

CHAPTER 14

CONSTITUTIONAL OFFICES AND INTERSTATE BODIES

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SUBCHAPTER I EXECUTIVE OFFICE

14.01 Executive office; creation. There is created an executive office under the direction and supervision of the governor.

14.011 Same; program responsibilities. The executive office shall have the program responsibilities specified for the office under this subchapter and chs. 1, 15 and 21 and ss. 12.22, 12.25, 13.03, 13.58, 14.58 (7), 16.05 (1), 16.40 (4), 16.42 (1) (f), 16.44 to 16.47, 16.50, 16.52 (6) (c), 16.53 (1) (c) 7, 16.54, 16.75 (6), 16.82 (4) (b), 16.87, 16.93 (3) (c), 17.05, 17.07, 17.08, 17.09 (5), 17.10 (1), 17.11 (1) and (2), 17.16, 17.18 (2), 17.19 (2) and (4), 17.20, 17.21, 17.27 (4), 18.07 (2), 19.11, 20.445 (9) (x) 5 and 6, 20.865 (1) (c) 2, 20.906 (1), 20.914, 20.915 (1), 20.916 (3), 20.918, 20.921 (1) (a) 4, 25.29 (6) (b), 29.174 (5), 30.03 (2), 30.11 (5) (c), 30.251, 32.02 (2), 32.21, 35.095, 35.265, 35.29 (2), 35.50 (1), 35.53 (2), 36.06 (6) (b) 4, 36.10 (1), 45.38 (2) (a) 4, 46.035 (2) (a) 4, 46.16 (6), 48.993 (1), 50.07 (1) (c), 51.81 to 51.85, 52.10, 57.071, 57.08 to 57.13, 58.05 (6), 59.031 (7), 59.11 (3), 59.29 (1), 59.96, 59.965, 66.048 (2), 66.296 (3), 66.94, 66.941, 66.945, 84.06, 84.07 (1b), 84.09, 84.40 (2) (f), 87.12, 87.18, 93.03, 93.06 (3),

93.09 (6), 93.22 (2), 94.19 (1), 101.25, 101.55, 102.64 (3), 103.50 (5), 108.161 (9), 108.19 (3) and (4), 114.33, 137.01 (1), 137.02 (1), 140.055 (2), 143.07 (8), 144.21 (6) (b), 165.08, 165.25, 176.90 (8), 182.220, 182.33, 182.47 (2), 198.08 (6), 210.02 (1), 210.04 (5), 220.025 (1), 257.13, 286.15, 286.32 (6), 289.14 (1), 341.12 (2), 341.41, 347.05, 601.17 (2), 973.01 (2) and 976.03. In addition:

(1) **DIVISION OF HIGHWAY SAFETY COORDINATION.** The division of highway safety coordination shall have the program responsibilities specified for the division under s. 14.21.

(2) **DISABILITY BOARD.** The disability board shall have the program responsibilities specified for the board under s. 17.025.

History: 1971 c. 40; 1971 c. 125 s. 520 (1); 1971 c. 185 s. 7; 1971 c. 211; 1971 c. 215 s. 142; 1971 c. 254 s. 19; 1971 c. 260 s. 91 (1); 1971 c. 307 ss. 3 to 5.

14.013 Same; specified divisions. (1) **DIVISION OF HIGHWAY SAFETY COORDINATION.** There is created in the executive office a division of highway safety coordination under the direction and supervision of the highway safety coordinator who shall be nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. The coordinator shall have at least 5 years

experience in fields relating to highway safety and shall be appointed on the basis of recognized interest, administrative ability, training and experience in and knowledge of the problems and needs in the field of highway safety.

14.015 Same; attached boards and commissions. (1) **DISABILITY BOARD.** There is created a disability board which is attached to the executive office under s. 15.03. Where not in conflict with s. 17.025, s. 15.07 applies to the disability board. The disability board shall consist of the governor, the chief justice of the supreme court, the speaker of the assembly, the president pro tempore of the senate, the minority leader of the assembly, the minority leader of the senate, and the dean of the university of Wisconsin medical school. In case of the absence or disability of any of the aforementioned members to serve for a particular meeting of the board, the lieutenant governor, a justice of the supreme court designated by the chief justice, the speaker pro tempore of the assembly, the majority leader of the senate, the assistant minority leader of the assembly, the assistant minority leader of the senate, or an associate dean of the university of Wisconsin medical school designated by the dean shall serve, respectively, in place of the aforementioned officers.

14.017 Same; councils. (1) **COUNCIL ON HIGHWAY SAFETY.** There is created in the executive office a council on highway safety. Section 15.09 applies to the council. The council shall consist of 15 members, as follows:

- (a) Five citizen members appointed for staggered 3-year terms.
- (b) Five state officers, part of whose duties shall be related to transportation and highway safety, appointed for staggered 3-year terms.
- (c) Three members of the assembly highways committee appointed by the speaker of the assembly.
- (d) Two members of the senate highways committee appointed by the president pro tempore of the senate.

(2) **COUNCIL ON DRUG ABUSE.** There is created in the executive office a council on drug abuse consisting of the governor, the attorney general, the state superintendent of public instruction, the secretary of health and social services and the chairman of the pharmacy examining board, or their designees; a representative of the controlled substances board; and 2 members of each house of the legislature, representing the major party and the next most numerous party in each house, chosen as are members of standing committees. Section 15.09 applies to the council.

History: 1971 c. 219 s. 4.

14.019 Governor's nonstatutory committees. (1) **CREATION; TENURE; ABOLITION.** Under the general powers of the executive office the governor may, by executive order, create nonstatutory committees in such number and with such membership as he desires, to conduct such studies and to advise him in such matters as he directs.

(a) Persons appointed to a nonstatutory committee may be removed or replaced, or the committee may be abolished, by the governor at his pleasure.

