

## TITLE IV.

## Public Domain and the Trust Funds.

## CHAPTER 23.

COMMISSIONERS OF THE PUBLIC LANDS AND THE CONSERVATION  
COMMISSION.

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**Cross Reference:** See definitions in 24.01.

**23.01 Constitutional board.** The board created by section seven of article X of the constitution may be styled in any session law, statute or proceeding in a court of justice as "Commissioners of the Public Lands."

**23.02 Jurisdiction.** Together with the power and duty of selling the school and university lands and investing the funds arising therefrom, prescribed for said commissioners by the aforesaid section of the constitution, they are invested with power to dispose of all other public lands and all interests in lands held by the state for sale, and with such further powers as may be necessary or convenient to enable them to exercise the functions and perform the duties imposed upon them by law.

**Note:** Where commissioners of public lands upon investigation are satisfied that state has no valid claim to island created by federal government they may lawfully grant quitclaim deed to city for purpose of clearing title. 20 Atty. Gen. 477.

**23.03 May investigate land claims.** The commissioners of public lands shall investigate the rights of the state to school and normal lands. The expenses incurred in making such investigations and taking necessary steps to protect common school fund and normal fund lands and timber, as well as the expense of necessary surveys, records, appraisals and sales, shall, upon the approval of said commission, be paid out of the gross receipts to the funds to which the proceeds from the sale of such land and timber will be added. [1937 c. 181 s. 2, 5]

**Note:** Expense of survey to determine corners and lines of land on which school fund timber stands may be charged to school fund. Expense of survey to secure portion of land given state in original swamp land grant may be charged to normal school fund. Land commission may not charge witness fees in trespass action to fund to be benefited. 23 Atty. Gen. 374.

**23.04 Office in capitol; records; copies as evidence.** (1) Said commissioners shall keep their office in the capitol. They shall conveniently arrange and preserve therein all records, books, reports, surveys, maps, field notes, plats and other papers pertaining to the public lands heretofore, now, or hereafter owned by the state, including all such as have been or shall be received from the United States or any officer thereof. They may perfect such records, books, reports, surveys, maps, field notes, plats and other papers when incomplete, and cause fair copies thereof to be made when from injury, loss, use or accident it shall become necessary; and any such copy when certified by the chief clerk of the land office under his hand and the official seal of said office to have been made for any of the causes herein specified, and to be a correct copy thereof, shall have the same force and effect in all courts and places as the original; and any copy from said original records, books, reports, surveys, maps, field notes, plats or other papers, or from any record or paper required by law to be kept in their office, or any copy from said certified copy thereof, when certified by the chief clerk of the state land office or any one of the commissioners of the public lands under the official seal of said commissioners, shall be received in evidence with the same effect as the original.

(2) All records, books and files kept by the commissioners shall at all business hours be open, under proper regulations made by them, to the inspection of any person, free of

chargé. The commissioners also may in like manner make, perfect, and complete proper records, books, reports and other papers pertaining to the lands of which the state has been or is trustee for the United States.

**23.05 Chief clerk; assistant; clerks; appointments; duties; oath.** The commissioners shall appoint from the competitive class pursuant to the provisions of chapter 16 of the statutes, a chief clerk and an assistant chief clerk who shall, during the absence of the chief clerk, have all the authority given by law to the chief clerk; and such other clerks as provided in subsection (1) of section 14.71. Such appointments shall be filed in the office of the secretary of state. Every such clerk shall take and file the official oath.

**23.06 Not to buy lands.** The said commissioners, and all clerks and other persons employed by them or about any of their respective offices, are prohibited from purchasing any of the public lands, directly or indirectly, either in their own name or in the name of any other person in trust for them or either of them; and for every tract or parcel of land purchased in violation hereof each such person offending shall forfeit the sum of two hundred and fifty dollars.

**23.07 Report of commissioners.** The said commissioners shall within ten days after the thirtieth day of June in each even-numbered year, make a report to the governor of their official proceedings, showing the quantity of land sold or leased and the amount received therefor, the amount of interest moneys accrued or received, and a specific account of the several investments made by them, stating in all cases of loans, the name of each borrower, the sum borrowed, and a description of the property mortgaged, and such other matters as they may think proper to communicate or as the legislature may require.

**23.08 Land commissioners and conservation commission to co-operate.** The commissioners may, in their discretion make requisitions upon the conservation commission for suitable men in its employ to appraise lands or perform such other service in field or forest as the commissioners may need to have done. So far as practicable the commissioners may select the men to serve, and during such temporary service the men shall be their assistants and subject to their orders. In other respects, as far as may be found practicable, said commissioners and said commission shall mutually co-operate in order to make economical use of their respective employes, equipments and facilities and to enhance the value of the public lands.

