 7 insofar as applicable.

**Note:** Sub. (5) (d) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1961 c. 78, 483; 1963 c. 353; 1965 c. 252, 444, 666.

Where a corporation by resolution of its board of directors duly authorized its president to sign and its secretary to countersign the annexation petition on its behalf, but the secretary alone executed the same, the defect did not operate to vitiate the petition, since the signing was merely a ministerial act to be done pursuant to actual pre-existing authorization. [Brown Deer v. Milwaukee, 16 W (2d) 206, distinguished.] Mt. Pleasant v. Racine, 28 W (2d) 519, 137 NW (2d) 656.

While annexation procedures are purely statutory, there is a common-law presumption of validity which attaches to an annexation ordinance, assuming that the prescribed procedures have been followed in the adoption of the ordinance, which re-

mains until overcome by proof produced by the party attacking it. Mt. Pleasant v. Racine, 28 W (2d) 519, 137 NW (2d) 656.

Where the state director of the planning function in the department of resource development does not send a report stating that the annexation is against the public interest, it may be assumed that he concluded that the annexation was not, and that in adopting an ordinance of annexation the municipality took the position of the director into account. Mt. Pleasant v. Racine, 28 W (2d) 519, 137 NW (2d) 656.

Legislation which would permit specified municipalities to contract for more strict annexation requirements than those of the statutes would be unconstitutional. 54 Atty. Gen. 3.

#### 66.022 Detachment of territory.

(3) The governing body of any city, village or town involved may, or if a petition signed by 5% of the electors thereof, as determined by the register of voters on the date of filing of such petition, demanding a referendum thereon, be presented to it within 30 days after the passage of either of the ordinances herein provided for, shall cause the question to be submitted to the electors of the city, village or town whose electors petitioned therefor, at a referendum election called for such purpose within 30 days after the filing of such petition, or after the enactment of either ordinance. The governing body of the municipality shall appoint 3 election inspectors who shall be resident electors to supervise the referendum. The ballots shall contain the words "For Detachment" and "Against Detachment." The inspectors shall certify the results of the election by their affidavits annexed thereto and file a copy with the clerk of each town, village or city involved, and none of the ordinances so provided for shall take effect nor be in force unless a majority of the electors shall approve the same. The referendum election shall be conducted in accordance with chs. 6 and 7 insofar as applicable.

**Note:** Sub. (3) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1965 c. 92, 252, 666.

#### 66.024 Annexation by referendum; court order.

This section does not require a public interest determination by the director of planning but it is still subject to the rule of reason and the annexation of 35 square miles by a small village is not reasonable. Elmwood Park v. Racine, 29 W (2d) 400, 139 NW (2d) 66.

#### 66.044 Financial procedure; alternative system of approving claims.

(3) The ordinance shall provide that the governing body of the city or village shall authorize an annual detailed audit of its financial transactions and accounts by the department of administration pursuant to s. 16.58 or by a public accountant licensed under the provisions of ch. 135 the designation to be made by the governing body.

**History:** 1965 c. 659.

66.052 **Offensive industry.** (1) Any city council or village board may direct the location, management and construction of, and license (annually or otherwise), regulate or prohibit any industry, thing or place where any nauseous, offensive or unwholesome business is carried on, within the city or village or within 4 miles of the boundaries, except that the Milwaukee, Menominee and Kinnickinnic rivers with their branches to the outer limits of the county of Milwaukee, and all canals connecting with said rivers, together with the lands adjacent to said rivers and canals or within 100 yards thereof, are deemed within the jurisdiction of the city of Milwaukee. Any town board as to the area within the town not licensed, regulated or prohibited by any city or village pursu-



ant to this section, shall have the same powers as provided in this section for cities and villages. Any such business conducted in violation of any city, village or town ordinance permitted to be enacted under this section is declared to be a public nuisance and an action for the abatement or removal thereof or to obtain an injunction to prevent the same may be authorized to be brought and maintained by the city council or village or town board in the name of this state on the relation of such city, village or town as provided in ss. 280.01, 280.02 and 280.07, or as provided in s. 146.125. Sections 97.07 and 97.20 shall not limit the powers granted by this section. Section 95.72 shall not limit the powers granted by this section to cities or villages but powers granted to towns by this section shall be limited by s. 95.72 and any orders and rules promulgated thereunder.

**History:** 1961 c. 191 s. 109; 1965 c. 582.

#### 66.054 Licenses for fermented malt beverages.

##### (5) LICENSES; GENERAL REQUIREMENTS.

(c) The electors of any city, village or town may, by ballot, at the spring election, determine whether or not Class "B" retail licenses shall be issued for the sale of fermented malt beverages for consumption on or off the premises where sold, or whether or not Class "A" retail licenses shall be issued for the sale of fermented malt beverages for consumption away from the premises where sold, provided that whenever a number of qualified electors of any city, village or town equal to, or more than, 15% of the number of votes cast therein for governor at the last general election, shall present to the clerk thereof a separate petition on each question, in writing, signed by them, praying that the electors thereof may have submitted to them any such question and shall file such petition with the clerk at least 30 days prior to the first Tuesday of April next succeeding. Within 5 days of the filing of any such petition such clerk shall determine by careful examination the sufficiency or insufficiency thereof and state his findings in a signed certificate dated and attached to such petition, and within 5 days give written notice to the commissioner of taxation, at Madison, Wisconsin, that such petition has been filed with him, stating the question to be submitted, the date of filing such petition, the name of the town, its postoffice address, village or city, and such clerk after and not until he shall have determined that such petition is sufficient and shall have given the notice to the commissioner of taxation as hereinabove set forth, shall forthwith make an order providing that such question shall be so submitted on the first Tuesday of April next succeeding the date of such order. Said petition must be circulated by one or more qualified voters residing in the town, village or city wherein such local option question will be submitted. The preparation of such petition shall be governed as to the use of more than a single sheet of paper, the dates of signatures, the places of residence of signers, and verification thereof, by the provisions of s. 8.15 as far as applicable. No petition shall be circulated prior to 60 days before the date on which it must be filed, and no signature shall be counted unless it has been affixed to such petition and bears date within 60 days prior to the time for the filing thereof. At such election a separate ballot box shall be provided for such ballots. Such ballots shall conform to the provisions of s. 5.64 (2).

**Note:** Sub. (5) (c) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1961 c. 33, 288, 347, 523; 1963 c. 113, 141, 143, 246; 1965 c. 8, 334, 666.

#### 66.12 Actions for violation of city or village regulations.

Under (2) the city cannot object to an not for an indefinite amount. West Mil-adequate cash appeal bond on the ground waukee v. Klux, 28 W (2d) 410, 137 NW (2d) that there was no surety and that it was 99.

#### 66.19 Civil service system; veterans' preference.

(3) When any town has established a system of civil service, the ordinance establishing the same shall not be repealed for a period of 6 years after its enactment, and thereafter it may be repealed only by proceedings under s. 9.20 by referendum vote.

**Note:** Sub. (3) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1963 c. 5; 1965 c. 150, 666.

#### 66.191 Special death and disability benefits for certain public employes subject to Wisconsin retirement act and conservation warden fund.

##### (2)

(c) If any person entitled to death benefit payments under this subsection is also entitled to death benefits under ch. 102 because of the death of such participating employe, the death benefit payments due under this subsection shall be reduced by an amount equal to the total weekly death benefits payable under ch. 102.

**History:** 1963 c. 268, 285, 376, 534; 1965 c. 524, 536.

**66.195 Judicial salaries.** (1) The governing body of any county may during the term of office of a county judge whose salary is paid in whole or in part by such county, increase the salary of such county judge in such an amount as the governing body determines. The power granted by this subsection shall take effect notwithstanding any other provision of the law to the contrary, except that the exercise of this power shall be governed by s. 65.90 (5).

(2) In counties having a population of 500,000 or more, the county shall pay county judges whose terms commence after September 15, 1965, the salary specified in s. 20.930 (1) (a) (line 12) in addition to all other compensation prescribed or permitted by law.

**History:** 1965 c. 580.

**66.202 Sewerage district; judgment.**

(9)

(b) Such resolution shall be submitted to a vote of the electors of said district if, within 30 days after the recording thereof, there shall be filed in the office of the secretary of the commission a petition requesting said submission, signed by electors numbering at least 10% of the votes cast for governor in the district at the last general election. When any such petition shall have been filed with the secretary of the commission, he shall immediately notify the clerks of each town, city or village located, or having territory within such district, of the fact that such petition has been filed, calling for a special election upon the proposed bond issue; and in order that the said special election may be held upon the same day throughout the district, the secretary shall, in said notice, fix the date of the holding of such special election. Upon receipt of such notice the clerks of each town, village or city located within such district shall call a special election for the purpose of submitting the resolution for the proposed bond issue to the electors of the municipality for approval. In case a part only of a city, town or village is located within the district, the clerk of such city, town or village shall call a special election to be held upon the date fixed by the secretary of said commission, for that portion of the town, city or village which is included within the district, and such electors at such special election shall have the right to vote at a polling place or polling places, in an adjoining town, city or village which is wholly located within the district; the polling place or places shall be designated by the clerk in the notice of such special election, which notice of election for a part only of the municipality shall be posted in 3 public places in that part of the municipality lying within the district. The proceedings in connection with said special election shall be as provided in s. 67.05 (5) of the statutes. The votes shall be counted by the inspectors and a return made thereof to the county clerk of the county in which the office of the commissioners of the district is located, and the return thereof shall be canvassed by the board of county canvassers, and the result of such election determined and certified by said board of county canvassers, and the original certificate thereof shall be filed in the office of the county clerk, and a copy certified by said county clerk shall be by him forwarded to the secretary of the commissioners of the district, and filed in the office of said commissioners, and for this purpose the provisions of ss. 7.23 and 7.51 to 7.60 of the statutes, shall control insofar as applicable.

**Note:** Sub. (9) (b) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1965 c. 252, 666.

**66.33 Aids to municipalities for prevention and abatement of water pollution.**

(5) Renumbered to be (7).

(5) Any municipality is authorized to participate in the state financial assistance program for water resources protection established under s. 144.21 and may enter into agreements with the department of resource development for that purpose.

(6) Any municipality is authorized to enter into contracts with a nonprofit-sharing corporation for the municipality to design and construct the projects it will sub-lease from the department of resource development pursuant to s. 144.21 (6) (b).

(7) The provisions of this section and s. 60.307 (9) shall not be construed by way of limitation or restriction of the powers otherwise granted municipalities but shall be deemed as an addition to and a complete alternative to such powers.

**History:** 1965 c. 614.

**66.40 Housing authorities.**

(25) **LIQUIDATION AND DISPOSAL OF HOUSING PROJECTS.** (a) In any city or village the city council or village board by resolution or ordinance, or the electors by referendum under s. 9.20, may provide that the authority shall liquidate and dispose of a particular project or projects held and operated under ss. 66.40 to 66.404 or 66.43.

**Note:** Sub. (25) (a) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1965 c. 252, 666.

**66.409 Urban redevelopment; exemption as to local taxation.**

The uniformity clause, assessment freeze laws and urban renewal. 1965 WLR 885.

**66.433 Community relations-social development commissions.**

(2) **CREATION.** Each municipality is authorized and urged to either establish by ordinance a community relations-social development commission or to participate in such a commission established on an intergovernmental basis within the county pursuant to enabling ordinances adopted by the participating municipalities; but a school district may establish or participate in such a commission by resolution instead of by ordinance. Such intergovernmental commission may be established in co-operation with any nonprofit corporation located in the county and composed primarily of public and private welfare agencies devoted to any of the purposes set forth in this section. Every such ordinance or resolution shall substantially embody the language of sub. (3). Each municipality may appropriate money to defray the expenses of such commission. If such commission is established on an intergovernmental basis within the county, the provisions of s. 66.30, relating to local co-operation, are applicable thereto as optional authority and may be utilized by participating municipalities to effectuate the purposes of this section, but a contract between municipalities is not necessary for the joint exercise of any power authorized for the joint performance of any duty required herein.

(3) **PURPOSE AND FUNCTIONS OF COMMISSION.** (a) The purpose of the commission is to study, analyze and recommend solutions for the major social, economic and cultural problems which affect people residing or working within the municipality including, without restriction because of enumeration, problems of the family, youth, education, the aging, juvenile delinquency, health and zoning standards, and discrimination in housing, employment and public accommodations and facilities on the basis of class, race, religion or ethnic or minority status.

(b) The commission may:

1. Include within its studies problems related to pornography, industrial strife and the inciting or fomenting of class, race or religious hatred and prejudice.
2. Encourage and foster participation in the fine arts.

(c) The commission shall:

1. Recommend to the municipal governing body and chief executive or administrative officer the enactment of such ordinances or other action as they deem necessary:
  - a. To establish and keep in force proper health standards for the community and beneficial zoning for the community area in order to facilitate the elimination of blighted areas and to prevent the start and spread of such areas;
  - b. To insure to all municipal residents, regardless of race or color, the rights to possess equal housing accommodations and to enjoy equal employment opportunities.
2. Co-operate with state and federal agencies and nongovernmental organizations having similar or related functions.
3. Examine the need for publicly and privately sponsored studies and programs in any field of human relationship which will aid in accomplishing the foregoing objectives, and initiate such public programs and studies and participate in and promote such privately sponsored programs and studies.
4. Have authority to conduct public hearings within the municipality and to administer oaths to persons testifying before it.
5. Employ such staff as is necessary to implement the duties assigned to it.

(4) **COMPOSITION OF COMMISSION.** The commission shall be nonpartisan and composed of citizens residing in the municipality, including representatives of the clergy and minority groups, and the composition thereof, number and method of appointing and removing the members thereof shall be determined by the local legislative bodies creating or participating in such commission. Of the persons first appointed, one-third shall hold office for one year, one-third for 2 years, and one-third for 3 years from the first day of February next following their appointment, and until their respective successors are appointed and qualified. All succeeding terms shall be for 3 years. Any vacancy shall be filled for the unexpired term in the same manner as original appointments. Every person appointed as a member of the commission shall take and file the official oath.

(5) **INTENT.** Renumbered 66.433 (9) and amended.

(6) **SHORT TITLE.** Renumbered 66.433 (10) and amended.

(5) **ORGANIZATION.** The commission shall meet in January, April, July and October

of each year, and may meet at such additional times as the members determine or the chairman directs. Annually, it shall elect from its membership a chairman, vice chairman and secretary. A majority of the committee shall constitute a quorum. Members of the commission shall receive no compensation, but each member shall be entitled to his actual and necessary expenses incurred in the performance of his duties. The commission may appoint consulting committees consisting of either members or nonmembers or both, the appointees of which shall be reimbursed their actual and necessary expenses. All expense accounts shall be paid by the commission on certification by the chairman or acting chairman.

(6) OPEN MEETINGS. All meetings of the commission and its consulting committees shall be publicly held and open to all citizens at all times as required by s. 14.90.

(7) DESIGNATION OF COMMISSIONS AS CO-OPERATING AGENCIES UNDER FEDERAL LAW. (a) The commission may be the official agency of the municipality to accept assistance under title II of the federal economic opportunity act of 1964. No assistance shall be accepted with respect to any matter to which objection is made by the legislative body creating such commission, but if the commission is established on an intergovernmental basis and such objection is made by any participating legislative body said assistance may be accepted with the approval of a majority of the legislative bodies participating in such commission.

(b) The commission may be the official agency of the municipality to accept assistance from the community relations service of the U.S. department of justice under title X of the federal civil rights act of 1964 to provide assistance to communities in resolving disputes, disagreements or difficulties relating to discriminatory practices based on race, color or national origin which may impair the rights of persons in the municipality under the constitution or laws of the United States or which affect or may affect interstate commerce.

(8) OTHER POWERS OF THE COUNTY BOARD OF SUPERVISORS. County boards may appropriate county funds for the operation of community relations-social development commissions established or reconstituted under this section, including those participated in on an equal basis by nonprofit corporations located in the county and comprised primarily of public and private welfare agencies devoted to any of the purposes set forth in this section. The legislature finds that the expenditure of county funds for the establishment or support of such commissions is for a public purpose.

(9) INTENT. It is the intent of this section to promote fair and friendly relations among all the people in this state, and to that end race, creed or color ought not to be made tests in the matter of the right of any person to sell, lease, occupy or use real estate or to earn his livelihood or to enjoy the equal use of public accommodations and facilities.

(10) SHORT TITLE. This section shall be known and may be cited as "The Wisconsin Bill of Human Rights."

History: 1963 c. 543; 1965 c. 615.

#### 66.64 Special assessments for local improvements.

A municipality may not make special highway commission declares land unnecessary for right-of-way. 54 Atty. Gen. 36.

#### 66.901 Definitions.

(11a) "Formula final rate of earnings" means, with respect to retirement annuities computed pursuant to s. 66.906 (2) (c):

(a) The monthly rate of earnings obtained by dividing a) the participant's total earnings received from a participating municipality after the commencement of his creditable service and during the 5 calendar years in which such earnings were the highest during the 10 calendar years (excluding any year more than 5 years prior to the effective date) preceding both 1) the date of his separation from the service of that municipality and 2), the 5th anniversary (or the 3rd anniversary if a protective occupation participant) of his normal retirement date or January 1, 1966, if later, by b) the number of months of service creditable to him for such 5 years; if a participant has earnings for less than 5 such calendar years his final rate of earnings is the rate obtained by dividing his total earnings for all such years by the total number of months of his creditable service therefor; or

(b) If so elected by a participant, formula final rate of earnings means, but only with respect to any retirement annuity computed for a participant pursuant to s. 66.906 (2) (c) 3. b, one-twelfth of the annual statutory compensation or salary which would have been payable to such participant during the month preceding the last month in which such participant was a participating employe in a position or office specified in s. 66.906 (2) (c) 3. b if he had not been prohibited by law from receiving an increase in such compensation or salary during his term of office.

(11b) "Final excess OASDI earnings" means, with respect to retirement annuities computed pursuant to s. 66.906 (2) (c) :

(a) The monthly rate of earnings obtained by dividing a) the participant's total earnings for the 5 calendar years, or such lesser period, determined pursuant to sub. (11a) (a), in excess of the amounts subject to contributions under s. 66.99, by b) the number of months of service creditable for such years, but such monthly rate shall not exceed the amount by which the formula final rate of earnings of the participant exceeds \$550; or

(b) If a participant has elected to have his formula final rate of earnings determined in accordance with sub. (11a) (b), final excess OASDI earnings means, but only with respect to any retirement annuity computed pursuant to s. 66.906 (2) (c) 3. b, the monthly rate of earnings equal to the excess of a) the formula final rate of earnings over b) the greater of one-twelfth of the maximum annual amount of earnings subject to contributions under s. 66.99 during the month preceding the last month in which a participant was a participating employe in a position or office specified in s. 66.906 (2) (c) 3. b, or \$550.

(c) Final excess OASDI earnings of any participant not subject to s. 66.99 shall be determined as if he were subject to s. 66.99.

(22) "Accrued liability" means the present value at any time of the future contributions payable by a participating municipality as determined pursuant to s. 66.905 (2) (a).

**History:** 1961 c. 11, 281, 336, 642; 1963 c. 20; 1965 c. 33, 241, 251, 407, 581.

#### 66.902 Municipalities included and effective dates.

(3)

(t) Each participant who was a participating employe of the state on January 1, 1966, shall be given creditable service, as of such date, for all service as a member of the legislature and all service as a state constitutional officer elected by vote of the people, which has not previously been credited under any other provision of law. The amendment of this paragraph by chapter 581, laws of 1965 shall not affect any rights created or action taken pursuant to this paragraph prior to July 8, 1966.

**History:** 1961 c. 281, 459; 1963 c. 20, 227, 362, 459, 567; 1965 c. 251, 433 s. 121; 1965 c. 483, 581.

66.9025 National guard technicians. (1) National guard technicians who are otherwise eligible shall be participating employes notwithstanding direct payment of their earnings by the federal government. The executive director may conclude agreements with the federal government for the payment in whole or in part of the employer contribution under the Wisconsin retirement fund or under s. 66.99 for national guard technicians.

(2) Notwithstanding the provisions of section 3 of chapter 323, laws of 1965, sub. (1) shall become effective on the first day of the first calendar quarter year which commences after a written agreement between the executive director and the federal government has been concluded, whereby the federal government shall have agreed to make deductions pursuant to s. 66.903 (2) (f) from each payment of earnings to national guard technicians who are participating employes.

**History:** 1961 c. 206; 1965 c. 218, 251, 323, 433 s. 121; 1965 c. 581.

#### 66.903 Employees included; effective dates; contributions by employees.

(2) CONTRIBUTIONS BY EMPLOYEES.

(f)

1a. For each participating employe who performs services in connection with an activity carried on co-operatively by the federal government and a participating municipality, which services have been determined not to be subject to s. 66.99, 4½% of those earnings for such services which would be subject to contributions under s. 66.99 if such employe was subject to s. 66.99, plus 7% of those earnings for such services which are in excess of the amount which would be subject to contributions under s. 66.99 if such employe was subject to s. 66.99. This subdivision shall take effect January 1, 1966.

5. No participating employe shall make normal contributions with respect to such earnings for service in any period subsequent to the end of the calendar quarter year in which he attains the age of 63 years if he is a protective occupation employe, or the age of 70 years otherwise, and there shall be no municipality contribution for the service for which such earnings were paid.

**History:** 1961 c. 281; 1963 c. 343; 1965 c. 251, 433, 581.

#### 66.9045 Creditable service.

(2) A participant shall be considered as a separate participant with respect to each separate period of current service for each participating municipality but the cur-

rent service of a participant shall not be considered to have been interrupted by reason of any change of employers arising solely from the operation of s. 66.902 (1c) or 66.905 (6) if both the predecessor and the successor municipality were participating municipalities on the date of such change. A separate period of current service shall be deemed to commence on the date a former participating employe of a municipality again becomes a participating employe of such municipality more than 2 years after the last date for which he was entitled to earnings as a participating employe thereof, but not if such resumption of employment occurs at or prior to the expiration of an authorized leave of absence or prior to September 12, 1965. The commencement of a separate period of current service shall not cause the loss of any benefit to which a participant is entitled by virtue of any preceding service with any municipality, nor shall it subject him again to the requirements of s. 66.901 (4) (d).

(5) The computation of the creditable prior service of a person who was an employe on the effective date shall include all previous service for such municipality, including service as an elective or appointive official or as an employe, if such service or employment conformed to the requirements of s. 66.901 (4); but after December 31, 1965, in no case shall creditable prior service include any service rendered after the end of the calendar quarter year in which a participant attains the age of 63 years if he is a protective occupation participant or the age of 70 years otherwise.

(6) Each employe of the state who is a participating employe on January 1, 1967, shall be granted as of such date creditable service for all service as a member of the legislature if, prior to such date, the member makes all required contributions which he would have made as a participating employe during such service after January 1, 1957, and prior to the first day of the month in which he became a participating employe, or if, prior to January 1, 1967, such participating employe refunds to the Wisconsin retirement fund for credit to the individual account of such participating employe, the full amount of any separation benefit previously received by such participating employe.

History: 1965 c. 251, 581.

#### 66.905 Contributions by municipalities.

(1)

(b) Advance contributions of such amounts as are determined by any participating municipality for the purpose of reducing any existing obligation of such municipality.

(2)

(a) The uniform annual amount required, after allowance for anticipated employe separations, at the prescribed rate of interest:

1. To amortize, over the remainder of the period of 40 years following the effective date, the amount of the obligation as of December 31, 1965, for prior service credits granted to the employes of the municipality; and

2. To amortize over the remainder of the period of 40 years following December 31, 1965, or the effective date, if later, the amount by which the then present value of all future benefits of the then participants of the municipality other than benefits financed by employe contributions and benefits financed pursuant to par. (c) exceeds the sum of the then present values of:

a. All future contributions pursuant to subd. 1;

b. All future contributions by the municipality with respect to such participants pursuant to par. (b); and

c. The then balance of the municipality's accumulation account.

(3) Computations of the rates of municipality contributions for each calendar year shall be made from the information available at the time of making such computation and on such assumptions as the actuary recommends and the board approves from time to time. Such rates shall become effective, after certification by the board, as of the beginning of the calendar year to which they are applicable and shall remain in effect during such year, except that the executive director upon the written recommendation of the actuary, may change any such rate for any calendar year for the purpose of reflecting in such rate the reduced obligation of any participating municipality which results from the payment of advance contributions pursuant to sub. (1) (b).

History: 1961 c. 281, 642; 1963 c. 20; 1965 c. 251, 581.

#### 66.906 Compulsory retirement; annuities.

(2) RETIREMENT ANNUITIES.

(c)

3.

a. For each participant for creditable service of a type not otherwise specified in this subdivision, six-sevenths of one per cent of his formula final rate of earnings plus three-sevenths of one per cent of his final excess OASDI earnings, if any;

b. For each participant for creditable service as a supreme court justice, circuit judge, county judge, member of the legislature or state constitutional officer elected by vote of the people, 1-1/5 of one per cent of his formula final rate of earnings, plus three-fifths of one per cent of his final excess OASDI earnings, if any;

c. For each participant subject to s. 66.99 for creditable service as a protective occupation participant, 1-1/3 of one per cent of his formula final rate of earnings, plus one-sixth of one per cent of his final excess OASDI earnings, if any;

d. For each participant not subject to s. 66.99 for creditable service as a protective occupation participant, 1/4 of one per cent of his formula final rate of earnings, less one-fourth of one per cent of his final excess OASDI earnings, if any.

**History:** 1961 c. 281, 302, 580; 1963 c. 20, 236, 303, 343, 360; 1965 c. 33, 172, 251, 433, 471, 581.

#### 66.907 Disability annuities.

(3) LAW ENFORCEMENT AND FIRE-FIGHTING PERSONNEL. (a) *Employes included.* Each participating employe who is a protective occupation participant shall be entitled to the special disability benefits provided by this subsection if he meets the requirements set forth herein.

(i) Repealed.

**History:** 1961 c. 281; 1963 c. 20, 268, 274, 343; 1965 c. 251, 407, 581.

#### 66.912 Powers and duties. (1)

(m) Have the accounts of this fund audited at least annually by the department of administration.

**History:** 1961 c. 281, 633; 1965 c. 247, 659.

#### 66.915 Municipality accumulation accounts. (1)

(h) Interest shall be credited at the end of the year, at the effective rate from the date of receipt, on all contributions received in accordance with s. 66.905 (1)(b); but all such contributions, for the year in which they are received, shall be excluded from the computation of the mean balance required to be determined pursuant to par. (g).

**History:** 1961 c. 281; 1965 c. 33, 251, 581.

66.918 Assignments. (1)(a) None of the moneys mentioned in ss. 66.90 to 66.918 shall be assignable, either in law or equity, or be subject to execution, levy, attachment, garnishment or other legal process. An annuitant may in writing, however, direct the fund to deduct premiums for group insurance carried under s. 66.919 and to pay such moneys to the credit of s. 20.408 (1)(u), and may also in writing direct the fund to deduct premiums for supplementary medical coverage under federal social security and pay such moneys to the social security administration.

**History:** 1965 c. 33, 433, 470, 625.

#### 66.95 Prohibiting operators from leaving keys in parked motor vehicles.

This section was passed as a crime de- cannot be attributed to the owner who violent, not to protect 3rd persons from lates the ordinance. *Meihost v. Meihost*, the conduct of thieves. Causal negligence 29 W (2d) 537, 139 NW (2d) 116.

#### 66.99 Inclusion of public employes under social security.

(3t) Effective July 1, 1966, all services performed by teachers in positions covered by the retirement systems pursuant to ss. 38.24 and 42.20 to 42.531, but who are ineligible to be members of such retirement system, shall be covered under the federal old age, survivors and disability insurance system if such coverage is not prohibited by federal law or regulation. This shall not affect the status of members of the separate group of either retirement system who became members of the separate group by reason of eligibility for a choice in 1957 pursuant to ss. 38.24 (3) (d) and 42.241 (4).

**History:** 1961 c. 622; 1963 c. 6, 20, 343; 1965 c. 173, 433 s. 121; 1965 c. 489, 540.

### CHAPTER 67. MUNICIPAL BORROWING AND MUNICIPAL BONDS.

#### 67.04 Purposes and specific limitations of bond issues.

(7) By any common school district, unified school district or vocational, technical and adult education district, by the board thereof: to purchase the school property, including vocational school property, of a city or village therein upon abandonment of a city school plan or common school district plan, or upon creation of a unified school district or upon the reorganization of vocational, vocational and adult, or vocational, technical and adult schools. Such bonds shall not be subject to a referendum.

(13) By any city of the 4th class to acquire sites for golf courses, to improve and

equip the same and to construct thereon a clubhouse and any other necessary construction for the operation of the golf course and clubhouse.

**History:** 1931 c. 475 s. 14; 1961 c. 18, 62, 114, 355, 359, 371, 456, 655, 656; 1963 c. 2, 133, 157, 214, 391, 414, 419; 1965 c. 54, 238, 600, 653.

**67.05 Bond issues; procedure.**

(2) INITIAL RESOLUTION BY ELECTORS.

(b) The electors of a city may adopt the initial resolution prescribed by sub. (1) in the manner provided by s. 9.20.

**Note:** Sub. (2) (b) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

(4) REFERENDUM IN COUNTIES. Whenever an initial resolution shall have been so adopted by a county board for an issue of county bonds to provide for the original construction or for the improvement and maintenance of highways, to provide railroad aid, or to construct, acquire or maintain, or to aid in constructing, acquiring or maintaining a bridge over or across any stream or other body of water bordering upon or intersecting any part of the county, the county clerk shall immediately record the same and call a special election for the purpose of submitting the resolution to the electors of the county for approval. The calling, holding and conduct of such special election, including the printing and the distribution of ballots, the canvass of votes, and the declaration of the result, shall be governed by those statutes, so far as applicable, which govern special elections in general, including ss. 5.01 (2), 5.64 (2) and 59.04 (2). The notice of such special election and the ballot used thereat shall embody a copy of the initial resolution, and the question submitted shall be whether the resolution shall be or shall not be approved. No such resolution of a county board other than those specified in this subsection need be submitted to county electors, except as provided otherwise in sub. (7).

**Note:** Sub. (4) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

(5) REFERENDUM IN TOWNS, VILLAGES AND CITIES. (a) Whenever an initial resolution shall have been so adopted by the governing body of a town, the clerk of such municipality shall immediately record the same and call a special election for the purpose of submitting the resolution to the electors of the municipality for approval. The calling, holding and conduct of such special election, including the furnishing of printed ballots, the canvass of votes, and the declaration of the result, shall be governed by those statutes, so far as applicable, which govern special elections in general, including ss. 5.01 (2), 5.02 (3), 5.64 (2), 7.15 (2) (d), 8.06, 9.20, 10.61 [5.35 (3), 5.60 (7)] and 60.13. The notice of such special election and the ballot used thereat shall embody a copy of the resolution, and the question submitted shall be whether the resolution shall be or shall not be approved. The ballot may be a separate ballot, or may be printed upon the official ballot, when such special election is held at the same time as a regular town, village or city election. This subsection is limited in its scope by sub. (7).

**Note:** Sub. (5) (a) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

(6) REFERENDUM IN SCHOOL DISTRICTS. Whenever an initial resolution shall have been so adopted by the governing body of any municipality whatsoever other than a county, a town, a city, a village, or a board of park commissioners, the clerk of such municipality shall immediately record the same and call a special meeting for the purpose of submitting the resolution to the electors of the municipality for ratification or rejection. The calling and conduct of such meeting shall be governed by those statutes, so far as applicable, which govern the calling and conduct of special meetings in general. The notice of the meeting, which shall be publicly read before the balloting shall commence, and the ballot used, shall embody a copy of the resolution; the form of the ballot shall correspond, as near as may be, with form "D" annexed to s. 5.64 (2); and the question submitted shall be whether the resolution shall be approved.

**Note:** Sub. (6) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

(6a) SCHOOL DISTRICT BONDS, REFERENDUM.

(d) The school board shall provide all necessary election supplies, ballot boxes and booths and select the necessary election officials. The form of the ballot provided shall correspond as near as may be with form "D" annexed to s. 5.64 (2). The notice of such special election and the ballot used thereat, shall embody a copy of the resolution, and the question submitted shall be whether the resolution shall be or shall not be approved.

**Note:** Sub. (6a) (d) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

(6b) SCHOOL DISTRICT BOND REFERENDUM AT MUNICIPAL ELECTION.

(b) The school board shall provide the election officials of the town, city and village in which the school district lies with all necessary election supplies, and registration lists if the district has a register of its electors, except when registration with the municipal clerk is required for voting at such election. The municipal clerk shall then arrange for



the voting on the bond referendum. The form of the ballot shall correspond substantially with form "D" annexed to s. 5.64 (2). The notice of the election and the ballot to be used thereat shall embody a copy of the resolution, and the question submitted shall be whether the resolution shall be or shall not be approved.

**Note:** Sub. (6b) (b) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1961 c. 322, 353, 359, 456; 1963 c. 152, 419; 1965 c. 61, 218, 238, 252, 666.

#### 67.12 Temporary borrowing and borrowing on promissory notes.

(12) BORROWING ON PROMISSORY NOTES. (a) In addition to the powers heretofore given, any county, city, village, town, school district or town sanitary district may borrow money for the acquisition of lands for public purposes, for permanent improvements of lands, for public work or improvement, and the enlargement or extension thereof, or for equipment or machinery or for general and current municipal expenses, or to provide financial assistance to blight elimination, slum clearance, redevelopment and urban renewal programs and projects under ss. 66.43, 66.431 and 66.435, and in the case of cities, villages and towns for the acquisition and development of industrial sites to the extent permitted by s. 66.52 (3).

**Note:** (12) (a) is printed as amended by chapter 618, laws of 1965. Earlier amendments by chapters 238 and 599, laws of 1965, were not incorporated in chapter 618. See the Preface, section 6 (c), for the printing rule in this situation.

(aa) A school district board of any newly created school district, including a common school district or unified school district created upon abandonment of the city school plan or vocational, technical and adult education school district, may, pursuant to this section, issue promissory notes to refund any indebtedness assumed by such school district upon its creation.

**History:** 1961 c. 322; 1965 c. 238, 252, 599, 618, 653.

#### 67.13 County bonds for highway improvement.

(3) The proceeds of county bonds issued under this section shall be used only for road and bridge construction performed under ch. 83 or deposited with the state highway commission to be used for road or bridge construction performed under ch. 84. The amount to be received from the state in any year pursuant to s. 84.03 (3) shall, as required by s. 84.03 (4), be used by the county board to reduce the county levy necessary to be made for paying the principal of the bonds maturing in such year in accordance with the bonding resolution, and such action by any county board shall in no way invalidate the bond issue. The amount to be received from the state in any year pursuant to s. 84.03 (6) shall be used by the county board to reduce the county levy necessary to be made for paying the interest maturing in such year in accordance with the bonding resolution, and such action by any county board shall in no way invalidate the bond issue.

**History:** 1965 c. 593.

### CHAPTER 70. GENERAL PROPERTY TAXES.

#### 70.09 Official real property lister; blanks for officers.

(3) BASIC TAX FORMS. (a) The department of taxation shall prescribe basic uniform forms of assessment rolls, tax rolls, blanks, books and returns required for the assessment and collection of general property taxes throughout the state, and shall furnish each county clerk a sample of such uniform forms.

(b) If any county has reason to use forms which differ from those prescribed under par. (a), the county clerk and treasurer jointly may prescribe such different forms for use in their county, upon approval of the department of taxation.

(c) If any county has reason to use forms for assessment and collection of taxes in addition to those prescribed under par. (a), the county clerk and treasurer jointly may prescribe such additional forms for use in their county, upon approval of the department of taxation.

(d) The county clerk of every county shall procure the forms prescribed in pars. (a), (b) and (c) at county expense and shall furnish such forms to the assessors, clerks and treasurers of the cities, towns and villages within the county, as needed in the discharge of their duties.

(e) If any city, town or village desires to use a form of a type prescribed in par. (a), (b) or (c) but which varies from the form procured by the county clerk under par. (d), it may use such varied form upon approval of the department of taxation with advice of the county clerk and treasurer. Such forms shall be provided at county expense.

**History:** 1961 c. 479; 1965 c. 556.

**70.105 Assessment freeze.**

The uniformity clause, assessment freeze laws and urban renewal. 1965 WLR 885.

**70.11 Property exempted from taxation.**

(21) TREATMENT PLANT AND POLLUTION ABATEMENT EQUIPMENT; LAGOON LANDS.

(a) All property purchased, constructed, installed and operated with the approval of the committee on water pollution, state board of health, a city council, a village board or county board pursuant to s. 59.07 (53) or (85) for the purpose of abating or eliminating pollution of the air, and all property purchased, constructed, installed and operated with the approval of the department of resource development for the purposes of abating or eliminating pollution of the waters of the state.

(d) The books and records of owners of property covered by this subsection shall be open to examination by representatives of the department of resource development, state board of health and department of taxation.

**History:** 1961 c. 58, 61, 74, 383, 425, 662, 633; 1963 c. 486, 481, 508, 559; 1965 c. 43, 249, 433, 614.

The uniformity clause, assessment freeze laws and urban renewal. 1965 WLR 885.

**70.17 Lands, to whom assessed; buildings on exempt lands.** (1) Real property shall be entered in the name of the owner, if known to the assessor, otherwise to the occupant thereof if ascertainable, and otherwise without any name. The person holding the contract or certificate of sale of any real property contracted to be sold by the state, but not conveyed, shall be deemed the owner for such purpose. The undivided real estate of any deceased person may be entered to the heirs of such person without designating them by name. The real estate of an incorporated company shall be entered in the same manner as that of an individual. Improvements on leased lands may be assessed either as real property or personal property.

(2) All lands which have been or may be contracted for sale by any county shall be assessed and taxed to the parties contracting therefor.

**Note:** In 1933 this section was amended by 2 different acts, i.e., Chapters 349 and 444. Only the second act was printed in the statutes. The attorney general has ruled (6-15-66) that both acts are in effect and both are shown above.

**70.45 Return and examination of rolls.** When the assessment rolls have been completed in cities of the 1st class the same shall be delivered to the tax commissioner, and in all other cities to the city clerk, who shall have published a class 1 notice, under ch. 985, in anticipation of the roll delivery as provided in s. 70.50, that on certain days, therein named, said assessment rolls will be open for examination by the taxable inhabitants, which notice may assign a day or days certain for each ward, where there are separate assessment rolls for such wards, for the inspection of such rolls. On such examination the tax commissioner, assessor or assessors may make such changes as are necessary to perfect the assessment roll or rolls, and after the corrections are made the said roll or rolls shall be submitted by the tax commissioner or city clerk to the board of review.

**History:** 1965 c. 252, 651.

**70.47 Board of review proceedings.**

Where taxpayer refused to complete the form required under (7) (a), the board of review was justified in refusing him a hearing. State ex rel. Reiss v. Bd. of Review, 29 W (2d) 246, 138 NW (2d) 278.

## CHAPTER 71. INCOME AND FRANCHISE TAXES FOR STATE AND LOCAL REVENUES.

**71.04 Deductions from gross income of corporations.**

(2b) In lieu of the allowance for depreciation for any taxable year or part thereof beginning after December 31, 1952, the owner may elect the write off of the balance not previously deducted in years prior to the 1966 calendar year or corresponding fiscal year for waste treatment plant and pollution abatement equipment purchased or constructed and installed pursuant to order or recommendation of the committee on water pollution, state board of health, city council, village board or county board pursuant to s. 59.07 (53) or (85) in the 1966 calendar year or corresponding fiscal year. Any waste treatment plant and pollution abatement equipment purchased or constructed and installed in the 1966 calendar year or corresponding fiscal year, or in a subsequent year, pursuant to order or recommendation of the committee on water pollution, department of resource development, state board of health, city council, village board or county board pursuant to s. 59.07 (53) or (85) may be deducted in the year of cash disbursement for same.

(b) The taxpayer shall file with the department of taxation at the time of his election under this subsection copies of recommendations, orders and approvals issued by the department of resource development, state board of health, city council, village board or county board pursuant to s. 59.07 (53) or (85) in respect to such treatment plant and pollution abatement equipment, and such other documents and data relating thereto as the department by rule requires.

**History:** 1961 c. 246, 467, 620; 1963 c. 6, 164, 223, 224, 433, 436, 459, 537; 1965 c. 163, 433, 614.

**71.045 Allowability of certain deductions.** No deduction shall be allowable at any time to the employer corporation, or to a parent or subsidiary corporation of such corporation, or a corporation issuing or assuming a stock option in a transaction to which section 425 (a) of the internal revenue code applies, if the stock option was exercised on or after June 30, 1965, by an individual in a transfer in respect of which the requirements of section 422 (a), 423 (a) or 424 (a) of the internal revenue code were met; and no amount other than the price paid under the option shall be considered as received by any of such corporations for the share so transferred. If the transfer of a share of stock to an individual pursuant to his exercise of an option would otherwise meet the requirements of section 422 (a), 423 (a) or 424 (a) of the internal revenue code except that there is a failure to meet any of the holding period requirements of section 422 (a) (1), 423 (a) (1) or 424 (a) (1), then any deduction from the income of the employer corporation for the taxable year in which such exercise occurred attributable to such disposition, shall be treated as a deduction from income of the taxable year of such employer corporation in which such disposition occurred.

**History:** 1965 c. 642.

**71.05 Modifications, transitional adjustments and election of deductions for natural persons and fiduciaries. (1) MODIFICATIONS.**

(b)

5. In lieu of the allowance for depreciation for any taxable year or part thereof beginning after December 31, 1952, the owner may elect the write off of the balance not previously deducted in years prior to the 1966 calendar year or corresponding fiscal year for waste treatment plant and pollution abatement equipment purchased or constructed and installed pursuant to order or recommendation of the committee on water pollution, state board of health, city council, village board or county board pursuant to s. 59.07 (53) or (85) in the 1966 calendar year or corresponding fiscal year. Any waste treatment plant and pollution abatement equipment purchased or constructed and installed in the 1966 calendar year or corresponding fiscal year, or in a subsequent year, pursuant to order or recommendation of the committee on water pollution, department of resource development, state board of health, city council, village board or county board pursuant to s. 59.07 (53) or (85) may be deducted in the year of cash disbursement for same.

a. Written notice of election to take amortization of any treatment plant and pollution abatement equipment under this subdivision must be filed with the department of taxation on or before the filing date of the return for the first taxable year for which such election under this subdivision is made in respect to such plant and equipment. Such notice shall be given on such forms and in such manner as the department by rule prescribes.

b. The taxpayer shall file with the department at the time of his election under this subdivision copies of recommendations, orders and approvals issued by the department of resource development, state board of health, city council, village board or county board pursuant to s. 59.07 (53) or (85) in respect to such treatment plant and pollution abatement equipment, and such other documents and data relating thereto as the department by rule requires.

c. No deduction shall be allowed under this subdivision on other than depreciable property, except that where wastes are disposed of through a lagoon process such lagooning costs and the cost of land containing such lagoons shall be subject to the accelerated amortization provided for under this subdivision.

d. In no event shall accelerated amortization, or depreciation and accelerated amortization deductions be permitted in excess of the cost of the asset subject to this subdivision.

