

## CHAPTER 14.

## STATE OFFICERS.

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**14.01 Time of choosing.** A governor, lieutenant governor, secretary of state, treasurer and an attorney-general shall be elected at the general election in each even-numbered year. A state superintendent shall be elected on the first Tuesday in April in the year 1917 and quadrennially thereafter.

**14.02 Terms.** The regular full term of office of the state superintendent commences on the first Monday of July, and the regular full term of each other officer enumerated in section 14.01 commences on the first Monday of January, next succeeding his election.

**14.03 Oaths.** Each of the officers enumerated in section 14.01 shall take and subscribe the oath of office prescribed by the constitution, as follows: The governor and lieutenant governor, before entering upon the duties of his office; the secretary of state, treasurer, attorney-general and state superintendent, within twenty days after receiving notice of his election and before entering upon the duties of his office.

**14.04 Official bonds.** (1) The secretary of state, treasurer and attorney-general shall each furnish a bond to the state, at the time he takes and subscribes his oath of office, conditioned for the faithful discharge of the duties of his office, and his duties as a member of the board of commissioners of the public lands, and in the investment of the funds arising therefrom, and, in the case of the secretary of state, conditioned also for the faithful discharge of his duties as auditor. The bond of each of said officers shall be further conditioned for the faithful performance by all persons appointed or employed by him in his office of their duties and trusts therein, and for the delivery over to his successor in office, or to any person authorized by law to receive the same, of all moneys, books, records, deeds, bonds, securities and other property and effects of whatsoever nature belonging to his said offices.

(2) Each of said bonds shall be subject to the approval of the governor and shall be guaranteed by resident freeholders of this state, or by a surety company as provided in section 204.07. The amount of each such bond, and the number of sureties thereon if guaranteed by resident freeholders, shall be as follows: Secretary of state, twenty-five thousand dollars, with sufficient sureties; treasurer, one hundred thousand dollars, with not less than six sureties; and the attorney-general, ten thousand dollars, with not less than three sureties.

**Note:** The liability of the surety under a depository bond, for state funds deposited by the state treasurer without compliance with the depository law and for funds deposited in excess of the statutory limit, and the liability of the surety under the state treasurer's official bond, for the treasurer's noncompliance with the depository law and his failure to keep the deposit within the statutory limit, were not "common liabilities" so as to entitle the surety on the depository

bond to contribution from the surety on the official bond; the liability of the surety on the depository bond arising out of the failure of the depository bank to repay deposited state moneys, but the liability of the surety on the official bond arising out of the failure of the state treasurer to perform his official duty. *United States F. & G. Co. v. Commercial C. Ins. Co., 222 W 151, 268 NW 111.*

**14.05 Treasurer's bond; extends to; cost of.** The bond of the treasurer shall extend to the faithful execution of the duties of the office of treasurer until his successor is elected and fully qualified; and, if he elects to give bond guaranteed by a surety company, the cost thereof and of any additional bond required of and furnished by him and so guaranteed shall be borne by the state and shall be paid out of the appropriation to the treasury department, if the cost thereof does not exceed one-fourth of one per cent, per annum, of the amount of said bond.

**14.06 Additional bonds.** The attorney-general shall renew his bond in a larger amount and with additional security, and the treasurer shall give an additional bond, when required by the governor.

**14.07 Official oaths and bonds; where filed.** The official oaths of the governor, lieutenant governor and the state superintendent shall be filed in the office of the secretary of state. The official oaths and bonds of the secretary of state, treasurer and attorney-general shall be filed in the executive office.

**14.08 Offices in capitol.** The governor, secretary of state, treasurer, attorney-general and the state superintendent shall each keep his office in the state capitol.

**14.09 Governor's office; appointees.** The governor may appoint a private secretary and an executive clerk. He may appoint also an executive counsel to assist him during any session of the legislature and for thirty days after sine die adjournment thereof. He may at pleasure remove any of said appointees.

**14.10 Records and documents; custodian of.** The private secretary to the governor, for purposes of authentication, is custodian of the public records and documents in the executive office.

**14.11 Executive privy seal.** The executive privy seal, a written description of which is deposited in the office of the secretary of state, is the seal of the private secretary to the governor, with which all his official certificates shall be authenticated.

**14.12 State property; legal protection of.** The governor, whenever in his opinion the rights, interests or property of the state have been or are liable to be injuriously affected, may require the attorney-general to institute and prosecute any proper action or proceeding for the redress or prevention thereof; and whenever he receives notice of any action or proceeding between other parties by which the rights, interests or property of the state are liable to be injuriously affected, he shall inform the attorney-general thereof and require him to take such steps as may be necessary to protect such rights, interests, or property.

