

The provision that it is the duty of the attorney general on information to bring prosecutions for the violation of the laws regulating lobbying imposes an additional duty on the attorney general, but does not give him exclusive authority, and does not deprive the district attorney, as prosecuting attorney in his county, of the right or duty to proceed in such case where information of a violation occurring within his county reaches him. State ex rel. Arthur v. Superior Court, 257 W 430, 43 NW (2d) 484.

13.70 History: 1947 c. 609, 614; Stats. 1947 ss. 346.27, 346.29; 1955 c. 696 ss. 172, 174; Stats. 1955 s. 13.70; 1965 c. 659.

13.71 History: 1947 c. 609; Stats. 1947 s. 346.28; 1955 c. 696 s. 173; Stats. 1955 s. 13.71; 1965 c. 659.

13.72 History: 1933 c. 309; Stats. 1933 s. 346.295; 1955 c. 696 s. 175; Stats. 1955 s. 13.72; 1965 c. 66 s. 6; 1965 c. 659.

13.80 History: 1963 c. 149; Stats. 1963 s. 13.31; 1965 c. 659; Stats. 1965 s. 13.80.

13.81 History: 1965 c. 659; Stats. 1965 s. 13.81; 1969 c. 154; 1969 c. 392 s. 85.

13.82 History: 1965 c. 659; Stats. 1965 s. 13.82; 1967 c. 43; 1967 c. 291 s. 14.

13.83 History: 1965 c. 659; Stats. 1965 s. 13.83; 1969 c. 276 ss. 3, 585 (1), 588 (1), 589 (1) (a), 590 (1); 1969 c. 366; 1969 c. 392 s. 85.

13.84 History: 1965 c. 406, 659; Stats. 1965 s. 13.84; 1969 c. 276; 1969 c. 392 s. 85.

Unfinished business in insurance regulation. Kimball, 1969 WLR 1019.

13.85 History: 1967 c. 256; Stats. 1967 s. 13.85.

13.90 History: 1965 c. 659; Stats. 1965 s. 13.90; 1967 c. 43; 1969 c. 241.

13.905 History: 1965 c. 659; Stats. 1965 s. 13.905.

13.91 History: 1965 c. 659; Stats. 1965 s. 13.91.

13.92 History: 1963 c. 149; Stats. 1963 s. 13.33; 1965 c. 26; 1965 c. 66 s. 8; 1965 c. 249, 659; Stats. 1965 s. 13.92; 1967 c. 43; 1969 c. 67.

13.93 History: 1963 c. 149; Stats. 1963 s. 13.32; 1965 c. 66 s. 8; 1965 c. 249, 659; Stats. 1965 s. 13.93; 1967 c. 263; 1969 c. 276.

On construction of statutes see notes to various sections of ch. 990.

13.94 History: 1965 c. 659; Stats. 1965 s. 13.94; 1967 c. 26.

13.95 History: 1969 c. 154; Stats. 1969 s. 13.95.

CHAPTER 14.

Constitutional Offices and Interstate Bodies.

14.01 History: 1969 c. 276; Stats. 1969 s. 14.01.

14.011 History: 1969 c. 259 s. 26 (2); 1969 c. 276; 1969 c. 422; Stats. 1969 s. 14.011.

14.013 History: 1969 c. 276; Stats. 1969 s. 14.013.

14.015 History: 1969 c. 422; Stats. 1969 s. 14.015.

14.017 History: 1969 c. 276; Stats. 1969 s. 14.017.

14.019 History: 1969 c. 408; Stats. 1969 s. 14.019.

14.02 History: 1854 c. 71; R. S. 1858 c. 10 s. 8; R. S. 1878 s. 129; 1880 c. 257; Ann. Stats. 1889 s. 129; Stats. 1898 s. 129; 1913 c. 772 s. 42; 1915 c. 587; 1917 c. 14 s. 4; 1917 c. 622 s. 8; Stats. 1917 s. 14.09; 1943 c. 132; 1969 c. 276 s. 14; Stats. 1969 s. 14.02.

14.03 History: 1953 c. 533; Stats. 1953 s. 14.233; 1957 c. 160; 1959 c. 228 s. 2a; 1967 c. 291 s. 14; 1969 c. 276 s. 27; Stats. 1969 s. 14.03.

