

No. 97, A.]

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CHAPTER 406.

AN ACT to create sections 1494t—7, 1494t—8, 1494t—9 and section 172—42 of the statutes; to amend subsection 1 of section 1498, section 1494—42, and section 1498x of the statutes, and to repeal subsections 2, 3 and 4 of section 1498, and sections 1494—46, 1495, 1496 and 1494t—1 of the statutes, abolishing the offices of state fish and game warden, state board of forestry, state conservation commission, commissioners of fisheries and the state park board, and providing for the appointment of a state conservation commission of Wisconsin, and making an appropriation.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There are added to the statutes four new sections to read: Section 1494t—7. 1. A state conservation commission is hereby created to be composed of three commissioners, not more than two of whom shall belong to the same political party. Immediately after the passage of this act the governor shall, by and with the advice and consent of the senate, appoint such commissioners, but no commissioner so appointed shall be qualified to act until so confirmed. One of the commissioners shall be a man with a thorough knowledge of the propagation, protection and care of fish and game; the second shall be a technically trained forester; and the third a competent man with practical experience in commercial and business affairs. The term of one such appointee shall terminate on the first Monday in February, 1917; the term of the second such appointee shall terminate on the first Monday in February, 1919; and the term of the third such appointee shall terminate on the first Monday in February, 1921. In January, 1917, and biennially thereafter, there shall be appointed and confirmed in the same manner, one commissioner for the term of six years from the first Monday in February of such year. Each such commissioner so appointed shall hold his office until his successor is appointed and qualified. Any vacancies shall be filled by appointment by the governor for the unexpired term subject to confirmation by the senate, but any such appointment shall be in full force until acted upon by the senate. Each such commissioner shall receive an annual salary of three thousand five hundred dollars, and his actual and necessary traveling expenses incurred in the conduct of his official business.

2. The governor may at any time remove any commissioner for inefficiency, neglect of duty, or malfeasance in office. Be-

fore such removal he shall give such commissioner a copy of the charges against him and shall fix a time when he can be heard in his own defense, which shall not be less than ten days thereafter, and such hearing shall be open to the public. If he shall be removed the governor shall file in the office of the secretary of state a complete statement of all charges made against such commissioner, and his findings thereon, with a record of all proceedings.

3. No commissioner, nor the secretary, shall hold any other office, or serve on or under any committee of any political party, but shall devote his entire time to the duties of his office. Each of said commissioners shall maintain his residence in the city of Madison.

4. Before entering upon the duties of his office, each of said commissioners shall take and subscribe the constitutional oath of office, and shall in addition thereto swear (or affirm) that he holds no other public position or office, nor any position under any political committee or party; such oath (or affirmation) shall be filed in the office of the secretary of state.

5. The commissioners appointed under this section shall within ten days after their appointment and confirmation meet at the state capitol and organize by electing one of their number chairman, who shall serve until the second Monday of February, 1917. On the second Monday of February in each odd-numbered year the commissioners shall meet at the office of the commission and elect a chairman who shall serve for two years and until his successor is elected. A majority of said commissioners shall constitute a quorum to transact business, and any vacancy shall not impair the right of the remaining commissioners to exercise all the powers of the commission.

6. Said commission shall appoint a secretary who shall keep a full and correct account of all transactions and proceedings of said commission and shall perform such other duties as may be required by said commission and shall receive an annual salary the amount thereof to be fixed by the commission and approved by the governor. Said commission may employ the necessary clerks and stenographers to perform the clerical work of the office, and appoint and employ such foresters, wardens, experts, agents, superintendents, assistants and employes as may be necessary to carry out the provisions of this section, and shall fix the compensation for such clerks, stenographers, foresters, wardens, experts, agents, superintendents, assistants and employes, subject to the approval of the governor as to the number thereof and the amount of their respective salaries or compensation. All such employes shall receive their actual and necessary trav-

eling expenses incurred in the performance of their duties, but no such expense account shall be audited unless the same is fully itemized and verified by the oath of such employes that such expenses were actually incurred in performance of their duties. All employes subject to sections 990—1 to 990—32, inclusive, of the statutes, shall be eligible and entitled to transfer from present service under the state fish and game department, state board of forestry, state conservation commission, state park board and commissioners of fisheries, at the time this act becomes effective, to the same or similar service under the state conservation commission created by this act.

