

CHAPTER 14.

STATE OFFICERS.

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14.01 Time of choosing. A governor, lieutenant governor, secretary of state, treasurer and an attorney-general shall be elected at the general election in each even-numbered year. A state superintendent shall be elected on the first Tuesday in April in the year 1917 and quadrennially thereafter.

14.02 Terms. The regular full term of office of the state superintendent commences on the first Monday of July, and the regular full term of each other officer enumerated in section 14.01 commences on the first Monday of January, next succeeding his election.

14.03 Oaths. Each of the officers enumerated in section 14.01 shall take and subscribe the oath of office prescribed by the constitution, as follows: The governor and lieutenant governor, before entering upon the duties of his office; the secretary of state, treasurer, attorney-general and state superintendent, within twenty days after receiving notice of his election and before entering upon the duties of his office.

14.04 Official bonds. (1) The secretary of state, treasurer and attorney-general shall each furnish a bond to the state, at the time he takes and subscribes his oath of office, conditioned for the faithful discharge of the duties of his office, and his duties as a member of the board of commissioners of the public lands, and in the investment of the funds arising therefrom. The bond of each of said officers shall be further conditioned for the faithful performance by all persons appointed or employed by him in his office of their duties and trusts therein, and for the delivery over to his successor in office, or to any person authorized by law to receive the same, of all moneys, books, records, deeds, bonds, securities and other property and effects of whatsoever nature belonging to his said offices.

(2) Each of said bonds shall be subject to the approval of the governor and shall be guaranteed by resident freeholders of this state, or by a surety company as provided in section 204.07. The amount of each such bond, and the number of sureties thereon if guaranteed by resident freeholders, shall be as follows: secretary of state, \$25,000, with sufficient sureties; treasurer, \$100,000, with not less than 6 sureties; and the attorney-general, \$10,000, with not less than 3 sureties.

14.05 Treasurer's bond; extends to; cost of. The bond of the treasurer shall extend to the faithful execution of the duties of the office of treasurer until his successor is

elected and fully qualified; and, 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 treasury department, if the cost thereof does not exceed one-fourth of one per cent, per annum, of the amount of said bond.

14.06 Additional bonds. The attorney-general shall renew his bond in a larger amount and with additional security, and the treasurer shall give an additional bond, when required by the governor.

14.07 Official oaths and bonds; where filed. The official oaths of the governor, lieutenant governor and the state superintendent shall be filed in the office of the secretary of state. The official oaths and bonds of the secretary of state, treasurer and attorney-general shall be filed in the executive office.

14.08 Offices in capitol. The governor, secretary of state, treasurer, attorney-general and the state superintendent shall each keep his office in the state capitol.

14.09 Governor's office; appointees. The governor may appoint and fix the compensation of such employes as he may deem necessary for the execution of the functions of the executive office. He may at pleasure remove any of said appointees.

14.10 Records and documents; custodian of. The private secretary to the governor, for purposes of authentication, is custodian of the public records and documents in the executive office.

14.11 Executive privy seal. 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.

14.12 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.

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.

14.13 Employment of special counsel. (1) The governor, if in his opinion the public interest requires such action, may employ special counsel in the following cases:

- (a) To assist the attorney-general in any action or proceeding;
- (b) 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;
- (c) To defend any action instituted by the attorney-general against any officer of the state;
- (d) 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.

(2) 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 legal expense appropriation provided in s. 20.180 (2).

14.14 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.

14.15 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 six dollars and fifty cents 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.

14.16 Require additional bond of treasurer. The governor shall require the treasurer to give additional bond, within such time, in such reasonable amount not exceeding the funds in the treasury, and with such security as he shall direct and approve, whenever the funds in the treasury exceed the amount of the treasurer's bond; or whenever the governor deems the treasurer's bond insufficient by reason of the insolvency, death or removal from the state of any of the sureties, or from any other cause.

14.17 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 the thirtieth day of June 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.

14.18 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.

14.19 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 five hundred dollars 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.

14.20 Land claims against United States; receipt of payment. The governor is authorized to receive from the United States treasury department, from time to time, as he sees fit to draw for the same, the five per centum 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 sixth, eighteen hundred and forty-six, and to execute the proper vouchers therefor. When received he shall pay the same into the state treasury to the credit of the school fund.

14.21 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 the provisions 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.

14.22 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 twenty 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.

14.225 Review of certain rules by governor. After August 7, 1951, any general code covering a particular subject adopted by the state department of agriculture or by the state board of health 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.

14.23 Holiday proclamations. 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. He may also set aside, in said manner, the third 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, and by suitable exercises for all those persons who have recently become enfranchised either by naturalization or by reaching their majority with 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. He may also set apart, in said manner, one day in each year to be observed as Labor Day. The governor shall annually issue a proclamation calling attention to the fact that 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. The governor is authorized to annually proclaim the second Sunday in May as Mother's Day and to 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. 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.

14.233 Governor to co-ordinate state services. The governor is directed to co-ordinate 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 the provisions of s. 20.903.

