

CHAPTER 14

CONSTITUTIONAL OFFICES AND INTERSTATE BODIES

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SUBCHAPTER I

OFFICE OF THE GOVERNOR

14.01 Office of the governor; creation. There is created an office of the governor under the direction and supervision of the governor.

History: 1977 c. 29 s. 1649.

14.015 Same; attached boards and commissions.

(1) DISABILITY BOARD. There is created a disability board which is attached to the office of the governor under s. 15.03. Where not in conflict with s. 17.025, s. 15.07 applies to the disability board. The disability board shall consist of the governor, the chief justice of the supreme court, the speaker of the assembly, the president of the senate, the minority leader of the assembly, the minority leader of the senate, and the dean of the university of Wisconsin medical school. In case of the absence or disability of any of the members to serve for a particular meeting of the board, the lieutenant governor, a justice of the supreme court designated by the chief justice, the deputy speaker of the assembly, the majority leader of the senate, the assistant minority leader of the assembly, the assistant minority leader of the senate, or an associate dean of the university of Wisconsin medical school designated by the dean shall serve, respectively, in place of the officers.

(2) WISCONSIN SESQUICENTENNIAL COMMISSION. (a) There is created a Wisconsin sesquicentennial commission which is attached to the office of the governor under s. 15.03. The commission shall consist of the following members appointed by the governor:

1. One citizen residing in each congressional district in this state.
2. A representative of the university of Wisconsin system.

3. A representative of the historical society.
4. Two senators and 2 representatives to the assembly, one of each of whom shall be a member of the majority party and one of each of whom shall be a member of the minority party.

5. A representative of each of the following communities in this state:

- a. Agriculture.
- b. Arts.
- c. Conservation.
- d. Industry.
- e. Labor.
- f. Recreation.
- g. Sports.

6. A representative of the Wisconsin council for local history.

7. A representative of American Indian tribes and bands in this state.

8. Five members at large.

(b) In addition to the members specified in par. (a), the governor shall serve as an ex-officio member of the commission and of any committee of the commission appointed under s. 14.26 (5r).

History: 1977 c. 9; 1977 c. 29 s. 1649; 1977 c. 203; 1979 c. 34, 110, 221, 361; 1981 c. 256; 1983 a. 27; 1985 a. 29; 1991 a. 269; 1995 a. 27 s. 209s; 1995 a. 216; s. 13.93 (1) (b).

14.017 Same; councils. (2) STATE COUNCIL ON ALCOHOL AND OTHER DRUG ABUSE. There is created in the office of the governor a state council on alcohol and other drug abuse consisting of the governor, the attorney general, the secretary of education, the secretary of health and family services, the commissioner of insurance, the secretary of corrections, the secretary of transportation and the chairperson of the pharmacy examining board, or their designees; a representative of the controlled substances

board; a representative of any governor's committee or commission created under subch. I of ch. 14 to study law enforcement issues; 6 members, one of whom is a consumer representing the public at large, with demonstrated professional, research or personal interest in alcohol and other drug abuse problems, appointed for 4-year terms; a representative of an organization or agency which is a direct provider of services to alcoholics and other drug abusers; a member of the Wisconsin county human service association, inc., who is nominated by that association; and 2 members of each house of the legislature, representing the majority party and the minority party in each house, chosen as are the members of standing committees in their respective houses. Section 15.09 applies to the council.

NOTE: Sub. (2) is shown as amended by 1995 Wis. Act 27. The treatment by Act 27 s. 48 was held unconstitutional and declared void by the Supreme Court in *Thompson v. Craney*, case no. 95-2168-OA. Sub. (2) as not affected by Act 27 s. 48 reads as follows:

(2) **STATE COUNCIL ON ALCOHOL AND OTHER DRUG ABUSE.** There is created in the office of the governor a state council on alcohol and other drug abuse consisting of the governor, the attorney general, the superintendent of public instruction, the secretary of health and family services, the commissioner of insurance, the secretary of corrections, the secretary of transportation and the chairperson of the pharmacy examining board, or their designees; a representative of the controlled substances board; a representative of any governor's committee or commission created under subch. I of ch. 14 to study law enforcement issues; 6 members, one of whom is a consumer representing the public at large, with demonstrated professional, research or personal interest in alcohol and other drug abuse problems, appointed for 4-year terms; a representative of an organization or agency which is a direct provider of services to alcoholics and other drug abusers; a member of the Wisconsin county human service association, inc., who is nominated by that association; and 2 members of each house of the legislature, representing the majority party and the minority party in each house, chosen as are the members of standing committees in their respective houses. Section 15.09 applies to the council.

History: 1971 c. 219 s. 4; 1973 c. 90; 1975 c. 39, 370; 1977 c. 29 s. 1649; 1977 c. 325, 418; 1979 c. 34 s. 16; 1979 c. 221; 1983 a. 27; 1987 a. 339, 399; 1987 a. 403 s. 256; 1991 a. 211; 1993 a. 210; 1995 a. 27 ss. 48, 9116 (5).

14.019 Governor's nonstatutory committees. (1) **CREATION; TENURE; ABOLITION.** Under the general powers of the office of the governor the governor may, by executive order, create nonstatutory committees in such number and with such membership as desired, to conduct such studies and to advise the governor in such matters as directed.

(a) Persons appointed to a nonstatutory committee may be removed or replaced, or the committee may be abolished, by the governor at pleasure.

(b) Any nonstatutory committee shall expire on the 4th Monday of January of the year in which a new gubernatorial term of office begins unless the new governor, by executive order, provides for its continued existence and in that case persons then serving on such committee remain members until they resign or until they are removed or replaced by action of the new governor.

(2) **EFFECT OF APPROPRIATION.** Subsection (1) continues to apply to any nonstatutory committee created by the governor even if a part of its expenses is later defrayed from state funds, whether under the general appropriation of s. 20.505 (3) (a) or under an appropriation enacted specifically for the purposes of such committee.

(3) **COORDINATION.** The governor shall designate an employe of the office of the governor or of the department of administration to serve as coordinator for the activities of the nonstatutory committees created by the governor. The coordinator shall keep a record of all appointments to, or resignations or removals from, such committees. The coordinator shall also provide for the retention and preservation of the records and reports of such committees and shall, when appropriate, cause the duplication of such reports for public distribution.

(4) **PROGRAM FEES.** The governor may authorize any committee created under this section to charge a fee for materials and services provided by it in the course of carrying out its responsibilities. The fee may not exceed the actual cost of the materials or services provided. All fees shall be deposited in the account for the appropriation made under s. 20.505 (3) (h).

(5) **FINAL REPORT; DEPOSIT.** Any nonstatutory committee created by the governor and in existence at the time of the general election for a new gubernatorial term shall prepare a final written report on its activities to be submitted to the governor and, if the incumbent governor is not reelected, to the governor-elect prior to the first Monday of January of the year in which the new gubernatorial term begins. The number of copies prepared of such final reports shall be determined by the coordinator under sub. (3). The governor shall deposit sufficient copies of every final report required under this subsection with the reference and loan library under s. 43.05 (11) for distribution under s. 35.83 (3).

History: 1977 c. 29 s. 1649; 1977 c. 273; 1979 c. 34; 1981 c. 20 s. 2202 (1) (b); 1991 a. 285, 316; 1993 a. 335.

