

TITLE III.

General Organization of the State, Except the
Judicial Department.

CHAPTER 13.

LEGISLATURE.

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13.01 Number of legislators. The senate consists of thirty-three and the assembly of one hundred members.

13.02 Regular sessions. The regular session of the legislature shall commence at twelve o'clock M. on the second Wednesday of January in each odd-numbered year.

13.03 Oaths of members. The speaker of the assembly, president of the senate, the governor, secretary of state, attorney-general, any court of record or the clerk thereof, or any justice of the supreme court may administer the oath of office to the members and officers of the legislature. Such oath shall be filed with the secretary of state.

13.04 Compensation certificate. The presiding officer of each house, immediately after the commencement of each regular or extra session of the legislature, shall certify to the secretary of state the names of all qualified members of the house over which he presides; also the number of miles of travel for which each member is entitled to compensation. However, when any seat is contested, and notice of such contest has been filed as provided in section 13.16, no certificate with respect to such seat, or any claimant thereof, shall be issued until the question of the right thereto is finally determined. All such certificates shall be countersigned by the chief clerk.

13.05 Standing committee. A joint standing committee, to be called the committee on finance and to consist of 14 members, 5 from the senate and 9 from the assembly, shall be appointed at the commencement of each session of the legislature. The method

of appointment of members in each house shall be governed by the rules thereof. The committee may employ a clerk. The chairmen may appoint a subcommittee on small appropriations and claims consisting of members chosen from the committee membership. The subcommittee shall meet and hold hearings at the direction of the committee and report its recommendations to the committee. The subcommittee may act on bills not exceeding \$10,000 and claims not exceeding \$2,500.

History: 1953 c. 49.

13.055 Funeral committee. A joint committee consisting of one member of the senate and two members of the assembly shall be appointed by the governor as representatives of the legislature to attend the funeral of any member of the legislature who dies during the interim of the legislative sessions, and the necessary expenses of the members of such joint committee shall be paid from the general fund.

13.057 Committee to visit state institutions. (1) A committee consisting of 3 senators and 4 assemblymen, the members of which shall be appointed as are committees in each house, is created. It shall be the duty of this committee to visit state institutions either in groups or individually. The committee shall inspect buildings, equipment, lands and management of the institutions; it shall have access to all parts of the institutions and to all inmates thereof; it shall make such examination as it may see fit of any condition found, and report in writing to the legislature such suggestions as to the needs of any institution as it may deem proper. The members of the committee shall be reimbursed their expenses as provided in s. 20.530 (1) (c). The committee shall elect one of its members as chairman and one as secretary. It shall be the duty of the chairman to have the provisions of this section carried out by the members of the committee.

(2) All departments, officers and employes in charge of the institutions or in possession of books, records or other information of the institutions shall comply with any request of and co-operate with the committee so that it may make full examination of such institutions and books, records and other information.

(2a) In addition to the workshop for the blind in the division for the blind, state department of public welfare, the committee shall also inspect other buildings, places, equipment, lands and management in said division and all the provisions of subsections (1), (2) and (3), unless clearly inapplicable, shall apply to the functions of the committee under this subsection.

(3) Expenditures made under this section shall be made upon vouchers approved by the chairman and secretary of the committee.

History: 1957 c. 394.

13.06 Reference of bills to committee on finance. All bills introduced in either house for the appropriation of money by the legislature; all accounts or claims presented in either house; and all bills providing for revenue or relating to taxation, shall be referred to the committee on finance before being passed or allowed.

13.07 Records of committee on finance. The finance committee shall keep a complete record of all bills, accounts, and claims referred to it, and of its proceedings thereon. Such record shall be deposited with the secretary of state by the chairman of the committee at the close of the session. The secretary of state, upon request therefor, shall deliver any or all such records of previous sessions to the committee on finance. Records so delivered shall be returned to the secretary of state by the chairman of the committee upon or before the close of the session.

13.08 Committees on contingent expenditures. Each house of the legislature, at the commencement of each session, shall designate a committee of its members to act as a committee on its contingent expenditures, and, by a standing rule, prescribe the duties of such committee.

13.09 Committeeman may administer oaths. Any senator or member of the assembly, while acting as a member of a committee of the legislature or of either house thereof, may administer oaths to persons to be examined before such committee.

13.095 General provisions on legislative committees. (1) **TERM.** Unless specified in the act or resolution creating a legislative committee or a committee in which there are legislative members selected by either house or the officers thereof the terms of all legislators appointed to such committees shall expire on May 1 of each odd-numbered year. This provision shall not apply to standing, select or special committees which expire when the object for which created has been accomplished.

(2) **ELIGIBILITY CEASES.** If a member of the legislature, appointed to any committee by reason of such membership, ceases to be a member of the legislature, his membership on such committee terminates on the day he ceases to be a legislator.

(3) **VACANCY IN POSTS FILLED BY LEGISLATURE.** If a vacancy occurs after sine die adjournment of the legislature, or during any adjournment for a specific period of at least 30 days, in any position held by a legislator on a committee, council or commission, and no provision for filling such vacancy exists in the statutes or rules or the existing provisions cannot be exercised, the legislative council may fill such vacancy, and such appointment shall expire as do the original appointments. This provision shall not affect s. 17.20 (2).

(4) **REPORT OF LEGISLATIVE APPOINTMENTS.** The chief clerk of each house shall file a duplicate of each report required by s. 14.69 with the executive secretary of the legislative council.

History: 1957 c. 59.

13.10 Chief clerks. Each house, at the commencement of each regular session, shall elect a chief clerk who shall perform all such duties as by custom appertain to his office and all duties imposed by law. In the absence of the chief clerk his duties shall be performed by one of the clerks acting under him, appointed by him in writing.

13.11 Chief clerks' duties. The chief clerk of each house shall be personally responsible for the safe-keeping of every bill, memorial, joint resolution or other document or paper pertaining to legislation, which comes to his hands or to the hands of his deputy or assistant from any member, committee or officer of the legislature or of either branch thereof; and he shall keep a full record thereof, and shall enter in such record the disposition made of the same; and such chief clerks, at the close of each session shall deposit for safe-keeping in the office of the secretary of state all books, bills, documents and papers in the possession of the legislature, correctly labeled, folded and classified. The chief clerk of the house in which a joint resolution or resolution originates shall deposit a copy of such resolution or joint resolution in the office of the secretary of state immediately upon its adoption by the legislature and enrollment.

History: 1957 c. 125

13.12 Sergeants at arms. Each house, at the commencement of each regular session, shall elect a sergeant at arms who shall perform all such duties as by custom appertain to his office and all duties imposed by law.

13.13 Arrest of officers. No officer of the senate or assembly, while in actual attendance upon the duties of his office, shall be liable to arrest on civil process.

13.14 Legislative employes. Appointment and employment of legislative employes shall be in accordance with the following:

(2) Appointments shall be made from the civil service eligible lists in the manner prescribed by the rules of the house wherein the appointment is made.

(4) The chief clerk shall have supervision over all clerical work for his house and shall assign and reassign such work and his assistants so as to expedite business.

(5) The sergeant at arms shall have supervision over the postmaster, document room attendants, janitors, messengers and his other assistants, and he shall assign and reassign them so as to expedite business. The sergeant at arms of each house may detail subordinates after the close of the session for such work as he may direct.

(6) The chief clerk of each house may detail clerks after the close of the session for mailing, indexing, proof reading, completing the bulletin and for such other work as he may direct.

(7) Any legislative employe whose employment is not expressly authorized by law, shall be paid only by an act of the legislature.

History: 1951 c. 357.

13.145 State departments to co-operate in providing legislative help. (1) Because of the difficulty in securing necessary help to fill legislative positions in regular sessions of the legislature, due to the manpower shortage, each department and agency of the state government and the employes thereof shall co-operate with the legislature to the fullest extent in the transfer to the legislature of such employes, male and female, as are necessary to fill all legislative positions.

(2) In December preceding each regular session the bureau of personnel is directed to determine the approximate total number of transfers required, in view of the number of applicants for examination, and to ascertain the number and names of employes who will be made available for transfer to the legislature for employment in legislative positions. If necessary, the bureau of personnel with the approval of the legislative council, shall allot to the several departments and agencies upon such equitable and practical basis as the bureau may determine a proportionate number of employes to be made available for transfer and the departments and agencies shall fulfill such allotment.