14.235 Citizenship day. (1) **GENERAL.** To redirect the attention of the citizens of Wisconsin (particularly those who are about to exercise the franchise for the first time) to the fundamentals of American government and to American traditions, any county, municipal or school board may annually provide for and appropriate funds for a program of citizenship education which stresses, through free and frank discussion of a nonpolitical, nonsectarian and nonpartisan nature, the doctrine of democracy, the duties and responsibilities of elective and appointive officers, the responsibilities of voters in a republic and the organization, functions and operation of government. This program should culminate in a ceremony of induction to citizenship for those who have been enfranchised within the past year. Any county may determine to conduct such ceremony either on or within the octave of the day designated by congress or proclaimed by the president of the United States as Citizenship Day. The board may carry out this function in such manner as it determines. The secretary of state, superintendent of public instruction and other state officers and departments shall co-operate with the participating units of government by the dissemination of available information which will stimulate interest in the government of Wisconsin and its subdivisions.

(2) **MILWAUKEE COUNTY.** In counties containing a city of the first class, responsibility for planning the citizenship training program and appropriate exercises for Citizenship Day shall be the joint responsibility of the county superintendent of schools, the director of the school of vocational and adult education and the city superintendent of schools of any city of the first class, but the county superintendent shall remain responsible for clerical service. In such counties the county board may establish a commission to accomplish the intent of this subsection; such commission or the county superintendent shall, within the limitations of sub. (1), set the date for the observance.

14.24 Conferences of governors. The governor is authorized to attend and represent the state at all conferences of governors, and to make such arrangements as he may deem 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 department.

14.25 Secretary of state; assistant secretary. 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 commissioner of the 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 said secretary prescribes, conditioned for the faithful discharge of his duties. Such oath shall be filed and preserved in the executive office.

14.26 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, two and three-eighths inches in diameter, containing, within an ornamental border, the following devices and legend: The coat of arms of the state, as in section 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, thirteen stars.

(3) A lesser seal, one and three-fourths 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.

14.27 Custodian of deeds, securities, oaths and bonds. All deeds, conveyances, abstracts 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.

14.29 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, from time to time, 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) **REPORT TO GOVERNOR.** Report biennially to the governor, within 60 days after June 30 in each even-numbered year any matters pertaining to his office as secretary 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 one hundred dollars.

(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.

(7) REFUNDS. (a) Fees received under s. 137.01 (1) in advance of the due date shall be deposited to the credit of the state of Wisconsin, in the name of the secretary of state in a duly qualified state depository to be used for the payment of notary fees when due.

(b) Any balance in the fund may be used to refund overpayments in fees paid to the secretary of state provided that such payment from the fund be repaid within 10 days.

(8) KEEP AND REPORT STATEMENT OF FEES. Keep a detailed statement of all fees received by him and include a summary of such statement in his biennial report.

(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; 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 \$2, but when a specially prepared form is required the fee shall be \$2.50. The minimum fee for any certificate under his hand and seal shall be \$2.

(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 once a week for 3 months immediately preceding any general election, such proposed constitutional amendments as were approved for the first time by the legislature preceding such 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, co-operate with the district attorney and cause proceedings to be commenced in the proper court against such corporation and its officers and members.

History: 1961 c. 622; 1963 c. 224.

14.41 Assistant treasurer; oath; bond; powers. The treasurer may appoint, in writing, an assistant state treasurer who may perform and execute any of the duties of the treasurer, except as commissioner of the public lands. The assistant treasurer shall take and subscribe the oath of office prescribed by the constitution and shall give bond to the treasurer, in such sum and with such conditions as the treasurer prescribes, conditioned for the faithful discharge of his duties. The oath of the assistant treasurer and the certificate of his appointment shall be filed and preserved in the office of the secretary of state. Such employes as the treasurer may require shall give bond to the state of Wisconsin in such sum and with such conditions as the treasurer prescribes, conditioned for the faithful discharge of their duties; the cost thereof to be charged to the appropriations made by s. 20.820.

14.42 Duties of treasurer. The 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 treasurer personally;

(b) by an assistant state treasurer, appointed as provided in section 14.41 of the statutes, in the name of the treasurer;

(c) by any clerk in his department designated by him in the name of the treasurer;

or

(d) by placing on a check the facsimile signature of the 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 treasurer's authority.

(2) ISSUE COUNTERSIGNED RECEIPTS. Issue receipts for all money paid to him, which, before their delivery, shall be countersigned by the commissioner of administration; and no receipt, unless so countersigned, shall be evidence of the payment of any money into the treasury.

(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 be 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 annexed thereto, of the payee therein named or his authorized agent or assignee.

(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 classifying said receipts by state funds; keep also records showing the check number, date, payee and amount of each cash disbursement and classifying said disbursements by state funds; 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, department of state audit, or by the legislature, or any committee thereof, or of either branch thereof.

(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 beginning 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 twelve cents per folio, and twenty-five 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 from time to time not to exceed sixty 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 fee of twenty-five cents 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 fee of ten cents 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. 238.136 and 318.03, shall forthwith advertise the fact in the state paper 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 in the manner provided in s. 318.03. 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 state of Wisconsin 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 state of Wisconsin 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.

14.44 Banks, foreign control, ineligibility as depository. Whenever the ownership, control or power to vote a majority interest in the stock of any state or national bank doing business in Wisconsin shall be held or in any manner exercised by any foreign corporation, association or trust which shall not have filed its articles of incorporation and obtained authority to do business in this state as provided in sections 180.801, 180.813 to 180.821 and 180.845, such bank shall not be qualified to act as depository for any public funds of the state of Wisconsin or of any subdivision thereof, nor as a depository for reserve funds of state banks until the provisions of said sections shall be complied with by such foreign corporation, association or trust.

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.

