

No. 251, A.]

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### CHAPTER 98

AN ACT to amend 15.18 (8) and to create 15.94 (1) of the statutes, relating to legislative claims and creating a claims commission to hear claims against the state requiring legislative action.

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

SECTION 1. 15.18 (8) of the statutes is amended to read:

15.18 (8) All claims of every kind against the state requiring legislative action shall be made in duplicate, in the manner provided in sub. (1) and shall be filed in the office of the director of budget and accounts. The director of budget and accounts shall examine the same, see if ordered by competent authority \* \* \* and if properly made, \* \* \* designate

the fund to which they are chargeable. *The director shall as soon as practicable refer such claims to the claims commission established under s. 15.94 for its findings of fact, its conclusions, and its report thereon to the legislature for action.* Whenever a bill appropriating money for a claim becomes a law the director of budget and accounts, before drawing his warrant therefor on the treasurer, shall see that the proper account on which such appropriation is based is filed in his office.

SECTION 2. 15.94 (1) of the statutes is created to read:

15.94 CLAIMS COMMISSION. (1) There is hereby created a claims commission to hear all claims presented against the state which are filed pursuant to s. 15.18 (8). The attorney-general and the director of budget and accounts shall be the regular members of the claims commission, and the department head of the department of state government involved in any claim shall act as the third member of the commission.

(2) The commission shall schedule all claims described in sub. (1) for hearings, giving the claimant at least 10 days' written notice of the date, time and place thereof.

(3) The commission 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 they shall be afforded an opportunity to contest the validity of the official notice.

(4) 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 casual 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 report its findings and conclusions to the legislature for action, together with its recommended awards drafted in bill form.

(5) This act shall not be construed as relieving any third party liability of releasing any joint tort-feasor.

(6) Members of the commission shall receive no remuneration for this function beyond their actual and necessary expenses payable from the respective departmental appropriations of the commissioners.

Approved May 10, 1955.

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