35.88 History: 1959 c. 516; Stats. 1959 s. 35.89; 1963 c. 224; 1965 c. 625; 1969 c. 29 s. 1; 1969 c. 291 s. 14; 1969 c. 291 ss. 585 (2), 596.

Comment of Interim Committee on State Publications, 1959: Old 35.94 is renumbered 35.94 (20) with minor verbal changes. [Bill 617-S]

On the extent to which the administrative procedure act confers rule-making authority, see notes to 227.014.

The purpose of the legislature in requiring the filing of rules with the secretary of state under 227.03 and in providing for publication under 35.93, Stats. 1945, is apparently to provide a standard by which members of the public can inform themselves with certainty of the exact obligation imposed by administrative rules at any given time. 37 Atty. Gen. 391, 392. See also 59 Atty. Gen. 513, 515.

A member of the legislature is entitled to but one copy of the Wisconsin administrative code plus current service. His reelection does not entitle him to an additional copy. 48 Atty. Gen. 39.

35.94 History: 1959 c. 516; 1959 c. 659 s. 51; Stats. 1959 s. 35.94; 1967 c. 391 s. 14.

Comment of Interim Committee on State Publications, 1959: Old 35.94 is transferred to 35.62 and 35.46. Old 35.94 (20) is renumbered new 35.94 with minor verbal changes. [Bill 617-S]

CHAPTER 36.

University of Wisconsin.

36.01 History: 1866 c. 114 s. 5; 1870 c. 80; 1872 c. 135; R. S. 1876 s. 377; Stats. 1898 s. 377; 1917 c. 435 s. 2; Stats. 1917 s. 36.01.

36.02 History: 1969 c. 276; Stats. 1969 s. 36.02.

36.03 History: 1866 c. 114 s. 6, 7, 10; 1869 c. 13 s. 1; R. S. 1876 s. 379; Stats. 1898 s. 379; 1903 c. 260 s. 1; Supl. 1906 s. 379; 1917 c. 435 s. 2; Stats. 1917 s. 36.03; 1947 c. 8 s. 31; 1949 c. 197; 1959 c. 659 s. 79; 1967 c. 29 s. 1; 1969 c. 276.

On internal improvements see notes to sec. 10, art. VIII; on supporting a state university see notes to sec. 6, art. XI; and on appropriations to the state university see notes to 35.385.

The regents of the university of Wisconsin are an agency of the state, and while they may acquire property, the same is really held by them as the agency of the state in furtherance of the state’s purpose to maintain a university. Wisconsin Univ. Bd. of Corp. v. Davids, 257 W. 497, 44 NW (2d) 259.

The board of regents of the university, which is declared to be a body corporate by 36.03, Stats. 1921, has no powers except such as are conferred upon it by the express language of the statute, or by fair or necessary implication therefrom. 12 Atty. Gen. 50.

The regents have authority to convey land to the United States for a proper university purpose. 37 Atty. Gen. 251.

36.04 History: 1866 c. 114 s. 14, 15; R. S. 1870 s. 380; Stats. 1898 s. 380; 1917 c. 435 s. 36.04.
2; Stats. 1917 s. 36.04; 1907 c. 29 s. 4; 1969 c. 36.05

36.05 History: 1913 c. 399; Stats. 1913 s. 389; 1917 c. 453 s. 2; Stats. 1917 s. 36.05; 1969 c. 276 s. 593 (3), (4).

36.06 History: R. S. 1868 c. 31 s. 7; 1897 c. 229 s. 2; R. S. 1978 s. 391; 1886 c. 114 s. 2; 1897 c. 453 s. 2; 1913 c. 766 s. 6; 1917 c. 453 s. 2; Stats. 1917 s. 36.05; 1919 c. 33; 1925 c. 225 s. 2; 1927 c. 32; 1929 c. 626 s. 2; 1927 c. 445 s. 2; 1937 c. 1217; 1941 c. 38; 1947 c. 28; 1949 c. 486, s. 1; 1950 c. 307; 1952 c. 140; 1957 c. 504, s. 2; 1963 c. 419; 1965 c. 633 s. 121; 1967 c. 43; 1967 c. 291 s. 14; 1969 c. 124; 1975 c. 124 s. 377; 1979 c. 276 s. 586 (1), 584 (1), 606 (2), (4); 1989 c. 453.

On borrowing the credit of the state see notes to sec. 36.07; and on contracting state debts see notes to sec. 4, art. VII.

A professor in the university is not a public officer in any sense that excludes the existence of a contract relation between himself and the board employing him. His is purely a contract relation. Butler v. Regents, 25 W 124.

The regents have no powers except such as are conferred by statute. The heating and lighting of public halls and rooms of the university are necessary and convenient for the accomplishment of its objects; and the regents may charge a fee to each student for such heating and lighting as a part of the incidental expenses. State ex rel. Priest v. Regents, 54 W 159, 11 NW 472.