14.49 Apportionment of interest. The total interest earned on state moneys in all depositories shall be apportioned quarterly or oftener by the state treasurer among, added to and become a part of the several funds.

14.52 Deputy and assistant attorneys general. The attorney general may appoint a deputy attorney general and assistants each of whom shall be an attorney at law admitted to practice in this state. The deputy attorney general shall give a bond to the state in the sum of \$5,000, with good and sufficient sureties, to be approved by the governor, conditioned for the faithful performance of his duties, and in the absence or disability of the attorney general, he may do and perform all the acts provided by statute to be performed by the attorney general, and the attorney general shall be responsible for all acts of his deputy. The said appointees shall perform such duties as the attorney general prescribes. Such appointments shall be made by writing filed in the office of the secretary of state, and such appointees shall take and subscribe the constitutional oath of office, which shall also be so filed.

14.525 Anti-trust; duty of attorney general's office. (1) Of the assistant attorneys general appointed under the provisions of section 14.52, one shall be assigned to the investigation and prosecution of violations arising under the provisions of chapter 133 and shall carry out the duties imposed on the attorney general by said chapter. It shall be the duty of all officers, departments, bureaus and commissions of the state government to report to the assistant attorney general in charge of anti-trust prosecutions all violations of chapter 133 which shall come to their attention and they shall co-operate with and assist him in the investigation and prosecution of such violations.

(2) The assistant attorney general in charge of antitrust investigations and prosecutions is to co-operate actively with the antitrust division of the U.S. department of justice.

in everything that concerns monopolistic practices in Wisconsin, and also to co-operate actively with the state department of agriculture in the work which this agency is carrying on under s. 100.20 of the marketing law with regard to monopolistic practices in the field of agriculture and with the federal trade commission on matters arising in or affecting Wisconsin which pertain to its jurisdiction.

14.526 Division of criminal investigation. (1) There is created within the office of the attorney general the division of criminal investigation for the purpose of investigating crime which is state-wide in nature, importance or influence.

(2) Of the assistant attorneys general appointed under s. 14.52, one shall be assigned to initiating and supervising the investigations referred to in sub. (1), and the attorney general shall appoint, under the classified service, not to exceed 5 investigators for said division who shall have the same general police powers as are conferred upon peace officers. Such investigators shall:

- (a) 1. Be graduates of a law school approved by the American bar association, or
2. Be licensed as certified public accountants, and
3. Have training and experience equivalent to that of an investigator for the federal bureau of investigation; or

(b) Any person who has had at least 10 years' experience in investigating crime.

(3) Local district attorneys, sheriffs and chiefs of police are directed to co-operate and assist the personnel of the division in the detection of the crimes enumerated herein.

History: 1963 c. 319.

14.53 Duties of attorney general. The attorney general shall:

(1) **REPRESENT STATE.** Appear for the state and prosecute or defend all actions and proceedings, civil or criminal, in the supreme court, in which the state is interested or a party, and attend to and prosecute or defend all civil cases sent or remanded by the supreme court to any circuit court in which the state is a party; and, when requested by the governor or either branch of the legislature, appear for the state and prosecute or defend in any court or before any officer, any cause or matter, civil or criminal, in which the state or the people thereof may be in anywise interested.

(2) **PROSECUTE BREACHES OF BONDS AND CONTRACTS.** Prosecute, at the request of the governor, or of the head of any department of the state government any official bond or any contract in which the state is interested, deposited with any of them, upon a breach thereof, and prosecute or defend for the state all actions, civil or criminal, relating to any matter connected with any of their departments except in those cases where other provision is made.

(3) **ADVISE DISTRICT ATTORNEYS.** Consult and advise with the district attorneys when requested by them in all matters pertaining to the duties of their office.

(4) **GIVE OPINION TO OFFICERS.** Give his opinion in writing, when required, without fee, upon all questions of law submitted to him by the legislature or either branch thereof, or by the head of any department of the state government.

(5) **PROTECT TRUST FUNDS.** Examine all applications for loans from any of the trust funds, and furnish to the commissioners of public lands his opinion in writing as to the regularity of each such application, and also of the validity of any bonds or other securities purchased for the benefit of such funds.

(5a) **EXAMINATION OF BONDS, CERTIFICATE OF ATTORNEY GENERAL.** Examine a certified copy of all proceedings preliminary to any issue of state bonds, and, if found regular and valid, indorse on each bond his certificate of such examination and validity, and that said bond is incontestable, except for constitutional reasons, unless an action making such contest shall be brought in a court having jurisdiction of the action within thirty days from the date of said certificate, and make similar examinations and certificates respecting municipal bonds in the cases specified in subsection (3) of section 67.02, except that the thirty days' limitation shall commence to run upon the recording of the attorney general's certificate in the office of the clerk of the municipality issuing the bonds, and the certificate shall so state.

(5m) **LEGAL SERVICE; APPROPRIATION.** It shall be the duty of the attorney general to furnish all legal services required by the state of Wisconsin investment board, the highway commission, the motor vehicle department, the conservation commission, the state teachers retirement board, the board of trustees of the Wisconsin retirement fund, and the department of veterans' affairs, together with such other services, including stenographic and investigational, as are necessarily connected with such legal work. The attorney general shall at the end of each fiscal year render to the respective departments herein enumerated a statement of the total cost of such legal and other services including travel expenses and legal expenses enumerated in s. 20.180 (3). Upon receipt of such

statement, the respective department head shall certify the amount thereof to the department of administration to be paid into the general fund of the state treasury out of his proper appropriation.