14.02 Governor may appoint employes. Except as provided in s. 14.26 (5g), the governor may appoint and fix the compensation of such employes as he or she deems necessary for the execution of the functions of the office of the governor and for the domestic service of the executive residence. The governor may remove any of the appointees appointed under this section at pleasure.

History: 1977 c. 29 s. 1649; 1977 c. 273; 1979 c. 221; 1995 a. 216.

14.03 Governor to coordinate state services. The governor is directed to coordinate 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 s. 20.904.

14.035 Governor may enter into Indian gaming compacts. The governor may, on behalf of this state, enter into any compact that has been negotiated under 25 USC 2710 (d).

History: 1989 a. 196.

14.04 Reports to legislature. At the commencement of each regular session of the legislature, the governor shall communicate to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), the reports of all state officers, commissions, boards, and departments required by law to report to the governor, including the reports of state officers whose terms of office have expired covering the transactions in their respective offices from June 30 in the last year of their terms, and, at the time of communicating said reports, shall render to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a statement of all expenditures made by the governor out of any contingent fund appropriated for the contingent expenses of the office of the governor. Biennially, the governor shall submit to the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report on 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 deemed proper.

History: 1977 c. 29 s. 1649; 1977 c. 273; 1987 a. 186.

14.05 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, the governor 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 \$6.50 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.

History: 1991 a. 316.

14.065 Expenditure of federal oil overcharge funds.

(1) In this section, “oil overcharge funds” means any oil overcharge restitution funds which the federal government disburses to this state under any act of congress, court order or administrative action.

(2) Notwithstanding s. 16.54, the governor may not authorize the expenditure of any oil overcharge funds unless a proposal for that expenditure under sub. (3) has been approved by the joint committee on finance.

(3) The governor shall submit to the joint committee on finance and to the chief clerk of each house of the legislature, for distribution under s. 13.172 (3) to the appropriate legislative standing committees generally responsible for legislation related to state energy issues, a proposal for the expenditure of oil overcharge funds. Within 30 days after receipt of the proposal, each such standing committee may submit in writing recommendations on the proposal to the joint committee on finance.

(4) Thirty days after receipt of the proposal under sub. (3) or upon receipt of the recommendations of the standing committees under sub. (3), whichever is sooner, the joint committee on finance shall schedule a meeting under s. 13.10 to approve, modify or disapprove the proposal.

(5) The governor may not make any amendment to any proposal for the expenditure of oil overcharge funds which has been approved by the joint committee on finance unless that amendment is approved or modified and approved by the joint committee on finance under s. 13.10.

History: 1987 a. 27, 186.

14.07 Records and documents; executive privy seal.

(1) The private secretary to the governor, for purposes of authentication, is custodian of the public records and documents in the office of the governor.

(2) 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 the private secretary’s official certificates shall be authenticated.

History: 1977 c. 29 s. 1649; 1991 a. 316.

14.08 Deposit of acts; notice. The governor shall deposit each legislative act enacted by the governor’s approval in the office of the secretary of state under s. 35.095 (2) (b), and shall so inform the house of origin.

History: 1981 c. 372.

14.09 Executive orders. The governor shall cause all executive orders issued to be deposited in the office of the secretary of state.

History: 1975 c. 252, 421.

Executive orders of the Wisconsin governor. 1980 WLR 333.

14.11 Legal actions and proceedings. (1) STATE PROPERTY; LEGAL PROTECTION OF. The governor, whenever in the governor’s 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 the governor 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, the governor shall inform the attorney general thereof and require the attorney general to take such steps as may be necessary to protect such rights, interests, or property.

(2) EMPLOYMENT OF SPECIAL COUNSEL. (a) The governor, if in the governor’s opinion the public interest requires such action, may employ special counsel in the following cases:

1. To assist the attorney general in any action or proceeding;
2. 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;
3. To defend any action instituted by the attorney general against any officer of the state;

4. To institute and prosecute an action or proceeding which the attorney general, by reason of the attorney general’s opinion as to the validity of any law, or for any other reason, deems it the duty of the attorney general to defend rather than prosecute.

(b) 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 special counsel appropriation in s. 20.455 (1) (b).

(c) Upon employment of special counsel, the governor shall certify the maximum amount provided in the employment contract to the secretary of administration, and direct the department to pay special counsel bills related to that case within the certified figure.

History: 1971 c. 164; 1981 c. 20 s. 2202 (17) (a); 1985 a. 332 s. 253; 1991 a. 316.

14.12 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.

14.13 Land claims against United States; receipt of payment.

The governor may receive from the U.S. treasury department, from time to time, as the governor sees fit to draw for the same, the 5% 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 6, 1846, and execute the proper vouchers therefor. When received the governor shall pay the same into the state treasury to the credit of the school fund.

History: 1991 a. 316.

14.14 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, the governor may in the governor’s 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 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.

History: 1991 a. 316.

14.15 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 \$500 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 the determination to the secretary of state. No such offer of a reward by the governor shall impose any actionable liability on the state.

History: 1991 a. 316.

14.16 Holiday proclamations. (1) ARBOR AND BIRD DAY. 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.

(2) CITIZENSHIP DAY. The governor may also set aside, by proclamation, the 3rd 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, by suitable exercises for all those persons who have recently become enfranchised either by naturalization or by reaching their majority on 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.

(3) LABOR DAY. The governor may also set apart, by proclamation, one day in each year to be observed as Labor Day.

(4) ARMISTICE DAY. The governor shall annually issue a proclamation calling attention to the fact that November 11 is the anniversary of Armistice 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.

(5) MOTHER'S DAY. The governor may annually proclaim the 2nd Sunday in May as Mother's Day and 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.

(6) GOLD STAR MOTHER'S DAY. 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.

(7) AMERICAN HISTORY MONTH. To emphasize the spirit of America and Americanism and to remind the citizens of this state of the history of our nation and its free institutions, the month of February in each year is designated "American History Month" and the governor is directed to annually issue a suitable proclamation for the observance thereof.

(8) WONDERFUL WISCONSIN WEEK. To emphasize this state's great assets which make it such a desirable place to live and work, to give all citizens a greater knowledge and appreciation of this state and to salute every important activity of the state, from agriculture to industry to tourism, from business to labor to recreation and from education to good government to the state's varied products, the 3rd week in September of each year is designated "Wonderful Wisconsin Week". The governor shall issue annually a suitable proclamation for the observance of "Wonderful Wisconsin Week".

(9) HIRE A VETERAN WEEK. To recognize the contribution veterans have made to our society and the special needs of unemployed veterans and to encourage the hiring of unemployed veterans, the 2nd week of November is designated "Hire a Veteran Week". The governor shall issue annually a suitable proclamation for the observance of "Hire a Veteran Week" encouraging all employers to hire veterans.

History: 1971 c. 307; 1973 c. 140; 1979 c. 23; 1993 a. 255.

14.165 Governor's energy awards. (1) AWARDS. The governor may issue awards to recognize outstanding accomplishments or efforts related to energy conservation or renewable energy systems. Awards may be made for all of the following:

- (a) Public and private sector activities.
- (b) New building design, building renovation or upgrading and maintaining existing equipment.
- (c) Demand-side management programs.

(d) Contributions by engineers, architects and other professionals.

(e) Industrial applications.

(2) RECOMMENDATIONS. The department of administration, department of commerce and public service commission shall make recommendations to the governor for awards under sub. (1).