**History:** 1961 c. 348, 620; 1963 c. 6, 102, 164, 223, 224, 328, 433, 436, 455, 459, 537; 1965 c. 163 s. 74 dc, 74 df; 1965 c. 218, 433, 437, 614.

**71.07 Situs of income; allocation and apportionment.**

The discretionary authority afforded by this section, pursuant to which the department is given considerable latitude in adopting a formula which will most accurately reflect the reasonable and equitable tax on the income earned by the taxpayer in Wisconsin, reveals that the statute is not unconstitutional as being arbitrary or

unreasonable or taxing extraterritorial income. One who attacks a formula prescribing a statutory apportionment method for determining the amount of net income attributable to the state has the burden of showing by clear and cogent evidence that it results in extraterritorial values being taxed and hence is unreasonable or inequitable. Wisconsin does not authorize income tax on a consolidated basis but has adhered to the legal entity theory, i.e., each separate legal entity is required to file its own separate return. *Interstate Finance Corp. v. Dept. of Taxation*, 28 W (2d) 262, 137 NW (2d) 33.

#### 71.09 Rates of taxation, interest and personal exemptions.

##### (7) RELIEF FOR PERSONS OVER 65.

###### (a) Definitions.

1. "Income" means the sum of adjusted gross income as defined in s. 71.02 (2) (e), net income from sources outside the state, alimony, support money, cash public assistance and relief (not including relief granted under this subsection), the gross amount of any pension or annuity (including railroad retirement benefits, all payments received under the federal social security act and veterans disability pensions), nontaxable interest received from the federal government or any of its instrumentalities, workmen's compensation and the gross amount of "loss of time" insurance. It does not include gifts from nongovernmental sources, or surplus food or other relief in kind supplied by a governmental agency.

2. "Household" means a claimant and an individual related to the claimant as husband or wife.

8. "Property taxes accrued" means property taxes (exclusive of special assessments, delinquent interest and charges for service) levied on a claimant's homestead in 1964 or any calendar year thereafter pursuant to ch. 70, less the tax credit, if any, afforded in respect of such property by s. 77.63 (3). When a homestead is owned by 2 or more persons or entities as joint tenants or tenants in common and one or more such persons or entities is not a member of claimant's household, "property taxes accrued" is that part of property taxes levied on such homestead (reduced by the tax credit hereinbefore referred to) as reflects the ownership percentage of the claimant and his household. For purposes of this paragraph property taxes are "levied" when the tax roll is delivered to the local treasurer with his warrant for collection. When a claimant and his household own their homestead part of a calendar year and rent the same or a different homestead for part of the same year "property taxes accrued" means only taxes levied on the homestead when both owned and occupied as such by claimant and his household at the time of the levy, multiplied by the percentage of 12 months that such property was owned and occupied by such household as its homestead in such year. When a household sells or otherwise disposes of ownership of its homestead in any year prior to the levy of taxes on such homestead in such year and rents the same or another homestead, "rent constituting property taxes accrued" for such year shall be 25% of gross rent paid after annualization of gross rent paid in such year. (Gross rent paid shall be annualized by dividing actual gross rent paid by the number of months for which paid and multiplying the resulting figure by 12.) When a household owns and occupies 2 or more different homesteads in the same calendar year, property taxes accrued shall relate only to that property occupied by the household as a homestead on the levy date occurring in such calendar year. Whenever a homestead is an integral part of a larger unit such as a farm, or a multipurpose or multidwelling building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value, except that the claimant may use the total property taxes accrued for the larger unit, but not exceeding 40 acres of land, except as the limitations of par. (h) apply. For the purpose of this subsection, the "unit" refers to that parcel of property covered by a single tax statement of which the homestead is a part.

(c) Subject to the limitations provided in this subsection, a claimant may claim as a credit against Wisconsin income taxes otherwise due on his 1966 income, Wisconsin property taxes accrued in 1966, or 1966 rent constituting property taxes accrued, or both. If the allowable amount of claim exceeds the income taxes otherwise due on claimant's 1966 income or if there are no Wisconsin income taxes due on claimant's 1966 income, the amount of the claim not used as an offset against income taxes on 1966 income, after audit by the department of taxation, shall be certified to the department of administration for payment to the claimant by check drawn on the general fund. No such check and no offset against income taxes otherwise payable, or refund of income taxes paid in respect of any such claim shall be charged against any town, city, village or county in the distribution of income taxes under this chapter. No interest shall be allowed on any payment made to a claimant pursuant to this subsection.

(g) The amount of any claim pursuant to this subsection shall be limited as follows:

1. If the household income of the claimant's household was \$1,000 or less in the year to which the claim relates, the claim shall be limited to 75% of the amount by which

the property taxes accrued, or rent constituting property taxes accrued, or both, in such year on the claimant's homestead is in excess of 3% of household income exceeding \$500 but not exceeding \$1,000.

2. If the household income of the claimant's household was more than \$1,000 in the year to which the claim relates, the claim shall be limited to 60% of the amount of which the property taxes accrued, or rent constituting property taxes accrued, or both, in such year on the claimant's homestead is in excess of 3% of household income exceeding \$500 but not exceeding \$1,000, 6% of household income exceeding \$1,000 but not exceeding \$1,500, 9% of household income exceeding \$1,500 but not exceeding \$2,000, 12% of household income exceeding \$2,000 but not exceeding \$2,500 and 15% of all household income over \$2,500.

3. The commissioner of taxation shall prepare a table under which claims under this subsection shall be determined. The table shall be published in the department's official rules and shall be placed on the appropriate tax blanks. The amount of claim for each bracket shall be computed only to the nearest 10 cents.

4. The claimant shall, at his election, not be required to record on his claim the amount claimed by him. The claim allowable to persons making this election shall be computed by the department which shall notify the claimant by mail of the amount of his allowable claim.

(h) In any case in which property taxes accrued, or rent constituting property taxes accrued, or both, in any one year in respect of any one household exceeds \$300, the amount thereof shall, for purposes of this subsection, be deemed to have been \$300.

(j) Every claimant under this subsection shall supply to the department, in support of his claim, reasonable proof of age, rent paid, property taxes accrued, changes of homestead, household membership, household income, size and nature or [of] property claimed as the homestead and a statement that the property taxes accrued used for purposes of this section have been or will be paid by him and that there are no delinquent property taxes on the homestead.

(o) Repealed.

(q) A claim shall be disallowed if the department finds that the claimant received title to his homestead primarily for the purpose of receiving benefits under this subsection.

**History:** 1961 c. 466, 478, 620, 622, 652; 1963 c. 224, 560, 566, 580; 1965 c. 21, 163, 249, 433 ss. 83, 84, 121; 1965 c. 622.

**71.10 Filing returns; payment of tax; tax refunds and credits; nonresident contractor's surety bond; withholding statements and wage reports.**

(3)

(d) If an individual is deceased, the return of such individual required under sub. (2) shall be made by his executor, administrator or other person charged with the property of such decedent. If an individual is unable to make a return required under sub. (2) the return of such individual shall be made by the guardian, custodian or other person charged with the care of the person or property of such individual.

**History:** 1961 c. 129, 130, 132, 408, 620; 1963 c. 23, 223, 224, 278, 394, 537; 1965 c. 163, 249, 433, 437, 625.

**71.13 Collection of delinquent taxes.**

(4)

(g) Delinquent income tax accounts may be written off the records of the department of taxation, following a determination by the commissioner of taxation that they are not collectible, as hereinafter provided:

1. When the amount is \$10 or less, at any time after 3 years of delinquency.
2. Accounts of deceased persons, at any time 3 years after the closing of their estates or 3 years after their demise if there is no estate to probate.
3. Accounts of dissolved corporations, at any time 3 years after their dissolution or forfeiture of rights.

4. Any delinquent income tax account which is more than 20 years old.

**History:** 1961 c. 128, 620; 1963 c. 322; 1965 c. 163, 249, 433, 577.

**71.14 Distribution of revenue.** (1) All collections of normal income taxes of persons other than corporations, including remittances of taxes withheld or declared, commencing with October 1, 1962, shall become a part of the state general fund for use of the state, except that 33% of such collections for the period October 1, 1962, to June 30, 1963, 25% of such collections for the period July 1, 1963, to October 31, 1963, 28.25% of such collections for the period November 1, 1963, to October 31, 1964, 29.25% of such collections for the annual period ending October 31, 1965, 25.2% of such collections for the period November 1, 1965, to March 31, 1966, 26.9% of such collections for the period April 1, 1966, to July 31, 1966, 27.68% of such collections for the period August 1,

1966, to October 31, 1966, 26.13% of such collections for the period November 1, 1966, to March 31, 1967, and 26.38% of such collections thereafter, shall be apportioned as follows:

(3) Whenever income has been attributed to an erroneous situs under sub. (1)(b) 3, (c) 1, (2)(a), (2a)(b)3, (c) 1 or their predecessor income tax allocation statute, such portion of the tax collections allocated erroneously shall be reallocated to the county, town, village or city entitled thereto; but no such reallocation shall be made except on the written approval of the department of taxation. Such claim must be made within 4 years after the end of the calendar year in which such collection was erroneously allocated except that claims for erroneous allocation of taxes of corporations and persons other than corporations during the period July 1, 1959, to June 30, 1961, may be made within 5 years of erroneous August 15 allocations and within 5 years of the following August 15 in the case of erroneous May 15 allocations. If the amount of the claim is approved by the department such amount shall be deducted from the county, town, village or city's next apportionment, or next apportionments, and paid to the county, town, village or city entitled thereto.

(4a) Whenever a municipality files a claim under sub. (3) within the period of time expressed therein, it is not necessary for any such county to file a similar claim. If the amount of the municipality's claim is approved by the department, the department shall thereafter make a similar adjustment as between respective counties.

**History:** 1961 c. 336, 348, 620, 621; 1963 c. 6, 84, 223, 224, 459, 563, 579; 1965 c. 114, 163, 249, 373, 433, 597, 625.

**71.21 Declaration of estimated tax by individuals.** (1) Every individual deriving income, other than or in addition to wages as defined in s. 71.19 (1) upon which taxes are withheld by his employer pursuant to s. 71.20, subject to taxation under this chapter during the calendar year 1965, or any calendar or fiscal year beginning after January 1, 1965, but not later than June 1, 1967, shall make, at the time hereinafter prescribed, a declaration of estimated income tax if the total tax on income of any such year can reasonably be expected to exceed withholding on wages paid in such year, if any, by \$20 or more. For the calendar year 1968 and corresponding fiscal years and for calendar and fiscal years thereafter every individual deriving income other than or in addition to wages as defined in s. 71.19 (1) upon which taxes are withheld by his employer pursuant to s. 71.20, subject to taxation under this chapter shall make, at the time hereinafter prescribed, a declaration of estimated income tax if the total tax on income of any such year can reasonably be expected to exceed withholding on wages paid in such year, if any, by \$60 or more. Such declaration shall contain such information as the department by rule or forms prescribes. This section shall not apply to an estate or trust or to any person on active duty with the United States armed forces while stationed outside the continental United States.

**History:** 1961 c. 620; 1963 c. 51, 69, 224, 459; 1965 c. 249, 451, 492, 649.

## CHAPTER 72. INHERITANCE TAX ACT.

### 72.01 Subjects liable.

The amount a surviving wife receives under an employee's pension retirement plan in which her husband was a participant does not constitute a taxable transfer upon his death, if the plan does not give the husband an option. Estate of King, 28 W (2d) 431, 137 NW (2d) 122.

### 72.81 Administrative provisions; filing of returns.

(6) All taxes imposed by ss. 72.75 to 72.81 shall be and remain a lien upon the property transferred until paid, but not exceeding 10 years from the filing of the report of the transfer; except that any part of the property comprised in the gift sold by a donee or successor in title to a purchaser for an adequate and full consideration in money or money's worth shall be divested of and released from the lien herein imposed and the lien, to the extent of the value of such gift, shall attach to all the property of the donee (including after acquired property) except any part sold to a purchaser for an adequate and full consideration in money or money's worth. Notice or knowledge of a conveyance to joint tenants or tenants in common shall not constitute actual or constructive notice of a gift, tax or lien in respect to property so transferred. Whenever the department of taxation is satisfied that the collection of the tax will not thereby be jeopardized, it shall have the power to release the lien hereby imposed with respect to all or any part of the property transferred. The release duly executed may be recorded in the office of the register of deeds of the county in which the property described therein is situated.

**History:** 1965 c. 638.

## CHAPTER 73. BOARD OF TAX APPEALS, DEPARTMENT OF TAXATION.

## 73.01 Board of tax appeals.

(2m) FULL-TIME OFFICE. The chairman of the board shall not hold any other office or position of profit, or pursue any other business or vocation, or serve on or under any committee of any political party, but shall devote his entire time to the duties of his office.

**History:** 1963 c. 225, 280, 372, 459; 1965 c. 592.

## 73.02 Department of taxation.

(8) TAXATION ADVISORY COMMITTEE. The commissioner of taxation may appoint not more than 11 advisors who shall, without compensation other than the reimbursement of necessary expenses, advise the department of taxation in matters relating to tax administration. Such expenses shall be audited and paid out of the appropriation under s. 20.800.

**History:** 1963 c. 225; 1965 c. 163, 433, 472, 625.

## CHAPTER 75. LAND SOLD FOR TAXES.

## 75.61 Tax sales.

(1) contemplates that when a tax sale is voided the amount to be paid into court is the amount of all taxes accumulated to the date of the sale plus any sums actually paid by the purchaser for taxes levied upon the premises subsequent to such sale. The phrase "person or persons claiming under such tax sale or tax certificate" is construed as not being limited to the taxing authority which took the tax deed, but as including the first purchaser of the property from the taxing authority. *Lingott v. Bihlmire*, 28 W (2d) 345, 137 NW (2d) 125.

## CHAPTER 77. TAXATION OF FOREST CROP LAND; SELECTIVE SALES AND USE TAX LAW.

## 77.52 Imposition of selective retail sales tax.

(2)  
(a)

6. Laundry, dry cleaning, pressing and dyeing services, except when performed on or after August 15, 1963, on raw materials or goods in process destined for sale and except when the service is performed by the customer through the use of coin-operated, self-service machines.

(3) The taxes imposed by this section may be collected from the consumer or user.

**History:** 1961 c. 620, 652; 1963 c. 19, 141, 209, 223, 224, 250, 254, 352, 432, 459, 477, 494, 556, 558; 1965 c. 147, 626, 634.

While it is a rule that if there is any ambiguity in a taxing statute, any doubt shall be resolved in favor of the taxpayer, a court is not to search for doubt in an endeavor to defeat an obvious legislative intention. Receipts from the sale of tickets for the use of rope tows and T-bar lifts at a skiing area maintained for skiing during the winter months were taxable, as the furnishing for a fee of the privilege of having access to or the use of a recreational facility within the meaning of (2) (a) 2. *Telemark Co. v. Department of Taxation*, 28 W (2d) 637, 137 NW (2d) 407.

## 77.53 Imposition of use tax.

(18) Repealed.

**History:** 1961 c. 620, 652 s. 14; 1963 c. 19; 1965 c. 299, 634.

## CHAPTER 78. MOTOR VEHICLE FUEL TAXES.

78.01 Tax imposed; collected; exceptions. (1) AMOUNT OF TAX AND BY WHOM PAID. An excise tax of 7 cents per gallon is imposed on all motor fuel sold, used or distributed in this state except as otherwise provided. The motor fuel tax is to be computed and paid as provided in this chapter. Except as otherwise provided, the wholesaler, as hereinafter defined, shall collect from the purchaser and the purchaser shall pay to such wholesaler the tax imposed by this section on each sale of motor fuel by such wholesaler at the time of such sale, irrespective of whether such sale is for cash or on credit. In each subsequent sale or distribution of motor fuel on which the tax has been collected as herein provided, the tax so collected shall be added to the selling price so that said tax is paid ultimately by the user of said motor fuel.

**History:** 1965 c. 593.

**78.12 Reports to department; computation of tax.**

(4) COMPUTATION OF TAX.

(b) The number of gallons thus obtained shall be multiplied by seven one-hundredths and the resulting figure expressed in dollars shall be the amount of the motor fuel tax for such preceding month.

**History:** 1965 c. 593.

**78.14 Tax paid is public money.** Every wholesaler who sells or distributes any motor fuel for any purpose in this state shall collect from the purchaser at the time of such sale or distribution 7 cents per gallon on all such motor fuel sold or distributed, and any and all sums so paid by the purchaser to the wholesaler as taxes upon such motor fuel, upon which the tax imposed by this chapter has not theretofore been paid, are public money, the property of this state.

**History:** 1965 c. 593.

**78.40 Tax imposed; collected; exceptions. (1) AMOUNT OF TAX AND BY WHOM PAID.**

An excise tax of 7 cents per gallon is imposed on the use (as defined in s. 78.44) of special fuel. Said tax, with respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles in this state, shall attach at the time of such delivery and shall be collected by such dealer from the special fuel user and shall be paid over to the department as hereinafter provided. Said tax, with respect to special fuel acquired by any special fuel user in any manner other than by delivery by a special fuel dealer into a fuel supply tank of a motor vehicle, shall attach at the time of the use of such fuel and shall be paid over to the department by such user as hereinafter provided.

**History:** 1965 c. 593.

**78.49 Reports to department; computation of tax.**

(3) COMPUTATION OF TAX. Each special fuel licensee at the time of making his monthly report shall compute and pay to the department the full amount of the special fuel tax for the next preceding month, which shall be computed as follows: the number of gallons of special fuel delivered or placed by such special fuel licensee into the fuel supply tanks of motor vehicles shall be multiplied by seven one-hundredths and the resulting figure expressed in dollars.

**History:** 1965 c. 593.

**78.52 Separate fuel supply tanks required; exception.** Every motor vehicle operated by special fuel shall be equipped with a special fuel supply tank separate from and in no way connected to any cargo tank on or attached to such motor vehicle, except that any motor vehicle which is not so equipped on September 1, 1953, and which has a direct fuel supply line from the cargo tank to the motor of such vehicle shall be excluded from this requirement for the period that such motor vehicle is operated by the same owner and is not so equipped, and such cargo tank shall not be considered to be the fuel supply tank of that motor vehicle. Such motor vehicle, which is not so equipped, shall have an accurate metering device installed in the fuel supply line to measure the amount of special fuel consumed in the operation of such motor vehicle. The number of gallons of special fuel so consumed, as determined by such metering device, shall be multiplied by seven one-hundredths of the resulting figure expressed in dollars which figure shall be the special fuel tax due to the state therefor. The payment of the special fuel tax so computed shall be made to the state as provided in s. 78.49.

**History:** 1965 c. 593.

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**CHAPTER 81. TOWN HIGHWAYS.**
**81.15 Damages caused by highway defects; liability of town and county.**

The notice requirement is a condition precedent upon the right to maintain an action and not a limitation upon the time of commencement thereof. Nothing in *Holytz v. Milwaukee*, 17 W (2d) 26 changed the effect of the notice requirement. The contention that the 120 day statutory time within which suit may be instituted, when applied to minors, was arbitrary and unreasonable and hence unconstitutional had no merit. *Ocampo v. Racine*, 28 W (2d) 506, 137 NW (2d) 477.

Neither 81.15 nor 84.07 can be looked to as constituting an expression of the legislative intent to grant immunity to a county in respect to state trunk highways, since neither statute has the legal effect of reinstating governmental immunity or preserving such immunity. *Dunwiddie v. Rock County*, 28 W (2d) 568, 137 NW (2d) 388.



## CHAPTER 84. STATE TRUNK HIGHWAYS; FEDERAL AID.

**84.01 State highway commission.**

(2) CHAIRMAN; SECRETARY. In March of each odd-numbered year the governor shall designate one of the members of the commission as its chairman, and the commission shall elect one of the other members as its vice chairman and the other as its secretary. Any vacancy occurring in the chairmanship shall be filled by the governor and vacancies in the offices of vice chairman or secretary by election of the members of the commission. The administrative and executive authority of the commission shall be vested in the chairman, to be administered by him under the statutes and rules of the commission and subject to the policies established by the commission. The commission shall make rules for administering the internal affairs of the commission.

**History:** 1961 c. 40; 1963 c. 99, 224, 225; 1965 c. 62, 107, 365, 432 s. 6; 1965 c. 587.

**84.03 Federal aid; state and local funds.**

(6) INTEREST ON BONDS. When county bonds are issued under s. 67.13 or 67.14 after July 1, 1966, with the proceeds to be expended for the improvement of state trunk highways or connecting streets under a program approved by the state highway commission, the county shall be paid the net interest cost, after deducting any premium received, from the appropriation made by s. 20.420 (1) (x).

**History:** 1961 c. 557; 1965 c. 432 ss. 4, 6; 1965 c. 593.

**84.07 Maintenance of state trunk highways.**

See note to §1.15, citing *Dunwiddie v. Rock County*, 28 W (2d) 568, 137 NW (2d) 388.

**84.09 Acquisition of lands and interests therein.**

See note to §2.09, citing *Hastings Realty Corp. v. Texas Co.* 28 W (2d) 305, 137 NW (2d) 79.

**84.25 Controlled-access highways.**

The closing of a street by the highway commission pursuant to (3) at the junction of its intersection with a controlled-access highway does not constitute a compensable taking, though property owners are deprived of direct access thereto, provided that reasonable access remains. *McKenna v. State Highway Comm.* 28 W (2d) 179, 135 NW (2d) 827.

**84.40 State highway commission; relation to nonprofit corporations.** (1) As used in this section, unless the context requires otherwise:

(a) "Existing highways and other improvements," in relation to any conveyance, lease or sublease made under sub. (2) (a), (b) and (c), means any portion of the national system of interstate and defense highways in this state, including all bridges, tunnels, overpasses, underpasses, interchanges, lighting, approaches, signing, weighing stations, administration, storage and other buildings, facilities or appurtenances which in the judgment of the state highway commission are needed or useful for interstate highway purposes, and all improvements and additions thereto which were erected, constructed or installed prior to the making of such conveyance, lease or sublease.

(b) "New highways and other improvements," in relation to any conveyance, lease or sublease made under sub. (2) (a), (b) and (c), means any portion of the national system of interstate and defense highways in this state, including all bridges, tunnels, overpasses, underpasses, interchanges, lighting, approaches, signing, weighing stations, administration, storage and other buildings, facilities or appurtenances which in the judgment of the state highway commission are needed or useful for interstate highway purposes, and all improvements and additions thereto or to existing interstate highways and other improvements which are erected, constructed or installed after the making of such conveyance, lease or sublease.

(c) "Nonprofit-sharing corporation" means a nonstock corporation which was in existence on May 1, 1967 and was organized under ch. 181 or corresponding prior general corporation laws.

(2) In order to provide new highways or improve existing highways and to enable the construction and financing thereof, to refinance any indebtedness created by a nonprofit corporation for new highways or making additions or improvements to existing highways located on public right of way available for highway purposes or on lands owned by the nonprofit corporation, or for any one or more of said purposes, but for no other purpose unless authorized by law, the state highway commission:

(a) May sell and convey to a nonprofit-sharing corporation any public right of way available for highway purposes and any existing highways or other improvements thereon owned by the state or under the jurisdiction of the state highway commission for such consideration and upon such terms and conditions as the commission deems in the public interest.

(b) May lease to a nonprofit-sharing corporation, for terms not exceeding 30 years each, any public right of way available for highway purposes and any existing highways or improvements thereon owned by the state or under the jurisdiction of the state highway commission upon such terms, conditions and rentals as the commission deems in the public interest.

(c) May lease or sublease from such nonprofit-sharing corporation, and make available for public use, any such public right of way available for highway purposes and existing highways and other improvements conveyed or leased to such corporations under pars. (a) and (b), and any new highways or other improvements constructed upon such public right of way available for highway purposes or upon any other land owned by such corporation, upon such terms, conditions and rentals, subject to available appropriations, as the commission deems in the public interest. With respect to any property conveyed to such corporation under par. (a), such lease from such corporation may be subject or subordinated to one or more mortgages of such property granted by such corporation.

(d) Shall enter into lease and sublease agreements under par. (c) for highway projects only when the projects meet the commission's standard specifications for road and bridge construction and when arrangements are made that all construction be under the direct supervision of the commission.

(e) May establish, operate and maintain highways and other improvements leased or subleased under par. (c).

(f) Shall submit the plans and specifications for all such new highways or other improvements and all conveyances, leases and subleases and purchase agreements made under this subsection to the governor for approval before they are finally adopted, executed and delivered.

(g) May pledge and assign, subject to available appropriations, all moneys provided by law for the purpose of the payment of rentals pursuant to leases and subleases entered into under par. (c) as security for the payment of rentals due and to become due under any lease or sublease of such highways and other improvements made under par. (c).

(h) Shall, upon receipt of notice of any assignment by any such corporation of any lease or sublease made under par. (c), or of any of its rights under any such lease or sublease, recognize and give effect to such assignments, and pay to the assignee thereof rentals or other payments then due or which may become due under any such lease or sublease which has been so assigned by such corporation.

(i) May purchase and acquire from such nonprofit-sharing corporation any right of way available for highway purposes and any new highways and other improvements for which leases and subleases have been executed pursuant to par. (c) upon such terms and conditions as the commission deems in the public interest.

(3) All lease and sublease agreements executed under this section and all contracts entered into pursuant to the lease and sublease agreements shall be processed, governed by and performed in accordance with all applicable state and federal laws and regulations. Sections 66.29, 84.015, 84.03 and 84.06 are applicable to all contractual instruments for the construction of highway projects subject to lease and sublease in the same manner as they are applicable to the state highway commission.

**History:** 1965 c. 593.

**84.41 State liability; applicable laws; tax exemption; securing of federal aids.**

(1) **LIABILITY OF STATE.** The state shall be liable for accrued rentals and for any other default under any lease or sublease executed under s. 84.40 and may be sued therefor on contract as in other contract actions pursuant to ch. 285, but it shall not be necessary for the lessor under any such lease or sublease or any assignee of such lessor or any person or other legal entity on behalf of such lessor to file any claim with the legislature prior to the commencement of any such action.

(2) **APPLICATION OF STATE LAWS.** All laws of this state including those pertaining to the regulation of motor vehicles and highways, shall apply to the projects subject to lease and sublease executed under s. 84.40.

(3) **EMPLOYMENT REGULATIONS.** Employment regulations set forth in s. 103.50 pertaining to wages and hours shall apply to all projects constructed under s. 84.40 in the same manner as such laws apply to projects on other state highways. Where applicable, the federal wages and hours law known as the Davis-Bacon act shall apply.

(4) **CONTRACTOR'S LIENS; PERFORMANCE AND PAYMENT BONDS.** The provisions of s. 289.53 pertaining to contractor's liens and related matters, and s. 289.16 relating to performance and payment bonds, shall apply in the same manner as such law applies to other state highway construction projects.

(5) **TAX EXEMPTION.** All lands leased and re-leased under any approved project shall be exempt from taxation.

(6) **NO STATE DEBT CREATED.** Nothing contained in this section or s. 84.40 shall create a debt of the state.

(7) **SECURING OF FEDERAL AIDS.** The state highway commission shall do all things necessary to secure federal aids in carrying out the purposes of this section and s. 84.40.

**History:** 1965 c. 593.

**84.42 Limitations on bonding.** The highway commission's authority to act under ss. 84.40 and 84.41 is limited to completion of highway I 94 between Tomah and Eau Claire, the interstate bridge, including the approaches, on highway I 94 at Hudson and highway I 90 between Tomah and La Crosse.

**History:** 1965 c. 593.

## CHAPTER 87. FLOOD CONTROL.

**87.01 Definitions.** Terms used in ss. 87.01 to 87.17 are defined as follows:

(1) "Department" means the department of resource development.

(2) "Public corporations" means any county, town, village, city, school district, consolidated district, state graded school district, free high school district, union free high school district, whether any such district is joint or otherwise, board of education, board of park commissioners and any other public body empowered to hold property, borrow money or levy taxes.

(3) "Public service corporation" means any corporation specified in s. 184.01 of the statutes.

(4) "Owner" means any person, copartnership, association or corporation having the fee title or any lesser estate in lands, except estates at will and by sufferance.

(5) "Tract of land" means all of the land separately assessed as a unit for the purpose of general taxation pursuant to s. 70.23 of the statutes.

(6) "Parcel of land" means that portion of a tract of land which is benefited by the abatement or diminution of flood conditions.

(7) "Equalized assessed value" means: (a) As applied to any town, village or city, the value of the real property therein as determined by the county board pursuant to s. 70.61; (b) as applied to any tract of land, such proportion of the assessed value thereof, as determined by the local assessor, as the equalized assessed value of all the real estate in the town, village or city in which such tract is located bears to the aggregate assessed value of the real estate in such town, village or city, as determined by its assessor; (c) as applied to a parcel of land, such proportion of the equalized assessed value of the tract of which such parcel is a part, as the department shall determine to correctly represent the relative value of such parcel as compared with the remainder of the tract.

(8) "Drainage area" means any parcel or parcels of land within the area whose drainage causes or contributes to flood conditions upon or in the vicinity of a designated stream or body of water.

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**87.02 Powers of department.** To accomplish the purposes of ss. 87.01 to 87.17, the department of resource development is hereby authorized and empowered:

(1) To order the straightening, widening, altering, deepening, changing or the removing of obstructions from the course of any river, watercourse, pond, lake, creek or natural stream, ditch, drain or sewer, and the concentration, diversion or division of the flow of water therein; provided, that in the case of navigable waters no such work shall substantially impair the navigability thereof.

(2) To order the construction and maintenance or the removal of ditches, canals, levees, dikes, dams, sluices, revetments, reservoirs, holding basins, floodways, pumping stations, sewers and siphons, and any other works reasonably adapted or required to accomplish the purposes of said ss. 87.01 to 87.17.

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**87.03 Petition for flood works.** Any 25 owners of lands which have been recurrently flooded by the waters of any designated stream, lake or pond or any tributaries thereof, or any public corporation within whose boundaries are located any lands subject to such overflow, may file with the department a written petition setting forth:

(1) The necessity for the construction of such works of improvement as will abate or substantially diminish the overflow of such lands, together with a statement that the

construction of such works is required by the public health, safety, convenience or welfare;

(2) A general description of the purpose of the contemplated improvement and of the territory proposed to be benefited by the construction thereof. Said description need not be given by metes and bounds nor by legal or political subdivisions but shall be sufficient if it designate in general terms the territory proposed to be benefited by the improvement;

(3) A prayer for appropriate action and relief.

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**87.04 Action on petition.** (1) Upon the filing of any petition as authorized by s. 87.03, the department shall give the project a name embodying the name of the principal river or body of water involved in the project, and shall fix a date and place of hearing upon the petition, the date being so fixed as to allow for the giving of the notice herein provided for. The department shall publish in each county in which any portion of the territory referred to in the petition is located, a class 3 notice, under ch. 985, stating the nature of the proceeding and the time and place of the proposed hearing, and shall also forward a copy of such notice to the county clerk of each such county. Each such county clerk shall thereupon mail a copy of the notice to the clerk of each town, village and city within his county. The failure of any county clerk to comply with the foregoing requirements shall not, however, affect the jurisdiction of the department to proceed.

(2) If the petition alleges that the proposed project will be located wholly upon land owned by the petitioners, that the stream affected is nonnavigable, or if navigable in fact, is not navigable for any substantial commercial or major recreational purposes, that the project is required by public health, safety, convenience or welfare and that the petitioners desire to construct and operate the project as a co-operative enterprise, the department may hear the petition upon due notice to the petitioners and to the town clerk of each town in which the project is located. If the department finds that the allegations of the petition are true, it may authorize the petitioners to proceed with the construction and operation of the project subject to plans to be approved by the department and all other procedural requirements of this chapter may thereafter be omitted, provided that the petitioners shall be jointly and severally liable for any damage to the property of others resulting from said project.

**History:** 1965 c. 252, 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**87.05 Scope of hearing.** The hearing under s. 87.04 shall be confined to the question whether the improvement prayed for in the petition is required by the public health, safety, convenience or welfare. Any person interested may appear at such hearing in person or by attorney and be heard upon said question without the filing of any formal pleading. In considering and deciding this question the department may consider investigations and reports made by the engineering staff and by the U. S. government or an officer or agency thereof, provided such reports are made a part of the record of the hearing. If at the close of such hearing the department determines that the public health, safety, convenience or welfare require the abatement or substantial diminution of the flood conditions referred to in the petition, it shall make written findings to that effect and shall direct the hearing upon the petition to proceed; but if its finding is to the contrary, it shall enter an order dismissing the petition.

**History:** 1963 c. 305; 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**87.07 Preliminary order.** (1) **SURVEY AND REPORT.** If the department's order, made pursuant to s. 87.05, shall direct the hearing to proceed, the department shall at the same time direct its engineering department to make a survey in the form of a preliminary investigation and to file a report:

(a) Determining and showing upon a map the lands, whether contiguous or not, which will be benefited by the abatement or substantial diminution of the flood conditions referred to in the petition; defining by legal description each parcel of such lands, other than those owned by public corporations or public service corporations; stating the most recent equalized assessed value of each such parcel of land, and stating the amount of benefit estimated to be derived by each such parcel from the abatement or substantial diminution of such flood conditions;

(b) Giving a general description of the real property of any public corporation and the real and personal property of any public service corporation which will be benefited by the abatement or substantial diminution of the flood conditions referred to in the petition; stating the fair value of each parcel of real estate and piece of personal property so described, and determining the amount of benefit estimated to be derived by each

of such parcels of real estate and pieces of personal property from the abatement or substantial diminution of such flood conditions; for the purposes of ss. 87.01 to 87.17, streets and highways shall be deemed to be the property of the public corporation which is under legal duty to maintain them;

(c) Defining by political subdivisions the drainage area, and stating the most recent equalized assessed value of the real estate in each of the political subdivisions constituting such area;

(d) Recommending the means deemed to be the most practical, considering cost and efficiency, for so abating or diminishing the flood conditions referred to in the petition as to effect the public purpose found by the department in its order made pursuant to s. 87.05, and stating the estimated cost of the improvement necessary to put such means into effect.

(2) NOTICE OF PRELIMINARY REPORT, HEARING. Upon the filing of such preliminary engineering report with the department, it shall forward a copy thereof to the county clerk of each county in whole or in part within the drainage area as set forth in said report, at least 30 days before the date fixed by the department for further hearing upon the petition. The department shall fix a date for such further hearing and shall publish a class 3 notice thereof, under ch. 985, in each county in whole or in part within the drainage area as set forth in the report, and shall mail a copy of the notice to each party who appeared at the preliminary hearing.

(2m) PETITION. At any time prior to the further hearing and final findings upon the several matters covered by said preliminary reports, owners who represent a majority of the lands owned by the original petitioners may file with the department a written petition requesting that no further proceeding be had. Upon receipt of such petition requesting no further proceeding and a determination by the department that same is signed by the required number of property owners, the department shall enter an order dismissing the original petition.

(3) HEARING ON REPORT, FINDINGS. At the further hearing held pursuant to such notice, any person interested may appear in person or by attorney and be heard upon the several matters covered by the said preliminary engineering report, without the filing of any formal pleading on behalf of any such person. The department shall thereupon make final findings upon the several matters covered by said preliminary engineering report, including detailed plans and specifications for the work of constructing the improvement. In determining the estimated cost of the improvement the department shall determine and state separately: (1) The estimated cost of the lands and interest in lands necessary to be acquired for the improvement; (2) the estimated aggregate of the contract prices for the construction of the improvement; (3) the estimated expense to be incurred during the construction of the improvement for engineering, superintendence, clerical expense and other overhead expenses by the flood control board in charge of such construction, and (4) the estimated expense to be incurred by said flood control board for operation and maintenance of the improvement during the first 18 months after its completion. The department shall also find, as to each of the landowners, public corporations and public service corporations owning property to be benefited by the proposed improvement, and as to each parcel of land so benefited, and as to each of the public corporations required by s. 87.10 to contribute toward the cost of each improvement: (1) The maximum amount collectible from such parcel of land, public corporation or public service corporation under the provisions of s. 87.09, and (2) the amount actually required to be collected from such public corporation, public service corporation or parcel of land to meet the estimated cost of the improvement, which amount shall be, as to each parcel of land, public corporation and public service corporation, a uniform percentage of the total amount found by the department to be collectible therefrom.

(4) BENEFITS AND COSTS DECISIVE. If the aggregate of the amounts collectible, as thus found by the department, exceeds the estimated cost of construction of the improvement, the department shall order that the work of constructing such improvement proceed. If such aggregate amount collectible is less than the estimated cost of such improvement, the department shall enter an order dismissing the petition, unless the difference between said aggregate amounts be deposited in cash with the state treasurer within one year. Such deposit may be made by any person or any public or private corporation. Upon the making of such deposit, the department shall enter a further order that the work of constructing the improvement proceed.

(5) COURT REVIEW. Any such order may be reviewed in the manner provided in ch. 227, except that if any finding as to the amount of benefit to any property shall be challenged upon such review the petitioner shall be entitled to a trial by jury upon demand.

**History:** 1963 c. 305, 474; 1965 c. 252, 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

87.075 **Special procedure.** (1) Notwithstanding any other provision of this chapter, the department may, as provided in this section, at any time after directing the hearing upon the petition to proceed made under s. 87.05, issue an order stating that a flood control board shall be appointed as provided in s. 87.12, in which event such a board shall be forthwith appointed. If such an order is issued, the procedures stated in ss. 87.07, 87.08, 87.09, 87.10 and 87.11 and any other section predicated thereon may be dispensed with.

(2) An order may be issued under this section under the following circumstances:

(a) That the proposed project will be financed in whole or in part by funds to be received from municipalities, other governmental agencies or others.

(b) That the benefit to public health, safety, convenience and welfare which will result from the project is such as to justify the initial and subsequent cost of the project. In making this determination the department may consider and give effect to the nature and purpose for which funds have been or may be made available for the project.

(c) That the public interest requires that a flood control board should be appointed and commence functioning as provided in this section without following the normal procedure otherwise prescribed under this chapter.

(3) In making its determination under this section, the department may consider and base its determination in whole or in part upon any plans or study made by any governmental agency, as well as upon any other material deemed by it to be relevant to such determination.

(4) When a flood control board is appointed under this section it shall:

(a) Forthwith cause all necessary surveys and studies to be made and plans and specifications prepared for the project.

(b) Submit plans and specifications to the department for approval.

(c) Cause the project to be constructed under contract let by public bids in accordance with the plans and specifications as approved by the department. The flood control board may subsequently modify the plans and specifications as originally approved, subject to approval of the department.

(d) Operate and maintain the completed project.

(e) Annually on or before March 15, assess the cost of construction, maintenance and operation of the project against the municipalities involved in the proportion that the equalized assessed value of real property located in the flood plain of the portion of the waterway in each municipality involved, exclusive of public park lands, bears to the total of such equalized assessed value for all municipalities involved. Such assessment shall be based upon data furnished by local assessors who shall forward to the secretary of the flood control board all data requested, by certified mail, within 30 days from receipt of such request. In the event the local assessor shall fail to comply with such request within the time specified, the flood control board shall conduct whatever studies are necessary in its judgment to determine the equalized assessed value of affected lands within such municipality, and the cost of such studies shall be charged to such municipality. When the flood control board determines the amount each municipality is required to pay, it shall certify that amount to each respective municipality. It shall thereupon be the duty of each municipality to pay said amount to the flood control board not later than 60 days from receipt of such certificate. The municipality may raise the funds required in the manner provided in s. 87.076.

(5) The flood control board appointed under this section shall have all powers contained herein as well as other sections of this chapter. In the event of conflict between the provisions of this section and other sections of this chapter, the provisions of this section shall control.

**History:** 1965 c. 481, 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

87.08 **Petition of board; modification of order, court review.** Upon petition of the flood control board organized pursuant to s. 87.12 for the purpose of carrying out the final order of the department, the department may at any time, after public hearing, modify its final orders insofar as the same relate to the plans and specifications therein adopted by it for the construction of the improvement, but no such modification shall materially change the basic plan of the improvement. The hearing upon application for such modification shall be held upon notice to the clerk of each town, village and city containing property found by the department to be benefited by the improvement. Such order for modification may be reviewed in the same manner as the final order.

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**87.09 Assessment of benefits.** The department shall determine the parcel or parcels of land benefited directly or indirectly and shall levy such assessment in proportion to the benefit accruing to such parcel or parcels of land.

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**87.095 Public park lands not benefited by improvement.** For the purposes of this chapter it is determined that public park lands are not benefited either directly or indirectly by such improvement, and shall not be considered in the assessment of benefits made by the department or by the flood control board acting under the provisions of s. 87.075 or 87.076.

**History:** 1965 c. 481, 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**87.10 Collection of assessments; bonds.** (1) Upon the making of a final order directing the work to proceed, as provided in s. 87.07, the department shall forward a certified copy of its findings and the order based thereon to the clerk of each town, village and city in which any land or other property benefited by the improvement is located; to the clerk of each public corporation owning property found to be benefited thereby, and to the clerk of each town, village and city found to be located within the drainage area. It shall thereupon be the duty:

(a) Of each town, village and city in which is located any benefited land owned otherwise than by a public corporation, or in which is located any benefited property of a public service corporation, to levy as a special assessment against the land or other property so benefited the amount which the department has found that such property should contribute to the cost of the improvement, and to collect the same in connection with the next ensuing collection of general taxes in said town, village or city. The governing body of such town, village or city may, in its discretion, make such special assessment payable in annual instalments;

(b) Of each public corporation owning property found by the department to be benefited, to raise the amount which the department shall have found that such property should contribute to the cost of the improvement;

(c) Of each town, village or city containing lands or other property found to be benefited by the improvement, to raise the amount which the department shall have found such town, village or city should contribute to the cost of the improvement;

(d) Of each town, village or city within the drainage area, to raise the amount which the department shall have found such town, village or city should contribute to the cost of the improvement.

(2) The amount required to be raised by any public corporation pursuant to sub. (1)(b), (c) and (d) of this section may be raised by the issuance of bonds or by the levy of general taxes, or may be paid out of any funds of such public corporation legally available for such purpose; provided, however, that no bonds shall be issued until provision has been made to pay the liability that will accrue thereunder. Every public corporation electing to raise such sums wholly or in part by general taxation may lawfully do so, even though the tax rate of such public corporation for the year of such levy may thus be increased beyond the legal limit otherwise applicable. The moneys to be provided by any public corporation pursuant to this section, except the deferred instalments of special assessments, shall be on hand and available by March 15 following the department's final order, unless the time between the certification of such order and March 15 is insufficient for the raising of such moneys. All such moneys shall be held by the treasurer of such public corporation in a separate fund until paid over to the flood control board created pursuant to s. 87.12.

