

public officer within his authority where such writings constitute a convenient, appropriate, or customary method of discharging the duties of the office. *International Union v. Gooding*, 251 W 362, 29 NW (2d) 730.

A report of an investigation of the police department by the city attorney in the hands of the mayor may be kept confidential if the harmful effect of publication on the public interest outweighs the benefit to be gained. The decision is to be made by the person having the documents and, if action is brought, reviewed by the court in camera. *State ex rel. Youmans v. Owens*, 28 W (2d) 672, 137 NW (2d) 470, 139 NW (2d) 241. See also *State ex rel. Youmans v. Owens*, 32 W (2d) 11, 144 NW (2d) 793.

Traffic citations are public records in the custody of the chief of police and unless the chief gives valid reasons for denying inspection, a writ of mandamus should issue as a matter of course. *Beckon v. Emery*, 36 W (2d) 510, 153 NW (2d) 501.

The decisions in *State ex rel. Youmans v. Owens*, 28 W (2d) 672, and *Beckon v. Emery*, 36 W (2d) 510, taken together, stand for the proposition that a right to inspection of documents asserted under 18.01 is subject to the common-law limitation that the inspection not be permitted if there is a specific showing that the public interest would be adversely affected. *State ex rel. Journal Co. v. County Court*, 43 W (2d) 297, 168 NW (2d) 836.

The right of public inspection of property and things referred to in this section is limited to such as the officer having the custody thereof is under legal duty to preserve, and does not embrace such documents as he may lawfully have in his possession merely from a desire to retain them for his convenience or that of his deputies. 11 Atty. Gen. 7.

A county clerk is required to preserve in his office and not destroy tally sheets and poll lists delivered to him under 6.59, Stats. 1925. 14 Atty. Gen. 476.

Health records of public school pupils and consents to vaccination and immunization are not public records and matter of their preservation is one of policy. 27 Atty. Gen. 255.

If it is administratively desirable the annuity board may disclose to third party accumulations to credit of member of retirement system and amount of monthly annuity which such member could receive upon retirement. 31 Atty. Gen. 195.

The board of medical examiners is not required to preserve examination papers indefinitely. These do not constitute public records under 18.01 (1) or 327.18, Stats. 1945, and together with routine correspondence may be destroyed after a reasonable time. However, no official records may be destroyed without legislative permission and this applies to such correspondence as may partake of the nature of an official record. 35 Atty. Gen. 279.

Notwithstanding 18.01, 59.14 (1) and 59.23, Stats. 1951, the public enjoys no right of inspection of telephone and radio logs, criminal complaint reports, criminal investigation reports, automobile accident reports, or other papers, documents and physical evidence relating to law enforcement activities in the office of sheriff or of a city police department. 41 Atty. Gen. 237.

For discussion of the confidentiality of various types of reports and records filed in public offices, see 52 Atty. Gen. 242.

Under 18.01, Stats. 1967, tape recordings of county board proceedings must be made available to the public except in those instances where harm to the public interest would outweigh the benefits. 56 Atty. Gen. 206.

It is improper to subpoena public records, for use in court proceedings, where certified copies of such records can be obtained under 889.18, Stats. 1967. 57 Atty. Gen. 138.

19.22 History: 1917 c. 178 s. 3; Stats. 1917 s. 18.02; 1969 c. 259 ss. 6, 27 (2); Stats. 1969 s. 19.22.

19.23 History: 1917 c. 178 s. 4; 1917 c. 671 s. 4; Stats. 1917 s. 18.03; 1947 c. 67, 316; 1951 c. 457; 1969 c. 259 s. 6; 1969 c. 276 ss. 582 (11), 596; Stats. 1969 s. 19.23.

19.24 History: R. S. 1849 c. 12 s. 45; R. S. 1858 c. 15 s. 51; R. S. 1878 s. 4553; Stats. 1898 s. 4553; 1925 c. 4; Stats. 1925 s. 348.32; 1955 c. 696 s. 247; Stats. 1955 s. 18.04; 1969 c. 259 s. 6; Stats. 1969 s. 19.24.

19.25 History: R. S. 1849 c. 131 s. 41; R. S. 1858 c. 133 s. 62; R. S. 1878 s. 2963; Stats. 1898 s. 2963; 1925 c. 4; Stats. 1925 s. 271.49; 1935 c. 541 s. 217; Stats. 1935 s. 14.66; 1969 c. 259 s. 6; 1969 c. 276 s. 51; Stats. 1969 s. 19.25.

CHAPTER 20.

Appropriations and Budget Management.

20.001 History: 1967 c. 291; Stats. 1967 s. 20.001; 1969 c. 55, 259.

20.002 History: 1967 c. 291; Stats. 1967 s. 20.002.

On the public-purpose doctrine see notes to sec. 1, art. IV; and on limitations respecting appropriations see notes to sec. 2, art. VIII.

The allotment for permanent improvements made from a nonlapsible appropriation continues available for the purpose of the allotment, and for that purpose only, until expended. The sum annually appropriated includes not merely the stated amount, but also such increase as may be made thereto in the discretion of the executive, up to the expressed limitation, where the entire amount is referred to as appropriated annually. 9 Atty. Gen. 465.

