

TITLE IV.

Public Domain and the Trust Funds.

CHAPTER 23.

COMMISSIONERS OF THE PUBLIC LANDS AND THE CONSERVATION COMMISSION.

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Cross Reference: See definitions in 24.01.

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

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

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

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

(2) All records, books and files kept by the commissioners shall at all business hours be open, under proper regulations made by them, to the inspection of any person, free of charge. The commissioners also may in like manner make, perfect, and complete proper records, books, reports and other papers pertaining to the lands of which the state has been or is trustee for the United States.

23.05 Chief clerk; assistant; clerks; appointments; duties; oath. The commissioners shall appoint from the competitive class pursuant to the provisions of chapter 16

of the statutes, a chief clerk and an assistant chief clerk who shall, during the absence of the chief clerk, have all the authority given by law to the chief clerk; and such other clerks as provided in s. 20.901. Such appointments shall be filed in the office of the secretary of state. Every such clerk shall take and file the official oath.

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

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

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

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

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

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

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

(5) **OFFICE AT CAPITAL, SUPPLIES, EQUIPMENT.** The commission shall keep its office at the state capital, and the department of administration shall provide suitable rooms for that purpose, and furnish the necessary furniture, supplies, postage, stationery, equipment, printed forms, notices and special publications, subject to the printing laws of the state, except such material and supplies as must be purchased locally for the various hatcheries, parks, reserves, etc. Said commission may sell equipment when such sale in its judgment will be of advantage to the state.

(6) **DIRECTOR; EMPLOYMENT, SALARY, QUALIFICATIONS, POWERS, DUTIES.** The commission shall employ a conservation director who shall continue in office at the pleasure of the commission. Said director shall be a person having executive ability and experience, special training and skill in conservation work, and shall not come under the classified

service. He shall be administrative head of the state conservation department, shall be responsible to the commission for the execution of its policies; shall employ, by and with the advice and consent of the commission, such technical and administrative assistance as may be necessary for the execution of such policies, and shall exercise the powers of the commission in the interim of its meetings but subordinate thereto, but shall not have authority to make rules and regulations other than emergency rules adopted pursuant to s. 227.027.

(7) COMMISSION RULES; STUDIES; SURVEYS; SERVICES; PENALTIES; POWERS; LONG-RANGE PLANNING. The commission may make such rules, inaugurate such studies, investigations and surveys, and establish such services as it deems necessary to carry out the provisions and purposes of this act, and any violation of any provisions of this act, or of any rules promulgated by the commission, shall constitute a misdemeanor and be punished as hereinafter provided. The commission shall establish long-range plans, projects and priorities for conservation which shall thereafter be carried out by the director. Such plans, projects and priorities shall be reviewed and projected by the commission every 2 years and a report thereon rendered to the governor by September 1 of each odd-numbered year. The commission shall also have authority:

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

1. The subquota prescribed by the commission for wild geese to be taken at the Necedah refuge shall be not less than 10 per cent nor more than 40 per cent of the entire quota for the state as prescribed by the U. S. department of interior, bureau of sport fisheries and wildlife.

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

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

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

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

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

4. For fish hatcheries and game farms.

5. For forest nurseries and experimental stations.

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

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

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

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

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

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

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

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

sion may maintain an office in the city of Chicago, Illinois, and a staff of employes within the classified service, except that residence in Wisconsin shall not be required. Any contracts engaging a private agency or agencies to conduct any publicity program hereunder shall reserve to the commission the right to terminate the contract if in the discretion of the commission the service is unsatisfactory.

(m) *Lake and stream classification.* To develop a program for classifying lakes and streams by use.