**History:** 1963 c. 305; 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**87.11 When benefits exceed cost; when costs will exceed benefits; temporary borrowing; maintenance fund.** (1) If, after all contracts for construction of the improvement have been let, the aggregate of the contract prices, as certified by the flood control board created pursuant to s. 87.12, added to the department's estimated cost of acquiring the necessary lands and of overhead expense and of the first 18 months' operation and maintenance, exceeds the amount estimated by the department as the total cost of the improvement, but is less than the total amount found by the department to be collectible under s. 87.09, the work of constructing the improvement shall nevertheless proceed and the several public corporations shall provide, not later than the time fixed for the next ensuing general tax collection therein, the amounts required to make up the deficiency, in the same proportions as the original amounts were provided by such public corporations.

(2) But should the total cost, as ascertained and certified by the flood control board

after the letting of the contracts, in the manner hereinabove set forth, exceed the total amount found by the department to be collectible under s. 87.09, all contracts for the construction of the work shall be null and void. At the expiration of one year after such certification, any moneys held by the state treasurer on account of the project shall be refunded to the persons by whom they were paid to such treasurer; and funds in the hands of the flood control board shall be refunded to the public corporation by which they were paid to such board; any funds held by any town, village or city, having been collected by special assessments against property benefited, shall be refunded to the owners of such property; any funds raised by any public corporation by the issuance of bonds on account of such proposed improvements shall constitute a fund for the retirement or payment of such bonds; and any fund held by any public corporation, having been raised otherwise than by special assessments or bond issues, shall be available for the general purposes of such public corporation. Provided, however, that if within one year after the last mentioned certification of the flood control board there shall be deposited with the treasurer of said board a sum equal to the difference between the aggregate cost of constructing the improvement as estimated by the department and the aggregate cost thereof as determined and certified by the flood control board after the letting of the contracts, said board shall proceed to relet the contracts for the construction of the improvement and to complete the same unless the aggregate of such new contract prices, together with the department's estimate of the cost of acquiring lands and of overhead expenses and of the first 18 months' operation and maintenance, shall again exceed the amount found by the department to be collectible under s. 87.09. The deposit herein referred to may be made by any person or any public or private corporation.

(3) If, after the letting of the contracts and during the progress of the work, it shall develop that the cost of completing the work exceeds the amount available therefor, the flood control board shall have power to borrow temporarily the amounts required for completing the work, upon promissory notes executed by the board, payable with interest on or before the 15th day of March next ensuing; and each town, village and city containing property found by the department to be benefited by the improvement shall upon certification of the flood control board as to the amount to be raised by such town, village or city to repay such temporary loan, include in its next general tax levy the amount so certified. Such certification by the flood control board shall require each such town, village and city to raise the same proportion of the sum required to pay the temporary loan as to the total amount previously contributed by such town, village or city pursuant to s. 87.10 (1)(c) shall bear to the total amount contributed by all of such towns, villages and cities thereunder. If, by reason of the deferred collection of special assessments as authorized in s. 87.10 (1)(c), funds shall be required by the board before they are actually available, the board may borrow such funds upon its promissory notes payable with interest on or before March 15 of the year in which such deferred instalments shall become due, and shall repay such loan out of the proceeds of such instalments.

(4) If it shall develop that the total cost of constructing the improvement is less than the total amount available for the payment of such cost, the excess, except as provided in s. 87.13, shall constitute the commencement of the fund provided for in s. 87.14 for the maintenance and operation of the improvement.

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**87.12 Flood control board, creation, duties, powers, pay, funds.** (1) If the department directs the work of constructing the improvement to proceed as provided in s. 87.07, it shall certify the fact of the making of such order to the governor, together with a statement of the county in which the major part of the proposed improvement, as determined by the estimated cost thereof, is to be located and the county in which the largest amount of property to be benefited, as determined by the equalized assessed value thereof, is located. The governor shall thereupon appoint a board to take charge of the construction and the maintenance and operation of the improvement, whose membership shall be determined as follows:

(a) One member to be certified by the board of supervisors of the county in which the major part of the proposed improvement is located;

(b) One member to be certified by the board of supervisors of the county in which the largest amount of property to be benefited is located;

(c) One member to be chosen by the governor from the drainage area.

(2) The board so appointed shall serve for a term of 6 years and until their successors are duly appointed and qualified. Succeeding appointments shall be made in the same manner as original appointments. Any vacancy occurring by reason of the death, resignation or removal from the state, or permanent disability of any person thus appointed, shall be filled in the manner provided for the original appointment of such



person. The county board making any such certification of an appointee may at any time certify to the governor the name of another appointee to succeed him, and the governor shall thereupon name such new appointee as a member of the board and the tenure of the former appointee shall terminate. The governor may at any time appoint another person to succeed the person chosen by him on said board and the tenure of the latter shall thereupon terminate.

(3) The board thus constituted shall be a body corporate and shall be known as ". . . Flood Control Board," the name to commence with the name of the river or body of water defined by the department pursuant to s. 87.04 as being the principal river or body of water involved in the project. The board shall organize by the election of one of its members as chairman and one as treasurer, who shall be removable at the pleasure of the board. It shall also appoint a secretary, who need not be a member of the board and who shall likewise be removable at pleasure.

(4) Each member of the board shall file the official oath with the department, and the treasurer of the board shall file with the department the official bond, which shall be approved by the department and shall be in amount as follows: Up to the completion of the construction of the improvement, not less than 50% of the total cost thereof as estimated by the department; for the first 18 months thereafter, not less than 50% of the cost of operation and maintenance during said period as estimated by the department; and thereafter, not less than 50% of the annual cost of maintenance and operation as certified by the board pursuant to s. 87.14, except that in case of an addition to or reconstruction pursuant to s. 87.15, and during the period of such work such bond shall be in an additional amount not less than one-half the cost of such addition or reconstruction as estimated by the department.

(5) It shall be the duty of the flood control board to construct the proposed improvement by contract according to the plans and specifications prescribed by the department. No contract for such work shall be let or indebtedness therefor incurred until there shall actually be in the hands of the several treasurers, as provided in s. 87.10, or in the process of collection, the entire sum called for in said section, except the deferred instalments, if any, of special assessments, or the amount therefor is assured by contract, lease, sale or lease with option to purchase, as provided in s. 87.18. The board shall have authority to require the treasurers of the public corporations to certify from time to time the amounts actually on hand for such purpose, the amounts in process of collection, and the amounts to be collected upon deferred instalments of special assessments. The board shall apply for and obtain all necessary permits from the federal government. It shall have the power to enter upon any land for the purpose of making necessary examinations and surveys, and this right shall extend to its duly authorized assistants, representatives and employees, including any contractor engaged to do any part of the work of constructing the improvement, together with the representatives and employees of any such contractor; but any such contractor shall be responsible for any damage he may do. The board has power to borrow money for the construction of a reservoir and to issue its corporate bonds for the amount so borrowed, securing the same by a mortgage on the reservoir property. The rate of interest shall not exceed 6% nor shall the time of repayment exceed 30 years.

(6) The board shall have the power to institute and prosecute in the manner provided in ch. 32 of the statutes such eminent domain proceedings as may be necessary in the construction of said improvement. When necessary for that purpose, this right of eminent domain shall be dominant over the rights of eminent domain of public or private corporations or governmental agencies. The board shall also have the power to acquire any lands or interest therein necessary for the aforesaid purpose, by gift, purchase or lease. Any title acquired by condemnation or gift, purchase or lease shall be held in the name of the flood control board in trust for the several towns, villages and cities and contributing, as provided in s. 87.10 (1) (c) and (d), in proportion to the amounts of their several contributions. The board shall have the power to employ engineers, attorneys, agents, assistants, clerks, employees and laborers as it may deem advisable for the proper execution of its duties, and to fix their compensation.

(7) Each member of the board shall receive compensation at the rate of \$10 for each day or major part thereof actually devoted to the performance of his duties as such member and shall also be reimbursed the actual necessary expenses incurred by him in the performance of such duties, upon verified statements in each case which shall be duly audited by the board and filed with the secretary.

(8) All moneys of the board shall be deposited in such state or national banks as the board may from time to time designate, and shall be drawn out only upon checks signed by the chairman and the treasurer of the board. As funds are required by the board from time to time for the work of constructing the improvement, the board shall by resolution

make requisition for the amounts so required upon the treasurers of the several public corporations holding money available for that purpose pursuant to s. 87.10, and each such treasurer shall forthwith pay the amount thus requisitioned to the board. The amount to be requisitioned at any time from any such treasurer shall bear such proportion to the total amount requisitioned at such time, as the amount certified by such treasurer pursuant to this section to be on hand and available shall bear to the total amount certified by all of such treasurers to be on hand and available.

**History:** 1965 c. 481, 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**87.14 Operation and maintenance.** The flood control board is authorized to sell, lease, or lease with power to purchase, any reservoir proposed to be constructed, in the process of construction or completed, to a duly organized river improvement company as defined by s. 182.016, on such terms and conditions as are approved by the department of resource development as hereinafter provided. Unless so leased or sold it shall be the duty of the flood control board to maintain and operate said improvement. The cost of operation and maintenance during the period intervening between the completion of said improvement and the date when funds provided under this section become available shall be paid from the funds provided for maintenance pursuant to the estimate made by the department as provided in s. 87.07 (3). Prior to the first day of November in each year the flood control board shall certify to the clerk of each town, village and city in which lands to be benefited by the improvement are located an estimated budget, detailed as far as practicable, of the cost of operation and maintenance of said improvement for the succeeding calendar year, together with the amount due upon any judgments outstanding against the board, except those judgments from which the board has appealed or intends to appeal, and shall certify at the same time the portion of such cost to be borne by each such town, village and city. This shall be determined in the same manner and according to the same proportions as provided in s. 87.10 (1) (c). It shall thereupon become the duty of each such town, village and city to include in its next succeeding tax levy the amount so certified and to forward such amount, on or before March 15 following, to the flood control board.

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**87.15 Repairs, replacements and extensions; procedure.** Whenever the flood control board shall determine and certify that repairs or replacements are necessary to such an extent as to amount to a partial reconstruction of the improvement rather than ordinary maintenance, or whenever said board shall determine that material additions, extensions or betterments to said improvement are necessary, the board shall file a petition with the department setting forth the necessity for such repairs, replacements, additions, extensions or betterments, and thereupon the department shall proceed to make the same determinations and certifications as in the case of an original petition for the construction of the improvement, except that the enumeration of lands or other property benefited and of the political subdivisions included within the drainage area shall be the same as in the original order for the construction of the improvement, unless the department shall affirmatively find that changes in such enumeration are necessary because of errors in the original findings.

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**87.16 Court proceedings speeded.** Any action brought in any court for the purpose of enjoining, preventing or interfering with the construction, repairing, reconstruction, operation or maintenance of the improvement ordered by the department, or any part thereof, except actions to review the orders of the department pursuant to ss. 87.01 to 87.17, shall be placed upon the current term calendar of the court as soon as such action is at issue and shall have precedence over all other actions pending upon such calendar. In addition to all other limitations, the time for appealing from any order or judgment entered in such action shall be limited to 30 days from the date of the entry of such order or judgment. In the event of such appeal the cause shall, on the filing of the papers in the supreme court, be immediately placed at the head of the state calendar of the then pending term and shall be assigned and brought to a hearing in the same manner as other causes on the state calendar.

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**87.18 Lease, sale and lease with option to purchase the project.** Whenever the flood control project consists of a storage reservoir and authority to create, operate and maintain a reservoir on the river affected by such storage reservoir is vested in a duly organized river improvement company as defined by s. 182.016, and the petitioners file

with the department of resource development a petition and a proposed contract with such improvement company for a lease, sale, or lease with option to purchase said reservoir, and the department finds the terms and conditions of such contract are sufficient to assure the payment of the amount the board will be obligated to pay for the cost of the reservoir and the maintenance and operation of the same, and the project will secure effective flood control and promotion of the public welfare, then notices, proceedings and assessments provided by ss. 87.04 to 87.12, inclusive, are not required. The department, however, shall make findings as required by s. 87.05 and shall order that the flood control board be appointed and shall so certify to the governor as provided by s. 87.12. The governor shall thereupon appoint the board as provided in said s. 87.12. The proposed contract filed with the department by petitioners for the sale, lease, or lease with option to purchase said reservoir property shall not be binding upon the board so appointed unless the board approves such contract. Upon approval the board shall so report to the department and file with it a final contract executed by the board and lessee or purchaser. The department has authority to approve or disapprove such contract. If the department approves such contract, then it shall be final and the department shall thereupon order the board to proceed with the work. When such reservoir property is sold and the purchase price has been fully paid and any indebtedness assumed by the purchaser has been paid and discharged, including the fees and expenses of the board, and the department so finds, the said board shall thereupon be dissolved by order of the department.

**History:** 1965 c. 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

**87.30 Flood plain zoning.** (1) **STATE POWERS.** If any county, city or village does not adopt a reasonable and effective flood plain zoning ordinance by January 1, 1968, the department shall, upon petition of an interested state agency, a municipality, 12 or more freeholders, or upon its own motion as soon as practicable and after public hearing, determine and fix by order the limits of any or all flood plains within such county, city or village within which serious damage may occur. Thereafter the department shall as soon as practicable after public hearing adopt a flood plain zoning ordinance applicable to such county, city or village. Thirty days' notice of all hearings on flood plain determination or zoning before the department shall be given to the county, city or village clerk, the clerks of all towns where lands may be affected, to the highway commission and to the conservation commission. Each state agency mentioned shall keep an official record of all proceedings. Exhibits and testimony shall be a part of the official record. Failure of a county, city or village to adopt a flood plain zoning ordinance for an area where appreciable damage from floods is likely to occur or to adopt an ordinance which will result in a practical minimum of flood damage in an area shall be prima facie proof of the necessity for action specified herein by the department. The department shall make a decision in writing of insufficiency of any county, city or village flood plain zoning ordinance before adopting an ordinance superseding such county, village or city ordinance. All final orders, determinations or decisions made under this subsection shall be subject to review under ch. 227 and be effective 20 days after the same have been served unless such order, determination and decision specifies a different date upon which the same shall be effective. Such flood plain determination and zoning ordinance shall be of the same effect as if adopted by the county, city or village. Thereafter it is the duty of the county, city, village and town officials to administer and enforce the ordinance in the same manner as if the county, city or village had adopted it. Flood plain determinations and zoning ordinances so adopted may be modified by the county, city or village concerned only with the written consent of the department except that nothing in this subsection shall be construed to prohibit a county, city, village or town from adopting a flood plain ordinance more restrictive than that adopted by the state. The cost of such flood plain determination and ordinance promulgation and enforcement by the state shall be assessed against the county, city or village concerned and collected in substantially the same manner as other taxes levied by the state.

(2) **ENFORCEMENT AND PENALTIES.** Every structure, building, fill, or development placed or maintained within any flood plain in violation of a zoning ordinance adopted under this section, or s. 59.97, 61.35 or 62.23 is a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of any municipality, the state or any citizen thereof. Any person who places or maintains any structure, building, fill or development within any flood plain in violation of a zoning ordinance adopted under this section, or s. 59.97, 61.35 or 62.23 may be fined not more than \$50 for each offense. Each day during which such violation exists is a separate offense.

**History:** 1965 c. 614.

## CHAPTER 88. DRAINAGE OF LANDS.

**88.72 Removal of dams or other obstructions in drainage outlets.**

(4) Within 30 days after the department of resource development has issued a permit under s. 88.31, the board shall proceed to estimate the cost of such work, including the expenses of the proceeding together with the damages which will result from the work, and shall file with the court, within a reasonable time, a report in writing in which it shall award damages to all lands damaged by such work and assess the cost of such work against the lands in such district in proportion to the assessment of benefits then in force.

**Note:** The amendment of sub. (4) by ch. 614 is effective 7-1-67.

**History:** 1963 c. 572; 1965 c. 614.

## CHAPTER 93. STATE DEPARTMENT OF AGRICULTURE.

**93.07 Department duties.**

(19) **PEST CONTROL COMPACT.** To co-operate with the insurance fund established by the pest control compact ratified and enacted by chapter 583, laws of 1965. The director shall be the compact administrator for this state.

**Note:** Chapter 583, laws of 1965, which created sub. (19), includes the following:

"Section 9. This act shall take effect upon the filing with the secretary of state and revisor of statutes, by the director of the state department of agriculture, of a statement certifying that an act ratifying and enacting into the law the pest control compact substantially in the form set forth herein has been adopted by the states of Illinois, Iowa, Michigan and Minnesota."

**History:** 1961 c. 33, 149; 1963 c. 6, 112, 172, 343, 445, 572; 1965 c. 141, 583.

## CHAPTER 94. PLANT INDUSTRY.

**94.26 Cranberry culture; maintenance of dams, etc.**

An owner of cranberry lands may not 94.26 without a permit under 30.18. 54 Atty. divert water from a navigable lake under Gen. 24.

**94.38 Agricultural and vegetable seeds; definitions.** When used in ss. 94.38 to 94.46 unless the context requires otherwise:

(1) "Person" includes any individual, firm, partnership, corporation, company, society or association.

(2) "Agricultural seed" includes the seeds of grass, forage, cereal, fiber crops and lawn seeds and any other kinds of seeds commonly recognized and sold within this state for sowing purposes as agricultural seeds or mixtures thereof, and may include noxious weed seeds if used as agricultural seed.

(3) "Lawn seed" means the seed of grasses, clovers or other agricultural seeds or mixtures thereof commonly used or sold for seeding lawns, parks or turf areas in this state.

(4) "Vegetable seed" includes the seeds of crops which are grown commercially and in home gardens as vegetables for human consumption and are commonly known and sold in this state as vegetable seeds.

(5) "Weed seeds" includes the seeds of all plants generally recognized as weeds within this state, and includes noxious weed seeds.

(6) "Noxious weed seeds" are divided into 2 classes, "prohibited noxious weed seeds" and "restricted noxious weed seeds" and are defined as follows:

(a) "Prohibited noxious weed seeds" include the seeds of field bindweed (*Convolvulus arvensis*), leafy spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*) and quack grass (*Agropyron repens*).

(b) "Restricted noxious weed seeds" include the seeds of dodder (*Cuscuta* sp.), wild mustard (*Brassica kaber*), Indian mustard (*Brassica juncea*), buckhorn (*Plantago lanceolata*), ox-eye daisy (*Chrysanthemum leucanthemum*), perennial sow thistle (*Sonchus arvensis*), wild radish (*Raphanus raphanistrum*), yellow rocket (*Barbarea vulgaris*), wild oats (*Avena fatua*), giant foxtail (*Setaria faberii*), hoary alyssum (*Berteroa incana*), downy brome (*Bromus tectorum*) and white cockle (*Lycnis alba*).

(7) "Label" means the display of written, printed or graphic matter upon or attached to the container of seed or accompanying seed sold in bulk quantities.

(8) "Labeling" includes all labels and other written, printed or graphic representations, in any form whatsoever, accompanying or pertaining to any seed whether in bulk or in containers and includes representations on invoices.

(9) "Labeler" means any person who as grower, processor, jobber, distributor or seller labels seed or accepts responsibility for labeling information pertaining to any container or lot of agricultural or vegetable seed and whose name and address is required to appear on the label under s. 94.39.

(10) "Advertisement" means all representations, other than those on the label, disseminated in any manner or by any means relating to seed within the scope of ss. 94.38 to 94.46.

(11) "Record" means all information relating to lot, identification, source, origin, variety, amount, processing, blending, testing, labeling, sale and distribution of seed and includes a file sample of each lot.

(12) "Stop sale" means a department order restraining the sale, use, disposition or movement of seed.

(13) "Seizure" means the taking of legal custody over seed by court order.

(14) "Kind" means one or more related species or subspecies which singly or collectively is known by one common name, such as corn, oats, alfalfa or timothy.

(15) "Variety" means a subdivision of a kind based on growth, yield, plant, fruit, seed, disease resistance or other characteristics by which it can be differentiated from other plants of the same kind.

(16) "Type" means a group of varieties so nearly similar that the individual varieties cannot be clearly differentiated except under special conditions.

(17) "Hybrid" means the first generation seed of a cross produced by controlling the pollination and by combining (a) 2 or more inbred lines; (b) one inbred or a single cross with an open-pollinated variety; or (c) 2 varieties or species, except open-pollinated varieties of corn (*Zea mays*). The second generation and subsequent generations from such crosses shall not be regarded as hybrids. Hybrid designations shall be treated as variety names.

(18) "Lot" means a definite quantity of seed identified by a lot number or other mark, every portion or bag of which is uniform within recognized tolerances for the factors which appear in the labeling.

(19) "Pure seed", "germination", "hard seed" and other terms commonly used in labeling and testing seeds are as defined in the rules for testing seed published by the association of official seed analysts, effective July 1, 1960, and as subsequently amended.

(20) "Treated seed" means seed which has received an application of a substance, or has been subjected to a process in such a way as to reduce, control or repel certain disease organisms, insects or other pests attacking seeds or seedlings growing therefrom.

(21) "Preinoculated seed" means legume seed which has received an application, prior to sale, of a culture of bacteria which will effectively inoculate the legume as shown by nodulation of the roots, growth of the plants and accumulation of nitrogen in the plants.

(22) "Certifying agency" means an agency designated by any state, territory, possession or foreign country to certify seed.

(23) "Certified seed" means seed produced in compliance with the standards and procedures of a certifying agency and that bears an official label issued for such seed by a seed certifying agency stating that the seed is certified. The 4 classes of certified seed are: breeders, foundation, registered and certified.

(24) "Relative maturity", as applied to field corn, means the relative time required from emergence of the seedling from the soil to the production of mature ears of corn as determined by rules of the department.

**History:** 1965 c. 589.

**94.39 Seed labeling requirements.** Each container or bulk lot of agricultural or vegetable seed which is sold, or offered, exposed or distributed for sale within this state for seeding purposes shall bear thereon or have attached thereto in a conspicuous place, or in the case of bulk sales be accompanied by, a plainly written or printed label in the English language, giving the following information:

(1) For agricultural seeds, excluding lawn seed mixtures under sub. (2):

(a) The commonly accepted name of the kind or kind and variety of each agricultural seed component in excess of 5 per cent of the whole and the percentage by weight of each in order of its predominance. When more than one component is required to be named, the word "mixture" or "mixed" shall be shown conspicuously on the label. Seed components of 5 per cent or less may be named, if desired.

(b) Lot number or other identification.

(c) Origin by state or foreign country of alfalfa, red clover, white clover or field corn, except hybrid field corn. If the origin of these crop seeds is unknown, that fact shall be stated.

(d) Percentage by weight of all weed seeds.

(e) The name and rate of occurrence per pound, printed in bold face capital type of each kind of restricted noxious weed seed present singly or collectively in excess of:

1. One seed in 25 grams of redbud, Canada bluegrass, Kentucky bluegrass and seeds of similar or smaller size and weight and mixtures of such seeds.

2. One seed in 30 grams of timothy, alsike clover, orchard grass, reed canary grass, white clover and seeds of similar size and weight and mixtures of such seeds.

3. One seed in 50 grams of smooth brome grass, red clover, rape, alfalfa, sweet-clover, rye grass, millet, flax and seeds of similar size and weight and mixtures of such seeds.

4. One seed in 150 grams of Sudan grass, proso and seeds of similar size and weight and mixtures of such seeds.

5. One seed in 300 grams of sorghums, buckwheat and seeds of similar size and weight and mixtures of such seeds.

6. One seed in 500 grams of vetches, cereals, field corn, beans, field and canning peas, soybeans and seeds of similar size and weight and mixtures of such seeds.

(f) Percentage by weight of all other crop seeds.

(g) Percentage by weight of inert matter.

(h) For each agricultural seed named under par. (a):

1. Percentage of germination, exclusive of hard seed.

2. Percentage of hard seeds, if present.

3. The calendar month and year the test was completed to determine such percentages.

(i) Name and address of the person who labeled the seed, or who sells, offers, exposes or distributes it for sale within this state.

(2) For lawn seed mixtures in containers of 50 pounds or less:

(a) The word "mixed" or "mixture".

(b) In tabular form under separate headings for "Fine-Textured Grasses" and "Coarse Kinds":

1. The commonly accepted name, in order of its predominance, of the kind or kind and variety of each agricultural seed present in excess of 5% of the whole and determined to be a "fine-textured grass" or a "coarse kind" in accordance with the rules of the department.

2. Percentage by weight of pure seed for each agricultural seed named.

3. For each agricultural seed named: a) percentage of germination, exclusive of hard seed; b) percentage of hard seeds, if present; c) the calendar month and year the test was completed to determine such percentages.

(e) Under the heading "Other Ingredients":

1. Percentage by weight of all weed seeds.

2. Percentage by weight of all crop seeds other than those stated under par. (b) 1.

3. Percentage by weight of inert matter.

(d) Lot number or other identification.

(e) Name and rate of occurrence per pound of each kind of restricted noxious weed seed present singly or collectively in excess of the limits prescribed by sub. (1)(e).

(f) Name and address of the person who labeled the seed, or who sells, offers, exposes or distributes it for sale within this state.

(3) For vegetable seeds in containers of one pound or less:

(a) Name of kind and variety.

(b) For seeds which germinate less than the standard established by department rule:

1. Percentage of germination, exclusive of hard seed.

2. Percentage of hard seeds, if present.

3. The calendar month and year the test was completed to determine such percentages.

4. The words "Below Standard" in not less than 8-point type.

(e) Name and address of the person who labeled the seed, or who sells, offers, exposes or distributes it for sale within this state.

(4) For vegetable seeds in containers of more than one pound:

(a) The name of each kind and variety present in excess of 5% of the whole and the percentage by weight of each, in order of its predominance.

(b) Lot number or other identification.

(c) For each vegetable seed named:

1. Percentage of germination, exclusive of hard seed.

2. Percentage of hard seeds, if present.

3. The calendar month and year the test was completed to determine such percentages.

(d) Name and address of the person who labeled the seed, or who sells, offers, exposes or distributes it for sale within this state.

(5) For all treated seeds, in addition to other labeling requirements under this section (for which a separate label may be used):

(a) A word or statement indicating that the seed has been treated.

(b) The commonly accepted coined, chemical (generic) or abbreviated chemical name of the substance applied or a description of the process used.

(c) If the substance in the amount present with the seed is harmful to human or other vertebrate animals, a caution statement such as "Do not use for food or feed or oil purposes." The caution for mercurials and similar toxic substances shall be a poison statement and a skull and crossbones symbol.

(6) For all preinoculated seeds, in addition to other labeling requirements under this section (for which a separate label may be used):

(a) A word or statement indicating that the seed has been preinoculated.

(b) The date beyond which the inoculant is not to be considered effective.

(7) For field corn seed, in addition to other labeling requirements under this section:

(a) Variety or descriptive name.

(b) The relative maturity according to the schedule of relative maturities established by rules of the department.

**History:** 1965 c. 589.

**94.40 Seed certification.** (1) No alfalfa seed shall be sold, or offered, exposed or distributed for sale within this state if it is labeled, advertised or represented as the ranger or vernal variety unless such seed has been certified by a seed certifying agency.

(2) The Wisconsin crop improvement association, a nonprofit organization incorporated under the laws of this state, in co-operation with the university of Wisconsin college of agriculture and the state department of agriculture, shall be the seed certifying agency for the certification of agricultural and vegetable seed in the state.

(3) The Wisconsin crop improvement association, in co-operation with the university of Wisconsin college of agriculture, shall establish standards and procedures for the certification of seed, subject to approval of the department, not lower than those prescribed by the international crop improvement association.

**History:** 1965 c. 589.

**94.41 Prohibitions.** (1) It is unlawful for any person to sell, or offer, expose or distribute for sale any agricultural or vegetable seed:

(a) Unless the test to determine the percentage of germination required under s. 94.39 shall have been completed within a 12-month period immediately prior to date it is sold, offered or exposed for sale, as shown by records, exclusive of the calendar month in which the test was completed. Seed, for which the germination test date has expired, shall be relabeled by a licensed labeler prior to its being sold, or offered, exposed or distributed for sale.

(b) Not labeled in accordance with s. 94.39, or containing any labeling statements which modify or deny label information required under s. 94.39, or having any other false or misleading labeling.

(c) Pertaining to which there has been a false or misleading advertisement, claim or representation.

(d) Containing prohibited noxious weed seeds in excess of tolerances established by rules of the department.

(e) Containing restricted noxious weed seeds singly or collectively in excess of:

1. One seed in 5 grams of the agricultural seeds named in s. 94.39 (1) (e) 1.

2. One seed in 10 grams of the agricultural seeds named in s. 94.39 (1) (e) 2 and 3.

3. One seed in 25 grams of the agricultural seeds named in s. 94.39 (1) (e) 4.

4. One seed in 50 grams of the agricultural seeds named in s. 94.39 (1) (e) 5.

5. One seed in 100 grams of the agricultural seeds named in s. 94.39 (1) (e) 6.

(f) Containing weed seeds in excess of one per cent by weight.

(g) Consisting in part or in whole of prohibited or restricted noxious weed seeds in excess of quantities prescribed herein.

(h) Represented to be certified seed by means of any labeling, advertisement or other representations unless it is certified and bears an official certification label.

(i) Having attached thereto a blue label, unless such label is an official certification label authorized for use on such seed by a seed certifying agency.

(j) When the inoculum applied to preinoculated seed is ineffective as determined by standards established by rules of the department.

(2) It is unlawful for any person:

(a) To detach, alter, deface or destroy any label attached to or accompanying seed,

or to alter or substitute seed in a manner which would defeat the purposes of s. 94.39 or result in the sale or distribution of seed in violation of ss. 94.38 to 94.46 or rules thereunder.

(b) To disseminate any false or misleading advertisements, or make any false or misleading claims concerning agricultural or vegetable seeds in any manner or by any means.

(c) To hinder or obstruct in any way, any authorized person in the performance of his duties under ss. 94.38 to 94.46.

(d) To fail to comply with a "stop sale" order or to make any other disposition of any lot of seed contrary to the provisions of such order.

(e) To use the word "trace" as a substitute for any labeling required under s. 94.39 relating to the composition of seeds or seed mixtures.

(f) To use the word "type" in any labeling in connection with the name of any agricultural seed variety.

(g) To make a false declaration of gross annual sales on any application for a seed labeler's license or to fail to keep available for inspection by the department accurate records of gross annual sales of seeds sold in this state as a labeler.

**History:** 1965 c. 589.

**94.42 Exemptions.** The provisions of ss. 94.38 to 94.46 do not apply to:

(1) Seed or grain not intended for sowing purposes, except where it is made to appear by labeling, advertising or other representations that it is available for purchase or is being offered or distributed for sale as seed; or where it is represented as being suitable for use as seed by such terms as cleaned, processed, treated, tested, certified or terms of similar import.

(2) To seed in storage in, or being transported or consigned to, a cleaning or processing establishment for cleaning or processing; but any labeling or other representation which may be made with respect to the uncleaned or unprocessed seed shall be subject to ss. 94.38 to 94.46.

(3) Any carrier in respect to any seed delivered or consigned to it by others for transportation in the ordinary course of its business as a carrier.

(4) Any person in respect to any seed sold, or offered, exposed or distributed for sale which was incorrectly labeled or represented as to kind, variety or origin, provided that the seeds cannot be identified by examination thereof, unless he has failed to obtain an invoice, genuine grower's declaration or other labeling information reasonably necessary to insure the seed is as represented.

**History:** 1965 c. 589.

**94.43 Seed labeler's license.** (1) Every person whose name and address are required to appear on the label of any seed as the labeler or person responsible for the labeling thereof under s. 94.39, or every person who opens any bag or container of seed and sells any part of the seed contained therein, shall obtain a seed labeler's license from the department before selling, or offering, exposing or distributing such seed for sale in this state.

(2) No person shall sell, or offer, expose or distribute for sale in the state, any seed not labeled by the holder of a seed labeler's license whose name and address are on the label, except that no license shall be required to sell seed of one's own production if it is delivered to the purchaser only on the farm premises where grown.

(3) Application for a seed labeler's license shall be submitted on a form prescribed by the department and shall be accompanied by a fee based on the gross sales of seed within the state by the applicant under his own label during the previous 12 months prior to filing the application. Fees for a labeler's license shall be computed on gross sales according to the following schedule: Less than \$10,000, \$10; \$10,000 or more but less than \$25,000, \$25; \$25,000 or more but less than \$75,000, \$50; \$75,000 or more but less than \$200,000, \$75; and \$200,000 or more, \$100.

(4) The license fee for a new applicant or for a person who did not sell seed under his own label during the previous 12 months shall be the minimum fee of \$10 for the first year or any part thereof.

(5) The licenses shall expire on December 31 of each year. Licenses shall not be transferable and no fee or any portion thereof shall be refunded after the license has been issued.

**History:** 1965 c. 589.

**94.44 Records.** Each person whose name is required to appear on the label as the labeler of agricultural or vegetable seeds pursuant to s. 94.39 shall maintain complete records of each lot of seed sold or labeled for a period of 2 years after final sale or disposition thereof, except that a file sample of such seed need be kept for only one year.



This section shall not be construed as requiring a record of the sale or disposal of each portion of a lot sold at retail in quantities of less than 40 pounds. All records and samples pertaining to any lot of seed shall be accessible for inspection by the department during customary business hours.

**History:** 1965 c. 589.

**94.45 Powers and authority of the department.** The department is authorized:

(1) To enter during regular business hours all places of business, warehouses, freight depots, cars, trucks and all other places where seed is stored, transported, sold or exposed for sale. The department is empowered to sample any container of seed, analyze and test the samples and inspect all records relating to any lot of seed in order to secure evidence of violation of ss. 94.38 to 94.46.

(2) To establish and maintain a seed laboratory for the testing and analysis of seed.

(3) To make purity and germination tests of seed for persons on request and for this purpose may prescribe rules governing such testing and fix and collect charges for tests made.

(4) To co-operate with the U.S. department of agriculture and other agencies in seed law enforcement.

(5) To publish at least once a year, in such form as the department deems proper, information concerning the inspection and sales of seed and the results of the analysis of official samples of agricultural and vegetable seeds distributed within the state.

(6) To establish rules, after public hearing:

(a) Governing the methods of sampling, inspecting, analyzing, testing and examining agricultural and vegetable seed, and to prescribe tolerances for purity and germination tests and rates of occurrence of noxious weed seeds.

(b) To add to or remove from the list of prohibited and restricted noxious weed seeds as specified in s. 94.38 (6).

(c) Governing the distribution and labeling of seed.

(d) Providing standards for relative maturities, certification of seed and the effectiveness of inoculum applied to preinoculated seed.

(e) Providing reasonable standards of germination for vegetable seeds.

(f) Providing a list of "fine-textured grasses" and "coarse kinds".

(g) Governing the issuance of seed labeler's licenses.

(h) For the administration and enforcement of ss. 94.38 to 94.46.

**History:** 1965 c. 589.

**94.46 Stop sale; penalties; enforcement.** (1) The department may issue a written or printed "stop sale" order to the owner or custodian of any lot of agricultural or vegetable seed not conforming with ss. 94.38 to 94.46, or rules thereunder. The order shall specify the sections of the law or rules violated and shall prohibit the sale or other disposition of the seed except as the department authorizes or directs. Unless the seed is brought into compliance with the law or rules and is released from the "stop sale" order, or other disposition is agreed upon in writing within 30 days after service of the order, the seed shall be disposed of as the department by notice in writing may direct. This shall not preclude the voluntary signing of a disposal agreement without the issuance of a "stop sale" order. Any notice or order hereunder may be served personally or by mail and shall have the effect of a special order under s. 93.18 subject to review under ch. 227 if within 10 days after service of any notice or order, the owner or custodian files with the department a written request for a hearing. Final disposition of the seed shall be stayed during pendency of the hearing but the "stop sale" order shall remain in effect.

(2) Any lot of agricultural or vegetable seed not in compliance with ss. 94.38 to 94.46, or rules thereunder, or not disposed of in accordance with any disposal agreement or order under sub. (1), shall be subject to seizure on complaint of the department to a court of competent jurisdiction. If the court finds the seed to be in violation of law and orders the condemnation of said seed, it shall be denatured, processed, destroyed, relabeled or otherwise disposed of as the court directs.

(3) In addition to or in lieu of other remedies provided for enforcement of ss. 94.38 to 94.46, the department may apply to the circuit court for a temporary or permanent injunction to prevent, restrain, or enjoin any person from violating ss. 94.38 to 94.46 or any rules or orders issued thereunder.

(4) Any person violating ss. 94.38 to 94.46 or rules thereunder, may be fined not less than \$50 nor more than \$200 or imprisoned not more than 90 days or both, for the first offense. For any subsequent offense, the fine shall be not less than \$200 nor more than \$500 or imprisonment in the county jail not to exceed 6 months or both.

**History:** 1965 c. 589.

**94.67 Pesticides; definitions.** In ss. 94.67 to 94.71:

(1) "Pesticide" means:

(10) The term "ingredient statement" means either:

(a) A statement of the name and percentage of each active ingredient, together with the total percentage of the inert ingredients, in the pesticide; or

(b) A statement of the name of each active ingredient, together with the name of each and total percentage of the inert ingredients, if any there be, in the pesticide (except option (a) shall apply to all agricultural poisons and to all pesticides which are highly toxic to man, determined as provided in s. 94.69 (2) ); and, in addition to (a) or (b) in case the pesticide contains arsenic in any form, a statement of the percentages of total and water soluble arsenic, each calculated as elemental arsenic.

(13) "Registrant" means the person registering any pesticide pursuant to the provisions of s. 94.68.

(14) "Label" means the written, printed or graphic matter on, or attached to, the pesticide or the immediate container thereof, or the outside container or wrapper of the retail package.

(15) "Labeling" includes all labels as defined in sub. (14) and written, printed or graphic matter accompanying the pesticide at any time, or such matter to which reference is made on the label or in literature accompanying the pesticide, except current official publications of any public agency authorized by law to conduct research in the field of pesticides, and accurate, nonmisleading references thereto.

**History:** 1965 c. 588 s. 10.**94.675 Pesticides; adulteration.** A pesticide is adulterated:

(1) If its strength, quality, purity or effectiveness falls below the standards expressed on the label;

(4) If it does not bear an identifying label or it does not conform to the name or description of ingredients given on the label.

**History:** 1965 c. 588.**94.676 Pesticides; misbranding.** A pesticide is misbranded:

(2) If it is an imitation of, or is sold or offered or exposed for sale under the name of, another pesticide;

(5) If the label does not contain a warning or caution statement which, if complied with, is adequate to prevent injury to man and other vertebrates, vegetation other than weeds, and useful invertebrate animals;

(8) If its labeling contains statements, claims or directions for use which, if complied with, would be a violation of any laws of this state or the rules of any state agency relating to the sale or use of pesticides.

**History:** 1965 c. 588.

An insecticide is misbranded if the label recovery since this is a criminal statute. does not warn that it harms the plants if Perry Creek C. Corp. v. Hopkins Ag. Chem. used when they are wet. A disclaimer of Co. 29 W (2d) 429, 139 NW (2d) 96. all liability on the label does not prevent

**94.68 Pesticides; registration.** (1) Every pesticide which is distributed, sold, offered or exposed for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state shall be registered annually with the department.

(2) The applicant for registration shall file with the department, for each product to be registered, a statement including:

(a) The name and address of the applicant for registration and his designation as manufacturer, packer, distributor or dealer.

(b) The name and address of the manufacturer or packer, if other than the applicant.

(c) The name and address of the person whose name will appear on the label, if other than the applicant, as manufacturer, packer, distributor or dealer.

(d) The name, brand or trade-mark of the pesticide.

(e) A complete copy of the labeling accompanying the pesticide and a statement of all claims made and to be made for it, including directions for use.

(f) When determined necessary by the department, upon request, the complete formula and a full description of the tests made and the results thereof upon which the claims are based.

(3) Any manufacturer, packer, distributor or dealer may register pesticides manufactured, packed, sold or distributed by him. Products which have the same formula, are manufactured or packed by the same person, the labeling of which contains the same claims and directions for use, and which are labeled with the same name, brand or trade-mark, identifying the product as the same pesticide, may be registered as a single

pesticide. Each pesticide shall be considered a separate and distinct product subject to registration and the payment of fees hereunder, if it was manufactured or packed by a different manufacturer or packer and if it differs from any other product with respect to its formula, the name, brand or trade-mark appearing on the label, or by labeling claims and directions for use. A registrant who is also the manufacturer or packer may register additional labels for products manufactured or packed and registered by him bearing the name and address of a distributor or dealer. Such labels may be registered without the payment of additional fees, provided the product label differs from the manufacturer's or packer's label only with respect to the name and address of the person appearing on the label.

(4) Applications for initial registration of a product and for annual renewal thereof shall be submitted on forms prescribed by the department and shall be accompanied by a fee of \$10 for each product registered. Registration shall expire on December 31 of each year. Changes in the labeling, other than changes in the formula or the name, brand or trademark of a pesticide, may be made within the current license year by filing an amended application without the payment of additional registration fees. After any registrant has paid fees aggregating \$100 in any calendar year, no fee shall be required for the registration of additional products.

(5) If it appears to the department that the composition of the product is such as to warrant the claims made for it, and if the product and its labeling and other material required to be submitted comply with the requirements of ss. 94.67 to 94.71 and rules thereunder, the department shall register the product.

(6) If insufficient data has been submitted or it does not appear to the department that the composition of the product is such as to warrant claims made for it, or if the product and its labeling and other material required to be submitted do not comply with ss. 94.67 to 94.71 and rules thereunder, or if registration has been denied or canceled under the federal insecticide, fungicide and rodenticide act (7 USC 135—135k), the department may refuse to register the product. The department shall notify the applicant of the reasons for refusal so as to afford the applicant an opportunity to make necessary corrections. If the applicant does not withdraw the application or make the required corrections within 30 days after date of notification, the department shall deny the application, subject to a hearing upon request pursuant to s. 93.18.

(7) The department may at any time cancel the registration of any product effective within 10 days after service of written notice thereof on the registrant. Registration may be canceled for the following reasons:

(a) If it does not conform to ss. 94.67 to 94.71 or rules thereunder, or if it is sold, offered or exposed for sale, or distributed in violation of any state law or rule of any state agency.

(b) If registration has been canceled under authority of the federal insecticide, fungicide and rodenticide act (7 USC 135—135k).

(c) If it should be determined that an excessive hazard exists in the continued sale or use of the product under current labeling as the result of new developments in scientific research on pesticides, or changes in pesticide residue tolerances established for foods or feeds.

(8) Other provisions of this section notwithstanding, the department may, when such action is necessary to prevent an imminent hazard to the public, cancel the registration of any pesticide by summary order, effective on date of service of the order on the registrant. Whenever registration of a product is denied or canceled, the registrant may within 10 days after notice thereof, request a hearing under s. 93.18, but enforcement shall not be stayed during the pendency of the hearing, except as the department otherwise determines.

(9) Registration is not required for a pesticide shipped from one plant to another plant operated by the same person and used solely at such plant as a constituent part in the manufacture of pesticides registered hereunder.

**History:** 1965 c. 588.

**94.69 Pesticides; rules.** The department may adopt rules, after public hearing:

(1) To declare as a pest any form of plant or animal life or virus which is injurious to plants, man, animals or substances.