When an order for goods has been given and accepted an "indebtedness" has been "incurred" within the meaning of 20.77 (5), Stats. 1921. 10 Atty. Gen. 1084.

Where goods are ordered by a department of the state, and the order is accepted, but the goods are not delivered until the ensuing fiscal year, the bill is payable out of the appropriation for the year in which they were ordered. 10 Atty. Gen. 1125.

Under 20.77 (5), Stats. 1937, any indebtedness incurred under the appropriation which reverts to the general fund, where such indebtedness is incurred prior to the time such fund reverts, is to be paid from the appropriation or balance thereof which reverts unless

otherwise specifically provided by law. 27 Atty. Gen. 800.

20.003 History: 1967 c. 291; Stats. 1967 s. 20.003.

20.004 History: 1967 c. 291; Stats. 1967 s. 20.004.

20.005 History: 1967 c. 291; Stats. 1967 s. 20.005; 1969 c. 152, 154, 157. (Only the major budget acts are listed; see the table of sections affected in the back of each year's session law volumes for additional acts affecting the budget schedule.)

20.115 History: 1967 c. 291; Stats. 1967 s. 20.115; 1969 c. 111 ss. 5, 26; 1969 c. 154; 1969 c. 392 s. 84.

20.124 History: 1967 c. 291; Stats. 1967 s. 20.124; 1969 c. 154; 1969 c. 276 s. 592 (6); 1969 c. 404.

20.145 History: 1967 c. 209 s. 4; 1967 c. 291 ss. 12, 18; 1967 c. 347 s. 2; Stats. 1967 s. 20.145; 1969 c. 55 s. 113; 1969 c. 144, 154, 337, 392.

20.155 History: 1967 c. 291; Stats. 1967 s. 20.155.

20.165 History: 1967 c. 291; Stats. 1965 s. 20.165; 1969 c. 55 s. 113; 1969 c. 154, 290, 300; 1969 c. 336 s. 176; 1969 c. 392 ss. 84, 84g; 1969 c. 478.

20.175 History: 1967 c. 291; Stats. 1967 s. 20.175; 1969 c. 154.

20.185 History: 1967 c. 291; Stats. 1967 s. 20.185.

20.225 History: 1967 c. 291 ss. 12, 18; 1967 c. 349 s. 4; Stats. 1967 s. 20.225; 1969 c. 154, 276.

20.235 History: 1967 c. 291 ss. 12, 18; 1967 c. 333 s. 1; Stats. 1967 s. 20.235; 1969 c. 154.

20.245 History: 1967 c. 291 ss. 12, 18; 1967 c. 344 ss. 2, 3; Stats. 1967 s. 20.245; 1969 c. 276 s. 596; 1969 c. 353; 1969 c. 424 s. 27.

20.250 History: 1969 c. 3; Stats. 1969 s. 20.250.

Editor's Note: In connection with this section, see State ex rel. Warren v. Reuter, 44 W (2d) 201, 170 NW (2d) 790.

20.251 History: 1967 c. 209 s. 6; 1967 c. 291 s. 18; Stats. 1967 s. 20.251.

20.255 History: 1967 c. 291; Stats. 1967 s. 20.255; 1969 c. 154; 1969 c. 158 s. 106; 1969 c. 276 ss. 589 (1) (a), (3) (b), (5), 616; 1969 c. 392, 501.

School funds collected by the state and distributed to counties, to be distributed by the county treasurer to different school treasurers in the county, are trust funds and cannot be diverted from that trust by the bank in which they were deposited by the county treasurer, in the process of distribution by banks applying such trust funds on general indebtedness of the county to such banks. 16 Atty. Gen. 266.

The state superintendent of public instruction is the agent designated to receive surplus war commodities from the U. S. government on behalf of the state. 46 Atty. Gen. 68.

20.265 History: 1967 c. 291; Stats. 1967 s. 20.265; 1969 c. 55 s. 113; 1969 c. 154, 259; 1969 c. 276 s. 602 (1), (5).

20.285 History: 1967 c. 291; Stats. 1967 s. 20.285; 1969 c. 154, 259; 1969 c. 276 ss. 128, 603 (3).

No portion of university revolving fund appropriations provided for in 20.41, Stats. 1945, may be diverted by the board of regents of the university to the purpose of paying any part of the cost of general university administrative overhead. 34 Atty. Gen. 185.

The board of regents of the university is authorized to pay charges imposed by the city of Madison for sewage disposal service, out of the appropriation for general operation. 34 Atty. Gen. 294.

The regents have power to make a contract with a private concessionaire for the sale of programs and refreshments at university football games on a percentage basis. Moneys obtained by the regents from such contract are state funds but profits made by a concessionaire are not subject to state control where no attempt is made by the regents or university officials to control or regulate the concessionaire in the handling of its own funds. 38 Atty. Gen. 468.

An appropriation for the operation of the university hospitals cannot be used to pay hospital and medical bills of students in hospitals other than Wisconsin General or Wisconsin Orthopedic, even though the student becomes ill while in another city on official class work. 45 Atty. Gen. 210.

The regents may use money appropriated for general operations to participate in an out-of-state research corporation. 47 Atty. Gen. 149.