(6) **PREPARE FORMS.** Prepare, whenever requested by the head of any department of the state government, proper drafts of forms for contracts and other writings which may be wanted for the use of the state.

(7) **TURN STATE MONEYS INTO TREASURY.** Pay into the state treasury all money received by him belonging to the state, immediately upon receipt thereof.

(8) **KEEP RECORD OF ACTIONS.** Keep a record of all actions and demands prosecuted or defended by him on behalf of the state and all proceedings had in relation thereto.

(9) **KEEP STATEMENT OF FEES.** Keep a detailed statement of all fees, including his fees as commissioner of public lands, received by him during the preceding year, and file such statement with the department of administration on or before the thirtieth day of June in each year.

(10) **REPORT TO LEGISLATURE.** Report to the legislature or either branch thereof, when requested, upon any matters pertaining to the duties of his office.

(11) **GENERAL.** Perform all other duties imposed upon him by law.

(12) **ATTORNEY FOR STATE EMPLOYEES.** The attorney general shall, at the request of the head of any department of state government approved by the governor, appear for and defend, in any court of the state where an action may have been brought, or may be tried, any agent, inspector or employe of such department charged with the enforcement of law, or the custody of inmates of state institutions or prosecution for violation of law, in any tort action except malpractice against him, based upon any act done or incurred in, or arising out of the lawful discharge of the duties of such agent, inspector or employe. Witness fees incurred in the defense of any case under this section shall be paid as provided for in section 325.07.

(13) **REMOVE BARRIERS TO TRADE OR MOVEMENT OF DAIRY PRODUCTS.** The attorney general is authorized to take such action as he deems necessary in order to contest or oppose existing statutes, ordinances, regulations, orders or other trade barriers which may restrict the sale in other states of milk or other dairy products produced in Wisconsin; to study and investigate problems concerning the free movement of milk and other dairy products in interstate commerce and to present the results thereof to such legislative and executive agencies of the federal government and the several states, such studies, investigations and presentations to executive and legislative agencies to be made either individually or jointly with others.

History: 1961 c. 111.

14.531 Attorney general, powers. Any civil action prosecuted by the attorney general by direction of any officer, department, board or commission, shall be compromised or discontinued when so directed by such officer, department, board or commission. Any civil action prosecuted by the attorney general on his initiative, or at the request of any individual may, in his discretion, on approval of the governor, be compromised or discontinued. In any criminal action prosecuted by the attorney general, he and the deputy and assistant attorney general shall have the same powers with reference to such action as are vested in district attorneys.

14.60 Official reports. The several officers, boards and commissions from whom annual or biennial reports are required to be made to the governor, and whose reports cover a period ending on the thirtieth day of June, shall make out and deposit with the governor, on or before the first day of January of each odd-numbered year, a report of the transactions in their respective offices from the thirtieth day of June last preceding. Such reports shall be published with the next annual or biennial reports of the same officers, boards or commissions, respectively, or of their successors.

14.61 Reports of receipts and disbursements to governor. The respective state officers, heads or chiefs of bureaus and departments of the state service and the several boards having control of the charitable and penal and educational institutions of the state, including the state colleges and state university shall, on or before the tenth day of January in each odd-numbered year, make and deliver to the governor a brief, succinct, detailed report of all receipts and expenditures in their respective offices, boards, bureaus or departments for the biennial term ending the first Monday of January.

14.62 Report of expenses of departments. The respective state officers and chiefs or heads of all bureaus and departments and regents of state university and state colleges shall in each odd-numbered year, on or before the tenth day of January make and

deliver to the governor in tabular form a complete, concise and detailed report of the expenses of conducting such office, bureau or department, state colleges and state university for each year of the biennial term ending on the first Monday in January preceding the date of such report, and shall accompany such report with a like detailed statement or report of the receipts and expenses of conducting such office, bureau or department for the corresponding years of the 2 preceding biennial terms.

14.66 State officers may require searches, etc., without fees. The secretary of state, treasurer and attorney-general, respectively, are authorized to require searches in the respective offices of each other and in the offices of the clerk of the supreme court, of the several circuit courts, of the county courts or registers of deeds for any papers, records or documents necessary to the discharge of the duties of their respective offices, and to require copies thereof and extracts therefrom without the payment of any fee or charge whatever.

14.69 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 and state colleges 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 pay roll or expense voucher for such position until the notice of appointment has been filed with the secretary of state.

14.72 Board on government operations. (1) There is constituted a board on government operations to be composed of the chairman of the senate finance committee, the chairman of the assembly finance committee and 2 senators and 3 assemblymen to be appointed as are standing committees in the respective houses. Each house shall be represented by at least one member of each of the 2 parties having the greatest representation in each house. The board on government operations shall choose its own chairman at its first meeting and biennially thereafter. In case of a vacancy in the chairmanship of either finance committee, due to death, resignation, disability or other cause occurring during the interim of the legislature, the next ranking member of the finance committee of that house according to order of appointment shall serve as a member of the board until such vacancy is filled by the legislature. The legislative members shall be reimbursed their actual and necessary expenses, from the appropriation made in s. 20.385 (1). Regular meetings shall be held quarterly and special meetings shall be held upon call of the governor or upon call of the chairman of the board. Requests in an amount not exceeding \$5,000 requiring immediate board action may be resolved by mail ballot to be formally recorded at the next ensuing special or regular meeting. The board may employ such assistants as it deems necessary and fix their compensation, on the same basis as employes of the executive office. The commissioner of administration shall serve ex officio as secretary of the board. The state auditor shall attend such meetings as the board requests.