(3) All employes so transferred shall receive such compensation as may be prescribed by law for such legislative positions. Such employes shall retain uninterrupted their civil service rating, sick leave, vacation and other rights under chapter 16 and after termination of their employment in such legislative positions shall be returned to the respective departments and agencies from which they were transferred for resumption of their regular employment.

13.146 Printing of bills before the session. (1) Bills and resolutions by individual members of the legislature, or prepared by the legislative council and submitted with its report to the governor and the legislature or to any special session with recommendation for introduction in accordance with s. 13.35 (9) may, upon request of the council, or individual member be ordered printed by the legislative reference library when the legislature is not in session. Bills and resolutions printed pursuant to such order shall be charged to the appropriation for the legislature and shall be delivered to the care of the legislative reference library at the respective document rooms of the 2 houses. Distribution of such printed bills and resolutions shall not be made until the session convenes.

(2) Upon request of any interim legislative group, when approved by a vote of at least two-thirds of the membership thereof, not to exceed an additional 1,000 copies of bills (identifying the same) resulting from major research studies prepared by such legislative group shall also be ordered printed and may be distributed by such group prior to the convening of the legislature.

History: 1951 c. 734; 1953 c. 589.

13.15 Pay roll legislative employes. The chief clerk and sergeant at arms of each house shall certify to the director of budget and accounts the pay rolls for legislative employes which shall set forth the names of all persons employed in their respective departments, the capacity in which employed, and the amounts respectively due them, and such certificates shall be approved by the presiding officer of the house in which they are employed.

13.16 Election contests; notice. Any person wishing to contest the election of any senator or member of the assembly shall, within thirty days after the decision of the board of canvassers, serve a notice in writing on the person whose election he intends to contest, stating briefly that his election will be contested and the cause of such contest; and shall file a copy thereof in the office of the secretary of state at least ten days before the day fixed by law for the meeting of the legislature. If any contestant fails to so file a copy of such notice, he shall not be entitled to any mileage or salary in case payment has been made therefor to the sitting member.

13.17 Testimony in election contests. (1) After the service of the notice required by section 13.16 either party may proceed to take the depositions of witnesses before any judge, court commissioner or justice of the peace in the district where the contest is pending, upon giving ten days' notice in writing to the opposite party of the time and place at which and the officer before whom such depositions will be taken; but no deposition shall be taken after the last Monday preceding the day fixed by law for the meeting of the legislature, except in case of sickness or unavoidable absence of witnesses.

(2) The officer before whom such depositions are taken shall carefully envelope and seal up the same, indorse on the envelope the names of the contestant and contestee, and direct the depositions so indorsed to the presiding officer of the branch of the legislature by which the contest is to be determined.

(3) The depositions so taken may be used and read in evidence by either party upon the hearing of such contest, and no other depositions than those so taken shall be used or heard, nor shall such branch of the legislature, by its committees or otherwise, hear or seek to procure other testimony, but shall proceed forthwith to determine the contest upon the depositions so furnished.

13.18 Expenses of election contest; limitation. No sum in excess of three hundred dollars shall be allowed by the legislature to any contestant or contestee for any fees or expenses of any kind incurred in a contest over a seat in either branch of the legislature.

13.19 Contempt. Each house may punish as a contempt, by imprisonment, a breach of its privileges or the privileges of its members; but only for one or more of the following offenses:

(1) Arresting a member or officer of the house, or procuring such member or officer to be arrested in violation of his privilege from arrest.

(2) Disorderly conduct in the immediate view of the house and directly tending to interrupt its proceedings.

(3) Refusing to attend or be examined as a witness, either before the house or a committee, or before any person authorized to take testimony in legislative proceedings, or to

produce any books, records, documents, papers or keys according to the exigency of any subpoena.

(4) Giving or offering a bribe to a member, or attempting by menace or other corrupt means or device, directly or indirectly, to control or influence a member in giving his vote or to prevent his giving the same; but the term of imprisonment such house may impose for any contempt specified in this section shall not extend beyond the same session of the legislature.

13.20 Punishment for contempt. (1) Whenever either house of the legislature orders the imprisonment of any person for contempt under the provisions of s. 13.19, such person shall be committed to the common jail of the county of Dane, and the jailer shall receive such person and detain him in close confinement for the term specified in the order of imprisonment, unless he shall be sooner discharged by the order of such house of the legislature or by due course of law.

(2) Any person who shall be adjudged guilty of any contempt of the legislature of this state or either house thereof shall be deemed guilty also of a misdemeanor, and after the adjournment of such legislature may be prosecuted therefor in the county of Dane, and be punished by imprisonment in the county jail not more than one year or by fine not exceeding \$200.

History: 1955 c. 696 s. 3, 189.

13.21 Claims against the state for past services. The chief clerk of each house shall transmit to the attorney-general, immediately after the filing of the original at his desk, a copy of every petition, memorial or bill for the payment of money by the state to any person for past services. The chairman of the committee to which any such petition, memorial or bill is referred shall immediately notify the attorney-general of the time and place the same will be considered by said committee. The attorney-general shall appear in person or by his assistant before said committee at such time and place, and from time to time thereafter if required by the committee, and give counsel in relation to the liability of the state thereon, and act for the state in all things connected therewith.

13.22 Journals. A journal of the senate and assembly shall be kept under the direction of the chief clerks of the respective houses, which, when completed, shall be printed as provided by law. After the index is completed the chief clerk of each house shall cause one copy of the journal of his house to be printed on bond paper and to be bound and lettered properly; shall attach thereto his certificate in writing that the same is the journal of such house, and shall deliver such journal to the secretary of state to be deposited in his office. Such printed journals shall be the official record of each house of the legislature.

13.23 Interpellation of officers. (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 appointive state officer shall appear before that branch of the legislature to which the petitioning members belong, to answer written and oral interrogatories relative to any matter, function, or work of such officer, 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 employe or subordinate of such officer, 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 officer. 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 appointive state officer made subject thereto by subsection (1) before a joint session of the two branches of the legislature, such officer shall appear before such joint session and answer written and oral interrogatories as to any matters included in subsection (1).

13.24 Time for interpellation and procedure. (1) Upon the filing of any petition, as prescribed by section 13.23, 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 officer named therein.

(2) 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.

13.245 State officers, removed by legislature. Any appointive state officer after being examined as provided in sections 13.23 and 13.24 may be removed by the legislature by joint resolution adopted in each house by a majority of the members elected to such house. The power to remove appointive state officers provided in this section is additional to and shall not be construed as destroying the right of removal by other persons.

13.25 Witnesses; how subpoenaed. The attendance of witnesses before any committee of the legislature, or of either house thereof, appointed to investigate any subject matter, may be procured by subpoenas signed by the presiding officer and chief clerk of the senate or assembly. Such subpoenas shall state when and where, and before whom, the witness is required to appear, and may require such attendance forthwith or on a future day named, and the production of books, records, documents and papers therein to be designated; and may also require any officer of any corporation or other person having the custody of the keys, books, records, documents or papers of any such corporation to produce the same before such committee. Such subpoenas may be served by any person and shall be returned to the chief clerk of the house which issued the same in the manner in which subpoenas from the circuit court are served and returned.

13.26 Summary process; custody of witness. (1) Upon the return of a subpoena issued under section 13.25, duly served, and upon filing with the presiding officer of the house from which the subpoena issued a certificate of the chairman of the committee certifying that any person named therein failed or neglected to appear before the committee in obedience to the mandate of such subpoena, summary process to compel the attendance of such person shall be issued.

(2) Such summary process shall be signed by the presiding officer and chief clerk of the house which issued the subpoena, and shall be directed to the sergeant at arms thereof commanding him "in the name of the state of Wisconsin" to take the body of the person so failing to attend, naming him, and bring him forthwith before the house whose subpoena he disobeyed; and when so arrested he shall be taken before the committee desiring to examine him as a witness, or to obtain from him books, records, documents, or papers for their use as evidence, and when before such committee such person shall testify as to the matters concerning which he is interrogated.