20.292 History: 1967 c. 291; Stats. 1967 s. 20.292; 1969 c. 154; 1969 c. 276 s. 616.

Under 20.33 (8) (a), Stats. 1947, equipment purchased by the state board of vocational and adult education with federal aid for the purpose of a war training program may be transferred to local schools in view of federal legislation requiring that possession of such equipment shall remain in local schools and the federal authorities having specifically assented to such transfer. 36 Atty. Gen. 199.

20.315 History: 1967 c. 291; Stats. 1967 s. 20.315; 1969 c. 154; 1969 c. 276 s. 605.

20.325 History: 1967 c. 291; Stats. 1967 s. 20.325; 1969 c. 392 s. 84.

20.355 History: 1967 c. 291; Stats. 1967 s. 20.355; 1969 c. 154.

20.370 History: 1967 c. 291 ss. 12, 18; 1967 c. 302 s. 2; 1967 c. 322; Stats. 1967 s. 20.370; 1969 c. 55, 152; 1969 c. 154 ss. 58 to 73, 377; 1969 c. 276 ss. 129, 588 (7), 610; 1969 c. 313, 353; 1969 c. 392 ss. 6g to 9, 84; 1969 c. 394, 407; 1969 c. 424 ss. 7, 26, 27.

The apportionment of forest revenue received from the U.S. government requires an apportionment with respect to each forest as required by Title 16, USC, sec. 500. 31 Atty. Gen. 322.

The appropriation made by 20.280 (72b), Stats. 1957, for costs of the committee on water pollution may not be made from proceeds of

the state forestation tax imposed by 70.58. 47 Atty. Gen. 45.

20.395 History: 1967 c. 257 s. 2; 1967 c. 291 ss. 12, 18; 1967 c. 292 ss. 7, 8; 1967 c. 330; Stats. 1967 s. 20.395; 1969 c. 55; 1969 c. 154 ss. 74, 75, 377; 1969 c. 157, 215, 259, 353, 406, 470.

20.425 History: 1967 c. 291; Stats. 1967 s. 20.425.

20.435 History: 1967 c. 129; 1967 c. 291 ss. 12, 18; 1967 c. 323 s. 2; 1967 c. 335 s. 7; Stats. 1967 s. 20.435; 1969 c. 133, 154, 158, 259; 1969 c. 276 s. 603 (2); 1969 c. 366 ss. 8m, 118 (2).

Actual and necessary traveling and other expenses incurred by the warden of the state prison in taking a convict from the prison and returning, to testify in court, in response to a writ of habeas corpus ad testificandum, can properly be reimbursed out of the "operation" fund. 11 Atty. Gen. 207.

20.445 History: 1967 c. 291; Stats. 1967 s. 20.445; 1969 c. 154, 276, 335, 445.

20.455 History: 1967 c. 291 ss. 12, 18; 1967 c. 335 s. 5; Stats. 1967 s. 20.455; 1969 c. 154; 1969 c. 276 ss. 131, 605, 608; 1969 c. 392 s. 84; 1969 c. 466.

20.465 History: 1967 c. 291; Stats. 1967 s. 20.465; 1969 c. 154.

20.485 History: 1967 c. 291; Stats. 1967 s. 20.485; 1969 c. 154, 443, 488.

20.505 History: 1967 c. 217 s. 3; 1967 c. 291 ss. 12, 18; 1967 c. 292 s. 4; 1967 c. 335 s. 4; Stats. 1967 s. 20.505; 1969 c. 154, 259, 275, 424.

20.515 History: 1967 c. 291; Stats. 1967 s. 20.515; 1969 c. 154; 1969 c. 158 ss. 10, 106; 1969 c. 392, 404.

20.525 History: 1967 c. 291 ss. 12, 18; 1967 c. 292 s. 5; Stats. 1967 s. 20.525; 1969 c. 55; 1969 c. 154 ss. 97, 379; 1969 c. 276 ss. 132, 581 (2), 605; 1969 c. 422.

20.536 History: 1967 c. 291; Stats. 1967 s. 20.536.

20.545 History: 1967 c. 209 s. 5; 1967 c. 291 ss. 12, 18; 1967 c. 335 s. 6; Stats. 1967 s. 20.545; 1969 c. 154; 1969 c. 276 s. 609; 1969 c. 353; 1969 c. 392 s. 84; 1969 c. 409; 1969 c. 424 ss. 9, 26; 1969 c. 491.

The state fair division has power to contract for rain insurance to cover expenses of the state fair. 25 Atty. Gen. 477.

20.566 History: 1967 c. 291; Stats. 1967 s. 20.566; 1969 c. 154.

20.575 History: 1967 c. 291; Stats. 1967 s. 20.575.

20.585 History: 1967 c. 291; Stats. 1967 s. 20.585; 1969 c. 70, 404.

20.625 History: 1967 c. 291; Stats. 1967 s. 20.625; 1969 c. 158 s. 106; 1969 c. 255 s. 65.

20.645 History: 1967 c. 291; Stats. 1967 s. 20.645.

20.680 History: 1967 c. 291; Stats. 1967 s. 20.680; 1969 c. 154; 1969 c. 255 s. 65.

20.710 History: 1967 c. 154; 1967 c. 291 ss. 12, 18; 1967 c. 344 s. 1; 1967 c. 349 s. 3; Stats. 1967 s. 20.710; 1969 c. 154 ss. 104, 105, 105m, 377; 1969 c. 242, 259; 1969 c. 276 ss. 605, 613 (1); 1969 c. 331 s. 62.