(n) *Donation of facilities, accept.* To accept donations of buildings, facilities and structures constructed upon lands owned by the state of Wisconsin and under the jurisdiction of the commission. The donor of such buildings, facilities and structures may contract for the construction of same according to plans and specifications provided by the commission or may enter into a contract for professional architectural and engineering services to develop plans and specifications of such buildings, facilities and structures and contract for the construction of same. Upon the completion of construction, satisfactory to the commission, title of such buildings, facilities and structures will be vested in the state of Wisconsin. No person shall construct any building, facility or structure under this paragraph without the prior approval of the commission regarding plans and specifications, materials, suitability, design, capacity or location. The plans and specifications for any building, structure or facility donated under this paragraph shall also be subject to the approval of the state building commission.

(8) INTER-DEPARTMENTAL CO-OPERATION. The commission is authorized to, and shall co-operate with, the several state departments and officials in the conduct of matters in which the interests of the respective departments or officials overlap. The co-operating agencies may provide by agreement for the manner of sharing expenses and responsibilities under this subsection.

(8a) RESCUES, EMERGENCIES AND DISASTERS. The commission may on its own motion and shall, when so directed by the governor, assist other state, county, and local governmental agencies or do all things reasonably necessary in the rescue of persons lost in the forests of the state, or who may be otherwise in danger of loss of life, in the recovery of the bodies of drowned persons, and in cases of emergency or disaster, by assigning equipment and employes of the commission to such rescue, recovery, emergency, and disaster relief missions.

(9) PROMULGATION OF RULES, REGULATIONS. All rules and regulations of the commission shall be published in at least 3 newspapers of wide circulation in the territory to be affected, at least one week prior to the date such rule or regulation becomes effective, except in case of emergency, when the commission shall give such notice as it may deem feasible.

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

(11) PENALTIES. Any person violating any rule of the state conservation commission shall be fined not less than \$10 nor more than \$100, or imprisoned in the county jail for not exceeding 6 months or both.

(14) WAYS TO WATERS. The county board of any county may condemn a right of way for any public highway to any navigable stream, lake or other navigable waters. Such right of way shall be not less than sixty feet in width, and may be condemned in the manner provided by chapter 32; but the legality or constitutionality of this provision shall in no wise affect the legality or constitutionality of the rest of this section.

(15) PUBLIC ACCESS TO WATERS. The governing body of any county, town, city or village which, by resolution, indicates its desire to acquire or improve lands for the purpose of providing public access to any navigable lake or stream wholly or partially in the county, town, city or village may make application to the conservation commission for the apportionment of funds for state aid to counties, towns, cities or villages for the purpose. Such application shall state the name of the lake or stream and the location thereof and shall include an estimate of the total cost of the project. The commission shall thereupon investigate the proposed project and it shall consider the distance the lake or stream lies from the nearest public highway, the existing access thereto, the terrain of the proposed project and whether it is of a practical nature from the standpoint of labor, development and cost, and whether it will best serve the public interest and need. If the commission finds that the proposed public access project will best serve the public interest and need of the state as a whole, it may give preliminary approval to such project. Thereupon the county, town, city or village shall prepare and submit plans and speci-

cations and cost analysis of the project to the commission for final approval. Upon final approval, the commission shall encumber a sum equal to one-half of the approved cost estimate of such project. When the project is completed, the commission shall pay to the county, town, city or village such encumbered sum or an amount not greater than one-half of the actual cost of such project, whichever is the lesser. The actual cost of such project shall be determined by the commission by audit of the municipality's cost records before such payment is made to the county, town, city or village.

(16) CONSERVATION EASEMENTS AND RIGHTS IN PROPERTY. Confirming all the powers hereinabove granted to the commission and in furtherance thereof, the commission is expressly authorized to acquire any and all easements in the furtherance of public rights, including the right of access and use of lands and waters for hunting and fishing and the enjoyment of scenic beauty, together with the right to acquire all negative easements, restrictive covenants, covenants running with the land, and all rights for use of property of any nature whatsoever, however denominated, which may be lawfully acquired for the benefit of the public. The commission also may grant leases and easements to properties and other lands under its management and control under such covenants as will preserve and protect such properties and lands for the purposes for which they were acquired.