(b) Any nonstatutory committee shall expire on the 4th Monday of January of the year in which a new gubernatorial term of office begins unless the new governor, by executive order, provides for its continued existence and in that case persons then serving on such committee remain members until they resign or until they are removed or replaced by action of the new governor.

(2) **EFFECT OF APPROPRIATION.** Subsection (1) continues to apply to any nonstatutory committee created by the governor even if a part of its expenses is later defrayed from state funds, whether under the general appropriation of s. 20.505 (5) (a) or under an appropriation enacted specifically for the purposes of such committee.

(3) **COORDINATION.** The governor shall designate an employe of the executive office or of the department of administration to serve as coordinator for the activities of the nonstatutory committees created by the governor. The coordinator shall keep a record of all appointments to, or resignations or removals from, such committees. The coordinator shall also provide for the retention and preservation of the records and reports of such committees and shall, when appropriate, cause the duplication of such reports for public distribution.

(4) **FINAL REPORT; DEPOSIT.** Any nonstatutory committee created by the governor and in existence at the time of the general election for a new gubernatorial term shall prepare a final written report on its activities to be submitted to the governor and, if the incumbent governor is not reelected, to the governor-elect prior to the first Monday of January of the year in which the new gubernatorial term begins. The number of copies prepared of such final reports shall be determined by the coordinator under sub: (3) but 3 copies each of every final report required under this subsection, and 3 copies each of any other report by any such committee duplicated for public distribution, shall be deposited with the historical society, the legislative reference bureau, and the general reference and loan library in the department of public instruction.

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14.02 Employees. The governor may appoint and fix the compensation of such employes as he deems necessary for the execution of the functions of the executive office. He may at pleasure remove any of said appointees.

14.03 Governor to coordinate state services. The governor is directed to coordinate and insure the provision of services required by more than one state agency, including without limitation because of enumeration, the use of state communication facilities, business equipment and related personnel so as to permit more efficient and economical operation of state agencies. The cost of such services shall be charged according to s. 20.904.

14.04 Reports to legislature. The governor shall communicate to the legislature at the commencement of each regular session the reports of all state officers, commissions, boards, and departments required by law to report to him, including the reports of state officers whose terms of office have expired covering the transactions in their respective offices from June 30 in the last year of their terms, and, at the time of communicating said reports, shall render to the legislature a statement of all expenditures made by him out of any contingent fund appropriated for the contingent expenses of the executive office. He shall report biennially to the legislature the condition of each of the public institutions of this state which are supported in whole or in part by appropriations by the state with such recommendations as he deems proper.

14.05 Inspection and investigation of institutions. The governor may visit and inspect at any time any public institution of this state which is supported in whole or in part by appropriations by the state; and, in the case of state institutions, he may also cause an investigation to be made of any thereof, or of any matter connected with or of any employe in any such institution, and may appoint a suitable person therefor, and shall require a written report thereof. Such investigator shall be paid not to exceed \$6.50 a day for each day actually and necessarily required in performing the duties imposed, and shall be reimbursed all actual expenses thereby incurred. The cost of any such investigation shall be charged to the appropriation for the state institution under investigation.

14.06 Review of certain rules by governor. After August 7, 1951, any general code covering a particular subject adopted by the department of agriculture or by the department of health and social services shall be submitted to

the governor 30 days in advance of the proposed effective date. If any taxpayer complains in writing to the governor, the governor may suspend the effective date of such code until such time as the proposed code is approved by the legislature. If the governor does so suspend the code, he shall send the proposed code with his certificate of suspension to the secretary of state for transmittal to the legislature at its next session. If the governor finds an emergency exists, he may waive the 30-day period herein provided, and the code shall go into effect at a date designated by him. This section shall not affect requirements of other statutes as to notice, hearing, publication and filing of copies of codes.

Cross Reference: See also 29.174 (5) as to review of rules of the department of natural resources regulating fishing and hunting.

14.07 Records and documents; executive privy seal. (1) The private secretary to the governor, for purposes of authentication, is custodian of the public records and documents in the executive office.

(2) The executive privy seal, a written description of which is deposited in the office of the secretary of state, is the seal of the private secretary to the governor, with which all his official certificates shall be authenticated.

14.08 Deposit of acts; notice. The governor shall cause all legislative acts which have become laws by his approval or otherwise to be deposited in the office of the secretary of state without delay, and shall inform thereof the house in which the respective acts originated.

14.11 Legal actions and proceedings. (1) **STATE PROPERTY; LEGAL PROTECTION OF.** The governor, whenever in his opinion the rights, interests or property of the state have been or are liable to be injuriously affected, may require the attorney general to institute and prosecute any proper action or proceeding for the redress or prevention thereof; and whenever he receives notice of any action or proceeding between other parties by which the rights, interests or property of the state are liable to be injuriously affected, he shall inform the attorney general thereof and require him to take such steps as may be necessary to protect such rights, interests, or property.

(2) **EMPLOYMENT OF SPECIAL COUNSEL.** (a) The governor, if in his opinion the public interest requires such action, may employ special counsel in the following cases:

1. To assist the attorney general in any action or proceeding;

2. To act instead of the attorney general in any action or proceeding, if the attorney general is in any way interested adversely to the state;

3. To defend any action instituted by the attorney general against any officer of the state;

4. To institute and prosecute an action or proceeding which the attorney general, by reason of his opinion as to the validity of any law, or for any other reason, deems it his duty to defend rather than prosecute.

(b) When special counsel is employed, a contract in writing shall be entered into between the state and such counsel, in which shall be fixed the compensation to be paid such counsel by the state. The contract shall be executed in behalf of the state by the governor, and shall be filed in the office of the secretary of state. Such compensation shall be charged to the special counsel appropriation in s. 20.455.

(c) Upon employment of special counsel, the governor shall certify the maximum amount provided in the employment contract to the secretary of administration, and direct the department to pay special counsel bills related to that case within the certified figure.

History: 1971, c. 164.