20.725 History: 1967 c. 291; Stats. 1967 s. 20.725; 1969 c. 55 s. 113; 1969 c. 154 ss. 105r, 106, 107, 107j, 107km, 377; 1969 c. 276 ss. 603 (2), 605.

On delegation of power see notes to sec. 1, art. IV.

The fact that the appropriation of the board of dental examiners is derived entirely from licensing members of the dental profession does not render the appropriation immune from reduction by the emergency board, pursuant to 20.746, Stats. 1939. 28 Atty. Gen. 384.

An appropriation from the general fund to the state athletic commission of a stated annual sum, but not to exceed receipts of its activities, may be supplemented by the emergency board. 31 Atty. Gen. 67.

Repeal of ch. 363, Laws 1933, by ch. 159, Laws 1945, operated to make unavailable that portion of a grant of \$2,592.96 made by the emergency board to the industrial commission to supplement an appropriation made under said ch. 363, remaining unexpended as of the effective date of ch. 159. 34 Atty. Gen. 195.

The emergency board has power under 20.74 (6), Stats. 1949, to grant aid to a school district for construction purposes. 38 Atty. Gen. 546.

See note to 16.50, citing 52 Atty. Gen. 193, 226.

20.765 History: 1967 c. 263 s. 3; 1967 c. 291 ss. 12, 18; 1967 c. 310; Stats. 1967 s. 20.765; 1969 c. 55 s. 113; 1969 c. 154; 1969 c. 276 ss. 133, 605.

Since a committee created by one branch of legislature cannot lawfully function beyond adjournment of the legislature, such committee is then without authority to legally employ a reporter and such reporter cannot be validly paid for his services from the legislative contingent fund. One senate cannot create charges against the contingent fund of the succeeding senate. (24 Atty. Gen. 672 cited.) 26 Atty. Gen. 225.

Hospital and medical expenses incurred by a member of the assembly in relation to an injury sustained upon his return to the legislature is not a proper expenditure to be made from the contingent appropriation. 30 Atty. Gen. 396.

20.835 History: 1967 c. 291; Stats. 1967 s. 20.835; 1969 c. 154.

20.855 History: 1967 c. 291 ss. 12, 18; 1967 c. 325 s. 2; Stats. 1967 s. 20.855; 1969 c. 154; 1969 c. 158 ss. 11, 106.

20.865 History: 1967 c. 291; Stats. 1967 s. 20.865; 1969 c. 55 s. 113; 1969 c. 154; 1969 c. 158 s. 106; 1969 c. 276 s. 606; 1969 c. 374.

On the school fund see notes to sec. 2, art. X. The appropriation for the execution of the general functions of the board of medical examiners is not available to pay a judgment for costs in an action to compel the board to perform its duties. 10 Atty. Gen. 376.

Payment of a voucher based on an award of the industrial commission which is required

to be paid out of a certain fund does not require approval of the departmental head although the expenditure is made out of funds otherwise belonging to his department. Audit alone is required. 22 Atty. Gen. 1044.

Application of the provisions relating to compensation for injured state employes whose salaries are paid out of federal funds under provisions relating to the unemployment administration fund is considered in 28 Atty. Gen. 608.

The municipality contribution to be made by the state to the Wisconsin retirement fund pursuant to 66.905 (1), Stats. 1949, for employes whose salaries are paid from federal security agency grants-in-aid could be charged to authorities. Such contributions should not be so charged until the approval of the federal authorities has been obtained and such approval evidenced by its inclusion in a plan for the use of such grants-in-aid agreed upon by the U. S. government and the state. 38 Atty. Gen. 500.

20.866 History: 1969 c. 215, 259, 353, 382, 397, 406; Stats. 1969 s. 20.866.

20.901 History: 1913 c. 257; Stats. 1913 s. 169s.; 1917 c. 315; 1917 c. 622 s. 64; Stats. 1917 s. 14.65; 1929 c. 468 s. 3; 1929 c. 530 s. 1; 1943 c. 442; 1955 c. 385 s. 6; Stats. 1955 s. 20.904; 1967 c. 291; Stats. 1967 s. 20.901.

20.902 History: R. S. 1849 c. 9 s. 31-33; R. S. 1858 c. 10 s. 43, 46, 47; R. S. 1878 s. 158; Stats. 1898 s. 158; 1901 c. 400 s. 1; Supl. 1906 s. 158; 1917 c. 622 s. 56; Stats. 1917 s. 14.58; 1919 c. 679 s. 1; 1919 c. 703 s. 9; 1931 c. 67 s. 146; Stats. 1931 ss. 14.58, 20.82; 1947 c. 472; 1955 c. 204; 1955 c. 385 s. 6; 1955 c. 650; Stats. 1955 ss. 20.980, 20.982; 1959 c. 228 s. 66; 1965 c. 163; 1965 c. 433 s. 120; 1967 c. 291; Stats. 1967 s. 20.902.