(17) AIDS TO COUNTIES FOR THE DEVELOPMENT OF RECREATION FACILITIES. (a) The county board of any county which, by resolution, indicates its desire to develop outdoor recreation facilities on county lands entered under s. 28.11 may make application to the conservation commission for the apportionment of funds for state aids to counties for such purposes.

(b) For the purposes of this subsection outdoor recreational facilities shall mean the development of picnic and camping grounds, nature trails, beaches and bath houses, toilets, shelters, wells and pumps, and fireplaces. Costs associated with the operation and maintenance of recreational facilities shall not be eligible for aids under this section.

(c) The state aids granted under this section shall be no greater than but may be less than one-half the cost of such project as determined by the commission.

(d) Applications shall be made in the manner and on forms prescribed by the commission. The commission shall thereupon make such investigations as it deems necessary to satisfy itself that the project will best serve the public interest and need. Upon approval of the project the commission shall encumber a sum not more than one-half of the cost estimate of such project. When the project is completed, the commission shall pay to the county not more than one-half the actual cost of such project. The commission is authorized to inform itself and to require any necessary evidence from the county to substantiate the cost before payment is made.

(e) The commission in making its deliberations shall give careful consideration to whether or not the proposal is an integral part of an official comprehensive land and water use plan for the area as well as the relationship of the project to similar projects on other public lands. If requests for state aids exceed the funds allotted to the commission for this program, those requests which form an integral part of a comprehensive plan shall be given first priority.

(f) Recreation facilities developed under the assistance of this act shall not be converted to uses which are inconsistent with the purposes of this act without the approval of the commission. The commission shall not issue such approval unless there is evidence that such other uses are essential to and in accordance with an official comprehensive plan for the area. The commission shall require that the proceeds from the disposal of facilities developed under this act shall be used to further the objectives of this act.

History: 1961 c. 174, 250, 346, 389, 427, 446, 520; 1963 c. 283, 340, 345.

(14) is valid as applied to the condemnation of a right of way for public access to a navigable lake for the purpose of duck hunting. The owner of land surrounding a navigable lake was not entitled to damages to compensate him for the loss of his right to exclude the public from the lake. *Branch v. Oconto County*, 13 W (2d) 595, 109 NW (2d) 105. Conservation commission has power in the development of long range conservation programs to make general statements of policy for information and guidance of the department and future commissions. 51 Atty. Gen. 118. See note to 30.10, citing 51 Atty. Gen. 190.

23.092 Information centers. The conservation commission is authorized to establish information centers, permanent or mobile, in such manner as it directs.

History: 1961 c. 427.

23.095 Malicious waste of natural resources. (1) It is hereby made unlawful for any person, firm or corporation, unreasonably to waste or maliciously to injure, destroy or impair any natural resource within the state.

(2) It is the purpose of this section to promote and secure the conservation of the natural resources within the state in the interests of the public welfare.

(3) Any person, firm or corporation violating the provisions of this section shall be

deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than \$50, and for a second offense may be punished by a fine of not more than \$200.

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

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

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

STATE CONSERVATION COMMISSION OF WISCONSIN.

To all to whom these presents shall come, greeting:

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

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

(Seal)

STATE CONSERVATION COMMISSION OF WISCONSIN.

By

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

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

23.11 General powers. (1) In addition to the powers and duties heretofore conferred and imposed upon said commission by this chapter it is empowered and required to have and take the general care, protection and supervision of all state parks, of all state fish hatcheries and lands used therewith, of all state forests, and of all lands owned by the state or in which it has any interests, except lands the care and supervision of which are vested in some other officer, body or board; and said commission is granted such further powers as may be necessary or convenient to enable it to exercise the functions and perform the duties required of it by this chapter and by other provisions of law. But it is not empowered to perform any act upon state lands held for sale that will diminish their salable value.

