

No. 168, S.]

[Published May 16, 1929.]

CHAPTER 96.

AN ACT to amend subsection (1) and to create subsection (10) of section 98.12 of the statutes, relating to soda water beverages.

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

SECTION 1. Subsection (1) of section 98.12 of the statutes is amended to read: (98.12) (1) * * * No person, firm or corporation shall engage in the business of manufacturing or bottling any soda water beverages *or of selling such beverage* in this state without first obtaining a license therefor from the commissioner as hereinafter provided. Such license shall be granted under such reasonable rules and regulations as the commissioner may from time to time prescribe pertaining to the proper handling and storing of such beverages and the construction and sanitary condition of buildings and to the proper cleaning and sterilizing of all machinery, bottles or other containers used in or about the factory *or premises* and all containers in which the product is sold and he may prescribe such standards of purity for all ingredients used in the manufacture of such beverages as will insure a pure and unadulterated product.

SECTION 2. A new subsection is added to section 98.12 of the statutes to be numbered and to read: (98.12) (10) No license under section 165.31 shall be necessary for any person, firm or corporation licensed under this section to manufacture or deal in soda water beverages, but the premises used for such business shall be subject to search at any reasonable time without warrant by the prohibition commissioner, his deputies and any peace officer.

SECTION 3. This act shall take effect upon passage and publication.

Approved May 15, 1929.

No. 1, S.]

[Published May 17, 1929.]

CHAPTER 97.

AN ACT to repeal sections 14.66, 15.01 to 15.16, 20.72, 20.74 and 70.58; to create sections 15.01 to 15.14, 20.72 and 20.74, and

subsections (8) and (9) of section 20.77; and to amend subsections (1), (2) and (3) of section 20.77, section 14.32, subsection (1) of section 14.68, subsection (1) of section 14.71 and section 35.06 of the statutes, abolishing the board of public affairs, creating a state budget bureau in the executive department, providing for a state budget system, reorganizing the emergency board, imposing penalties and making an appropriation.

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

SECTION 1. Sections 14.66, 15.01 to 15.16, 20.72, 20.74 and 70.58 of the statutes are repealed.

SECTION 2. Sixteen new sections are added to the statutes and two new subsections are added to section 20.77 of the statutes to be numbered and to read: 15.01 (1) There is created a state budget bureau in the executive department in charge of the director of the budget.

(2) The state budget bureau shall be provided with a suitable office in the state capitol and with necessary furniture, stationery and other supplies.

(3) All experts and the clerk of the joint committee on finance when employed by the budget bureau shall be exempt from the provisions of chapter 16 relating to the civil service.

(4) Whenever in this chapter or in sections 20.74 and 20.77 the word "department" is used, it shall be construed to include all state departments, boards and commissions, and all state educational, charitable, correctional and other institutions, and all societies and associations to which section 20.78 of the statutes is applicable.

15.02 The director of the budget shall be appointed by the governor, by and with the advice and consent of the senate, for an indeterminate term. Vacancies shall be filled as provided in chapter 17.

15.03 The director of the budget shall be removable by the governor at pleasure, except during a regular session of the legislature and for two months prior thereto, when such director shall be removable only for cause.

15.04 It shall be the duty of the director of the budget and he shall have power and authority:

(1) To discharge all duties in connection with the compila-

tion of the biennial state budget report imposed by sections 15.06 to 15.10.

(2) To attend all public hearings of the joint committee on finance and such executive meetings as the committee may desire, to answer questions and to give information called for by the committee relative to the financial operations of the state and its several departments.

(3) To prepare for publication by the governor at the end of each fiscal year a condensed, accurate and popular account of the finances of the state, showing the sources of the state's revenue and the purposes of its expenditures, including comparison with prior years.

(4) To furnish such other information regarding the finances of the state and the financial operations of departments as may be called for by the governor, the governor-elect, the legislature or either house thereof.

(5) To prescribe the forms of accounts and other financial records to be used by all departments. Such accounts shall be as nearly uniform as is practical, and as simple as is consistent with an accurate and detailed record of all receipts and disbursements and of all other transactions affecting the acquisition, custodianship and disposition of values.

(6) At least once in each year, and at such other times as the governor may direct, examine and see that all the money appearing by the books of the secretary of state and state treasurer as belonging to the several funds is in the vaults of the treasury or in the several state depositories, and in case of a deficiency the governor shall require the treasurer to make up such deficiency immediately; and if such treasurer shall refuse or neglect for ten days thereafter to have the full sum belonging to said funds in the treasury the attorney-general shall institute proceedings to recover the same.