14.12 Execution of releases and satisfactions. Unless otherwise provided by law, the governor and attorney general may release or satisfy any lien or other obligation in favor of the state, upon payment by the obligor of the full amount due thereon or of the amount provided in any compromise settlement duly entered into and approved as provided by law. When such release or satisfaction is required to be under seal, the secretary of state shall affix the great seal of the state and authenticate the signatures of said officers.

14.13 Land claims against United States; receipt of payment. The governor may receive from the U.S. treasury department, from time to time, as he sees fit to draw for the same, the 5% of the net proceeds of sales of the public lands to which this state is or shall be entitled, pursuant to the act of congress approved August 6, 1846, and execute the proper vouchers therefor. When received he shall pay the same into the state treasury to the credit of the school fund.

14.14 Patents to railroad lands. Whenever the governor shall have executed and delivered to any railway or other corporation a patent from this state of any land inuring to such corporation under or through any grant from the United States and the laws of this state, and subsequent to the delivery of any such patent the United States shall patent or certify said

land or any part thereof to this state as inuring under such grant, he may in his discretion execute and deliver to such corporation a new patent of said land by way of further assurance of title to the same, reciting the fact of the execution and delivery of said prior patent and the subsequent issue by the United States of a patent or certified list of the said land, and that the said new patent is made by virtue of this section and for the purposes aforesaid; and the additional patent shall be entitled to the same force and effect as a conveyance and as evidence as other state patents have by law.

14.15 Rewards. Whenever any person convicted of or charged with any felony escapes, or whenever any heinous crime has been committed, the governor may offer a reward of not to exceed \$500 for the apprehension and delivery of such person or the conviction of the perpetrator of such crime. If such reward is claimed, whether by one or more persons, the governor shall finally determine to whom the same shall be paid, and, if to more than one person what portion to each, and shall certify his determination to the secretary of state. No such offer of a reward by the governor shall impose any actionable liability on the state.

14.16 Holiday proclamations. (1) **ARBOR AND BIRD DAY.** The governor, by proclamation, may set apart one day each year to be designated as Arbor and Bird Day, and may request its observance by all schools, colleges and other institutions by the planting of trees, the adornment of school and public grounds and by suitable exercises having for their object the advancement of the study of arboriculture, the promotion of a spirit of protection to birds and trees and the cultivation of an appreciative sentiment concerning them.

(2) **CITIZENSHIP DAY.** The governor may also set aside, by proclamation, the 3rd Sunday in May in each year to be designated as Citizenship Day, and shall request its observance by all circuit court judges, county boards, municipalities, colleges and other institutions, by suitable exercises for all those persons who have recently become enfranchised either by naturalization or by reaching their majority on the necessity of exercising responsible, vigilant and intelligent citizenship to safeguard and maintain our inalienable American liberties, freedom of person, stability, strength, endurance of our democratic institutions, ideals and leadership.

(3) **LABOR DAY.** The governor may also set apart, by proclamation, one day in each year to be observed as Labor Day.

(4) **VETERANS DAY.** The governor shall annually issue a proclamation calling attention to the fact that the 4th Monday in October (which shall be the day of celebration for November 11) is the anniversary of Veterans Day, and requesting the people throughout the state to observe by appropriate exercises the hour at which the armistice following World War I was concluded.

(5) **MOTHER'S DAY.** The governor may annually proclaim the 2nd Sunday in May as Mother's Day and urge the people and organizations to display the American flag as a public expression of love and reverence for the mothers of our state and as a symbol of a united effort to inspire better homes and closer union between the state, its homes and its sons and daughters.

(6) **GOLD STAR MOTHER'S DAY.** The governor may annually proclaim the last Sunday in September as Gold Star Mother's Day and call upon the people and organizations to display the American flag and hold appropriate meetings in their homes, churches and other suitable places as a public expression of love, sorrow and reverence for the gold star mothers of our state.

(7) **AMERICAN HISTORY MONTH.** To emphasize the spirit of America and Americanism and to remind the citizens of this state of the history of our nation and its free institutions, the month of February in each year is designated "American History Month" and the governor is directed to annually issue a suitable proclamation for the observance thereof.

History: 1971 c. 307.

14.17 Conferences of governors. The governor may attend and represent the state at all conferences of governors, and make such arrangements as he deems necessary for this state to bear its share of the expenses of such conferences. All expenses incurred under this section shall be charged to the proper appropriation for the executive office.

14.21 Division of highway safety coordination. (1) **DUTIES.** The division of highway safety coordination shall coordinate the highway safety activities of the various agencies of state government; evaluate and make recommendations to the governor with respect to program proposals submitted by state agencies and political subdivisions for federal and state funds in conjunction with the federal highway safety program; advise the governor on matters relating to highway safety and the implementation of the federal highway safety program in this state; and assist governmental units and private organizations in the planning and execution of programs relating to highway safety.

(2) **STAFF.** The coordinator shall appoint under the classified service, and supervise and train the staff necessary for performing the duties of the division.

(3) **COUNCIL ON HIGHWAY SAFETY.** The council on highway safety shall confer with the highway safety coordinator on matters of highway safety and with respect to the functions of the coordinator and shall advise the coordinator and the governor on such matters. The council shall meet with the coordinator at least once each quarter.

(4) **DEPARTMENTS AND EMPLOYEES TO COOPERATE.** Every department, its officers and employees, shall cooperate with the coordinator in those matters relating to his functions.

(5) **INFORMATION; REPORTS; RECOMMENDATION.** The division shall furnish all information requested by the governor or by any member of the legislature, and shall report annually in accordance with s. 15.04 (4), including therein a report relating to the implementation of the comprehensive highway safety program in this state. This report shall include but not be limited to:

(a) Current statistical information on motor vehicle accidents, injuries and deaths and their related causation factors.

(b) The implementation of highway safety performance standards promulgated by the state or federal government.

(c) A general accounting of all state or federal funds expended in implementing the comprehensive highway safety program.