**Note:** Commissioners of public lands have for planting or otherwise enhancing value no power to pay out moneys from normal of normal school fund lands. 20 Atty. Gen. school fund to another department of state 1265.

**23.09 Conservation act.** (1) **PURPOSES.** The purpose of this section is to provide an adequate and flexible system for the protection, development and use of forests, fish and game, lakes, streams, plant life, flowers and other outdoor resources in the state of Wisconsin.

(2) **COMMISSION, MEMBERS, APPOINTMENT, TERM, QUALIFICATIONS.** To carry out the purpose of this section and other acts for like purposes, there is created a state conservation commission of six members, three of whom shall be from the territory north, and three from the territory south of a line running east and west through the south limits of the city of Stevens Point. The members of said commission shall be appointed by the governor by and with the advice and consent of the senate. The term of office for each member of the commission shall be six years; provided, that of those first appointed two shall be appointed for two years, two for four years, and two for six years. Thereafter and during February in each odd year, two members shall be likewise appointed and confirmed for a full term. The commissioners appointed shall be persons having knowledge of and interest in conservation.

(3) **EXPENSES OF MEMBERS.** The members of the state conservation commission shall receive no pay for their services as members of the commission, but shall be allowed their actual and necessary traveling expenses and subsistence while absent from their homes in attendance upon meetings of the commission or in the discharge of their official duties.

(4) **COMMISSION, ORGANIZATION, OFFICERS, MEETINGS.** The commission, after having fully qualified shall without delay meet at the capitol in Madison, and organize by electing a chairman and secretary. Four members of said commission shall constitute a quorum for the transaction of business. Meetings may be called by the chairman and shall be called on the request of any two members, and may be held as often as necessary, and at other places than the state capitol.

(5) **OFFICE AT CAPITOL, SUPPLIES, EQUIPMENT.** The commission shall keep its office in the state capitol, and the director of purchases is directed to provide suitable rooms for that purpose, and to furnish the necessary furniture, supplies, postage, stationery, equipment, printed forms, notices and special publications, subject to the printing laws of the

state, except such material and supplies as must be purchased locally for the various hatcheries, parks, reserves, etc. Said commission may sell equipment when such sale in its judgment will be of advantage to the state.

(6) **DIRECTOR; EMPLOYMENT, SALARY, QUALIFICATIONS, POWERS, DUTIES.** The commission shall employ a conservation director who shall continue in office at the pleasure of the commission, and whose salary shall be fixed by the commission, but not to exceed \$6,500 per year. Said director shall be a person having executive ability and experience, special training and skill in conservation work, and shall not be subject to the provisions of chapter 16 of the statutes. He shall be administrative head of the state conservation department, shall be responsible to the commission for the execution of its policies; shall employ, by and with the advice and consent of the commission, such technical and administrative assistance as may be necessary for the execution of such policies, and shall exercise the powers of the commission in the interim of its meetings but subordinate thereto, but shall not have authority to make rules and regulations.

(7) **COMMISSION RULES, STUDIES; SURVEYS, SERVICES, PENALTIES, POWERS.** The commission is hereby authorized to make such rules and regulations, inaugurate such studies, investigations and surveys, and establish such services as they may deem necessary to carry out the provisions and purposes of this act, and any violation of any provisions of this act, or of any rules or regulation promulgated by the commission, shall constitute a misdemeanor and be punished as hereinafter provided. The commission shall also have authority:

(b) *Game refuges.* To designate such localities as it shall find to be reasonably necessary to secure perpetuation of any species of game or bird, and the maintenance of an adequate supply thereof, as game or bird refuges for the purpose of providing safe retreats in which game or birds may rest and replenish adjacent hunting grounds.

(c) *Fish refuges.* To designate such localities as it shall find to be reasonably necessary to secure the perpetuation of any species of fish and the maintenance of an adequate supply thereof, as fish refuges, for the purpose of providing safe retreats in which fish may breed and replenish adjacent fishing waters.

(d) *Lands, acquisition.* To acquire by purchase, condemnation, lease or agreement, and to receive by gifts or devise, lands or waters suitable for the purpose hereinafter enumerated, and to maintain the same for the said purposes:

1. For state forests for the purpose of growing timber, demonstrating forestry methods, protecting watersheds or providing public recreation.

2. For state parks for the purpose of preserving scenic or historical values or natural wonders.

3. For public shooting, trapping or fishing grounds or waters for the purpose of providing areas in which any citizen may hunt, trap or fish.