(2) The board on government operations is authorized to supplement the appropriation of any department, board, commission or agency, which is insufficient because of unforeseen emergencies or insufficient to accomplish the purpose for which made, if the board finds:

- (a) That an emergency exists;
- (b) That no funds are available for such purposes;

(c) That the purposes for which a supplemental appropriation or transfer is requested have been authorized or directed by the legislature; or

(2a) The board on government operations is authorized to transfer between appropriations if the board finds that unnecessary duplication of functions can be eliminated or more efficient and effective methods for performing activities will result because of such transfer and if the board finds that the legislative intent will not be affected as the result of such transfer.

(3) All requests for supplemental appropriations or appropriation transfers shall be filed with the secretary of the board in writing and shall contain a statement of the amount requested, the purposes therefor, the statutory provision authorizing or directing the performance of the function, the nature of the emergency, and such other information as the board may require. The governor shall submit his recommendation on the request to the board. All such requests shall be afforded a public hearing and the secretary of the board shall give public notice of the time and place of such hearing.

(4) All grants of supplemental appropriations or transfers between appropriations under this section shall be determined by a roll call vote. A copy of the minutes shall be signed by the secretary and approved by the presiding officer and be transmitted to the department of administration, state auditor, and the legislative reference library. The minutes shall contain a statement of the findings of fact specified in sub. (2) and that a public hearing was held after the requisite notice. All transfers of appropriations and grants of supplemental appropriations may be approved in whole or in part by the governor and the part approved shall be so ordered, and the part objected to shall be returned to the board for reconsideration. The chairman of the board shall call a meeting or conduct a mail ballot within 10 days of the receipt of the governor's objection and if, after reconsideration, 5 members of the board by a roll call vote or recorded ballot shall sustain the original action it shall be so ordered by signature of the chairman of the board.

(5) The board may request specific information from the commissioner or any employe of the department of administration relative to the operations of the department, and require filing of progress reports on the operation of the department. The board shall file with the legislative council by August 1 of each even-numbered year recommendations and legislative proposals which will improve the administration of the state's agencies, and a report on the work performed and accomplishments of the department of administration which shall be a public document.

(6) The board may inquire into the operations or activities of any agency, department, board, institution or commission of the state, for the purpose of determining better methods, systems or procedures for improving state government operations.

(7) Within one week after the general election in November of even-numbered years, if the incumbent governor is not re-elected, the board on government operations shall convene and grant a release of funds to the newly elected governor, to enable him to begin a review and analysis of the budget, to hire staff and obtain space, and to do such other tasks as the board approves. Funds released by the board shall be appropriated to the executive office and any staff employed or expenses incurred by the incoming governor shall be charged to such appropriation. Employes of the incoming governor shall be placed on the pay roll of the executive office.

14.75 Commission on interstate co-operation. (1) There is created a commission on interstate co-operation to consist of 3 senators and 3 assemblymen, who shall be appointed as are standing committees in the respective houses at the commencement of each regular session of the legislature, the majority and minority leaders of each house, the president pro tempore of the senate, the speaker of the assembly and 3 state officials to be designated by the governor. The governor shall serve as an ex officio, nonvoting member of the commission. Vacancies in legislative members shall be filled in the same manner as original appointments are made, and subject to s. 13.095 (3), but all vacancies in public members shall be filled by the governor. Members shall continue to serve until their successors are appointed. The commission shall elect one of its members chairman and one secretary. The provisions of s. 14.69 (6) shall apply. Alternates to attend specific meetings may be chosen as are persons to fill vacancies, and their terms shall expire when their mission is accomplished.

(2) It shall be the function of the commission on interstate co-operation:

(a) To carry forward the participation of this state as a member of the council of state governments.

(b) To encourage and assist the legislative, executive, administrative, and judicial officials and employes of this state to develop and maintain friendly relations by correspond-

ence, by conference, or otherwise, with officials and employes of other states, the federal government, and local units of government.

(c) To promote co-operation between this state and other units of government whenever it seems advisable to do so by formulating proposals for, and by facilitating the adoption of compacts, the negotiation of uniform or reciprocal agreements, either for administrative rules and regulations or for the co-operation of governmental officials, and any other suitable process, and all such acts as will, in the opinion of this commission, enable this state to do its proper part in forming a more perfect union among the various governments in the union.

(d) To designate by its chairman one or more of its members or other state officials to represent this state in conference with officials of other states or units of government for the purposes set forth in paragraph (c), all such appointments of conferees to be subject to the approval of the governor. Each such conference shall be fully reported to the commission, which shall in turn make reports of such conferences to the governor and to the legislature. The commission shall prepare and submit a report of its activities and recommendations to the governor and to the legislature within fifteen days after the convening of each regular legislative session and at such other times as it deems appropriate.

(3) The members of said commission shall serve without compensation but shall be reimbursed for their actual and necessary expenses in the performance of their duties.