(2) Whenever any lands placed by law under the care and supervision of the com-

mission are inaccessible because surrounded by lands belonging to individuals or corporations, and whenever in the opinion of the commission the usefulness or value of such lands, whether so surrounded or not, will be increased by access thereto over lands not belonging to the state, the commission may acquire such lands as may be necessary to construct highways that will furnish the needed access.

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

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

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

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

(2) There shall be paid into such fund 5 per cent of the monthly salary of each conservation warden, which shall be deducted by the conservation commission from such monthly salary.

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

(4) Said board shall have exclusive control and management of the fund created by this section, except as provided in subsection (6), and all money donated, paid or assessed for the relief or pensioning of disabled, superannuated or retired conservation wardens, their widows and children, and the same shall be placed by the state treasurer to the credit of such fund, subject to the orders of such board. The said board shall make all needful rules and regulations for its government in the discharge of its duties and for the control of such fund and shall decide all applications for relief or pension under this section. The board shall cause to be kept by its secretary a record of all its meetings and proceedings.

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

(6) The assets of the fund, in excess of the amount of cash required for current operations as determined by the board, shall be invested and reinvested by the state of Wisconsin investment board as provided by s. 25.17 (1).

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

(b) If before attaining age 55 a member of this fund becomes unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, not arising from the performance of his duty, which can be expected

to result in death, or to be of long-continued and indefinite duration, and which has been established on the basis of medical evidence satisfactory to the board, said board shall retire such disabled member from the service. Upon such retirement the board shall order monthly payment to such retired member from said fund of the lesser of the following amounts:

1. Fifty per cent of the member's average monthly compensation during the last 5 years of service; or

2. One and one-half per cent of the member's average monthly compensation during the last 5 years of service, multiplied by the number of years of service as a member of this fund, determined to the nearest full year, including assumed service during the period between the date of the occurrence of the disability and the date on which the member will attain the age of 65; provided

3. Any amount payable under this paragraph shall, whenever the recipient could upon filing application therefor become entitled to a disability insurance benefit or a primary insurance benefit under the federal old-age and survivors insurance system, be reduced by 20 per cent of the amount payable under this paragraph.

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

(8) (a) If any conservation warden, while in the performance of his duty, is killed or dies as the result of an injury received in the line of duty as prescribed in sub. (7) (a), or if any such warden after 15 years of service in such department dies from any cause while in the service, or if any member dies from any cause after being retired upon a pension under this section and leaves a widow or minor child, or children under the age of 16 years, said board shall direct the payments from said pension funds of the following sums monthly: To the widows of conservation wardens \$50; to the guardian of such minor child or children \$8 for each child until it reaches the age of 16 years, and in the case of death of the widow the amount she is entitled to under this section shall be paid to or for the benefit of such minor child or children of the deceased as are under the age of 16 years, but there shall not be paid to the family of the deceased member a total pension exceeding one-half the amount of monthly salary of such deceased member at the time of his death, or, if a retired member, a sum not exceeding one-half of the monthly salary of such retired member at the date of his retirement or disability. If the pensioner marries after his retirement from service and thereafter dies leaving a widow, such widow shall not be entitled to any relief or pension from such funds.

(8a) (a) In the case of any member of the conservation warden pension fund who dies after December 31, 1957, while in the service of the conservation commission, his widow and children shall be entitled to a death benefit payable monthly under sub. (8), which is the actuarial equivalent of twice the accumulation which would have resulted from the contributions made by such member under subs. (2) and (14) (a) if interest had been compounded thereon at the rate of 3 per cent per annum.

(b) Such monthly payments shall be not less than the amounts specified in sub. (8), but if such supposed accumulation is sufficient to pay monthly benefits in excess of the amount specified in sub. (8) the additional amount shall be paid as a life annuity to the widow. If there is no widow such additional amount shall be payable monthly as an annuity or annuities to the children of such deceased member during their minority or longer, as the board determines. The total amount payable monthly under sub. (8) and this subsection shall not exceed one half the monthly salary of the deceased member at the time of his death.