20.903 History: 1917 c. 14 s. 118; Stats. 1917 s. 20.75; 1931 c. 67 s. 144; 1947 c. 332; 1955 c. 385 s. 6; Stats. 1955 s. 20.902; 1957 c. 652; 1959 c. 228 s. 62, 66; 1959 c. 543; 1959 c. 659 s. 43; 1959 c. 682; 1961 c. 539; 1963 c. 318; 1967 c. 291; Stats. 1967 s. 20.903.

Under 20.820 (1), Stats. 1957, the state treasurer is not authorized to pay a charge incidental to the use of a draft system in lieu of a check system. Payment of such charge would be a violation of 15.14 and 20.902. 47 Atty. Gen. 281.

20.904 History: 1917 c. 14 s. 119; Stats. 1917 s. 20.76; 1931 c. 67 s. 144; 1933 c. 140 s. 1; 1947 c. 9 s. 31; 1955 c. 385 s. 6; Stats. 1955 s. 20.903; 1959 c. 228 s. 66; 1967 c. 291; Stats. 1967 s. 20.904.

20.905 History: 1923 c. 283; Stats. 1923 s. 14.70; 1937 c. 24; 1949 c. 197; 1955 c. 385 s. 6; Stats. 1955 s. 20.955; 1967 c. 291; Stats. 1967 s. 20.905.

20.906 History: 1901 c. 433 s. 3, 5, 6; Supl. 1906 s. 169i, 169k, 169l; 1917 c. 14 s. 121; 1917 c. 622 s. 69, 70, 71; Stats. 1917 s. 14.68, 20.78; 1919 c. 389 s. 3; 1919 c. 649 s. 2; 1919 c. 703 s. 8, 36; 1925 c. 197; 1929 c. 97 s. 4; 1931 c. 67 s. 114; 1935 c. 535; 1939 c. 410; 1945 c. 358; 1947 c. 9 ss. 3, 81; 1949 c. 197, 634; 1953 c. 30; 1955 c. 385 s. 6; Stats. 1955 ss. 20.950, 20.951; 1957 c. 260 s.

6; 1957 c. 610; 1959 c. 228 s. 66; 1959 c. 659 ss. 79, 84; 1959 c. 682 s. 8; 1961 c. 191, 439, 622; 1963 c. 6; 1965 c. 66 s. 8; 1965 c. 396; 1965 c. 433 s. 121; 1967 c. 291; Stats. 1967 s. 20.906.

Moneys paid for filing and license fees do not rightfully become public funds until the payer becomes entitled to what is expected in return; the secretary of state is not obliged to deposit the same in the state treasury until that time. 6 Atty. Gen. 842.

A co-operative agreement between the state department of agriculture and the U. S. department of agriculture for grading cheese, providing that fees collected therefor shall be deposited in trustee bank and disbursed therefrom in payment of expense upon order of contracting parties, is contrary to this section. 26 Atty. Gen. 618.

Insofar as university campus organizations derive money from operations carried on by their members and not out of operations carried on by the university, their funds are not received for or in behalf of the state. Auditing of their funds by a university representative and use of university facilities as a place in which to carry on their activities do not of themselves render such funds state funds. 38 Atty. Gen. 421.

Proceeds of Stout institute trust funds and student fees collected by the college must be deposited with the state treasurer. 39 Atty. Gen. 495.

Under ch. 500, Laws 1951, the department of public welfare, in selling state-owned land may not deduct the expense of preparing an abstract and advertising expense from the proceeds of such sale to be deposited in the state general fund. Such expenses must be paid out of the department's appropriation. The department may sell such land on condition that the buyer, at his expense, move a fence belonging to the state. 42 Atty. Gen. 39.

20.907 History: 1919 c. 517 s. 7; Stats. 1919 s. 20.80; 1931 c. 67 s. 144; 1935 c. 535; 1947 c. 9 s. 31; 1953 c. 257; Stats. 1953 ss. 14.87, 20.80; 1955 c. 385 s. 6; Stats. 1955 ss. 20.953, 20.954; 1959 c. 228 s. 66, 71; 1961 c. 336 s. 20; 1967 c. 291; Stats. 1967 s. 20.907.

20.908 History: 1949 c. 254; Stats. 1949 s. 14.74; 1955 c. 385 s. 6; Stats. 1955 s. 20.907; 1961 c. 316; 1967 c. 291; Stats. 1967 s. 20.908.

20.909 History: 1949 c. 246; Stats. 1949 s. 14.681; 1953 c. 61; 1955 c. 385 s. 6; Stats. 1955 s. 20.952; 1967 c. 291; Stats. 1967 s. 20.909.

20.910 History: 1855 c. 56 s. 3, 4; R. S. 1858 c. 13 s. 75, 76; R. S. 1878 s. 744; Stats. 1898 s. 744; 1919 c. 695 s. 93; Stats. 1919 s. 14.405; 1947 c. 472; 1955 c. 385 s. 6; Stats. 1955 s. 20.957; 1959 c. 228 s. 66; 1967 c. 291; Stats. 1967 s. 20.910; 1969 c. 392.

20.911 History: 1891 c. 273 s. 7; Stats. 1898 s. 160f; 1901 c. 346 s. 1; Supl. 1906 s. 160f; 1907 c. 406; 1917 c. 622 s. 45; Stats. 1917 s. 14.48; 1947 c. 9; 1955 c. 385 s. 6; Stats. 1955 s. 20.958; 1959 c. 228 s. 66; 1967 c. 291; Stats. 1967 s. 20.911.