(d) Recommendations for additional legislation, programs and funds necessary for the effective implementation of a comprehensive highway safety program.

14.22 Appointments subject to confirmation. Whenever the governor is authorized to make any appointment to office by and with the advice and consent of the senate, and the legislature is not in session at the time such office should be filled, he may make appointment thereto, subject to the approval of the senate at the next succeeding session of the legislature, and all such appointments shall be as valid and effectual from the time when so made until 20 days after such meeting of the legislature as if he possessed the absolute power of appointment.

Cross Reference: See 17.20 for further provision on appointments to fill vacancies in state offices.

14.24 Council on drug abuse. (1) The council on drug abuse shall be the primary state authority to apply for and to receive funds from the U.S. government, gifts, donations and be-

quests, for the purpose of combating drug abuses, and to distribute such funds to state and local agencies for approved programs.

(2) The council shall:

(a) Consider all questions and matters relating to abuse prevention.

(b) Coordinate and review efforts by state agencies to prevent and control drug abuse and make recommendations to such agencies.

(c) In each report under s. 15.09 (7), review state activities in the area of drug abuse prevention and control and make recommendations for further legislation.

(3) The council may:

(a) Determine the effectiveness of existing state drug abuse prevention and control programs and recommend new or improved programming.

(b) Make public reports to educate and inform the people as to the dangers and problems of drug abuse, together with recommended measures to combat drug abuse.

(c) Define responsibility among state agencies for various drug abuse prevention and control programs and direct cooperation between state agencies.

(4) The council on drug abuse shall cooperate with agencies of the federal government and receive and use federal funds for the purposes of this section.

History: 1971 c. 219.

SUBCHAPTER II OFFICE OF THE LIEUTENANT GOVERNOR.

14.31 Office of lieutenant governor; creation. There is created an office of the lieutenant governor under the direction and supervision of the lieutenant governor.

14.311 Same; program responsibilities. The office of the lieutenant governor shall have the program responsibilities specified for the office under this subchapter.

14.32 Service as acting governor. (1) When acting as governor because of the temporary absence or temporary disability of the governor, the lieutenant governor shall be reimbursed for his actual and necessary expenses as acting governor and shall receive \$25 per day in addition to his salary as lieutenant governor.

(2) 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, the lieutenant governor 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.

(3) Compensation for service by the lieutenant governor under this section shall be paid from the appropriation in s. 20.525 (1) (a).

History: 1971 c. 42; 1971 c. 125 s. 522 (1).

14.33 Employees. The lieutenant governor may employ one administrative assistant under s. 16.08 (2) (g). He may employ one secretary under s. 16.08 (2) (g) or under the classified service but such secretary shall be reimbursed at the same rate as head clerks under the legislative salary schedule and may be employed for such period and upon such terms as the lieutenant governor determines. In addition, the lieutenant governor may employ such other staff as the senate committee on organization allows.

History: 1971 c. 125.

SUBCHAPTER III OFFICE OF THE SECRETARY OF STATE

14.36 Office of secretary of state; creation. There is created an office of the secretary of state under the direction and supervision of the secretary of state.

14.361 Same; program responsibilities. The office of the secretary of state shall have the program responsibilities specified for the office under this subchapter, title II, chs. 35, 137, 180, 181 and 185, subch. III of ch. 13 and ss. 13.03, 13.11, 13.17, 14.12, 19.25, 59.03 (2) (c), 62.075 (5), 66.01 (3), 66.018 (5), 68.10, 70.24, 70.57 (3), 71.13 (6), 76.38 (12), 100.14 (2), 132.11, 134.45 (3) (b), 164.08, 182.031, 182.34 (7), 188.26, 190.01, 601.72 and 601.73. In addition:

(1) **BOARD OF STATE CANVASSERS.** The board of state canvassers shall have the program responsibilities specified for the board under s. 7.70.

History: 1971 c. 40; 1971 c. 125 s. 520 (1m); 1971 c. 260 s. 91 (2).

14.365 Same; attached boards. (1) **BOARD OF STATE CANVASSERS.** There is created a board of state canvassers which is attached to the office of the secretary of state under s. 15.03. The board shall consist of the secretary of state, the state treasurer and the attorney general. Two members constitute a quorum, but if only one member attends a meeting of the board, the clerk of the supreme court shall attend without delay upon notification by the attending member and, together with the attending member, shall form the board. If a member of the board is a candidate for an office to be canvassed by the board, upon the request of an opposing candidate for that office, the chief justice shall designate some other state officer or a circuit court judge to

serve in lieu of such member at the board meeting when votes for that office are canvassed.

14.38 Secretary of state, duties. The secretary of state shall:

(1) **RECORD EXECUTIVE ACTS.** Keep a record of the official acts of the executive department and, when required, lay the same and all matters relative thereto before either branch of the legislature.

(2) **AFFIX GREAT SEAL; REGISTER COMMISSIONS.** Affix the great seal to and countersign all commissions issued and other official acts done by the governor, his approbation of the laws excepted; and make a register of such commissions in a book provided by him therefor, specifying the person to whom issued, the office conferred, and the date and term of the commission.

(3) **HAVE CUSTODY OF BOOKS, RECORDS, ETC.** Have the custody of all books, records, deeds, bonds, parchments, maps, papers and other articles and effects belonging to the state, deposited or kept in his office, and make such provision for the arrangement and preservation thereof as is necessary, and keep the same, together with all accounts and transactions of his office open at all times to the inspection and examination of the governor or any committee of either or both houses of the legislature.

(4) **ANNUAL REPORT.** Report annually in accordance with s. 15.04 (4) all matters pertaining to his office and, when required, furnish the governor or either branch of the legislature, in writing, any information relative to the performance of the duties of his office.

(5) **KEEP ENROLLED LAWS, ETC.** Safely keep all enrolled laws and resolutions, and not permit any of them to be taken out of his office or inspected except in his presence, unless by order of the governor or by resolution of one or both houses of the legislature. For any violation of this subsection he shall forfeit the sum of \$100.