(c) The additional death benefit payable to a widow under this subsection may at her option be paid in the manner permitted under the Wisconsin retirement fund by s. 66.909 (1) (e), in lieu of a life annuity.

(d) In determining the actuarial equivalent value of the death benefits under this subsection the board shall apply the annuity rates adopted for use by the Wisconsin retirement fund under ss. 66.90 to 66.918.

(9) If any conservation warden retires after having attained the age of 55 and having served 25 years or more in such department, and in case any member shall be discharged after having attained the age of 55 and having served 25 years or more, the board shall order that such member be paid a pension monthly of a sum equal to 2 per cent of his average monthly compensation for the last 3 years preceding his retirement

or discharge for each year or major fraction thereof of service prior to 1955 and 1.43 per cent thereof for each year or major fraction thereof beginning in 1955, but not to exceed an aggregate of 25 years, provided that such pension shall not exceed a sum equal to one half of his average monthly compensation for the last 3 years preceding his retirement or discharge. No person shall be entitled to receive any benefit from such pension fund other than that described in this section.

(9a) Notwithstanding any other provisions in this section any conservation warden, or other person who is a member of the conservation warden pension fund, who is eligible to receive a pension under sub. (7) (a), (9) or (14) (a), which pension is to begin before the warden's or other member's sixty-fifth birthday, may elect, if he has attained fully insured status under the federal old-age and survivors insurance system, in lieu of such pension, to take the actuarial equivalent thereof based on actuarial tables in use by the Wisconsin retirement fund as:

(a) A reduced pension payable monthly for life, plus

(b) A temporary pension payable monthly and terminating with the payment due in the month in which the warden, or other member, attains age 65. It is the intent of this option that so far as is practicable the aforesaid life pension and temporary pension will be determined in such amounts that the warden's, or other member's, total anticipated retirement benefits from the warden pension fund and from primary social security will be the same both before and after attainment of age 65, assuming that the warden, or other member, has no further wages credited to his account under the federal old-age and survivors insurance system after retirement under this section.

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

(11) All moneys ordered to be paid out of said pension fund to any person or persons shall be paid by the state treasurer only upon warrant signed by the president of the board and countersigned by the secretary thereof, and no warrant shall be drawn except by order of the board duly entered in the record of the proceedings of said board. In case the pension fund or any part thereof shall by order of said board, or otherwise, be deposited in any bank or loaned, all interest on money which may be paid, or agreed to be paid on account of any such loan or deposit, shall belong to and constitute a part of such fund, provided that nothing herein contained shall be construed as authorizing said treasurer to loan or deposit said fund or any part thereof unless so authorized by the board. The board of trustees shall make a report on or before July fifteenth of each year to the governor of the condition of said pension fund together with their activities in connection therewith.

(12) No portion of said pension fund shall either before or after its order of distribution by such board to such disabled or superannuated members of the conservation warden department or to the widow or guardian of such minor child or children of the deceased member of such department be held, seized, taken subject to, or detained or levied on by virtue of any attachment, execution, injunction, writ or other order or decree or any process or proceeding whatever, issued out of or by any court of this state for the payment or satisfaction in whole or in part of any debt, damages, claim or judgment against said member or his widow or the guardian of such minor child or children of any deceased member. An annuitant may, however, direct the fund to deduct premiums for group insurance carried under s. 66.919 and to pay such moneys into the general fund to the credit of s. 20.408 (41).

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

(14) (a) If any person, who is employed for 10 years or longer as a conservation warden and who, thereafter, is transferred to any other position with and under the jurisdiction of the conservation commission, fulfills all the other requisites of this section, he is eligible to receive the benefits of this section. Such person shall continue to pay into the warden's pension fund a sum equal to 5 per cent of his monthly salary as an employe of the conservation commission. After such person completes 25 years of com-

bined employment service with and under the jurisdiction of the conservation commission, and has attained the age of 55 years, he is eligible to receive a pension monthly of a sum equal to 2 per cent of his average monthly compensation for the last 3 years preceding his retirement or discharge for each year or major fraction thereof of service prior to 1955 and 1.43 per cent thereof for each year or major fraction thereof beginning in 1955, but not to exceed an aggregate of 25 years, provided that such pension shall not exceed a sum equal to one half of his average monthly compensation for the last 3 years preceding his retirement or discharge received as an employe of the conservation commission.