(7) To annually make a complete examination and audit of the accounts of the board of regents of the university, the board of regents of the normal schools, the state board of control, the highway commission and such other departments as the governor may direct. Upon the completion of such examinations and audits the director of the budget shall make a report thereon to the interested board or department and to the governor which shall set forth:

(a) Whether all funds have been expended for the purposes outlined in the requests therefor ;

(b) Whether all receipts have been accounted for and paid to the state treasurer, as required by law ;

(c) All illegal and unbusinesslike practices; if any ;

(d) Recommendations for greater simplicity, accuracy, efficiency and economy.

(8) To make such special examinations of the accounts and financial transactions of any department or officer as the governor or legislature may direct.

(9) To investigate and study the possibilities for consolidations in the state government, for the elimination of all unnecessary activities and of all duplication in inspection service and other functions of departments; and of methods of increasing efficiency and effecting economies; and from time to time to make reports and recommendations thereon to the governor.

(10) In the discharge of any duty imposed by law, to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, documents and testimony and to cause the deposition of witnesses, whether residing within or without the state to be taken in the manner prescribed by law for taking depositions in civil actions in circuit courts. In case of disobedience on the part of any person to comply with any subpoena issued by the director of the budget, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of any circuit court, or the judge thereof, on application of the director, to compel obedience 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.

15.05 (1) All departments shall keep their accounts and other financial records as prescribed by the director of the budget, except as otherwise specifically directed by law. All such departments shall also furnish to the director of the budget all information relating to their financial transactions which he may call for pursuant to sections 15.04 to 15.06 and shall render such assistance in connection with the preparation of the state budget report and the budget bill and in auditing accounts, as the director or the governor may require.

(2) The director of the budget and his duly authorized employes shall have free access to all financial accounts of the

secretary of state and state treasurer and it shall be the duty of these officers to assist the director in preparing estimates of receipts and expenditures for inclusion in the state budget report.

15.06 Each department, other than the legislature and the courts, shall, on or before the first day of November of each even-numbered year, on blanks to be supplied by the director of the budget not later than the first day of September, furnish to the director the following data:

(1) A detailed statement of its actual and estimated receipts during the preceding and the current biennium, and its estimate of the receipts during the succeeding biennium;

(2) A detailed statement of its actual and estimated disbursements during the preceding and the current bienniums and an estimate of its needs in the succeeding biennium;

(3) A full explanation of its requests for new or increased appropriations in the succeeding biennium, including a statement of the work proposed to be done and the activities to be carried on;

(4) A list of all employes and their salaries at the time of such report and proposed salary increases, and a statement of all contemplated new employes and of the salaries to be paid to them;

(5) All other information relating to the department that the director or the governor may require.

(6) Should any department fail to furnish the above data by the date specified, the director of the budget is empowered to make budget estimates for said department, board or commission.

15.07 The director of the budget shall compile and submit to the governor-elect, not later than the twentieth day of November of each even-numbered year, a compilation giving all of the data required by section 15.10 to be included in the state budget report, except the recommendations of the governor and the explanations thereof.

15.08 After the filing of such compilation, the governor-elect shall hold public hearings upon the requests of the several departments, at which the heads of those departments and any interested citizen may be heard in relation to any matters referred to in the departmental estimates. The director of the budget shall arrange a schedule of the time and place of such hearings, to suit the convenience of the governor-elect, and shall give notice thereof to the interested departments and also to the public through the press. The director of the budget shall attend all

such hearings and shall give such advice and assistance to the governor-elect in the conduct of such hearings as he may desire.

15.09 Not later than the first day of February in each regular session of the legislature, the governor shall deliver his budget message to the two houses in joint session assembled and with such message shall transmit to the legislature the biennial state budget report and the executive budget bill.