(2) To determine which pesticides and substances contained therein are highly toxic to man.

(3) To determine standards of coloring or discoloring for pesticides.

(4) To carry out the provisions of ss. 94.67 to 94.71, including the sale, distribution or storage of pesticides, the collection and examination of pesticide samples, and the removal of pesticides from sale after registration has been canceled or if otherwise being sold, offered or exposed for sale in violation of the law or rules of the department.

(5) To govern the labeling of pesticides, including the use of precautionary or warning statements, the declaration of ingredients, and the giving of adequate instructions or directions for use.

(6) To establish reasonable standards for the packaging of those pesticides which the department finds require special care in packaging and to the extent found necessary to prevent injury to the public.

(7) To require permits or notice to the department prior to the shipment or use of pesticides for experimental or research purposes, including conditions under which such permits may be granted or notice required.

**History:** 1965 c. 538.

**94.70 Pesticides; prohibited acts.** (1) No person shall distribute, sell, offer for sale or deliver for transportation or transport in intrastate commerce or between points within this state through any point outside this state any pesticide:

(d) Unless it is in the registrant's, manufacturer's or packer's unbroken immediate container, and there is affixed to such container and to the outside container or wrapper of the retail package (if there is one through which the required information on the immediate container cannot be clearly read) a label stating: the name and address of the manufacturer, packer, registrant, or person for whom manufactured or packed, and his designation as manufacturer, packer, distributor or dealer; the name, brand or trademark of the pesticide; the minimum net weight or measure of the contents.

(e) Which contains any substance in quantities highly toxic to man, determined under s. 94.69, unless the label bears in addition to any other required matter: the skull and crossbones; the word "poison" prominently, in red, on a background of distinct contrasting color; and a statement of an antidote for the poison prescribing the most practical immediate treatment in case of poisoning.

(f) Which the department by regulation requires to be distinctly colored, unless it has been so colored; but the department may exempt any pesticide to the extent that such coloring for specific uses is not necessary for the protection of the public health or safety.

(g) Which is adulterated or misbranded, or violates any other provision of ss. 94.67 to 94.71 and rules thereunder.

(2) The prohibitions of sub. (1) shall not apply to:

(a) Any carrier while engaged in transporting a pesticide within this state, if such carrier permits the department on request to copy all records showing the transactions in and movement of the products.

(c) The manufacturer or shipper of a pesticide which is to be used experimentally:

1. By or under the supervision of an agency of this state or of the federal government authorized by law to conduct research in the field of pesticides; or

2. By others, subject to a permit or notice when required by department rules, if the pesticide is not sold and the container thereof bears the name and address of the manufacturer and is plainly and conspicuously marked "For experimental use only—Not to be sold." Pesticides may be sold for experimental purposes only under a permit from the department, subject to such restrictions and conditions as are set forth in the permit.

(3) No person shall:

(a) Detach, alter, deface or destroy, in whole or in part, any label or labeling provided for in ss. 94.67 to 94.71, or by regulations promulgated thereunder, or add any substance to, or take any substance from, a pesticide in a manner that may defeat the purpose of those sections.

(b) Use for his own advantage or reveal, other than to the department or proper officials or employes of the state or to the courts of this state in response to a subpoena, or to physicians, or in emergencies to pharmacists and other qualified persons, for use in the preparation of antidotes, any information relative to formulas of products acquired by authority of s. 94.68 (2) (f).

**History:** 1965 c. 538.

**94.71 Pesticides; penalties; enforcement.** (1) **PENALTIES.** Whoever violates ss. 94.67 to 94.71 or regulations made pursuant thereto shall be fined not less than \$100 nor more than \$200 or imprisoned not more than 30 days, or both. For any subsequent offense the fine shall be not less than \$200 nor more than \$500, and the imprisonment not less than 30 days nor more than 90 days, or both. Any offense committed more than 5 years after a previous conviction shall be considered a first offense.

(2) **SEIZURES.** If the department has reasonable cause to believe that any pesticide is in violation of the provisions of ss. 94.67 to 94.71, it may deliver to the owner or custodian thereof an order prohibiting the sale or movement of such pesticide until an analysis or examination has been completed. Such holding order shall not be effec-

tive for more than 14 days from the time of delivery thereof. The pesticide described in any such holding order shall not be sold or moved for any purpose without the approval of the department. If the department, after analysis or examination, determines that the pesticide described in such order is not in violation of any of the provisions of ss. 94.67 to 94.71, it shall promptly notify by registered mail the owner or custodian thereof and such notice shall terminate the holding order. If the analysis or examination shows that the pesticide is in violation of the provisions of ss. 94.67 to 94.71, the owner or custodian thereof shall be so notified by registered mail within the effective time of the holding order; upon receipt of such notice the owner or custodian may dispose of the pesticide only in a manner authorized by the department; the owner or custodian may within 10 days of receipt of such notice petition for a hearing as provided in s. 93.18.

(3) ENFORCEMENT. (a) Examination of pesticides shall be made under the direction of the department for the purpose of determining whether they comply with the requirements of ss. 94.67 to 94.71. The department or any person may refer the facts to the district attorney for the county in which the violation occurred. In addition to or in lieu of any other remedies provided herein, the department may apply to a circuit court for a temporary or permanent injunction to prevent, restrain or enjoin violations of ss. 94.67 to 94.71 and any rules or special or summary orders issued thereunder.

(b) Every registrant or other person whose name and address appears on the label of any pesticide as the manufacturer, packer, distributor or dealer, shall, to the extent that he is able to furnish to the department, on request, when found by the department to be necessary to prevent or control an imminent hazard to the public, a listing of all sales locations or warehouse locations maintained by him in this state for the sale or distribution of products registered by him or bearing his name and address as such manufacturer, packer, distributor or dealer; the name and address of all distributors or dealers selling or distributing such products in this state; and the name and address of all outside sales representatives employed by him in this state for the sale or distribution of such products.

**History:** 1965 c. 588.

## CHAPTER 97. DAIRY, FOODS AND DRUGS.

### 97.20 Compulsory inspection of animals, poultry and carcasses. (1) DEFINITIONS.

In this section:

(a) "Animal" means cattle, sheep, swine, goats and horses.

(b) "Poultry" means any domesticated fowl, including but not limited to chickens, turkeys, geese, ducks, pigeons or guineas, but shall not include commercially produced game birds.

(c) "Carcass" means all parts, including the viscera, of slaughtered animals and poultry that are capable of being used for human food.

(d) "Establishment" means a plant or premises where animals or poultry are slaughtered for human consumption, or a plant or premises where meat or poultry products or meat food products are processed for sale, but shall not include:

1. Establishments subject to the federal meat inspection act (21 U.S.C. 71 et seq.) or the federal poultry products inspection act (21 U.S.C. 451 et seq.).

2. Establishments subject to county or municipal meat and poultry inspection if such inspection is conducted pursuant to ordinances and regulations which are substantially equivalent to this section and which are enforced with equal effectiveness, and the inspection service is specifically approved by the department; however, sub. (2) shall apply to establishments subject to county or municipal meat and poultry inspection.

3. Establishments where animals or poultry are slaughtered as a custom service for the owners thereof and no other slaughtering is done.

4. Premises where animals or poultry are slaughtered by the producer or owner thereof for his own consumption.

(e) "Meat products" and "poultry products" means the carcasses or edible parts of carcasses of animals and poultry.

(f) "Meat food product" means any article intended for use as human food which is derived or prepared in whole or in substantial and definite part from meat products or poultry products.

(g) "Wholesome" means sound, healthful, clean and otherwise fit for human food.

(h) "Unwholesome" means:

1. Unsound, injurious to health or otherwise rendered unfit for human food.

2. Consisting in whole or in part of any filthy, putrid or decomposed substance.

3. Processed, prepared, packed or held under unsanitary conditions whereby a carcass or parts thereof, or any meat or poultry product, may have become contaminated with filth or become injurious to human health.

4. Produced in whole or in part from diseased animals or poultry, except when such disease does not ordinarily render the carcasses of such animals or poultry unfit for human consumption, or from animals or poultry which have died otherwise than by slaughter.

(i) "Official inspection mark" means the symbol formulated under the rules of the department to state that the meat, poultry or product was inspected pursuant to such rules.

(j) "Veterinarian" means a licensed veterinarian who is qualified on the basis of training and experience, as determined by the department, to properly perform both ante-mortem and post-mortem inspections of meat and poultry.

(2) LICENSE. No person shall operate an establishment as defined in sub. (1)(d) without an annual license issued by the department for each such establishment. Licenses shall expire on June 30 of each year. No license shall be issued unless the applicant has complied with the requirements of this section. The annual fee is \$100. The fee for the initial license period expiring on June 30 immediately following the effective date of this section shall be computed at one-half the annual fee, or \$50. No person shall be required to obtain a license under s. 97.06 or 97.07, or a license as a processor under s. 99.10, for operation of any establishment licensed under this section.

(3) STATE INSPECTION. (a) *Ante-mortem examination.* For the purpose of preventing the sale and use in this state of meat products and poultry products which are unwholesome or otherwise unfit for human food, the department shall cause to be made, by inspectors who may be veterinarians on either a full or part-time basis under supervision of the department, examination and inspection of all animals and poultry (except as provided in par. (d) ) before they are slaughtered in any establishment. All animals and poultry found on such inspection to show symptoms of disease shall be condemned or set apart and slaughtered separately from all other animals and poultry, and when so slaughtered the carcasses thereof shall be subject to careful examination, inspection and disposition, in accordance with rules issued by the department.

(b) *Post-mortem examination.* For the same purpose the department shall cause to be made, by inspectors (who may be veterinarians on either a full or part-time basis) under supervision of the department, a post-mortem examination and inspection of the carcasses and parts thereof of all animals and poultry (except as provided in par. (d) ) slaughtered at any establishment. The carcasses and parts thereof of all such animals and poultry found to be wholesome and fit for human food shall be marked, stamped, tagged or labeled by inspectors as "Wis. inspected and passed". Inspectors shall mark, stamp, tag or label as "Wis. inspected and condemned" all carcasses and parts thereof of such animals and poultry found to be unwholesome or otherwise unfit for human food, and all carcasses and parts thereof so inspected and condemned shall be destroyed, in accordance with rules issued by the department. Inspection marks, stamps, tags and labels shall be prescribed by the department and shall include thereon the identification number of the establishment assigned by the department.

(c) *Re-examinations.* After a first inspection inspectors shall, when deemed advisable, reinspect such carcasses or parts thereof to determine whether the same have become unwholesome or in any other way unfit for human food. If any carcass or part thereof, upon a re-examination, is found to be unwholesome or otherwise unfit for human food, it shall be destroyed, in accordance with rules issued by the department.

(d) This subsection shall not apply to animals and poultry slaughtered as a custom service for the owners thereof, unless department inspection is specifically requested by such owners. The rules of the department shall make provision for the furnishing of such inspection service and for the identification of all animals and poultry custom slaughtered for the owners thereof without department inspection.

(e) The department shall make periodic inspections of construction, operation, facilities, equipment, labeling, sanitation and wholesomeness of meat and poultry products, and meat food products at establishments not engaged in slaughtering. Inspection of such products and plant operations shall cover such operations as the cutting and boning of carcasses, curing and smoking of meats, grinding and fabrication and the manufacture of sausage and lard.

(f) In addition to label requirements otherwise provided by law, meat food products shall bear a label, stamp, mark or tag including thereon the official inspection mark and identification number of the establishment where processed.

(4) RULES. The department shall issue reasonable rules requiring or prescribing:

(a) The ante-mortem and post-mortem inspection of all animals and poultry

killed or dressed for human consumption at any establishment.

(b) The inspection and marking of carcasses or parts thereof intended for human consumption, and prohibiting the unauthorized use of any official inspection mark or simulation or counterfeit thereof.

(c) The use of the official inspection mark by county and municipal inspection services approved by the department.

(d) The seizure and destruction for human consumption of any animal or poultry or carcasses or parts thereof which have not been inspected or passed, or any food derived therefrom.

(e) The hours and days in each week when slaughtering may be conducted in any establishment, the schedules so fixed, however, to be as nearly as possible in accord with existing industry standards of establishments subject to inspection.

(f) Special agreements with the department whereby the operator of any establishment may make arrangements to defray the additional cost for salaries and expenses of department inspectors whenever slaughtering or carcass preparation is conducted at an establishment under state inspection at hours considered overtime for state employes, or beyond hours or days limited under par. (e), or on holidays for state employes under s. 16.275 (6).

(g) Specifications and standards for location, construction, operation, facilities, equipment and sanitation of establishments subject to this section, the same to be substantially the same as those required for slaughterhouses under s. 97.07.

(h) Any other rules reasonably necessary to the administration and enforcement of this section.

(5) COUNTY AND MUNICIPAL INSPECTIONS. (a) The department may enter into co-operative agreements with counties and municipalities for inspection and enforcement services required by this section and by approved meat and poultry inspection ordinances and regulations. Employes of counties and municipalities while performing such inspection and enforcement work shall have the same enforcement authority, within such counties or municipalities, as that granted to the department and its authorized agents.

(b) No county or municipality may collect any fees or charges for meat or poultry inspection or enforcement from any licensee under this section, except for overtime inspection work. Such charges for overtime shall be on the same basis as and shall not exceed charges for overtime work prescribed by this section.

(6) PROHIBITIONS. (a) No person shall slaughter any animals or poultry for the purpose of selling the meat products or poultry products thereof for human food, or sell, offer for sale or have in his possession with intent to sell, such meat products or poultry products for human food, unless such animals and poultry and the carcasses thereof have been first inspected and approved as provided by: 1. this section and the rules issued thereunder, or 2. the federal meat inspection act or under the federal poultry products inspection act, or 3. county or municipal ordinances or regulations which are substantially equivalent to this section and which are enforced with equal effectiveness, if the inspection service is specifically approved by the department.

(b) No person shall sell, offer for sale or have in possession with intent to sell any meat or poultry products, or meat food products unless they have been processed in accordance with this section, the federal meat inspection act, or county or municipal ordinances approved by the department.

(c) This section shall not apply to persons processing meat or poultry products, or meat food products for sale directly to consumers at retail on the premises where such products were processed.

(d) No county or municipality shall prohibit the sale of any meat products or poultry products if such meat products or poultry products are inspected and passed by the department, or by the U.S. department of agriculture, or by a county or municipal inspection service approved by the department, provided such meat products and poultry products are wholesome and not misbranded at the time of sale.

(7) RIGHT OF ACCESS. No person shall prevent or attempt to prevent an inspector or other officer or agent of the department from entering, at any time, any establishment or any other place where meat products or poultry products, or foods derived therefrom, are processed, sold or held for sale, for the purpose of any examination, inquiry or inspection in connection with the administration and enforcement of this section.

(8) EXEMPTION. The section shall not apply to owners of poultry with respect to poultry produced on the owner's farm and sold direct to the ultimate consumer. Such person shall not be exempt from this section if he is regularly engaged in the business of buying or trading poultry, or in selling poultry products.

(9) PENALTY. (a) Any person violating this section or any rules issued thereunder

shall be fined not less than \$100 nor more than \$1,000 or imprisoned in the county jail not to exceed one year or both.

(b) The department may deny, revoke or suspend the license of any person for substantial or repeated violations of this section.

(10) **ADVISORY COMMITTEE.** The director shall appoint a meat inspection advisory committee to consist of not less than 7 members to advise on the administration of this section. The department shall pay the travel expenses of such members at the same rate as paid to state employes.

**Note:** Section 5 (2) of chapter 582, laws of 1965, provides as follows:

"Section 5 (2) This act shall take effect January 1, 1968, but shall not take effect as to poultry and poultry products until January 1, 1969; provided the state department of agriculture issues rules pursuant to section 97.20 (4) of the statutes any time after passage and publication of this act but no rules shall take effect prior to January 1, 1968, and, except for access rights, licensing requirements and inspection procedures, no penalties shall be enforced for violation of this act or rules thereunder occurring prior to the expiration of the 6th month after the effective date of this act. If the director finds that conditions exist requiring an additional period of time for the staying of enforcement provisions in order to effect the orderly administration of this act, the director may, on the basis of such findings and after notice to persons licensed hereunder, extend the stay of enforcement and penalty provisions for an additional period not to exceed 6 months, provided such extension may be restricted to certain types of violations or specific portions of the act or rules only."

**History:** 1965 c. 582.

**97.30 Submission of articles for analysis; evidence.** The department of resource development, state board of health, medical officers of local boards of health, town and village boards or common councils may submit to the department samples of water or other drinks, food or drugs for analysis, and the same shall be examined and reports made of the analysis thereof to the body or officer submitting the same as soon as practicable. Such reports shall fully specify the results of the analysis and be signed by such department and shall be accepted in all courts and places as prima facie evidence of the properties or condition of the articles analyzed.

**History:** 1965 c. 614.

**97.55 Meat from dead or diseased animals.**

**Note:** Sub. (3) is amended by chapter 582, laws of 1965, effective January 1, 1968 as to meat and January 1, 1969 as to poultry, to read:

"(3) Subsection (1) shall not apply to meat from animals affected by any disease which does not ordinarily render such meat unfit for human consumption, provided the animals so affected have been slaughtered in establishments where meat inspection is maintained under s. 97.20 or the federal meat inspection act."

**History:** 1965 c. 582.

**97.60 Food; misbranding.**

(3)  
(g)

2. The quantity of the contents expressed in accordance with methods of sale prescribed by s. 98.06. The department shall establish, by regulations, reasonable variations which will be permitted, and exemptions as to small packages.

**History:** 1963 c. 380; 1965 c. 633.

CHAPTER 98. WEIGHTS AND MEASURES.

**98.12 Standard containers; milk; frozen desserts.** (1) For the sale of milk, cream and other fluid milk products at retail no bottle or container shall be used unless its capacity is one-half pint, one pint, one-third quart, one quart, one-half gallon, or one gallon or a multiple of one-half gallon or one gallon.

(2) Ice cream, ice milk, water ices or other frozen desserts of a similar nature packaged prior to sale may be sold by liquid measure only and shall be packaged only in containers with capacities of one-half liquid pint, one liquid pint, one liquid quart, one-half gallon, one gallon, 5 quarts, 2½ gallons, 3½ gallons or a multiple of one gallon. This section does not apply if such products are packaged at time of sale at retail or sold in quantities of less than one-half liquid pint.

**History:** 1965 c. 607, 633.

CHAPTER 100. MARKETING; WAREHOUSES; TRADE PRACTICES.

**100.13 Warehouseman.**

(4) **BOND.** (a) Every warehouseman, before he is licensed, shall file with the department a bond to the state, with one or more sureties, who shall justify in double the amount of such bond, or with a surety company licensed by this state as surety. Such



bond must be acceptable to the department and shall be conditioned that the warehouseman will faithfully perform his obligations as a warehouseman. Any person whose property is stored in any such licensed warehouse may apply to the department to determine the sufficiency of such bond. When the department determines that a bond is insufficient, or when such bond or insurance policy lapses or is canceled without approval of the department, the warehouseman shall correct such defect within 20 days after written notice from the department and, if such defect is not corrected within such period, such warehouseman's license shall be considered automatically revoked without further action as of the expiration of such 20-day period. Any warehouseman may, in lieu of such bond, file with the department a certified copy of a legal liability insurance policy of like amount which is acceptable to the department and payable to the state for the benefit of the owners of stored property, and which provides that the policy shall not be canceled during the license period except upon 15 days' notice in writing to the department.

(8) VIOLATIONS. The department in the name of the state may commence action to enjoin violation of this section and may prosecute such violation in any court of appropriate jurisdiction.

**History:** 1963 c. 224; 1965 c. 356, 647.

#### 100.20 Methods of competition and trade practices.

Administrative regulation of commercial activities in Wisconsin. 1965 WLR 133.

#### 100.26 Penalties.

(5) Any person violating s. 100.03 or 100.06 or any order or regulation of the department thereunder, or s. 100.13 (7) or 100.18 (9), shall be fined not less than \$100 nor more than \$1,000, or imprisoned for not more than one year or both. Each day shall constitute a separate offense.

**History:** 1965 c. 647.

#### 100.30 Unfair sales act.

##### (2) DEFINITIONS.

(a) "Cost to retailer" means the invoice cost of the merchandise to the retailer within 30 days prior to the date of sale, or replacement cost of the merchandise to the retailer, whichever is lower, less all trade discounts except customary discounts for cash, plus any excise taxes imposed on such merchandise or the sale thereof other than excise taxes collected by the retailer, and any cost incurred for transportation and any other charges not otherwise included in the invoice cost or the replacement cost of the merchandise as herein set forth, to which shall be added a markup to cover a proportionate part of the cost of doing business, which markup, in the absence of proof of a lesser cost, shall be 6% of the cost to the retailer as herein set forth.

(b) "Cost to wholesaler" means the invoice cost of the merchandise to the wholesaler within 30 days prior to the date of sale, or the replacement cost of the merchandise to the wholesaler, whichever is lower, less all trade discounts except customary discounts for cash, plus any excise taxes imposed on the sale thereof prior to the sale at retail, and any cost incurred for transportation and any other charges not otherwise included in the invoice cost or the replacement cost of the merchandise as herein set forth, to which shall be added a markup to cover a proportionate part of the cost of doing business, which markup, in the absence of proof of a lesser cost, shall be 3% of the cost to the wholesaler as herein set forth.

(c) "Replacement cost" means the cost computed as specified in par. (a) or (b) at which the merchandise sold could have been bought by the seller at any time within 30 days prior to the date of sale if bought in the same quantity as the seller's last purchase of the said merchandise.

(d) "Cost to retailer" and "cost to wholesaler" as defined in pars. (a) and (b) mean bona fide costs; and purchases made by retailers and wholesalers at prices which cannot be justified by prevailing market conditions within this state shall not be used in determining cost to the retailer and cost to the wholesaler. Prices at which purchases of merchandise are made by retailers or wholesalers cannot be justified by prevailing market conditions in this state when they are below the lowest prices at which the manufacturer or producer of such merchandise sells to other retailers or wholesalers in this state.

(e) "Sell at retail", "sales at retail" and "retail sale" mean any transfer for a valuable consideration, made in the ordinary course of trade or in the usual prosecution of the seller's business, of title to tangible personal property to the purchaser for consumption or use other than resale or further processing or manufacturing.

(f) "Sell at wholesale", "sales at wholesale" and "wholesale sales" include any

transfer for a valuable consideration made in ordinary course of trade or the usual conduct of the seller's business, of title to tangible personal property to the purchaser for purposes of resale or further processing or manufacturing.

(g) "Retailer" includes every person engaged in the business of making sales at retail within this state, but, in the case of a person engaged in the business of making both sales at retail and sales at wholesale, such term shall be applied only to the retail portion of such business.

(h) "Wholesaler" includes every person engaged in the business of making sales at wholesale within this state, but, in the case of a person engaged in the business of making both sales at wholesale and sales at retail, such term shall be applied only to the wholesale portion of such business.

(i) "Retailer" and "wholesaler" shall both be applied to any merchant who buys merchandise for resale at retail from the manufacturer or producer thereof and, as to such merchandise, the terms "cost to retailer" and "cost to wholesaler" as defined in pars. (a) and (b) shall both be applied, including the markup requirements.

(k) "Sell", "sale" or "sold" includes any advertising or offer to sell or any transfer of merchandise where title is retained by the seller as security for the payment of the purchase price. In determining the selling price of merchandise by wholesalers and retailers under this section, all fractions of a cent shall be carried to the next full cent.

(l) The term "trade discount" shall not include advertising, display or promotional allowances in the absence of a statement in writing from the grantor that receipt of such allowance is not conditioned on the performance of any service or expenditure of any money for promotion, advertising or any other purpose.

(m) Any person who sells at retail and who also sells to other retailers shall use the invoice cost to other retailers in computing his selling price at retail under par. (a); and if such person is a manufacturer or producer, both pars. (a) and (b) shall be used in computing his selling price at retail. In the absence of sales to other retailers, the manufacturer's or producer's invoice cost to wholesalers shall be used in computing the manufacturer's or producer's selling price at retail as provided in pars. (a) and (b).

(3) ILLEGALITY OF LOSS LEADERS. Any sale of any item of merchandise either by a retailer or wholesaler, at less than cost as defined in this section with the intent or effect of inducing the purchase of other merchandise or of unfairly diverting trade from a competitor, impairs and prevents fair competition, injures public welfare and is unfair competition and contrary to public policy and the policy of this section. Such sales are prohibited. Evidence of any sale of any item of merchandise by any retailer or wholesaler at less than cost as defined in this section shall be prima facie evidence of intent or effect to induce the purchase of other merchandise, or to unfairly divert trade from a competitor, or to otherwise injure a competitor.

(4) PENALTIES. Any retailer who, with the intent or effect of inducing the purchase of other merchandise or of unfairly diverting trade from a competitor or otherwise injuring a competitor, sells at retail any item of merchandise at less than cost to the retailer as defined in this section; or any wholesaler who, with intent or effect of inducing the purchase of other merchandise or of unfairly diverting trade from a competitor or otherwise injuring a competitor, sells at wholesale any item of merchandise at less than cost to the wholesaler as defined in this section, shall be fined not less than \$50, nor more than \$500 for the first offense and not less than \$200 nor more than \$1,000 for the 2nd and each subsequent offense, or, for each offense, imprisoned not less than one month nor more than 6 months or both.

(5) SPECIAL REMEDY. In addition to the penalties under sub. (4):

(a) It is the duty of the several district attorneys to institute proceedings in equity to prevent and restrain violations of this section.

(b) The department may also bring an action to enjoin violations of this section. Such action may be commenced and prosecuted by the department in the name of the state in any court having equity jurisdiction, either in the county where the offense occurred or in Dane county, without being compelled to allege or prove that an adequate remedy at law does not exist.

(c) Any person damaged, or who is threatened with loss or injury, by reason of a violation of this section, shall be entitled to sue for and have injunctive relief in any court of competent jurisdiction against any damage or threatened loss or injury by reason of a violation hereof and, upon granting of such relief, the person initiating such action shall be entitled to recover all costs including a reasonable attorney's fee.

(6) EXCEPTIONS. (a) The provisions of this section shall not apply to sales at retail or sales at wholesale where:

1. Merchandise is sold in bona fide clearance sales.

2. Perishable merchandise must be sold promptly in order to forestall loss.
3. Merchandise is imperfect or damaged or is being discontinued.
4. Merchandise is sold upon the final liquidation of any business.
5. Merchandise is sold for charitable purposes or to relief agencies.
6. Merchandise is sold on contract to departments of the government or governmental institutions.
7. The price of merchandise is made in good faith to meet an existing price of a competitor and is based on evidence in the possession of the seller in the form of an advertisement, proof of sale or receipted purchase.
8. Merchandise is sold by any officer acting under the order or direction of any court.

(b) No person may claim the exemptions under par. (a) 1 to 4 if he limits or otherwise restricts the quantity of such merchandise which can be purchased by any buyer or if he fails to conspicuously disclose the reason for such sale in all advertisements relating thereto and on a label or tag on such merchandise or on a placard where the merchandise is displayed for sale.

**History:** 1961 c. 44; 1965 c. 629.

## CHAPTER 101. INDUSTRIAL COMMISSION.

### 101.01 Definitions of terms used.

A plant where there were no employes ployment. *Bellart v. Martell*, 28 W (2d) for a few months, during which time the 686, 137 NW (2d) 729, 139 NW (2d) 473. accident occurred, was still a place of em-

**101.02 Commission created; appointments; chairman.** (1) There is hereby created a board which shall be known as the "Industrial Commission of Wisconsin." The governor, by and with the advice and consent of the senate, shall appoint the members of the industrial commission and at the time of making appointments shall designate a chairman who shall serve as such for a period of 2 years and until his successor is designated. The term of office of each member of the industrial commission, holding office on September 1, 1963, shall expire on said date. Thereupon appointment shall be made of 3 successor members for terms commencing on the date of appointment, one term to end October 1, 1963, one term to end June 1, 1967, and one term to end June 1, 1965. Thereafter each member shall be appointed and confirmed for terms of 6 years each. Each member of the board shall take and file the official oath. A majority of the board shall constitute a quorum for the exercise of the powers or authority conferred upon it. In case of a vacancy the remaining 2 members of the board shall exercise all the powers and authority of the board until such vacancy is filled.

(2) The administrative and executive authority of the commission shall be vested in the chairman, to be administered by him under the statutes and rules of the commission and subject to the policies established by the commission. The commission shall make rules for administering the internal affairs of the commission.

**History:** 1963 c. 225; 1965 c. 587.

### 101.06 Employer's duty to furnish safe employment and place.

In an action for injuries sustained by a parishioner who emerging from church fell while descending the exterior front steps, the jury was warranted in inferring causal negligence of the church with respect to the accident in failing to maintain the steps as safe as the nature of the place reasonably permitted, where it was conceded that the church had violated a general order of the industrial commission in failing to provide handrails extending the full length of the stairway along its sides, and the parishioner's fall could have been attributed to her unsuccessful attempt to seek support from one of two handrails which divided the stairway, but did not extend to the building. *Parchem v. St. Cecilia's Congregation*, 28 W (2d) 227, 137 NW (2d) 90.

### 101.31 Architects and professional engineers. (1) PRACTICE REQUIREMENTS, REGISTRATION.

(d) Notwithstanding any other provision of this section, contractors, subcontractors or construction material or equipment suppliers are not required to register under this section to perform or undertake those activities which historically and customarily have been performed by them in their respective trades and specialties, including, but not limited to, the preparation and use of drawings, specifications or layouts within a construction firm or in construction operations, superintending of construction, installation and alteration of equipment, cost estimating, consultation with architects, professional engineers or owners concerning materials, equipment, methods and techniques, and investigations or consultation with respect to construction sites, provided all such activities are performed solely with respect to the performance of their work on buildings or with respect to supplies or materials furnished by them for buildings or structures or their

appurtenances which are, or which are to be, erected, enlarged or materially altered in accordance with plans and specifications prepared by architects or professional engineers, or by persons exempt under sub. (9) while practicing within the scope of their exemption.

(e) This section shall not require manufacturers or their material or equipment suppliers to register under this section in order to enable them to perform engineering in the design, assembly, manufacture, sale or installation of their products.

(f) It is unlawful for any person who is registered to practice the profession of architecture or profession of professional engineering to impress his seal or stamp upon documents which have not been prepared by him or under his direction and control, to knowingly permit his seal or stamp to be used by any other person or in any other manner to knowingly aid or abet the unauthorized practice of either profession by persons not authorized under this section.

(2) DEFINITIONS.

(b) The practice of architecture within the meaning and intent of this section includes any professional service, such as consultation, investigation, evaluation, planning, architectural and structural design, or responsible supervision of construction, in connection with the construction of any private or public buildings, structures, projects, or the equipment thereof, or addition to or alterations thereof, wherein the public welfare or the safeguarding of life, health or property is concerned or involved.

(g) In this section "responsible supervision of construction" is a professional service as distinguished from superintending of construction and means the performance of such on the site observations as may be necessary to determine that the construction is in substantial compliance with the approved drawings, plans and specifications.

(6) REGISTRATION REQUIREMENTS.

(j) Written or written and oral examinations shall be held at such time and place as the board determines except as is provided in par. (b) 3. The scope of the examinations and the methods of procedure shall be prescribed by the board with special reference to the applicant's ability to design and supervise architectural or engineering work, which shall promote the public welfare and insure the safety of life, health and property. A candidate failing an examination may, upon application and payment of the required re-examination fee, be examined again by the board. No restriction shall be placed on the number of times an unsuccessful candidate may present himself for re-examination, except that after failure of 3 re-examinations, the board may require a one-year waiting period before further re-examination.

(7) PARTNERSHIP OR CORPORATION. (a) The practice of architecture and professional engineering pertaining to the internal operations of a firm, partnership or corporation may be performed by employees if the architectural or professional engineering services are performed by or under the direct supervision of architects or professional engineers registered under this section, or persons exempt from registration under sub. (9). Registered or exempt architectural or professional engineering employees may provide architectural or professional engineering data with respect to the manufacture, sale and utilization of the products of the firm, partnership or corporation to other registered or exempt architects or professional engineers.

(b) The practice of or the offer to practice architecture or professional engineering by individual architects or professional engineers registered under this section, through a firm, partnership or corporation as principals, officers, employees or agents, is permitted subject to this section, if all personnel who practice or offer to practice in its behalf as architects or professional engineers are registered under this section and if the corporation has been issued a certificate of authorization under par. (c).

(c) A corporation desiring a certificate of authorization shall file an application with the board on forms provided by the board, listing the names and addresses of all officers and directors, and all individuals registered to practice architecture or professional engineering in this state who will practice architecture or professional engineering in this state for the corporation and other relevant information required by the board. This form shall also accompany the annual renewal fee. If there is a change in any of these persons during the year, the change shall be reported on the same type of form, and filed with the board within 30 days after the effective date of the change. The board shall issue a certificate of authorization effective for 2 years from the date of issuance to a corporation complying with this paragraph upon payment of a certification fee of \$50. The biennial renewal fee is \$25. This paragraph does not apply to corporations exempt under sub. (9)(e).

(d) 1. No firm, partnership or corporation shall be relieved of responsibility for the conduct or acts of its agents, employees or officers by reason of its compliance with

this section, nor shall any individual practicing architecture or professional engineering be relieved of responsibility for architectural or professional engineering services performed by reason of his employment or relationship with the firm, partnership or corporation.

2. All final drawings, specifications, plans, reports or other architectural or engineering papers or documents involving the practice of architecture or professional engineering prepared for the use of the corporation, for delivery by it to any person or for public record within the state shall be dated and bear the signature and seal of the architect or professional engineer who was in responsible charge of their preparation. This subdivision does not apply to persons exempt under sub. (9) (c), (d) and (e).

(e) No firm, partnership or corporation may engage in the practice of or offer to practice architecture or professional engineering in this state, or use in connection with its name or otherwise assume, use or advertise any title or description tending to convey the impression that it is engaged in the practice of the profession of architecture or professional engineering, nor shall it advertise or offer to furnish an architectural or professional engineering service, unless the firm, partnership or corporation has complied with this section.

(f) Any firm, partnership or corporation using the word "engineering" or any of its derivatives in its firm, partnership or corporation name prior to April 24, 1964, shall be permitted to continue to do so, provided such firm, partnership or corporation does not practice or offer to practice architecture or professional engineering unless they comply with all other provisions of this section.

(9) EXEMPT PERSONS. The following persons, while practicing within the scope of their exemption, shall be exempt from this section:

(e) A person engaged in the manufacture of a product or unit, including laboratory research affiliates of the person, where the services performed are the design, assembly, manufacture, sale or installation of that product or unit. "Product or unit" does not include buildings.

(13) REVOCATION OF REGISTRATION.

(a) 1. The practice of any fraud or deceit in obtaining a certificate of registration or a certificate of record.

2. Signing or impressing his seal or stamp upon documents not prepared by him or under his direction and control or knowingly permitting his seal or stamp to be used by any other person.

3. Knowingly aiding or abetting the unauthorized practice of the professions of architecture or professional engineering by persons not registered under this section.

(14) PENALTIES, LAW ENFORCEMENT. (a) Any person who practices or offers to practice architecture or professional engineering in this state, or who uses the word "architect" or the term "professional engineer" as part of his business name or title, except as provided in par. (7) (f), or in any way represents himself as an architect or a professional engineer unless he is registered or exempted in accordance with this section, or unless he is the holder of an unexpired permit issued under sub. (11) (d), or any person presenting or attempting to use as his own the certificate of registration of another, or any person who gives any false or forged evidence of any kind to the board or to any member thereof in obtaining a certificate of registration, or any person who falsely impersonates any other registrant of like or different name, or any person who attempts to use an expired or revoked certificate of registration, or violates any of the provisions of this section, may be fined not less than \$100 nor more than \$500 or imprisoned for not more than 3 months or both.

**History:** 1965 c. 570.

#### 101.60 Equal opportunities.

(7) INTENT. It is the intent of this section to render unlawful discrimination in housing where the sale, rental or lease of the housing constitutes a business. It is the declared policy of this state that all persons shall have an equal opportunity for housing regardless of race, color, religion, national origin or ancestry and it is the duty of the local units of government to assist in the orderly prevention or removal of all discrimination in housing through the powers granted under s. 66.433. This section shall be deemed an exercise of the police powers of the state for the protection of the welfare, health, peace, dignity and human rights of the people of this state.

**History:** 1965 c. 439, 625.

## CHAPTER 102. WORKMEN'S COMPENSATION.

## 102.03 Conditions of liability.

An employe is covered when accidentally killed during working hours while helping a superior, at his request, handle a personal matter which was not related to the employer's business. *Continental Casualty Co. v. Industrial Comm.* 28 W (2d) 89, 135 NW (2d) 803.

## 102.66 Waiver of payments. Repealed.

## CHAPTER 103. EMPLOYMENT REGULATIONS.

**103.49 Wage rate on state work.** (1) Any contract hereafter made for the erection, construction, remodeling or repairing of any public building or for any other project of public works, except contracts for the construction or maintenance of public highways and bridges, to which the state, any department thereof or any public building corporation is a party shall contain a stipulation that no laborer, workman or mechanic employed directly upon the site of the work by the contractor or by any subcontractor, agent or other person, doing or contracting to do all or a part of the work, shall be permitted to work a greater number of hours per day or per calendar week than the prevailing hours of labor determined pursuant to this section, except that any such laborer, workman or mechanic may be permitted or required to work more than such prevailing number of hours per day and per calendar week if he is paid for all hours in excess of the prevailing hours at a rate of at least 1½ times his hourly basic rate of pay; nor shall he be paid less than the prevailing wage rate in the same or most similar trade or occupation in the area wherein such public building or project of public works is situated. The prevailing wage rates, prevailing hours of labor, and hourly basic rates of pay determined pursuant to this section, shall be set forth specifically in the contract.

**Note:** (1) is printed as amended by chapter 630, laws of 1965. An earlier amendment by chapter 4, laws of 1965, was not incorporated. See the Preface, section 6 (c), for the printing rule in this situation.

(6) This section shall not apply to a contract, or to work under a contract, described or referred to in sub. (1) under which: (a) the estimated total cost of completing the project is less than \$2,500 and only one trade or occupation is required to complete it, or (b) the estimated total cost of completing the project is less than \$25,000 and more than one trade or occupation is required to complete it.

**History:** 1961 c. 434; 1963 c. 457; 1965 c. 4, 630.

## 103.60 Contempt cases.

103.60 and 103.61 are not applicable to *consin E. R. Board v. Mews*, 29 W (2d) 44, proceedings instigated under ch. 111. *Wis-* 138 NW (2d) 147.

## CHAPTER 104. MINIMUM WAGE LAW.

## 104.04 Classifications; authority conferred upon industrial commission.

A rule of the commission that tips may not be counted as part of the minimum wage may not be invoked where the agreement was that tips could be retained by the employe and where these tips plus the wage paid exceeded the minimum. *Sheaffer v. Industrial Comm.* 29 W (2d) 292, 139 NW (2d) 106, 140 NW (2d) 300.

## CHAPTER 107. MINING AND SMELTING.

**107.05 Water may be conducted across land; water diversion.** (1) Every person engaged in mining may, when it is necessary in order to prosecute his work in mining, upon complying with the provisions of this chapter, conduct or convey the water away from his shafts, levels or land upon, over or below the surface of the land of any adjoining owner in pipes, ditches, races or tunnels, doing as little damage as the case will admit of.

(2) When surface streams or lakes are involved, the person engaged in or preparing to engage in mining or processing ore, shall apply to the department of resource development for a permit to conduct or convey, to the same or another watershed, waters from the lands upon which it is engaged in mining operations. The application shall be in the form contemplated by s. 30.18 (3) (a) for applications under that section, but the provisions thereof relating to the time for completion of structures shall not apply to applications under this section. Public hearing on the application shall be set by the department and notice of such hearing shall be given in accordance with those provisions of s. 30.18 (4) which shall be specified by the department. The provisions of

s. 30.18 which relate to approval of plans for structures by the department and to the entry of lands for making surveys shall apply to applications under this section. In addition to the notice requirements of s. 30.18 (4) specified by the department, the applicant also shall cause notice of the hearing on the application to be published as a class 3 notice, under ch. 985. After due publication of such notice in the official state paper, no permit issued at the conclusion of such hearing shall be held invalid upon the ground that any other provisions relating to the giving of notice have not been complied with and no person shall bring any action or maintain any proceeding to attack the permit or for damages except an action for inverse condemnation for damages suffered as a result of the exercise of the permit. The person engaged in or preparing to engage in mining or processing ore may include in such application, or in a separate application, a request for a permit to divert waters from any surface water upon which he is riparian or to use and consume said waters and underground waters in his ore processing operations on any land owned or leased by him on the same procedure and subject to the same conditions including without limitation the right to control, store, dam or impound said waters in connection therewith.

(3) The legislature hereby declares that the development of the iron ore resources of the state and the diversion or consumptive use of the waters of the state in connection therewith is in the public interest, for the public welfare and fulfills a public purpose. As the mining and processing of such iron ore will require considerable quantities of water, it is necessary that persons engaged in or about to engage in the mining and processing of such ores be assured of an adequate and continuing supply of water for such operations before the large capital expenditures required for mills, plants and other improvements are made. In passing upon any application for a permit for the diversion or consumptive use of water under this section, the department shall weigh the public rights in the stream which may be adversely affected against the public benefits which will result from the iron ore mining and processing operation in the form of increased opportunities for employment and industrial development and increased income to local agencies of government and to the state treasury. If the public benefits which will result from the proposed operation outweigh the public rights in the stream which will be impaired or eliminated, the permit shall issue.

(4) If a permit is granted pursuant to a final decision of the department or as affirmed or modified pursuant to judicial review under ch. 227, the department shall specify the duration of such permit which shall be for such time as is necessary to permit the mining to exhaustion and the processing of all iron ore which is referred to in the application, provided that the duration of such permit may be extended by the department for good cause shown on application of the permittee.

(5) Upon the initial filing of the application the department shall determine whether rights of downstream riparians may be injured by the exercise of the permit applied for. If the department determines that such rights may be so injured, it shall fix a point on the stream below which riparian rights are not likely to be injured. When the department has made such a determination, the applicant shall insofar as reasonably possible give individual notice by mail to all riparian owners on the stream between the point of proposed diversion and the downstream point fixed by the department. When such notice has been served, the person so served shall bring no action nor maintain any proceeding to attack the permit or for damages other than by appearance at the hearing or by an action of inverse condemnation commenced not more than 3 years after the date of the first exercise of the permit.

(6) The department shall retain jurisdiction and shall suspend or cancel the permit if it finds upon complaint of any person or state agency that:

- (a) The terms or conditions of the permit have been breached; or
- (b) Any law pertaining to the permit has been violated.