(3) When such person is not on examination before such committee he shall remain in the custody of the sergeant at arms or in the custody of some person specially deputed for that purpose; and the officer having charge of him shall from time to time take him before such committee until the chairman of the committee certifies that the committee do not wish to examine such person further. Thereupon such witness shall be taken before the house which issued the summary process and that house shall order his release, or may proceed to punish him for any contempt of such house in not complying with the requirements of this chapter or of any writ issued or served as herein provided.

13.27 Service of process. Either house ordering any summary process may also direct the sergeant at arms to specially depute some competent person to execute the same, and such deputation shall be indorsed on such process in writing over the signature of the sergeant at arms to whom the same is directed, and the person so deputed shall have the same power as said sergeant at arms in respect thereto, and shall execute the same according to the mandate thereof, and for that purpose said sergeant at arms or his deputy may call to his aid the power of the county wherein such writ is to be executed the same as the sheriff of such county could do for the purpose of arresting a person charged with crime under process issued by a court of competent jurisdiction; and any sergeant at arms having any person in custody by virtue of any such summary process may depute any other person to have charge of the person so in his custody, and the person so deputed shall have the same power over such person as is conferred upon the sergeant at arms.

13.28 Refusal to testify. Every refusal to testify or answer any question, or to produce keys, books, records, documents or papers before any committee included within the provisions of section 13.25 shall be forthwith certified to the proper house by the chairman of such committee. Such certificate shall be transmitted, and the person so refusing taken, by the sergeant at arms or one of his assistants, before such house to be dealt with according to law.

13.29 Liability of witnesses. No person who is required to testify before either house of the legislature or a committee thereof, or joint committee of the two houses, and is examined and so testifies, shall be held to answer criminally in any court or be subject

to any penalty or forfeiture for any fact or act touching which he is required to testify and as to which he has been examined and has testified, and no testimony so given nor any paper, document or record produced by any such person before either house of the legislature or any such committee shall be competent testimony or be used in any trial or criminal proceeding against such person in any court, except upon a prosecution for perjury committed in giving such testimony; and no witness shall be allowed to refuse to testify to any fact, or to produce any papers, documents or records touching which he is examined before either house or any such committee, for the reason that the testimony touching such fact, or the production of such papers, documents or records may tend to disgrace him or otherwise render him infamous.

13.30 Witness fees. The compensation of all witnesses who are subpoenaed and appear pursuant to section 13.25 shall be \$2 for each day's attendance and 10 cents per mile, one way, for travel to attend as such witness. The director of budget and accounts shall audit the accounts of such witnesses upon the certificate of the chairman of the committee before which any such witness has attended, stating the number of days' attendance and the distance he has traveled, and the accounts so audited shall be paid out of the state treasury, and charged to the appropriation for the legislature.

13.35 Joint legislative council. (1) There is created a joint legislative council, consisting of 6 senators and 9 assemblymen, one of whom shall be the president pro tempore of the senate and one of whom shall be the speaker of the assembly, and the remainder to be appointed as are standing committees in the respective houses, and at least one shall be appointed from each congressional district; and the remaining 5 from the state at large. The terms of all members shall expire on May 1 in each odd-numbered year. The council shall elect from its membership a chairman and a secretary.

(2) The council may appoint committees consisting of members of the legislature and such citizens having special knowledge on a particular subject as the council may determine, to study and report on assigned subjects. The members of such committees shall be certified to the secretary of state. One member of the council shall be ex officio a member of each committee. A vacancy on such council shall be filled by the speaker of the house in case of members of the assembly and by the president of the senate in case of the senate members. A vacancy on any committee shall be filled as in the case of original appointment.

(3) The council shall make such surveys and studies, and compile such data, information and records on any question which may be referred to it for interim study and investigation or on such other matters as in its judgment will be beneficial to the general welfare of our state. To this end the council shall:

(a) Maintain liaison with federal, state and local officials and agencies concerned with planning, housing, veterans' administration and the public welfare.

(b) Prepare studies of the methods of financing education, veterans' benefits and planning projects, including, if necessary, the acquisition of additional revenue therefor.

(c) To conduct research and secure information or data on any subject concerning the government and general welfare of the state and of its political subdivisions.

(d) To make recommendations for legislative or administrative action on any subject or question it has considered, including the introduction of such bills as may be deemed advisable.

(e) The enumeration of specific powers, duties or functions herein shall not be deemed a limitation of the functions of the council, but the council may make such studies and surveys and prepare and compile such data and information as it may deem advisable on any phase of any problem referred to it or which it may determine to investigate.

(4) The council or any committee thereof when so authorized by the council is empowered to hold public hearings at such times and places within the state as may be determined, and to make such investigations and surveys as deemed advisable or necessary to accomplish the purposes and intent of this section. Any member of the council or of any committee shall have the power to administer oaths to persons testifying before the council or any committee. By subpoena, issued over the signature of its chairman, or acting chairman, and served in the manner in which circuit court subpoenas are served, the council, or any committee when authorized by the council, may summon and compel the attendance of witnesses. If any witness subpoenaed to appear before said council, or any committee thereof, shall refuse to appear or to answer inquiries propounded, the council or committee shall report the facts to the circuit court of Dane county, and it shall be the duty of such court to compel obedience to such subpoena by attachment proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

(5) Any subject proposed for study or investigation during the interim between legislative sessions shall be referred to and considered by the legislative council. If the council determines that proposed study or investigation is feasible and is not within a subject already assigned, the council shall appoint a committee to conduct such study or investigation.

(6) The council may require that any recommendation for legislation to be presented by any department, official or agency of the state government be presented to it for consideration at least 90 days prior to the regular session.

(7) The members of the council or the committees shall receive no compensation for their services but they shall be reimbursed for expenses actually and necessarily incurred in the performance of their duties. The council may employ an executive secretary, stenographers and clerks and such technical assistants as may be necessary within or without the provisions of chapter 16, and determine the qualifications and fix the compensation of such personnel. The council or any committee may call upon any state department, agency or officer, or any agency of any political subdivision for such facilities and data as may be available and such departments and agencies shall co-operate with the council or any committee to the fullest possible extent.

(8) The council, or any committee appointed by it, may meet at such time and place as it may determine, but the council shall meet at least once every 3 months. It shall meet upon call of the chairman or a call signed by 5 members of the council. Eight members shall constitute a quorum and a majority of such quorum may act in any matter within the jurisdiction of the council.

(9) The council shall submit a report of its findings, conclusions and recommendations to the governor and the legislature prior to the opening of the session, and may submit a report to any special session. It may submit with its report and recommend for introduction drafts of only such bills and resolutions as it shall first determine to recommend for introduction and passage by at least a two-thirds vote of its membership.

(10) The council shall be provided with adequate office space in the capitol building, preferably in such rooms as are assigned to legislative committees during regular sessions.

History: 1953 c. 589.

13.351 Long range public building program. (1) **POLICY.** The legislature of 1949 hereby finds and determines that it is necessary to improve the adequacy of the public building facilities that are required by the various state agencies including the educational institutions, for the proper performance of their duties and functions, and that it is in the interest of economy, efficiency and the public welfare that such improvement be accomplished by means of a long-range public building program, with funds to be provided by successive legislatures. Projects in such long-range program shall include the necessary lands, new buildings, and all facilities and equipment required and also the remodeling, reconstruction and re-equipping of existing buildings and facilities, but shall not include ordinary maintenance.

(2) **STATE BUILDING COMMISSION; POWERS AND DUTIES.** (a) There is created a state building commission which shall consist of the governor, who shall be chairman, and 6 members of the legislature of whom 3 shall be from each house, to be appointed as are standing committees in the respective houses, provided that of the members appointed from either house, one shall be a member of the visiting committee created by s. 13.057, and one citizen member to be appointed by the governor who shall serve at the pleasure of the governor as an ex officio member. The state chief engineer, the state architect, and the director of budget and accounts shall be advisory members with no voting power. The terms of all legislative members shall expire on May 1 in each odd-numbered year. The members shall act without liability except for misconduct, and shall receive no compensation for their services but they shall be reimbursed for travel expenses actually and necessarily incurred in the performance of their duties out of the appropriation made in s. 20.350 (5).