15.10 The biennial state budget report shall be prepared by the director of the budget, under the direction of the governor, and a copy thereof shall be furnished to each member of the legislature and to each state department on the day of the delivery of the budget message. Such report shall contain the following information:

(1) A summary of the actual and estimated receipts of the state government in all operating funds under existing laws during the preceding, the current and the succeeding bienniums, classified so as to show the receipts by funds, organization units and sources of income;

(2) A summary of the actual and estimated disbursements of the state government from all operating funds during the preceding and the current bienniums and of the requests of departments and the recommendations of the governor for the succeeding biennium;

(3) A statement showing the condition of all operating funds of the treasury at the close of the preceding fiscal year and the estimated condition at the close of the current year;

(4) A statement showing how the total estimated disbursements during each year of the succeeding biennium compare with the estimated receipts, and the additional revenues, if any, needed to defray the estimated expenses of the state, together with suggestions upon the best methods for raising these additional needed revenues;

(5) A detailed statement of the actual and estimated receipts and disbursements of each department and of all state aids and activities during the preceding and the current biennium, and in parallel columns the departmental estimates and requests and the recommendations of the governor for the succeeding biennium. Estimates of expenditures shall be classified to set forth such expenditures by funds, organization units and the character and object of expenditures; and the organization units may be

subdivided by functions and activities at the discretion of the director of the budget;

(6) Any explanatory matter which in the judgment of the governor will facilitate the understanding by the members of the legislature of the state financial condition and of the budget requests and recommendations.

15.11 With the state budget report the governor shall transmit a budget bill, incorporating all recommendations for appropriations for the succeeding biennium made by him. Such bill shall be drawn in legislative form as a single appropriation bill. Immediately after the delivery of the budget message, this bill shall be introduced without change by the joint committee on finance in both houses and when so introduced shall be referred to the joint committee on finance. Such bill shall bear the caption, "Executive Budget Bill".

15.12 When emergencies arise which necessitate increased appropriations and which were not contemplated when the legislature passed the budget bill for the current biennium, the governor may submit emergency budget estimates and recommendations and an emergency budget bill. Such bills shall bear the caption, "Emergency Executive Budget Bill", and shall be introduced and referred as is the executive budget bill. Such bills may be submitted to the legislature at any time.

15.13 No department or any officer or employe thereof shall present any request for increased appropriations or any explanation, argument or appeal in support of any such request, except at a hearing of the joint committee on finance or at the request of either house or any committee thereof. Nor shall any department, officer or employe attempt to procure an increased appropriation other than through the regular and orderly presentation of budget requests in the manner provided in this chapter or to the governor in emergencies.

15.14 (1) Each department except the legislature and the courts shall from time to time prepare and submit to the director of the budget an estimate of the amount of money which it proposes to expend upon each of its divisions, activities and functions during the ensuing quarter. Such estimates shall be prepared in such form as the director of the budget may require. Revised and supplemental estimates may be presented at any time as occasion thereof may arise, under rules to be prescribed by the director of the budget.

(2) The director of the budget shall examine each such estimate to determine whether the proposed expenditures are lawful, whether appropriations are available therefor and can be made without incurring danger of exhausting such appropriations before the end of the appropriation period and whether there will be sufficient revenue to meet such contemplated expenditures. If satisfied that such estimate meets these tests, he shall approve the same and notify the secretary of state of his approval; otherwise he shall disapprove the same, in whole or in part, as the facts may require.

(3) It shall be unlawful for any department, except the legislature and the courts, to increase the salary of any employe, to employ any additional employes, or to expend money or incur any obligations except in accordance with an estimate submitted to the director of the budget as provided in subsection (1) and which shall have been approved either by such director or by the governor. Approval by the director of the budget shall not be necessary for any expenditure which can be made only with the approval of the governor. No salary increase shall be approved unless it is within the salary ranges fixed by the civil service commission.

(4) Any department feeling itself aggrieved by the refusal of the director of the budget to approve any estimate, or any item therein, may appeal from his decision to the governor, who, after a hearing and such investigation as he deems necessary, may set aside or modify such decision.

(5) The secretary of state shall not draw his warrant for payment of any expenditures incurred by any department for which the approval of the director of the budget or the governor is necessary under this section, unless such expenditure was made in accordance with an estimate submitted to and approved by the director of the budget or by the governor.

20.72 (1) There is appropriated from the general fund to the director of the budget for each of the fiscal years beginning July 1, 1929 and July 1, 1930, thirty thousand dollars for the execution of the functions of the state budget bureau. Of this there is allotted to the director of the budget an annual salary of six thousand dollars.

(2) The cost of all examinations and audits made by the state budget bureau pursuant to subsections (7) and (8) of section

15.04 shall be charged to the proper appropriation of the department whose accounts are audited.