**14.13 Employment of special counsel.** (1) The governor, if in his opinion the public interest requires such action, may employ special counsel in the following cases:

- (a) To assist the attorney-general in any action or proceeding;
- (b) To act instead of the attorney-general in any action or proceeding, if the attorney-general is in any way interested adversely to the state;
- (c) To defend any action instituted by the attorney-general against any officer of the state;
- (d) To institute and prosecute an action or proceeding which the attorney-general, by reason of his opinion as to the validity of any law, or for any other reason, deems it his duty to defend rather than prosecute.

(2) When special counsel is employed, a contract in writing shall be entered into between the state and such counsel, in which shall be fixed the compensation to be paid such counsel by the state. The contract shall be executed in behalf of the state by the gov-

error, and shall be filed in the office of the secretary of state. Such compensation shall be charged to the legal expense appropriation provided in subsection (2) of section 20.03

**14.14** [*Renumbered section 20.84 by 1931 c. 67 s. 148*]

**14.15 Inspection and investigation of institutions.** The governor may visit and inspect at any time any public institution of this state which is supported in whole or in part by appropriations by the state; and, in the case of state institutions, he may also cause an investigation to be made of any thereof, or of any matter connected with or of any employe in any such institution, and may appoint a suitable person therefor, and shall require a written report thereof. Such investigator shall be paid not to exceed six dollars and fifty cents a day for each day actually and necessarily required in performing the duties imposed, and shall be reimbursed all actual expenses thereby incurred. The cost of any such investigation shall be charged to the appropriation for the state institution under investigation.

**14.16 Require additional bond of treasurer.** The governor shall require the treasurer to give additional bond, within such time, in such reasonable amount not exceeding the funds in the treasury, and with such security as he shall direct and approve, whenever the funds in the treasury exceed the amount of the treasurer's bond; or whenever the governor deems the treasurer's bond insufficient by reason of the insolvency, death or removal from the state of any of the sureties, or from any other cause.

**14.17 Reports to legislature.** The governor shall communicate to the legislature at the commencement of each regular session the reports of all state officers, commissions, boards, and departments required by law to report to him, including the reports of state officers whose terms of office have expired covering the transactions in their respective offices from the thirtieth day of June in the last year of their terms, and, at the time of communicating said reports, shall render to the legislature a statement of all expenditures made by him out of any contingent fund appropriated for the contingent expenses of the executive office. He shall report biennially to the legislature the condition of each of the public institutions of this state which are supported in whole or in part by appropriations by the state with such recommendations as he deems proper.

**14.18 Deposit of acts; notice.** The governor shall cause all legislative acts which have become laws by his approval or otherwise to be deposited in the office of the secretary of state without delay, and shall inform thereof the house in which the respective acts originated.

**14.19 Rewards.** Whenever any person convicted of or charged with any felony escapes, or whenever any heinous crime has been committed, the governor may offer a reward of not to exceed five hundred dollars for the apprehension and delivery of such person or the conviction of the perpetrator of such crime. If such reward is claimed, whether by one or more persons, the governor shall finally determine to whom the same shall be paid, and, if to more than one person what portion to each, and shall certify his determination to the secretary of state. No such offer of a reward by the governor shall impose any actionable liability on the state.

**14.20 Land claims against United States; receipt of payment.** The governor is authorized to receive from the United States treasury department, from time to time, as he sees fit to draw for the same, the five per centum of the net proceeds of sales of the public lands to which this state is or shall be entitled, pursuant to the act of congress approved August sixth, eighteen hundred and forty-six, and to execute the proper vouchers therefor. When received he shall pay the same into the state treasury to the credit of the school fund.

**14.205 Federal donations for Indians.** (1) Whenever the United States government shall make available funds for the education, the promotion of health, the relief of indigency, the promotion of agriculture or for any other purpose other than the administration of the tribal or any individual funds of Wisconsin Indians, the governor on behalf of the state is authorized to accept the funds so made available. In exercising the authority herein conferred, the governor may stipulate as a condition of the acceptance of the act of congress by this state such conditions as in his discretion may be necessary to safeguard the interests of the state of Wisconsin.

(2) Whenever funds shall be made available to the state of Wisconsin through an act of congress and acceptance thereof as provided in subsection (1), the governor shall designate the state board, commission or department to administer any of such funds, and the board, commission or department so designated by the governor is hereby authorized and directed to administer such fund for the purpose designated by the act of congress making an appropriation of such funds, or by the department of the United States government making such funds available to the state of Wisconsin.

(3) Any and all funds which may be paid to the state of Wisconsin under the authority of this section, shall, upon receipt, be paid into the state treasury, and the same shall be and hereby are appropriated to the state board, commission or department designated by the governor to administer the same. Expenditures of such funds shall be made in the same manner and subject to the laws, rules and regulations governing payments made by the state treasury, and further such expenditures shall be made in accord with federal rules and regulations. If funds made available be retained by the government of the United States, then the officers and employes of the state of Wisconsin designated to administer same shall be governed by the act of congress and the rules and regulations of the federal government.