4. For fish hatcheries and game farms.

5. For forest nurseries and experimental stations.

(e) *Lands, blocking.* To extend and consolidate lands or waters suitable for the above purposes by exchange of other lands or waters under their supervision.

(f) *Propagation, game and fish.* To capture, propagate, transport, sell or exchange any species of game or fish needed for stocking or restocking any lands or waters of the state.

(g) *Forest protection.* To establish and maintain an efficient fire fighting system for the protection of forests.

(h) *Co-operation.* To enter into co-operative agreements with persons, firms or corporations or governmental agencies for purposes consistent with the purposes and provisions of this act, including agreements with the highway authorities with regard to planting trees or other vegetation in or along highways, or furnishing stock for such planting.

(i) *Camp fires.* To regulate camp fires and smoking in the woods at such times and in such designated localities, as it may find reasonably necessary to reduce the danger of destructive forest fires.

(j) *Burnings.* To regulate the burning of rubbish, slashings and marshes or other areas as it may find reasonably necessary to reduce the danger of destructive fires.

(k) *Research.* To conduct research in improved conservation methods, and to disseminate information to the residents of Wisconsin in conservation matters.

(l) *Publicity.* To collect, compile and distribute information and literature as to the facilities, advantages and attractions of the state, the historic and scenic points and places of interest within the state and the transportation and highway facilities of the state; and to plan and conduct a program of information and publicity designed to attract tourists, visitors and other interested persons from outside the state to this state; also to encourage and coordinate the efforts of other public and private organizations or groups of citizens to publicize the facilities and attractions of the state for the same purposes.

(8) INTER-DEPARTMENTAL CO-OPERATION. The commission is hereby authorized to, and shall co-operate with, the several state departments and officials in the conduct of matters in which the interests of the respective departments or officials overlap.

(9) PROMULGATION OF RULES, REGULATIONS. All rules and regulation of the commission shall be published in at least three newspapers of wide circulation in the territory to be affected, at least one week prior to the date such rule or regulation becomes effective, except in case of emergency, when the commission shall give such notice as it may deem feasible.

(10) INTERPRETATION, LIMITATIONS. This section shall not be construed as authorizing the commission to change any penalty for violating any game law or regulation, or change the amount of any license established by the legislature, or to extend any open season or bag limit on migratory birds prescribed by federal law or regulations, or to contract any indebtedness or obligation beyond the appropriations made by the legislature.

(11) PENALTIES. Any person violating any rule or regulation of the state conservation commission shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment.

(12) TRANSFER FROM COMMISSIONER TO COMMISSION. All duties, liabilities, authority, powers and privileges imposed or conferred by law upon the commissioner of conservation are hereby imposed and conferred upon the state conservation commission created herein by section 23.09.

(13) DESTRUCTION OF OBSOLETE RECORDS. Whenever necessary to gain needed vault space, the conservation commission may turn over to the director of purchases for destruction obsolete records in its possession, as follows:

- (a) General correspondence after 10 years.
- (b) Hunting, fishing and trapping license applications, after 5 years.
- (c) Copies of hunting, fishing and trapping licenses issued, after 5 years.
- (d) Permits, after 5 years.
- (e) Reports, after 5 years.
- (f) Copies of inter-office memoranda, after 3 years.
- (g) Requisitions and orders, after 5 years.
- (h) Copies of public service commission and other hearings, after 5 years.
- (i) Pay rolls and vouchers, after 10 years.
- (j) Claims, after 10 years.
- (k) License supplies supplanted by new issues to conform with changes in statutes and orders.

(14) WAYS TO WATERS. The county board of any county may condemn a right of way for any public highway to any navigable stream, lake or other navigable waters. Such right of way shall be not less than sixty feet in width, and may be condemned in the manner provided by chapter 32; but the legality or constitutionality of this provision shall in nowise affect the legality or constitutionality of the rest of this section. [1931 c. 45 s. 1; 1931 c. 295 s. 1; 1933 c. 140 s. 4; 1933 c. 152 s. 1; 1933 c. 159 s. 8; 1935 c. 365; 1943 c. 391; 1947 c. 332]

**Note:** For constitutionality of 23.09, see note to 29.085, citing State v. Sorenson, 213 W 295, 260 NW 662.

Where the state conservation commission had authority to order an appeal from a judgment requiring that the name of a reinstated employe be placed on the pay roll, and the director, under 23.09 (6), had the same authority between meetings of the commission, and the commission approved the appeal after it had been ordered by the director, the appeal will not be dismissed on the ground that it was not authorized by the commission. *Baken v. Vanderwall*, 245 W 147, 13 NW (2d) 502.