(b) If a person, who was employed as a conservation warden for 10 years or more, and who was transferred to another position with and under the jurisdiction of the conservation commission and who is holding such other position on July 15, 1937, fulfills all the other requisites of this section, he is eligible to receive the benefits of this section by paying before July 1, 1938, into the warden pension fund a sum, computed from July 17, 1935, equal to 3 per cent of the last monthly salary earned as conservation warden. Thereafter, the payments shall continue monthly at the same rate until a pension is granted.

(15) No person who, prior to January 1, 1948, had not contributed to a conservation wardens' pension fund established pursuant to this section, shall be permitted to contribute to such fund or become a member thereof on or after such date; nor shall he or his widow, child or dependent parent be, or become, entitled to receive any benefit from such fund. Any person who, after December 31, 1947, becomes a conservation warden, or who was a conservation warden on said date, but who, in each such case had not, on or before such date, properly contributed to the conservation wardens' pension fund established pursuant to this section, and who can otherwise qualify, shall be, or become, a participating employe under ss. 66.90 to 66.918. If any such participating employe shall be entitled to a prior service credit, he shall be given such credit at the 2 rate.

(16) On or before September 1, 1949, and on or before September 1 of each fourth year thereafter, it shall be the duty of the insurance commissioner to cause an actuarial examination of the conservation wardens' pension fund to be made. The examination shall determine the approximately equal annual payments necessary to amortize the deficit in the fund over the period ending 40 years from September 17, 1949. The insurance commissioner shall certify the amount so determined to the conservation commission and the commission shall each year transfer the amount from the conservation fund provided in s. 25.29 to the conservation wardens' pension fund until a new certification of the amount to be paid is made by the insurance commissioner, after which the amount transferred shall be in accordance with the new certification.

History: 1963 c. 6, 376.

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

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

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

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

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

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

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

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

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

23.26 Natural resources committee. (1) The purpose of this section is to promote the welfare of the state of Wisconsin by providing a method of collecting, analyzing and interpreting information and of making recommendations to the several state agencies on matters relating to the soils, waters, forests, fish, wildlife, and other natural resources of the state, and to provide a means whereby the several state agencies may better coordinate their efforts and activities in managing and regulating such natural resources and the protection, development and use thereof.

(2) There is created a natural resources committee of state agencies consisting of the governor as chairman, ex officio; 2 members of the joint legislative council appointed by the chairman of the council; 2 representatives of the state conservation department appointed by the conservation commission; 2 representatives of the University of Wisconsin appointed by the president of the university; 2 representatives of the public service commission appointed by the public service commission; 2 representatives of the state department of agriculture appointed by the state board of agriculture; one representative of the state board of health appointed by the state board of health; one representative of the attorney general's office appointed by the attorney general; one representative of the state department of taxation appointed by the commissioner of taxation; the director of the department of resource development; one representative of the highway commission appointed by the state highway commission and one representative of the state soil and water conservation committee appointed by the committee. Each such representative shall be a member of the staff of his respective board, commission, department, office or agency and, with the exception of the governor, shall continue in office at the pleasure of his appointing body.

(3) The governor shall call the first meeting of the committee at the state capitol without delay and the committee shall elect a secretary from its membership. Meetings may be called by the chairman and shall be called on request of any 2 members, and may be held as often as necessary but not less than 4 times each year. Seven members of said committee shall constitute a quorum. The department of administration shall provide rooms for meetings of the committee held at the state capitol.