14.04 History: R. S. 1849 c. 9 s. 56; 1858 c. 131 ss. 1, 2; R. S. 1858 c. 10 ss. 92, 93; R. S. 1878 ss. 136, 137; Stats. 1898 ss. 136, 137; 1915 c. 621; 1917 c. 14 s. 3; 1917 c. 622 s. 15; Stats. 1917 s. 14.17; 1969 c. 276 s. 20; Stats. 1969 s. 14.04.

14.05 History: 1858 c. 131 ss. 1, 2; R. S. 1878 s. 136; 1895 c. 202 s. 8; Stats. 1898 s. 136; 1901 c. 403 s. 1; Supl. 1906 s. 562 a; 1913 c. 772 s. 15; 1917 c. 622 s. 13; Stats. 1917 s. 14.15; 1969 c. 276 s. 18; Stats. 1969 s. 14.05.

14.06 History: 1951 c. 653; Stats. 1951 s. 14.225; 1969 c. 276 ss. 25, 583 (1); 1969 c. 366 s. 117 (2) (a); Stats. 1969 s. 14.06.

14.07 History: 1854 c. 71; R. S. 1858 c. 10 s. 8; 1877 c. 116, 210; R. S. 1878 ss. 98, 129; 1880 c. 257; 1881 c. 280; Ann. Stats. 1889 ss. 98, 129; Stats. 1898 ss. 98, 129; 1913 c. 772 s. 42; 1915 c. 382 s. 8; 1915 c. 587; Stats. 1915 ss. 129, 129m; 1917 c. 622 ss. 8, 9; 1917 c. 677 s. 59; Stats. 1917 ss. 14.10, 14.11; 1969 c. 276 s. 15; Stats. 1969 s. 14.07.

14.08 History: R. S. 1849 c. 9 s. 1; R. S. 1858 c. 10 s. 1; R. S. 1878 s. 130; Stats. 1898 s. 130; 1917 c. 622 s. 16; Stats. 1917 s. 14.18; 1969 c. 276 s. 21; Stats. 1969 s. 14.08.

When a bill automatically becomes a law without the approval of the governor through expiration of the time limit, the words "Deposited without approval on (date received at office of secretary of state)" may be printed below the act instead of "approved on (date)." 12 Atty. Gen. 244.

14.11 History: R. S. 1849 c. 9 s. 2; R. S. 1858 c. 10 s. 2; R. S. 1878 s. 131; Stats. 1898 s. 131; 1907 c. 500; 1911 c. 268; 1913 c. 772 s. 6; 1917 c. 622 ss. 10, 11; Stats. 1917 ss. 14.12, 14.13; 1919 c. 628 s. 9; 1963 c. 544; 1965 c. 433 s. 121; 1967 c. 291 s. 14; 1967 c. 335; 1969 c. 276 s. 16; Stats. 1969 s. 14.11.

School land commissioners cannot employ counsel at the expense of the state in an action brought against them in the supreme court in their official character. But the governor might have done so, if he had deemed that the public interest required it. Orton v. State, 12 W 510.

Sec. 2, ch. 10, R. S. 1858, does not authorize the governor to employ counsel for accused in a proceeding preliminary to his decision to remove or retain an officer appointed by him. The clause authorizing the governor to employ counsel when the public interest requires it refers only to civil and criminal proceedings in courts. *Randall v. State*, 16 W 340.

The governor cannot be empowered by law to employ counsel to defend or prosecute suits concerning lands held by the state in trust for railroads, so as to bind the state; but if there be a fund in the treasury derived from such lands, the claim for such employment is payable therefrom. *Sloan v. State*, 51 W 623, 8 NW 393.

The governor is authorized to direct the attorney general to commence a *parens patriae* type of action to enforce the constitutional rights of its citizens and the state is a proper party to the action. The costs in a reapportionment action are a proper charge against the state. *State ex rel. Reynolds v. Smith*, 19 W (2d) 577, 120 NW (2d) 664.