20.912 History: 1905 c. 473 s. 1, 2, 3; Supl. 1906 s. 160g, 160h, 160i; 1917 c. 622 s. 46; Stats. 1917 s. 14.50; Spl. S. 1931 c. 15 s. 3; Spl. S. 1931 c. 26 s. 1; 1933 c. 1; 1947 c. 9; 1947

c. 411 s. 11 (220.02 (5)); 1949 c. 197; 1955 c. 204 s. 4; 1955 c. 385 s. 6; Stats. 1955 s. 20.956; 1959 c. 228 s. 62, 66; 1967 c. 291; Stats. 1967 s. 20.912; 1969 c. 276 s. 592 (7).

Under ch. 1, Laws 1933, a bank is liable to the state for a check paid by the bank after receipt of notice by the state treasurer of its loss or destruction. Where notice is given under the statute, the state treasury need not use the "stop payment" form issued by the bank in which the state funds are deposited. 22 Atty. Gen. 1012.

20.913 History: 1967 c. 291; Stats. 1967 s. 20.913; 1969 c. 154; 1969 c. 337 s. 88; 1969 c. 404.

Proceeds of lands sold under the mistaken assumption that they had escheated to the state are to be repaid out of the school fund. 9 Atty. Gen. 296.

Where, in making the report provided for by sec. 1915m (1), Stats. 1921, an attorney failed to deduct the amount paid to subscribers, the excess paid into the state treasury by reason of such failure may be refunded. 10 Atty. Gen. 952.

A claim for refund by a foreign corporation on account of error in its report resulting in payment of excess fee into state treasury should be allowed. 13 Atty. Gen. 545.

Money paid as a fine into the state treasury after a new trial has been granted is paid in error and may be refunded. 21 Atty. Gen. 364.

A motor vehicle hauling permit fee collected by the public service commission under erroneous construction of the law may be refunded as having been paid in error. 21 Atty. Gen. 432.

Where an owner applied for and received a license for operation of a vehicle of certain gross weight, which exceeded the allowable weight under other highway laws, he was not entitled to refund of the excess license fee based on his theory that the issuing agency was not authorized to issue a license for such excess weight. 28 Atty. Gen. 296.

Motor vehicle taxes may be refunded. Prior opinions holding that such taxes may not be refunded are overruled. 29 Atty. Gen. 329.

Where a register in probate charges excessive fees in error and pays them into the state treasury, refunds should be made rather than deducting the excess from the next remittance, although this has been done in some cases. 43 Atty. Gen. 291.

20.914 History: 1923 c. 346 s. 4; Stats. 1923 s. 38.01; Stats. 1925 s. 14.14; 1931 c. 67 ss. 147, 148; Stats. 1931 ss. 20.83, 20.84; 1953 c. 251; 1955 c. 385 s. 6; 1955 c. 650; Stats. 1955 ss. 20.926, 20.927; 1965 c. 66 s. 9; 1967 c. 291; Stats. 1967 s. 20.914.

20.915 History: 1917 c. 520; Stats. 1917 s. 20.73 (4); 1919 c. 389 s. 3; 1919 c. 703 s. 7; 1925 c. 445 s. 3; 1927 c. 473 s. 9; 1927 c. 496 s. 1, 2; Stats. 1927 s. 14.71 (4); 1937 c. 207; Stats. 1937 ss. 14.71 (4), 14.73; 1943 c. 275; 1949 c. 410 s. 3, 4; 1949 c. 416, 643; Stats. 1949 ss. 14.71 (7), 14.73; 1953 c. 33; 1955 c. 385 s. 6; Stats. 1955 ss. 20.944, 20.945; 1957 c. 652; 1959 c. 659 s. 77; 1963 c. 336; 1967 c. 291; Stats. 1967 s. 20.915.

20.916 History: Stats. 1965 ss. 20.940, 20.941, 20.943, 20.949; 1967 c. 291; Stats. 1967 s. 20.916; 1969 c. 154, 498.

State officers may not charge, to the state, car fare in going from their homes to their offices but may charge the same when going from or returning to Madison on official business. 1908 Atty. Gen. 84; 1 Atty. Gen. 508.

An employe of the state having his headquarters at some place other than Madison is entitled to his expenses if called to Madison temporarily. 1 Atty. Gen. 519.

A bank examiner who lives in Shorewood but whose official residence is in Milwaukee cannot charge car fare between Shorewood and Milwaukee, nor can he charge for noon-day meal in Milwaukee. 17 Atty. Gen. 380.

Where a state employe traveling between Madison and Milwaukee in performance of his official duties uses his own car, the charge to be made to the state for use of the car must depend upon facts in each particular case. The decision of the chief officer as to necessity for use of car and basis of charge therefor is final. 18 Atty. Gen. 262.

Where a state employe drives his own car and receives compensation therefor, he may not accept additional compensation from other state employes who may ride with him, and such other state employes may not receive from the state as expenses any amount so paid. 20 Atty. Gen. 882.

The director of a state department may allow employes to attend meetings and conventions, on state time and on state salary, where such attendance aids the performance of the statutory duties of the department. Under such circumstances an employe is entitled to reimbursement of expenses within the limitations prescribed. 42 Atty. Gen. 322.