(b) The commission shall have all the powers that are necessary to carry out its duties and is authorized to accept all donations, gifts and bequests made to the state for public building purposes, including any grants that may be made by the federal government and to apply the same in accordance with the terms of the grant or the wishes of the donors, in so far as such is practicable. In the construction of all new buildings or additions to existing buildings used for housing state offices and constructed for general state purposes and not specially for the use of any particular state agency, the state building commission shall function with respect to such construction in the same manner as other state agencies function with respect to buildings constructed for such agencies. The commission shall have authority to determine what agencies of the state shall at the outset be housed in such buildings, to assign space to such agencies and to fix the rental therefor, and, notwithstanding any other provision of statute, shall have authority to remove to such buildings any departments housed in the state capitol other than the constitutional offices. After the

completion of such buildings, they shall be in the charge of the state chief engineer as provided by section 15.77. The commission with respect to any of such buildings shall have all the powers so far as applicable as were conferred by law on the state office building commission with respect to the state office building.

(c) In performing its duties, the commission may be assisted by a technical advisory committee consisting of the director of budget and accounts, the state chief engineer, the state architect, the director of regional planning, and such other state officials and employees as the commission may require.

(d) The commission, for the purpose of carrying out s. 36.34 relating to the sale and purchase of agricultural lands of the state university, may authorize the advance of sums from the state building trust fund for the purchase price, including option payments, of agricultural lands to be acquired by the state university and for expenses incurred in selling agricultural lands presently owned by the state university, including, without limitation because of enumeration, expenses of surveying, platting, constructing and improving streets and utilities and drainage in such a way as to realize the greatest return to the state in the sale of such lands, and other selling expenses; provided that all such sums advanced shall be repaid to the state building trust fund from the appropriation made by s. 20.830 (49).

(e) 1. The state building commission shall report to the legislature at each regular session, for purposes of legislative review, the progress made from all appropriations including federal aid provided since the adjourned 1943 legislative session to carry out the state's public building program. Such report shall be part of the budget document and shall include for each state agency projects completed, under construction and contemplated from unincumbered and unallocated appropriations and for each project estimated and final costs and such other data as the commission shall determine. The governor shall include in his biennial budget message such additional amounts for projects in the state's public building program as he and the state building commission recommend should be appropriated by the legislature for the succeeding biennium.

2. It is the intent of the legislature that it be given a complete picture of the results of its past decisions regarding the state's building program which will serve as background for making further decisions.

(3) STATE BUILDING TRUST FUND. In the interest of the continuity of the program, there shall be transferred from the general fund to the state building trust fund as a building depreciation reserve, on July 1, 1957, \$3,214,000, and on July 1, 1958, \$3,214,000, and annually on July 1 thereafter, a sum equal to 2 per cent of the value of all state buildings, structures, utility plants and equipment therein excepting those under the jurisdiction of the highway commission, as appraised by the bureau of engineering in each even-numbered year. Such appraisal shall be an estimate of the cost of reproduction of such buildings, structures and facilities, and shall be certified by the state chief engineer not later than November 20 of each even-numbered year, to the incoming governor, who shall include the sums so to be transferred in his budget. Such sums, together with all donations, gifts, bequests or contributions of money or other property, and any additional appropriations or transfers made thereto by the legislature shall constitute the state building trust fund. At such times as the state building commission shall direct, the governor shall authorize releases from this fund to become available for projects in the long-range building program, and he shall direct the director of budget and accounts to allocate from this fund such amounts as are approved for these projects. In issuing such directions, the commission shall consider the cash balance in the state building trust fund, the necessity and urgency of the proposed improvement, employment conditions and availability of materials in the locality in which the improvement is to be made.

(4) STATE AGENCIES TO REPORT PROPOSED PROJECTS. Each state agency contemplating a project under this program shall report its proposed projects to the state building commission not later than August 1 of each even-numbered year. Such reports shall be as prescribed by the commission on forms provided by it, and shall show the projects proposed to be carried out within the next 3 succeeding bienniums, the estimated cost of each, and the preferred priority of execution. The first of such reports shall be made in 1950.

(5) ASSISTANCE TO COMMISSION. The state chief engineer, the state architect, the director of budget and accounts and their staffs shall assist the commission in the performance of their duties. The bureau of engineering shall, when requested by a state agency and approved by the building commission, make or cause to be made such preliminary plans and specifications, together with estimates of cost with respect to any proposed project as are necessary to permit the commission to consider intelligently the approval or disapproval of the project and the appropriation of funds. The costs of such studies shall be paid in the first instance out of the appropriation in s. 20.350 (5), but shall be a

first charge against any funds subsequently made available for the project and the amount thereof shall thereafter be repaid into the general fund and credited to s. 20.350 (5).

(6) **REVIEW OF PROJECTS.** All reports submitted as provided by sub. (4) shall be reviewed by the commission, which shall make its report not later than November 20 next succeeding. Such report shall include specific recommendations and establish priorities for the next 3 bienniums from among all projects submitted which they deem essential and shall recommend additional appropriations if necessary for the execution thereof. The commission shall include in its report an appraisal and recommendation of available and alternative methods of financing buildings for the use of state agencies and shall file copies of its report with the governor and the legislative council not later than November 20 of each year and with the chief clerks of the legislature by January 15 of odd-numbered years.

(7) **EXPANSION AT GREEN BAY REFORMATORY OUTSIDE OF WALLS PROHIBITED.** Further expansion at Green Bay reformatory outside of the walls is prohibited.

(8) **ADDITIONAL FUNDS.** There is transferred annually from the general fund to the state building trust fund an amount equal to 20 per cent of all net moneys collected in the previous fiscal year from academic student fees on behalf of the University of Wisconsin, excepting adult education fees.

(9) **ADDITIONAL FUNDS.** There is transferred annually from the general fund to the state building trust fund an amount equal to 33-1/2 per cent of all net moneys collected in the previous fiscal year from academic student fees on behalf of the state colleges, except adult education fees.

(10) **APPROVAL BY COMMISSION.** No state board, agency, officer, department, commission or body corporate shall enter into a contract or agreement for the construction, reconstruction, remodeling or addition to any building, structure, or facility, which involves a cost in excess of \$15,000 by any means whatsoever, without completion of final plans and arrangement for supervision of construction and prior approval by the state building commission, any other provision of the statutes to the contrary notwithstanding and irrespective of the source of the funds to be used for such project.

History: 1951 c. 27, 711; 1953 c. 505, 561; 1955 c. 204, 328, 467, 499; 1957 c. 259, 463, 593, 672.

13.352 Committee on Menominee Indians. (1) **CREATION.** The committee established by joint resolution No. 72, A. of 1955 to study the problems and develop specific recommendations and legislative proposals relating to the transition of the Menominee Indians from federal to state and local control is hereby continued as a committee of the legislative council.

(2) **COMPOSITION.** The committee shall be composed of the following:

- (a) Three members to be named by the Menominee Indian tribe.
- (b) Two members, one each from Oconto and Shawano counties, to be named by the county board of those counties.
- (c) Eight members representing the following state departments, such members to be the department head or a representative named by him:
 1. The department of taxation;
 2. The attorney general;
 3. The state department of public welfare;
 4. The state superintendent of public instruction;
 5. The highway commission;
 6. The conservation commission;
 7. The state board of health;
 8. The governor's commission on human rights.

(d) Three legislators, one senator and 2 assemblymen, to be named by the legislative council.

(3) **INCUMBENT TO SERVE.** The members appointed pursuant to joint resolutions No. 72, A. and 119, A. of 1955 shall continue in office.

(4) **COMPENSATION.** The expenses incurred in attending meetings of the committee shall be paid as follows:

- (a) The tribe shall pay the expenses of the tribal representatives.
- (b) The counties shall pay the expenses of the county board representatives.
- (c) The state departments shall pay the expenses of their representatives.
- (d) The legislative council shall pay the expenses of the legislative representatives.

(5) **DUTIES.** The committee shall study the problems created by the transfer of controls of the Menominee Indian tribe from federal to state and local control in such fields as taxation, public welfare, education, highways, law enforcement and the adjustments required in the statutes to implement such transfer.

(6) REPORT. The committee shall report from time to time to the legislative council in accordance with the time schedule made possible by the action of congress.

(7) CO-OPERATION. The committee is directed to co-operate with the secretary of interior and the several state departments in formulating plans for the future control of tribal property.

History: 1957 c. 464.