(6a) No permit issued pursuant to this section shall be revoked for breach or violation of the terms or conditions thereof or any law pertaining thereto unless and until the permittee has been given an opportunity to be heard thereon after 30 days' written notice to the permittee stating the specific grounds for the proposed revocation; but no permit shall be revoked by the department unless and until the permittee has been given an opportunity to correct or remedy the alleged breach or violation within such reasonable time as may be prescribed by the department and has failed to do so.

(7) Subject only to any modifications or amendments entered in judicial proceedings under ch. 227, the findings of the department, entered at the hearing on the application as the basis for a grant or denial of a permit, on the effect of the permit on public or private rights, shall be final and conclusive on all persons and their successors in interest. Subject to such conditions as the department prescribes therein including any condition as to the time of commencement of construction and conditions for the protection

of public health, safety and welfare, and notwithstanding any other provisions of law, every permit issued under this section shall give the permittee the right to divert or use the waters specified in said permit as set forth therein, and the permittee may prevent by injunction or otherwise interference with such right by any person.

(8) In addition to the remedies provided in this chapter, if the department finds that any private rights will be adversely affected by the exercise of the permit or permits granted hereunder, the applicant is empowered to acquire such rights by purchase or condemnation under ch. 32.

(9) The department shall impose such conditions in the permit as it finds are reasonably necessary in the public interest for the restoration of waters after the completion of the mining operations or cancellation of the permit, for the orderly disposal of waste or tailings, and for leaving the lands in a neat and orderly condition, and may require the permittee to furnish security to the state for compliance with such conditions. Such security, if required, shall be in such form and amount as the department deems necessary.

(10) Penalties for violations of this section shall be the same as for violations of s. 30.18.

**History:** 1965 c. 252, 614.

**Note:** The amendment of this section by ch. 614 is effective 7-1-67.

CHAPTER 108. UNEMPLOYMENT RESERVES AND COMPENSATION.

108.05 Amount of benefits.

(1) WEEKLY BENEFIT RATE, FOR TOTAL UNEMPLOYMENT.

Schedule

Pursuant to 108.05 (2) (d) the Industrial Commission amended line 48 and created line 49 of the schedule to read:

48.	112.01 to 114.00.....	57
49.	114.01 or more.....	58

**Note:** The Industrial Commission is authorized to amend the above schedule semi-annually by 108.05 (2) (b). The schedule printed above applies to benefit determinations issued in the half year starting July 4, 1966.

108.161 Administrative financing account.

(10) Any realty acquired hereunder shall be excluded from the 2% building fund computation specified in s. 13.48 (3).

**History:** 1963 c. 145; 1965 c. 10, 231, 659.

CHAPTER 109. DEPARTMENT OF RESOURCE DEVELOPMENT.

109.05 Planning. (1)

(c) Review long-range building programs proposed pursuant to s. 13.48 and construction and development programs of the various state agencies. In exercising this function the department shall serve solely in an advisory capacity to the governor and state agencies.

**History:** 1961 c. 427; 1965 c. 433 s. 121; 1965 c. 659.

109.13 Wisconsin council on natural beauty. (1) There is created a Wisconsin council on natural beauty to be attached to the department of resource development for administrative purposes only, and to be responsible directly to the governor. The council shall be composed of 3 legislators, 4 members representing state agencies and 6 citizen members, all appointed by the governor to serve at his pleasure. From the citizen members, the governor shall appoint a chairman to serve at his pleasure, and from the council members shall appoint a vice chairman to serve at his pleasure. The citizen members shall be reimbursed for their actual and necessary expenses.

(2) The council shall employ, under the classified service, a director and such staff as is necessary to perform its duties.

(3) The over-all objectives of the council shall be to plan, co-ordinate, educate and motivate both public and private agencies and persons to preserve and enhance Wisconsin's natural beauty. To this end the council shall:

(a) Serve as a general information center and catalytic agent on all matters affecting the natural beauty of Wisconsin.

(b) Advise the governor, legislature and state departments on such matters.



(c) Submit a report of its activities and recommendations to the governor and legislature in December of each even-numbered year.

(d) Co-ordinate and stimulate the natural beauty activities of county councils and other public and private organizations, and such activities of the federal government as apply to this state.

(e) Hold state and regional conferences.

(4) The council may accept gifts and grants for the execution of its functions.

History: 1965 c. 575.

109.15 Legislative intent. It is the legislative intent that nothing in ss. 109.01 to 109.12 shall supersede the statutory duties, powers or functions of any state agency.

History: 1963 c. 6; 1965 c. 575 s. 6.

Note: Section 56 (4) of chapter 614, laws of 1965, provides:

Section 56 (4) On and after the effective date of this act, chapter 109 of the statutes, as affected by the laws of 1965, is suspended. Its provisions shall be resorted to solely as a guide to govern the division of state economic development in the executive office of the governor, and the planning division and the recreation division in the department of resource development under chapter 144 of the statutes as created by this act in the performance of their powers, duties and functions until such time as the 1967 legislature, by a duly enacted law, once more specifies in detail the powers, duties and functions of each division, and with the enactment of such law chapter 109 of the statutes shall be repealed.

#### CHAPTER 110. MOTOR VEHICLE DEPARTMENT.

110.20 Department, additional powers to provide structures, facilities and permanent improvements. (1) As used in this section unless the context requires otherwise:

(a) The term "existing building" in relation to any conveyance, lease or sublease made under sub. (2) means all administrative buildings, all maintenance and communications shops, all storage facilities and garages and such other buildings, structures, facilities and permanent improvements as in the judgment of the commissioner are needed or useful for the purposes of the department and all equipment therefor and all improvements and additions thereto which were erected, constructed or installed prior to the making of such conveyance, lease or sublease.

(b) The term "new building" in relation to any conveyance, lease or sublease made under sub. (2) means all administrative buildings, all maintenance and communications shops, all storage facilities and garages and such other buildings, structures, facilities and permanent improvements as in the judgment of the commissioner are needed or useful for the purposes of the department and all equipment therefor and all improvements and additions thereto which are erected, constructed or installed after the making of such conveyance, lease or sublease.

(c) The term "corporation" in relation to any conveyance, lease or sublease made under sub. (2) means a nonstock, nonprofit corporation organized under ch. 181 or any law amendatory thereof or supplemental thereto.

(2) In order to provide new buildings and to enable the construction and financing thereof, to refinance indebtedness hereafter created by a corporation for the purpose of providing new buildings or additions or improvements thereto which are located on land owned by or owned by the state and held for the motor vehicle department or by a corporation or for any one or more of said purposes but for no other purpose unless authorized by law, the department has the following powers and duties:

(a) Without limitation by reason of any other provisions of the statutes, the power to sell and to convey title in fee simple to a corporation any land and any existing buildings thereon owned by or owned by the state and held for the department for such consideration and upon such terms and conditions as in the judgment of the commissioner are in the public interest.

(b) The power to lease to a corporation for a term or terms not exceeding 50 years each any land and any existing buildings thereon owned by or owned by the state and held for the department upon such terms and conditions as in the judgment of the commissioner are in the public interest.

(c) The power to lease or sublease from a corporation and to make available for public use any such land and existing buildings conveyed or leased to such corporation under pars. (a) and (b) and any new buildings erected on such land or on any other land owned by such corporation, upon such terms, conditions and rentals, subject to available appropriations, as in the judgment of the commissioner are in the public interest.

(d) The duty to submit the plans and specifications for all such new buildings and all conveyances, leases and subleases made under this section to the department of administration and the governor for written approval before they are finally adopted, executed and delivered.

(e) The power to pledge and assign all or any part of the revenues derived from the operation of such new buildings as security for the payment of rentals due and to become due under any lease or sublease of such new buildings under par. (c).

(f) The power to covenant and agree in any lease or sublease of such new buildings made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of such new buildings in an amount calculated to produce net rentals sufficient to pay the rentals due and to become due under such lease or sublease.

(g) The power to covenant and agree in any lease or sublease made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of existing buildings in an amount calculated to produce net rentals sufficient to pay the rentals due and to become due under such lease or sublease.

(h) The power and duty, upon receipt of notice of any assignment by a corporation of any lease or sublease made under par. (c), or of any of its rights under any such sublease, to recognize and give effect to such assignment, and to pay to the assignee thereof rentals or other payments then due or which may become due under any such lease or sublease which has been so assigned by such corporation.

(3) The state shall be liable for accrued rentals and for any other default under any lease or sublease made under sub. (2)(c) and may be sued therefor on contract as in other contract actions under ch. 285, except that it shall not be necessary for the lessor under any such lease or sublease or any assignee of such lessor or any person or other legal entity proceeding on behalf of such lessor to file any claim with the legislature prior to the commencement of any such action.

(4) Nothing in this section empowers the department or the commissioner to incur any state debt.

(5) All powers and duties conferred upon the department pursuant to this section shall be exercised and performed by the commissioner. All conveyances, leases and subleases made pursuant to this section, shall be made, executed and delivered in the name of the department and shall be signed by the commissioner and sealed with the seal of the department.

(6) All laws conflicting with provisions of this section are, insofar as they conflict with this section and no further, superseded by this section.

**History:** 1965 c. 591.

#### CHAPTER 111. EMPLOYMENT RELATIONS.

**111.03 Employment relations board.** (1) There is hereby created a board to be known as Wisconsin employment relations board, which shall be composed of 3 members, who shall be appointed by the governor by and with the consent of the senate. No appointee at the time of the creation of the board shall serve on said board without first having been confirmed by the senate. On September 1, 1963 the term of office of each incumbent member of the board shall expire and the 3 offices of member of the Wisconsin employment relations board shall be vacant. Thereupon appointment shall be made of successor members to said board for terms beginning on the date of appointment, one such term to expire October 1, 1963, one May 12, 1967, and one May 12, 1965. Thereafter successors shall be appointed for terms of 6 years each, except that any individual appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he succeeds. The governor shall designate one member to serve as chairman of the board. Each member of the board shall take and file the official oath. A vacancy in the board shall not impair the right of the remaining members to exercise all the powers of the board and 2 members of the board shall constitute a quorum. The board shall have a seal for the authentication of its orders and proceedings, upon which shall be inscribed the words "Wisconsin Employment Relations Board—Seal". Each member of the board shall be eligible for the reappointment and shall not engage in any other business, vocation, or employment. The board may employ, promote and remove a secretary, deputies, clerks, stenographers and other assistants and examiners, fix their compensation and assign their duties, consistent with this subchapter. The board shall maintain its office at Madison. The board may hold sessions at any place within the state when the convenience of the board and the parties so requires. At the close of each fiscal year the board shall make a written report to the governor of such facts as it deems essential to describe its activities, including the cases it has heard, its disposition of the same, and the names, duties and salaries of its officers and employees. A single member of the board is, in this subchapter, referred to as a commissioner.

(2) The administrative and executive authority of the board shall be vested in the chairman, to be administered by him under the statutes and rules of the board and

subject to the policies established by the board. The board shall make rules for administering the internal affairs of the board.

**History:** 1963 c. 225; 1965 c. 587.

#### 111.07 Prevention of unfair labor practices.

A respondent in a proceeding before the WERB upon a complaint charging unfair labor practices who was adjudged in contempt for failure to comply with an enforcement judgment could not as a defense to the contempt judgment on appeal therefrom raise procedural defects in connection with the underlying board order and enforcement judgment where no timely attempt had been made to appeal from either. Wisconsin E. R. Board v. Mews, 29 W (2d) 44, 133 NW (2d) 147.

Collective-bargaining contracts can be enforced even though they would have been enforceable by other remedies in a direct court action. Wisconsin E. R. Board v. Mews, 29 W (2d) 44, 133 NW (2d) 147.

#### 111.32 Definitions.

(5) (a) "Discrimination" means discrimination because of age, race, color, handicap, sex, creed, national origin or ancestry, by an employer individually or in concert with others against any employe or any applicant for employment, in regard to his hire, tenure or term, condition or privilege of employment and by any labor organization against any member or applicant for membership, and also includes discrimination on any of said grounds in the fields of housing, recreation, education, health and social welfare as related to a condition or privilege of employment.

**History:** 1961 c. 529, 628; 1965 c. 230, 439, 625.

Subchapter IV of chapter 111 of the statutes (title only) is amended to read:

#### SUBCHAPTER IV.

#### RIGHT OF MUNICIPAL EMPLOYEES TO ORGANIZE AND JOIN LABOR ORGANIZATIONS; BARGAINING IN MUNICIPAL EMPLOYMENT.

#### 111.70 Municipal employment.

Legal aspects of public school teacher negotiating and participating in concerted activities. Seitz, 49 MLR 487.

A municipality's rights and responsibilities under the municipal labor law. Mulcahy, 49 MLR 512.

#### SUBCHAPTER V.

#### STATE EMPLOYMENT LABOR RELATIONS ACT.

111.80 Declaration of policy. The public policy of the state as to labor relations and collective bargaining in state employment, in the furtherance of which this subchapter is enacted, is as follows:

(1) It recognizes that there are 3 major interests involved, namely: that of the public, the state employe, and the state as an employer. These 3 interests are to a considerable extent interrelated. It is the policy of this state to protect and promote each of these interests with due regard to the situation and to the rights of the others.

(2) Orderly and constructive employment relations for state employes and the efficient administration of state government are promotive of all these interests. They are largely dependent upon the maintenance of fair, friendly and mutually satisfactory employe-management relations in state employment, and the availability of suitable machinery for fair and peaceful adjustment of whatever controversies may arise. It is recognized that whatever may be the rights of disputants with respect to each other in any controversy regarding state employment relations neither party has any right to engage in acts or practices which jeopardize the public safety and interest and interferes with the effective conduct of public business.

(3) Where permitted hereby, negotiations of terms and conditions of state employment should result from voluntary agreement from the state, and its agents, as an employer and its employes. For that purpose a state employe has the right, if he desires, to associate with others in organizing, in bargaining collectively through representatives of his own choosing, without intimidation or coercion from any source.

(4) It is the policy of this state, in order to preserve and promote the interests of the public, the state employe and the state as an employer alike, to encourage the practices and procedure of collective bargaining in state employment subject to the requirements of the public service and related laws, rules and policies governing state employment, by establishing standards of fair conduct in state employment relations by providing a convenient, expeditious and impartial tribunal in which these interests may have their respective rights determined. In the furtherance of this policy the director shall establish a division of employment relations, which shall, along with the particular appointing authority, or his representative, represent the state in its responsibility as an employer under this subchapter. The division shall be responsible for establish-

ing and maintaining, wherever practicable, consistent employment relations policies and practices throughout the state service.

**History:** 1965 c. 612.

**111.81 Definitions.** When used in this subchapter:

- (1) "Board" means the Wisconsin employment relations board created by s. 111.03.
- (2) "Collective bargaining" means the negotiating by the state as an employer, by its officers and agents, and a majority of its employes, by their representatives in an appropriate collective bargaining unit, concerning terms and conditions of employment of all employes in said unit in a mutually genuine effort to reach an agreement with reference to the subject under negotiation.
- (3) "Collective bargaining unit" means the unit determined to be appropriate by the board for the purposes of collective bargaining. Employes in a single craft or profession may constitute a separate and single collective bargaining unit. The board may, and in order to effectuate the policies of this subchapter, determine the appropriate bargaining unit and whether the employes engaged in a single or several departments, divisions, institutions, crafts, professions, or occupational groupings, constitute an appropriate collective bargaining unit. The board may make such a determination with or without providing the employes involved an opportunity to determine for themselves whether they desire to establish themselves as an appropriate collective bargaining unit. Where the board permits employes to determine for themselves whether they desire to constitute a separate collective bargaining unit, such unit determination shall be as provided in s. 111.05 (2). A collective bargaining unit thus established by the board shall be subject to all rights by termination or modification given by subch. I in reference to collective bargaining units otherwise established under said subchapter. Nothing herein shall prevent 2 or more collective bargaining units from bargaining collectively through the same representative.
- (4) "Craft employe" means a skilled journeyman craftsman, including his apprentices and helpers, but shall not include employes not in direct line of progression in the craft.
- (5) "Director" means the state director of personnel.
- (6) "Election" means a proceeding conducted by the board in which the employes in a collective bargaining unit cast a secret ballot for collective bargaining representatives, or for any other purpose specified in this subchapter.
- (7) "Labor organization" means any employe organization whose purpose is to represent state employes in collective bargaining with the state, or its agents, on matters pertaining to terms and conditions of employment; but the term shall not include any organization:
  - (a) Which advocates the overthrow of the constitutional form of government in the United States; or
  - (b) Which discriminates with regard to the terms or conditions of membership because of race, color, creed or national origin.
- (8) "Person" includes one or more individuals, labor organizations, associations, corporations or legal representatives.
- (9) "Professional employe" means:
  - (a) Any employe engaged in work:
    1. Predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical or physical work;
    2. Involving the consistent exercise of discretion and judgment in its performance;
    3. Of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time;
    4. Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual or physical processes; or
  - (b) Any employe, who:
    1. Has completed the courses of specialized intellectual instruction and study described in par. (a) 4; and
    2. Is performing related work under the supervision of a professional person to qualify himself to become a professional employe as defined in par. (a).
- (10) "Prohibited practice" means any prohibited practice as defined in s. 111.84.
- (11) "Representative" includes any person chosen by a state employe to represent him.
- (12) "State employe" includes any employe in the classified service of the state, as defined in s. 16.08, except employes who are performing in a supervisory capacity, and

individuals having privity to confidential matters affecting the employer-employee relationship, as well as all employees of the board.

(13) "State employer" means the state of Wisconsin, and any department thereof, or appointing officer, as defined in s. 16.02 (3), and includes any person acting on behalf of the state and any of its departments or agencies within the scope of his authority, express or implied.

(14) "Strike" includes any strike or other concerted stoppage of work by employes, and any concerted slowdown or other concerted interruption of operations or services by employes. The establishment of a strike and the participation therein by a state employe is not intended to affect the right of the state employer, in law or equity, to deal with such strike, including:

(a) The right to impose discipline, including discharge, or suspension without pay, of any employe participating therein;

(b) The right to cancel the civil service status of any employe engaging therein; and

(c) The right of the employer to seek an injunction or to request the imposition of fines, either against the labor organization or the employe engaging therein, or to sue for damages because of such strike activity.

(15) "Supervisor" means any individual having authority, in the interest of the state employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employes, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

**History:** 1965 c. 612.

**111.82 Rights of state employes.** State employes shall have the right of self-organization and the right to form, join or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in lawful, concerted activities for the purpose of collective bargaining or other mutual aid or protection; and such employes shall also have the right to refrain from any or all of such activities.

**History:** 1965 c. 612.

**111.83 Representatives and elections.** (1) Representatives chosen for the purposes of collective bargaining by a majority of the state employes voting in a collective bargaining unit shall be the exclusive representative of all of the employes in such unit for the purposes of collective bargaining. Any individual employe, or any minority group of employes in any collective bargaining unit, shall have the right to present grievances to the state employer in person, or through representatives of their own choosing, and the state employer shall confer with said employe in relation thereto, provided that the majority representative has been afforded the opportunity to be present in such conferences and that any adjustment resulting from such conferences is not inconsistent with the conditions of employment established by the majority representative and the state.

(2) Whenever the board concludes to permit the employes an opportunity to determine for themselves whether they desire to establish themselves as an appropriate collective bargaining unit as defined in s. 111.81 (3), such determination shall be conducted by secret ballot, and, in such instances, the board shall cause the ballot to be taken in such a manner as to show separately the wishes of the employes in the voting group involved as to the determination of the collective bargaining unit.

(3) Whenever a question arises concerning the representation of state employes in a collective bargaining unit the board shall determine the representative thereof by taking a secret ballot of the employes and certifying in writing the results thereof to the interested parties and to the state and its agents. There shall be included on any ballot for the election of representatives the names of all persons, having an interest in representing state employes, submitted by a state employe or group of state employes participating in the election, except that the board may exclude from the ballot one who, at the time of the election, stands deprived of his rights under this subchapter by reason of a prior adjudication of his having engaged in a prohibited practice. The ballot shall be so prepared as to permit a vote against representation by anyone named on the ballot. The board's certification of the results of any election shall be conclusive as to the findings included therein unless reviewed under s. 111.07 (8).

(4) Whenever an election has been conducted pursuant to sub. (3) in which the name of more than one proposed representative appears on the ballot and results in no conclusion, the board may if requested by any party to the proceeding within 30 days from the date of the certification of the results of such election, conduct a runoff election. In such runoff election, the board may drop from the ballot the name of the representative that received the least number of votes at the original election, or the board

shall drop from the ballot the privilege of voting against any representative when the least number of votes cast at the first election was against representation by any named representative.

(5) Questions concerning the determination of collective bargaining units or representation of state employes may be raised by petition of any state employe or the state employer, or the representative of either of them. Where it appears by the petition that any emergency exists requiring prompt action, the board shall act upon said petition forthwith and hold the election requested within such time as will meet the requirements of the emergency presented. The fact that one election has been held shall not prevent the holding of another election among the same group of state employes, if it appears to the board that sufficient reason therefor exists.

**History:** 1965 c. 612.

**111.84 Prohibited practices.** (1) It shall be a prohibited practice for a state employer individually or in concert with others:

(a) To interfere with, restrain or coerce state employes in the exercise of their rights guaranteed in s. 111.82.

(b) To initiate, create, dominate or interfere with the formation or administration of any labor or employe organization or contribute financial support to it, but the state employer shall not be prohibited from reimbursing state employes at their prevailing wage rate for the time spent conferring with its officers or agents. It shall not be a prohibited practice, however, for an officer or supervisor of the state employer to remain or become a member of the same labor organization of which its employes are members, when they perform the same work or are engaged in the same profession, provided, that after 4 years from January 1, 1967 said supervisor shall not participate as an active member or officer of said organization.

(c) To encourage or discourage membership in any labor organization, employe agency, committee, association or representation plan by discrimination in regard to hiring, tenure or other terms or conditions of employment.

(d) To refuse to bargain collectively on those matters set forth in s. 111.91 with the representative of a majority of its employes in an appropriate collective bargaining unit, however, where the state employer files with the board a petition requesting a determination as to majority representation, it shall not be deemed to have refused to bargain until an election has been held and the result thereof has been certified to it by the board. Such refusal to bargain shall include, but not be limited to, the refusal to execute a collective bargaining agreement previously orally agreed upon.

(e) To violate the provisions of any written agreement with respect to terms and conditions of employment affecting state employes, including an agreement to arbitrate, or to accept the terms of an arbitration award, where previously the parties have agreed to accept such award as final and binding upon them.

(f) To deduct labor organization dues or assessments from a state employe's earnings, unless the state employer has been presented with an individual order therefor, signed by the state employe personally, and terminable at the end of any year of its life by the state employe giving at least 30 days' written notice of such termination to the state employer and to the representative organization.

(2) It is an unfair labor practice for a state employe individually or in concert with others:

(a) To coerce or intimidate a state employe in the enjoyment of his legal rights, including those guaranteed in s. 111.82.

(b) To coerce, intimidate or induce any officer or agent of the state employer to interfere with any of its employes in the enjoyment of their legal rights, including those guaranteed in s. 111.82 or to engage in any practice with regard to its employes which would constitute a prohibited practice if undertaken by him on his own initiative.

(c) To refuse to bargain collectively on those matters set forth in s. 111.91 with the duly authorized officer or agent of the state employer, provided it is the recognized or certified exclusive collective bargaining representative of employes in an appropriate collective bargaining unit. Such refusal to bargain shall include, but not be limited to, the refusal to execute a collective bargaining agreement previously orally agreed upon.

(d) To violate the provisions of any written agreement with respect to terms and conditions of employment affecting state employes, including an agreement to arbitrate or to accept the terms of an arbitration award, where previously the parties have agreed to accept such award as final and binding upon them.

(e) To engage in, induce or encourage any state employes to engage in a strike, or a concerted refusal to work or perform their usual duties as an employe of the state.

(f) To coerce or intimidate a supervisory employe, officer or agent of the state employer, working at the same trade or profession as its employes, to induce him to

become a member of or act in concert with the labor organization of which they are members, pursuant to sub. (1) (b).

(3) It is a prohibited practice for any person to do or cause to be done on behalf of or in the interest of state employers or state employes, or in connection with or to influence the outcome of any controversy as to employment relations, any act prohibited by subs. (1) and (2).

**History:** 1965 c. 612.

**111.85 Prevention of prohibited practices.** Any controversy concerning prohibited practices may be submitted to the board as provided in s. 111.07, except that references therein to "unfair labor practices" shall be construed to refer to "prohibited practices"; and except that the board shall fix hearing on complaints involving alleged violations of s. 111.84 (2) (e) within 3 days after the filing of such complaints, and notice shall be given to each party interested by service on him personally, or by telegram advising him of the nature of the complaint and of the date, time and place of hearing thereon.

**History:** 1965 c. 612.

**111.86 Arbitration.** Parties to a labor dispute arising from the interpretation or application of a collective bargaining agreement affecting terms and conditions of state employment may agree in writing to have the board act or name arbitrators in all or any part of such dispute, and thereupon the board shall have the power to act. The board shall appoint as arbitrators only competent, impartial and disinterested persons. Proceedings in any such arbitration shall be as provided in ch. 298 where applicable.

**History:** 1965 c. 612.

**111.87 Mediation.** The board may appoint any competent, impartial, disinterested person to act as mediator in any labor dispute either upon its own initiative or upon the request of one of the parties to the dispute. It is the function of such mediator to bring the parties together voluntarily under such favorable auspices as will tend to effectuate settlement of the dispute, but neither the mediator nor the board shall have any power of compulsion in mediation proceedings.

**History:** 1965 c. 612.

**111.88 Fact finding.** Whenever the representative, which has either been certified by the board after an election, or has been duly recognized by the state employer as the exclusive representative of state employes in an appropriate collective bargaining unit, and the appointing authority, together with the division of employment relations, after a reasonable period of negotiation, are deadlocked with respect to any dispute existing between them arising from collective bargaining or from the application or interpretation of any provisions of a collective bargaining agreement existing between them, either party, or the parties jointly, may petition the board in writing, to initiate fact finding, as hereafter provided, to make recommendations to resolve the existing deadlock.

(1) Upon receipt of a petition to initiate fact finding, the board shall make an investigation, either informally or by a formal hearing, to determine whether the parties are, after a reasonable period of negotiations, deadlocked with respect to any dispute as previously provided. After its investigation the board shall certify the results thereof. If the certification requires that fact finding be initiated, the board shall appoint from a list established by the board a qualified disinterested person or 3-member panel, when jointly requested by the parties, to function as a fact finder.

(2) The fact finder may establish times and place of hearings which shall be where feasible in the jurisdiction of the state, and shall conduct the hearings pursuant to rules established by the board. Upon request, the board shall issue subpoenas for hearings conducted by the fact finder. The fact finder may administer oaths. Upon completion of the hearing, the fact finder shall make written findings of fact and recommendations for solution of the dispute and shall cause the same to be served on the parties. In making such findings and recommendations, the fact finder shall take into consideration among other pertinent factors the logical and traditional concept of public personnel and merit system administration concepts and principles vital to the public interest in efficient and economical governmental administration. Cost of fact finding proceedings shall be divided equally between the parties. The fact finder shall, at the time he submits his recommendations and costs to the parties, send copies thereof to the board at its Madison office.

(3) Nothing herein shall be construed as prohibiting any fact finder from endeavoring to mediate the dispute, in which he is involved, at any time prior to the issuance of his recommendations.

(4) Within 30 days of the receipt of the fact finder's recommendations or within such time period as is mutually agreed upon by the parties, both parties shall advise each other, in writing, as to their acceptance or rejection, in whole or in part, of the

fact finder's recommendations and, at the same time, send a copy of such notification to the board at its Madison office. Failure to comply herewith, by the state employer or employe representative shall be deemed a violation of s. 111.84 (1) (d) or (2) (c).

**History:** 1965 c. 612.

**111.89 Agreements.** Upon the completion of negotiations with a labor organization representing a majority of the employes in a collective bargaining unit and the appointing officer, together with the division of employment relations, if a settlement is reached, the employer shall reduce the same to writing in the form of an agreement. Such agreement may include a term for which it shall remain in effect not to exceed 3 years. Either party to such agreement shall have a right of action to enforce the same by petition to the board. No agreement shall become effective until it has been submitted by the appointing authority or his representative to the division of employment relations and approved by the division.

**History:** 1965 c. 612.

**111.90 Management rights.** Nothing in this subchapter shall interfere with the right of the employer, in accordance with applicable law, rules and regulations to:

(1) Carry out the statutory mandate and goals assigned to the agency utilizing personnel, methods and means in the most appropriate and efficient manner possible.

(2) Manage the employes of the agency; to hire, promote, transfer, assign or retain employes in positions within the agency and in that regard to establish reasonable work rules.

(3) Suspend, demote, discharge or take other appropriate disciplinary action against the employe for just cause; or to lay off employes in the event of lack of work or funds or under conditions where continuation of such work would be inefficient and nonproductive.

**History:** 1965 c. 612.

**111.91 Subjects of collective bargaining.** (1) Matters subject to collective bargaining are the following conditions of employment for which the appointing officer has discretionary authority:

(a) Grievance procedures;

(b) Application of seniority rights as affecting the matters contained herein;

(c) Work schedules relating to assigned hours and days of the week and shift assignments;

(d) Scheduling of vacations and other time off;

(e) Use of sick leave;

(f) Application and interpretation of established work rules;

(g) Health and safety practices;

(h) Intradepartmental transfers; and

(i) Such other matters consistent with this section and the statutes, rules and regulations of the state and its various agencies.

(2) Nothing herein shall require the employer to bargain in relation to statutory and rule provided prerogatives of promotion, layoff, position classification, compensation and fringe benefits, examinations, discipline, merit salary determination policy and other actions provided for by law and rules governing civil service.

**History:** 1965 c. 612.

**111.92 Board rules and regulations.** The board may adopt reasonable and proper rules and regulations relative to the exercise of its powers and authority and proper rules to govern its proceedings and to regulate the conduct of all elections and hearings.

**History:** 1965 c. 612.

**111.93 Advisory committee.** The board shall enlarge its advisory committee, established pursuant to s. 111.13, to permit representation therein by officers or agents of the state, and officers or agents of organizations representing state employes for the purpose of collective bargaining. Such membership on the advisory committee shall be in accordance with and pursuant to s. 111.13.

**History:** 1965 c. 612.

**111.94 Title of subchapter V.** This subchapter may be cited as the "State Employment Labor Relations Act."

**History:** 1965 c. 612.

## CHAPTER 113. UNIFORM JOINT OBLIGATIONS ACT.

### 113.04 Release of some, effect.

Tort releases in Wisconsin. McComas, 49 MLR 533.



## CHAPTER 126. GRAIN AND WAREHOUSE COMMISSION.

## 126.03 Commissioners; appointment; duties; salaries; terms; chairman.

(3) The governor shall designate one of the members as chairman. The administrative and executive authority of the commission shall be vested in the chairman, to be administered by him under the statutes and rules of the commission and subject to the policies established by the commission. The commission shall make rules for administering the internal affairs of the commission.

**History:** 1963 c. 225; 1965 c. 587.

## CHAPTER 135. STATE BOARD OF ACCOUNTANCY.

## 135.02 Public accountant, definition.

Distinction between "accountant" and "public accountant" discussed. Tom Welch Accounting Service v. Walby, 29 W (2d) 123, 138 NW (2d) 139. Employment of bookkeeper and accountant under (9) discussed. 54 Atty. Gen. 16.

## CHAPTER 136. WISCONSIN REAL ESTATE COMMISSION.

## 136.08 Investigations, revocation of license.

A finding that a broker was an agent for purposes of locating and buying land and that he concealed a profit he made on the purchase justified revocation of his license. Hilboldt v. Wisconsin R. E. Brokers' Board, 28 W (2d) 474, 137 NW (2d) 482.

## 136.14 Ineligibility.

An attack on the board's order because it did not provide for any time limitation as to the period of revocation could not be grounded on this section. Hilboldt v. Wisconsin R. E. Brokers' Board, 28 W (2d) 474, 137 NW (2d) 482.

## CHAPTER 139. BEVERAGE, CIGARETTE AND OLEOMARGARINE TAXES.

## 139.02 Fermented malt beverages tax.

(2) Repealed.

**History:** 1963 c. 19, 141, 459 ss. 33, 34; 1965 c. 634.

## 139.03 Liquor tax.

(4) Repealed.

(5)(a) No person who enters this state from another state may have in his possession and bring into the state any intoxicating liquor or wine unless the state tax thereon is paid; [but the foregoing shall not apply to intoxicating liquor consigned to any person having a permit from the commissioner of taxation to engage in the sale of such intoxicating liquor].

**Revisor's Note, 1965:** (5) (a) is printed as amended by chapter 549, laws of 1965. The words in brackets were added to the

paragraph in the 1963 adjourned session (see 1963 addendum) but were overlooked in drafting the 1965 bill.

(b) Any person, except a minor, who leaves a foreign country, after spending at least 48 hours in such foreign country, with the purpose of entering this state, may have in his possession and bring into the state intoxicating liquor or wine in sealed original containers in amounts not to exceed, in the aggregate, one gallon (128 ounces) without payment of the tax herein imposed. The one gallon of tax-free intoxicating liquor and wines may not be sent, shipped or carried into the state other than in the immediate possession of the person as qualified by this subsection.

(d) Any intoxicating liquor or wine involved in a violation of this section is declared forfeit and upon confiscation by the department of taxation shall be disposed of in accordance with s. 176.62 (2) (b).

**History:** 1963 c. 19, 103, 141, 224, 459 ss. 35, 38, 39, 40; 1963 c. 561; 1965 c. 249, 549, 634.

139.36 Refunds. The commissioner shall refund to any purchaser the money paid for any stamps returned unfit for use or otherwise unused or which have been affixed to packages which are unsalable. He shall prescribe by rule the proof required to obtain such refund. The permittee shall pay the expenses of determining the amount of such refund. Refunds of taxes collected and paid into the general fund and appropriated to the state recreation committee under s. 20.703 shall be charged against that appropriation.

**History:** 1965 c. 67, 625.

## CHAPTER 141. LOCAL HEALTH OFFICIALS.

141.15 Licensing and regulation of proprietary home health agencies. (1) DEFINITIONS. As used in this section, unless a different meaning appears from the context:

(a) A "proprietary home health agency" is a private proprietary organization (or a part of such organization) which: 1) primarily provides skilled nursing and other therapeutic services; 2) has policies established by a professional group (including at least one physician and at least one registered nurse) to govern services, and provides for supervision of these services by a physician or a registered nurse; 3) maintains clinical records on all patients.

(b) "Home health services" means the following items and services furnished to an individual, who is under the care of a physician, by a home health agency or by others under arrangements with them made by such agency, under a plan (for furnishing such items and services to such individual) established and periodically reviewed by a physician, which items and services are, except as provided in subd. 6, provided on a visiting basis in a place of residence used as such individual's home:

1. Part-time or intermittent nursing care provided by or under the supervision of a registered professional nurse;

2. Physical, occupational or speech therapy;

3. Medical social services under the direction of a physician;

4. Medical supplies (other than drugs and biologicals), and the use of medical appliances, while under such a plan;

5. In the case of a home health agency which is affiliated or under common control with a hospital, medical services provided by an intern or resident-in-training of such hospital, under an approved teaching program of such hospital; and

6. Any of the foregoing items and services which are provided on an outpatient basis, under arrangements made by the home health agency, at a hospital or extended care facility, or at a rehabilitation center which meets such standards as may be prescribed by rule, and a) the furnishing of which involves the use of equipment of such a nature that the items and services cannot readily be made available to the individual in such place of residence, or b) which are furnished at such facility while he is there to receive any such item or service, but not including transportation of the individual in connection with any such item or service.

(c) "Patient" means individuals cared for or treated by home health agencies.

(d) "Board" means the state board of health.

(e) Proprietary organization is a private organization not exempt from federal income taxation under section 501 of the internal revenue code of 1954.

(2) RULES. The board may develop, establish and enforce standards (a) for the care, treatment, health, safety, welfare and comfort of patients by proprietary home health agencies and (b) for the maintenance and operation of proprietary home health agencies which, in the light of advancing knowledge, will promote safe and adequate care and treatment of such patients by proprietary home health agencies; and to promulgate and enforce rules consistent with this section.

(3) ADMINISTRATION. The administration of this section shall be under the board which shall make or cause to be made such inspections and investigations as it deems necessary.

(4) LICENSING, INSPECTION AND REGULATION. The board is empowered to register, license, inspect and regulate proprietary home health agencies as provided in this section.

(5) APPLICATION FOR REGISTRATION AND LICENSE. (a) Registration shall be in writing in such form and contain such information as the board requires.

(b) The application for a license shall be in writing upon forms provided by the board and shall contain such information as it requires.

(6) ISSUANCE OF LICENSE; INSPECTION AND INVESTIGATION; ANNUAL RENEWAL; NONTRANSFERABLE; CONTENT. (a) The board shall issue a license if the applicant is fit and qualified, and if the proprietary home health agencies meet the requirements established by this section. The board, or its designated representatives, shall make such inspections and investigations as are necessary to determine the conditions existing in each case and file written reports.

(b) A license, unless sooner suspended or revoked, shall be renewable annually on July 1, upon filing by the licensee, and approval by the board of an annual report and application for renewal on forms provided by the board.

(c) Each license shall be issued only for the proprietary home health agency named in the application and shall not be transferable or assignable. If application for renewal is not so filed, such license is automatically canceled as of the date of its expiration. Any license granted shall state such additional information and special limi-

tations as the board, by rule, prescribes.

(7) DENIAL, SUSPENSION OR REVOCATION OF LICENSE; NOTICE. The board after notice to the applicant or licensee is authorized to deny, suspend or revoke a license in any case in which it finds that there has been a substantial failure to comply with the requirements of this section and the rules established hereunder.

(8) FAILURE TO REGISTER OR OPERATING WITHOUT LICENSE; PENALTY. It is unlawful for any person, acting jointly or severally with any other person, to conduct, maintain, operate, or permit to be maintained or operated, or to participate in the conducting, maintenance or operating of a home health agency, unless, it is licensed as a home health agency by the board. Any person who violates this section shall be fined not more than \$100 for the first offense and not more than \$200 for each subsequent offense, and each day of violation after the first conviction shall constitute a separate offense.

(9) RIGHT OF INJUNCTION. All orders issued by the board pursuant to s. 141.15 shall be enforced by the attorney general. The circuit court of Dane county shall have jurisdiction to enforce such orders by injunctive and other appropriate relief.

(10) PROVISIONAL LICENSES. A provisional license if approved by the board may be issued to any home health agency, the facilities of which are in use or needed for patients, but which is temporarily unable to conform to all the rules established under this section. A provisional license may not be issued for more than one year.

History: 1965 c. 590.

#### CHAPTER 144. WATER, ICE, SEWAGE AND REFUSE.

144.01 Definitions. The following terms as used in this chapter mean:

(1) "Waters of the state" includes those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface or ground water, natural or artificial, public or private, within the state or its jurisdiction.

(8) "Owner," the state, county, town, town sanitary district, city, village, metropolitan sewerage district, corporation, firm, company, institution or individual owning or operating any water supply, sewerage or water system or sewage and refuse disposal plant.

(9) "Industrial wastes" include liquid or other wastes resulting from any process of industry, manufacture, trade or business or the development of any natural resource.

(10) "Other wastes" include all other substances, except industrial wastes and sewage, as the latter term is defined in s. 144.01, which pollute any of the surface waters of the state. The term also includes "unnecessary siltation" resulting from operations such as the washing of vegetables or raw food products, gravel washing, stripping of lands for development of subdivisions, highways, quarries and gravel pits, mine drainage, cleaning of vehicles or barges or gross neglect of land erosion.

(11) "Pollution" includes contaminating or rendering unclean or impure the waters of the state, or making the same injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.

(12) "Municipality", any city, town, village, county, county utility district, town sanitary district or metropolitan sewerage district.

(13) "Nonprofit-sharing corporation", a nonstock corporation organized under ch. 181 or corresponding prior general corporation laws.

History: 1963 c. 306; 1965 c. 614.

144.02 Sanitary survey. (1) The department of resource development is authorized to act with the United States geological survey in determining the sanitary and other conditions and nature of the natural water supplies of the state of Wisconsin, such water survey to have for its objects:

(a) To determine the nature and condition of the unpolluted natural water supplies of the state.

(b) To determine to what extent the natural waters are being contaminated by sewage from cities.

(c) To determine to what extent the natural waters are being polluted by industrial wastes, and in what way these wastes might be utilized for beneficial purposes.

(e) To assist in determining the best source of water supplies.

(2) The department of resource development is hereby empowered and instructed to make the necessary rules and regulations, in conjunction with the United States geological department, to carry this section into effect.

History: 1965 c. 614.

144.023 Department of resource development. (1)(a) There is created a department of resource development. The administrative head of the department shall be a director outside the classified service appointed by and serving at the pleasure of the resource development board. The director shall appoint a deputy director outside the classified service to serve at the pleasure of the director and such other personnel under the classified service as are needed to carry out the duties of the department.

(b) The resource development board shall provide policy direction for the department. The board shall be composed of 7 members appointed by the governor, with the advice and consent of the senate, for terms of 3 years. Of the persons first appointed to the board, one each shall be appointed for terms of 1, 2 and 3 years, and 4 shall be appointed for terms ending January 15, 1967. Two successors to the persons appointed for terms ending January 15, 1967, shall be appointed for 3-year terms and one each for 2-year and 1-year terms. Board members shall receive no salary, but shall be reimbursed for their actual and necessary expenses.

(2) There is created a state planning division in the department of resource development. The division head shall be under the classified service.

(3) There is created a recreation division in the department of resource development. The division head shall be under the classified service.

(4) There is created a water resources division in the department of resource development. The division head shall be under the classified service.

(5) The director and deputy director of the department of resource development, the head of the water resources division, any regional director of such division and any other person in a position of administrative responsibility in the department may not have a financial interest in any enterprise which might profit by weak or preferential administration or enforcement of the powers and duties of such division.

**History:** 1965 c. 614.

144.025 Department of resource development—water resources. (1) STATEMENT OF POLICY AND PURPOSE. The department of resource development shall serve as the central unit of state government to protect, maintain and improve the quality and management of the waters of the state, ground and surface, public and private. Continued pollution of the waters of the state has aroused widespread public concern. It endangers public health and threatens the general welfare. A comprehensive action program directed at all present and potential sources of water pollution whether home, farm, recreational, municipal, industrial or commercial is needed to protect human life and health, fish and aquatic life, scenic and ecological values and domestic, municipal, recreational, industrial, agricultural and other uses of water. The purpose of this act is to grant necessary powers and to organize a comprehensive program under a single state agency for the enhancement of the quality management and protection of all waters of the state, ground and surface, public and private. To the end that these vital purposes may be accomplished, this act and all rules and orders promulgated pursuant thereto shall be liberally construed in favor of the policy objectives set forth in this act. In order to achieve the policy objectives of this act, it is the express policy of the state to mobilize governmental effort and resources at all levels, state, federal and local, allocating such effort and resources to accomplish the greatest result for the people of the state as a whole. Because of the importance of Lakes Superior and Michigan and Green Bay as vast water resource reservoirs, water quality standards for those rivers emptying into Lakes Superior and Michigan and Green Bay shall be as high as is practicable.