History: 1993 a. 414; 1995 a. 27 s. 9116 (5).

NOTE: 1993 Wis. Act 414, which created this section, contains extensive explanatory notes.

14.17 Conferences of governors. The governor may attend and represent the state at all conferences of governors, and make such arrangements as deemed 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 office of the governor.

History: 1977 c. 29 s. 1649; 1977 c. 273.

14.19 Advocacy activities. (1) The governor may authorize advocacy activities to be conducted in the office of the governor concerning problems of members of ethnic minority groups, women and the family.

(3) Advocacy activities may include investigation of complaints, service as an adviser or a mediator in resolving disputes or promotion of public education and planning to resolve problems.

(4) The governor shall appoint an employe of the office of the governor as the family literacy advocate to establish a statewide program to improve family literacy.

History: 1979 c. 221; 1981 c. 20; 1995 a. 27.

14.24 State council on alcohol and other drug abuse. The state council on alcohol and other drug abuse shall:

(1) Provide leadership and coordination regarding alcohol and other drug abuse issues confronting the state.

(2) Meet at least once every 3 months.

(3) By June 30, 1994, and by June 30 every 4 years thereafter, develop a comprehensive state plan for alcohol and other drug abuse programs. The state plan shall include all of the following:

(a) Goals, for the time period covered by the plan, for the state alcohol and other drug abuse services system.

(b) To achieve the goals in par. (a), a delineation of objectives, which the council shall review annually and, if necessary, revise.

(c) An analysis of how currently existing alcohol and other drug abuse programs will further the goals and objectives of the state plan and which programs should be created, revised or eliminated to achieve the goals and objectives of the state plan.

(4) Each biennium, after introduction into the legislature but prior to passage of the biennial state budget bill, review and make recommendations to the governor, the legislature and state agencies, as defined in s. 20.001 (1), regarding the plans, budgets and operations of all state alcohol and other drug abuse programs.

(5) Provide the legislature with a considered opinion under s. 13.098.

(6) Coordinate and review efforts and expenditures by state agencies to prevent and control alcohol and other drug abuse and make recommendations to the agencies that are consistent with policy priorities established in the state plan developed under sub. (3).

(7) Clarify responsibility among state agencies for various alcohol and other drug abuse prevention and control programs and direct cooperation between state agencies.

(8) Each biennium, select alcohol and other drug abuse programs to be evaluated for their effectiveness, direct agencies to complete the evaluations, review and comment on the proposed evaluations and analyze the results for incorporation into new or improved alcohol and other drug abuse programming.

(9) Publicize the problems associated with abuse of alcohol and other drugs and the efforts to prevent and control the abuse.

History: 1971 c. 219; 1975 c. 370; 1979 c. 221; 1983 a. 27; 1985 a. 328; 1993 a. 210.

14.26 Wisconsin sesquicentennial commission.

(1) The Wisconsin sesquicentennial commission shall make appropriate plans and preparations for the commemoration of the 150th anniversary of Wisconsin statehood.

(2) The commission shall submit an annual report to the governor and to the legislature under s. 13.172 (2) regarding its activities on each March 1 until March 1, 1998.

(3) Upon request of the commission, all state agencies, as defined in s. 20.001 (1), shall cooperate with the commission in the performance of its functions.

(4) The commission shall ensure full participation by the university of Wisconsin system in the sesquicentennial and shall make appropriate arrangements to coordinate commemorative activities with activities conducted to commemorate the sesquicentennial of the university of Wisconsin system.

(4m) The commission shall cooperate with the department of transportation in promoting motor vehicle registration plates for the special group specified under s. 341.14 (6r) (f) 52.

NOTE: Sub. (4m) is repealed eff 1-1-99 by 1995 Wis. Act 445.

(5) In making appointments to the commission, the governor shall designate a chairperson. The commission shall elect a vice chairperson and secretary from its membership.

(5g) The commission may:

(a) Subject to authorization under s. 16.505, employ staff outside of the classified service and consultants and fix their compensation.

(b) Enter into contracts, leases or other agreements.

(c) Accept gifts, grants, bequests or donations of personal services.

(d) Assume such other functions authorized by law as may be necessary to carry out the purposes of this section.

(e) License products.

(5r) The commission may appoint such committees as may be required to carry out its functions.

(6) The commission shall complete its activities and submit a final report regarding its activities to the governor, and to the legislature under s. 13.172 (2) no later than June 1, 1999. Upon acceptance of the report by the governor, the commission shall cease to exist.

History: 1991 a. 269; 1995 a. 27; 1995 a. 216 s. 40g; 1995 a. 445.

14.28 Wisconsin advanced telecommunications foundation. (1) DEFINITIONS. In this section:

(a) "Foundation" means the Wisconsin advanced telecommunications foundation.

(b) "Telecommunications provider" has the meaning given in s. 196.01 (8p).

(2) FOUNDATION CHARACTERISTICS. The governor may provide for the participation of this state in the formation and operation of the foundation if all of the following conditions are satisfied:

(a) The foundation is organized under ch. 181 and operated with the participation of this state and at least 5 telecommunications providers that operate in this state.

(b) The purpose of the foundation is to fund advanced telecommunications technology application projects and efforts to educate telecommunications users about advanced telecommunications services.

(c) Notwithstanding s. 13.94 (4) (b), the foundation is subject to full audit of all of its records and operations under s. 13.94.

(d) The foundation is considered to be an authority, as defined in s. 19.32 (1), and the records of the foundation are open to public inspection under ss. 19.31 to 19.39.

(dm) The foundation is considered to be a governmental body, as defined in s. 19.82 (1), and meetings of the board of directors of the foundation and all committees of the foundation are open to the public under subch. V of ch. 19.

(e) The foundation, with the advice of the ethics board, adopts ethics guidelines applicable to its directors, employees and paid consultants which are similar to subch. III of ch. 19, except that the foundation may not require its paid consultants to file financial disclosure statements.

(f) The governor is authorized to appoint, with the advice and consent of the senate, the majority of the directors of the foundation.

(g) The foundation establishes an endowment fund for the purposes identified under sub. (3).

(h) The foundation establishes a business plan that anticipates capitalizing its endowment fund with a total of \$25,500,000 received from telecommunications providers and from the appropriation under s. 20.855 (4) (d), 1993 stats., within 7 years after the foundation is organized.

(i) If the foundation substantially ceases operations, all of the state's unencumbered contribution to the foundation's endowment fund will be returned to the state.

(3) ENDOWMENT FUND. (a) The foundation may fund from the earnings of the endowment fund a project that does any of the following:

1. Establishes a clearinghouse that matches potential projects that are consistent with the purposes of the foundation with interested funding sources.

2. Demonstrates cooperative applications between telecommunications users or between telecommunications users and telecommunications providers, if the project is replicable, serves to impart knowledge or skills or meets a demonstrated need and does not compete with the private sector in the deployment of telecommunications infrastructure.

3. Promotes the effective use of the telecommunications infrastructure.

4. Educates telecommunications users about advanced telecommunications technologies, applications and alternatives and associated effects on privacy.

5. Develops systems or procedures that assist individuals in applying information, produced through the application of advanced telecommunications and other information technologies, to create knowledge.