7. The commissioners shall be known collectively as the "state conservation commission of Wisconsin." It shall have a seal with the words "state conservation commission of Wisconsin," and such other design as the commission may prescribe engraved thereon, by which it shall authenticate its proceedings and of which the court shall take judicial notice.

8. Said commission shall keep its office at the state capitol and the superintendent of public property is directed to provide suitable rooms for that purpose, also the necessary office furniture, supplies, postage and stationery. Said commission is authorized to purchase the necessary supplies, equipment and instruments, to procure printed forms and notices and to issue special publications pertaining to its work, subject to the printing laws of the state, the cost of which shall be audited and paid the same as other expenses of the state are audited and paid. Said commission may hold meetings at other places than the capitol whenever in its judgment the interests of the state can best be served by so doing.

Section 1494t—8. 1. All duties, liabilities, authority, powers, and privileges imposed or conferred by law upon the state fish and game warden, the state board of forestry, the state forester, the assistant state forester, the state fire warden, the assistant state fire warden, the state trespass agent and the assistant state trespass agent, the state conservation commission, the commissioners of fisheries, the superintendent of fisheries, the assistant superintendent of fisheries and the state park board are conferred and imposed upon the state conservation commission of Wisconsin.

2. All provisions of the statutes relating to the state fish and game warden, all deputies, special and county game wardens, to the state board of forestry, to the state forester, to the assistant state forester, to the state, county and town fire wardens, to trespass agents, to the state conservation commission, to the commissioners of fisheries, to the superintendent of fisheries, to

the assistant superintendent of fisheries and to the state park board shall apply to and be deemed to relate to the said state conservation commission of Wisconsin, and the officers provided for by this section, so far as the said laws are applicable.

3. All funds, appropriations and moneys made available by law for carrying out the purposes set forth in the laws creating, regulating, providing for and relating to such fish and game warden, such state board of forestry, such commissioners of fisheries, the state conservation commission, and such state park board, and any laws creating, regulating, providing for and relating to all clerks, employes, assistants, deputies, wardens, special and additional wardens, county wardens, county or town fire wardens, trespass agents and superintendents, and all funds, appropriations and moneys under the control of any state fish and game warden, such state board of forestry, of such commissioners of fisheries, of the state conservation commission, and such state park board, and all clerks, employes, assistants, deputies, wardens, special and additional wardens, county wardens, county or town fire wardens, trespass agents, and superintendents, shall be available to and under the control of the state conservation commission of Wisconsin herein created.

4. All laws relating to the collection, carrying, transfer, custody and disbursement of said funds, appropriations and moneys, or relating to any clerical or ministerial act involved in such collection, carrying, transfer, custody and disbursement thereof shall apply to the collection, carrying, transfer, custody and disbursement of said funds when under the control of the said state conservation commission of Wisconsin.

5. Any amendment made to sections of the statutes relating to the duties, liabilities, authorities, powers and privileges of or relating to funds, appropriations and moneys available to or under the control of any of the commissioners or officers named in this section shall be deemed to relate to the duties, liabilities, authority, powers, and privileges imposed and conferred upon the said conservation commission and to the funds, appropriations and moneys available to or under the control of such commission.