20.74 (1) There is constituted an emergency board to be composed of the governor, who shall be the chairman of the board, the chairman of the senate finance committee and the chairman of the assembly finance committee. Such legislative members shall serve from the adjournment of the legislature until the opening of the regular session of the succeeding legislature. Such members, other than the governor, shall be paid a per diem of ten dollars for each day of actual attendance at meetings of this board and shall be reimbursed their actual and necessary expenses. Such per diem and expenses shall be paid from the appropriation made in subsection (2). Regular meetings shall be held quarterly, except during quarters in which no requests for allotments are filed with the governor, and special meetings shall be held upon call of the governor.

(2) There is appropriated to the emergency board from the general fund for each of the fiscal years beginning July 1, 1929, and July 1, 1930, in lieu of all other emergency appropriations, two hundred and fifty thousand dollars, to be used to supplement appropriations for these years to the several departments which shall prove insufficient, by reason of unforeseen emergencies or other contingencies beyond their control. Allotments from this appropriation shall be made as the emergency board may deem advisable; provided, that the governor may allot sums not in excess of one thousand dollars to any department when necessary to meet an emergency, without a meeting of the board. No moneys shall be paid out under this appropriation for any purpose while any other appropriation is available therefor. All allotments made by the emergency board or by the governor in an emergency shall be certified to the secretary of state, and expenditures therefrom shall be shown in the state budget report as an additional cost of operating the departments, boards, commissions, institutions or activities to whom such allotments were made.

(20.77) (8) All appropriations or balances of appropriations remaining unexpended and unencumbered at the end of the fiscal year for which they are made, shall revert to the general fund, but this shall not apply to revolving appropriations, highway appropriations, appropriations of moneys received from the federal government, or to appropriations for the purchase of

land and for permanent property and improvements, nor shall it affect subsection (19) of section 20.17 or section 20.52. Appropriations for the purchase of land and for permanent property and improvements shall continue to be available until the attainment of the object or the completion of the work for which such appropriations were made, and except as otherwise provided by law all balances remaining shall revert to the fund from which appropriated.

(9) All appropriations to any department, expenditures from which, under any provision of the statutes; may be made only with the approval of the governor or the director of the budget, shall be construed to be conditional appropriations, which shall become available only as contemplated expenditures therefrom are approved by these officers, in the manner required by law.

SECTION 3. Subsections (1), (2) and (3) of section 20.77 of the statutes are amended to read: (20.77) (1) Appropriations in the following language, or substantially similar language, shall be construed to be annual, continuing * * * appropriations, and *balances* shall be available * * * as provided in subsection (8):

There is annually appropriated, beginning (day of month and year)dollars, payable from any moneys in the fund not otherwise appropriated, for (department * * *) for (purpose or object).

There is annually appropriated dollars, payable from any moneys in the fund not otherwise appropriated, for (department * * * , purpose or object).

There is annually appropriated, such sums as may be necessary, from the state treasury, for (department, * * * purpose or object).

(2) Appropriations in the following language or in substantially similar language, shall be construed to be *non-continuing*, lapsable appropriations and balances unexpended at the close of the appropriation period or interval shall revert to the fund from which appropriated:

* * *

There is appropriated for the fiscal year, the sum of dollars, payable from any moneys in the fund not otherwise appropriated, for (department * * *) for (purpose or object).

(3) *Before the close of any fiscal year* any * * * moneys

allotted from any appropriation for administration or operation, or for repairs and maintenance, and not needed for the payment of outstanding claims, shall be available generally for the purposes of the appropriation from which the allotment is made or may be transferred to other activities within the department, if approved by the director of the budget and the governor, of which transfer the secretary of state shall be notified. * * *

Any unexpended balance of moneys allotted from any appropriation * * * for permanent property and improvements, shall be available for no other purpose than that specified in such allotment. Any appropriation in the following or substantially similar language: "There is appropriated on July 1,,, dollars to (department * * *) for (purpose or object)," where applied to an appropriation for land and for permanent property and improvements, shall be available until * * * the attainment of the object or the completion of the work. No appropriation for operation or for repairs and maintenance shall be used for permanent property and improvements. * * *

SECTION 4. Section 14.32, subsection (1) of section 14.68, subsection (1) of section 14.71, and section 35.06 of the statutes are amended to read: 14.32 The secretary of state shall not audit items of expenditure for tips, portorage, parlor car seats other than sleeping car berths, or for expenses not necessarily incurred in the performance of duties required by the public service; nor shall he audit items of expenditure for expenses of any officer or employe of the state or of any department or institution thereof incurred while attending any convention or other meeting held outside the state or other traveling expenses incurred outside the state unless such expense is authorized by the * * * director of the budget, or specific statutory authority exists therefor; nor shall he audit items of expenditure for expenses of more than one officer or employe of the state or of any department or institution thereof in attending any convention or meeting held outside the state unless otherwise provided by law.