(b) 1. This state, a local governmental unit in this state, a public, educational or governmental access facility, as defined in 47 USC 522 (15), located in this state, an educational institution, library or health care information service located in this state or any other person located in this state may apply for funding under par. (a). A telecommunications provider is not eligible for funding under par. (a).

2. The foundation shall give priority to funding applications received from local units of government, educational institutions and libraries and shall give additional priority to funding applications received from school districts in which the allowable percentage increase in revenue under subch. VII of ch. 121 is less than the statewide average and to school districts in which the allowable revenue per pupil under subch. VII of ch. 121 is less than the statewide average.

3. The foundation shall consider other financial resources available to an applicant in evaluating funding applications.

(c) A project funded under par. (a) shall require matching contributions at a level set by the foundation.

(6) FAST START FUND. (a) In addition to the endowment fund under sub. (3), the foundation shall establish and administer an additional fund. Telecommunications providers shall contribute the following to the fund under this subsection:

1. Before January 1, 1996, a total of \$2,000,000 in direct or in-kind contributions.

2. Before January 1, 1998, in addition to the amount under subd. 1., a total of \$3,000,000, at least 50% of which shall be in direct contributions.

(b) The foundation may use the resources available in the fund established under this subsection to fund any application that satisfies the criteria identified under sub. (3) (a) to (c).

(7) **ADDITIONAL CONTRIBUTORS.** Before January 1, 2002, the foundation shall attempt to raise from persons other than telecommunications providers a total of at least \$10,000,000 in direct or in-kind contributions to the endowment fund under sub. (3) and the fund under sub. (6).

(8) **REPORTS.** (a) Before January 1, 1997, and biennially thereafter, the foundation shall submit a report to the joint committee on finance and the joint committee on information policy. The report shall include information about all of the following:

1. The status of the capitalization of the endowment fund, including information on resources received, by contributors.

2. The status of progress under sub. (7) in raising contributions from persons other than telecommunications providers.

(b) If the foundation determines that it cannot capitalize the endowment fund as required under sub. (2) (h), the foundation shall submit a report to the joint committee on finance and the joint committee on information policy before January 1, 2002. The report shall identify recommendations, including suggested legislation, for assisting the foundation in reaching its endowment fund capitalization level. In the report, the foundation shall consider the use of the universal service fund contribution collection mechanism under s. 196.218 (3) to reach the required capitalization level.

History: 1993 a. 496; 1995 a. 225, 351.

SUBCHAPTER II

OFFICE OF THE LIEUTENANT GOVERNOR

14.31 Office of lieutenant governor; creation. There is created an office of the lieutenant governor under the direction and supervision of the lieutenant governor.

14.32 Service as acting governor. (2) When acting as governor because of a vacancy in the office of governor created by the happening of any contingency specified in s. 17.03, the lieutenant governor shall receive the annual salary and all other rights, privileges and emoluments of the office of governor. The annual salary paid in such instance shall be in lieu of all other compensation provided for the lieutenant governor.

(3) Compensation for service by the lieutenant governor under this section shall be paid from the appropriation in s. 20.525 (1) (a).

History: 1971 c. 42; 1971 c. 125 s. 522 (1); 1975 c. 39 s. 734; 1977 c. 29 s. 1656 (15); 1989 a. 31.

14.33 Employes. The lieutenant governor may employ within the limits of the appropriations under s. 20.540 such staff as he or she deems necessary outside the classified service for such period and upon such terms as the lieutenant governor determines.

History: 1971 c. 125; 1977 c. 196 s. 131; 1977 c. 273; 1979 c. 34; 1987 a. 27.

14.34 Additional executive duties. As the second ranking executive officer of the state, the lieutenant governor shall have such additional duties as are assigned by the governor in writing. These may include:

(1) The designation by the governor of the lieutenant governor as the governor's representative on any statutory commission, board or committee on which the governor is entitled to membership. Under such designation, the lieutenant governor shall perform in the place of the governor and shall have all authority and

responsibility granted by law to the governor with regard to such membership.

(2) The designation by the governor of the lieutenant governor as the governor's representative on any nonstatutory committee created by the governor under s. 14.019.

(3) The designation by the governor of the lieutenant governor to coordinate state services and programs under s. 14.03 and such other statutory responsibility of the governor for this purpose. The governor shall specify in writing to state agencies the nature, areas and extent of such designated authority.

(4) The designation by the governor of the lieutenant governor as the governor's representative on any intergovernmental body created for the purpose of maintaining relationships with the federal government, state government, regional agencies or local government.

History: 1973 c. 90; 1991 a. 316.

14.35 Authorized activities. The lieutenant governor may:

(1) Accept gifts, grants, bequests or devises, or federal moneys authorized by the governor under s. 16.54, to be used for the authorized functions of the office of lieutenant governor.

(2) Conduct conferences or prepare and sell publications or promotional materials related to the authorized functions of the office of lieutenant governor.

History: 1987 a. 27.

SUBCHAPTER III

OFFICE OF THE SECRETARY OF STATE

14.36 Office of secretary of state; creation. There is created an office of the secretary of state under the direction and supervision of the secretary of state.

14.38 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 house 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, the governor's approbation of the laws excepted; and make a register of such commissions in a book provided by the governor 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 the secretary of state's office, and make such provision for the arrangement and preservation thereof as is necessary, and keep the same, together with all accounts and transactions of the 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) **BIENNIAL REPORT.** Report biennially in accordance with s. 15.04 (1) (d) all matters pertaining to the office and, when required, furnish the governor or either house of the legislature, in writing, any information relative to the performance of the duties of the office.

(5) **KEEP ENROLLED LAWS, ETC.** Safely keep all enrolled laws and resolutions, and not permit any of them to be taken out of the secretary of state's office or inspected except in the presence of the secretary of state, unless by order of the governor or by resolution of one or both houses of the legislature. For any violation of this subsection the secretary of state shall forfeit the sum of \$100.

(6) **COMPILE ORIGINAL LAWS AND RESOLUTIONS.** Cause the original laws enacted and joint resolutions adopted 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 enacted or adopted, with the title

thereof and the session at which they are enacted or adopted to be written or printed on the spine of the volumes.

(8) RECORD FEES. Keep a record of all fees received by the office and include a summary of such record in the biennial report under s. 15.04 (1) (d).

(9) FURNISH CERTIFIED COPIES; FEES. Make a copy of any law, resolution, deed, bond, record, document or paper deposited or kept in his or her office, upon request therefor, attach thereto his or her certificate, with the greater or lesser seal affixed, and collect therefor 50 cents per page and \$5 for such certificate; if a copy is not to be certified and if the reproduction is performed by the office of the secretary of state, then collect a fee to cover the actual and necessary cost of reproduction and actual and necessary cost of transcription required to produce the copy or \$2, whichever is greater; also to record any document authorized or required by law to be recorded in his or her office, and to charge therefor a fee of \$1 per page. The fee for certified copies and for certificates as to results of searches of the records and files of his or her office, when a printed form is used, shall be \$5, but when a specially prepared form is required the fee shall be \$10. Telegraphic reports as to results of record searches shall be \$5 plus the cost of the telegram. The secretary of state shall charge and collect for preparing any record or certificate under this subsection in an expeditious manner, an expedited service fee of \$25 in addition to the fee otherwise required under this subsection.