(4) A committee of 2, one an Indian, shall be appointed by the governor for such term as may be fixed by him, to represent the state on the governors' interstate Indian council. The members of the committee shall serve without compensation, except that they shall be paid their actual and necessary expenses from the appropriation made by s. 20.470 (1), on vouchers approved by the governor. The committee shall:

- (a) Attend meetings of the 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 co-operation with the federal government, in finding a solution to Indian problems.

History: 1963 c. 323.

14.755 Mississippi river parkway planning committee. A committee of 10, to be entitled the Mississippi river parkway planning committee, 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 committee 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 committee shall select its own chairman. The committee may select as its secretary a member of the staff of the planning function of the department of resource development, with the consent of the director. The members of the committee and its secretary shall serve without compensation but the secretary shall be paid for actual and necessary expenses from the appropriation made by s. 20.470 (1) on vouchers approved by the governor. The committee shall:

- (1) Attend meetings of the committee called by the chairman.
- (2) Assist in co-ordinating 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) Co-operate 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.

History: 1961 c. 482.

14.76 Commissioners on uniform state laws. (1) A commission is hereby created to be known as the commission on uniform state laws which shall consist of 2 members of

the Wisconsin bar appointed by the governor for terms of 4 years, the revisor of statutes, the chief of the legislative reference bureau, and the executive secretary of the legislative council. The 3 ex officio members may each designate an employe to represent them at any meeting of the conference.

(2) Any 3 members of the commission shall constitute a quorum. The commissioners shall meet at least once every 2 years and elect one of their members chairman and another secretary.

(3) Each commissioner shall attend the annual meeting of the conference of commissioners on uniform state laws; examine subjects on which uniformity of legislation is desirable; ascertain the best methods to effect uniformity; co-operate with commissioners in other states in the preparation of uniform acts; prepare bills adapting such uniform acts to the Wisconsin statutes, for introduction in the legislature; and make a biennial report to the joint legislative committee on revisions, repeals and uniform laws.

History: 1963, c. 149.

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

(2) 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 state or states with which such compacts are made are similarly applied to Wisconsin residents and such compacts shall be noticed and published 30 days after the opening of the succeeding session of the legislature unless the legislature shall meanwhile disapprove 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. 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.

14.86 State public building corporation. (1) **ORGANIZATION.** The state building commission is authorized to organize a nonprofit-sharing corporation to be known as the Wisconsin state public building corporation. When so requested by the state building commission, such corporation shall have authority to lease any state-owned land that may be available for the purposes of this section and to construct thereon such building projects, including all necessary buildings, improvements, facilities, equipment and other capital items as are required for the proper use and operation of such building projects after their completion.

(2) **COMMISSION MAY ACQUIRE AND LEASE LANDS.** (a) For the purpose of providing housing for state departments and agencies, including housing for state offices and the completion of the state office building, and to enable the construction, financing and ultimate acquisition thereof by the state, the state building commission is authorized and empowered to acquire any necessary lands, and to lease and re-lease any lands owned by the state and available for the purpose to the Wisconsin state public building corporation for a term or terms not exceeding 50 years each, on condition that such corporation shall construct and provide on such leased lands such building projects, including buildings, improvements, facilities or equipment or other capital items, as the commission may require, and shall re-lease the same to the commission upon satisfactory terms as to the rental, maintenance and ultimate acquisition by the state as may be in its best interests in the judgment of the commission. After such leases and re-leases are executed and until the projects are acquired by the state, they shall be operated by the commission through the department of administration, which shall have charge of such property as provided in s. 16.85. The commission shall operate the projects in such manner as to provide rev-

venues therefrom sufficient to pay the costs of operation and maintenance of the project and to make the payments due the Wisconsin state public building corporation; provided that, if the commission finds and declares that the housing available in any such project is in excess of the current housing needs or requirements of the state departments and agencies occupying or availing themselves of the space in or capacity of such project, the commission need not operate such project in a manner to provide revenues therefrom sufficient to pay the costs of operation and maintenance of the project and to make the rental payments due the Wisconsin state public building corporation and may pay the difference between the aggregate of the costs of operation and maintenance of the project and the rental payments due the Wisconsin state public building corporation and the rentals paid by the departments and agencies occupying or availing themselves of the space in or capacity of the project from the state building trust fund; and, provided that this provision shall not preclude the use of any such revenues for construction purposes as hereinafter provided. Revenues derived by the commission from such operation shall be placed in the general fund and are appropriated to the state building commission to be used to pay the cost of construction, operation and maintenance and to meet payments due the Wisconsin state public building corporation on account of such projects.

(b) The commission shall annually determine and fix the rate of annual rental and the share which shall be paid by each state department and agency occupying the building project. Such share shall be computed on a basis of square feet of floor space occupied or used by each department and agency, giving proper weight to the quality of space occupied. The commission in its discretion may continue to charge each such department and agency such rental after the project has been completed and acquired by the state. Such rentals shall be placed in the general fund and are appropriated to the commission to be used for operation and maintenance and any unused balances shall be credited to the state building trust fund created by s. 13.351 (3). Plans for projects and all contracts and leases and re-leases made pursuant to this section shall, before becoming effective, have the written approval of the commissioner of administration and the governor. Nothing herein contained shall authorize the commission to incur any state debt for the construction, lease or re-lease of such buildings, improvements, facilities or equipment for the housing of state departments and agencies.