If conservation commission in its experience finds it reasonably necessary to require report by operators of fur farms of animals sold to persons outside state as well as within state, that is sufficient to sustain such rule. 19 Atty. Gen. 230.

City and conservation commission have power to contract for commission to maintain fish hatchery on and in lake in city park and contiguous land and for improvement and use of same for such purposes. 19 Atty. Gen. 493.

Conservation commission has not power to make rules and regulations ordering burning of slashings by its own employes and then to collect expense from owner, or ordering owner to burn slashings at his own expense, to prevent forest fires and other conflagrations. Commission has power to require pil-

ing and burning of slashings along exposed places, and to order piling and burning of slashings at time of logging or cutting to prevent fires; violation of such orders may be punished as misdemeanor. 19 Atty. Gen. 584.

If in judgment of conservation commission it is necessary to establish rules and regulations defining pound nets, trap nets and trammel nets it has power to do so. 21 Atty. Gen. 206.

Authority of conservation commission to adopt rules and regulations is confined to administration of powers specifically conferred and to enforcement of statutes. Definition of "trap nets" includes any net top or any part of which is closed, and "long tunnel pound net." Order regulating depth of water in which pound nets may be used, distance apart, number and length of leaders is unauthorized. 21 Atty. Gen. 606.

Conservation commissioners acting as individuals have no authority to officially represent state or conservation department. 21 Atty. Gen. 1004.

Conservation commission has no power to change level of lakes and streams. That power is delegated to public service commission under 31.02. 24 Atty. Gen. 242.

Conservation commission may advertise recreational advantages of Wisconsin outside state by exhibits at outdoor shows and similar expositions and expenses of employes may be paid. 25 Atty. Gen. 123.

Conservation commission has broad discretion in carrying out requirements of (7), (1), but may not allocate money appropriated therefor to regional groups and associations publicizing Wisconsin's facilities and attractions as vacation land. 26 Atty. Gen. 452.

Conservation commission has power under (7) (1) to join with private groups or associations in carrying on out-of-state advertising projects and pay part of costs thereof. 28 Atty. Gen. 210.

Members of conservation commission to be appointed under this section should be appointed and confirmed in February but do not take office until July 27 following. 30 Atty. Gen. 62.

Conviction of violation of conservation commission order made pursuant to 23.09 (7) does not, pursuant to 29.63 (3), cause forfeiture of any license held by violator under

chapter 29, nor prevent issuance of such license to such violator for period of one year thereafter. 30 Atty. Gen. 212.

Conservation commission may compromise claim arising under written lease for fish ponds by paying agreed amount of money in lieu of fish which it was orally agreed lessor was to receive at termination of lease, fish having been destroyed by disease, and such claim approved by conservation commission should be audited by secretary of state. State is not liable for services rendered to it in absence of contract or in absence of compliance with civil service law and no such claim should be compromised or audited. State is not liable for damages arising out of negligent acts of its officers or agents and no such claim should be compromised or audited. 31 Atty. Gen. 312.

**23.10 Conservation wardens.** (1) The state conservation commission shall secure the enforcement of all laws which it is required to administer and bring, or cause to be brought, actions and proceedings in the name of the state for that purpose. The persons appointed by said commission to exercise and perform the powers and duties heretofore conferred and imposed upon deputy fish and game wardens, shall be known as conservation wardens and shall be subject to the provisions of chapter 16 of the statutes.

(2) Whenever the county board of any county shall by resolution authorize the appointment of county conservation wardens, and shall fix the number of the same, it shall be the duty of the county judge, district attorney, and county clerk, acting as a board of appointment, to select the persons for such positions and certify their names to the state conservation commission which shall, if in its judgment such persons are competent and efficient, issue to them commissions as county conservation wardens. Such wardens shall, within their county, have all the powers and perform the duties of conservation wardens but their compensation shall be fixed by the county board in the resolution authorizing their appointment and be paid out of the county treasury.

(4) All conservation wardens shall, before exercising any of their powers, be provided with a commission issued by the state conservation commission under its seal, substantially as follows:

STATE CONSERVATION COMMISSION OF WISCONSIN.

To all to whom these presents shall come, greeting:

Know ye, that reposing special trust and confidence in the integrity and ability of . . . . ., of the county of . . . . ., we do hereby appoint and constitute him a conservation warden (or county, or special conservation warden) for the (county of . . . . .), state of Wisconsin, and do authorize and empower him to execute and fulfill the duties of that office according to law, during good behavior and the faithful performance of his duties.