(9m) SIGNATURES. Receive and file the signature and an impression of the official seal or rubber stamp of all county clerks and registers of deeds, and upon request certify to the authenticity of that signature and official seal or rubber stamp and charge therefor the statutory fee.

(10) NOTICES OF PROPOSED CONSTITUTIONAL AMENDMENTS AND ENACTMENTS. (a) No later than the next working day following the deposit of an act in his or her office, provide written notice to the legislative reference bureau of the act number and date of enactment, and the designated date of publication of the act under s. 35.095.

(b) Publish in the official state paper, on the first Tuesday of August, September and October immediately preceding any general election, such proposed constitutional amendments as were approved for the first time by the legislature preceding the election.

(c) Publish in the official state newspaper within 10 days after the date of publication of an act a notice certifying the number of each act, the number of the bill from which it originated, the date of publication and the relating clause. Each certificate shall also contain a notice of where the full text of each act can be obtained. Costs under this paragraph shall be charged to the appropriation under s. 20.765 (1) (d).

(11) OTHER DUTIES. Perform such other duties as are imposed upon the secretary of state by the constitution or by law.

History: 1975 c. 93, 198, 224, 421; 1977 c. 29; 1977 c. 196 s. 131; 1979 c. 328; 1981 c. 124, 372; 1983 a. 27; 1983 a. 36 s. 96 (2); 1985 a. 29, 303, 338; 1989 a. 123, 303; 1991 a. 32, 39, 316; 1993 a. 112, 214, 452; 1995 a. 27, 225.

14.39 Conditional acceptance of filing fees. Before actually filing any document by making an endorsement on that document, the secretary of state may accept and deposit the filing fee submitted with that document upon the condition that if subsequent examination of the document establishes that it does not meet the requirements for filing, the fee may be refunded and upon the condition that if a discrepancy in the amount of the fee is subsequently discovered the secretary of state may then demand further payment of a shortage or refund an overpayment subject to s. 20.905 (3).

History: 1977 c. 418.

14.40 Record of positions, appointments. (1) Annually not later than 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 above the clerical level, excluding the faculties under

the jurisdiction of the board of regents of the University of Wisconsin System and the department of education, which are filled by appointment, and the term if there is one, together with the name of the incumbent and the date of his or her appointment.

NOTE: Sub. (1) is shown as amended eff. 1–1–96 by 1995 Wis. Act 27. The treatment by Act 27 was held unconstitutional and declared void by the Supreme Court in *Thompson v. Craney*, case no. 95–2168–OA. Prior to Act 27 it read:

(1) Annually not later than 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 above the clerical level, excluding the faculties under the jurisdiction of the board of regents of the university of Wisconsin system and the department of public instruction, which are filled by appointment, and the term if there is one, together with the name of the incumbent and the date of his or her appointment.

(2) The secretary of state shall keep a record of all positions reported under sub. (1), the names of the incumbents and the dates of their appointments.

(3) 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.

(4) 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 payroll or expense voucher for such position until the notice of appointment has been filed with the secretary of state.

History: 1971 c. 100 s. 23; 1979 c. 34; 1995 a. 27 s. 9145 (1).

14.43 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.

14.45 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, 2 3/8 inches in diameter, containing, within an ornamental border, the following devices and legend: The coat of arms of the state, as in s. 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, 13 stars.

(3) A lesser seal, 1 3/4 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 the secretary of state, 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.

History: 1991 a. 316.

14.46 Assistant secretary of state. 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 a member of the board of commissioners of public lands. The assistant secretary shall take and subscribe the oath of office prescribed by article IV, section 28, of the constitution and shall give bond to the secretary of state in the sum and with the conditions as the secretary of state prescribes, conditioned for the faithful discharge of the duties. The oath shall be filed and preserved in the office of the governor.

History: 1977 c. 29 s. 1649; 1977 c. 273; 1983 a. 192.

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 the secretary of state 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 year on the amount of said bond or obligation by said surety executed and shall be payable from the appropriation to the secretary of state.

History: 1979 c. 110 s. 60 (13); 1991 a. 316.

SUBCHAPTER IV

OFFICE OF THE STATE TREASURER

14.56 Office of state treasurer; creation. There is created an office of the state treasurer under the direction and supervision of the state treasurer.

14.563 Same; division. (1) There is created a division of trust lands and investments which is attached to the office of the state treasurer under s. 15.03. This division is under the direction and supervision of the board of commissioners of public lands.

History: 1995 a. 27 s. 101m; 1995 a. 225.

14.58 Duties of state treasurer. The state treasurer shall:

(1) HAVE CUSTODY OF MONEYS. Receive and have charge of all moneys paid into the treasury and any other moneys received by officers and employes of state agencies, and pay out the moneys as directed by law, except as provided in ss. 16.52 (7), 20.907 (5) (b), 20.920 and 20.929. Checks, share drafts or other drafts on depositories in which moneys may be deposited shall be signed in one of the following methods:

- (a) By the state treasurer personally;
- (b) By an assistant state treasurer, appointed as provided in s. 14.62, in the name of the state treasurer;
- (c) In the name of the state treasurer, by any clerk in the treasurer's office designated by the treasurer; or
- (d) By placing on a check, share draft or other draft the facsimile signature of the state treasurer adopted by him or her as a facsimile signature. Any depository shall be fully warranted and protected in making payment on any check, share draft or other draft bearing such facsimile notwithstanding that the facsimile may have been placed on the check, share draft or other draft without the state treasurer's authority.

(2) ISSUE RECEIPTS. Issue receipts for all money paid to the treasurer.

(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. (a) Pay out of the treasury, on demand, upon the warrants of the department of administration, except as provided in s. 20.929, such sums only as are authorized by law to be so paid, if there are 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 an authorized agent or assignee. The state treasurer shall accept telephone advice believed by the treasurer to be genuine from any public depository, as defined in s. 34.01 (5), stating that a specified amount of money has been deposited with such public depository for the credit of the state treasurer, and shall act upon such telephone advice as though it had been in writing.

(b) When in the judgment of the state treasurer balances in state public depository accounts are temporarily in excess of that required under par. (a), the treasurer, with the concurrence of the secretary of administration, may authorize the preparation of a warrant in excess of the funds contained in the investment fund for the purpose of investment only. The earnings attributable to the

investment of temporary excess balances shall be distributed as provided in sub. (19).

(5) ACCOUNT FOR INTEREST. Pay into the treasury and account for all sums directly or indirectly received by the treasurer by virtue of the treasurer's office, or as interest or compensation for the use, deposit or forbearance of any state moneys in the treasurer's hands or under the treasurer's control.

(6) KEEP CASH AND FUND ACCOUNTS. Keep records showing the number, date and amount of each cash receipt issued by the treasurer's office and classify said receipts by state funds; submit a summary statement of collections by fund together with a copy of each remittance advice in support thereof; keep also records showing the check, share draft or other draft number, date, payee and amount of each cash disbursement and classify said disbursements by state funds; keep a record of the date, payee and amount of each disbursement made by a money transfer technique other than a check or draft and classify the disbursement by state fund; and verify at the end of each week the amounts shown by the treasurer's 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 the treasurer's office by the governor, secretary of state, attorney general, department of administration or state auditor, or by the legislature, any committee thereof or either house thereof.

(8) REPORT TO GOVERNOR MONTHLY. Report to the governor monthly, or oftener if the governor so requires, on:

(a) 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.

