

No. 744, S.]

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CHAPTER 439.

AN ACT to create a damage award commission to hear complaints alleging damages due to negligent construction or operation of the power plant serving the state prison and the central state hospital and to report thereon to the 1953 legislature, and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. DAMAGE AWARD COMMISSION; APPROPRIATION. There is appropriated from the general fund to the damage award commission a sum sufficient for the purposes of section 2.

SECTION 2. DAMAGE AWARD COMMISSION FUNCTIONS. (1) The attorney-general, the director of budget and accounts, and the director of state audit shall constitute a commission to take testimony, make findings of fact and conclusions as to any negligence in the construction or operation of the power plant serving the state prison and central state hospital and to assess any resulting damages to property in the city of Waupun.

(2) Any person aggrieved may petition the commission, setting forth itemized damages, the facts and circumstances causing the damages and the reasons for claiming relief under this section. The petition may be filed in the office of the attorney-general.

(3) Upon receipt of such petition the commission shall fix a time and place for hearing the matter and give notice thereof to the petitioner.

(4) The commission shall not be bound by common law or statutory rules of evidence. They shall admit all testimony having reasonable probative value, but shall exclude immaterial, irrelevant or unduly repetitious testimony. It may take official notice of any generally recognized fact or established technical or scientific fact; but parties shall be notified either before or during hearing or by full reference in preliminary reports or otherwise, of the facts so noticed, and they shall be afforded an opportunity to contest the validity of the official notice.

(5) If from its findings of fact the commission concludes that the petitioner has been damaged by negligence attributable to the state in the construction or operation of the new power plant which serves the state prison and central state hospital the commission shall report its findings, conclusions and recommended awards to the 1953 session of the legislature for its action.

(6) This act shall not be construed as relieving any third party liability or releasing any joint tortfeasor.

(7) Members of the commission shall receive no remuneration for this function beyond actual and necessary expenses.

(8) The commission may employ, without regard to chapter 16 of the statutes, technical assistants and counsel but expenditures therefor shall not exceed a total of \$3,000 in the aggregate.

Approved June 26, 1951.