In testimony whereof, we have hereunto affixed the signature and official seal of said commission, at its office in the city of Madison, Wisconsin, this . . . . . day of . . . . ., 19. . . . .  
(Seal)

STATE CONSERVATION COMMISSION OF WISCONSIN.

By . . . . .

(5) The state conservation commission shall furnish to each conservation warden at the time of his appointment, a pocket identification folder in form and substance as follows: A leather-covered folder, size when folded, three by four inches; on one of the inner sides thereof shall be securely fastened a photograph of such appointee to be furnished by him, and partly on the photograph and partly on the margin of such folder shall be an impression of the seal of the state conservation commission; such appointee shall also affix his signature below the photograph on such folder; on the other inner side of such folder shall be securely fastened a miniature true copy of the commission issued to such appointee, which shall be signed by the state conservation commission. Such appointee, when on official duty, shall at all times carry such identification folder on his person, and shall on demand exhibit the same to any person to whom he may represent himself as a conservation warden. The cost of such identification folder shall be charged to the appropriation for the state conservation commission.

(6) All conservation wardens shall make full and complete reports of their transactions as such, according to the demand of the state conservation commission and shall at all times be subject to its direction and control in the performance of their duties. They shall also gather and transmit any and all statistical information relative to such matters within their charge as the said commission shall from time to time direct. The commission shall make a report to the governor during July of each even-numbered year, covering all its work and such other information as may be valuable to the state in relation thereto and including an itemized statement of receipts and disbursements.

**23.11 General powers.** (1) In addition to the powers and duties heretofore conferred and imposed upon said commission by this chapter it is empowered and required

to have and take the general care, protection and supervision of all state parks, of all state fish hatcheries and lands used therewith, of all state forests, and of all lands owned by the state or in which it has any interests, except lands the care and supervision of which are vested in some other officer, body or board; and said commission is granted such further powers as may be necessary or convenient to enable it to exercise the functions and perform the duties required of it by this chapter and by other provisions of law. But it is not empowered to perform any act upon state lands held for sale that will diminish their saleable value.

(2) Whenever any lands placed by law under the care and supervision of the commission are inaccessible because surrounded by lands belonging to individuals or corporations, and whenever in the opinion of the commission the usefulness or value of such lands, whether so surrounded or not, will be increased by access thereto over lands not belonging to the state, the commission may acquire such lands as may be necessary to construct highways that will furnish the needed access.

(3) Said commission shall consider the natural resources of the state and report to the governor from time to time the results of its investigations with recommendations of such measures as it deems necessary or suitable to conserve such resources and preserve them, so far as practicable, unimpaired. [1931 c. 179]

**23.12 By-laws.** Said commission may make and establish such rules and by-laws, not inconsistent with law, as it may deem useful to itself and its subordinates in the conduct of the business entrusted to it.

**23.13 Governor to be informed.** The commissioners of the public lands and the state conservation commission of Wisconsin shall furnish to the governor upon his request a copy of any paper, document or record in their respective offices and give him orally such information as he may call for.

**23.14 Conservation warden pension fund; contributions and sources; benefits.** (1) A fund shall be set aside for the pension of disabled and superannuated conservation wardens and the widows or orphans of deceased conservation wardens. The state treasurer shall be ex officio treasurer of such fund.

(2) There shall be paid into such fund 7 per cent of the monthly salary of each conservation warden, except that no amount in excess of \$350 per month, or an equivalent for any other period, shall be considered for the purpose of making contributions or of granting pensions under this section after the effective date of this act. The conservation department shall deduct such 7 per cent contribution from the salary of each warden and pay it into the fund and at the same time shall pay an equivalent amount into said fund from the fund from which the respective salaries of such wardens are then paid. There shall also be paid into said fund fines imposed on conservation wardens for violation of rules of the department, also all witness or other fees received by said wardens and 50 per cent of the proceeds received from the sales of all confiscations of any wild animal as defined in section 29.01, or carcass or part thereof by the conservation commission.

(3) The state treasurer, chairman of the conservation commission, or some commissioner approved by the conservation commission, and three active members of the conservation warden force shall constitute the "Board of Trustees of the Conservation Warden Pension Fund". The three members of the board from the conservation wardens shall be elected annually by said wardens. Each conservation warden shall be entitled to a vote for such three members of the board upon one ballot, and the three candidates receiving the highest number of votes shall be elected. The said board shall annually elect from among their number a president and a secretary, and in case of a vacancy occurring during the term of either, the same shall be filled by the board.