(b) The amounts in each of the state depositories, together with the interest earned thereon.

(c) Any defalcation or neglect of duty of any disbursing or collecting officer or agent of the state.

(d) Any other information pertaining to the duties of the state treasurer, as determined by the state treasurer or required by the governor.

(9) BIENNIAL REPORT. On or before October 15 of each odd-numbered year, submit to the governor and the chief clerk of each house of the legislature, for distribution to the legislature under s. 13.172 (2), a report containing the same information required of departments and independent agencies under s. 15.04 (1) (d). The report shall also include a statement showing for each of the 2 preceding fiscal years the cash balance in each state fund at the beginning of the fiscal year, the aggregate amount of receipts credited and the aggregate amount of disbursements charged to each said fund during the fiscal year and the resultant cash balance in each state fund at the end of the fiscal year. This statement shall further show as of the end of each said 2 fiscal 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 state account in a public depository, deducting from the total of such balances the aggregate amount of checks, share drafts or other drafts 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 or other item, the remitter 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 the treasurer's office, and

transcripts from the books and records kept therein, when required by any person so to do; and collect therefor 25 cents per folio, and \$1 for such certificate.

(12) STAMP CHECKS AND DRAFTS. Cause to be plainly printed or stamped upon each check, share draft and other draft issued by the state treasurer the period of time, as determined by the state treasurer but not to exceed one year, during which the check or other draft may be presented for payment. The state treasurer shall cancel on his or her records any check or other draft that is not presented for payment within the prescribed time period and shall credit the amount thereof to the fund upon which it is 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 the treasurer, in trust, mail to its address not to exceed 60 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 25-cent fee 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 10-cent fee 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 is paid. Such fees shall be paid into the state treasury as a part of the general fund, and an extra charge may be required for postage or registered mail.

(14) OTHER DUTIES. Perform all other duties imposed upon the state treasurer by law.

(17) SAFEKEEPING RECEIPTS FOR FEDERAL SECURITIES. Whenever any federal securities are purchased under authority of any law and the state treasurer is custodian thereof the treasurer 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.

(18) SALE OF INVESTMENTS. Whenever the department of administration draws a check, share draft or other draft dated the next following business day upon a fund whose investment and collection is under the exclusive control of the investment board pursuant to s. 25.17 (1), and the receipts of the state treasurer are insufficient to permit a disbursement from said fund in the amount of such check, share draft or other draft, the investment board shall sell investments owned by such fund for delivery in time to provide sufficient money to cover such check, share draft or other draft on the date which it bears.

(19) APPORTION INTEREST. Apportion at least quarterly the interest earned on state moneys in all depositories among the several funds as provided in s. 25.14 (3), except that earnings attributable to the investment of temporary excess balances under sub. (4) (b) shall be distributed according to a formula prescribed by the depository selection board. To the maximum extent deemed administratively feasible by the depository selection board, the formula shall approximate the distribution of earnings among funds which would occur if earnings were allocated in proportion to each fund's actual contribution to the earnings. Interest so apportioned shall be added to and become a part of such funds.

(20) ELECTION CAMPAIGN FUND. Make disbursements to each candidate certified under s. 7.08 (2) (c) or (cm) by the elections board as eligible to receive moneys from the Wisconsin election campaign fund.

(21) CREDIT CARD USE CHARGES. From moneys received under ss. 59.25 (3) (j) and (k) and 85.14 (1) (b), pay the charges under

ss. 23.49 and 85.14 (1) (b) and (2) from the appropriation under s. 20.585 (1) (km).

History: 1971 c. 164 s. 90; 1973 c. 333; 1975 c. 180, 189, 198, 421; 1977 c. 107; 1977 c. 196 s. 131; 1979 c. 34, 221; 1981 c. 20; 1983 a. 27; 1983 a. 36 s. 96 (2); 1983 a. 51; 1983 a. 189 s. 329 (21); 1983 a. 368, 408, 524, 538; 1985 a. 29; 1989 a. 31; 1991 a. 39, 189, 299, 316; 1995 a. 201.

14.59 Training conferences. The state treasurer may conduct conferences for the purpose of training county and municipal clerks and treasurers, and employes of their offices, in their official responsibilities. The treasurer may charge participants in any conference a fee for participation which shall not exceed the proportionate cost of conducting the conference. The treasurer shall credit all revenues from fees assessed under this section to the appropriation account under s. 20.585 (1) (h).

History: 1995 a. 27.

14.60 State treasurer's bond. The bond of the state treasurer shall extend to the faithful execution of the duties of the office of state treasurer until a successor is elected and fully qualified. If the treasurer elects to give bond guaranteed by a surety company, the cost thereof and of any additional bond required of and furnished by the treasurer and so guaranteed shall be borne by the state and shall be paid out of the appropriation to the office of the state treasurer; if the annual cost thereof does not exceed 0.25% of the amount of said bond.

History: 1991 a. 316.

14.62 Assistant state treasurer; oath; bond; powers. The state treasurer may appoint, in writing, an assistant state treasurer to perform any of the duties of the state treasurer, except to serve as a member of the board of commissioners of public lands. The assistant state treasurer shall take and subscribe the oath of office prescribed by [article IV, section 28, of the constitution](#) and shall give bond to the state treasurer in the sum and with the conditions the state treasurer prescribes, conditioned for the faithful discharge of the duties. The oath of the assistant state treasurer and the certificate of appointment shall be filed and preserved in the office of the secretary of state. The state treasurer may require any employe to give bond to the state in the amount and with the conditions the state treasurer prescribes, conditioned for the faithful discharge of their duties. The cost of the bonds shall be charged to the appropriations under s. 20.585.

History: 1983 a. 192, 538.

SUBCHAPTER V

INTERSTATE BODIES AND AGREEMENTS

14.76 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 states with which such compacts are made are similarly applied to Wisconsin residents. The compact shall be effective when approved by joint resolution adopted by the legislature.

(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.

History: 1971 c. 62; 1983 a. 308.

14.78 Great Lakes compact commission. (1) MEMBERS; TERMS. There is created a Great Lakes compact commission consisting of 3 commissioners appointed by the governor. The commissioners shall be persons having knowledge of and interest in problems of the Great Lakes basin. One commissioner, appointed for an indefinite term, shall be a state officer or employe and shall serve as secretary of the Great Lakes compact commission. The other commissioners shall be appointed for terms of 4 years. The commissioners shall receive no salaries but shall be reimbursed for actual and necessary expenses.

(2) DUTIES. It is the duty of the Wisconsin Great Lakes compact commission:

(a) To represent this state on the Great Lakes commission created by the Great Lakes basin compact ratified and enacted by [chapter 275, laws of 1955](#), and through such representation to perform the functions of the Great Lakes commission in conjunction with the commissioners of other party states. Whenever a vote is required by the terms of the Great Lakes basin compact, each member of the Wisconsin Great Lakes compact commission is authorized to cast the same proportion of the 3 votes to which the state of Wisconsin is entitled under the compact as each of the other members of the Wisconsin Great Lakes compact commission.

(b) To maintain a continuing investigation of the project of connecting the Great Lakes with the Atlantic ocean by means of the Welland canal and the St. Lawrence river and to urge upon congress the enactment of additional appropriate legislation to enable the full development of such waterway, the commission to work in conjunction with similar commissions in other states and with other interested groups and agencies in the promotion of such project.