13.355 Approval of construction projects. All projects including all necessary buildings, improvements, facilities, equipment and other capital items involving the expenditure of \$50,000 or more of public money proposed by the conservation commission shall be approved by the legislature by joint resolution if proposed during the period of a regular session of the legislature or by the state building commission if proposed when the legislature is not in session before any contracts are let or any work begun on such projects.

History: 1953 c. 588.

Revisor's Note: See also 13.351 (8) which requires approval by the building commission of all construction contracts over \$15,000.

13.36 Legislator's eligibility to other civil office. Any member of the legislature who, during the term for which he was elected, is appointed or elected to any other civil office, the emoluments of which were increased during his term of office as a member of the legislature, shall be eligible to appointment or election to such office but shall be entitled to compensation only at the rate in effect prior to such increase. Any former member of the legislature, who, after expiration of the legislative term for which he was elected, is appointed or elected to any other civil office, shall be entitled to the full statutory compensation and expenses therefor.

13.40 Joint survey committee on retirement systems. (1) There is created the joint survey committee on retirement systems to be composed of 7 members, as follows:

(a) Two members of the senate and 2 members of the assembly, to be appointed in the manner in which appointments are made to standing committees in the respective houses.

(b) An assistant attorney-general to be appointed by the attorney-general.

(c) Any member of the public to be selected by the governor.

(d) The commissioner of insurance who shall serve ex officio, or he may designate an experienced actuary in the department of insurance to serve on the committee in like capacity, which designation may be revoked by him.

(2) Each appointment under subsection (1) (a), (b) and (c) shall be for a period of 4 years, the terms of such members first appointed to begin April 1, 1947. Each member shall serve until his successor is appointed and qualified. Any member shall forthwith cease to be a member of the committee upon losing the status upon which the appointment was based. Vacancies, either for a full term or an unexpired term, shall be filled in the original manner.

(3) The committee members shall receive no compensation for such service, but shall be reimbursed for any actual and necessary expense incurred because of membership on the committee. Membership on the committee shall not be incompatible with any other public office.

(4) The committee shall select a chairman, a vice-chairman and a secretary from its members, and shall adopt such rules as are necessary. It may employ a recording secretary and such personnel as are required for the performance of its duties, at such compensation as shall be in conformity with ch. 16 and s. 20.530 (20). It may also employ or contract for actuarial and technical assistance which shall not be subject to ch. 16.

(5) The committee shall be furnished adequate quarters in the state capitol building.

(6) The committee shall keep a written record of its proceedings. All actions shall require the approval of a majority of all the members.

(7) The committee shall have the following powers and duties:

(a) No bill creating or modifying any system for, or making any provision for, the retirement of or payment of pensions to public officers or employes, shall be acted upon by the legislature until it has been referred to the joint survey committee on retirement systems and such committee has submitted a written report on the proposed bill. Such report shall pertain to the probable costs involved, the effect on the actuarial soundness of the retirement system, and the desirability of such proposal as a matter of public policy.

(b) The committee may investigate and report to the legislature on any retirement system for public employes. The officers and employes of any such system shall co-operate fully with the committee in any such investigation.

(c) The committee may hold hearings and any member shall have the power to administer oaths and examine witnesses. By subpoena, issued over the signature of its

chairman and served in the manner in which circuit court subpoenas are served, it may summon and compel the attendance of witnesses and the production of all books, papers, documents or records necessary or convenient to be examined and used by them in carrying out their functions under this section. If any witness so subpoenaed to appear before the committee shall refuse to appear or to answer inquiries propounded or shall fail or refuse to produce books, papers, documents or records within his control when the same are demanded, the committee shall make report thereof to the circuit court of Dane county whose duty it is to compel obedience to any such subpoena by attachment proceedings for contempt as in case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(d) The committee may require of officers or employes having charge of, control over or administering any public employe pension or retirement plan financial reports thereof showing the financial condition of such plan and the number, nature and amounts of its investments.

(e) Each retirement fund or system to which the state contributes shall furnish the committee with a copy of each financial, actuarial and valuation report made by such fund or system, its actuary or treasurer, for the fiscal year beginning in 1957 and thereafter.

(f) Each retirement fund or system to which the state contributes shall maintain records in such form that the committee or any other authorized agency can obtain such necessary information as it may require. Such information shall include censuses of active, deferred annuitant, and retired annuitant classes by age, sex and membership service.

(g) It shall establish and keep current a library of all public employe pension and retirement plans throughout the United States and may study such plans of foreign countries.

(8) No bill creating or modifying any system for the retirement of public employes shall be considered by either house until the written report required by sub. (7) (a) has been submitted to the chief clerk. Each such bill shall then be referred to a standing committee of the house in which introduced. The report of the joint survey committee shall be printed as an appendix to the bill and attached thereto as are amendments. Such printing shall be in lieu of inclusion in the daily journal of the house in which the bill was introduced.

(9) (a) Whenever a public employe qualifies for membership in the Wisconsin retirement fund or the state teachers retirement system, but a question or dispute arises as to which of the 2 retirement systems he should be a member of, a petition may be filed with the committee requesting that the committee determine in which of said systems such person is eligible for membership. The petition may be made by the public employe, his employer, the board of trustees of the Wisconsin retirement fund, the state teachers retirement board, or the director of budget and accounts.

(b) Upon the filing of any such petition the committee shall investigate the facts of the case and make its decision on the basis of such facts and the applicable statutes. The committee may conduct a hearing on any such petition if it deems such hearing necessary. The committee shall render its decision in writing, briefly stating the reasons therefor or referring to previous decisions.

(c) The committee shall furnish a copy of such decision to the petitioner, the Wisconsin retirement fund and the state teachers retirement system. To the extent possible such decisions may be followed as precedents applicable to similar cases. The decisions of the committee under this subsection may be reviewed under ch. 227. In the absence of such review the decision of the committee shall be followed by the Wisconsin retirement fund and the state teachers retirement system.

(d) If the duties of the position of any such public employe include both teaching and the performance of other services, the committee shall make its determination according to the type of activity which occupies the majority of the working time of the employe.

(e) A public employe who is a member of the Wisconsin retirement fund or the state teachers retirement system on the effective date of this subsection (1957) shall remain a member of such fund or system, if he continues to occupy the same position, and the procedure set forth in this subsection shall not apply to such member.

History: 1957 c. 30, 355.

13.45 Committee on physical plant maintenance. (1) **PURPOSE.** In order to call the attention of the legislature to the dangers of permitting the capitol, state office building, executive mansion and heating plant to deteriorate and to propose a comprehensive plan for the systematic maintenance of these structures, the committee on physical plant maintenance is created.

(2) **ORGANIZATION.** The joint legislative committee on physical plant maintenance is created under the legislative council consisting of one senator and 2 assemblymen who possess substantial experience in construction and related fields, appointed as are stand-

ing committees in the respective houses. The committee shall expire May 1, 1959, and members are not disqualified because they cease to be legislators. The committee shall elect a chairman and secretary from among its membership. The members shall be reimbursed for their necessary expenses as provided in s. 20.530 (1) (c).

(3) DUTIES. It is the duty of the committee to:

(a) Thoroughly investigate the state of repair of the capitol and state office building.

(b) Determine the existing schedule of repairs and maintenance and the adequacy of this schedule.

(c) Project the necessary personnel, materials and supplies required annually to maintain these structures in an adequate state of repair, and make specific budget recommendations to accomplish this purpose.

(d) Consider the adequacy of the methods of handling visitors to the state capitol, and make recommendations for any improvement.

(e) Consider the adequacy of the elevator service and make recommendations for any improvement.

(f) Investigate, in co-operation with experts of the safety division of the industrial commission, as to whether or not the capitol and state office building conform to the safety and health standards required of other public buildings.

(g) Investigate the housekeeping of the capitol and state office building to determine the adequacy of the staff, the effectiveness of their work and ways and means of preventing the indiscriminate discarding of refuse in the buildings.

(h) Study legislative space use including hearing room, office and other space requirements with the view to relieving congestion and provide more suitable and adequate facilities.

(i) Report its findings, conclusions and recommendations to the legislative council on or before November 1, 1958.

(4) CO-OPERATION. The several departments of the state government are directed to co-operate with the committee in providing information required for their investigation.