(4) Said board shall have exclusive control and management of the fund created by this section, and all money donated, paid or assessed for the relief or pensioning of disabled, superannuated or retired conservation wardens, their widows and children, and the same shall be placed by the state treasurer to the credit of such fund, subject to the orders of such board. The said board shall make all needful rules and regulations for its government in the discharge of its duties and for the control of such fund and shall decide all applications for relief or pension under this section. The board shall cause to be kept by its secretary a record of all its meetings and proceedings.

(5) All fees or emoluments that may be paid or given for or on account of any service of said conservation wardens or any of them, except when allowed to be retained by them by resolution of said board, shall be paid into such fund. The board may take by grant, gift, devise or bequest, any money, real estate or other valuable things, personal property or right of property, and the same shall be paid into said pension fund.

(6) Said board shall have power to draw such pension fund from the state treasury and invest such funds in the name of the board in interest-bearing bonds of the United

States or of the state of Wisconsin or of any county, town or other municipal corporation of Wisconsin, and all security taken by any such investment shall be deposited with the state treasurer to the order of said board.

(7) If any conservation warden, while engaged in the performance of his active duty as such warden, be injured or sick and if found, upon examination by a medical officer ordered by said board, to be physically, mentally or permanently disabled by reason of such injuries or sickness, so as to render necessary his retirement from such department, said board shall retire such disabled member from the service, but no such retirement shall be ordered unless such warden has contracted such disability, or sickness, while in line of duty. Upon such retirement the board shall order payment to such retired member, monthly, from said pension fund, of a sum equal to one-half the monthly salary or compensation received by him immediately prior to his retirement.

(7a) Any conservation warden leaving the state conservation warden service for any cause whatsoever prior to his eligibility for retirement under the provisions of section 23.14 shall receive from the conservation warden pension fund all amounts he has paid into the same. In the event any conservation warden becomes deceased prior to his eligibility for retirement under the provisions of section 23.14, all amounts he has paid into the conservation warden pension fund shall be paid to his heirs. This subsection shall apply retroactively to all such retirements and deaths since July 15, 1935.

(8) If any conservation warden shall, while in performance of his duty, be killed or die as the result of an injury received in the line of duty as prescribed in the preceding section, or if any such warden after fifteen years of service in such department shall die from any cause whatever while in the service, or if any member shall die from any cause whatever after being retired upon a pension under the provision of this section and shall leave a widow or minor child, or children under the age of sixteen years, said board shall direct the payments from said pension funds of the following sums monthly, to-wit: To the widows of conservation wardens fifty dollars; to the guardian of such minor child or children eight dollars for each child until it reaches the age of sixteen years, and in the case of remarriage or death of the widow then the amount she may be entitled to by the provisions of this act shall be paid to or for the benefit of such minor child or children of the deceased as are under the age of sixteen years, providing, however, that there shall not be paid to the family of the deceased member a total pension exceeding one-half the amount of monthly salary of such deceased member at the time of his death, or, if a retired member, a sum not exceeding one-half of the monthly salary of such retired member at the date of his retirement or disability, provided further that if the pensioner shall marry after his retirement from service and shall thereafter die leaving a widow, such widow shall not be entitled to any relief or pension from such funds. If any time there shall not be sufficient money in such pension fund to pay each person entitled to the benefit thereof, the full amount per month as hereinbefore provided, then, in that event a pro rata reduction of such monthly payments shall be made to each pensioner or beneficiary thereof until the said fund shall be replenished to warrant the payment in full to each of such pensioners or beneficiaries.

(9) If any conservation warden retires after having served twenty years or more in such department, and in case any member shall be discharged after serving twenty years or more, the board shall order that such member be paid pension monthly of a sum equal to one-half of his monthly salary at the date of his retirement or discharge. No person shall be entitled to receive any benefit from such pension fund other than that described in this section, and in no event will any allowance be made to any widow after her remarriage or to any minor child after it has reached the age of sixteen years.

(10) The state treasurer shall be the custodian of said pension fund and shall secure and safely keep the same subject to the control and direction of said board and shall keep his books and accounts concerning said fund in such manner as the board shall direct, and such book account shall be subject to the inspection of said board or any member thereof, and he shall safely keep and well and truly account for all moneys and property that shall come into his hand as such treasurer, rendering an account to said board on July first of each year, and at the expiration of his term of office he shall surrender and deliver over to his successor all unexpended moneys and all properties that shall have come to his hands as treasurer of such funds.

(11) All moneys ordered to be paid out of said pension fund to any person or persons shall be paid by the state treasurer only upon warrant signed by the president of the board and countersigned by the secretary thereof, and no warrant shall be drawn except by order of the board duly entered in the record of the proceedings of said board. In case the pension fund or any part thereof shall by order of said board, or otherwise, be deposited in any bank or loaned, all interest on money which may be paid, or agreed to be paid on account of any such loan or deposit, shall belong to and constitute a part of such fund, pro-

vided that nothing herein contained shall be construed as authorizing said treasurer to loan or deposit said fund or any part thereof unless so authorized by the board. The board of trustees shall make a report on or before July fifteenth of each year to the governor of the condition of said pension fund together with their activities in connection therewith.