The university having acquired lands constituting its "campus" with a view of constructing thereon necessary buildings, and the legislature having authorized the regents to lease such lands for long terms to private nonprofit corporations, which will construct buildings thereon to be devoted to university purposes, and rent the same to the regents, who will pay the rentals and eventually pay off the building out of operating revenues, there is ample consideration to support the lease; and the leasing of the lands does not constitute its accomplishment of its objects; and the regents will have exclusive control of the project. (Schwinn v. Milwaukee County, 258 W 256, distinguished.) To authorize condemnation, it is not necessary that the board show that it now has the money on hand to complete the project for which the land is being acquired. Wisconsin Chapter House Assn. v. Regents, 200 W 206, 50 NW 2 (2d) 469.

The sale of 33.83 acres of agricultural lands at a price of $6,000 cash per acre, together with other items constituting the consideration for the sale, was not an abuse of discretion by the Board of Regents as selling at an inadequate price because of the value of such lands for business purposes. Glendale Development v. Board of Regents, 12 W (2d) 126, 106 NW (2d) 430.

See note to sec. 3, art. I, on limitations imposed by the Fourteenth Amendment, citing Soglin v. Knauff, 419 F 2d 163.


See note to sec. 9, art. I, on limitations imposed by the Fourteenth Amendment, citing Lee v. Board of Regents of State Colleges, 306 F Supp. 1067.

The regents of the university have no authority to employ attorneys. 1903 Atty. Gen. 471.

The regents of the university have the power to defray the salary and expenses of a high school inspector out of the general university fund. 1919 Atty. Gen. 725.

The regents of the university have implied authority to pay expenses of applicants, coming to Madison for conferences looking toward future employment, out of the available public funds. 7 Atty. Gen. 167.

The regents have authority to enter into an agreement with the U. S. Department of agriculture for the maintenance of forest-products laboratories in exchange for teaching and research facilities. 21 Atty. Gen. 217.

The regents have power to grant the use of university buildings to public bodies and nonprofit-making associations having educational programs on a charge basis and at times not interfering with other university uses. 23 Atty. Gen. 332.

The regents may cooperate with the state highway commission by leasing to it lands for construction of a highway materials and testing laboratory to be used by both highway commission and students of the university for laboratory and research purposes. 25 Atty. Gen. 365.

Contracts and leases requiring approval of the state engineer and governor under 36.06 (6) are those between the regents and a nonprofit-sharing corporation or corporations; and leases between such nonprofit-sharing corporation or corporations and third parties do not require such approval. 35 Atty. Gen. 449.

The regents do not have statutory authority to restrict admission of students, resident or nonresident, because of budgetary shortages. 52 Atty. Gen. 217.

36.081 History: 1969 c. 154; Stats. 1969 s. 36.061.

36.082 History: 1919 c. 116 s. 11; Stats. 1919 s. 36.062.

The regents under 36.063 and 36.065, Stats. 1917, have authority to participate in an association with other universities for astronomi-
The regents have authority to participate in a nonprofit Illinois corporation along with other universities for the purpose of promoting scientific research and making available to students and faculty of the university the opportunities and facilities of such association. 42 Atty. Gen. 149.

The requirement of section 36.16 (2) as to time of payment of tuition fees at the university is discretionary with the board of regents. 49 Atty. Gen. 496.

The status of a person with reference to payment of tuition fees at the university is discussed in 4 Atty. Gen. 929 and 6 Atty. Gen. 929. A mother who is separated from her husband may establish a separate residence for herself and daughter and supports herself and daughter at her own expense. 48 Atty. Gen. 319.

The board of regents may accept gifts to assist in the construction of buildings for university purposes. 7 Atty. Gen. 289.

The regents have authority to use funds derived from gifts to the university for the benefit of the university of Wisconsin-Milwaukee or university extension centers. 46 Atty. Gen. 143.

As a result of the passage of section 36.068 (3), the board of regents, under section 36.065, has authority to use funds derived from gifts to the university for the benefit of the University of Wisconsin-Milwaukee or university extension centers. 46 Atty. Gen. 149.

See note to sec. 3, art. XIII, citing Martin v. Smith, 239 W 314, 1 NW (2d) 163.

The board of regents may approve or disapprove determinations of the faculty as to military science instruction, but cannot modify its action. 49 Atty. Gen. 98.

The residence of a minor may or may not be that of his guardian. 5 Atty. Gen. 456.

A mother who is separated from her husband by voluntary separation and supports herself and daughter may establish a separate residence in this state so as to exempt her daughter from the payment of tuition. 7 Atty. Gen. 964.

The requirement of section 36.16 (2) as to time of submitting recommendations for remission of nonresident tuition is mandatory. 28 Atty. Gen. 156.