A request by the governor under 14.12, Stats. 1965, afforded a warrant for the attorney general's appearance in a criminal case pending in a county court; and it was manifest that the rights and interests of the state would have been injuriously affected if a writ of prohibition had become absolute. *State ex rel. Beck v. Duffy*, 38 W (2d) 159, 156 NW (2d) 368.

The governor has no power to appoint special counsel and the attorney general may not properly intervene on behalf of the state in a proceeding before the federal trade commission instituted for the purpose of correcting injustices sustained by manufacturers and fabricators of steel, due to alleged unfair practices of corporations acting in concert, the state not being injured in its proprietary capacity and having no power to interfere for the protection of purely private interests. 8 Atty. Gen. 694.

14.12 History: 1951 c. 19; Stats. 1951 s. 14.14; 1969 c. 276 s. 17; Stats. 1969 s. 14.12.

14.13 History: R. S. 1849 c. 9 s. 6; R. S. 1858 c. 10 s. 6; R. S. 1878 s. 133; Stats. 1898 s. 133; 1917 c. 622 s. 18; Stats. 1917 s. 14.20; 1969 c. 276 s. 23; Stats. 1969 s. 14.13.

14.14 History: 1887 c. 481; Ann. Stats. 1889 s. 135a; Stats. 1898 s. 135a; 1917 c. 622 s. 20; Stats. 1917 s. 14.21; 1969 c. 276 s. 24; Stats. 1969 s. 14.14.

14.15 History: R. S. 1849 c. 9 ss. 3, 4; R. S. 1858 c. 10 ss. 3, 4; R. S. 1878 s. 132; Stats. 1898 s. 132; 1913 c. 772 s. 42; 1917 c. 14 s. 5; 1917 c. 622 s. 17; Stats. 1917 s. 14.19; 1969 c. 276 s. 22; Stats. 1969 s. 14.15.

A "heinous" crime is the same as an "infamous" crime; and the latter is one that in all civilized countries is regarded as grossly immoral—probably synonymous with "felonious." 1902 Atty. Gen. 188.

14.16 History: 1889 c. 417; Ann. Stats. 1889 s. 137b; 1893 c. 271; 1897 c. 61; Stats. 1898 s. 137b; 1917 c. 622 s. 22; Stats. 1917 s. 14.23; 1929 c. 167; 1937 c. 67; 1939 c. 96; 1953 c. 216; 1955

c. 32; 1965 c. 49; Stats. 1965 ss. 14.23, 14.238; 1969 c. 276 ss. 26, 31; Stats. 1969 s. 14.16.

14.17 History: 1911 c. 565; 1913 c. 772 s. 42; 1915 c. 604 s. 8; Stats. 1915 s. 137m; 1917 c. 14 s. 3; 1917 c. 622 s. 23; Stats. 1917 s. 14.24; 1969 c. 276 ss. 32, 581 (1); Stats. 1969 s. 14.17.

14.21 History: 1967 c. 292; Stats. 1967 s. 14.234; 1969 c. 276 ss. 28, 29; Stats. 1969 s. 14.21.

14.22 History: 1881 c. 307; Ann. Stats. 1889 s. 137a; Stats. 1898 s. 137a; 1917 c. 622 s. 21; Stats. 1917 s. 14.22.

When both houses of the legislature "adjourned" for a 3-month period, such an adjournment did not operate to dissolve the 76th session of the legislature, and the validity of appointments made by the governor during such period were controlled by 17.20, Stats. 1963, and not by 14.22. *State ex rel. Thompson v. Gibson*, 22 W (2d) 275, 125 NW (2d) 636.

An appointment to office made by the governor between sessions of the legislature pursuant to this section is subject to confirmation by the senate at any time during its next succeeding session. Such appointment is subject to rejection by the senate only after the first 20 days of such session. "Next succeeding session" means next regular session and not intervening special session. An appointment not communicated to the senate by the governor may be acted upon by the senate upon obtaining from the secretary of state the official notice that such appointment has been made. 10 Atty. Gen. 120.