(6) **CAUSE ENROLLED LAWS TO BE BOUND.** Cause the original enrolled laws and joint resolutions passed at each session of the legislature, together with the index containing the titles of the same, to be bound in suitable volumes in a substantial manner, and in the order in which they are received from the governor, and the title thereof, with the session at which the same were passed, to be written or printed on the back of such volumes; and no other or further record of the official acts of the legislature, so far as relates to acts and joint resolutions, shall be required of said secretary.

(8) **RECORD FEES.** Keep a record of all fees received by his office and include a summary of such record in his annual report under s. 15.04 (4).

(9) **FURNISH CERTIFIED COPIES.** Make a copy of any law, resolution, deed, bond, record, document or paper deposited or kept in his office, upon request therefor, attach thereto his certificate, with the great or lesser seal affixed, and collect therefor 25 cents per folio and \$2 for such certificate; if such copies are not to be certified then collect therefor the fee of 50 cents per page; also to record any document authorized or required by law to be recorded in his office, and to charge therefor a fee of 25 cents per folio. The fee for certified copies of appointments, certificates of incorporations or amendments, licenses of foreign corporations, or similar certificates, and for certificates as to results of search of the records and files of his office, when a printed form is used, shall be \$3, but when a specially prepared form is required the fee shall be \$4. The minimum fee for any certificate under his hand and seal shall be \$3. Telegraphic reports as to results of record searches shall be \$2 plus the cost of the telegram.

(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.

(11) **OTHER DUTIES.** Perform such other duties as are imposed upon him by the constitution or by law.

(12) **DISCRIMINATION BY CORPORATIONS.** If a complaint shall be made to him that any corporation authorized to do business in this state is guilty of unfair discrimination within the terms of ss. 100.22 and 100.23, refer the matter to the attorney general, who shall, if the facts justify it in his judgment, cooperate with the district attorney and cause proceedings to be commenced in the proper court against such corporation and its officers and members.

(13) **LIMITATION ON REFUNDS.** No refund of payments made to the secretary of state shall be made for amounts of \$1 or less, unless such refund is specifically requested in writing.

(14) **NAME OF DRAFTSMAN ON CORPORATE DOCUMENTS.** No articles of incorporation, articles of amendment, articles of merger or consolidation, statement of intention to dissolve, articles of dissolution, restated articles of incorporation, certificate of abandonment, or statement of revocation of voluntary dissolution, provided for pursuant to ch. 180, 181, 185 or 187, shall be filed by the secretary of state unless the name of the person who, or the governmental agency which, drafted such document is printed, typewritten, stamped or written thereon in a legible

manner. A document complies with this subsection if it contains a statement in the following form: "This document was drafted by (Name)" This subsection shall not apply to a document executed prior to December 1, 1967, or to:

(a) A decree, order, judgment or writ of any court;

(b) A document executed or acknowledged outside this state.

14.40 Record of positions, appointments.

(1) On or before July 1, 1959, and annually thereafter on or before July 1, each legislative, administrative and judicial agency of the state government shall submit to the secretary of state a list of all positions within that agency outside the classified service and excluding the faculties under the jurisdiction of the board of regents of the university of Wisconsin system and the department of public instruction, and above the clerical level which are filled by appointment, the term if there is one, together with the name of the incumbent, and the date of his appointment.

(2) The secretary of state shall keep a record of all such positions, the names of the incumbents and the dates when the terms of incumbents expire.

(3) The secretary of state shall diligently scrutinize all new legislation as it is enacted to discover positions abolished or created and shall notify each agency of such positions created or abolished.

(4) Sixty days prior to the expiration of the term of any person covered by this section, the secretary of state shall notify the agency of the impending expiration of the term unless the position expires with the end of such term.

(5) The appointment officer shall promptly notify the secretary of state of any vacancy occurring in any such position because of resignation, disability or death as well as any appointments made to fill such vacancies.

(6) Any officer or agency of the state authorized to select any officer of the state or member of a board, commission or committee outside the classified service, whether judicial, military or civil, shall report such selection to the secretary of state who shall record and file such selection for information of the public. The department of administration shall not approve any payroll or expense voucher for such position until the notice of appointment has been filed with the secretary of state.

History: 1971 c. 100 s. 23.

14.43 Custodian of deeds, securities, oaths and bonds. All deeds, conveyances, ab-

stracts of title, options and leases of land; and, unless otherwise directed by law, all bonds, mortgages and other securities, for money, belonging to this state, and all official oaths and bonds shall be deposited and preserved in the office of the secretary of state and be open to public inspection.

14.45 Great and lesser seals. (1) The state shall have a great seal and a lesser seal both of which shall be kept in the office of the secretary of state.

(2) The great seal of the state consists of a metallic disc, 2 3/8 inches in diameter, containing, within an ornamental border, the following devices and legend: The coat of arms of the state, as in s. 1.07 described; above the arms, in a line parallel with the border, the words, "Great Seal of the State of Wisconsin;" in the exergue, in a curved line, 13 stars.

(3) A lesser seal, 1 3/4 inches in diameter, engraved with the device of the great seal, with the words, "Seal of the Secretary of State," in a curved line above, and the words, "State of Wisconsin," in a curved line below such device, is the seal of the secretary of state, and may be used to authenticate all papers and documents issued by him, except the official acts of the governor, and such copies of the laws and records in the office of said secretary as may be required for use as evidence in any other state, territory or country.

14.46 Assistant secretary of state. The secretary of state may appoint, in writing, an assistant secretary of state who may perform and execute any of the duties of the secretary of state, except as a member of the board of commissioners of public lands. The assistant secretary shall take and subscribe the oath of office prescribed by the constitution and shall give bond to the secretary of state in such sum and with such conditions as the secretary of state prescribes, conditioned for the faithful discharge of his duties. Such oath shall be filed and preserved in the executive office.