(4) Any board, commission or department of the state government designated to administer any such fund, shall, in the administration of such fund, comply with the requirements of the act of congress making such appropriation and with the rules and regulations which may be prescribed by the United States government or by the department of the federal government making such funds available. [1931 c. 279]

**14.21 Patents to railroad lands.** Whenever the governor shall have executed and delivered to any railway or other corporation a patent from this state of any land inuring to such corporation under or through any grant from the United States and the laws of this state, and subsequent to the delivery of any such patent the United States shall patent or certify said land or any part thereof to this state as inuring under such grant, he may in his discretion execute and deliver to such corporation a new patent of said land by way of further assurance of title to the same, reciting the fact of the execution and delivery of said prior patent and the subsequent issue by the United States of a patent or certified list of the said land, and that the said new patent is made by virtue of the provisions of this section and for the purposes aforesaid; and the additional patent shall be entitled to the same force and effect as a conveyance and as evidence as other state patents have by law.

**14.22 Appointments subject to confirmation.** Whenever the governor is authorized to make any appointment to office by and with the advice and consent of the senate, and the legislature is not in session at the time such office should be filled, he may make appointment thereto, subject to the approval of the senate at the next succeeding session of the legislature, and all such appointments shall be as valid and effectual from the time when so made until twenty days after such meeting of the legislature as if he possessed the absolute power of appointment.

**14.23 Holiday proclamations.** The governor, by proclamation, may set apart one day each year to be designated as arbor and bird day, and may request its observance by all schools, colleges and other institutions by the planting of trees, the adornment of school and public grounds, and by suitable exercises having for their object the advancement of the study of arboriculture, the promotion of a spirit of protection to birds and trees, and the cultivation of an appreciative sentiment concerning them. He may also set aside in said manner, the third Sunday in May in each year to be designated as citizenship day, and shall request its observance by all circuit court judges, county boards, municipalities, colleges and other institutions, and by suitable exercises for all those persons who have recently become enfranchised either by naturalization or by reaching their majority with the necessity of exercising responsible, vigilant and intelligent citizenship to safeguard and maintain our inalienable American liberties, freedom of person, stability, strength, endurance of our democratic institutions, ideals and leadership. He may also set apart, in said manner, one day in each year to be observed as labor day. The governor shall annually issue a proclamation calling attention to the fact that the eleventh day of November is the anniversary of armistice day, and requesting the people throughout the state to observe by appropriate exercises the hour at which the armistice was concluded. The governor is authorized to annually proclaim the second Sunday in May as mother's day and to urge the people and organizations to display the American flag as a public expression of love and reverence for the mothers of our state and as a symbol of a united effort to inspire better homes and closer union between the state, its homes and its sons and daughters. [1937 c. 67; 1939 c. 96]

**14.24 Conferences of governors.** The governor is authorized to attend and represent the state at all conferences of governors, and to make such arrangements as he may deem necessary for this state to bear its share of the expenses of such conferences. All expenses incurred under this section shall be charged to the proper appropriation for the executive department.

**14.25 Secretary of state; assistant secretary.** The secretary of state may appoint, in writing, an assistant secretary of state who may perform and execute any of the duties of the secretary of state, except as commissioner of the public lands and as auditor. The assistant secretary shall take and subscribe the oath of office prescribed by the constitution

and shall give bond to the secretary of state, in such sum and with such conditions as the said secretary prescribes, conditioned for the faithful discharge of his duties. Such oath shall be filed and preserved in the executive office.

**14.26 Great and lesser seals.** (1) The state shall have a great seal and a lesser seal both of which shall be kept in the office of the secretary of state.

(2) The great seal of the state consists of a metallic disc, two and three-eighths inches in diameter, containing, within an ornamental border, the following devices and legend: The coat of arms of the state, as in section 1.07 described; above the arms, in a line parallel with the border, the words, "Great Seal of the State of Wisconsin;" in the exergue, in a curved line, thirteen stars.

(3) A lesser seal, one and three-fourths inches in diameter, engraved with the device of the great seal, with the words, "Seal of the Secretary of State," in a curved line above, and the words, "State of Wisconsin," in a curved line below such device, is the seal of the secretary of state, and may be used to authenticate all papers and documents issued by him, except the official acts of the governor, and such copies of the laws and records in the office of said secretary as may be required for use as evidence in any other state, territory or country.

**Note:** Neither constitution nor statutes expressly or impliedly prohibit miniature of state's seal from being used as ring emblem blind at time of graduation. 28 Atty. Gen. 83.