14.31 History: 1969 c. 276 s. 37; Stats. 1969 s. 14.31.

14.311 History: 1969 c. 276 s. 37; Stats. 1969 s. 14.311.

14.32 History: 1969 c. 154 s. 379; 1969 c. 276 s. 37; Stats. 1969 s. 14.32.

14.33 History: Stats. 1967 s. 20.765 (1) (c) 3; 1969 c. 154 ss. 16, 379; 1969 c. 276 s. 133; Stats. 1969 s. 14.33.

14.36 History: 1969 c. 276 s. 38; Stats. 1969 s. 14.36.

14.361 History: 1969 c. 276 s. 38; Stats. 1969 s. 14.361.

14.365 History: 1969 c. 276 s. 38; Stats. 1969 s. 14.365.

14.38 History: R. S. 1849 c. 9 s. 11; R. S. 1858 c. 10 ss. 17, 22, 26; 1859 c. 63; 1876 c. 341; 1877 c. 111 s. 2; 1878 c. 214; R. S. 1878 ss. 141, 143; Stats. 1898 ss. 141, 143; 1909 c. 395, 430; 1911 c. 385, 657; 1911 c. 663 ss. 2, 3; Stats. 1911 ss. 141, 143, 1791n-5; 1913 c. 772 s. 108; 1915 c. 604 s. 9; 1917 c. 622 s. 28; Stats. 1917 ss. 14.29, 1791n-5; 1921 c. 94; 1921 c. 422 s. 5; 1923 c. 287; 1923 c. 291 s. 3; Stats. 1923 ss. 14.29, 133.13; 1935 c. 550 s. 361; Stats. 1935 s. 14.29; 1947 c. 9, 534; 1951 c. 33; 1953 c. 108; 1955 c. 171; 1961 c. 622; 1963 c. 224; 1965 c. 66 s. 7; 1965 c. 163, 666; 1967 c. 186 s. 2; 1969 c. 154; 1969 c. 241 ss. 4, 33; 1969 c. 276 s. 36; Stats. 1969 s. 14.38.

On publication of laws (statute law) see notes to sec. 21, art. VII, and notes to 985.04; on election dates and notices see notes to

various sections of ch. 10; on trade-marks, badges and labeled products see notes to various sections of ch. 132; on business corporations see notes to various sections of ch. 180; and on construction of statutes see notes to various sections of ch. 990.

It is not necessary that a law submitted to the people be published after its approval by popular vote. *State ex rel. Van Alstine v. Frear*, 142 W 320, 125 NW 961.

The statutory duty of the secretary of state to publish the statute laws is purely ministerial, and is mandatory, and when an act of the legislature is deposited in his office in the manner prescribed by law and in the form of law, he has no discretionary power to refuse to publish the act on the ground that it is unconstitutional either for substantive or for procedural reasons. *State ex rel. Martin v. Zimmerman*, 233 W 16, 288 NW 454.

Where an act of the legislature, in the form of law and duly authenticated, has been duly transmitted to the secretary of state for publication by him as required by 14.29 (10), a court may not enjoin the secretary of state from publishing the act and thus prevent it from becoming a law, on the ground that it was not constitutionally passed over the governor's veto, since publication is part of the legislative process, which is the province solely of the legislature and with which the judiciary has no right to interfere. *Goodland v. Zimmerman*, 243 W 459, 10 NW (2d) 180.

The secretary of state in making certified copies may charge for folios even where the copies are furnished him. 1904 Atty. Gen. 345.

It is the duty of the secretary of state to countersign all commissions and appointments of public officers executed by the governor and affix the great seal of the state thereto. His duty in this respect is purely ministerial and he is without discretion in the premises. 1 Atty. Gen. 509.

Federal stamp taxes do not apply to bonds, deeds or certificates executed by state officers in the discharge of governmental duties imposed upon them by state law. 3 Atty. Gen. 882.

The secretary of state is required to furnish certified copies of nomination papers in his custody upon receipt of the proper fees. 7 Atty. Gen. 449.

When a constitutional amendment is proposed by one legislature and by it referred to the next succeeding legislature, the secretary of state should bring it to the attention of such succeeding legislature. It is proper to do this by submitting a duly certified copy of the proposed amendment to each house of such succeeding legislature. 7 Atty. Gen. 651.

Under 14.29 (3), Stats. 1939, it is the duty of the secretary of state to assume official custody of records of defunct departments when such records are turned over to him for such purpose. He may then exercise discretion as to whether and when such records shall be transferred to state historical society under 44.08. 28 Atty. Gen. 654.