20.917 History: 1945 c. 153; Stats. 1945 s. 14.71 (8); 1949 c. 32, 410; Stats. 1949 s. 14.71 (12); 1955 c. 385 s. 6; Stats. 1955 s. 20.942; 1961 c. 297; 1967 c. 291; Stats. 1967 s. 20.917.

An employe is not entitled to moving expenses for removal to the place of service for which he was employed, even though he may have been required temporarily to be present in other parts of the state for training during his probationary period prior to reporting at such first place of employment. 35 Atty. Gen. 361.

14.71 (12), Stats. 1951, is applicable whether or not a change of classification or position is involved. 42 Atty. Gen. 1.

20.918 History: 1919 c. 630 s. 7; 1919 c. 703 s. 11; Stats. 1919 s. 20.81; 1931 c. 67 s. 144; 1955 c. 385 s. 6; Stats. 1955 s. 20.905; 1967 c. 291; Stats. 1967 s. 20.918.

20.919 History: 1913 c. 342; Stats. 1913 s. 169a; 1917 c. 14 s. 116; 1917 c. 238 s. 2; Stats. 1917 s. 20.73 (3); 1927 c. 473 s. 9; Stats. 1927 s. 14.71 (3); 1949 c. 410; Stats. 1949 s. 14.71 (6); 1955 c. 385 s. 6; Stats. 1955 s. 20.906; 1965 c. 365; 1967 c. 291; Stats. 1967 s. 20.919.

20.920 History: 1955 c. 227 s. 2; 1955 c. 385 s. 55; 1955 c. 650 s. 6; Stats. 1955 s. 20.979; 1959 c. 228 s. 66; 1959 c. 659 s. 83; 1959 c. 660 s. 25; 1961 c. 191; 1961 c. 336 s. 20; 1965 c. 163; 1965 c. 433 s. 121; 1967 c. 291; Stats. 1967 s. 20.920; 1969 c. 154 s. 377; 1969 c. 276 s. 602 (1).

The board of control may authorize the use of a check writer by the superintendent of the workshop for the blind in drawing checks

for institutional bills of less than \$75 but the board is without power to waive any claim that the state may have against the bank which honors a check so signed without authority. 28 Atty. Gen. 190.

20.921 History: Stats. 1965 ss. 20.925, 20.939; 1967 c. 291; Stats. 1967 s. 20.921; 1969 c. 276 s. 581 (1).

20.922 History: 1913 c. 556; 1913 c. 772 s. 11, 107; Stats. 1913 s. 170m; 1917 c. 14 s. 116; 1917 c. 494 s. 1; 1917 c. 677 s. 40; Stats. 1917 s. 20.73 (1); 1919 c. 656 s. 2; 1925 c. 38; 1927 c. 473 s. 9; Stats. 1927 s. 14.71 (1); 1929 c. 97 s. 4; 1929 c. 465 s. 3; 1929 c. 468 s. 3; 1929 c. 479 s. 3; 1929 c. 530 s. 2; Spl. S. 1931 c. 10 s. 3; 1935 c. 164; 1937 c. 51 s. 3; Spl. S. 1937 c. 8 s. 3; Spl. S. 1937 c. 9 s. 2; 1939 c. 12; 1939 c. 410 s. 3; 1939 c. 412 s. 4; 1939 c. 413 s. 3; 1939 c. 435 s. 3; 1939 c. 517; 1945 c. 513; 1945 c. 580 s. 25; 1945 c. 587; 1947 c. 9, 411, 612; 1949 c. 17, 220, 402, 410; Stats. 1949 s. 14.71 (2); 1955 c. 385 s. 6; Stats. 1955 s. 20.901; 1967 c. 291; Stats. 1967 s. 20.922.

On eligibility to office see notes to sec. 3, art. XIII.

A person who is not a citizen is eligible to the position of deputy treasury agent. 7 Atty. Gen. 111.

A deputy state treasury agent is subject to the provisions of the civil service law and tenure of the position or office does not expire with the termination of incumbency of state treasury agent making the appointment. 17 Atty. Gen. 209.

The conservation director, in appointing employes, designating their titles and fixing compensation, must keep within range prescribed by the personnel board. 25 Atty. Gen. 17.

20.923 History: 1951 c. 97 s. 49; 1951 c. 319 s. 193; 1951 c. 511 s. 9; Stats. 1951 s. 20.73; 1953 c. 61 s. 2; 1953 c. 204; 1953 c. 251 ss. 1, 50 to 53; 1953 c. 540, 652; 1955 c. 37, 204, 385, 418, 445, 650; Stats. 1955 s. 20.930; 1957 c. 259, 263, 633, 661, 672; 1959 c. 135 ss. 1, 32, 33; 1959 c. 136; 1959 c. 228 ss. 55, 56; 1959 c. 315 s. 4; 1959 c. 442, 557, 641, 657; 1961 c. 191 ss. 64, 109; 1961 c. 349 s. 7; 1961 c. 509; 1963 c. 149, 224, 225, 402, 459; 1965 c. 18, 115, 150, 163, 218, 239, 254, 279, 292, 293, 411; 1965 c. 432 s. 6; 1965 c. 433 ss. 47, 121; 1965 c. 495, 496, 548, 575, 579, 592, 614; 1967 c. 5 s. 3; 1967 c. 43, 54, 211, 219, 226; 1967 c. 291 ss. 12, 18; 1967 c. 292, 324, 326; Stats. 1967 s. 20.923; 1969 c. 154, 158, 253; 1969 c. 276 ss. 134, 135, 136, 581 (1), 596, 602 (1); 1969 c. 331, 336; 1969 c. 392 s. 84; 1969 c. 443, 449.