Section 1494t—9. 1. Upon the petition of six members of the senate, not more than four of whom shall belong to the same political party, or of seventeen members of the assembly, not more than nine of whom shall belong to the same political party, any member of the state conservation commission of Wisconsin shall appear before that branch of the legislature to which the petitioning members belong, to answer written and oral in-

interrogatories relative to any matter, function, or work of said commission or relative to any act or omission, or other matter pertaining to the powers or privileges exercised or duties performed by him or by any other officer or employe of such commission, or in any way relating to the manner, conditions, or terms of his appointment, or of any appointment made by him; or in relation to any act, omission or conduct unbecoming the position of any such commissioner. Such petition shall be in writing, shall be accompanied by written interrogatories, shall be signed by the petitioning members, and shall be filed with the presiding officer of that branch of the legislature to which such petitioning members belong.

2. Upon the joint petition of six members of the senate, not more than four of whom shall belong to the same political party, and seventeen members of the assembly, not more than nine of whom shall belong to the same political party, filed with the presiding officer of the senate, requesting an examination of any member of the state conservation commission of Wisconsin before a joint session of the two branches of the legislature, such commissioner shall appear before such joint session of the legislature and answer written and oral interrogatories as to any matters included in subsection 1 hereof.

3. Upon the filing of any such petition, the presiding officer with whom the same is filed, shall forthwith fix a time not later than twenty days after the filing of the petition, for the meeting of that branch of the legislature, or the joint session of the legislature, as the case may be, before which such interrogation and examination shall be held. A notice of such meeting, together with a copy of the written interrogatories, shall be forthwith delivered to the commissioner named therein.

4. The legislature may adopt rules and regulations to govern such examinations. All proceedings, including all questions and answers, shall be fully recorded and a copy thereof shall be transmitted to the governor within thirty days after the close of the examination.

Section 172—42. There is annually appropriated to the state conservation commission of Wisconsin, beginning July 1, 1915, two hundred thousand dollars payable from any moneys in the general fund not otherwise appropriated, for purposes exclusive of capital and maintenance, as an operating appropriation for carrying out the powers, duties and functions imposed and conferred by law upon said commission.

SECTION 2. Subsection 1 of section 1498, section 1494—42, and section 1498x of the statutes are amended to read: (Section 1498) 1. * * * It shall be the duty of * * * *the*

state conservation commission of Wisconsin to secure the enforcement of the law for the preservation of fish and game and to bring or cause to be brought actions and proceedings in the name of the state to recover any and all fines and penalties provided for. * * *

Section 1494—42. * * * 1. *The state conservation commission of Wisconsin* shall * * * execute all matters pertaining to forestry within the jurisdiction of the state, direct the management of the state forest reserve, * * * collect data relative to forest destruction and conditions, take such action as is authorized by law to prevent and extinguish forest fires and to prevent forest trespass; cooperate in forestry as provided under section 1494—45 of the statutes; and advance as * * * may * * * be deemed wise by the issuing of publications and by lectures, the cause of forestry within the state; and may cooperate with the university of Wisconsin in the instruction and training of forest rangers. * * * *Such commission* shall * * * report * * * *biennially* on the progress and condition of state forest work, and recommend therein plans for improving the state system of forest protection, management, replacement, and taxation * * * to the governor.

* * * 2. The care and protection of all lands that have been, or may hereafter be acquired by the state for public park purposes, shall be under the direction of the state * * * *conservation commission of Wisconsin*, and all moneys appropriated for the purposes of the protection and improvement of such parks shall be expended under the supervision of such * * * *commission*.

Section 1498x. * * * *The state conservation commission of Wisconsin* shall * * * consider the natural resources of the state of Wisconsin with reference to their remaining unimpaired so far as this is practicable. The commission shall * * * report to the governor * * * *biennially* * * * *on or before June 30, of each odd-numbered year*, the results of investigations with recommendations as to measures to be taken to conserve the natural resources of the state, and, if such recommendations embody legislation, drafts of bills to accomplish the same. The governor is authorized to have such reports printed by the state printer.

SECTION 3. Subsections 2, 3 and 4 of section 1498, and sections 1494—46, 1495, 1496 and 1494t—1 of the statutes are repealed from and after September 1, 1915.

SECTION 4. This act shall take effect upon August 1, 1915.

Approved July 15, 1915.