14.40 History: 1921 c. 104; Stats. 1921 s. 14.69; 1957 c. 59; 1959 c. 228 s. 66; 1959 c. 324; 1969 c. 276 ss. 52, 602 (1); Stats. 1969 s. 14.40.

14.43 History: R. S. 1849 c. 9 ss. 10, 20; R. S. 1858 c. 10 s. 18; R. S. 1878 s. 142; Stats. 1898

s. 142; 1917 c. 622 s. 26; Stats. 1917 s. 14.27; 1969 c. 276 s. 35; Stats. 1969 s. 14.43.

14.45 History: 1877 c. 116, 210; R. S. 1878 s. 98; 1881 c. 280; Ann. Stats. 1889 s. 98; Stats. 1898 s. 98; Stats. 1913 s. 98; 1915 c. 382 s. 8; 1915 c. 604 s. 95; Stats. 1915 s. 138m; 1917 c. 622 s. 25; Stats. 1917 s. 14.26; 1969 c. 276 s. 34; Stats. 1969 s. 14.45.

Neither the constitution nor the statutes expressly or impliedly prohibit a miniature of the state's seal from being used as ring emblem to be furnished children at state school for blind at time of graduation. 28 Atty. Gen. 83.

14.46 History: R. S. 1849 c. 9 s. 12; 1854 c. 65 s. 1; R. S. 1858 c. 10 s. 19; R. S. 1878 s. 139; Stats. 1898 s. 139; 1917 c. 622 s. 24; Stats. 1917 s. 14.25; 1947 c. 472; 1969 c. 276 s. 33; Stats. 1969 s. 14.46.

The assistant secretary of state and assistant state treasurer are officers and their bonds are official bonds within the meaning of the statute providing for payment of premiums on such bonds by the state. 9 Atty. Gen. 451.

14.47 History: 1891 c. 273 s. 6; Stats. 1898 s. 160e; 1903 c. 233 s. 4; Supl. 1906 s. 160e; 1917 c. 622 s. 44; Stats. 1917 s. 14.47; 1929 c. 465 s. 3; Spl. S. 1931 c. 1 s. 1.

14.56 History: 1969 c. 276 s. 49; Stats. 1969 s. 14.56.

14.561 History: 1969 c. 276 s. 49; Stats. 1969 s. 14.561.

14.58 History: R. S. 1849 c. 9 ss. 26, 29; R. S. 1858 c. 10 ss. 38, 40, 41, 87; 1866 c. 3 s. 1; 1876 c. 341; R. S. 1878 ss. 152, 157, 3820; 1885 c. 150; Ann. Stats. 1889 ss. 152, 157, 157a; 1891 c. 273 ss. 7, 9 to 11; Stats. 1898 ss. 152, 157, 160f, 3820; 1901 c. 346 s. 1; 1905 c. 473 s. 5; Supl. 1906 ss. 160f, 160k; 1907 c. 406, 482; 1909 c. 9; 1913 c. 760 ss. 4, 5; 1913 c. 772 s. 130; 1913 c. 773 s. 110; 1917 c. 178 s. 2; 1917 c. 622 ss. 39, 45; 1917 c. 662 s. 2; Stats. 1917 ss. 14.42, 14.49, 3820; 1919 c. 629 s. 1; 1923 c. 403; 1925 c. 4; 1925 c. 245; Stats. 1925 ss. 14.42, 14.49, 311.17; 1933 c. 190 s. 9; Stats. 1933 ss. 14.42, 14.49; 1937 c. 181 s. 5; 1939 c. 142, 194; 1943 c. 251; 1943 c. 553 s. 1a; 1945 c. 530; 1947 c. 9, 320, 614; 1949 c. 197; 1951 c. 319 s. 2; 1953 c. 61; 1955 c. 366; 1959 c. 228 ss. 66, 69; 1963 c. 504; 1965 c. 50; 1965 c. 66 s. 7; 1965 c. 252; 1969 c. 276 ss. 40, 42, 50, 581 (3), 582 (2), 598 (1), 605; 1969 c. 339 s. 27; Stats. 1969 s. 14.58.