(3) **POWERS.** In exercising the powers, functions and duties conferred upon the commission pursuant to this section, the commission shall have and may exercise all of the powers conferred upon it pursuant to s. 14.89 not inconsistent with this section. The state shall be liable for accrued rentals and for any other default under any lease or re-lease made with the Wisconsin state public building corporation under this section and may be sued therefor on contract as in other contract actions pursuant to ch. 285, except that it shall not be necessary for the Wisconsin state public building corporation or any assignee of such corporation or any person or other legal entity proceeding on behalf of such corporation to file any claim with the legislature prior to the commencement of any such action.

History: 1961 c. 45.

14.88 State office building, completion of. (1) The state building commission is authorized to proceed with the completion of the state office building. The project shall be effected in accordance with the provisions of s. 14.86.

(2) In carrying out this project the state building commission is authorized to refinance the present state office building so that the existing encumbrance in favor of the state insurance fund, which is secured by a deed in trust from the state to the commissioner of insurance executed on December 31, 1931, shall be paid in full to the state insurance fund. The entire property including the existing building and land and the proposed addition shall be operated by the state building commission through the department of administration as provided in s. 14.86 (2). The provisions of s. 14.86 shall apply to the existing land and building as well as to the proposed addition.

(3) In consideration and upon the payment in full of the existing indebtedness on the state office building to the state insurance fund as provided for by sub. (2), the commissioner of insurance shall convey the state office building property to the state.

(4) All acts or parts thereof, conflicting with any provision of this section are, in so far as they conflict with this section and no further, superseded by the provisions of this section.

14.89 State building commission; powers and duties. (1) For the purpose of providing housing for state departments and agencies, including housing for state offices anywhere in the state and the completion of the state office building, and all buildings, improvements, facilities or equipment or other capital items required in connection there-

with, and to refinance indebtedness previously or hereafter created by a nonprofit sharing corporation for the purpose of providing a state office building or buildings or additions or improvements thereto which are located on land owned by the state or by the nonprofit sharing corporation, or for any one or more of said purposes, the state building commission shall have the following powers and duties:

(a) Without limitation by reason of any other provisions of the statutes the power to sell and to convey title in fee simple to a nonprofit sharing corporation any land and any existing buildings thereon owned by the state for such consideration and upon such terms and conditions as in the judgment of the state building commission are in the public interest.

(b) The power to lease to a nonprofit sharing corporation for terms not exceeding 50 years each any land and existing buildings thereon owned by the state upon such terms, conditions and rentals as in the judgment by the state building commission are in the public interest.

(c) The power to lease or sublease from such nonprofit sharing corporation, and to make available for public use, any such land and existing buildings conveyed or leased to such corporation under pars. (a) and (b), and any new buildings erected upon such land or upon any other land owned by such corporation, upon such terms, conditions and rentals, subject to available appropriations, as in the judgment of the state building commission are in the public interest. With respect to any property conveyed to such corporation under par. (a), such lease from such corporation may be subject or subordinated to one or more mortgages of such property granted by such corporation.

(d) The duty to submit the plans and specifications for all such new buildings and all conveyances, leases and subleases made pursuant to this section to the department of administration and the governor for written approval before they are finally adopted, executed and delivered.

(e) The duty to apply all of the net revenues derived from the operation of such new buildings to the payment of rentals due and to become due under any lease or sublease of such new buildings made under par. (c).

(f) The power to pledge and assign all or any part of the revenues derived from the operation of such new buildings as security for the payment of rentals due and to become due under any lease or sublease of such new buildings made under par. (c).

(g) The power to covenant and agree in any lease or sublease of such new buildings made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of such new buildings in an amount which together with other moneys of the commission available for such purpose will produce net revenue sufficient to pay the rentals due and to become due under such lease or sublease.

(h) The power to apply all or any part of the revenues derived from the operation of existing buildings to the payment of rentals due and to become due under any lease or sublease made under par. (c).

(i) The power to pledge and assign all or any part of the revenues derived from the operation of existing buildings to the payment of rentals due and to become due under any lease or sublease made under par. (c).

(j) The power to covenant and agree in any lease or sublease made under par. (c) to impose fees, rentals or other charges for the use and occupancy or other operation of existing buildings in an amount calculated to produce net revenues sufficient to pay the rentals due and to become due under such lease or sublease.

(k) The power and duty, upon receipt of notice of any assignment by any such corporation of any lease or sublease made under par. (c), or of any of its rights under any such lease or sublease, to recognize and give effect to such assignment, and to pay to the assignee thereof rentals or other payments then due or which may become due under any such lease or sublease which has been so assigned by such corporation.

(2) The state shall be liable for accrued rentals and for any other default under any lease or sublease made under sub. (1) (c) and may be sued therefor on contract as in other contract actions pursuant to ch. 285, except that it shall not be necessary for the lessor under any such lease or sublease or any assignee of such lessor or any person or other legal entity proceeding on behalf of such lessor to file any claim with the legislature prior to the commencement of any such action.

(3) Nothing in this section empowers the state building commission to incur any state debt.

(4) All laws, conflicting with any provision of this section are, insofar as they conflict with this section and no further, superseded by the provisions of this section.

(5) Unless the context requires otherwise, the terms "building", "new buildings" and "existing buildings", as used in this section, include all buildings, structures, improve-

ments, facilities, equipment or other capital items as the commission determines to be necessary or desirable for the purpose of providing housing for state departments and agencies.