(2) POWERS AND DUTIES. (a) The department shall have general supervision and control over the waters of the state. It shall formulate no later than July 1, 1968, a long-range, comprehensive state water resources plan for each region, as fixed by the department under sub. (4), to guide the development, management and protection of water resources. Such plan shall thereafter be carried out by the department. Such plan shall be reviewed and projected by the department every 2 years and a report thereon submitted to the governor by September 1 of each odd-numbered year. The department also shall formulate plans and programs for the prevention and abatement of water pollution and for the maintenance and improvement of water quality.

(b) The department shall adopt rules setting standards of water quality to be applicable to the waters of the state, recognizing that different standards may be required for different waters or portions thereof. Such standards of quality shall be such as to protect the public interest, which include the protection of the public health and welfare and the present and prospective future use of such waters for public and private water supplies, propagation of fish and aquatic life and wildlife, domestic and recreational purposes and agricultural, commercial, industrial and other legitimate uses. In all cases where the potential uses of water are in conflict, water quality standards shall be interpreted to protect the general public interest.

(c) The department may issue general orders, and adopt rules applicable throughout the state for the construction, installation, use and operation of practicable and available systems, methods and means for preventing and abating pollution of the waters of the state. Such general orders and rules shall be issued only after an opportunity to be heard thereof has been afforded to interested parties.

(d) 1. The department may issue special orders directing particular owners to secure such operating results toward the control of pollution of the waters of the state as the department prescribes, within a specified time. Pending efforts to comply with any order, the department may permit continuance of operations on such conditions as it prescribes. If any owner cannot comply with an order within the time specified, he may, before the date set in the order, petition the department to modify the order. The department may modify the order, specifying in writing the reasons therefor. If any order is not complied with within the time period specified, the department shall immediately notify the attorney general of this fact. Within 30 days thereafter, the attorney general shall forthwith commence an action under s. 144.536.

2. The department may issue temporary emergency orders without prior hearing when the department determines that the protection of the public health necessitates such immediate action. Such emergency orders shall take effect at such time as the department determines. As soon as is practicable, the department shall hold a public hearing after which it may modify or rescind the temporary emergency order or issue a special order under subd. 1.

(e) No wells shall be constructed, installed or operated to withdraw water from underground sources for any purpose where the capacity and rate of withdrawal of all wells on one property is in excess of 100,000 gallons a day without first obtaining the approval of the department. If the department finds that the proposed withdrawal will adversely affect or reduce the availability of water to any public utility in furnishing water to or for the public it shall either withhold its approval or grant a limited approval under which it imposes such conditions as to location, depth, pumping capacity, rate of flow and ultimate use so that the water supply of any public utility engaged in furnishing water to or for the public will not be impaired. The department may issue such general or special orders as it deems necessary to insure prompt and effective administration of this paragraph.

(f) The department shall make investigations and inspections to insure compliance with any general or special order or rule which it issues. In the exercise of this power the department may require the submission and approval of plans for the installation of systems and devices for handling, treating or disposing of any wastes.

(g) The department may conduct scientific experiments, investigations, waste treatment demonstrations and research on any matter under its jurisdiction. It may establish pilot plants, prototypes and facilities in connection therewith and lease or purchase land or equipment.

(h) The department, upon request, and without charge for service or expense, shall consult with and advise owners having installed or about to install systems or plants, as to the most appropriate water supply and the best method of providing for its purity, or as to the best method of disposing of sewage or refuse, with reference to the existing and future needs of all communities or persons which may be affected thereby. The department shall not be required to prepare plans.

(i) The department shall supervise chemical treatment of waters for the suppression of algae, aquatic weeds, swimmers' itch and other nuisance-producing plants and organisms. It may purchase equipment and may make a charge for the use of the same and for materials furnished, together with a per diem charge for any services performed in such work. The charge shall be sufficient to reimburse the department for the use of the equipment, the actual cost of materials furnished, and the actual cost of the services rendered plus 10% for overhead and development work.

(j) The department may enter into agreements with the responsible authorities of other states, subject to approval by the governor, relative to methods, means and measures to be employed to control pollution of any interstate streams and other waters and to carry out such agreement by appropriate general and special orders. This power shall not be deemed to extend to the modification of any agreement with any other state concluded by direct legislative act, but, unless otherwise expressly provided, the department shall be the agency for the enforcement of any such legislative agreement.

(k) The department may order or cause the abatement of any nuisance affecting the waters of the state under ss. 146.13 and 146.14.

(l) The department shall by rule establish an examining program for the certification of waterworks and sewage treatment plant operators, setting such standards as the

department finds necessary to accomplish the purposes of this chapter, and may charge applicants for such certificates for the cost of examination. After January 1, 1969, no person shall operate a waterworks or sewage treatment plant unless he holds a valid certificate issued under this paragraph.

(m) Orders issued by the department shall be signed by the person designated by the board.

(n) The department may accept gifts and grants from any private or public source for any purpose under its jurisdiction and may expend or use such gifts and grants for the purposes for which received.

(p) Beginning January 1, 1967, any provision of the state plumbing code which sets specifications for septic tanks and their installation shall be void unless it has been approved by the department.

(q) The department may prohibit the installation or use of septic tanks in any area of the state where the department finds that the use of septic tanks would impair water quality. The department shall prescribe alternate methods for waste treatment and disposal in such prohibited areas.

(r) If the department finds that a system or plant tends to create a nuisance or menace to health or comfort, it shall order the owner or the person in charge to secure such operating results as the department prescribes, within a specified time. If the order is not complied with, the department may order designated changes in operation, and if necessary, alterations or extension to the system or plant, or a new system or plant. If the department finds that the absence of a municipal system or plant tends to create a nuisance or menace to health or comfort, it may order the city, village, town or town sanitary district embracing the area where such conditions exist to prepare and file complete plans of a corrective system as provided by s. 144.04, and to construct such system within a specified time.

(s) In cases of noncompliance with any order issued under par. (d) or (r), the department may take the action directed by the order, and collect the costs thereof from the owner to whom the order was directed. The department shall have all the necessary powers needed to carry out this paragraph including powers granted municipalities under ss. 66.076 and 66.201 to 66.209. It shall also be eligible for financial assistance under s. 144.21.

(3) STATE ADVISORY BOARD. (a) There is created a state water resources advisory board to consist of one representative selected annually by each regional advisory board under sub. (5) from its citizen members. First selections shall be made no later than April 1, 1967.

(b) A representative of the state board of health, conservation department, soil and water conservation committee and geological and natural history survey, each appointed by his agency head, shall comprise a technical advisory committee and shall attend each meeting of the state advisory board.

(c) The state advisory board shall advise the department on the setting of water quality standards and other state water problems.

(d) The state advisory board shall meet at least semiannually and at the call of the department or a majority of its members. It shall annually elect a chairman.

(e) State advisory board members shall be reimbursed for their actual and necessary expenses.

(4) REGIONS. By January 1, 1967, the department shall divide the state into not more than 12 regions on the basis of criteria established by the department, taking into consideration such factors as river basins, watersheds, population density, economic factors, regional planning commissions and geographic, geologic and topographic features, and designate for each region a departmental employe as the regional director to administer the local work of the department in that region.

(5) REGIONAL ADVISORY BOARDS. (a) There shall be a regional water resources advisory board for each region composed of the regional director, who shall serve as executive secretary; an employe of the state board of health serving in the region, appointed by and serving at the pleasure of the state health officer; an employe of the conservation department serving in the region, appointed by and serving at the pleasure of the conservation director; and 5 citizen members appointed by and serving at the pleasure of the governor. The first appointees shall be named no later than February 1, 1967.

(b) Each regional advisory board shall advise the department on regional water quality standards and other water problems of the region, act as liaison to the public, foster educational programs and aid in fostering the development of sanitary districts.

(c) Each regional advisory board shall meet at least semiannually and at the call of the chairman or a majority of its members.

(d) Regional advisory board members shall be reimbursed for their actual and necessary expenses by the department, but such reimbursement in the case of members who are not citizen members shall be by the employing agency.

(6) Personnel of all state agencies shall report any evidence of water pollution found by them to the department.

(7) The department shall study the feasibility of a system of effluent charges for the control of water pollution in this state and shall report thereon to the 1969 legislature at its convening.

**History:** 1965 c. 614.

**144.03 Septic tank permits.** (1) Before any septic tank may be purchased or installed, the owner of the property on which the septic tank is to be installed shall obtain a permit for such installation from the county clerk or other persons designated by the state board of health. The permit application shall state the owner's name and address, the location of the property on which the septic tank is to be installed, the name of the installer and any state license held by him, the specifications of the septic tank and any other information required by the state board of health. Upon receipt of an application together with a fee of \$1, the county clerk or such other person shall issue a permit and shall forward the application and fee to the state board of health. If the state board of health receives the application within 10 days after the application is filed, it shall reimburse the county clerk or such other person 50 cents for issuing the permit. The state board of health shall prescribe and furnish application and permit forms, and may designate any person to issue permits, including sellers of septic tanks.

(2) No retailer may sell a septic tank for installation in this state unless the purchaser first displays a permit obtained under this section for that installation.

**History:** 1965 c. 614.

**144.04 Approval of plans.** Every owner within the time prescribed by the department, shall file with the department a certified copy of complete plans of a proposed system or plant or extension thereof, in scope and detail satisfactory to the department, and, if required, of existing systems or plants, and such other information concerning maintenance, operation and other details as the department requires. Material changes with a statement of the reasons shall be likewise submitted. Before plans are drawn a statement concerning the improvement may be made to the department and the department shall, if requested, outline generally what it will require. The department shall examine plans and conditions without delay, and, as soon as possible approve or disapprove or state what it will require. Approval may be subject to modification by the department upon due notice. Construction or material change shall be according to approved plans only.

**History:** 1965 c. 614.

**144.045 Garbage and refuse disposal.** No person shall dispose of garbage or refuse in any area that is subject to inundation by periodic flooding and from which such garbage or refuse is likely to be washed by flood waters into any surface waters of the state. The department shall order immediate discontinuance of disposal of refuse in a manner or at a site not in compliance with this section.

**History:** 1965 c. 195, 614.

**144.05 Sewage drains; sewage discharge into certain lakes.**

(2) applies not only where waste is discharged into preexisting drains or ditches or into drains or ditches prepared to receive it, but also to situations where waste is allowed to flow over the surface where it makes its own channel. *Christlaw v. Clinton*, 29 W (2d) 549, 139 NW (2d) 568.

**144.07 Joint sewerage systems.** (1) The department of resource development may require the sewerage system, or sewage or refuse disposal plant of any town, village or city, to be so planned and constructed that it may be connected with that of any other town, village or city, and may, after hearing, upon due notice to the municipalities order the proper connections to be made.

(2) When one municipality renders service to another under this section, reasonable compensation shall be paid. The officials in charge of the system, of the municipality furnishing the service shall determine the reasonable compensation and report to its clerk who shall, on or before August 1 of each year, certify a statement thereof to the clerk of the municipality receiving the service. This clerk shall extend the amount shown in such statement as a charge on the tax roll, in the manner following: (a) where the service rendered is available to substantially all improved real estate in the city, town or village receiving the same, the charges shall be placed upon the tax roll of such city, town or village as a general tax; (b) where the service rendered is for the benefit of public highways in, or real estate owned or operated by, the city, town or village receiving the same, the charges therefor shall be placed upon the tax roll of such city,

town or village as a general tax; (c) where the service rendered does not come under the provisions of (a) or (b) above, the charges therefor shall be placed upon the tax roll of such city, town or village as a special tax upon each parcel of real estate benefited; and when collected it shall be paid to the treasurer of the city, town or village rendering the service. Where the charges are to be extended on such tax roll under the provisions of (c) above, the clerk of the city, town or village furnishing such service shall itemize his statement showing separately the amount charged to each parcel of real estate benefited; if, due to delay in determination, such charge cannot be extended on the tax roll of any particular year, it shall be extended as soon as possible.

(3) If the governing body of any municipality deem the charge unreasonable, it may by resolution within 20 days after the filing of the report with its clerk,

(a) Submit to arbitration by 3 reputable and experienced engineers, one chosen by each municipality, and the 3rd by the other 2. If the engineers are unable to agree, the vote of 2 shall be the decision. They may affirm or modify the report, and shall submit their decision in writing to each municipality within 30 days of their appointment unless the time be extended by agreement of the municipalities. The decision shall be binding. Election to so arbitrate shall be a waiver of right to proceed by action. Two-thirds of the expense of arbitration shall be paid by the municipality requesting it, and the balance by the other.

(b) Institute a proceeding for judicial review in the manner provided in ch. 227, except that the place of appeal shall be the circuit court of the county of the municipality furnishing the service.

(4)(a) Any two adjoining municipalities not wishing to proceed under sub. (2) may jointly construct, operate and maintain a joint sewerage system, inclusive of the necessary intercepting sewers and sewerage treatment works. Such joint action shall be carried out by a sewerage commission consisting of one member appointed by each of the governing bodies of such municipalities and a 3rd member to be selected by the two members so appointed, or in lieu thereof said sewerage commission may consist of 2 members appointed by the governing body of each municipality and a 5th member to be selected by the 4 members so appointed.

(b) 1. Where such sewerage commission shall consist of 3 members, the members chosen by the 2 members first appointed shall serve for 2 years, while the members appointed by the governing bodies of the 2 municipalities shall serve for terms of 4 and 6 years, respectively, the length of term of each to be determined by lot. All subsequent appointments, except for unexpired terms, shall be for 6 years. All such members shall serve until their successors shall have been appointed and shall have qualified.

2. Where such sewerage commission shall consist of 5 members, the member chosen by the 4 members first appointed shall serve for one year, while the members appointed by the governing bodies of the 2 municipalities shall serve for terms of 2, 3, 4 and 5 years respectively, the length of terms of each to be determined by lot. All subsequent appointments, except for unexpired terms, shall be for 6 years. All such members shall serve until their successors shall have been appointed and shall have qualified.

(c) The sewerage commissioners shall project, plan, construct and maintain in the district comprising the 2 municipalities intercepting and other main sewers for the collection and transmission of house, industrial and other sewage to a site or sites for disposal selected by them, such sewers to be sufficient, in the judgment of the sewerage commissioners, to care for such sewage of the territory included in such district. The sewerage commissioners shall project, plan, construct and operate sewage disposal works at a site or sites selected by them which may be located within or outside of the territory included in the district. The sewerage commissioners may also project, plan, construct and maintain intercepting and other main sewers for the collection and disposal of storm water which shall be separate from the sanitary sewerage system. The sewerage commissioners may employ and fix compensation for engineers, assistants, clerks, employes and laborers, or do such other things as may be necessary for the due and proper execution of their duties. Such sewage disposal works may be used by the sewerage commissioners and by such municipalities for the disposal of garbage, refuse and rubbish.

(d) Such sewerage commission shall constitute a body corporate by the name of "(Insert name of municipalities) Sewerage Commission," by which in all proceedings it shall thereafter be known. It may purchase, take and hold real and personal property for its use and convey and dispose of the same. This grant of power shall be retroactive to September 13, 1935. Except as provided in this subsection the sewerage commissioners shall have the power and proceed as a common council and board of public works in cities in carrying out the provisions of par. (c). All bond issues and appropriations made by said sewerage commission shall be subject to the approval of the governing bodies of the respective municipalities.



(e) Each such municipality shall pay for its proportionate share of such sewerage system, including additions thereto, and also its proportionate share of all operation and maintenance costs as may be determined by the sewerage commission. Each municipality may borrow money and issue municipal obligations therefor, for the construction, erection, enlargement and extension of a joint sewage disposal plant or refuse or rubbish disposal plant or system or any combination of plants provided under this section, and to purchase a site or sites for the same. Each municipality may, if it so desires, proceed under s. 66.076 in financing its portion of the cost of the construction, operation and maintenance of the joint sewage disposal plant or plants provided for in this section, or system.

(f) Either of such municipalities being aggrieved by the determination of the sewerage commission on matters within its jurisdiction may appeal to the circuit court of the county in which such aggrieved municipality is located as provided in sub.

(3) (b).

(g) This subsection does not preclude more than 2 municipalities from jointly acting under this subsection. In such cases, the sewerage commission shall be composed of one member appointed by the governing body of each municipality, except that if an even number of municipalities are jointly acting, one additional sewerage commissioner shall be selected by the members representing municipalities.

**History:** 1963 c. 290; 1965 c. 614.

**144.08 State health officer. Repealed.**

**144.09 Enforcement.** Records required by the department shall be kept by the owners and the department supplied with certified copies and such other information as it may require. Agents of the department may enter buildings, structures and premises of owners supplying the public or industrial plants with water, ice, sewerage systems, sewage or refuse disposal service and private properties to collect samples, records and information, and to ascertain if the rules and regulations and orders of the department are complied with. The attorney general shall assist in the enforcement of this chapter.

**History:** 1965 c. 614.

**144.10 Review of orders.** Any owner or other person in interest may secure a review by the department of resource development of the necessity for and reasonableness of any order of the department in the manner provided by s. 144.56 and the determination of the department shall be subject to judicial review as provided by ch. 227.

**History:** 1965 c. 614.

**144.11 Penalty. Repealed.**

**144.14 Degradable detergents.** (1) **INVESTIGATION AND STANDARDS.** The department of resource development shall investigate and review industry progress in developing degradable detergents, and request that various raw material manufacturers make status reports to the department of resource development every 4 months commencing December 15, 1963, until such time as the department feels such reports are no longer needed; review and investigate the disposition of synthetic detergents and other persistent chemical pollutants, as wastes, into sewage treatment facilities, rivers, ground and surface water supplies; determine what problems are thereby created; establish a standard and a method for determining synthetic detergent degradability in waste treatment systems, as a suggested guide to detergent manufacturers, such standard to be in keeping with the current level of scientific knowledge and technology; hold public hearings concerning the establishment of such standard, if any; and report its findings and recommendations to the 1965 legislature when it convenes.

(2) **SUPPLIERS TO REPORT TO DEPARTMENT.** All suppliers of raw materials for the present surface active agent contained in detergents of the generally nondegrading type, whose materials either directly or indirectly are sold in this state, shall report to the department of resource development every 4 months, commencing December 15, 1963, for such time the department deems necessary, the suppliers current progress towards the complete conversion of its facilities to the manufacture of degradable detergents for domestic sale and consumption.

(3) **SALE PROHIBITED.** On and after December 31, 1965, the sale and use of non-degradable detergents containing alkyl benzene sulfonate is prohibited in this state.

**History:** 1963 c. 434; 1965 c. 614.

**144.21 Financial assistance program.** (1) The legislature finds that state financial assistance for the construction and financing of pollution prevention and abatement facilities is a public purpose and a proper state government function in that the state

is trustee of the waters of the state and that such financial assistance is necessary to protect the purity of state waters.

(2) In order that the construction of pollution prevention and abatement facilities necessary to the protection of state waters be encouraged, a state program of assistance to municipalities for the financing of such facilities is established. The state program shall be administered by the department of resource development and the department shall make such rules as are necessary for the proper execution of the state program.

(3)(a) The department shall establish criteria to determine those municipalities and projects which are eligible for the state program and to determine appropriate priorities among the projects.

(b) Until May 1, 1967, the criteria in par. (c) shall apply only to agreements under sub. (6)(a) and the only municipalities eligible for agreements under sub. (6)(b) are those which have reached the limit of their bonding authority or those which, in the opinion of the department would face extreme financial hardship because of equalized valuation, governmental structure, size, population or such other factors as the department finds relevant were they to bond for such projects.

(c) After May 1, 1967, all municipalities are eligible for agreements under sub. (6)(a) and (b) based on the criteria in this paragraph. The criteria shall consider the health hazards of existing conditions, the extent and nature of pollution, per capita costs of the project, property valuation of the municipalities as equalized by the state, income of the residents in the municipalities, the availability of federal funds for the project, soil conditions, the feasibility and practicality of the project, the borrowing capacity of the municipality and any other factors which the department considers important.

(d) After May 1, 1967, the program under sub. (6)(b) shall be conducted through the issuance of state bonds, if then constitutionally allowed, or, if the issuance of such bonds is not allowed, through the lease and sublease agreements with nonprofit corporations set forth in this section.

(4) Municipalities which desire to participate in the state program shall submit application for participation to the department. The application shall be in such form and include such information as the department prescribes.

(5) The department shall review applications for participation in the state program. It shall determine those applications which meet the criteria it established under sub. (3), and shall arrange the applications in appropriate priority order.

(6) The department may enter into agreement with municipalities to provide state assistance for the financing of those pollution prevention and abatement facilities projects it approves under sub. (5). The department may enter into one of 2 alternative agreements with municipalities:

(a) The department may enter into agreement with municipalities to make payments to municipalities from the appropriation made by s. 20.706(1)(c) to pay up to 33-1/3% of the total combined cost of the approved project costs and the net interest and financing costs. These payments shall be in even annual amounts, based on the total net interest to be paid during the life of the bonds or other obligations issued by the municipality divided by the number of years of the bond issue or the period of obligation, and shall extend for a period of not less than 15 years and not more than 30 years. It is the intent of this alternative that state payments will reimburse municipalities which finance approved projects through bond issues or other forms of borrowing for the approximate net interest costs it incurs over the term of the bond issue or other borrowing techniques.

(b) The department may enter into agreements with municipalities for the municipalities to sublease and eventually acquire from the department the approved project for which the department has entered into lease and sublease agreements with nonprofit corporations pursuant to sub. (7). Such an agreement shall provide that municipalities shall make even annual rental payments to the state which shall not be less than 66-2/3% of the lease rental payments for the approved project for which appropriation is made by s. 20.706 (1)(d). The even annual rental payments shall be 66-2/3% of the lease rental payments by the department to the nonprofit-sharing corporation under sub. (7) for that project divided by the number of years such lease rental payments are made. Municipal rental payments shall be deposited in general fund general purpose revenues pursuant to s. 20.951. It is the intent of this alternative that the state may assist municipalities to acquire approved projects when it is impractical for the municipalities to finance such approved project through their municipal borrowing authority. It is the further intent that state payments similar in concept and amount to those authorized under par. (a) will reimburse municipalities which finance projects under sub. (7) for the approximate net interest costs it incurs under the life of the sublease.

(c) The department shall determine which of the 2 agreements authorized under pars. (a) and (b) it will enter into with a municipality applying for participation in the state program of financial assistance.

(d) The net state payments for agreements entered into pursuant to pars. (a) and (b) and sub. (7) and for which appropriation is made by s. 20.706 (1)(c) and (d) shall not exceed \$6 million annually. "Net state payments" means the combined total of the payments for which appropriation is made by s. 20.706 (1)(c) and (d), less the municipal rental payments received under agreements entered into pursuant to par. (b).

(e) The department shall review and approve the plans and specifications of all facilities designed and constructed by agreement under this section.

(7) In order to assist municipalities to acquire pollution prevention and abatement facilities it deems necessary to the protection of state waters, for those projects it has entered into agreements pursuant to sub. (6)(b) the department:

(a) May lease from municipalities any land and any existing improvements thereon owned by the municipality for such consideration and upon such terms as the department deems in the public interest.

(b) May lease or sublease to a nonprofit-sharing corporation, for terms not exceeding 50 years each, any land and any existing improvements thereon leased from municipalities pursuant to par. (a) upon such terms as the department deems in the public interest.

(c) May lease or sublease from such nonprofit-sharing corporation and then lease or sublease to municipalities, any such lands and existing improvements leased to such corporation under par. (b), and any new pollution prevention and abatement facilities constructed upon such land or any other land owned by the corporation, upon such terms, conditions and rentals, subject to available appropriations, as the department deems in the public interest.

(d) Shall submit all conveyances, leases and subleases made under this subsection to the governor and the department of administration, for written approval before they are finally adopted, executed and delivered.

(e) May pledge and assign, subject to available appropriations, all moneys provided by law for the purpose of the payment of rentals pursuant to leases and subleases made under par. (c) as security for the payment of rentals due under any lease or sublease of such pollution prevention and abatement facilities made under par. (c).

(f) Shall, upon receipt of notice of any assignment by any such corporation of any lease or sublease made under par. (c), or of any of its rights under any such lease or sublease, recognize and give effect to such assignments, and pay to the assignee thereof rentals or other payments then due or which may become due under any such lease or sublease which has been so assigned by such corporation.

(8)(a) The state shall be liable for accrued rentals and for any other default under any lease or sublease executed under sub. (7) and may be sued therefor on contract as in other contract actions pursuant to ch. 285, but it shall not be necessary for the lessor or any person or other legal entity on behalf of such lessor to file any claim with the legislature prior to the commencement of any such action.

(b) If a municipality with which the department has entered into an agreement pursuant to sub. (6)(b) is delinquent in making rental payments to the state under such agreement, the department shall notify the department of administration of such delinquency as it stands on October 1 each year. On or before the 3rd Monday of October in each year, the department of administration shall notify the secretary of state of the rental delinquency of each municipality. On or before the 4th Monday [of October] in each year, the secretary of state shall certify to the county clerk the delinquency as it exists in said county. The county clerk shall charge such delinquency to the proper municipality as follows:

1. If the delinquent municipality is a town, village or city, such town, village or city shall be charged for its liability.

2. If the delinquent municipality is a county or a county utility district, such delinquency shall become a part of the county's next calendar year budget and shall be apportioned to the towns, villages and cities in accordance with s. 70.63.

3. If the delinquent municipality is a town sanitary district, such town shall be charged for the liability.

4. If the delinquent municipality is a metropolitan sewage district, such charge shall be apportioned to the towns, villages and cities or the parts of such municipalities in the metropolitan sewage district on the basis of the preceding May 1 equalized value of taxable general property of such municipality or portion thereof in the metropolitan sewage district as determined by the department of taxation. If the metropolitan sewage district lies in more than one county, the delinquency shall be allocated on the basis

of the equalized value of each county in the district as determined by the department of taxation as of the preceding May 1.

(c) Delinquent rental payments shall bear interest at the rate of 5% from the due date of the payment until paid by the municipality or if certified as delinquent by the secretary of state from the due date of the payment to the next February 1.

(d) Delinquent rental payments shall be paid into the state treasury by the county treasurer on or before February 1 of the year following the delinquency certification by the secretary of state. Such payments shall be deposited in general fund general purpose revenues pursuant to s. 20.951.

(9) Nothing contained in this section shall create a debt of the state.

(10) All powers and duties conferred upon the department pursuant to subs. (6)(b) and (7) shall be exercised and performed by resolution of the resource development board. All conveyances, leases and subleases made pursuant to subs. (6)(b) and (7), when authorized pursuant to resolution of the board, shall be made, executed and delivered in the name of the department and shall be signed by a person designated by the board.

(11) This section shall be construed liberally in aid of the purposes declared in sub. (1).

**History:** 1965 c. 614.

**144.26 Navigable waters protection law.** (1) To aid in the fulfillment of the state's role as trustee of its navigable waters and to promote public health, safety, convenience and general welfare, it is declared to be in the public interest to make studies, establish policies, make plans and authorize municipal shoreland zoning regulations for the efficient use, conservation, development and protection of this state's water resources. The regulations shall relate to lands under, abutting or lying close to navigable waters. The purposes of the regulations shall be to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structure and land uses and reserve shore cover and natural beauty.

(2) In this section, unless the context clearly requires otherwise:

(a) "Subcommittee" means the water subcommittee of the natural resources committee of state agencies.

(b) "Department" means the department of resource development.

(c) "Municipality" or "municipal" means a county, village or city.

(d) "Navigable water" or "navigable waters" means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state.

(e) "Regulation" refers to ordinances enacted under ss. 59.971 and 62.23 (7) and means shoreland subdivision and zoning regulations which include control of uses of lands under, abutting or lying close to navigable waters for the purposes specified in sub. (1), pursuant to any of the zoning and subdivision control powers delegated by law to cities, villages and counties.

(f) "Water resources," where the term is used in reference to studies, plans, collection of publications on water and inquiries about water, means all water whether in the air, on the earth's surface or under the earth's surface. "Water resources" as used in connection with the regulatory functions under this section means navigable waters.

(g) "Shorelands" means the lands specified under par. (e) and s. 59.971 (1).

(3)(a) The subcommittee shall serve in an ex officio advisory capacity to the department and provide a liaison function whereby the several state agencies may better co-ordinate their activities in managing and regulating water resources.

(b) The department shall make studies, establish policies and make plans for the efficient use, conservation, development and protection of the state's water resources and:

1. On the basis of these studies and plans make recommendations, through the subcommittee, to existing state agencies relative to their water resource activities.

2. Locate and maintain information relating to the state's water resources. The department shall collect pertinent data available from state, regional and federal agencies, the university of Wisconsin, local units of government and other sources.

3. Serve as a clearinghouse for information relating to water resources including referring citizens and local units of government to the appropriate sources for advice and assistance in connection with particular water use problems.

4. Allocate not to exceed \$40,000 annually for the purposes specified by sub. (4) from the appropriation made by s. 20.706 (1) (a).

(4) Annual grants-in-aid for the administration and enforcement of county regu-

lations shall be made by the department to any county or group of counties upon its finding that there is in force a set of regulations, properly administered and enforced, that meet the standards and criteria prepared under sub. (6). The amount of the grant shall be determined by the department applying a formula developed by it, taking into account miles of shoreline, acres of shorelands protected, the number of permit applications processed in a previous period, and number of counties participating jointly under s. 59.971 (4)(a). The annual grant-in-aid shall not exceed \$1,000 per year for each county in which suitable regulations are being properly administered and enforced.

(5)(a) The department shall prepare a comprehensive plan as a guide for the application of municipal ordinances regulating navigable waters and their shorelands as defined in this section for the preventive control of pollution. The plan shall be based on a use classification of navigable waters and their shorelands throughout the state or within counties and shall be governed by the following general standards:

1. Domestic uses shall be generally preferred.
2. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source.
3. Areas in which the existing or potential economic value of public, recreational or similar uses exceeds the existing or potential economic value of any other use shall be classified primarily on the basis of the higher economic use value.
4. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.
5. Use dispersions within an area shall be preferred over concentrations of uses or their undue proximity to each other.

(b) The department shall apply to the plan the standards and criteria set forth in sub. (6).

(6) Within the purposes of sub. (1) the department shall prepare and provide to municipalities general recommended standards and criteria for navigable water protection studies and planning and for navigable water protection regulations and their administration. Such standards and criteria shall give particular attention to safe and healthful conditions for the enjoyment of aquatic recreation; the demands of water traffic, boating and water sports; the capability of the water resource; requirements necessary to assure proper operation of septic tank disposal fields near navigable waters; building setbacks from the water; preservation of shore growth and cover; conservancy uses for low lying lands; shoreland layout for residential and commercial development; suggested regulations and suggestions for the effective administration and enforcement of such regulations.

(7) The department, the municipalities and all state agencies shall mutually co-operate to accomplish the objective of this section. To that end, the department shall consult with the governing bodies of municipalities to secure voluntary uniformity of regulations, so far as practicable, and shall extend all possible assistance therefor.

(8) This section and s. 59.971 shall be construed together to accomplish the purposes and objective of this section.

(9) Sections 30.50 to 30.80 are not affected or superseded by this section.

(10) A person aggrieved by an order or decision of the department under this section may cause its review under ch. 227.

**History:** 1965 c. 614.

**144.51 Water pollution, definitions. (intro. par.) Repealed.**

- (1) Repealed.
- (2) Renumbered 144.01 (9).
- (3) Renumbered 144.01 (10)
- (4) Renumbered 144.01 (11)

**144.52 Water pollution. Repealed.**

**144.53 Duties of committee on water pollution. Repealed.**

**144.535 Jurisdiction. Repealed.**

**144.536 Enforcement of orders; duty of attorney general; expenses.** All orders of the department shall be enforced by the attorney general. The circuit court of Dane county or any other county where violation of such an order has occurred in whole or in part shall have jurisdiction to enforce the order by injunctive and other relief appropriate to the enforcement of the order. For purposes of such proceeding where the order prohibits in whole or in part any pollution, a violation thereof shall be deemed a public nuisance. The expenses incurred by the attorney general and his staff in assist-

ing with the administration of ch. 144 shall be charged to the appropriation made by s. 20.706.

**History:** 1965 c. 614.

**144.537 Hearings; procedure, review.** The department shall hold a public hearing relating to alleged or potential water pollution upon the verified complaint of 6 or more citizens filed with the department. The complaint shall state the name and address of a person within the state authorized to receive service of answer and other papers in behalf of complainants. The department shall serve a copy of the complaint and notice of the hearing upon the alleged or potential polluter either personally or by registered mail directed to his last known post-office address at least 20 days prior to the time set for the hearing which shall be held not later than 90 days from the filing of the complaint. The respondent shall file his verified answer to the complaint with the department and serve a copy on the person so designated by the complainants by not later than 5 days prior to the date set for the hearing, unless the time for answering is extended by the department for cause shown. For purposes of any hearing under this chapter, the director may issue subpoenas and administer oaths. Within 90 days after the closing of the hearing, the department shall make and file its findings of fact, conclusions of law and order, which shall be subject to review under ch. 227. If the department determines that any complaint has been filed maliciously or in bad faith it shall so find, and the person complained against shall be entitled to recover his expenses on the hearing in a civil action. Any situation, project or activity which upon continuance or implementation would cause, beyond reasonable doubt, a degree of pollution that normally would require clean-up action if it already existed, shall be considered potential water pollution.

**History:** 1965 c. 614.

**144.54 Limitations. Repealed.**

**144.55 Visitorial powers of department.** Every owner of an industrial establishment shall furnish to the department all information required by it in the discharge of its duties under s. 144.025 (2). Any member of the resource development board or any employe of the department may enter any industrial establishment for the purpose of collecting such information, and no owner of an industrial establishment shall refuse to admit such member or employe. The department shall make such inspections at frequent intervals. The director and all members of the board shall have power for all purposes falling within the department's jurisdiction to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of necessary or essential data.

**History:** 1965 c. 614.

**144.555 Report of intended new waste.** Any industry which intends to increase the quantity of industrial wastes discharging to the surface waters of the state or to discharge a new waste to said waters or which intends to alter an existing outlet or build a new outlet for industrial wastes shall, before starting such work, advise the department of resource development in writing concerning its intentions and supply the department with a general report describing steps which shall be taken to protect the surface waters of the state against new pollution or an increase in existing pollution. The report shall be submitted not less than 30 days before approval is desired, and no construction work shall be started until the report has been approved. Variation in or resumption of operation of existing facilities shall not be construed as creating new pollution nor an increase of existing pollution within the meaning of this section.

**History:** 1965 c. 447, 614.

**144.56 Review of orders.** Any owner or other person in interest may secure a review of the necessity for and reasonableness of any order of the department of resource development in the following manner:

(1) They shall first file with the department a verified petition setting forth specifically the modification or change desired in such order. Such petition must be filed within 60 days of the issuance of the orders sought to be reviewed. Upon receipt of such a petition the department shall order a public hearing thereon and make such further investigations as it shall deem advisable. Pending such review and hearing, the department may suspend such orders under terms and conditions to be fixed by the department on application of any such petitioner. The department shall affirm, repeal or change the order in question within 60 days after the close of the hearing on the petition.

(3) Repealed.

**History:** 1965 c. 614.

**144.565 Joint orders; joint review. Repealed.**

**144.57 Penalties.** Any person who violates this chapter, or who fails, neglects or refuses to obey any general or special order of the department, shall forfeit not less than \$10 nor more than \$5,000, for each violation, failure or refusal. Each day of continued violation is a separate offense. While the order is suspended, stayed or enjoined, such penalty shall not accrue.

**History:** 1965 c. 614.

#### CHAPTER 145. PLUMBING.

##### 145.01 Definitions. (1) PLUMBING.

(a) All piping, fixtures, appliances, equipment, devices and appurtenances in connection with the water supply, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems and also includes the installation thereof.

(b) The construction, connection or installation of any drain or waste piping system from the outside or proposed outside foundation walls of any building to the mains or other sewerage system terminal within bounds of, or beneath an area subject to easement for highway purposes, including private domestic sewage treatment and disposal systems, and the alteration of any such systems, drains or waste piping.

(c) The water service piping from the outside or proposed outside foundation walls of any building to the main or other water utility service terminal within bounds of, or beneath an area subject to easement for highway purposes and its connections.

(e) A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement; to prevent with a margin of safety unequal air pressures of such force as might blow, syphon or affect trap seals, or retard the discharge from plumbing fixtures, or permit sewer air to escape into the building; to prohibit cross-connection, contamination or pollution of the potable water supply and distribution systems; and to provide an adequate supply of water to properly serve, cleanse and operate all fixtures, equipment, appurtenances and appliances served by the plumbing system.

(6) **RESTRICTED PLUMBER LICENSEE.** A restricted plumber licensee is any person licensed as a master plumber (restricted) or a journeyman plumber (restricted) under s. 145.14.

(7) **REGISTERED LEARNER.** A registered learner is a person, other than a restricted plumber licensee, who is learning a limited type of plumbing and is engaged in assisting a restricted plumber licensee.

**History:** 1965 c. 661.

##### 145.02 Powers of board.

(3)

(f) Issue special orders by or through the state health officer directing and requiring compliance with the rules and standards of the board promulgated under this chapter whenever, in the judgment of the state health officer, such rules or standards are threatened with violation, are being violated or have been violated. The circuit court of any county where violation of such an order has occurred shall have jurisdiction to enforce the order by injunctive and other appropriate relief. The district attorney of the county wherein violation of such order has occurred shall bring action for its enforcement.

(4) The board shall prescribe rules as to the qualifications, examination and licensing of master and journeyman plumbers and restricted plumber licensees, for the registration of plumbing apprentices and for the registration and training of registered learners.

**History:** 1965 c. 661.

**145.03 Powers of board. (1) EXAMINERS, TERM, DUTIES, PAY.** The board shall appoint, and may remove for cause, a committee of examiners consisting of 3 members, prescribe their qualifications and assign their duties, one of whom shall be a master plumber, one a journeyman plumber and one an employe of the board. The term of office shall be 2 years. Such examiners shall be exempt from ch. 16. The committee of examiners and other employes of the board shall, when so directed, serve the board in an advisory capacity in the formulating of rules to be adopted by the board. Each member of the committee of examiners who is not an employe of the board shall be paid a per diem of \$25 for the actual number of days served by such member in the performance of his duties, and in addition thereto shall be reimbursed his actual expenses necessarily

incurred in the performance of his duties, such per diem and expenses to be paid from the appropriation to the state board of health in s. 20.410 (1) (g).

**History:** 1965 c. 433 s. 121; 1965 c. 661.

#### 145.04 Waterworks and sewerage.

(2) **NO LOCAL LICENSES.** No city, village, town, town sanitary district, county, metropolitan sewerage district commission or other agency may require the licensing of any person licensed or registered under this chapter or prohibit such person from engaging in or working at business within the scope of his license or permit.

**History:** 1965 c. 661.

#### 145.06 License required.

(4) This section shall not apply to:

(a) Plumbing work done by a property owner in a one-family building owned and occupied by him as his home or farm building, except where such license is required by local ordinance.

(b) Plumbing from the private water supply pump to and including the initial pressure tank and connection to an existing water distribution system, when installed by persons licensed under ch. 162.

(c) Installation of sewer and water service piping from the main to the property lot line, when installed by authorized municipal utility employes or sewer and water utility installers under a contract with a municipality.

(d) Making minor repairs to faucets, valves, pipes or appliances, repair or replacement of electrical or gas energy or other automatic valves or control devices or removing of stoppages in waste or drainage pipes.

(e) Installation of sewer and water mains, as defined in ch. 144, when installed by sewer and water utility contractors and their employes.

**History:** 1963 c. 179; 1965 c. 661 ss. 10, 15.

#### 145.07 Licenses; grandfather clause, examinations.

(3) An applicant for examination for licensure as a master plumber shall submit evidence satisfactory to the board as follows:

(a) A specific record of not less than 1,000 hours per year experience for 3 or more consecutive years as a licensed journeyman plumber in this state; or

(b) Graduation in engineering from a school or college approved by the board and a specific record of 3 or more consecutive years as an owner or co-owner of a firm or corporation in this state engaged in the installation of plumbing. Related experience of not less than 1,000 hours per year shall have been acquired under the supervision of a master plumber licensed in this state. Persons meeting the qualifications of this paragraph who submit an application to the board prior to July 31, 1966, may be licensed without examination.

(4) An applicant for examination for licensure as a journeyman plumber shall submit evidence satisfactory to the board as follows:

(a) Completion of a 5-year apprenticeship consisting of not less than 1,900 hours per year and completion of all requirements as to shop training and related instruction as the board by rule prescribes.

(b) A certificate of graduation as a registered apprentice from an accredited trade school approved by the board and completion in this state of 2 years of shop training and related instruction as the board by rule requires.

(5) Any resident who has been actively engaged in this state in a limited type of plumbing installation work for a period of not less than 1,000 hours per year for 2 or more consecutive years as a licensed journeyman plumber (restricted) may be examined for licensure as a master plumber (restricted).

(6) Applicants for examination for licensure as a journeyman plumber (restricted) shall have completed one continuous year of work experience consisting of not less than 1,000 hours per year and give evidence of completion of shop training and related instruction as the board by rule requires.

(7) (a) A person shall be registered as a registered learner with the board without examination or training prequalifications and shall not be required to be indentured under ch. 106.

(b) To establish a record of beginning, each learner shall within 30 days after employment register with the board. A fee of \$5 shall be paid at the time of registration and for each subsequent calendar year during which he is employed as a learner.

(8) If any person licensed without examination under sub. (1) or who submits an application to the board prior to July 31, 1966, acquired his experience in the practical installation of a limited type of plumbing such as septic tank installations, water softener installations or other limited types of installation, the board shall, in renewing or



issuing a license to such person, issue to him, without examination, a master plumber's license (restricted) or a journeyman plumber's license (restricted), whichever is appropriate, and such license, on its face, shall restrict the holder thereof to the specific types of plumbing installation in which such licensee, prior to January 1, 1964, acquired his experience in the practical installation of plumbing.

(9) Master plumbers, journeyman plumbers and apprentices are not subject to the restrictions under s. 145.14.

**History:** 1963 c. 179; 1965 c. 661.

**145.08 Fees; expiration of license; registration. (1)**

(b) For master plumber's license, \$50 and \$50 for each renewal of license if application is made prior to January 1, annually; after that date an additional fee of \$10.

(f) For master plumber's (restricted) examination, \$25. For each subsequent examination, \$15.

(g) For master plumber's license (restricted), \$25 and \$25 for each renewal of license if application is made prior to January 1, annually; after that date an additional fee of \$5.

(h) For journeyman plumber's (restricted) examination, \$15. For each subsequent examination, \$10.

(i) For journeyman plumber's license (restricted), \$15, and \$15 for each renewal of license if application is made prior to January 1, annually; after that date an additional fee of \$5.