The treasurer is bound to take notice of the extent of the authority of the auditor, and it is his duty to refuse payment of claim for salary of a person not known or recognized as an officer of the government and who did not act as such, or if such salary was previously allowed and paid to another. But where an appropriation has been made for a claim, and power given the auditor to determine its amount, his decision is final and the treasurer must pay it. *State ex rel. Crawford v. Hastings*, 10 W 525.

If the treasurer pays an appropriation before the time appointed by law, or without the warrant of the auditor where it is required, he will be liable to the state for any damages resulting therefrom. But where the money so paid was actually used for the purpose of the

appropriation, was paid to the person entitled to receive it, receipted by him officially and credited in the auditor's books to such treasurer, he is not liable to refund the same. *State v. Baetz*, 44 W 624; *State v. Mills*, 55 W 229, 12 NW 359.

Sections 152 and 4419, R. S. 1878, are complied with, so far as state treasurers are concerned, if the public creditors receive directly from the hands of the treasurer, or from banks on his draft, money having the same value and essential qualities as that paid into the treasury. Ownership of public moneys is in the state, and it was entitled to the interest received by the treasurer on deposits thereof made by him in the name of his office, payable on his official draft. *State v. McFetridge*, 84 W 473, 54 NW 1, 998.

After the dissolution of a trust company the treasurer held deposited securities as trustee. *State ex rel. Sheldon v. Dahl*, 150 W 73, 135 NW 474.

Under standard specifications of the state highway commission, the commission engineer's classification of materials as rock excavation or as common excavation in the performance of work under a contract for highway construction, for the purpose of determining the contractor's compensation under a supplemental agreement, is final and conclusive as against the state treasurer in the absence of fraud or gross error, and the commission's engineer is not guilty of fraud or gross error even though he classifies as rock excavation what another engineer might classify differently, but the commission's engineer may not by purely arbitrary changes in classification pave the way for a supplemental agreement that in effect increases the agreed compensation for common excavation. *State ex rel. Lathers v. Smith*, 238 W 291, 299 NW 43.

The state treasurer must apportion interest earned on state moneys among all funds in his hands. 14 Atty. Gen. 14.

14.42 (15), Stats. 1937, requires the state treasurer to advertise only receipt of unclaimed legacies and shares paid into the state treasury under 318.03. 220.25 is complete in itself, thereby making it unnecessary for the state treasurer to advertise receipt of money paid by banks under escheat of bank deposits law. 26 Atty. Gen. 390.

See note to sec. 3, art. VI, citing 29 Atty. Gen. 178.

14.42 (15) requires the state treasurer to advertise the receipt of all legacies and shares paid into the state treasury under 318.03. 33 Atty. Gen. 86.

The state treasurer has no duty to issue a printed monthly report showing the condition of the state treasury at the end of each month, there being no statute which requires or authorizes him to issue such report. 36 Atty. Gen. 542.

A warrant to be presented to the state treasurer for the purpose of causing a payment to be made out of the hospital construction fund must, in view of the requirements of 14.42 (4) and 20.438 bear the signatures of the state health officer or his duly authorized agent for such purpose and of the director of budget and accounts. 38 Atty. Gen. 200.

If the state treasurer desires to destroy old

records he must apply to committee on public records for permission to do so. He may rely on such committee's permission without incurring any liability in consequence of acting within the limits of the committee's permission. 39 Atty. Gen. 599.

The state treasurer is the custodian of state funds including funds granted to the state under P. L. 815, 81st Cong., and is required by law to pay out such funds on proper voucher from the state superintendent. 40 Atty. Gen. 372.

The state treasurer may, subject to approval of commissioner of insurance and commissioner of banks, in certain cases, authorize banks and insurance companies which have United States securities on deposit in his office to receive interest payments directly. 40 Atty. Gen. 474.

14.60 History: R. S. 1849 c. 9 ss. 9, 27, 30, 42; R. S. 1849 c. 24 s. 104; R. S. 1858 c. 10 ss. 16, 39, 42, 53; R. S. 1858 c. 28 s. 124; R. S. 1878 ss. 138, 153, 154, 161; Stats. 1898 ss. 138, 153, 154, 161; 1903 c. 101 s. 1; 1905 c. 271 s. 1; Supl. 1906 s. 153; 1913 c. 772 s. 130; 1917 c. 622 s. 4; Stats. 1917 s. 14.05; 1969 c. 276 s. 10; Stats. 1969 s. 14.60.