(12) No portion of said pension fund shall either before or after its order of distribution by such board to such disabled or superannuated members of the conservation warden department or to the widow or guardian of such minor child or children of the deceased member of such department be held, seized, taken subject to, or detained or levied on by virtue of any attachment, execution, injunction, writ or other order or decree or any process or proceeding whatever, issued out of or by any court of this state for the payment or satisfaction in whole or in part of any debt, damages, claim or judgment against said member or his widow or the guardian of such minor child or children of any deceased member.

(13) Conservation wardens, as referred to in this section, shall include only those who are classified by the bureau of personnel as conservation wardens, whose salaries and expenses are paid by the law enforcement division of the conservation department, and whose permanent appointments as conservation wardens have been approved by the conservation commission.

(14) (a) If any person, who is employed for ten years or longer as a conservation warden and who, thereafter, is transferred to any other position with and under the jurisdiction of the conservation commission, fulfills all the other requisites of this section, he is eligible to receive the benefits of this section. Such person shall continue to pay into the warden's pension fund a sum equal to three per cent of the last monthly salary earned as conservation warden at the time he was transferred. After such person completes twenty years of combined employment service with and under the jurisdiction of the conservation commission, he is eligible to receive a pension computed on the basis of the last monthly salary he received as conservation warden at the time he was transferred.

(b) If a person, who was employed as a conservation warden for ten years or more, and who was transferred to another position with and under the jurisdiction of the conservation commission and who is holding such other position at the time subsection (14) of this section takes effect, fulfills all the other requisites of this section, he is eligible to receive the benefits of this section by paying before July 1, 1938, into the warden pension fund a sum, computed from July 17, 1935, equal to three per cent of the last monthly salary earned as conservation warden. Thereafter, the payments shall continue monthly at the same rate until a pension is granted.

(15) No person who, prior to January 1, 1948, had not contributed to a conservation wardens' pension fund established pursuant to this section, shall be permitted to contribute to such fund or become a member thereof on or after such date; nor shall he or his widow, child or dependent parent be, or become, entitled to receive any benefit from such fund. Any person who, after December 31, 1947, becomes a conservation warden, or who was a conservation warden on said date, but who, in each such case had not, on or before such date, properly contributed to the conservation wardens' pension fund established pursuant to this section, and who can otherwise qualify, shall be, or become, a participating employe under sections 66.90 to 66.919. If any such participating employe shall be entitled to a prior service credit, he shall be given such credit at the 2 rate. [1935 c. 227, 424; 1937 c. 382; 1945 c. 551; 1947 c. 206 s. 7; 1947 c. 556, 589]

**Note:** Under 23.14 (9) conservation warden's pension is fixed at a sum equal to one-half of his monthly salary at the date of retirement, and for purposes of computing such salary there should be included the monthly so-called "cost of living" bonus provided as an emergency salary raise for the duration of the war by 14.71 (1n) and 20.07 (16). The amount of the pension is dependent upon total salary received at date of retirement and changes in salary range of a particular classification subsequent to retirement date do not affect the amount of the pension. 33 Atty. Gen. 20. As to proceeds of confiscations, see note to sec. 2, art. X, Const., citing 35 Atty. Gen. 193.

**23.15 Conservation warden pension fund transferred.** (1) Effective January 1, 1950 section 23.14 of the statutes is repealed, except that the persons who are the trustees of the conservation warden pension fund on December 31, 1949 shall continue to act as such until the duties prescribed by this subsection to be performed thereafter shall have been discharged. Immediately after the effective date (1947) of this subsection, the trustees of the conservation warden pension fund shall prepare an account of the exact amount of money received by such fund as the proceeds from the sale of all confiscations under chapter 29, Wisconsin statutes, other than confiscations of any wild animal as defined in section 29.01, or carcass, or part thereof, and forthwith shall pay or cause to be paid or transferred from the conservation warden pension fund to the school fund created by article X, section 2, Wisconsin constitution, the amount so determined, together with simple interest at 3 per cent per annum on each portion of such amount from the date that such portion was received by the conservation warden pension fund. The