(j) The initial license fee under this subsection shall be paid immediately upon notice from the board that the applicant has passed an examination. Upon failure to pay the license fee within 30 days after receiving such notice, no license shall be issued and the applicant shall again appear for examination and pay the examination fee.

**History:** 1963 c. 106; 1965 c. 661.

**145.09 State comity. (1)** Persons holding a current license under the laws of any other state having license provisions governing plumbers which in the board's opinion are equivalent to the requirements of this chapter may be accepted in their license classification for examination for a like license in this state without submitting evidence required under s. 145.07.

(2) Any person whose experience in another state meets the requirements of this chapter in the opinion of the board may be accepted for examination as a restricted plumber licensee in such classifications as the board deems appropriate.

**History:** 1965 c. 661.

**145.13 Exceptions to section 145.06; promulgation of plumbers' code. (1)** (intro. par.) Renumbered to be 145.06 (4) (intro. par.).

(a) Renumbered to be 145.06 (4) (a).

(d) Repealed.

(2) Renumbered to be 145.13.

**145.13 Promulgation of plumbers' code.** The state plumbing code and amendments thereto as adopted by the board have the effect of law in the form of minimum standards state wide in application and shall apply to all types of buildings, private or public, rural or urban, including buildings owned by the state or any political subdivision thereof. All plumbing installations shall so far as practicable be made to conform with such code. Cities and villages may make additional regulations not in conflict with such code.

**History:** 1961 c. 504; 1963 c. 179; 1965 c. 661.

**145.14 Plumbers license (restricted). (1) LIMITATIONS.** (a) Persons licensed as master plumbers (restricted), journeyman plumbers (restricted) or registered learners shall be classified by the board under sub. (2) and shall be restricted to the type of work for which they have been classified and to the requirements indicated in this section.

(b) Persons licensed as journeyman plumbers (restricted) or registered learners shall work under the supervision of a master plumber or a master plumber (restricted). A master plumber (restricted) may also work as a journeyman plumber (restricted). No journeyman plumber (restricted) or registered learner shall contract for work, advertise or do anything which would lead others to believe him to be qualified as a master plumber (restricted) in his classification.

(c) All persons licensed as master plumbers (restricted), journeyman plumbers (restricted) or registered learners shall be subject to all laws and rules governing plumbers. If qualified, persons may be licensed under any number of classifications under sub. (2). Separate licenses shall be issued under sub. (2)(a) and (b), but licenses issued under sub. (2)(b) may extend to any number of items under that paragraph.

(2) **CLASSIFICATIONS.** The classifications which the board shall use are a sewer services classification and an "appliances, equipment and devices" classification. Persons so classified may engage in the following types of work:

(a) *Sewer services.* Persons classified under this paragraph may install septic tanks for private sewage disposal systems, drain fields designed to serve such septic tanks, and the sewer service from the septic tank or sewer extensions from mains to the immediate inside or proposed inside foundation wall of the building.

(b) *Appliances, equipment or devices.* Under this paragraph persons installing water softeners, water heaters or other items in connection with the water supply or water distribution systems which do not require a direct connection to the waste or drain piping systems are limited to making connection to existing installations. There shall be no drilling, tapping or direct connection made to any waste or drain pipe to serve items installed under this section. The maximum length of water piping permitted to be installed under this section shall be the minimum required to connect the item to the system.

**History:** 1961 c. 504; 1965 c. 661.

## CHAPTER 146. MISCELLANEOUS HEALTH PROVISIONS.

### 146.13 Discharging noxious matter into highway and surface waters.

(2) No person shall discharge by any means whatsoever untreated domestic sewage into any surface water as defined by s. 144.01 (9), or drainage ditch governed by ch. 88; nor shall any person discharge effluents or pumpage by any means whatsoever from any septic tank, dry well or cesspool into any surface water as defined by s. 144.01 (9), or drainage ditch governed by ch. 88. Whoever violates this subsection shall be fined not to exceed \$50 for the first offense and not less than \$50 nor more than \$200 or imprisoned 30 days, or both, for each subsequent offense.

**History:** 1963 c. 572; 1965 c. 614.

**146.20 Servicing septic tanks, seepage pits, grease traps and privies.** (1) **POWERS OF DEPARTMENT OF RESOURCE DEVELOPMENT.** The department of resource development shall adopt rules relating to the business of servicing septic tanks, seepage pits, grease traps or privies and establish necessary safeguards to protect the public health against the hazards of insanitary and unhealthful practices and conditions. It shall have general supervision and control of methods of servicing septic tanks, seepage pits, grease traps and privies to prevent a nuisance or menace to public health.

(2) **DEFINITIONS.** For the purpose of this section:

(a) "Department" means the department of resource development.

(b) "Septic tank" means and includes a septic toilet, chemical closet and any other watertight enclosure used for storage and decomposition of human excrement, domestic or industrial wastes.

(c) "Seepage pit" means and includes a dry well, leaching pit or any other cavity in the ground which receives the liquid discharge of a septic tank.

(d) "Grease trap" means a watertight tank for the collection of grease present in sewage and other wastes, and from which grease may be skimmed from the surface of liquid waste for disposal.

(e) "Privy" means a cavity in the ground constructed for toilet uses which receives human excrement either to be partially absorbed directly by the surrounding soil or storage for decomposition and periodic removal.

(f) "Servicing" means cleaning, removing and disposal of scum, liquid, sludge or other wastes from a septic tank, seepage pit, grease trap or privy.

(3) **LICENSING.** (a) *License; application; fee.* Every person before engaging in the business of servicing septic tanks, seepage pits, grease traps or privies in this state shall make application on forms prepared by the department for licensing of each vehicle used by him in such business. The annual license fee is \$25 for each vehicle for a state resident licensee and \$50 for a nonresident licensee. If the department, after investigation, is satisfied that the applicant has the qualifications, experience, and equipment to perform the services in a manner not detrimental to public health it shall issue the license, provided a surety bond has been executed. The license fee shall accompany all applications.

(b) *Expiration date of license.* All licenses so issued shall expire on June 30 and shall not be transferable. Application for renewal shall be filed on or before July 1, and if filed after that date a penalty of \$5 shall be charged.

(c) *Wisconsin sanitary licensee.* Any person licensed under this section is required

to paint on the side of any vehicle, which he uses in such business, the words "Wisconsin Sanitary Licensee" and immediately under these words "License No. . . ." with the number of his license in the space so provided with letters and numbers at least 2 inches high; and all lettering and numbering shall be in distinct color contrast to its background.

(d) *Licensing exceptions.* No license is required of any person for servicing a septic tank, seepage pit, grease trap or privy on real estate owned or leased by him or of a licensed plumber but such servicing shall be in conformity with the law and the rules of the department.

(4) *SURETY BOND.* Before receiving a license the applicant shall execute and deposit with the department a surety bond covering the period for which the license is issued, by a surety company authorized to transact business within the state, to indemnify persons for whom faulty work is performed. Such bond shall be in the amount of \$1,000 for residents of the state and \$5,000 for nonresidents; provided that the aggregate liability of the surety to all such persons shall, in no event, exceed the amount of the bond. Such bond shall be conditioned on the performance of services in conformity with all applicable health laws and rules.

(5) *AUTHORITY TO SUSPEND OR REVOKE LICENSES.* The department may and upon written complaint shall make investigations and conduct hearings and may suspend or revoke any license if the department finds that the licensee has:

- (a) Failed to execute, deposit and maintain a surety bond.
- (b) Made a material misstatement in the application for license or any application for a renewal thereof.
- (c) Demonstrated incompetency to conduct the business.
- (d) Violated any provisions of this section or any rule prescribed by the department.

(6) *PENALTIES.* Any person who engages in the business of servicing septic tanks, seepage pits, grease traps or privies without first securing a license or renewal thereof, or who otherwise violates any provision of this section, shall be fined not more than \$100 or imprisoned not more than 30 days, or both. Each day such violation continues shall constitute a separate offense.

*History:* 1965 c. 614.

## CHAPTER 147. TREATING THE SICK.

### 147.14 Practice.

The law has long permitted calling as an expert witness any person whose training, experience, and method within his particular discipline are acknowledged to be sound and trustworthy. The competency of a psychologist to testify as a medical expert within the scope of his field of specialization is discussed but not determined. *Casimere v. Herman*, 23 W (2d) 437, 137 NW (2d) 73.

### 147.185 Physical therapy.

A licensed therapist need not perform under the supervision of a medical doctor; an employe of a doctor does not need a license if she performs under the doctor's direction even if he is not personally present. *Huss v. Vande Hey*, 29 W (2d) 34, 138 NW (2d) 192.

## CHAPTER 149. NURSING.

**149.01 Board of nursing.** (1) The state board of nursing shall consist of the state health officer or his representative, the director of nursing education, and 8 members to be appointed by the governor with the consent of the senate, 2 nurse members from the Wisconsin nurses' association, 2 nurse members from the Wisconsin league for nursing, one member from the state hospital association, one member from the Wisconsin conference of the Catholic hospital association, one member from the state medical society and one nurse member from the public health nursing bureau of the state board of health. Each of such organizations may submit a list of names from which the representatives may be selected to serve for a term of 4 years and until their successors have been appointed, except that in 1967 one nurse member from the Wisconsin nurses' association and one member from the state hospital association shall be appointed for terms of one year, one nurse member from the Wisconsin nurses' association and one member from the Wisconsin conference of the Catholic hospital association shall be appointed for terms of 2 years and one nurse member from the Wisconsin league for nursing and one member from the state medical society shall be appointed for terms of 3 years. Each nurse member shall meet minimum qualifications as follows:

- (a) Graduation from a program in professional nursing accredited by the state in which the program was conducted;
- (b) Graduation from a recognized college or university with at least a baccalaureate degree.
- (c) Varied experience in nursing, preferably including nursing administration or teaching in a nursing education program;
- (d) Residence in this state for one year;
- (e) Current professional nurse registration; and
- (f) Membership in the nurse group from which such nurse is to be selected.
- (6) (a) The board may grant scholarships under this subsection for the purpose of alleviating the critical shortage of qualified nursing educational personnel, to strengthen and increase existing nursing school faculties and permit the establishment of new nursing schools, by providing scholarships for qualified persons to prepare themselves to become nursing school instructors or administrative personnel in accredited schools of professional and practical nursing in this state.
- (b) Such scholarships may be provided for persons enrolled in institutions of higher learning acceptable to the board.
- (c) The scholarships shall not exceed \$4,000 for each person annually and shall be paid from the appropriation made by s. 20.580 (2) (b).
- (d) The scholarships shall be granted only to persons who agree to accept and remain in a teaching or administrative position in accredited schools of nursing or in a Wisconsin agency participating in an educational program for nursing students in this state for at least 2 years after completing the courses of study upon which the scholarships are based.
- (e) The amount received by any person under this subsection must be repaid to the board with interest at the rate of 4% per annum if he fails to complete the course of study upon which payment of such sums was based or if he does not accept and remain in the positions in this state for the time and purposes required in par. (d). The board shall determine the amount to be refunded plus interest, if a person has partially fulfilled the obligation in par. (d).
- (f) The board may by rule determine the other qualifications of the recipient of a scholarship and the time to be allowed for fulfilling the time requirement in par. (d).

**History:** 1963 c. 453; 1965 c. 433 s. 121; 1965 c. 533, 645.

#### CHAPTER 151. PHARMACY.

**151.015 Internship commission.** (1) There is created a pharmacy internship commission of 13 members as follows: the president of the board of pharmacy who shall serve as chairman of the commission; the 4 other members of the board; 4 members of the faculty of the university of Wisconsin school of pharmacy designated by the dean of the school; and 4 additional members selected by the Wisconsin pharmaceutical association. All successor members of the commission, except the members of the board, shall serve 4-year terms. The names of the members of the commission shall be certified to the secretary of state by the secretary of the commission. Members shall hold office until their successors have been selected. Members of the commission shall receive no compensation, but shall be reimbursed for expenses necessarily incurred by them in attending meetings of the commission outside the county of their residence. The commission shall elect a vice chairman and a secretary. The commission shall determine the qualifications of and appoint a full-time director of internship and such technical and clerical help as it deems necessary outside the classified service.

**History:** 1965 c. 351, 563.

#### **151.07 Dangerous drugs.**

(9) Renumbered (11).

(10) Renumbered (12).

(9) (a) No person shall obtain or attempt to obtain a dangerous drug, or procure or attempt to procure the administration of a dangerous drug by fraud, deceit, wilful misrepresentation or subterfuge; or by the forgery or alteration of a prescription or of any written order; or by the wilful concealment of a material fact; or by the use of a false name or the giving of a false address.

(b) Information communicated to a physician in an effort unlawfully to procure a dangerous drug, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

(c) No person shall wilfully make a false statement in any prescription, order, report or record required by this section.

(d) No person shall, for the purpose of obtaining a dangerous drug, falsely assume the title of, or represent himself to be, a licensed drug manufacturer, a licensed drug wholesaler, pharmacist, physician, dentist, veterinarian or other authorized practitioner.

(e) No person shall make or utter any false or forged prescription or false or forged written order.

(f) No person shall wilfully affix any false or forged label to a package or receptacle containing dangerous drugs.

(11) The state board of pharmacy is hereby authorized to promulgate necessary regulations for administration and enforcement of this section.

(12) Any person who violates any provision of this section shall be imprisoned not more than one year or fined not more than \$500, or both; but if a further violation is committed after a conviction of such person under this section has become final, such person shall be imprisoned not more than 2 years or fined not more than \$1,000, or both.

**History:** 1961 c. 601, 612; 1963 c. 146; 1965 c. 619.

## CHAPTER 152. DENTISTRY.

### 152.07 Revocation.

A conviction on a federal charge of introducing mislabeled drugs into interstate commerce is not ground for revocation since the particular offense does not include moral turpitude. *Lee v. State Board of Dental Examiners*, 29 W (2d) 330, 139 NW (2d) 61.

## CHAPTER 158. BARBERS.

### 158.05 Barber division.

(2) The state board of health shall appoint and may remove for cause 3 barbers, who shall constitute the committee of examiners in the barber division. Each of said examiners shall have been engaged in the practice of barbering in this state for at least 5 years immediately prior to his appointment and must remain a practicing barber for the duration of his term. One of the appointed members shall be selected from a list of 5 names recommended by the associated master barbers of Wisconsin, one from a list of 5 names recommended by the Wisconsin barbers' and beauty culture association and one from a list of 5 names recommended by the united barbers of Wisconsin. The board shall notify the organized group concerned at least 90 days prior to the expiration of the examiner's term. Not more than 2 persons shall be recommended from any one county. Appointments and removals of examiners may be made without reference to the civil service law. Such lists shall be submitted to the board at least 20 days prior to expiration of the term.

**History:** 1965 c. 656.

## CHAPTER 161. NARCOTICS.

### 161.02 Acts prohibited; evidence; penalties; commitment of addicts.

A modicum or a small amount (which is to be understood in relationship to the nature of the drug) is sufficient to ground a conviction under this section. A modicum of an illegal drug need not be a usable amount, for the quantity of the drug possessed is not material. *State v. Dodd*, 28 W (2d) 648, 137 NW (2d) 465.

### 161.08 Preparations exempted.

(2)

(f) That no person shall purchase more than 4 ounces of such preparation within a 48-hour period without the authorization of a physician, dentist or veterinarian nor may more than 4 ounces be in the possession of any person other than a physician, dentist, veterinarian or pharmacist, at any time without the authorization of a physician, dentist or veterinarian.

**History:** 1961 c. 340; 1963 c. 49; 1965 c. 620.

### 161.17 Fraud or deceit.

This section is constitutional. *DeVougas v. State*, 29 W (2d) 489, 139 NW (2d) 17.

## CHAPTER 162. PURE DRINKING WATER.

162.01 Pure drinking water; powers of department of resource development. (1) The department of resource development shall, after a public hearing, prescribe, publish and enforce minimum reasonable standards and rules and regulations for methods to be pursued in the obtaining of pure drinking water for human consumption and the establishing of all safeguards deemed necessary in protecting the public health against the hazards of polluted sources of impure water supplies intended or used for human consumption, including minimum reasonable standards for the construction of well pits. It shall have general supervision and control of all methods of obtaining ground water for human consumption including sanitary conditions surrounding the same, the construction or reconstruction of wells and generally to prescribe, amend, modify or repeal any rule or regulation theretofore prescribed and shall do and perform any act deemed necessary for the safeguarding of public health.

(2) In the conduct of any public hearing on the establishing, amending or repealing of any such standards, rules or regulations, the state health officer or any employe designated by the department may act for the department in holding such public hearing.

**History:** 1965 c. 614.

162.02 Definitions. For the purposes of this chapter, the following definitions are hereby established:

(1) "Department" shall mean the department of resource development.

(2) "Ground water" is defined to mean subsurface water supplied for human consumption.

(3) "Well" is defined to mean an excavation or opening into the ground made by digging, boring, drilling, driving or other methods for the purpose of obtaining ground water for human consumption.

(4) "Well drilling" is defined as the industry and procedure employed in obtaining ground water from a well by digging, boring, drilling, driving or other methods but not including the driving of points for the purpose of obtaining ground water. It shall also include all construction work and installation of well casings in said well involved therein for the protection of such well water against pollution.

(5) "Well driller" is defined to be any person, firm or corporation who has duly registered as such with the department of resource development and shall have paid the annual registration fee and obtained a permit to construct wells as herein provided.

(6) "Pump installing" is the industry and procedure employed in the placement and preparation for operation of equipment and materials utilized in withdrawing or obtaining water from a well for consumption or use, including all construction involved in making entrance to the well and establishing such seals and safeguards as are necessary to protect such water from contamination.

(7) "Pump installer" is any person, firm or corporation who has duly registered as such with the department of resource development and shall have paid the annual registration fee and obtained a permit to engage in pump installing as herein provided.

(8) "Permit" is the registration certificate issued by the department of resource development to each person, firm or corporation duly registering and paying the annual permit fee to do well drilling or pump installing, or both, as herein provided for.

**History:** 1965 c. 614.

162.03 Additional powers of department. (1) The department may exercise such powers as are reasonably necessary to carry out and enforce the provisions of this chapter. It may, among other things:

(a) Employ a competent supervisor to supervise and inspect all well drilling and pump installing operations and aid in the enforcement of all laws, rules and regulations governing the well drilling and pump installing industries. Said department may also employ assistants, prescribe their respective qualifications and salaries and assign their duties. Except in the adoption, amendment or repeal of rules and regulations, the state health officer may act for the department.

(b) Conduct investigations and experiments for the advancement of technical knowledge and ascertain and establish the cause of ground water pollution and for the casing of wells or other means of protection, and may hold public meetings and attend or be represented at such meetings within or without the state.

(c) Enter and inspect at reasonable hours wells and equipment thereof, all water supplies for human consumption on private or public property or may order necessary corrections and repairs of construction or may order discontinuances of any well and the use of its water, if found contaminated, polluted or unfit for human consumption. It may also disseminate information relative to the construction, source and protection of such water supply.

(d) Require any well driller, pump installer or other person responsible for a water supply to secure an analysis of water by the state laboratory of hygiene or by any laboratory accredited by the department to establish the purity and fitness of such water for human consumption and for domestic purposes. A report of each such analysis shall be submitted to the department.

(e) Prepare and cause to be printed such codes, bulletins or other documents as may be necessary for the safety of the public health and the betterment of the industries, and furnish copies thereof to well drillers, pump installers and to the public upon request.

(f) Furnish upon request of the owner of any well, or any well driller or pump installer, recommendations for obtaining and maintaining a safe water supply for human consumption.

(2) The department may on its own motion make investigations and conduct hearings and may, on its own motion or upon complaint in writing, duly signed and verified by the complainant, and upon not less than 10 days' notice to the well driller or pump installer, suspend or revoke as hereinafter provided any well driller's or pump installer's permit if said department has reason to believe or finds that the holder of such permit has:

(a) Made a material misstatement in the application for permit or any application for a renewal thereof.

(b) Demonstrated incompetency to act in the industry or industries for which such permit was issued; or

(c) Has wilfully violated a second time any provision of this chapter or any rule, regulation or order prescribed by the department.

(d) Has been found guilty in any civil or criminal proceeding of any action constituting fraud in connection with his well drilling or pump installing operations.

(3) A copy of the complaint with notice of the suspension of permit, if ordered by the department, shall be served on the person complained against, and his answer thereto shall be filed, in the manner and within the time provided in s. 136.08 (4), and the provisions of said subsection shall govern so far as applicable.

(4) No order revoking a permit shall be made until after a public hearing to be held before the department at the place, time and in the manner provided in s. 136.09. The procedure provided in said section for notice, conduct of hearing and determination by the department shall govern so far as applicable.

(5) One year after the date of revocation or thereafter application may be made for a new permit.

(6) No individual, firm or corporation whose permit has been revoked pursuant to this section shall, during the period in which the revocation is effective, engage in any well drilling or pump installing activity except under the direct supervision and as an employe of a registered well driller or pump installer.

**History:** 1965 c. 614.

**162.04 Well drilling and pump installing; registration; qualifications; fee.** (1) Every person, firm or corporation before engaging in the industry of well drilling or pump installing in this state as herein provided shall make application to the department for registration of each place of business or retail outlet operated by him as a well driller, pump installer or both, upon blanks prepared by the department for such purpose and shall accompany such application with a permit fee for each place of business or retail outlet included in the application as follows: well driller, \$15; pump installer, \$10; well driller and pump installer, \$25. Such registration and permit shall be renewed annually on January 1 at the above stated permit fees. Application for renewal shall be filed on or before January 1 and if filed after that date a penalty of \$5 shall be charged.

(2) All permits so issued shall expire on December 31 and shall not be transferable.

(3) No person, firm or corporation shall be granted a permit to engage in well drilling unless said applicant has had at least 2 years of experience in well drilling with a registered well driller, provided that this requirement shall not apply to persons, firms or corporations, who are registered as well drillers on August 14, 1953.

(4) Except as herein otherwise provided, no person, firm or corporation shall engage in the industry of well drilling or pump installing for compensation in this state without having duly registered and obtained a permit therefor as herein provided. No permit shall be required of any person for driving, digging or otherwise obtaining ground water supply on real estate owned or leased by him, but such well and the work done thereon shall comply and be in conformity with the law and the rules and regulations prescribed by the department.

**History:** 1965 c. 614.

**162.05 Registration exceptions.** No registration or permit to engage in the well drilling or pump installing industry shall be required by competent sanitary engineers

or by superintendents of waterworks systems in the preparations of plans and specifications or in supervising the installation of wells and water systems for the obtaining of supplies of ground water, but all such plans and specifications shall conform to all requirements established by the department.

**History:** 1965 c. 614.

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CHAPTER 163. HEALTH ASSISTANCE PAYMENTS. REPEALED.

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CHAPTER 167. SAFEGUARDS OF PERSONS AND PROPERTY.

**167.19 Farm machinery storage.** (1) Retail dealer's buildings for the storage of farm tractors, trucks and motorized farm machinery may be metal covered, pole type or frame and if other than metal or concrete covered shall not be closer than 30 feet to any other building. If the building is more than 50 feet in length it shall have more than one door.

(2) Motor fuel and storage batteries must be removed from units stored in such buildings, and any repairing or overhauling of the units in such buildings is prohibited.

**History:** 1965 c. 665.

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CHAPTER 176. INTOXICATING LIQUORS.

**176.01 Definitions.**

(5) "Magistrate" includes the judges of the several courts of record, court commissioners, and justices of the peace.

(8) "Club" means an organization, whether incorporated or not, which is the owner, lessee or occupant of a building used exclusively for club purposes, and which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent or athletic purpose but not for pecuniary gain; except that where such club is located in an office or business building it may be licensed as such provided it otherwise qualifies as a "club" within the meaning of this subsection. The trafficking in intoxicating liquors shall be incidental only and shall not be the object of its existence or operation. A club making application for a license shall have occupied the premises upon which it is then located for a period of 6 months prior to the date of filing such application, except that if a club has been in existence for at least 5 years, and immediately prior to the application made under this subsection and s. 176.05 (4a) had been issued a retailer's liquor license by a municipality or otherwise, it is not subject to such 6-months occupation of premises requirement.

**History:** 1965 c. 465, 617, 625.

**176.05 Liquor licenses.**

(1c) SAME. A permit issued to a manufacturer, rectifier, or wholesaler shall entitle the holder of such permit to sell, deal, or traffic in such liquors at wholesale in quantities of not less than one wine gallon at any one time, no part of which shall be sold for consumption upon the premises of the permittee. The permit does not authorize the holder of such permit to sell, deal or traffic in the tax-free intoxicating liquor and wines authorized by s. 139.03 (5).

(21) QUOTAS OF "CLASS B" RETAIL LIQUOR LICENSES.

(e)

5. The quota of the town of Menominee shall be determined under par. (b) 1.

**History:** 1961 c. 31, 368, 402, 465, 622, 660; 1963 c. 207, 263, 276, 355, 383, 462, 506 s. 3; 1965 c. 433, 549, 606.

**176.38 Local option.** (1) PETITION; ELECTION. Whenever a number of the qualified electors of any town, village or city equal to, or more than, 15% of the number of votes cast therein for governor at the last general election shall present to the clerk thereof a petition in writing, signed by them, praying that the electors thereof may have submitted to them the question whether or not any person shall be licensed to deal or traffic in any intoxicating liquors as a beverage, or the question whether or not liquor stores as provided for in s. 176.08 shall be established, maintained and operated, or that both such questions be submitted to them, and shall file such petition with the clerk at least 30 days prior to the first Tuesday of April next succeeding, and provided that within 5 days of the filing of such petition such clerk shall determine by careful ex-



amination the sufficiency or insufficiency of such petition and state his findings in a signed certificate dated and attached thereto, and within 5 days give written notice to the commissioner of taxation, at Madison, Wisconsin, that such petition has been filed with him relating to such question, stating the date of filing such petition, the name of the town, village or city and the county in which such town, village or city is located, and such clerk, after and not until he shall have determined that said petition is sufficient and shall have given the notice to the commissioner of taxation as herein set forth, shall forthwith make an order providing that such question or questions shall be so submitted on the first Tuesday of April next succeeding the date of such order. Such petition must be circulated by one or more qualified voters residing in the town, village or city wherein such local option question will be submitted. The preparation of such petition shall be governed as to the use of more than a single piece of paper, the dates of signatures, the places of residence of signers, and the verification thereof, by the provisions of s 8.15 so far as applicable. No petition shall be circulated prior to 60 days before the date on which such petition must be filed according to law and no signature shall be counted unless it has been affixed to such petition and bears date within 60 days prior to the time for filing such petition.

**Note: Sub. (1) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.**

(3) **BALLOTS.** The ballots upon the question or questions so submitted shall be deposited in a separate ballot box in each town and election district and shall contain the words "For License," and "Against License," or "For Liquor Store" and "Against Liquor Store," and shall otherwise conform to the provisions of s. 5.64 (2). Both questions may be submitted on the same ballot.

**Note: Sub. (3) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.**

**History:** 1965 c. 666.

#### 176.62 Confiscation.

(2)

(c) Any personal property, other than intoxicating liquor or fermented malt beverages, seized pursuant to sub. (1) and fit for sale, shall be turned over to the department of taxation for disposition and shall be disposed of by the department of administration at public auction to the highest bidder at a time and place stated in a notice of sale which shall describe the property to be sold and be subscribed by the department of administration. The place of sale shall be in a conveniently accessible place in the county where the property was taken. A copy of the notice shall be published as a class 2 notice, under ch. 985; the last insertion to be at least 10 days before the sale. The department of taxation shall serve a copy of the notice of sale at least 2 weeks before the date thereof on all persons who are or may be owners or holders of security interests in all or part of the property, according to information received by the department of taxation. Any confiscated chattel worth in excess of \$100 shall be sold separately, and the balance of the confiscated chattels shall be sold in bulk or piecemeal in the discretion of the department of administration. The net proceeds from such sale less all costs of seizure, storage and sale shall be turned over to the state treasurer. No motor vehicle or motorboat confiscated pursuant to this section shall be sold within a period of 30 days after date of seizure.

**History:** 1961 c. 622; 1965 c. 252, 334, 625.

### CHAPTER 180. BUSINESS CORPORATIONS.

#### 180.13 Subscriptions for shares.

The provisions of 180.13 (2)—that terms of payment for stock subscriptions shall be determined by the board of directors—and of 180.91—that any informal action by shareholders or directors may be taken only if all persons entitled to vote at such meeting give consent in writing—are to be construed in light of 180.37 (2), which provides that notice of the directors' meeting is waived if the director attends unless he objects. *Columbia Stamping & Mfg. Co. v. Reich*, 28 W (2d) 297, 137 NW (2d) 45.

#### 180.91 Informal action by shareholders or directors.

See note to 180.13, citing *Columbia Stamping & Mfg. Co. v. Reich*, 28 W (2d) 297, 137 NW (2d) 45.

#### 180.99 Service corporations.

Professional service corporations under the new "Kintner" regulations. 49 MLR 564.

CHAPTER 182. MISCELLANEOUS CORPORATE PROVISIONS; TURNPIKE CORPORATIONS.

182.60 Surplus federal property development corporations. (1) CREATION. Non-profit federal surplus property development corporations hereafter known as development corporations may be created by the Wisconsin federal surplus property development commission when a majority of the commissioners determines that the acquisition of federal surplus property, except lands within the Bong air base in Kenosha county, is feasible. Such corporations may be organized under ch. 181 and shall have the powers enumerated therein except as otherwise provided in this section. The members of such corporations shall constitute the board of directors thereof.

(2) ACQUIRE LAND. Development corporations may acquire by gift, devise, lease or purchase any land and improvements and appurtenances thereto (hereinafter called "property") made available by the federal government, except lands within the Bong air base in Kenosha county, if it is determined by them to be necessary to assure that the economic, social and governmental institutions of the state will thereby be enhanced or benefited and protected from piecemeal, unplanned and inefficient development which would adversely affect the tax base or the efficient development of the property. The interest acquired by the corporation may be in fee simple or less than fee simple as may be deemed expedient or necessary by the corporation. Any property thereto determined to be unneeded by the corporation may be leased or sold by the corporation at public or private sale with or without restrictions, conditions or reservations concerning the future use and occupation of such property so as to protect the property and its environs and to preserve the values thereof.

History: 1963 c. 158, 511; 1965 c. 163 s. 85 (7); 1965 c. 433 ss. 108, 122; 1965 c. 433, 646.

CHAPTER 195. PUBLIC SERVICE COMMISSION; REGULATION OF RAILROADS, STREET RAILWAYS, INTERURBAN RAILWAYS AND EXPRESS AND TELEGRAPH COMPANIES.

195.01 Commission, qualifications.

(7) CHAIRMAN, EXECUTIVE POWERS. The administrative and executive authority of the commission shall be vested in the chairman, to be administered by him under the statutes and rules of the commission and subject to the policies established by the commission. The commission shall make rules for administering the internal affairs of the commission.

History: 1963 c. 225; 1965 c. 587.

CHAPTER 198. MUNICIPAL POWER DISTRICTS.

198.06 Referendum.

(2) BALLOT REQUIREMENTS. The ballot for said election shall be in such form and shall contain such instructions and shall be of such size and color as are required by ss. 5.51 and 5.64 for the referendum ballot, except that there shall appear thereon the following:

Shall the (giving the name thereof) "municipal power district" be created and established?

YES

NO

Note: Sub. (2) is printed as amended by chapter 666, laws of 1965, effective July 1, 1967.

History: 1965 c. 666.

198.22 Municipal water districts.

(11) EXAMINATION AND REPORT OF STATE DEPARTMENT. The directors shall annually employ the department of administration pursuant to s. 16.58 or a certified public accountant to make an annual examination and report of the accounts and transactions of the district and of all contracts entered into by the district and make such recommendations and suggestions as to it or him seem proper and required for the efficient, economical and advantageous management and operation of the district.

(13) DISTRIBUTION SYSTEM STANDARDS IN MILWAUKEE COUNTY. When any such district is established in any county having a population of 500,000 or more and containing a city of the 1st class, no municipality in such district shall construct any part of

its distribution system except according to the standard of sizes and grades of materials as used by such city of the 1st class, or the standards of the American waterworks association and the department of resource development.

**History:** 1963 c. 506; 1965 c. 614, 659.

#### CHAPTER 201. INSURANCE CORPORATIONS IN GENERAL.

**201.07 Nonassessable policies by mutuals.** (1) Subject to the requirements of s. 204.041 as to insurance specified in s. 201.04 (7) any domestic mutual insurance company transacting the business of fire, marine, or casualty insurance, having accumulated a net surplus equal to the sum of 50% of the capital and surplus required of a stock company to begin to transact the same kind of business and while such surplus is so maintained as a distinct guarantee fund and so shown in its annual statement may issue a nonassessable policy; provided, that such company shall cease the issue of such policies when such guarantee fund falls below such sum, and during such period of impairment shall cease to make apportionment and declare refunds of overpayments or savings resulting from premium contributions until such guarantee fund deficiency has been made good, except where the company at a regular or called meeting of its policyholders has voted to discontinue the issuance of nonassessable policies. The conditions of such nonassessability shall be plainly stated in the policies so issued. No company shall issue a nonassessable policy until its policy form is submitted to and approved by the commissioner of insurance.

(2) No mutual insurance company licensed to transact business in this state on January 1, 1963, shall be subject to higher guarantee fund requirements than those in effect on that date.

**History:** 1961 c. 463; 1965 c. 586.

#### **201.10 Stock companies; promotion; funds; commissions; literature; contracts.**

A contract by the promoters can be enforced even though it results in the payment of more than 15%. The remedies for violation of the section do not include penalizing persons dealing with the promoter.

*Ehlers-Mann & Assocs. v. Madison A. G. Ins. Corp.* 28 W (2d) 12, 135 NW (2d) 815.

**201.11 Stock companies' capital; surplus.** (1) No stock insurance company shall transact business unless it has capital, in cash or invested as provided by law, of at least \$400,000 for the insurance specified in any one subsection of s. 201.04; with an additional \$100,000 for the insurance mentioned in any other subsection which may be transacted by such company, but no such company shall be subject to higher capital requirements than those in effect when it began to transact the business of insurance in this state. No additional capital shall be required for the insurance specified in s. 201.04 (2), (11), (12), (14), (17) and (18).

(3) No stock insurance company shall begin business unless it has a surplus equal to 50% of its capital stock.

**History:** 1963 c. 502; 1965 c. 586.

#### CHAPTER 204. INSURANCE—SURETY, CREDIT, CASUALTY.

#### **204.30 Accident insurance, highway traffic, policy provisions.**

(5) **UNINSURED MOTORIST COVERAGE.** (a) No automobile liability or motor vehicle liability policy of insurance insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance or use of a motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state unless coverage is provided therein or supplemental thereto in limits for bodily injury or death in the amount of \$10,000 per person and \$20,000 per accident under provisions approved by the commissioner of insurance, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness or disease, including death resulting therefrom. The named insured has the right to reject such coverage. Unless the named insured requests such coverage in writing, such coverage need not be provided in or supplemental to a renewal policy where the named insured has rejected the coverage in connection with a policy previously issued to him by the same insurer.

(b) For purposes of this coverage, "uninsured motor vehicle" includes an insured motor vehicle if before or after the accident the liability insurer of the motor vehicle is declared insolvent by a court of competent jurisdiction. In such case, the insurer

making payment under the uninsured motorists' coverage shall, to the extent of the payment, be subrogated to the rights of its insured. This extension of coverage shall apply only with respect to accidents occurring after July 1, 1966.

(6) No insurer shall cancel or fail to renew any policy issued under this section unless such cancellation or nonrenewal is preceded by at least 20 days of advance notice to the insured.

**History:** 1965 c. 486, 568, 598.

(3) applies to a comprehensive liability policy as well as to one insuring only motor vehicles; if the vehicle is covered it is a "vehicle described" even though not specifically described; (3) is not limited to accidents occurring on a public highway. Nelson v. Ohio Casualty Ins. Co. 29 W (2d) 315, 139 NW (2d) 33.

Where for all practical purposes the first permittee of an insured is the real owner of the car but title has been taken in the name of the named insured for reasons of convenience, the general control and custody of the first permittee is such that, when he grants permission to operate the insured vehicle to a 3rd person, such operation is held to be with the implied permission of the named insured, and the 3rd person is deemed an additional insured under the policy. Foote v. Douglas County, 29 W (2d) 602, 139 NW (2d) 628.

#### 204.34 Provisions of auto liability policies.

Failure to give the notice of accident within the time prescribed by the policy does not relieve the insurer from liability on the policy unless it was prejudiced by such delay, and the statute thereby creates a presumption of prejudice which the person claiming liability is required to rebut. Kohls v. Glassman, 29 W (2d) 324, 139 NW (2d) 37.

### CHAPTER 208. FRATERNAL BENEFIT SOCIETIES.

**208.04 Members limited to one employer, reports.** A domestic mutual benefit society having more than 500 members, and which limits its membership to employes of a designated employer, shall in lieu of the reports required by ss. 201.50 and 208.31, file, annually, with the commissioner a verified report showing the number and amount of liabilities paid during the year; the total income, from what source derived and the disposition thereof; the salaries paid to officers; the number of members at the beginning and the end of the year; and the amount and character of its assets.

**History:** 1965 c. 625.

### CHAPTER 209. INSURANCE—MISCELLANEOUS PROVISIONS.

#### 209.06 Insurance; application; effect.

Applicant's failure to list 12 of 14 hospitalizations constituted an increase of the risk as a matter of law, particularly where defense testimony was to the effect that the policy would not have been issued if all had been listed. Delaney v. Prudential Ins. Co. 29 W (2d) 345, 139 NW (2d) 48.

### CHAPTER 218. FINANCE COMPANIES, AUTO DEALERS, ADJUSTMENT COMPANIES AND COLLECTION AGENCIES.

#### 218.01 Motor vehicle dealers; salesmen; sales finance companies, licenses; fees; regulations; coercion, subsidies; penalties.

Where a manufacturer owned 75% of a dealership, not a replacement. Forest Home Dodge, Inc. v. Karns, 29 W (2d) 78, 138 NW (2d) 214.

Automobile dealer franchises. Macaulay, 1965 WLR 483, 740.

### CHAPTER 220. BANKING DEPARTMENT.

#### 220.02 Commissioner of banks; deputies; appointment.

(2) The commissioner shall appoint a deputy under the classified service. He shall possess all powers and perform the duties attached to the office of commissioner during a vacancy thereof and during the absence or inability of the commissioner. The commissioner may also employ such examiners and clerks to assist him and his deputy in the discharge of the several duties imposed upon him by this chapter as he finds necessary, and who shall perform such other duties as the commissioner directs.

**History:** 1963 c. 224, 225; 1965 c. 579.

## CHAPTER 227. ADMINISTRATIVE PROCEDURE AND REVIEW.

## 227.041 Committee for review of administrative rules. Repealed.

## 227.20 Scope of review.

In any review of an agency decision the credibility of the witnesses and the weight to be attached to the reasonableness of the evidence as a whole remains with the agency. *Hilboldt v. Wisconsin R. E. Brokers' Board*, 28 W (2d) 474, 137 NW (2d) 482.

## CHAPTER 231. USES AND TRUSTS.

## 231.11 For what express trusts may be created.

The cy pres doctrine in Wisconsin. 49 MLR 337.

## 231.40 Uniform principal and income act.

Discretion of trustees to allocate receipts as income or principal. 1965 WLR 391.

## CHAPTER 235. ALIENATION BY DEED, AND PROOF AND RECORDING OF INSTRUMENTS.

## 235.19 Uniform acknowledgment act.

(2) WHO MAY TAKE WITHIN THE STATE.

(j) Repealed.

History: 1961 c. 423, 495; 1965 c. 617.

## CHAPTER 236. PLATTING LANDS AND RECORDING AND VACATING PLATS.

## 236.13 Basis for approval.

(2m) As a further condition of approval when lands included in the plat lie within 500 feet of the ordinary high watermark of any navigable stream, lake or other body of navigable water or if land in the proposed plat involves lake or stream shorelands referred to in s. 236.16, the department of resource development, if it deems it necessary for the prevention of pollution of navigable waters, or the state board of health, if it deems it necessary for the protection of public health and safety, may require assurance of adequate drainage areas for private sewage disposal systems and building setback restrictions, or provisions by the owner for public sewage disposal facilities for waters of the state, industrial wastes and other wastes, as defined in s. 144.01. Such public sewage disposal facilities may consist of one or more systems as the department of resource development or the state board of health determines on the basis of need for prevention of pollution of the waters of the state or protection of public health and safety.

History: 1961 c. 336; 1965 c. 614.

## 236.45 Local subdivision regulation.

(5) REGULATION OF FEDERAL SURPLUS LAND. With respect to any surplus lands in excess of 500 acres in area, except the Bong air base in Kenosha county, sold in this state by the federal government for private development, the department of resource development may, in accordance with the procedure specified in ch. 227, regulate the subdivision or other division of such federal surplus land in any of the ways and with the same powers authorized hereunder for municipalities, towns or counties. Before promulgating such rules, the department shall first receive the recommendations of the planning division and of any committee appointed for that purpose by the governor.

History: 1965 c. 252, 646.  
An ordinance requiring the dedication of land for schools and parks or the payment of an equivalent sum of money as a condition for approval of a plat is constitutional. *Jordan v. Menomonee Falls*, 28 W (2d) 608, 137 NW (2d) 442.

## CHAPTER 238. WILLS.

## 238.02 Construction of devise.

Where testator had not lived with his wife for many years and expressly disinherited her but provided that if she made any claim she should receive only the minimum amount "to which she may by law be entitled," the will was ambiguous but meant

that she was to receive only her dower share. Estate of Jankevicz, 29 W (2d) 713, 139 NW (2d) 662.

#### 238.14 Wills, how revoked.

Where testator crossed out the names of beneficiaries in the only clause making a disposition of property and wrote "Void" in several places on the will and its backer, the will was revoked. Estate of Helgert, 29 W (2d) 452, 139 NW (2d) 81.

### CHAPTER 240. FRAUDULENT CONVEYANCES AND CONTRACTS RELATING TO REAL ESTATE.

#### 240.08 Contract for lease or sale to be in writing.

To take the defective agreement out of operation of the statute of frauds, plaintiff could not rely upon his occupancy of the premises as tenant, his operation of a tavern under a license which extended beyond the termination date of the lease, his installation of fixtures, nor the fact that he purchased tavern equipment from the landlord, since these facts were not exclusively referable to the exercise of the option to purchase, but were equally referable to his occupancy of the premises as tenant. Wiegand v. Gissal, 28 W (2d) 488, 137 NW (2d) 412, 138 NW (2d) 740. Recoupment in realty transactions based on a void contract. 49 MLR 419.

#### 240.10 Real estate agency contracts.

Compensation is not essential to agency; hence inability under this section of a real-estate broker to collect a commission because the agreement with his principal was not in writing would not render the agreement void nor prevent him as agent from subjecting himself to the fiduciary duties arising therefrom. Hilboldt v. Wisconsin R. E. Brokers' Board, 28 W (2d) 474, 137 NW (2d) 482. In action for violation of a real estate listing contract it is not necessary to allege facts to establish that the contract complies with the statute. Purtell v. Tehan, 29 W (2d) 631, 139 NW (2d) 655.

