

No. 845, A.]

[Published November 30, 1955.

CHAPTER 669

AN ACT to repeal and recreate 15.94, as created by chapter 98, laws of 1955; and to create 20.275 of the statutes, relating to the establishment of a claims commission and making a sum sufficient appropriation, estimated to be nominal.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 15.94 of the statutes, as created by chapter 98, laws of 1955, is repealed and recreated to read:

15.94 CLAIMS COMMISSION. (1) PURPOSE. There is hereby created a claims commission to receive, investigate and make recommendations on all claims presented against the state which are filed pursuant to s. 15.18 (8). No claim or bill relating to such a claim shall be considered by the legislature until a recommendation thereon has been made by the claims commission.

(2) ORGANIZATION. The claims commission shall be composed of a representative of the executive office selected by the governor, a representative of the department of budget and accounts selected by the director of budget and accounts, a representative of the attorney general's office selected by the attorney general, the chairman of the senate committee on finance and the chairman of the assembly committee on finance. The representative of the attorney general's office shall be chairman and the representative of the department of budget and accounts shall be secretary.

(3) **RULES.** The committee shall not be bound by common law or statutory rules of evidence, but shall admit all testimony having reasonable probative value, excluding that which is immaterial, irrelevant or unduly repetitious. It may take official notice of any generally recognized fact or established technical or scientific fact, but parties shall be notified either before or during hearing or by full reference in preliminary reports, or otherwise, of the facts so noticed, and the parties shall be afforded an opportunity to contest the validity of the official notice.

(4) **PROCEDURE.** When a claim has been referred to the claims commission, it shall schedule such claim for hearing, giving the claimant at least 10 days' written notice of the date, time and place thereof. The commission shall keep a record of its proceedings, but such proceedings may be recorded by a permanent recording device without transcription. It may require sworn testimony and may summon and compel attendance of witnesses and the production of documents and records. Any member of the commission may sign and issue a subpoena. Three members shall constitute a quorum.

(5) **DEPARTMENTS TO CO-OPERATE.** The several agencies of the state government shall co-operate with the commission and shall make their personnel and records available upon request when such request is not inconsistent with other statute law.

(6) **FINDINGS.** The commission shall report its findings and recommendations, on all claims referred to it, to the legislature for action. If from its findings of fact the commission concludes that any such claim is one on which the state is legally liable, or one which involves the causal negligence of any officer, agent or employe of the state, or one which on equitable principles the state should in good conscience assume and pay, it shall cause a bill to be drafted covering its recommendations and shall report its findings and conclusions and submit the drafted bill to the joint committee on finance at the earliest available time. A copy of its findings and conclusions shall be submitted to the claimant within 10 days after the commission makes its determination.

(7) **EXCEPTION.** This act shall not be construed as relieving any third party liability or releasing any joint tort-feasor.

(8) **COMPENSATION.** Members of the commission shall receive no remuneration for the function beyond their actual and necessary expenses incurred in the performance of their duties. The commission is authorized to pay the actual and necessary expenses of employes of the office of the attorney general or the department of budget and accounts authorized by the commission to secure material information necessary to the disposition of the claim.

SECTION 2. 20.275 of the statutes is created to read:

20.275 **CLAIMS COMMISSION.** There is appropriated from the general fund to the claims commission a sum sufficient to carry out the functions required by s. 15.94.

Approved November 25, 1955.