History: 1957 c. 462.

13.47 Committee to study mental health and programs for children and youth.

(1) CREATION. There is created under the administration of the legislative council a committee to study mental health and programs for children and youth. All members of the committee, except ex officio members, shall be appointed by the legislative council. The committee shall make such study during the 1957-1959 legislative interim.

(2) COMPOSITION. The committee shall be composed of 11 members. Of these:

(a) Three shall be members of the senate and 3 shall be members of the assembly. Of these 6 one shall be a member of the legislative council, and at least one assemblyman and one senator shall be members of the minority political party.

(b) Three shall be citizens who have demonstrated knowledge and interest in the problems of mental health, programs for children and youth and juvenile delinquency.

(c) The heads of the divisions of mental hygiene and of children and youth of the state department of public welfare shall be ex officio members without voting powers.

(3) ADVISORY COMMITTEE. (a) The committee is authorized to appoint and confer with an advisory committee composed of such persons as may, in the opinion of the committee, make a major contribution to the task of the committee by reason of their special knowledge and activities.

(b) The university and all state departments with responsibilities in this field are directed to co-operate with the council in providing such pertinent information as may be requested and are authorized to release employees to assist in the study.

(4) ORGANIZATION. The committee shall first meet at the call of the executive secretary of the legislative council. It shall select a chairman, vice chairman and secretary from among its members.

(5) STAFF. The legislative council shall provide such staff as the committee may require for the completion of its task.

(6) COMPENSATION. Members of the committee and advisory committee shall receive no compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties.

(7) DUTIES. The committee shall conduct a study of the problems of mental health and programs for children and youth with special emphasis on:

(a) The improvement in the scope and degree of co-ordination of all state mental health services which are now provided by the department of public welfare, state board of health, department of public instruction and state board of vocational and adult education, including evaluation of the programs for emotionally disturbed children and the role of the Wisconsin child center.

(b) Possible methods of recruiting a larger supply of professional and ancillary personnel for the care of the mentally ill and mentally retarded.

(c) Methods of further developing alternatives and supplements to institutional care of the mentally ill and mentally retarded such as home care programs, rehabilitation and after-care services and outpatient clinics.

(d) Methods of increasing health and hospital insurance coverage so as to provide for treatment of psychiatric disorders, both on an inpatient and outpatient basis.

(e) Legal procedures for the admission of mentally ill and mentally retarded patients to public institutions including recommendations so that these procedures may be made consonant with modern medical practices.

(f) Evaluation of the programs for the prevention of delinquency including an examination of experimental programs designed to bring together at the community level all the skills necessary for successful preventive work in the field of juvenile delinquency and youth guidance;

(g) Evaluation of the programs for the physically handicapped child including exploration of the need for continued institutional educational facilities for visually handicapped and hard of hearing children and examination of the problems created by totally incapacitated children who need full-time custodial care;

(h) Evaluation of the programs for the mentally retarded child including:

1. The immediate and future needs for additional institutional facilities, and
2. Examination of existing local community services such as nursery classes, special elementary school classes and sheltered workshops.

(8) REPORT. The committee shall report its findings and recommendations to the legislative council not later than November 1, 1958. Copies of this report shall be prepared for public distribution.

History: 1957 c. 613, 672.

13.55 Governor's study committee on problems of urban expansion. (1) PURPOSE. The purpose of the governor's study committee on problems of urban expansion is to conduct studies of the problems confronting city and village governments throughout the state, except in counties having a population of 500,000 or more, resulting from urban expansion and the effect of such expansion upon adjacent communities.

(2) CREATION. The governor's study committee on problems of urban expansion is created on July 1, 1957, for the period until June 30, 1959, and shall consist of 3 senators, and 4 assemblymen, representing both urban and rural communities, who shall be appointed as are standing committees, and 8 citizens appointed by the governor, having a general interest in problems of urban expansion and its effect upon suburban and rural communities, who shall not hold public office during their appointment. None of such members shall be a resident of a county having a population of 500,000 or more. Vacancies shall be filled in the same manner as are the original appointments except that vacancies in the seat of a legislative member, occurring during the legislative interim, shall be filled by the legislative council at its next meeting following the occurrence of the vacancy.

(3) ORGANIZATION. (a) The committee is attached to the joint legislative council for administrative purposes only.

(b) The committee may employ such research staff as it deems necessary outside ch. 16.

(c) Members of the committee shall receive no compensation but shall be reimbursed for the actual and necessary expenses incurred in the performance of their duties.

(d) The committee may appoint subcommittees for the purpose of conducting studies in conformity with the purposes and duties set forth in this section. The subcommittees may include members of the committee and citizens residing in the problem areas who have demonstrated interest and competency in the matters to be studied, who shall not hold public office during their tenure.

(4) POWERS OF THE COMMITTEE. (a) The committee may hold public hearings in various parts of the state and subpoena and swear witnesses as provided in ss. 13.25 to 13.30 and may require the production of documents, books and records relevant to the subject of its inquiry.

(5) DUTIES. Except in counties having a population of 500,000 or more, the committee shall have the following specific duties which are not restricted because of enumeration:

(a) Ascertain the problems affecting cities and villages and adjacent communities resulting from urban expansion.

(b) Determine what areas of the state are or may be concerned with problems of urban expansion.

(c) Consider and recommend such revisions in the statutes as are deemed necessary to aid in the solution of the problem resulting from urban expansion.

(d) Consider the respective roles of the state and local governments in the solution of such problems.

(e) Report its findings and recommendations including specific legislative proposals to the 1959 Legislature when it convenes.

(6) **INTENT.** It is the intention of the legislature to provide for studies of problems of urban expansion throughout the state, except in counties having a population of 500,000 or more, and this section shall not be construed to preclude or limit any study of such problems by any other duly authorized committee.

(7) **GIFTS AND GRANTS.** The legislative council may accept gifts and grants for the purpose of financing this study in accordance with s. 20.953.

History: 1957 c. 544.

13.58 State marine committee to study boating and the operation of boats in the state. (1) **CREATION.** There is created on July 1, 1957, for the biennium 1957-59, a committee consisting of 2 senators and 3 assemblymen appointed as are standing committees and 7 citizens appointed by the governor for the general purpose of studying boating and the operation of boats in the state with the view to making specific recommendations for the development of a proper and adequate boating program.

(2) **PURPOSE.** The committee is directed to:

(a) Study the long-range needs of the state with respect to developing an adequate program for education, safety, regulation, sources of revenue and facilities with respect to boating and the operation of boats in the state, and the co-ordination of such program with the programs of the other states and of the federal government.

(b) Present a definite program, including recommended legislation, if any, calculated to provide an adequate program for boating and the operation of boats in the state, to the 1959 Legislature at which time the committee shall expire.

(3) **STAFF.** The committee may employ such research and secretarial staff as it deems necessary outside the provisions of ch. 16.

(4) **POWERS OF THE COMMITTEE.** The committee shall hold public hearings in various parts of the state.

(5) **EXPENSES.** Members of the committee shall receive no compensation but shall be reimbursed for the actual and necessary expenses incurred in the performance of their duties. The committee is attached to the joint legislative council for administrative purposes only.

History: 1957 c. 373.

13.60 Corrupt means to influence legislation; disclosure of interest. Any person who shall, directly or indirectly, give or agree or offer to give any money or property or valuable thing or any security therefor to any person, for the service of such person or of any other person in procuring the passage or defeat of any measure before the legislature or before either house or any committee thereof, upon the contingency or condition of the passage or defeat of such measure, or who shall receive, directly or indirectly, or agree to receive any such money, property, thing of value or security therefor for such service, upon any such contingency or condition, or who, having a pecuniary or other interest, or acting as the agent or attorney of any person in procuring or attempting to procure the passage or defeat of any measure before the legislature or before either house or any committee thereof, shall attempt in any manner to influence any member of such legislature for or against such measure, without first making known to such member the real and true interest he has in such measure, either personally or as such agent or attorney, shall be punished by imprisonment in the county jail not more than one year or by fine not exceeding \$200.

History: 1955 c. 696 s. 162.

13.61 Lobbying regulated; legislative purpose. The purpose of ss. 13.61 to 13.71 is to promote a high standard of ethics in the practice of lobbying, to prevent unfair and unethical lobbying practices and to provide for the licensing of lobbyists and the suspension or revocation of such licenses.