14.47 Cashier in secretary of state's office bonded. The cashier and assistant cashiers in the office of the secretary of state shall give bonds to the secretary of state in such sum and with such conditions as he may prescribe, conditioned for the faithful discharge of their duties. Said bonds shall be furnished by a surety company authorized to do business in this state and the cost thereof shall not exceed one-fourth of one per cent per annum on the amount of said bond or obligation by said surety executed and shall be payable from the appropriation to the secretary of state.

SUBCHAPTER IV
OFFICE OF THE STATE TREASURER

14.56 Office of state treasurer; creation.

There is created an office of the state treasurer under the direction and supervision of the state treasurer.

14.561 Same; program responsibilities.

The office of the state treasurer shall have the program responsibilities specified for the office under this subchapter and ch. 20 and ss. 18.07 (2), 18.10, 19.25, 74.27, 74.73 (2), 76.13 (2), 76.15 (2), 76.22 (3), 76.38, 76.39, 76.48, 78.69, 87.13, 94.16, 94.22 (1), 102.63, 108.15, 108.16, 108.20, 139.10, 139.12, 139.39, 146.13 (1), 146.14, 180.785, 181.64, 185.75, 200.17, 210.02, 210.04, 210.05, 212.03, 215.31, 223.02, 344.39, 344.41, 601.13, 646.03, 646.04, 646.12, 708.07 and 863.39.

History: 1971 c. 40; 1971 c. 125 s. 520 (2); 1971 c. 260 s. 91 (3).

14.58 Duties of state treasurer. The state treasurer shall:

(1) **HAVE CUSTODY OF MONEYS.** Receive and have charge of all money paid into the treasury, and pay out the same as directed by law. Checks on depositories in which moneys may be deposited shall be signed in one of the following methods:

(a) By the state treasurer personally;

(b) By an assistant state treasurer, appointed as provided in s. 14.62, in the name of the state treasurer;

(c) In the name of the state treasurer, by any clerk in his office designated by him; or

(d) By placing on a check the facsimile signature of the state treasurer adopted by him as a facsimile signature. Any depository shall be fully warranted and protected in making payment on any check bearing such facsimile notwithstanding that the same may have been placed thereon without the state treasurer's authority.

(2) **ISSUE RECEIPTS.** Issue receipts for all money paid to him.

(3) **PAY CLAIMS AS PRESENTED.** Pay all claims authorized to be paid out of the treasury in the order in which they are presented, giving a preference to no one.

(4) **PAY ON WARRANTS SUMS AUTHORIZED BY LAW.** Pay out of the treasury, on demand, upon the warrants of the department of administration and not otherwise such sums only as are authorized by law to be so paid, if there are appropriate funds therein to pay the same, and, when any sum is required to be paid out of a particular fund, pay it out of such fund only; and upon each such warrant, when payment is made in currency, take the receipt indorsed on or an-

nexed thereto, of the payee therein named or his authorized agent or assignee. The state treasurer shall accept telephone advice believed by him to be genuine from any state depository bank stating that a specified amount of money has been deposited with such state depository bank for the credit of the state treasurer, and shall act upon such telephone advice as though it had been in writing.

(5) **ACCOUNT FOR INTEREST.** Pay into the treasury and account for all sums directly or indirectly received by him by virtue of his office, or as interest or compensation for the use, deposit or forbearance of any state moneys in his hands or under his control.

(6) **KEEP CASH AND FUND ACCOUNTS.** Keep records showing the number, date and amount of each cash receipt issued by his office and classify said receipts by state funds; submit a summary statement of collections by fund together with a copy of each remittance advice in support thereof; keep also records showing the check number, date, payee and amount of each cash disbursement and classify said disbursements by state funds; and verify at the end of each week the amounts shown by his records to represent total cash balance and cash balances of individual state funds by comparing said amounts with corresponding balances appearing on records maintained by the department of administration.

(7) **PERMIT EXAMINATION OF BOOKS.** Permit at all times inspection and examination of the books, papers and transactions of his office by the governor, secretary of state, attorney general, department of administration or state auditor, or by the legislature, any committee thereof or either branch thereof.

(7m) **ANNUAL REPORT.** Report annually in accordance with s. 15.04 (4) all matters pertaining to his office.

(8) **REPORT TO GOVERNOR QUARTERLY.** Report to the governor quarterly, or oftener if required, the total amount of funds in the treasury, specifying in what kind of currency they consist, the amount of each kind, and the amount belonging to each separate fund, and also what amounts are in each of the state depositories, together with the interest earned thereon, and also all defalcations and neglect of duty of any disbursing or collecting officer or agent of the state, and any information pertaining to the duties of his office he may think proper or the governor may require.

(9) **REPORT TO GOVERNOR BIENNIALY.** Report to the governor, within 20 days after June 30 in each even-numbered year, a statement showing for each of the 2 preceding fiscal years the cash balance in each state fund at the begin-

ning of the year, the aggregate amount of receipts credited and the aggregate amount of disbursements charged to each said fund during the year and the resultant cash balance in each state fund at the end of the year. This statement shall further show as of the end of each said 2 years, at par, the aggregate value of securities held for each state fund and the aggregate value of securities held in trust or deposited for safekeeping, and shall show the manner in which the total cash balance was accounted for by listing the balances on deposit in each bank account, deducting from the total of such bank balances the aggregate amount of checks outstanding and adding thereto the aggregate amount of cash and cash items in office.

(10) **REPORT CERTAIN PAYMENTS.** Whenever the state treasurer or any state department shall remit to any county, city, town or village any sum in payment of a state aid, locally shared tax or other item, he shall transmit a statement of the amount and purpose thereof to the clerk of such municipality. After the receipt thereof, the clerk of such municipality shall present such statement at the next regular meeting of the governing body and shall thereafter file and keep such statement for 6 years.