Interest received by a state treasurer on account of public funds deposited in banks by him is an accretion to the funds, and his failure to account for such interest is a breach of his bond. The state is not estopped from recovering such interest because of general knowledge of the custom of its treasurers to retain it to their own use, nor by the acquiescence of the state authorities in that custom for many years. In addition to recovering the amount which a treasurer has received as interest, interest on such amount may be recovered from the expiration of his term of office. *State v. McFetridge*, 84 W 473, 54 NW 1, 998.

The right of the state to such interest is not affected by the fact that the interest was received by a person other than the treasurer, and deposited in a bank in the name of its president as trustee, the latter being a surety on the state treasurer's bond. *State v. Harshaw*, 84 W 532, 54 NW 17.

Although the bond runs to the state, and the attorney general may refuse to bring an action thereon when the state is not interested, nevertheless, individuals may, in the name of the state, bring such action when there has been a failure of duty which the state treasurer owed to them, by which they were injured. *State ex rel. Sheldon v. Dahl*, 150 W 73, 135 NW 474.

14.62 History: R. S. 1858 c. 10 s. 44; R. S. 1878 s. 155; Stats. 1898 s. 155; 1917 c. 662 s. 38; Stats. 1917 s. 14.41; 1921 c. 517 s. 2; 1931 c. 439; 1951 c. 319 s. 1; 1951 c. 734; 1967 c. 291 s. 14; 1969 c. 276 s. 39; Stats. 1969 s. 14.62.

The assistant state treasurer can transfer securities registered in the name of the state of Wisconsin. 41 Atty. Gen. 211.

14.76 History: 1953 c. 502; Stats. 1953 s. 14.77; 1965 c. 252; 1969 c. 276 s. 59; Stats. 1969 s. 14.76.

14.78 History: 1959 c. 441; Stats. 1959 ss. 30.22, 30.23; 1969 c. 276 s. 225; Stats. 1969 s. 14.78.

Editor's Note: Legislative council notes relating to 30.22 and 30.23 were published in Wis. Annotations, 1960.

14.80 History: 1937 c. 273; Stats. 1937 s. 14.75; 1951 c. 387; 1953 c. 62; 1963 c. 323; 1965 c. 433 s. 121; 1965 c. 659; 1967 c. 43; 1967 c. 291 s. 14; 1969 c. 154 s. 377; 1969 c. 241 ss. 5, 33; 1969 c. 276 s. 55; Stats. 1969 s. 14.80.

14.82 History: 1965 c. 274, 573; Stats. 1965 s. 14.752; 1967 c. 43, 180; 1967 c. 291 s. 14; 1969 c. 154 s. 23; 1969 c. 276 s. 56; 1969 c. 366 s. 117 (2) (a); 1969 c. 392 s. 85; Stats. 1969 s. 14.82.

14.85 History: 1961 c. 482; Stats. 1961 s. 14.755; 1965 c. 433 s. 121; 1967 c. 226; 1967 c. 291 s. 14; 1969 c. 276 ss. 57, 581 (5); Stats. 1969 s. 14.85.

14.995 History: 1969 c. 432; Stats. 1969 s. 14.995.

CHAPTER 15.

Structure of the Executive Branch.

15.001 History: 1967 c. 327; Stats. 1967 s. 15.001.

On powers and duties of the governor see notes to sec. 4, art. V.

15.01 History: 1967 c. 327; Stats. 1967 s. 15.01; 1969 c. 336.

15.02 History: 1967 c. 327; Stats. 1967 s. 15.02.

15.03 History: 1967 c. 327; Stats. 1967 s. 15.03.

15.04 History: 1967 c. 327; Stats. 1967 s. 15.04; 1969 c. 154.

15.05 History: 1967 c. 327; Stats. 1967 s. 15.05; 1969 c. 366.

15.06 History: 1967 c. 327; Stats. 1967 s. 15.06; 1969 c. 111, 276, 337.

The provision in 195.01 (10), Stats. 1957, that the public service commission may hold sessions at any place for the convenience of the parties does not require holding a hearing in each community affected by a railroad's proposal to abandon service at over 100 stations. *Cobb v. Public Service Comm.* 12 W (2d) 441, 107 NW (2d) 595.