The regents are not prohibited by section 36.16 (1) (a) or otherwise from accepting nonresident tuition from the veterans administration on behalf of veterans. 46 Atty. Gen. 631.
be on the radio towers of station WHA with-
out authority. Officers and agents in charge of the station are not liable to trespassers of mature intelligence. If reasonable safeguards have been provided, officers and agents are not liable under the attractive nuisance doctrine for injuries to trespassing children. 30 Atty. Gen. 365.

36.34 History: 1953 c. 605; Stats. 1953 s. 36.34; 1965 c. 467, 658; 1967 c. 401, 1961 c. 610; 1965 c. 433 s. 121; 1967 c. 26; 1967 c. 29 s. 4; 1967 c. 391 s. 14; 1969 c. 154 s. 377; 1969 c. 276 s. 603 (1), (3).

Problems arising under a proposal to develop a shopping center on lands of the university of Wisconsin are discussed in 46 Atty. Gen. 84 and 47 Atty. Gen. 9 and 134.

36.36 History: 1959 c. 620 s. 4; Stats. 1959 s. 36.36; 1969 c. 276 s. 603 (4).

36.43 History: 1989 c. 229; 1969 c. 392 s. 18; Stats. 1969 s. 36.43.

36.45 History: 1969 c. 89; Stats. 1969 s. 36.45.

36.46 History: 1969 c. 296; Stats. 1969 s. 36.46.

36.47 History: 1969 c. 26; Stats. 1969 s. 36.47.

36.49 History: 1969 c. 37; Stats. 1969 s. 36.49.

36.50 History: 1929 c. 174; Stats. 1929 s. 348.55; 1933 c. 606 s. 297; Stats. 1959 s. 36.50.

CHAPTER 37.
State Universities.

37.01 History: 1969 c. 276; Stats. 1969 s. 37.01.

An action on a teacher's contract and for the reasonable value of services as manager of the school cafeteria was not maintainable against the board of regents, as such board is an agency of the state to perform specified administrative duties and the state has not waived immunity to suit. Sullivan v. Board of Regents, 209 W 243, 244 NW 663.

37.02 History: 1866 c. 116; 1869 c. 151 s. 26; 1878 c. 227; R. S. 1878 c. 394; Stats. 1898 s. 384; 1913 c. 736 s. 3; 1917 c. 453 s. 3; Stats. 1917 s. 37.02; 1919 c. 831; 1929 c. 488 s. 3; 1945 c. 50; 1947 c. 28; 1949 c. 496; 1951 c. 268, 548; 1953 c. 61, 402; 1955 c. 144; 1959 c. 460; 1963 c. 419; 1965 c. 215; 1969 c. 58; 1969 c. 276 ss. 249, 594 (1), 602 (1), (4).

On loaning the credit of the state see notes to sec. 5, art. VIII, and on contracting state debts see notes to sec. 4, art. VIII.

The board of regents cannot appear or permit an instructor to appear before a legislative committee at its expense except on matters relating to normal schools. 4 Atty. Gen. 167.

37.03 History: 1959 c. 620 s. 11; 1869 c. 151 s. 24, 36; 1876 c. 29 s. 2; 1876 c. 13 s. 1; R. S. 1878 c. 395; Stats. 1898 s. 395; 1903 c. 168 s. 2; Supl. 1906 s. 395; 1917 c. 453 s. 3; Stats. 1917 s. 37.03; 1969 c. 276.

37.04 History: 1913 c. 200; Stats. 1913 s. 396a; 1917 c. 453 s. 3; Stats. 1917 s. 37.05; 1951 c. 546; 1969 c. 276 s. 602 (1), (4), (6).

37.05 History: 1969 c. 59; Stats. 1969 s. 37.05.

37.06 History: 1869 c. 116 s. 6; 1867 c. 30 s. 9; 1869 c. 151 s. 25, 30, 32; 1876 c. 13 s. 2; R. S. 1878 c. 397; Stats. 1898 c. 397; 1917 c. 453 s. 3; Stats. 1917 s. 37.06; 1919 c. 362 s. 19; 1945 c. 20; 1951 c. 348; 1969 c. 276.

37.07 History: 1969 c. 151 s. 27; 1875 c. 5 s. 1; R. S. 1875 c. 401; 1879 c. 98; Ann. Stats. 1898 s. 401; 1955 c. 390; Stats. 1898 s. 401; 1905 c. 198 s. 4; Supl. 1906 s. 401; 1917 c. 453 s. 3; Stats. 1917 s. 37.07; 1945 c. 20; 1947 c. 9 s. 31; 1949 c. 179; 1951 c. 348; 1959 c. 226 s. 68; 1969 c. 276 s. 602 (1), (4).

Under 37.07, Stats. 1919, the secretary of the board of regents certifies only as to the action of the board; he does not pass on the correctness of a claim. 6 Atty. Gen. 167.

37.08 History: 1909 c. 495; 1911 c. 603 s. 18; Stats. 1911 s. 401m; 1913 c. 756 s. 2, 3;