(11) **MAKE CERTIFIED COPIES.** Make a certified copy of any deed, bond, document or paper filed in his office, and transcripts from the books and records kept therein, when required by any person so to do; and collect therefor 12 cents per folio, and 25 cents for such certificate.

(12) **STAMP CHECKS AND DRAFTS.** Cause to be plainly printed or stamped upon all checks and drafts issued by him, the words "Void if not presented for payment within one year". Any check or draft not presented for payment within the aforesaid period of one year shall be properly canceled by the state treasurer on his records and the amount thereof credited to the fund upon which it was drawn. Notice of such cancellation and credit shall be immediately submitted by the state treasurer to the department of administration.

(13) **SERVICES IN CONNECTION WITH SECURITIES HELD IN TRUST.** Upon request therefor from any company, corporation, society, order or association which has securities on deposit with him, in trust, mail to its address not to exceed 60 days before the same become due, any or all interest coupons; return to it any or all bonds, notes or other deposits as they become due and are replaced by other securities; cut all interest coupons, make any indorsement of interest or otherwise on any such securities; and collect therefor from the company, corporation, society, order or association making the request, a 25-cent fee for a single coupon cut, or for each

entry of interest indorsed on a note or return of a bond, note or other security, and a 10-cent fee for each additional coupon cut, or entry of interest indorsed on a note, bond or other security, and may withhold any and all coupons cut or refuse indorsement of interest on securities until such fee shall have been paid. Such fees shall be paid into the state treasury as a part of the general fund, and no extra charge shall be required for postage or registered mail.

(14) **OTHER DUTIES.** Perform all other duties imposed upon him by law.

(15) **ADVERTISE RECEIPT OF MONEY BY ESCHEAT.** The state treasurer, upon receipt of any money under ss. 852.01 (3) and 863.39, shall forthwith advertise the fact as a class 1 notice, under ch. 985, by giving the name of the decedent, the time and place of his death, the amount paid into the treasury, the personal representative paying the same, the county in which the estate is probated, and that the money will be paid to the heirs or legatees without interest, on proof of ownership, if applied for within 7 years from the date of publication as provided in s. 863.39. The cost of such advertising shall be charged to the appropriation for the treasury department.

(16) **ANNUAL STATEMENT.** The state treasurer shall render a statement annually to the investment board of the cost of services rendered to said board. Upon receipt of such statement, the board shall certify the amount thereof to the department of administration to be paid into the general fund out of the appropriation for the investment board for the cost of making its investments.

(17) **SAFEKEEPING RECEIPTS FOR FEDERAL SECURITIES.** Whenever any federal securities are purchased under authority of any law and the state treasurer is custodian thereof he may accept and hold safekeeping receipts of a federal reserve bank for such securities. Each such receipt shall be identified on its face with the name of the fund to which the securities described in the receipt belong.

(18) **SALE OF INVESTMENTS.** Whenever the department of administration draws a check dated the next following business day upon a fund whose investment and collection is under the exclusive control of the investment board pursuant to s. 25.17 (1), and the receipts of the state treasurer are insufficient to permit a disbursement from said fund in the amount of such check, the investment board shall sell investments owned by such fund for delivery in time to provide sufficient money to cover such check on the date which it bears.

(19) APPORTION INTEREST. Apportion at least quarterly the total interest earned on state moneys in all depositories among the several funds. Interest so apportioned shall be added to and become a part of such funds.

History: 1971 c. 164 s. 90.

14.60 State treasurer's bond. The bond of the state treasurer shall extend to the faithful execution of the duties of the office of state treasurer until his successor is elected and fully qualified. If he elects to give bond guaranteed by a surety company, the cost thereof and of any additional bond required of and furnished by him and so guaranteed shall be borne by the state and shall be paid out of the appropriation to the office of the state treasurer; if the annual cost thereof does not exceed 0.25% of the amount of said bond.

14.62 Assistant state treasurer; oath; bond; powers. The state treasurer may appoint, in writing, an assistant state treasurer who may perform and execute any of the duties of the state treasurer, except as a member of the board of commissioners of public lands. The assistant state treasurer shall take and subscribe the oath of office prescribed by the constitution and shall give bond to the state treasurer, in such sum and with such conditions as the state treasurer prescribes, conditioned for the faithful discharge of his duties. The oath of the assistant state treasurer and the certificate of his appointment shall be filed and preserved in the office of the secretary of state. Such employes as the state treasurer requires shall give bond to this state in such sum and with such conditions as the state treasurer prescribes, conditioned for the faithful discharge of their duties; the cost thereof to be charged to the appropriations made by s. 20.585.

SUBCHAPTER V INTERSTATE BODIES AND AGREEMENTS

14.76 Interstate compacts. (1) This section shall apply to the establishment of agreements not affecting the sovereignty of the United States.

(2) With the approval of the commission on interstate cooperation under s. 13.54 (3) (a), any state agency may agree by compact with other states to apply existing standards for residents to nonresidents if the laws or regulations of the states with which such compacts are made are similarly applied to Wisconsin residents and the compacts shall be noticed and published, as a class 1 notice, under ch. 985, 30 days after the opening of the succeeding session of the legislature unless the legislature meanwhile disapproves by joint resolution.

(3) Any state agency may negotiate compacts with similar agencies in other states relating to the treatment of nonresidents on subjects within its delegated powers but on which no legislation providing standards has been enacted. The commission on interstate cooperation shall be fully apprised of all such negotiations. Such compacts shall be submitted to the legislature and shall be effective when approved as are bills.

(4) Each compact shall as nearly as possible set forth:

- (a) The statutory authority for the delegated power under which the agency is proceeding.
- (b) The legal effect of the compact as shown by the amendments to statutes and rules in the applicable states required to accomplish the objectives of the compact.
- (c) The objectives of the compact.
- (d) The precise reasons for the compact.
- (e) The standards established by the compact.
- (f) The procedures contemplated by the compact.
- (g) The effective date of the compact.
- (h) The effect of the compact upon:
 1. Public finances.
 2. Public policy.