On extra compensation and salary changes see notes to sec. 26, art. IV.

20.924 History: 1969 c. 154; Stats. 1969 s. 20.924.

20.925 History: 1969 c. 422 s. 6; Stats. 1969 s. 20.925.

CHAPTER 21.

Department of Military Affairs.

21.01 History: 1899 c. 200; 1901 c. 228; Supl. 1906 s. 610; 1915 c. 51; 1917 c. 537 s. 1; Stats. 1917 s. 21.01; 1955 c. 68.

See note to sec. 4, art. V, citing 47 Atty. Gen. 335.

The national guard is primarily a state institution and notwithstanding the national defense act, the members, except when in the actual service of the United States, are employes of the state, and hence a member, injured in time of peace while at target practice, is entitled to the benefits of the workmen's compensation act. State v. Industrial Comm. 186 W 1, 202 NW 191.

21.025 History: 1941 c. 21; Stats. 1941 s. 21.025; 1943 c. 441, 451; 1945 c. 137; 1947 c. 122; 1951 c. 261 s. 10; 1951 c. 602; 1955 c. 68; 1959 c. 19; 1963 c. 437; 1965 c. 66 s. 6, 9; 1965 c. 433 s. 121; 1969 c. 20; 1969 c. 55 s. 113; 1969 c. 276 s. 586 (1).

21.03 History: R. S. 1849 c. 9 s. 7; R. S. 1858 c. 10 s. 7; R. S. 1878 s. 134; Stats. 1898 s. 134; 1917 c. 537 s. 1; Stats. 1917 s. 21.03; 1955 c. 68.

21.04 History: 1899 c. 200 s. 35; 1901 c. 228 s. 65; 1905 c. 434 s. 10; Supl. 1906 s. 649—25; 1907 c. 46; 1911 c. 213; Stats. 1915 s. 645—1, 649—25; 1917 c. 14 s. 7; 1917 c. 537 s. 1; Stats. 1917 s. 21.04; 1927 c. 392; 1927 c. 541 s. 2; 1949 c. 432; 1955 c. 68; 1957 c. 114.

21.05 History: 1899 c. 200 s. 10; 1901 c. 228 s. 48; Supl. 1906 s. 649 —8; 1917 c. 537 s. 1; Stats. 1917 s. 21.05; 1955 c. 68.

21.06 History: 1899 c. 200 s. 10; 1901 c. 228 s. 49; 1906 s. 649—9; 1917 c. 537 s. 1; 1919 c. 443 s. 1; Stats. 1917 s. 21.06; 1955 c. 68; 1969 c. 20.

21.07 History: 1903 c. 240 s. 6; Supl. 1906 s. 649—31a; 1917 c. 537 s. 1; Stats. 1917 s. 21.07; 1955 c. 68.

21.09 History: 1955 c. 68; Stats. 1955 s. 21.09.

21.11 History: 1899 c. 200 ss. 29, 30; 1901 c. 228 s. 40, 41; Supl. 1906 s. 649, 649—1; 1917 c. 537 s. 1; Stats. 1917 s. 21.11; 1967 c. 30; 1969 c. 20.

The governor has authority to delegate operational command of Wisconsin air national guard units to federal military authority prior to their muster into federal service. 47 Atty. Gen. 335.

21.12 History: 1899 c. 200 s. 33; 1901 c. 228 s. 69; Supl. 1906 s. 649—29; 1917 c. 537 s. 1; Stats. 1917 s. 21.12; 1955 c. 68; 1969 c. 20.

21.13 History: 1899 c. 200 s. 43; 1901 c. 228 s. 70; Supl. 1906 s. 649—30; 1913 c. 772 s. 6; 1917 c. 537 s. 1; Stats. 1917 s. 21.13; 1919 c. 628 s. 10; 1943 c. 441; 1951 c. 247; 1955 c. 68, 652; 1959 c. 659 s. 79; 1963 c. 544; 1965 c. 433 s. 121; 1967 c. 291 s. 14.

21.14 History: 1907 c. 462; Stats. 1911 s. 4423m; 1917 c. 537 s. 1; Stats. 1917 s. 21.14; 1951 c. 375; 1955 c. 68.

21.145 History: 1907 c. 462; Stats. 1911 s. 4423n; 1925 c. 4; Stats. 1925 s. 343.254; 1955 c. 696 s. 89; Stats. 1955 s. 21.145.

21.15 History: 1899 c. 200 s. 17; 1901 c. 228 s. 68; Supl. 1906 s. 649—28; 1917 c. 537 s. 1; Stats. 1917 s. 21.15; 1955 c. 68.

21.155 History: 1864 c. 407 s. 11; R. S. 1878 s. 4468; Stats. 1898 s. 4468; 1925 c. 4;