(c) To direct and execute a program of education in such form as the commission may determine, in support of the projects for development of the St. Lawrence seaway and the deepening of the Great Lakes connecting channels, using not to exceed the amount of funds appropriated for that purpose.

(d) To report biennially in accordance with [s. 15.04 \(1\) \(d\)](#), and to make such other reports as are requested by the governor or which it deems appropriate.

(3) FINANCING COMMISSION. The Great Lakes compact commission may annually contribute to the Great Lakes commission not to exceed the amount appropriated for that purpose.

(4) STATE OFFICERS TO AID COMMISSION. It is the policy of the state to carry out the Great Lakes basin compact and to accomplish the purposes thereof, and all officers of the state shall do all things falling within their respective jurisdictions necessary or incidental to carrying out such compact. Officers, agencies and employes of the state government shall, at reasonable times and upon the request of the Great Lakes commission, furnish such commission with information and data within their possession and aid such commission by loan of personnel and other means lying within their respective legal powers.

History: 1975 c. 39, 198; 1977 c. 196 s. 131.

14.81 Midwest interstate low-level radioactive waste commission. (1) There is created a midwest low-level radio-

active waste commission as specified under [s. 16.11 \(3\) \(a\)](#). The member of the commission representing this state shall be nominated by the governor, and with the advice and consent of the senate appointed, to serve at the pleasure of the governor. The commission member representing this state shall receive a per diem of \$25, unless he or she is a salaried full-time employe of this state, and shall be reimbursed for actual and necessary expenses incurred in the performance of his or her duties on the commission. Per diem payments and expenses of the commissioner shall be paid from the appropriation under [s. 20.505 \(1\) \(g\)](#). The commission has the powers and duties granted and imposed under [s. 16.11](#).

(2) In discharging his or her responsibilities under [s. 16.11](#), the commission member representing this state shall:

(a) Designate an alternate commission member and notify the governor and legislature of this designation within 30 days after being appointed.

(b) Request the commission to conduct a public hearing on the draft disposal plan under [s. 16.11 \(4\) \(d\)](#).

(c) Notify the governor and legislature if:

1. The commission proposes to designate this state as a host state for a facility, as defined in [s. 16.11 \(2\) \(h\)](#).

2. The commission proposes to impose any liability on the state under [s. 16.11](#).

3. He or she has reason to believe that the state should withdraw from the midwest interstate low-level radioactive waste compact specified in [s. 16.11](#).

(3) In negotiating and developing the bylaws, disposal plan and other appropriate documents as a member of the commission, the commission member representing this state shall:

(a) Promote this state's interest in including insurance requirements and an extended care and long-term liability fund as a part of the disposal plan or other appropriate documents.

(b) Encourage the pursuit of sound low-level radioactive waste management practices including minimizing the dependence on the shallow burial of this type of waste.

(c) Promote this state's interest in an equitable distribution and rotation of responsibilities among member states under the compact.

(d) Encourage, to the fullest extent of his or her influence and authority, actions and procedures which permit and encourage full and meaningful public access and participation in the commission's proceedings including informal meetings and meetings of committees and subcommittees of the commission and full and meaningful public access to commission records and documents.

(e) Encourage the establishment of a fee system which provides for adequate compensation to local units of government which are affected by the siting of a regional low-level radioactive waste disposal facility.

(f) Promote the right of this state under [s. 16.11 \(5\) \(b\)](#) to have all low-level radioactive wastes generated within its borders, including low-level radioactive wastes generated at the La Crosse boiling water reactor constructed under section 109 of P.L. 87-315, disposed of at compact facilities, as defined in [s. 16.11 \(2\) \(d\)](#), or any noncompact facility made available by an agreement entered into under [s. 16.11 \(3\) \(h\) 6](#).

History: 1983 a. 393; 1995 a. 115.

14.82 Boundary area commission. Any boundary area commission created under this section shall constitute the Wisconsin representation on a boundary area commission created jointly by this state and a neighboring state party to the boundary area compact enacted by section 1 of [chapter 274, laws of 1965](#), and shall have all the powers and duties granted or imposed by such compact.

(1) MINNESOTA-WISCONSIN. There is created a commission of 5 citizens nominated by the governor, and with the advice and consent of the senate appointed, for staggered 5-year terms, to represent this state on the joint Minnesota-Wisconsin boundary area

commission. Any vacancy shall be filled for the balance of the unexpired term. To assist the commission, there is created a legislative advisory committee comprising 4 senators and 6 representatives to the assembly appointed as are the members of standing committees in their respective houses, and a technical advisory committee of 2 members appointed by the governor and one member each appointed by the governing board or head of the following agencies, to represent such agencies: the department of justice, the department of administration, the department of agriculture, trade and consumer protection, the department of natural resources, the department of health and family services, the public service commission, the department of tourism and the department of commerce. The members of the commission and the members of its advisory committees shall serve without compensation but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties, from the appropriation made by s. 20.315 (1), on vouchers approved by the Wisconsin member of the commission selected to serve as its chairperson or vice chairperson. All other expenses incurred by the commission in the course of exercising its powers and duties, unless met in some other manner specifically provided by statute, shall be paid by the commission out of its own funds.

(a) The commission may appoint subcommittees for the purpose of conducting specific studies under Article III, sec. 3, par. (a) of the compact enacted by section 1 of chapter 274, laws of 1965.

(b) The departments and agencies of this state shall within existing appropriations cooperate with the commission and its advisory committees and subcommittees in the execution of their functions and, upon application by the commission, shall to the best of their respective abilities supply the commission with such staff services as the commission requires.

(bm) Every department or agency of Wisconsin state government, or any political subdivision of this state shall, on application by the boundary area commission, supply the commission with copies of such printed documents, issued by such department, agency or subdivision, as the boundary area commission requires in the performance of its functions. The boundary area commission shall contact each such department, agency or subdivision to inform such department, agency or subdivision of the type of documents which it will require on a routine basis.

(c) The commission may accept on behalf of the state, from the federal government or from any other source, and may receive and use, gifts and grants of furniture, books, equipment, supplies, money or other property used or useful for the execution of its functions. All moneys received under this paragraph shall be deposited in the general fund and, unless prohibited by the terms of the grant or gift, are appropriated to the commission for expenditure by it in accordance with s. 20.315 (1) (g).

History: 1977 c. 29 s. 1650m (4); 1977 c. 325; 1979 c. 361 s. 112; 1995 a. 27 ss. 65, 9116 (5), 9126 (19).

14.83 Interstate insurance receivership commission.

There is created an interstate insurance receivership commission as specified in s. 601.59 (3). The member of the commission representing this state shall be the commissioner of insurance or his or her designated representative. The commission member shall serve without compensation but shall be reimbursed from the appropriation under s. 20.145 (1) (g) for actual and necessary expenses incurred in the performance of his or her duties. The commission has the powers and duties granted and imposed under s. 601.59.

History: 1995 a. 462

14.84 Great Lakes protection fund. (1) The governor may provide for the participation of this state in the formation and operation of the Great Lakes protection fund on behalf of this state if all of the following apply to the fund:

(a) The fund is established to advance the principal goals and objectives of the Great Lakes toxic substances control agreement

and the water quality agreement signed by the United States and Canada.

(b) The fund is established to finance and support state and regional projects related to the protection, research and cleanup of the Great Lakes.