History: 1971 c. 62.

14.78 Great Lakes compact commission.

(1) MEMBERS; TERMS. There is created a Great Lakes compact commission consisting of 5 commissioners appointed by the governor. The commissioners shall be persons having knowledge of and interest in problems of the Great Lakes basin. One commissioner, appointed for an indefinite term, shall be a state officer or employe and shall serve as secretary of the Great Lakes compact commission. The other commissioners shall be appointed for terms of 4 years. The commissioners shall receive no salaries but shall be reimbursed for actual and necessary expenses.

(2) DUTIES. It is the duty of the Wisconsin Great Lakes compact commission:

(a) To represent this state on the Great Lakes commission created by the Great Lakes basin compact ratified and enacted by chapter 275, laws of 1955, and through such representation to perform the functions of the Great Lakes commission in conjunction with the commissioners of other party states. Whenever a vote is required by the terms of the Great Lakes basin compact, each member of the Wisconsin Great Lakes compact commission is authorized to cast the same proportion of the 3 votes to which the state of Wisconsin is entitled under the compact as each of the other members of the Wisconsin Great Lakes compact commission.

(b) To maintain a continuing investigation of the project of connecting the Great Lakes with the Atlantic ocean by means of the Welland canal and the St. Lawrence river and to urge upon congress the enactment of additional appropriate legislation to enable the full development of such waterway, the commission to work in conjunction with similar commissions in other states and with other interested groups and agencies in the promotion of such project.

(c) To direct and execute a program of education in such form as the commission may determine, in support of the projects for development of the St. Lawrence seaway and the deepening of the Great Lakes connecting channels, using not to exceed the amount of funds appropriated for that purpose.

(d) To report annually in accordance with s. 15.04 (4), and to make such other reports as are requested by the governor or which it deems appropriate.

(3) **FINANCING COMMISSION.** The Great Lakes compact commission may annually contribute to the Great Lakes commission not to exceed the amount appropriated for that purpose.

(4) **STATE OFFICERS TO AID COMMISSION.** It is the policy of the state to carry out the Great Lakes basin compact and to accomplish the purposes thereof, and all officers of the state shall do all things falling within their respective jurisdictions necessary or incidental to carrying out such compact. Officers, agencies and employes of the state government shall, at reasonable times and upon the request of the Great Lakes commission, furnish such commission with information and data within their possession and aid such commission by loan of personnel and other means lying within their respective legal powers.

14.80 Interstate Indian commission. (1) There is created an interstate Indian commission of 2 members, one an Indian, appointed by the governor for such term as he fixes, to represent the state on the governor's interstate Indian council. The members of the commission shall be reimbursed for their actual and necessary expenses as members of the commission from the appropriation made by s. 20.505 (5) (a), on vouchers approved by the governor.

(2) The commission shall:

(a) Attend meetings of the governor's 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 cooperation with the federal government, in finding a solution to Indian problems.

14.82 Boundary area commission. Any boundary area commission created under this section shall constitute the Wisconsin representation on a boundary area commission created jointly by this state and a neighboring state party to the boundary area compact enacted by section 1 of Chapter 274, laws of 1965, and shall have all the powers and duties granted or imposed by such compact.

(1) **MINNESOTA-WISCONSIN.** There is created a commission of 5 citizens nominated by the governor, and with the advice and consent of the senate appointed, for staggered terms of 5 years, to constitute the representation of this state on the joint Minnesota-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 representatives to the assembly 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 head of each of the following agencies, to represent such agencies: the department of justice, the department of administration, the department of agriculture, the department of natural resources, the department of health and social services, the public service commission and the department of local affairs and development. 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. 20.315 (1), on vouchers approved by the Wisconsin member of the commission selected to serve as its chairman or vice chairman. All other

expenses incurred by the commission in the course of exercising its powers and duties, unless met in some other manner specifically provided by statute, shall be paid by the commission out of its own funds.

(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 section 1 of 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.

(bm) Every department or agency of Wisconsin state government, or any political subdivision of this state shall, on application by the boundary area commission, supply the commission with copies of such printed documents, issued by such department, agency or subdivision, as the boundary area commission requires in the performance of its functions. The boundary area commission shall contact each such department, agency or subdivision to inform such department, agency or subdivision of the type of documents which it will require on a routine basis.

(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, unless prohibited by the terms of the grant or gift, are appropriated to the commission for expenditure by it in accordance with s. 20.315 (1) (g).

14.85 Mississippi river parkway planning commission. A commission of 10, to be entitled the Mississippi river parkway planning

commission, shall be appointed by the governor for such terms as may be fixed by him, from a list of 3 or more persons submitted to him by each of the county boards of the 8 counties bordering on the Mississippi river, one commission member to be appointed from each of the following counties: Pierce, Pepin, Buffalo, Trempealeau, Vernon and Crawford, and 2 each from La Crosse and Grant counties. The commission shall select its own chairman. The commission may select as its secretary a member of the staff of the planning function of the department of local affairs and development, with the consent of the secretary of local affairs and development. The members of the commission and its secretary shall serve without compensation but the secretary shall be paid for actual and necessary expenses from the appropriation made by s. 20.355 on vouchers approved by the governor. The commission shall:

(1) Attend meetings of the commission called by the chairman.

(2) Assist in coordinating a program for the development of the great river road in Wisconsin and the necessary embellishments of it, by such items as, but not limited to, scenic easements, roadside parks, scenic overlooks, off-road parks and forests, and water oriented facilities.

(3) Assist other state agencies in all efforts to create a unified development of the great river road in Wisconsin and any of its collateral features.

(4) Cooperate with similar committees or commissions in other states and Canadian provinces in the furtherance of the ultimate development of the great river road from Canada to the gulf of Mexico.

14.88 American revolution bicentennial commission. There is created the American revolution bicentennial commission to exist until December 31, 1987. The members of the commission shall be appointed by the governor.

History: 1971 c. 215.