History: 1955 c. 696 s. 163.

13.62 Definitions. The following words and phrases shall have the meaning respectively ascribed to them:

(1) **LOBBYING.** The practice of promoting or opposing the introduction or enactment of legislation before the legislature or the legislative committees or the members thereof.

(2) **LOBBYIST.** Any person who engages in the practice of lobbying for hire except in the manner authorized by s. 13.70. Lobbying for hire shall include activities of any officers, agents, attorneys or employes of any principal who are paid a regular salary or retainer by such principal and whose duties include lobbying.

(3) **UNPROFESSIONAL CONDUCT.** (a) A violation of any of the provisions of ss. 13.60 to 13.71, or soliciting employment from any principal, or instigating the introduction of legislation for the purpose of obtaining employment in opposition thereto, or attempting to influence the vote of legislators on any measure pending or to be proposed by the promise of support or opposition at any future election, or by any other means than a full and fair argument on the merits thereof, or by making public any unsubstantiated charges of improper conduct on the part of any other lobbyist or of any legislator, or engaging in practices which reflect discredit on the practice of lobbying or the legislature.

(b) Directly or indirectly furnishing or being concerned in another's furnishing to the governor, any legislator, or to any officer or employe of the state, to any candidate for state office or for the legislature, any food, meal, lodging, beverage, transportation, money, campaign contributions or any other thing of pecuniary value. This paragraph does not apply to entertainment by a nonprofit organization at a bona fide social function or meeting of such organization.

(4) **PRINCIPAL.** (a) Any person, corporation or association which engages a lobbyist or other person in connection with any legislation, pending before the legislature or to be proposed, affecting the pecuniary interest of such person, corporation or association.

(b) Any board, department, commission or other agency of the state, or any county or municipal corporation, which engages a lobbyist or other person in connection with any legislation pending or to be proposed affecting the statutory powers, duties or appropriation of such agency, county or municipal corporation.

(5) **DOCKET.** The register of licensed lobbyists maintained by the secretary of state pursuant to s. 13.65.

(6) **REPORT.** The statement of expenses filed with the secretary of state by lobbyists pursuant to s. 13.67.

(7) **PECUNIARY INTEREST.** The term includes without limitation any legislation which creates, alters or repeals any statutory charge by way of tax, license fee, registration fee or otherwise, or which creates, alters or repeals any statutory privilege, power, restriction or obligation of any principal, or which creates, alters or repeals the powers or duties of any court or governmental agency before which the principal does business.

History: 1955 c. 696 s. 164; 1957 c. 706.

Meaning of "engaging in practices which ing or the legislature" in (3), considered. reflect discredit on the practice of lobby- 44 Atty. Gen. 174.

13.63 Licenses for lobbyists; suspension or revocation. (1) **LICENSES; FEES; ELIGIBILITY.** Any person of full age and good moral character who is a citizen of the United States and otherwise qualified under ss. 13.61 to 13.71 shall be licensed as a lobbyist as herein provided. The secretary of state shall provide for the form of application for license. Such application may be obtained in the office of the secretary of state and filed therein. Upon approval of such application and payment of the license fee of \$10 to the secretary of state, a license shall be issued which shall entitle the licensee to practice lobbying on behalf of any one or more principals. Each license shall expire on December 31 of each even-numbered year. No application shall be disapproved without affording the applicant a hearing which shall be held and decision entered within 10 days of the date of filing of the application. Denial of a license may be reviewed under the provisions of ch. 227.

(2) **SUSPENSION OR REVOCATION OF LICENSE.** Upon verified complaint in writing to the district attorney of Dane county charging the holder of a license with having been guilty of unprofessional conduct or with having procured his license by fraud or perjury or through error, the district attorney is hereby authorized to bring civil action in the circuit court for Dane county against the holder and in the name of the state as plaintiff to revoke the license. Hearing shall be held by the court unless the defendant licensee demands a jury trial. The trial shall be held as soon as possible and at least 20 days after the filing of the charges and shall take precedence over all other matters pending before the court. If the court finds for the plaintiff judgment shall be rendered revoking the license and the clerk of the court shall file a certified copy of the judgment with the secretary of state. Costs shall be paid by the county, but if the court shall determine that the complaint made to the district attorney was without proper cause, it shall enter judgment against the person making the complaint for the costs of the action and the payment of the same may be enforced by execution against the body as in civil action. The licensing authority may commence any such action on his own motion.

(3) **SUSPENSION OF LOBBYING PRIVILEGES.** No lobbyist whose license has been suspended or revoked and no person who has been convicted of a violation of any provision of ss. 13.61 to 13.71 shall engage in any activity permitted by s. 13.70 until he has been reinstated to the practice of lobbying and duly licensed.

History: 1955 c. 696 s. 165.

The person who complained to the district attorney need not be joined as a party in an action for the revocation of the license of a lobbyist. Under provisions in (2) as to costs, a defendant is not prejudiced by failure to join the complainant as a party. State v. Hoebel, 256 W 549, 41 NW (2d) 865. Duty of secretary of state to pass on qualifications of applicant for lobby license rests on statute and is not affected by pendency or nonpendency of criminal proceedings against applicant. 40 Atty. Gen. 3.

13.64 Lobby registry. Except as provided in s. 13.70 (2) every principal who employs any lobbyist shall within one week after such employment cause the name of said lobbyist to be entered upon the docket. It shall also be the duty of the lobbyist to enter his name upon the docket. Upon the termination of such employment such fact may be entered opposite the name of the lobbyist either by the lobbyist or the principal.

History: 1955 c. 696 s. 166.

13.65 Docket; authorization. (1) The secretary of state shall prepare and keep a docket in which shall be entered the name and business address of each lobbyist, the name and business address of his principal, and the subject or subjects of legislation to which the employment relates. Such docket shall be a public record and open to the inspection of any citizen upon demand at any time during the regular business hours of the office of the secretary of state.

(2) Any principal employing any lobbyist shall when further subjects of legislation are introduced or arise which such lobbyist is to promote or oppose, make or cause to be made additional entries in the docket stating such employment so that the docket will show at all times all subjects of legislation in relation to which the lobbyist is employed. The docket may also show the number or designation of bills, resolutions or other measures in relation to which the lobbyist is employed.

(3) Within 10 days after his registration in the docket, a lobbyist shall file with the secretary of state a written authorization to act as such, signed by his principal.

History: 1955 c. 696 s. 167.

13.66 Restrictions on practice of lobbying. (1) No person shall practice as a lobbyist unless he has been duly licensed under the provisions of s. 13.63 and unless his name appears upon the docket as employed in respect to such matters as he shall be promoting or opposing. No principal shall directly or indirectly authorize or permit any lobbyist employed by him to practice lobbying in respect to any legislation affecting the pecuniary interest of such principal until such lobbyist is duly licensed and the name of such lobbyist is duly entered on the docket. No person shall be employed as a lobbyist for a compensation dependent in any manner upon the passage or defeat of any proposed or pending legislation or upon any other contingency connected with the action of the legislature or of either branch thereof or of any committee thereof.

(2) Before or within 5 days after delivering any written or printed statement, argument or brief to the entire membership of either or both houses of the legislature, 3 copies shall be deposited with the secretary of state.

(3) The restrictions upon the practice of lobbying provided by ss. 13.61 to 13.71 shall be effective only during the regular and special sessions of the legislature and for the period between the general election and the commencement of the regular session.

History: 1955 c. 696 s. 168.

13.67 Reports by lobbyists; reports to legislature. (1) Every lobbyist required to have his name entered upon the docket shall, within 10 days after the end of each calendar month of any regular or special session of the legislature, file with the secretary of state a sworn statement of expenses made and obligations incurred by himself or any agent in connection with or relative to his activities as such lobbyist for the preceding month or fraction thereof, except that he need not list his own personal living and travel expenses in such statement.