(c) Earnings and interest from the fund will be available to this state for all of the following purposes:

1. To ensure a stable and predictable funding commitment for Great Lakes water quality.

2. Data collection and analysis of the economic, environmental and human health effects of contamination in the Great Lakes.

3. Development of new or improved environmental clean-up technologies applicable to the Great Lakes.

4. Research to assess the effectiveness of pollution control policies affecting the Great Lakes.

5. Assessment of the health of Great Lakes fish, waterfowl and other organisms.

(d) The fund will be operative when it is executed by this state and at least 3 other states under the articles of incorporation of the fund.

(2) The governor shall nominate 2 persons to represent this state on the board of directors of the Great Lakes protection fund. Those persons shall be appointed with the advice and consent of the senate.

History: 1989 a. 31.

14.85 Mississippi river parkway commission.

(1) There is created a Mississippi river parkway commission consisting of the following members:

(a) One member from each of the counties of Buffalo, Crawford, Grant, La Crosse, Pepin, Pierce, Trempealeau and Vernon.

(b) Two senators and 2 representatives to the assembly. The 2 major political parties shall be represented in the membership from each house.

(2) The secretary of commerce, the secretary of tourism, the secretary of natural resources, the secretary of transportation and the director of the historical society, or their designees, shall serve as nonvoting members of the commission.

(3) Each member under sub. (1) shall be appointed by the governor for a 4-year term. Any vacancy shall be filled for the balance of the unexpired term by the governor as soon as practicable.

(4) The commission shall elect its own chairperson and officers other than a chairperson from among its members as its work requires. The commission chairperson shall:

(a) Be the sole voting representative of this state at meetings of the national Mississippi river parkway commission.

(b) Report to the commission on the activities of the national Mississippi river parkway commission.

(c) Serve as commission secretary, designate a member of the commission to serve as commission secretary or require an election by the commission of a commission secretary.

(d) Notify the members of meetings of the commission and keep a record of its proceedings, or delegate these responsibilities to the commission secretary.

(5) The commission shall:

(a) Assist in coordinating the development and preservation of the great river road in Wisconsin and its embellishments, such as scenic easements, roadside parks and scenic overlooks.

(b) 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.

(c) Cooperate 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.

(d) Consult with the appropriate regional planning commissions regarding the Mississippi river parkway.

(e) Assist in promoting as an attractive travel destination the great river road in Wisconsin and the unique historical, cultural, aesthetic and recreational features along the route of the great river road, such as local communities, off-road parks and forests, and water-oriented facilities.

(6) The commission shall meet quarterly and may meet at other times on the call of the chairperson.

(7) The departments and agencies of this state shall, within existing appropriations and to the best of their respective abilities, cooperate with the commission in the execution of its functions.

(8) (a) The annual membership dues for the commission shall be paid from the appropriation under s. 20.395 (4) (aq).

(b) The members of the commission shall serve without compensation but, except as provided in par. (c), shall be reimbursed from the appropriation under s. 20.395 (4) (aq) for 75% of actual and necessary expenses incurred in performing their duties under guidelines for reimbursement established by the department of transportation.

(c) The chairperson of the commission shall be reimbursed from the appropriation under s. 20.395 (4) (aq) for all actual and necessary expenses incurred in performing his or her duties under guidelines for reimbursement established by the department of transportation.

(d) If permitted by law, any state agency or local public body, board, commission or agency may allocate funds under its control to fund programs recommended by the commission. If the department of commerce determines that a program recommended by the commission to undertake activities relating to the promotion of economic development is consistent with the department's statewide economic development plans, priorities and resources, the department shall have primary responsibility to support the activities of the program. If the department of tourism determines that a program recommended by the commission to undertake activities relating to the promotion of tourism is consistent with the department's statewide tourism marketing plans, priorities and resources, the department shall have primary responsibility to support the activities of the program.

(9) The commission may establish a technical committee to advise the commission. The members of the committee shall include at least one employe each from the department of transportation, the department of tourism and the department of commerce. The commission shall request the department of transportation, the department of tourism and the department of commerce to designate employes to serve on the committee and may request any other state agency to designate an employe to serve on the committee.

(10) Unless specifically provided otherwise by the commission with respect to committees or other similar bodies, a majority of the voting members constitute a quorum to do business.

History: 1975 c. 39, 199; 1977 c. 418; 1979 c. 34 s. 2102 (52) (a); 1985 a. 29 s. 3202 (51); 1991 a. 39; 1995 a. 27 ss. 66 to 68, 9116 (5).

14.90 **Midwestern higher education commission.**

(1) There is created a midwestern higher education commission as specified under s. 39.80 (2) (a) consisting of the following members representing this state:

(a) The governor or his or her designee.

(b) One representative to the assembly appointed by the speaker to the assembly for a 2-year term.

(c) One senator appointed by the president of the senate for a 2-year term.

(d) One member representing higher education appointed by the governor for a 4-year term.

(e) One member representing higher education appointed by the governor for a 2-year term.

(2) The members of the commission shall serve without compensation but shall be reimbursed from the appropriation under s. 20.505 (3) (be) for actual and necessary expenses incurred in the performance of their duties. The commission has the powers and duties granted and imposed under s. 39.80.

(3) From the appropriation under s. 20.505 (3) (be), the department of administration shall pay the costs of membership in and costs associated with the midwestern higher education compact.

History: 1993 a. 358, 491.

SUBCHAPTER VI

OFFICE OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

NOTE: Chapter 14, Subchapter VI (title) is created eff. 1–1–96 by 1995 Wis. Act 27. The treatment by Act 27 was held unconstitutional and declared void by the Supreme Court in *Thompson v. Craney*, case no. 95–2168–OA.

14.91 **Creation of office of the state superintendent of public instruction.**

There is created an office of the state superintendent of public instruction attached to the department of education under s. 15.03. The office shall be under the direction and supervision of the state superintendent of public instruction.

NOTE: This section is shown as created eff. 1–1–96 by 1995 Wis. Act 27. The treatment by Act 27 was held unconstitutional and declared void by the Supreme Court in *Thompson v. Craney*, case no. 95–2168–OA.

History: 1995 a. 27.

14.93 **Duties of state superintendent of public instruction.**

(1) The state superintendent of public instruction shall do all of the following:

(a) Visit, ascertain the condition of and stimulate public interest in the public elementary and secondary schools of this state.

(b) Advocate for the needs of the children of this state and the school districts of this state.

(c) Provide information to the public on the public elementary and secondary schools and school districts of this state.

(d) Annually submit to the governor, and to the legislature under s. 13.172 (2), a plan for improving the public elementary and secondary schools of this state and for improving the academic achievement of public elementary and secondary school pupils.

(e) Annually by October 1, report to the legislature under s. 13.172 (2) his or her activities during the previous fiscal year.

(2) The state superintendent of public instruction may do all of the following:

(a) Designate a staff member as the state superintendent's representative on any body on which the state superintendent is required to serve.

(b) Attend such educational meetings and make such investigations as the state superintendent deems important and as will acquaint the state superintendent with the different systems of public schools in the United States.

NOTE: This section is shown as created eff. 1–1–96 by 1995 Wis. Act 27. The treatment by Act 27 was held unconstitutional and declared void by the Supreme Court in *Thompson v. Craney*, case no. 95–2168–OA.

History: 1995 a. 27.