(4) The members of the committee and of subcommittees appointed by it shall receive no salary as such members but shall be reimbursed their actual and necessary traveling and other expenses incurred in attendance upon meetings of the committees or while in the performance of their duties as such members. Such expenses shall be paid and allowed to each such member by the board, commission, department, office, or agency by which such member is appointed or employed and from its appropriation.

(5) The secretary of the committee shall be responsible for calling all meetings of the committee and notifying the members thereof, and for the preparation of the agenda for such meetings. He shall also be responsible for preparing and editing the minutes of the meetings of the committee and the reports of the committee to the legislature. The conservation commission or any other state department mentioned in subsection (2) shall, if so requested by the committee, provide stenographic and clerical services for the preparation of the minutes and reports of the committee.

(6) The committee shall have the power to appoint subcommittees consisting of employes and members of the several state boards, commissions, departments, offices and agencies, and to authorize such subcommittees to make investigations and surveys and to report to the committee on such matters as may be necessary to enable the committee to carry out the purposes of this section.

(7) The committee shall make a report of its findings and recommendations to each regular session of the state legislature and such additional reports as may be required by the legislature and by the joint legislative council. The committee shall make reports of its findings and recommendations to the several state boards, commissions, departments, offices and agencies from time to time as it deems advisable.

(8) The several state boards, commissions, departments, offices and agencies shall cooperate with the committee by furnishing and making available to it such information and data relating to their projects and programs affecting the natural resources of the state as the committee may require in order to perform its duties.

History: 1961 c. 336.

23.27 State board for preservation of scientific areas. (1) There is created a state board for the preservation of scientific areas, hereinafter called the board, whose purpose shall be to formulate policies for the preservation, selection, acquisition and management of areas necessary for scientific research, the teaching of conservation and natural history, and for the preservation of rare or valuable plant and animal species and communities.

(2) The board shall consist of one representative of each of the following:

- (a) The conservation commission, to be appointed by the commission.
- (b) The University of Wisconsin, to be appointed by the board of regents.
- (c) The state colleges, to be appointed by the board of regents of state colleges.
- (e) The Milwaukee public museum, to be appointed by the board of directors thereof.
- (f) The private colleges of the state, to be appointed by the council of the Wisconsin academy of sciences, arts and letters, for a 2-year term.

(3) The representative of the conservation commission shall be the secretary and executive officer of the board, and the conservation department shall be its administrative agent. The executive officer shall call the first meeting of the board at the state capitol without delay, and the board shall select a chairman from the membership. Meetings may be called on request of any 2 members and may be held as often as necessary but not less than once a year. Four members of the board shall constitute a quorum.

(4) The members of the board shall receive no salary as such members. Members of the board representing state agencies shall be reimbursed their actual and necessary traveling and other expenses incurred in attendance upon meetings of the board or while in the performance of their duties as such members by the agency which they represent. The secretary of the board shall be responsible for preparing and editing the minutes of the meeting of the board. The conservation department or any other state department mentioned in subsection (2) shall, if so requested by the board, provide stenographic and clerical services for the preparation of the minutes and reports of the board.

(5) It shall be the duty of the board and it shall have power and authority to:

(a) Determine the acceptance or rejection of areas of special scientific interest that may be offered as a donation by individuals or organizations for preservation.

(b) Make recommendations to appropriate federal agencies or national scientific organizations of areas in the state that are considered worthy to be listed as scientific areas of national importance.

(c) Advise the conservation department and other agencies on matters pertaining to the acquisition, development, utilization and maintenance of scientific areas, including determinations as to the extent of multiple use that may be allowed on approved scientific areas that are a part of a state park, state forest, public hunting ground or similar property of the commission.

(d) Prepare and publish an official state list of scientific areas available for research and the teaching of conservation and natural history, and recommend publication of studies made in connection with these areas.

(e) Co-operate with federal agencies, other states, counties, or organizations concerned with similar purposes.

(f) Take such other action as may be deemed advisable to facilitate the administration, development, maintenance or protection of the scientific area system or any part or parts thereof.