(2) Beginning with the third Tuesday following the beginning of any regular or special session of the legislature and on every Tuesday thereafter for the duration of such session, the secretary of state shall from his records report to each house of the legislature the names of lobbyists registered under s. 13.64 who were not previously reported, the names of the persons whom they represent as such lobbyist, and the subjects of legislation in which they are interested. Such reports shall be incorporated into the journal of the senate and a copy filed in the office of the chief clerk of the assembly. The secretary of state shall also forward to each house a copy of each statement required to be filed under sub. (1). Such copy shall be open to public inspection but shall not be incorporated in the journal unless the house so orders. Any expenditures made or obligations incurred by

any lobbyist in behalf of or for the entertainment of any state official or employe concerning pending or proposed legislative matters shall be reported according to this section.

History: 1955 c. 696 s. 169; 1957 c. 125.

The lobbying law is not so vague, indefinite or uncertain that it denies due process of law. If a thing of value is given to a friend of a legislator for the purpose of inducing the friend to use his efforts on the legislator on behalf of the lobbyist or his cause, such expenditure is made by the lobbyist "relative to his activities" as such, so that the failure to report it is a violation. *State v. Hoebel*, 256 W 549, 41 NW (2d) 865. A lobbyist is not required to report items which may aid his work, in this case expenses for meals, travel, and hotel rooms for stenographers, but which are incurred and paid directly by his principal, in this case a city, which as such principal is itself required by 13.68 to file a report of expendi-

tures at the end of the legislative session. *State v. Decker*, 258 W 177, 45 NW (2d) 98.

A lobbyist who gives cards to legislators and others entitling the bearers to a quantity of a product manufactured by members of an incorporated association which is the lobbyist's principal, which cards are delivered to wholesalers in return for the product and are ultimately redeemed by the manufacturers from the wholesalers, is not required to report such transactions by (1). Whether the association is required by 346.25 to report the expenditures of its members in redeeming such cards depends upon whether or not the association reimburses the manufacturers or gives credit on their membership dues. 44 Atty. Gen. 174.

13.68 Statement of expense by principal. Within 30 days after the sine die adjournment of the legislature, every principal whose name appears upon the docket or who has employed any person to engage in any activity permitted under s. 13.70 shall file with the secretary of state a complete and detailed statement verified under oath by the person making the same, or in the case of a corporation by its president or treasurer, of all expenses paid or incurred by such principal in connection with the employment of lobbyists or in connection with promoting or opposing in any manner the passage by the legislature of any legislation affecting the pecuniary interest of such principal. The accounts shall be rendered in such form as shall be prescribed by the secretary of state. Such accounts shall be open to public inspection.

History: 1955 c. 696 s. 170.

See note to 13.67, citing 44 Atty. Gen. 174.

13.69 Penalties. (1) Any principal violating any of the provisions of ss. 13.61 to 13.68 shall for such offense be fined not less than \$200 nor more than \$5,000.

(2) Any lobbyist who shall fail to comply with any of the provisions of said sections or any person who shall act as lobbyist without being duly licensed shall be fined not less than \$100 nor more than \$1,000 and shall be disbarred from acting as a lobbyist for the period of 3 years from the date of such conviction.

(3) Any lobbyist who fails to make and file the statement required by s. 13.67 shall be punished by a fine not to exceed \$500 or by imprisonment in the county jail not to exceed 6 months or by both such fine and imprisonment. Any lobbyist who shall file a false statement shall be punished by a fine of not less than \$500 nor more than \$1,000 or by imprisonment in the county jail for not less than 30 days nor more than one year. It shall be the duty of the attorney general upon information to bring prosecutions for the violation of the provisions of ss. 13.61 to 13.70.

History: 1955 c. 696 s. 171.

The provision that it is the duty of the attorney general on information to bring prosecutions for the violation of the lobby law imposes an additional duty on the attorney general, but does not give him exclusive authority, and does not deprive the

district attorney, as prosecuting attorney in his county, of the right or duty to proceed in such case where information of a violation occurring within his county reaches him. *State ex rel. Arthur v. Superior Court*, 257 W 480, 48 NW (2d) 484.

13.70 Personal lobbying prohibited, exceptions. (1) It shall be unlawful for any person other than a licensed lobbyist to attempt personally and directly to influence any member of the legislature to vote for or against any measure pending therein, or to be proposed, otherwise than by appearing before the regular committees thereof when in session, or by newspaper publications, or by public addresses to persons other than legislators, or by written or printed statements, arguments or briefs delivered to each member of the legislature; provided, that before or within 5 days after delivering such statement, argument or brief, 3 copies thereof shall be deposited with the secretary of state. No officer, agent, appointee or employe, in the service of the state of Wisconsin, or of the United States, shall attempt to influence any member of the legislature to vote for or against any measure pending therein, affecting the pecuniary interests of such person, excepting in the manner authorized herein in the case of lobbyists. Nothing in this section shall be construed to deprive any citizen not lobbying for hire of his constitutional right to communicate with members of the legislature.

(2) Any person who limits his lobbying solely to appearances before legislative committees or either house in committee of the whole and registers his appearance on the records of such committee or house in writing, shall not be required to be licensed as a lobbyist, pay a license fee, register with the secretary of state or make any reports of expenditures.

(3) Whoever violates any provisions of this section shall be fined not more than \$200 or imprisoned not more than 6 months.

History: 1955 c. 696 s. 172, 174.

13.71 Lobbyists restricted during daily sessions. It shall be unlawful for any person lobbying to go onto the floor of the chamber of either house of the legislature during the daily sessions, except upon the invitation of such house.

History: 1955 c. 696 s. 173.

13.72 Compensation for published articles on matters pending before legislature to be reported; penalty. (1) Whenever money or other thing of value is paid, or a promise or agreement to pay money or other thing of value is given, to the owner or publisher or any editor, reporter, agent or employe of any newspaper or other periodical for the publication therein of any article, editorial or other matter favoring or opposing, or which is intended or tends to favor or oppose, any bill, resolution or other matter pending in the legislature, excepting a paid advertisement showing the name and address of the person authorizing the publication and the amount paid or agreed to be paid therefor, the owner or publisher of such newspaper or periodical shall, within 10 days after such publication, file with the secretary of state a statement showing the amount of money or other thing of value paid or agreed to be paid and the name and address of the person, firm or corporation from whom such payment or agreement was received.

(2) Violation of this section shall be deemed a misdemeanor and punishable by a fine not less than \$500 nor more than \$5,000 for each offense.

History: 1955 c. 696 s. 175.

13.73 Logrolling prohibited. Any member of the legislature who shall, directly or indirectly, give, offer or promise to give his vote or influence in favor of or against any measure or proposition pending, or proposed to be introduced in, the legislature in consideration or upon condition that any other person elected to the same legislature will give or will promise or agree to give his vote or influence in favor of or against any other measure or proposition pending or proposed to be introduced in such legislature, or who shall give, offer or promise to give his vote or influence for or against any measure on condition that any other member will give his vote or influence in favor of any change in any other bill pending or proposed to be introduced in the legislature, shall be guilty of felony, and shall be punished by a fine of not less than \$500, nor more than \$1,000, or by imprisonment in the state prison not less than one year nor more than 3 years, or by both such fine and imprisonment.

History: 1955 c. 696 s. 176.

13.74 Executive favor. Any member of the legislature who shall give, offer or promise to give his vote or influence in favor of or against any measure or proposition pending or proposed to be introduced in the legislature, or that has already been passed by either house of the legislature, in consideration of or on condition that any person, being governor of the state, shall approve or disapprove, veto or sign, or agree to approve or disapprove, veto or sign, any other measure or proposition pending or proposed to be introduced in the legislature or that has already been passed by the legislature, or either house thereof, or in consideration or upon condition that any person, being governor of this state, shall nominate for appointment or appoint or remove any person or persons to or from any office or position under the laws of this state, shall be guilty of a felony, and shall be punished by a fine of not less than \$500 nor more than \$1,000, or by imprisonment in the state prison not less than one year nor more than 2 years, or by both such fine and imprisonment.

History: 1955 c. 696 s. 177.

13.75 Freedom of debate confirmed. Nothing in ss. 13.73, 13.74 and 13.75 shall be construed as prohibiting free discussion and deliberation upon any question pending before the legislature by members thereof, privately or publicly, nor as prohibiting, agreements by members to support any single measure pending, on condition that certain changes be made in such measure, nor shall said sections be construed as prohibiting agreements to compromise conflicting provisions of different measures.

History: 1955 c. 696 s. 178.