### CHAPTER 241. FRAUDULENT CONTRACTS.

#### 241.02 Agreements, what must be written.

See note to 240.10, citing Purtell v. Tehan, 29 W (2d) 631, 139 NW (2d) 655.

### CHAPTER 245. MARRIAGE.

245.10 Permission of court required for certain marriages. (1) No Wisconsin resident having minor issue of a prior marriage not in his custody and which he is under obligation to support by any court order or judgment, may marry in this state or elsewhere, without the order of either the court of this state which granted such judgment or support order, or the court having divorce jurisdiction in the county of this state where such minor issue resides or where the marriage license application is made. No marriage license shall be issued to any such person except upon court order. The court, within 5 days after such permission is sought by verified petition in a special proceeding, shall direct a court hearing to be held in the matter to allow said person to submit proof of his compliance with such prior court obligation. No such order shall be granted, or hearing held, unless both parties to the intended marriage appear, and unless the person, agency, institution, welfare department or other entity having the legal or actual custody of such minor issue is given notice of such proceeding by personal service of a copy of the petition at least 5 days prior to the hearing, except that such appearance or notice may be waived by the court upon good cause shown, and unless a 5-day notice thereof is given to the family court commissioner of the county where such permission is sought, who shall attend such hearing, and to the family court commissioner of the court which granted such divorce judgment. Upon the hearing, if said person submits such proof and makes a showing that such children are not and are not likely to become public charges, the court shall grant such order, a copy of which shall be filed in any prior divorce action of such person in this state affected thereby; otherwise permission for a license shall be withheld until such proof is submitted and such showing is made, but any court order withholding such permission is an appealable order. No county clerk in this state shall issue such license to any person required to comply with this section unless a certified copy of a court order permitting such marriage is filed with said county clerk.

History: 1961 c. 505; 1965 c. 480, 625.

245.15 Fee to county clerk. Each county clerk shall receive as a fee for each license granted the sum of \$4, of which \$3 shall become a part of the funds of the county, and \$1

shall be paid into the state treasury as reimbursement toward the appropriation made by s. 20.435 to carry out the functions of the home and family advisory committee. The clerk shall also receive a standard notary fee of 50 cents for each license granted which may be retained by him if operating on a fee or part fee basis, but which otherwise shall become part of the funds of the county.

**History:** 1963 c. 569; 1965 c. 163, 659.

**245.32 Declaration of public policy.** (intro. par.) It is declared that the provisions of s. 13.53, relating to the council for home and family, are made necessary by critical conditions and trends seriously affecting the family life of many of our citizens and tending to endanger the public welfare, health, and morals, and the peace and security of the people of the state. Such conditions and trends are reflected by:

**History:** 1963 c. 569; 1965 c. 659.

**245.33 Home and family, state advisory council for.** Repealed.

#### CHAPTER 246. PROPERTY RIGHTS OF MARRIED WOMEN.

**246.15 Women to have equal rights.** Women shall have the same rights and privileges under the law as men in the exercise of suffrage, freedom of contract, choice of residence for voting purposes, jury service, holding office, holding and conveying property, care and custody of children, and in all other respects. The various courts, executive and administrative officers shall construe the statutes where the masculine gender is used to include the feminine gender unless such construction will deny to females the special protection and privileges which they now enjoy for the general welfare. The courts, executive and administrative officers shall make all necessary rules and provisions to carry out the intent and purpose of this section.

**Note:** The above section is printed as created by chapter 666, laws of 1965, effective July 1, 1967.

**History:** 1965 c. 666.

**Legislative Council Note, 1965:** This No. 755-A section is a restatement of s. 6.015. (Bill

#### CHAPTER 247. ACTIONS AFFECTING MARRIAGE.

##### 247.03 Actions affecting marriage.

The provision for actions for annulment in (2) does not apply to a marriage as to which the prior 10-year statute of limitations (§30.18 (4)) had run prior to the enactment of (2) in 1959. *Ginkowski v. Ginkowski*, 28 W (2d) 530, 137 NW (2d) 403.

##### 247.07 Causes for divorce or legal separation.

Single act of cruelty as grounds for divorce. 49 MLR 449.

##### 247.24 Judgment; care and custody, etc., of minor children.

Immoral conduct per se does not make a person unfit to have custody of children. *Wendland v. Wendland*, 29 W (2d) 145, 138 NW (2d) 185. Guardian ad litem for children suggested.

##### 247.32 Revision of judgment.

A party who has been awarded the custody of a minor child should procure leave of court, by an order properly entered in the cause in which the custody was awarded, before taking the child out of the state. Except in instances where the trial court finds it would be contrary to the best interests of the children, or unduly restrictive or detrimental to the removing parent, the supreme court deems it advisable for the trial court to stay the execution of the order permitting the removal of the minor children pending the appeal from that order when an appropriate motion is made, because of the disrupting effect it may have upon the children if the order is reversed. *Whitman v. Whitman*, 28 W (2d) 50, 135 NW (2d) 835.

##### 247.37 Effect of judgment of divorce. (1)

(b) When a judgment of divorce is granted, the written judgment of divorce shall state, in a separate paragraph, that where either party to the marriage being so dissolved is obligated under such judgment or by other judgment or court order to support any minor issue of the marriage not in his custody, he is prohibited by s. 245.10 from marrying again in this state or elsewhere after such judgment becomes final unless permission to marry is granted by order of either the court of this state which granted such judgment or support order, or the court having divorce jurisdiction in the county of this state where such minor issue resides or where the marriage license application is made.

**History:** 1961 c. 505; 1965 c. 480, 625.

**269.44 Amendments of processes, pleadings and proceedings.**

Under 270.57 the court has power after verdict and before judgment in furtherance of justice and upon such terms as may be just to allow an amendment to increase the amount of the ad damnum clause to the amount of the verdict so the pleadings and verdict will support a judgment of the amount awarded. *Zelof v. Capital City Transfer, Inc.* 29 W (2d) 384, 139 NW (2d) 1.

**269.46 Relief from judgments, orders and stipulations; review of judgments and orders.**

Where in a trial to the court without a jury a party moves in the trial court for review of the judgment pursuant to (3) he is precluded on appeal from raising an issue not raised in the trial court either during trial or on the motion for review. *Auto Acceptance & Loan Corp. v. Taus*, 28 W (2d) 496, 137 NW (2d) 452.

**269.565 Declaratory judgments against obscene matter.**

Expert testimony in obscenity litigation. 1965 WLR 113.

## CHAPTER 270. ISSUES, TRIALS AND JUDGMENTS.

**270.205 Examination of witnesses; arguments.**

An assertion made by counsel in opening statement or in closing argument need not be founded upon direct evidence, provided that the facts so asserted may be inferred from the evidence, and reasonable latitude should be allowed to counsel in the oral argument even after the evidence is in. *Kink v. Combs*, 28 W (2d) 65, 135 NW (2d) 789.

If improper argument is made, a motion for a mistrial must be made before the jury returns its verdict or the objection is waived. Every party requesting the reporter to take down arguments should

make this request part of the trial record so that opposing counsel will know of it and may make a similar request. *Zweifel v. Milwaukee Automobile Mut. Ins. Co.* 28 W (2d) 249, 137 NW (2d) 6.

The immunity of the attorney's work product in respect to a written statement ceases to exist when the person making the statement is placed on the stand as a witness at the trial, for by becoming a witness the person subjects himself to the risks of impeachment and the attorney has had the benefit of his work product. *Shaw v. Wuttke*, 28 W (2d) 448, 137 NW (2d) 649.

**270.21 Charge to jury; how given.**

An instruction that a child's violation of a safety statute is negligence is proper. *Shaw v. Wuttke*, 28 W (2d) 448, 137 NW (2d) 649.

Before a party is entitled to the benefits of the emergency doctrine he must be free from negligence which contributed to the creation of the emergency. If there is a factual dispute as to such negligence and assuming the time element is so short as to make the doctrine otherwise applicable, a person is entitled to the emergency-doctrine instruction and it is for the jury to determine its application. If, however, it can be held a person was negligent as a matter of law and such negligence contributed to the emergency, then such person is not entitled to the emergency-doctrine instruction. *Shaw v. Wuttke*, 28 W (2d) 448, 137 NW (2d) 649.

Unless a request is made for an instruction on a lesser included criminal offense it is not error for the trial court not to give the instruction on its own motion even

though the evidence would sustain it. *Neuenfeldt v. State*, 29 W (2d) 20, 138 NW (2d) 252.

In the absence of testimony of a medical expert qualified to express such an opinion the jury should be instructed that no damages may be allowed for future pain and suffering. It is also error to refuse to instruct the jury regarding the absence of any permanent injuries where the record was devoid of medical proof that plaintiff's injuries would be permanent. *Huss v. Vande Hey*, 29 W (2d) 34, 138 NW (2d) 192.

The emergency instruction should be given only when a driver's management and control is in question, not when his only negligence is with respect to lookout. Where the court finds negligence as a matter of law, it is not error to refuse to instruct the jury that it should give this finding no more importance than its own findings; such an instruction is proper, however. *Schmit v. Sekach*, 29 W (2d) 281, 139 NW (2d) 88.

**270.25 Verdicts; five-sixths; directed.**

Juries will not be allowed to impeach their verdicts by asserting improper recording of the answer (prior cases over-

ruled). *Ford Motor Credit Co. v. Amodt*, 29 W (2d) 441, 139 NW (2d) 6.

**270.27 Special verdicts.**

There was no duplicity in the jury verdict finding defendant negligent as to speed and lookout as well as management and control, where the record disclosed that defendant, proceeding at an excessive speed, entered the highway making so wide a turn as to cross the highway into plain-

tiff's lane of traffic, along which he continued for some distance prior to impact, and failed to observe the stopped vehicle with its directional lights activated. *Zartner v. Scopp*, 28 W (2d) 205, 137 NW (2d) 107.

**270.57 Measure of relief.**

See note to 269.44, citing *Zelof v. Capital City Transfer, Inc.* 29 W (2d) 384, 139 NW (2d) 1.

**270.58 State and political subdivisions thereof to pay judgments taken against officers.** (1) Where the defendant in any action or special proceeding is a public officer or employe and is proceeded against in his official capacity or is proceeded against as an individual because of acts committed while carrying out his duties as an officer or employe and the jury or the court finds that he acted in good faith the judgment



as to damages and costs entered against the officer or employe shall be paid by the state or political subdivision of which he is an officer or employe. Regardless of the results of the litigation the governmental unit shall pay reasonable attorney's fees and costs of defending the action, unless it is found by the court or jury that the defendant officer or employe did not act in good faith, when it does not provide legal counsel to the defendant officer or employe. Deputy sheriffs in those counties where they serve not at the will of the sheriff but on civil service basis shall be covered by this subsection, except that the provision relating to payment of the judgment shall be discretionary and not mandatory. In such counties the judgment as to damages and costs may be paid by the county if approved by the county board.

**History:** 1961 c. 499; 1965 c. 603.

**Cross Reference:** See 285.06 for special procedure applying to state law enforcement officers.

## CHAPTER 274. WRITS OF ERROR AND APPEALS.

### 274.23 Same, as to other judgments.

Where a judgment gave plaintiff the option to reacquire patent rights upon payment of certain expenses within 60 days, this section did not prevent the tolling of the 60-day period by timely appeal within the period even though no undertaking was filed. *Spelman v. Ruhde*, 28 W (2d) 599, 137 NW (2d) 425.

### 274.33 Appealable orders.

An order dismissing a petition for removal of executors is an appealable order under (1) because it is a final order affecting a substantial right made in a special proceeding. Such an appeal does not strip the trial court of jurisdiction to enter other orders in matters separate from the subject appealed from. *Estate of Mayer*, 29 W (2d) 497, 139 NW (2d) 111. An order refusing to honor an affidavit of prejudice is not appealable. *Luedtke v. Luedtke*, 29 W (2d) 567, 139 NW (2d) 553.

## CHAPTER 289. LIENS.

### MECHANIC'S LIENS, ETC.

**289.41 Mechanic's liens.** (1) Every mechanic and every keeper of a garage or shop, and every employer of a mechanic who transports, makes, alters, repairs or does any work on personal property at the request of the owner or legal possessor thereof, shall have a lien thereon for his just and reasonable charges therefor, including any parts, accessories, materials or supplies furnished in connection therewith and may retain possession of such property until such charges are paid. The lien given by this section for all such charges in excess of \$300, except that for trucks, \$600, road tractors, trailers and semitrailers, \$1,000, and road machinery including mobile cranes and trench hoes, \$2,500, shall be subject to the lien of any security interest in said property which was perfected by filing as required by law prior to the commencement of the work for which a lien is claimed unless such work was done with the express consent of the holder of such security interest.

**History:** 1963 c. 294; 1965 c. 36, 334, 625.

## CHAPTER 295. CONTEMPTS IN CIVIL ACTIONS.

### 295.15 Imprisonment and order of.

Provisions in a contempt judgment imposing imprisonment for 30 days without qualification for failure to make payments or submit records as directed, are modified, since it appears that the contemnor had it within his power to perform those parts of the enforcement judgment and the court should have ordered any imprisonment for these failures only until the contemnor performed the required acts or duties. *Wisconsin E. R. Board v. Mews*, 29 W (2d) 44, 138 NW (2d) 147.

### 295.16 Term of.

A sentence of 30 days for failure to discharge an employe without affording the contemnor opportunity to purge himself on that count was warranted, where it appeared that as a result of such defiance rights were already adversely affected. *Wisconsin E. R. Board v. Mews*, 29 W (2d) 44, 138 NW (2d) 147.

CHAPTER 299. PROCEDURE IN COUNTY COURT IN SMALL CLAIMS  
TYPE ACTIONS.

**299.01 Applicability of chapter.** (intro. par.) Subject to the limitations of ss. 299.11 and 299.12, the procedure in this chapter shall be used in county court in the following actions:

**History:** 1961 c. 519, 614, 684; Sup. Ct. Order, 14 W (2d) vii; 1965 c. 507 s. 5; 1965 c. 560.

**299.02 Counterclaims and cross complaints.** (1) If a counterclaim or cross complaint is filed, which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim and which is beyond the limitations of s. 299.01, the person filing the same shall pay the additional clerks' fee required by s. 59.42 (2) and an additional \$4 suit tax, and the entire matter shall be tried under Title XXV procedure.

(2) If a counterclaim or cross complaint is filed, which does not arise out of the same transaction or occurrence that is the subject matter of the plaintiff's claim and which is beyond the limitations of s. 299.01, the court shall dismiss the same and proceed under this chapter.

**History:** 1961 c. 519; 1965 c. 560.

**299.11 Venue.** (1) The venue of actions in which the procedure of ch. 299 is used is as follows:

(a) In tort actions and actions growing out of the negligent operation of a motor vehicle, the county where the cause of action arose, or where the defendant resides.

(b) In contract actions, the county where the defendant resides or is personally served.

(c) In actions for garnishment, any county in which the garnishee resides or, if not a resident of the state, is found; or, the county in which the summons in the principal action has issued or where the judgment therein is entered.

(d) In actions for unlawful detainer, replevin or to enforce a lien on personal property, the county in which real property is located or personal property is customarily kept.

(e) In actions for a forfeiture, the county in which the act occurred on which the action for forfeiture is based.

(f) In actions to recover a tax, the county in which the tax was levied.

(2) "County" means a county in this state.

(3) For foreign corporations, "residence" in this section refers to any county in which a corporation carries on substantial business activity; for domestic corporations "residence" refers to the county in which the corporation has its principal office.

(4) If there are several defendants, and if venue is based on residence, venue may be in the county of residence of any one of them.

(5) When, in any action under this chapter, it appears from the return of service of the summons or otherwise that the county in which the action is pending is not a proper place of trial of such action under this section, the court shall, on motion of a party or on its own motion, on the return day of the summons or prior to taking any other action on the case, determine the correctness of the venue. If venue is correct the case shall continue. If venue is not correct, the action shall be dismissed unless the defendant appears and waives the improper venue.

**History:** 1961 c. 519; 1965 c. 560.

**299.12 Service of summons.** (1) Except as otherwise provided in this chapter, all provisions of Title XXV with respect to jurisdiction of the persons of defendants, the procedure of commencing civil actions, and the mode and manner of service of process, shall apply to actions and proceedings under this chapter.

(2) Personal service of process to obtain a personal judgment must be made within the state. Except as provided in s. 299.16 there shall be no service by publication.

(3) Service may be made by mail by leaving the original and necessary copies of the summons with the clerk of court, together with 50 cents for each defendant to cover the expense of mailing, except that a municipality need not advance the mailing fee, but shall be exempt from payment of such fee until the defendant pays costs pursuant to s. 299.25. The court may by rule require the use of registered or certified mail with return receipt requested, in which event the fee prescribed shall be \$1.50 for each defendant. The clerk shall mail a copy to each defendant at his last known address as specified in the summons. Service of the summons is considered completed when it is mailed, unless the envelope enclosing the summons is returned unopened to the clerk prior to the return date. All mailing of summonses shall be done in envelopes upon which the clerk's return address appears, with a request to return to that address. Service by mail to obtain a personal judgment shall be limited to the county where the action is commenced.

(4) Any county court may by rule require that service of summons in some or all actions be made as prescribed in subs. (1) and (2).

(5) Section 345.09 shall not apply to actions under this chapter.

**History:** 1961 c. 519; 1965 c. 560.

**299.13 Personal jurisdiction; service. Repealed.**

**299.14 Failure of actual notice of suit by mail.** (1) **PETITION; HEARING; TRIAL ON MERITS.** (1) In any action, where service of summons is made by mailing, a defendant, at any time within 15 days of receiving actual knowledge of the pendency of the action or of the entry of judgment therein against him (if judgment has been entered), but not more than one year after judgment was entered, may, by written verified petition, on forms provided by the court, petition to set aside the judgment if one has been entered and for an opportunity to be heard upon the merits. Thereupon the court shall set the matter for hearing at a time that will give the parties reasonable opportunity to appear and, if judgment has been entered, shall stay all proceedings on the judgment. At the time of the hearing the questions raised by the petition shall first be heard and determined by the court. If the court grants the petition, the court shall proceed to try the matter upon the merits or, if judgment has been entered, shall vacate the judgment and proceed to try the matter upon the merits. If the court denies the petition, it shall, if judgment has been entered, revoke its order staying proceedings thereon or, if a judgment has not been entered, it may give the defendant opportunity to be heard upon the merits.

**History:** 1961 c. 519; 1965 c. 560.

**299.16 Actions in rem or quasi in rem; limitation on judgment.** (1) **BASIS.** In proceedings in rem or quasi in rem no judgment shall be entered against a defendant for an amount in excess of the value of the res unless based on service as provided in s. 299.12 (1) and (2), or unless the defendant makes a general appearance.

(2) **ADJOURNMENT AND PUBLICATION.** When the defendant has not been served pursuant to s. 299.12 (1) and (2) and does not make a general appearance and the court has jurisdiction over the res, service may be made on the defendant by publication. If service is to be made by publication, the proceeding shall be adjourned to a day certain by the court, and a notice in substantial conformity with sub. (3) shall be published as a class 3 notice, under ch. 985.

**History:** 1961 c. 519, 643; 1963 c. 37; 1965 c. 252, 560.

**299.21 Trial.** (1) **DEFERMINATION OF METHOD OF TRIAL.** In the absence of a jury demand, trial shall be to the court.

(2) **TRIAL BY COURT.** If trial is to the court, the case may, with the consent of all the parties, be tried on the return day.

(3) **TRIAL BY JURY.** (a) **Demand.** Any party may, upon payment of the fees specified in par. (b), file a written demand for trial by jury at the time of joining issue or within 20 days thereafter. Such demand shall specify whether trial is to be by a jury of 6 or 12. If no party demands a trial by a jury of 12, the right to trial by a jury of 12 is waived forever.

(b) **Fees.** The fee for a 12-man jury is \$24, plus additional suit tax of \$4 and additional clerk's fee of \$6, or a total of \$34. The fee for a 6-man jury is \$12.

(4) **12-MAN JURY; PROCEDURE.** If there is a demand for a trial by a jury of 12, the parties shall proceed as if the action had originally been begun as a proceeding under Title XXV; the plaintiff shall, when no complaint has previously been served and filed, accordingly file and serve a written complaint within 20 days of the jury demand, and the court shall place the case on the trial calendar of the county court, or forthwith transfer the case to circuit court for trial.

(5) **6-MAN JURY; PROCEDURE.** If a 6-man jury is demanded, in counties having a population of 500,000 or more, the jury shall be drawn from the circuit court jury panel and selected in accordance with the procedure set forth under Title XXV. In all other counties, such juries shall be selected as provided in s. 957.054, except that any party may demand trial by a county-wide jury and that the clerk shall select, by lot, the names of sufficient persons qualified to serve as jurors as will provide to each party entitled to separate peremptory challenges the number of challenges specified in s. 957.054.

**Note:** Chapter 560, laws of 1965, which repealed and recreated this section, did not include the amendment of sub. (6) by chapter 390, laws of 1965.

**History:** 1961 c. 519, 618, 643; 1965 c. 390, 560.

**299.25 Costs.**

(3) MAILING FEE. A mailing fee of 50 cents or \$1.50 as provided in s. 299.12 (3), if paid.

History: 1961 c. 519, 643; 1965 c. 560.

CHAPTER 300. GENERAL PROVISIONS AND JURISDICTION OF JUSTICES  
IN CIVIL ACTIONS.

**300.01 Definitions.**

(1) Justice means municipal justice of the peace;

History: 1965 c. 617.

**300.05 Jurisdiction.**

(10) Actions specified in s. 62.24 (2) (a).

History: 1965 c. 617.

**300.06 Denial of jurisdiction.**

(5) Repealed.

History: 1965 c. 617.

CHAPTER 310. PROBATE OF WILLS.

**310.045 Petitions to county court.**

Petitioner, a sister of testator, who was not an heir or named in the will, could petition for probate of the will where alterations in the will could be construed as making her a beneficiary if the alterations did not have the effect of revoking the will. Estate of Helgert, 29 W (2d) 452, 139 NW (2d) 81.

CHAPTER 313. PROOF AND PAYMENT OF DEBTS.

**313.15 Distribution of estate.**

(2) does not require that an allowance must be ordered in every solvent estate in which an application therefor is made. Estate of Mayer, 29 W (2d) 497, 139 NW (2d) 111. Where widow had not lived with husband for many years, had already received a substantial sum of money and was self-supporting, it was not an abuse of discretion to deny her an allowance under (2) or (4). Estate of Jankewicz, 29 W (2d) 713, 139 NW (2d) 662.

CHAPTER 318. ALLOWANCES, DISTRIBUTION, PARTITION.

**318.06 Estates, assigning residue.**

Where distribution of an estate was made prior to judgment but in accordance with an agreement of the heirs and the determination of the court on inheritance taxes, the trial court could properly enter the judgment in accordance with the agreement, although a 3rd party who had no notice has a prior claim to the estate. Estate of Wettig, 29 W (2d) 239, 138 NW (2d) 206, 139 NW (2d) 622.

CHAPTER 319. GUARDIANS AND WARDS.

**319.31 Voluntary proceedings; conservators.**

A person under conservatorship can request the conservator to put assets into joint tenancy with a 3rd person. (3) does not prevent the conservator from doing so with the court's approval. Estate of Evans, 28 W (2d) 97, 135 NW (2d) 832.

CHAPTER 320. TRUST FUND INVESTMENTS.

**320.01 Investment; prudent man rule.**

Diversification requirements discussed as to stock substituted for original assets. Will of Mueller, 28 W (2d) 26, 135 NW (2d) 854.

**320.05 Retention of securities by trustees.**

Retention of investments and the duty to diversify. 49 MLR 642.

## CHAPTER 323. TESTAMENTARY TRUSTS.

## 323.07 Accounts of testamentary trustees.

Liability discussed as between co-trustees where one is only passively guilty of misconduct. Will of Mueller, 28 W (2d) 26, 135 NW (2d) 854.

## CHAPTER 341. REGISTRATION OF VEHICLES.

## 341.04 Penalty for operating unregistered or improperly registered vehicle.

The owner, operator or both may be charged with operation of an improperly registered or unregistered truck, but the operator cannot be served as agent of the owner unless he is an officer, director or managing agent of the corporation. 54 Atty. Gen. 45.

## 341.14 Application for and issuance of special plates.

(1) Whenever any resident of this state who is registering or has registered his automobile submits a statement from the U.S. veterans administration certifying to the department that he is, by reason of injuries sustained while in the active military service of the United States, disabled by paraplegia, amputation of leg, foot, both hands or if he is disabled by loss of use of a leg, foot, or both hands, minimum faulty vision of 20/200 or other condition certified to by the veterans administration resulting in an equal degree of disability (specifying the particular condition) so as not to be able to get about without great difficulty, the department shall procure, issue and deliver to him, plates of a special design in lieu of the plates which ordinarily would be issued for the automobile. The plates shall be so designed as to readily apprise law enforcement officers of the fact that the automobile is owned by a disabled veteran and is entitled to the parking privileges specified in s. 346.50 (2). No charge in addition to the registration fee shall be made for the issuance of such plates.

**History:** 1961 c. 20; 1963 c. 332, 533; 1965 c. 561.

341.145 Application for and issuance of special license numbers. (1) In this section "special license number" means any number on a registration plate other than that which the department determines would normally be issued sequentially to an applicant for original or renewal vehicle registration.

(2) The department shall issue a special license number only upon request and upon the payment of an additional fee of \$3 when license plates are issued, if:

(a) The request and alternative thereto is received by the department in writing by mail by the 15th day of the month in which the vehicle is to be registered;

(b) The request is accompanied by the proper fee, an application for original or renewal vehicle registration and the proper registration fee;

(c) The requested number has not already been issued.

(3) Each special license number issued shall be reserved for the recipient in succeeding registration periods. If the individual does not specifically request reissuance of the special number as provided in sub. (2), in a succeeding plate issuance year, the department may issue the number to another applicant.

(4) Nothing in this section shall be construed to mean that the holder of any license number issued before or after July 2, 1966 has any claim on that number unless the provisions of this section have been met in full.

**History:** 1965 c. 572.

## 341.16 Issuance of duplicate plates.

(2) Whenever a current registration plate becomes illegible, the owner of the vehicle to which the plate is attached shall apply to the department for a replacement. Upon receipt of satisfactory proof of illegibility, and upon payment of a fee of \$1.50, the department shall issue a replacement. Upon receipt of his replacement plate, the applicant shall forthwith destroy his illegible plate.

**History:** 1965 c. 452, 542.

## 341.305 Monthly registration.

(2) Any truck tractor or motor vehicle equipped with a dump or other box used exclusively to transport gravel, cement, and bituminous road construction materials or agricultural lime or equipped with a mechanical cement mixer used exclusively to mix and deliver cement may be registered on a monthly basis in lieu of the annual registration specified in s. 341.29. The monthly registration fee is one-twelfth of the annual fee. Monthly registration periods begin on the first day of each calendar month and end on the last day of the month. The department shall register a vehicle under this section for as many months less than a full year as the applicant desires, and the fee payable shall be the monthly registration fee times the number of months for which regis-

tration is desired plus \$2. If satisfactory evidence is provided that a vehicle was not operated on the highways during any month it shall be exempt from the payment of fees for the month in which it was not used.

**History:** 1963 c. 550; 1965 c. 515, 601.

#### CHAPTER 343. OPERATORS' LICENSES.

##### 343.32 Other grounds for revocation of licenses.

Where a man was convicted of driving without a license (a 4 point violation) the commissioner cannot administratively find that he was actually guilty of driving af-  
 ter revocation of license and assess him with 12 points and thereupon revoke his driving privileges for one year. *Goodman v. Karns*, 29 W (2d) 140, 138 NW (2d) 276.

##### 343.44 Driving after license revoked or suspended.

A driver whose regular operator's license has been revoked cannot claim that he is validly driving under his chauffeur's license when en route home after having  
 spent 5 hours at a tavern drinking and visiting friends. *Bayside v. Berthiaume*, 29 W (2d) 102, 138 NW (2d) 232.

#### CHAPTER 346. RULES OF THE ROAD.

##### 346.14 Distance between vehicles.

This section is directed against "tail-gating". It does not necessarily apply simply because there is a rear-end collision. *Milwaukee & S. T. Corp. v. Royal Transit Co.* 29 W (2d) 620, 139 NW (2d) 595.

##### 346.51 Stopping, standing or parking outside of business or residence districts.

Area within a city can be nonresidential or nonbusiness. Stopping a bus without pulling off where it would be possible to do so can be held to be causal negligence  
 even though it was so stopped for some time before the collision. *Milwaukee & S. T. Corp. v. Royal Transit Co.* 29 W (2d) 620, 139 NW (2d) 595.

#### CHAPTER 348. SIZE, WEIGHT AND LOAD.

##### 348.20 Policy in prosecuting weight violations.

Both the owner and operator may be charged with violating the weight laws and required to post bond. The vehicle and load cannot be held for the purpose of forcing the posting of a bond by the owner but it may be held as evidence of the criminal violation. 54 Atty. Gen. 45.

#### CHAPTER 349. POWERS OF STATE AND LOCAL AUTHORITIES.

**349.11 Authority to modify speed restrictions.** (1)(a) Whenever the state highway commission with respect to the state trunk highway system and the local authorities with respect to highways under their jurisdiction determine upon the basis of an engineering and traffic investigation that any statutory speed limit is greater or less than is reasonable or safe under the conditions found to exist upon any part of a highway or that the actual speed of vehicles upon any part of a highway is greater or less than is reasonable and prudent, the commission with respect to the state trunk highway system and the local authorities with respect to highways under their jurisdiction may, subject to the limitations set forth in subs. (2) and (3), determine and declare a reasonable and safe speed limit on the highway or part thereof in question. When appropriate signs giving notice of such speed limit have been erected and are in place, such speed limit shall be effective at all times or at such times as indicated by the signs.

(b) Whenever the state highway commission with respect to the state trunk highway system determines, upon the basis of an engineering and traffic investigation, that any statutory minimum speed limit is greater or less than is reasonable or safe under the conditions found to exist upon any part of a highway or that the actual minimum speed of vehicles upon any part of a highway is greater or less than is reasonable and prudent, the commission with respect to the state trunk highway system may, subject to applicable limitations in subs. (2) and (3), determine and declare a reasonable and safe minimum speed limit on the highway or part thereof in question. When appropriate signs giving notice of such minimum speed limit have been erected and are in place such minimum speed limit shall be effective at all times or at such times as indicated by the signs.

**History:** 1961 c. 537; 1965 c. 181, 569.

**349.13 Authority to regulate the stopping, standing or parking of vehicles.**

Milwaukee night parking ordinance sus- 193, 138 NW (2d) 223.  
tained. Milwaukee v. Hoffmann, 29 W (2d)

## CHAPTER 402. SALES.

**402.101 Short title.**

The sales contract; formation, buyer's Barnes, 49 MLR 108, 122, 135.  
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**404.102 Applicability.**

Check handling under the commercial code. Leary, 49 MLR 331.

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Surety's rights as security interest. 49 MLR 164.

## CHAPTER 885. WITNESSES AND ORAL TESTIMONY.

**885.01 Subpoenas, who may issue.**

(1) By any judge or clerk of a court or court commissioner or justice of the peace, within the territory in which such officer or the court of which he is such officer has jurisdiction, to require the attendance of witnesses and their production of lawful instruments of evidence in any action, matter or proceeding pending or to be examined into before any court, magistrate, officer, arbitrator, board, committee or other person authorized to take testimony in the state.

**History:** 1963 c. 6; 1965 c. 66 s. 2; 1965 c. 217, 617.

## CHAPTER 887. DEPOSITIONS, OATHS AND AFFIDAVITS.

**887.01 Oaths, who may administer.** (1) WITHIN THE STATE. An oath or affidavit required or authorized by law, except oaths to jurors and witnesses on a trial and such other oaths as are required by law to be taken before particular officers, may be taken before any judge, court commissioner, resident United States commissioner who has complied with s. 235.19, clerk, deputy clerk or calendar clerk of a court of record, notary public, town clerk, village clerk, city clerk, justice of the peace, county clerk or his deputy within the territory in which such officer is authorized to act; and, when certified by such officer to have been taken before him, may be read and used in any court and before any officer, board or commission. Oaths may be administered by any person mentioned in s. 885.01 (3) and (4) to any witness examined before him.

**History:** 1961 c. 495; 1965 c. 66 s. 2; 1965 c. 617.

CHAPTER 893. LIMITATIONS OF COMMENCEMENT OF ACTIONS AND  
PROCEEDINGS.**893.18 Within 10 years.**

See note to 247.03, citing Ginkowski v. 403.  
Ginkowski, 28 W (2d) 530, 137 NW (2d)

## CHAPTER 939. GENERAL PROVISIONS.

**939.22 Words and phrases defined.**

See note to 943.32, citing Rafferty v. State, 29 W (2d) 470, 138 NW (2d) 741.

**939.48 Self-defense and defense of others.**

Model instruction 805, Wis. J I—Criminal, Part I (prescribed where self-defense is an issue), is consistent with the legislative standard of self-defense and is a correct statement of the legal principles applicable thereto. The portions of the preceding instruction which qualify the privilege of self-defense to the standard of "what a person of ordinary intelligence and prudence would have done in the position of the defendant under the circumstances existing at the time of the alleged

offense" correctly enunciate the controlling criterion by directing the jury to apply the objective standard of the ordinary intelligent and prudent person, limited to one in the position of the defendant under the circumstances existing at the time of the alleged offense—thus giving the jury sufficient latitude to consider all of the motivating factors at the time and place. *State v. Kanzelberger*, 28 W (2d) 652, 137 NW (2d) 419.

**939.66 Conviction of included crime permitted.**

The rule is that there must be a reasonable ground for a conviction on the lesser charge and an acquittal of the greater charge before the trial court will be justified in submitting lesser degrees of homicide than that charged in the information.

If the evidence in such a case warrants submission of lesser degrees of the offense, failure to do so results in undeniable prejudice to the defendant. *Weston v. State*, 28 W (2d) 136, 135 NW (2d) 820.

## CHAPTER 943. CRIMES AGAINST PROPERTY.

**943.10 Burglary.**

An inference of intent to steal does not arise from proof of the breaking and entering of a building, or attempt to do so, with-

out consent in the nighttime. *State v. Reynolds*, 28 W (2d) 350, 137 NW (2d) 14.

**943.23 Operating vehicle without owner's consent.**

The taking of an automobile without the consent of the owner is a separate crime and is neither synonymous with nor a lesser degree of the crime of larceny. An intention to permanently deprive the owner of possession of his property (The gravamen of larceny) is not an element of the offense.

The offense may be committed by one whose original possession of the vehicle was lawful, but who subsequently uses the vehicle for his own purposes without the consent of the owner. *Bass v. State*, 29 W (2d) 201, 138 NW (2d) 154.

**943.32 Robbery.**

A pellet gun is a "compressed-air weapon" which when pumped up and used at close range had a muzzle velocity sufficient to cause the pellet ejected therefrom to become embedded in a wall and was a "dangerous weapon" as defined in 939.22 (10),

and as used in 943.32 (2). A pellet gun when used as a bludgeon is also a dangerous weapon as defined in 939.22 (10). *Rafferty v. State*, 29 W (2d) 470, 138 NW (2d) 741.

## CHAPTER 944. CRIMES AGAINST SEXUAL MORALITY.

**944.01 Rape.**

The term "by force and against her will" employed in defining the crime of rape is a codification of the prior existing law. While the law requires the utmost re-

sistance as evidence of a woman's will, the law does not require the useless or the impossible. *State v. Schmeier*, 28 W (2d) 126, 135 NW (2d) 842.

## CHAPTER 945. GAMBLING.

**945.01 Definitions relating to gambling.****(2) LOTTERY.****(b)**

2. In any game, drawing, contest, sweepstakes or other promotion, none of the following shall constitute consideration under this subsection:

- a. To listen to or watch a television or radio program.
- b. To fill out a coupon or entry blank which is received through the mail or published in a newspaper or magazine, if facsimiles thereof are acceptable.
- c. To furnish proof of purchase if the proof required does not consist of more than the container of any product as packaged by the manufacturer, or a part thereof, or a facsimile of either.
- d. To send the coupon or entry blank and proof of purchase by mail to a designated address.

**History:** 1963 c. 122; 1965 c. 122, 654.



CHAPTER 946. CRIMES AGAINST GOVERNMENT AND ITS  
ADMINISTRATION.

946.15 Purchasing claims for collection.

(1) A justice of the peace or constable who directly or indirectly acquires a financial interest in any note, bond, demand or cause of action for the purpose of commencing an action thereon before a justice of the peace; or

(2) A justice of the peace or constable who lends or advances, agrees to lend or advance, or procures to be lent or advanced anything of value to another as an inducement to such other person to place a cause of action in his hands for prosecution or collection or as a reward or consideration for such other person having done so; or

History: 1961 c. 614; 1965 c. 617.

CHAPTER 947. CRIMES AGAINST PUBLIC PEACE, ORDER AND  
OTHER INTERESTS.

947.01 Disorderly conduct.

This section is not void for vagueness and defendants could be convicted for conducting a "sit-in" in a public office. State v. Givens, 28 W (2d) 109, 135 NW (2d) 780. The fact that abusive language is directed to a policeman and is not overheard by others does not prevent it from being a breach of the peace, but a police officer cannot provoke a person into a breach of the peace and then arrest him without a warrant. Lane v. Collins, 29 W (2d) 66, 138 NW (2d) 264.

CHAPTER 954. ARREST AND EXAMINATION.

954.01 Process, who issues.

A district attorney may not issue a warrant for arrest. State ex rel. White v. Simpson, 28 W (2d) 590, 137 NW (2d) 391.

CHAPTER 955. PROCEEDINGS BEFORE AND AT TRIAL.

955.075 Arraignment.

The term "arraignment" refers not to the initial appearance before a magistrate, but only to the appearance for the purpose of reading and filing, and pleading to, the information in a court having jurisdiction to accept such a plea and to impose sentence. The functions of the magistrate at the initial appearance of an accused following the latter's arrest are limited to formally charging him with the offense for which he has been arrested, informing him of his right to counsel and of his right to have a preliminary examination, and setting bail. Eskra v. State, 29 W (2d) 212, 138 NW (2d) 173.

955.18 Preliminary examination; when a prerequisite to information.

Denial of a motion made pursuant to (2) (a) for remand (following defendant's waiver of preliminary examination) did not constitute an abuse of discretion, where the trial court then had before it an uncontradicted statement of the district attorney that the defendant had had considerable experience before that court and others; the statement of defendant's counsel that he needed the preliminary examination to adequately prepare for trial; and a handwritten affidavit theretofore submitted by defendant disclosing the latter's familiarity with criminal law and procedure, from all of which it could be concluded that defendant's waiver was made intelligently. State v. Camara, 28 W (2d) 365, 137 NW (2d) 1.

CHAPTER 957. CRIMINAL TRIALS.

957.255 New trial; service of affidavits; appeal.

Under (2) the circuit court does not have the authority to review the record, exercising a fact-finding function, and come to an independent conclusion by substituting its discretion for that of the trial court nor does it have power to order a new trial in the interest of justice. State v. Waters, 28 W (2d) 148, 135 NW (2d) 768.

CHAPTER 958. APPEALS, NEW TRIALS AND WRITS OF ERROR.

958.06 New trial; sentence; service of affidavits; writ of error.

While the words new trial may mean different things in different contexts, the words "new trial" as used in (3) are construed as encompassing redetermination of guilt, irrespective of whether the original or subsequent determination was made on a plea of guilty. The provisions in (3) (b) and (c), requiring the trial court where a new trial results in conviction to make allowances for and deduct from a sentence

imposed whatever time a defendant has theretofore served and counting time served in prison under an earlier sentence for the same offense, in establishing eligibility for parole, were designed to revise the pre-existing rule, so that a defendant upon re-

determination of guilt should receive allowance for whatever time of imprisonment he had served by reason of the acts constituting the offense with which he was charged. State ex rel. Eastman v. Burke, 28 W (2d) 170, 136 NW (2d) 297.

CHAPTER 959. JUDGMENT AND EXECUTION.

959.01 Conviction; judgment thereon.

Until execution (providing the term of court has not expired), there is no prohibition under (2) which precludes a trial court from deferring execution or even im-

posing a sentence in order to consolidate other matters before the court affecting the same defendant. Weston v. State, 28 W (2d) 136, 135 NW (2d) 820.

959.05 Indeterminate sentence, Wisconsin state prisons.

(5) Male persons not less than 16 nor more than 30 years of age may be sentenced to the Wisconsin state prisons if convicted of a felony or a misdemeanor punishable by imprisonment in the county jail or house of correction for one year or more.

History: 1965 c. 520, 650.

959.15 Sex crimes.

An offender for whom the presentence report of the department of public welfare recommends treatment cannot be sentenced to punitive punishment, even with a stay of execution, but must be either committed to the department for treatment or placed on probation with treatment. State ex rel. Copas v. Burke, 28 W (2d) 188, 136 NW (2d) 778.

Where the department made an order under (13) for continuance of control of a sex offender, but the reviewing court did not timely notify the prisoner of the hearing nor of his right to counsel, the order for continuance was only procedurally erroneous and could be cured by a later proper hearing. State ex rel. Stroetz v. Burke, 28 W (2d) 195, 136 NW (2d) 829.

CHAPTER 960. CRIMINAL PROCEEDINGS IN JUSTICE COURTS.

960.01 Justices' jurisdiction. Except as otherwise provided in this chapter, justices of the peace shall have jurisdiction throughout their respective counties to hold court to try and determine all charges under ss. 940.20 and 947.01. Justices of the peace shall not have jurisdiction to hold preliminary examinations in felony cases.

History: 1961 c. 561; 1965 c. 617.

CHAPTER 990. CONSTRUCTION OF STATUTES.

990.01 Construction of statutes; words and phrases.

(17m) JUSTICE OF THE PEACE. "Justice of the peace" means municipal justice of the peace.

History: 1961 c. 33, 495, 677; 1965 c. 252, 617.

The words "other than" (used in defining a utility automobile as being a certain type vehicle "other than" a farm vehicle) is construed as meaning "different from" rather than "in addition to", since a con-

trary interpretation is not the usual meaning accorded to the term or the meaning to be attributed thereto when the phrase is considered in context. Schmude v. Hansen, 28 W (2d) 326, 137 NW (2d) 61.

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WISCONSIN  
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1898

WISCONSIN  
STATUTES  
1898

**CERTIFICATE.**

(s. 35.18)

I certify that each section of the statutes printed in this book has been compared with its respective original section in the statutes of 1898, or with the original section contained in the enrolled act from which the section was derived; and that, if an original section has been amended, that the section as printed herein has been compared with the amendments. I further certify that all sections appear to be correctly printed.

**JAMES J. BURKE,**  
*Revisor.*

Madison, Wisconsin.