(6) In the event the state building commission finds and declares that the housing available in any building leased or subleased from a nonprofit sharing corporation under sub. (1) (c) is in excess of the current housing needs or requirements of the state departments and agencies occupying or availing themselves of the space in or capacity of such building, the commission need not operate such building in a manner to provide revenue therefrom sufficient to pay the costs of operation and maintenance of such building and to make the rental payments due the nonprofit sharing corporation and may pay the difference between the aggregate of the costs of operation and maintenance of such building and the rental payments due the nonprofit sharing corporation and the rentals paid by the departments and agencies occupying or availing themselves of the space in or capacity of such building from the state building trust fund.

History: 1961 c. 45.

14.90 Open meetings of governmental bodies. (1) In recognition of the fact that a representative government of the American type is dependent upon an informed electorate, it is declared to be the policy of the state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental affairs and the transaction of governmental business.

(2) To implement and insure the public policy herein expressed, all meetings of all state and local governing and administrative bodies, boards, commissions, committees and agencies, including municipal and quasi-municipal corporations, unless otherwise expressly provided by law, shall be publicly held and open to all citizens at all times, except as hereinafter provided. No formal action of any kind shall be introduced, deliberated upon or adopted at any closed executive session or closed meeting of any such body.

(3) Nothing herein contained shall prevent executive or closed sessions for purposes of:

- (a) Deliberating after judicial or quasi-judicial trial or hearing;
- (b) Considering employment, dismissal, promotion, demotion, compensation, licensing or discipline of any public employe or person licensed by a state board or commission or the investigation of charges against such person, unless an open meeting is requested by the employe or person charged, investigated or otherwise under discussion;
- (c) Probation, parole, crime detection and prevention;
- (d) Deliberating or negotiating on the purchasing of public property, the investing of public funds, or conducting other public business which for competitive or bargaining reasons require closed sessions;
- (e) Financial, medical, social or personal histories and disciplinary data which may unduly damage reputations;
- (f) Conferences between any local government or committee thereof, or administrative body, and its attorney concerning the legal rights and duties of such agency with regard to matters within its jurisdiction.

Synopsis of opinions involving anti-secrecy law. 49 Atty. Gen. Introduction p. v.

14.95 State commission on aging. (1) **CREATION.** In order to provide direction to the many facets of the problems of the aging which confront the state and its subdivisions and private agencies, there is created a state commission on aging.

(2) **COMPOSITION.** The commission is composed of 7 residents of the state who have demonstrated a continuing interest in the problems of the aging and who hold no position or employment with the state, appointed by the governor (with the consent of the senate). Of those first appointed, 4 shall be appointed for 2 years and 3 for 4 years. Thereafter the term shall be 4 years and until their successors are appointed and qualified.

(3) **ORGANIZATION.** The commission shall meet annually during the first week in January, April, July and October and may meet at such other times as the board determines or the board directs. The governor shall call the first meeting at the time specified herein. The commission shall annually elect from its membership a chairman and vice chairman. The executive director shall act as secretary, but shall have no vote. A majority of the commission constitutes a quorum.

(4) **COMPENSATION.** The board shall receive no salary, but shall be entitled to actual and necessary expenses incurred in the performance of their duties.

(5) **STAFF.** The commission shall appoint a full-time executive director (outside the classified service) who shall be a person with an understanding of the problems of the aging; and such other necessary clerical and technical staff as is required to carry out the functions of this section.

(6) **POWERS.** The commission shall be the mechanism by which governmental and nongovernmental agencies may co-ordinate their policies, plans and activities with regard to the aging. To this end it shall:

(a) Conduct a continuous review of the scope and degree of co-ordination of all state programs and activities on the aging and make recommendations to the appropriate agencies regarding the expansion, co-ordination, consolidation and reorganization of particular activities as a means of developing a more effective and efficient total program for the aging.

(b) Examine the need for future activities, programs, services and facilities for the aging on the state, local and voluntary levels.

(c) Encourage, promote and aid in the establishment of programs and services for the aging within subordinate units of government and nongovernmental groups, and assist organizations and committees in the development of programs in such manner as the commission deems appropriate.

(d) Gather and disseminate information about programs, services, activities and facilities for the aging.

(e) Conduct a continuous program to stimulate public awareness and understanding of the needs and potentials of the aging.

(7) **REPORT.** The commission shall report annually to the governor and biennially to the legislature. The report shall set forth the scope of the programs for the aging developed in the state, the findings regarding the state's activities in the field, the recommendations for the more effective and efficient total program and the actions taken by the agencies to carry out their recommendations.

(8) **GIFTS AND GRANTS.** The commission may accept on behalf of the state and use gifts or grants, and such moneys shall be deposited in the general fund at once and are appropriated therefrom to the commission for the purposes intended so far as they comply with state law.

(9) **ADVISORY COMMITTEES.** There is created an interdepartmental committee on aging to consist of the administrative head of the state department of public welfare, state industrial commission, state board of health, state board of vocational and adult education, department of public instruction, University of Wisconsin, state board of college regents, the Wisconsin retirement board, the state teachers retirement board, and the free library commission or their designated representatives, who shall advise the commission regarding the operation of the programs for the aging. The committee shall meet at the call of the commission. The commission may create such other advisory committees of technicians and laymen as the objectives of the commission may require.

(10) **CO-OPERATION.** The several state agencies shall co-operate with the commission in making available to it such available data as will facilitate the work of the commission. The commission shall make available to the several state agencies such information as it may secure which will facilitate the effective operation of their programs for the aging.

History: 1961 c. 581.