(14.68) (1) Unless otherwise provided by law, all moneys collected or received by each and every officer, board, commission, society, or association for or in behalf of the state, or which is required by law to be turned into the state treasury, shall be deposited in or transmitted to the state treasury at least once a week and also whenever required by the governor, and shall be

accompanied by a statement in such form as the treasurer may prescribe showing the amount of such collection, and from whom and for what purpose or on what account the same was received. *All moneys paid into the treasury shall be credited to the general fund unless otherwise specifically provided by law.*

(14.71) (1) Except as expressly provided by law, the governor, secretary of state, state treasurer, attorney-general, state superintendent, commissioner of insurance, state fire marshal, superintendent of public property, railroad commission, dairy and food commissioner, superintendent of weights and measures, industrial commission, adjutant general, state board of control, grain and warehouse commission, civil service commission, tax commission, commissioners of public lands, state conservation commission, supervisor of inspectors of illuminating oils, state treasury agent, commissioner of banking, printing board, free library commission, state chief engineer, commissioner of agriculture, * * * *director of the budget*, geological and natural history survey, state board of health, state highway commission, state board of medical examiners, state board of dental examiners, state board of pharmacy, Wisconsin real estate brokers board, state board of vocational education and state athletic commission are each authorized to appoint such deputies, assistants, experts, clerks, stenographers, or other employes as shall be necessary for the execution of their functions, and to designate the titles, prescribe the duties, and fix the compensation of such subordinates, but these powers shall be exercised subject to the state civil service law, unless the position filled by any such subordinate has been expressly exempted from the operation of chapter 16 and subject, also, to the approval of such other officer or body as may be prescribed by law.

35.06 The * * * *governor* may in * * * *his* discretion * * * *issue not to exceed one thousand copies of the state budget report, and not to exceed ten thousand copies of his annual popular report. The cost of these reports shall be charged to the appropriation to the state budget bureau.*

SECTION 5. All appropriations or balances of appropriations for the fiscal year ending June 30, 1929, or any earlier period, remaining unexpended and unencumbered at the end of this fiscal year, except revolving appropriations, highway appropriations, appropriations of moneys received from the federal government and appropriations for the purchase of land and for

permanent property and improvements, shall revert to the fund from which appropriated, but this shall not affect subsection (19) of section 20.17 or section 20.52. Appropriations or balances of appropriations for the purchase of land and for permanent property and improvements shall continue to be available until the attainment of the object or the completion of the work for which such appropriations were made, but thereafter all balances remaining shall revert to the fund from which appropriated, except as otherwise specifically provided by law.

SECTION 6. It is the intent of the legislature that if any provision in this act is held invalid or unconstitutional all other provisions shall, nevertheless, remain in full force and effect. If any provision shall be held invalid or unconstitutional in its application to any officer, department, board or commission, such provision shall, nevertheless, remain in effect as to all other officers, departments, boards or commissions.

SECTION 7. Section 5 of this act shall take effect upon passage and publication, and all other provisions of this act shall take effect on July 1, 1929.

Approved May 15, 1929.

No. 17, S.]

[Published May 17, 1929.

CHAPTER 98.

AN ACT to amend paragraph (1) of subsection (3) of section 20.41 of the statutes, relating to the appropriation for land clearing demonstrations.

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

SECTION 1. Paragraph (1) of subsection (3) of section 20.41 of the statutes is amended to read: (20.41) (3) (1) * * * All moneys received by each and every person for or on behalf of the board of regents of the university, under the provisions of subsection (6) of section 36.20, shall be paid, within one week after receipt, into the university fund income, and are appropriated therefrom * * * *to be used by the board of regents of the university for land clearing investigational and demonstration work, as provided in subsection (6) of section 36.20.*

SECTION 2. Of the balance in the appropriation provided in