15.07 History: 1967 c. 193; 1967 c. 327 ss. 13, 18; 1967 c. 327 Supplement s. B; Stats. 1967 s. 15.07; 1969 c. 259, 466.

15.08 History: 1967 c. 249; 1967 c. 327 ss. 13, 18; 1967 c. 327 Supplement s. H; Stats. 1967 s. 15.08; 1969 c. 472, 479.

On legislative power generally and delegation of power see notes to sec. 1, art. IV; and on extra compensation and salary change see notes to sec. 26, art. IV.

The general rule on members of a professional or occupational group serving on an administrative agency regulating such profession or occupation, applied in disciplinary cases involving licensees, is that membership in or connection with the same profession or occupation as that of the accused licensee does not alone indicate a disqualifying bias or interest on the part of the questioned tribunal

member sufficient to violate due process. *Kachian v. Optometry Ex. Board*, 44 W (2d) 1, 170 NW (2d) 743.

It does not follow, from the absence in ch. 153 of a specific provision for the disqualification of a board member where direct conflict of interest or actual bias can be proved to exist, that a person who is a member of an administrative agency may not or ought not disqualify himself from sitting in a case in which he has a direct financial interest or one in which he cannot fairly decide, for the common-law duty of disqualification applies where no statutory provisions for disqualification are spelled out. *Kachian v. Optometry Ex. Board*, 44 W (2d) 1, 170 NW (2d) 743.

The real estate brokers' board can issue a subpoena duces tecum to require production of described papers and documents in an investigation where the board has proceeded under 136.08 (1), but not in an informal preliminary investigation. 47 Atty. Gen. 47.

Under 169.02, Stats. 1949, the state athletic commission has power to promulgate a rule regulating announcements of boxing cards. Power to revoke licenses to conduct boxing cards is in the commission and not in the secretary. 39 Atty. Gen. 312.

The real estate brokers' board does not have authority, under ch. 136, Stats. 1939, to require periodic reports relative to business engaged in by brokers. 20 Atty. Gen. 92.

Under 136.04 (1), Stats. 1953, the real estate brokers' board has the power to make a rule prohibiting the demand for and receipt of non-returnable advance retainer fees by either class of brokers. 43 Atty. Gen. 1.

The real estate brokers' board has authority under ch. 136, Stats. 1963, to promulgate a rule requiring individuals or partnerships doing business under a trade name to list the name of a licensed broker in advertisements, signs and business cards. 53 Atty. Gen. 210.

15.09 History: 1967 c. 327; Stats. 1967 s. 15.09; 1969 c. 201.

15.099 History: 1967 c. 327; Stats. 1967 s. 15.099; 1969 c. 111, 276.

15.10 History: 1967 c. 327; Stats. 1967 s. 15.10; 1969 c. 276.

15.101 History: 1967 c. 183, 217; 1967 c. 327 ss. 13, 18; 1967 c. 327 Supplement s. E; Stats. 1967 s. 15.101; 1969 c. 158; 1969 c. 259 ss. 2, 26 (1); 1969 c. 275 s. 7; 1969 c. 276 ss. 68, 609; 1969 c. 392 s. 84r; 1969 c. 424.

15.105 History: 1967 c. 183, 217; 1967 c. 327 ss. 13, 18; 1967 c. 327 Supplement s. E; Stats. 1967 s. 15.105; 1969 c. 259.

15.107 History: 1967 c. 191, 219; 1967 c. 327 ss. 13, 18; 1967 c. 327 Supplement ss. A, F; Stats. 1967 s. 15.107; 1969 c. 276.

15.13 History: 1967 c. 327; Stats. 1967 s. 15.13.

15.131 History: 1967 c. 327; Stats. 1967 s. 15.131; 1969 c. 111, 276.

15.137 History: 1967 c. 327; Stats. 1967 s. 15.137; 1969 c. 276.

15.16 History: 1967 c. 327; Stats. 1967 s. 15.16.