trustees of the conservation warden pension fund shall, as of January 1, 1948, prepare an account showing the exact amount of money paid into said fund by each conservation warden who elects to become a participating employe under sections 66.90 to 66.919 in accordance with the provisions of section 66.901 (5) (c), effective January 1, 1948, and forthwith certify to the Wisconsin retirement fund the name of such person and the amount which he has paid into the conservation warden pension fund, and said trustees shall pay or cause to be transferred from said latter fund to the Wisconsin retirement fund a sum equal to the amounts so certified; thereupon the Wisconsin retirement fund shall enter the amounts so paid and certified as an additional contribution to the credit of the respective accounts of such wardens which shall then be established for them in the Wisconsin retirement fund. The trustees of the conservation warden pension fund on December 31, 1949, shall immediately thereafter prepare an account showing the exact amount of money paid into said fund by each person who was a conservation warden on such date, and forthwith certify to the Wisconsin retirement fund the name of such person and the amount which he has paid into the conservation warden pension fund, and said trustees shall pay or cause to be transferred from said latter fund to the Wisconsin retirement fund a sum equal to the amounts so certified; thereupon the Wisconsin retirement fund shall enter the amounts so paid and certified as an additional contribution to the credit of the respective accounts of such wardens which shall then be established for them in the Wisconsin retirement fund. Any additional contribution credited under this subsection shall not be available to provide a reversionary annuity under section 66.907 (1), or be payable as a death benefit in addition to the \$500 death benefit provided for by section 66.908 (2) (a) and in all other respects shall be treated as normal credits except that no corresponding municipality credit therefor shall be given pursuant to 66.904 (1) (a) 2 (c). The trustees of the conservation warden pension fund shall then convert into cash as soon as practicable any assets of the conservation warden pension fund then remaining and pay all of such cash to the conservation fund.

(2) All pensions to wardens and all payments to widows and children of former wardens which shall have been granted under section 23.14 and which are in effect on December 31, 1949, thereafter shall be paid from the conservation fund by the conservation commission, but otherwise in accordance with the provisions of section 23.14, statutes of 1945.

(3) Payments to the widow and children of any conservation warden who shall have retired prior to January 1, 1950, but who shall die on or after such date, shall be granted, and shall be made from the conservation fund, but otherwise in accordance with the provisions of section 23.14 (8), statutes of 1945.

(4) The conservation commission shall administer the pensions payable under subsections (2) and (3) hereof, and on January 1, 1950 shall succeed to all of those duties and powers of the trustees of the conservation warden pension fund under section 23.14, statutes of 1945, which shall be necessary for such purpose.

(5) No portion of any pension or payment which shall be paid under subsections (2) or (3) hereof shall be held, seized, taken subject to, or detained, or levied on, by virtue of any attachment, exemption, injunction, writ or other order or decree or any process or proceeding whatever issued out of or by any court of this state for the payment or satisfaction, in whole or in part, of any debt, damages, claim or judgment.

(6) Persons who are active members of the conservation warden pension fund on December 31, 1949, shall be or become participating employes under sections 66.90 to 66.919 in accordance with section 66.903 (1) (a) 3, and their contributions to, and the corresponding amount of assets in, the conservation warden pension fund shall be transferred to the Wisconsin retirement fund in accordance with subsection (1) hereof. [1947 c. 206, 556]

**23.25 Geographic board, membership, powers.** (1) The state geographic board shall consist of the conservation director, the state geologist, and the state chief engineer. The conservation director shall be the secretary and executive officer of the board, and the conservation commission shall be its administrative agent.

(2) It shall be the duty of the state geographic board and it shall have power and authority:

(a) To determine the correct and most appropriate names of the lakes, streams, places and other geographic features in the state, and the spelling thereof;

(b) To pass upon and give names to lakes, streams, places and other geographic features in the state for which no single generally accepted name has been in use;

(c) In co-operation with county boards and with their approval, to change the names of lakes, streams, places and other geographic features with the end in view of eliminating, as far as possible, duplication of names within the state;

(d) To prepare and publish an official state dictionary of geographic names and to publish the same, either as a completed whole or in parts when ready;

(e) To serve as the state representative of the United States geographic board and to co-operate with the said board to the end that there shall be no conflict between the state and federal designations of geographic features in the state.

(3) Whenever the state geographic board shall have given a name to any lake, stream, place or other geographic feature within the state, or determined the correct spelling of any such name, it shall be used in all maps, reports and other publications thereafter issued by the state or any of its political subdivisions, and shall be deemed the official name of such geographic feature.

(4) No person shall in any advertisement or publication attempt to modify local usage or name unnamed geographic features without first obtaining the approval of the state geographic board. In case of a violation of this subsection, the geographic board shall promptly announce its disapproval and shall thereafter adopt an official name for such feature. [1931 c. 179]