**14.27 Custodian of deeds, securities, oaths and bonds.** All deeds, conveyances, abstracts of title, options and leases of land; and, unless otherwise directed by law, all bonds, mortgages and other securities, for money, belonging to this state, and all official oaths and bonds shall be deposited and preserved in the office of the secretary of state and be open to public inspection.

**14.28 Destruction of useless documents.** (1) Whenever it shall be found necessary to destroy useless documents in order to secure vault space for state records the secretary of state may, from time to time in his discretion, so dispose of any of the following named records: Bonds of notaries public and commissioners of deeds filed over ten years prior thereto; supplemental reports of foreign corporations and monthly and quarterly reports by state depositories filed over two years prior thereto; itemized lists of premiums paid by agricultural societies when over two years old; reports of tax on suits when over five years old; peddler's license application when over two years old; lists of creameries and cheese factories when over five years old; exempt property returns when over ten years old; lists of officers of agricultural societies when over two years old; records of actions on senate and assembly bills when over ten years old; journal minute books when over five years old; committee receipt books for bills referred when over five years old; claims for refund of gasoline tax when over six years old and bills accompanying the same when over twelve months old; also vouchers for pay rolls and other civil claims against the state for supplies and equipment, when ten years old. Provided that vouchers relating to claims against the United States in war years, in which Wisconsin furnished troops, shall not be destroyed without consent of the legislature.

(2) The secretary of state may destroy or dispose of the following records, as follows:

(a) Five years after filing: petitions for new party tickets and recall elections and treasury receipts to state departments, institutions and boards for funds paid into the state treasury.

(b) Ten years after filing: ballots and returns of soldiers' votes in the field; assessors returns relating to deaf, dumb and other defectives; briefs of legislative counsel; abstracts and certified copies of assessment rolls; expense statements and authorizations of legislative counsel and employers; election expense statements of candidates, personal and party committees, groups and factions; copies of committee hearings and minutes not filed in bill envelopes, petitions and memorials to either house of the legislature, and office copies of statutory receipts for fees.

(c) Ten years after full payment: cancelled state bonds and certificates of state indebtedness; and school district loan papers and valuations.

(d) Twenty-five years after filing: official and surety bonds; financial reports of state hospitals and sanatoria; copies of extradition papers formerly filed with the secretary of state.

(e) Fifty years after filing: legislative bills and bill envelopes, resolutions, joint resolutions, memorials to congress and miscellaneous legislative papers and reports. [1933 c. 470 s. 2; 1937 c. 212; 1939 c. 17]

**14.29 Secretary of state, duties.** The secretary of state shall:

(1) **RECORD EXECUTIVE ACTS.** Keep a record of the official acts of the executive department and, when required, lay the same and all matters relative thereto before either branch of the legislature.

(2) **AFFIX GREAT SEAL; REGISTER COMMISSIONS.** Affix the great seal to and counter-

sign all commissions issued and other official acts done by the Governor, his approbation of the laws excepted; and make a register of such commissions in a book provided by him therefor, specifying the person to whom issued, the office conferred, and the date and term of the commission.

(3) **HAVE CUSTODY OF BOOKS, RECORDS, ETC.** Have the custody of all books, records, deeds, bonds, parchments, maps, papers and other articles and effects belonging to the state, deposited or kept in his office, and, from time to time, make such provision for the arrangement and preservation thereof as is necessary, and keep the same, together with all accounts and transactions of his office open at all times to the inspection and examination of the governor or any committee of either or both houses of the legislature.

(4) **REPORT TO GOVERNOR.** Report biennially to the governor, within sixty days after the thirtieth day of June in each even-numbered year, in connection with his report as auditor, any matters pertaining to his office as secretary not embraced in such report as writing, any information relative to the performance of the duties of the legislature, in his office.

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

(6) **CAUSE ENROLLED LAWS TO BE BOUND.** Cause the original enrolled laws and joint resolutions passed at each session of the legislature, together with the index containing the titles of the same, to be bound in suitable volumes in a substantial manner, and in the order in which they are received from the governor, and the title thereof, with the session at which the same were passed, to be written or printed on the back of such volumes; and no other or further record of the official acts of the legislature, so far as relates to acts and joint resolutions, shall be required of said secretary.

(7) **FURNISH TREASURER COPIES OF APPROPRIATION ACTS.** Deposit in the office of the treasurer exemplified copies of all laws authorizing the payment of money out of the state treasury, immediately after the passage of the same.

(8) **KEEP AND REPORT STATEMENT OF FEES.** Keep a detailed statement of all fees, received by him and include a summary of such statement, in his biennial report.

(9) **FURNISH CERTIFIED COPIES.** Make a copy of any law, resolution, deed, bond, record, document or paper deposited or kept in his office, upon request therefor, attach thereto his certificate, with the great or lesser seal affixed, and collect therefor twelve cents per folio and twenty-five cents for such certificate; also to record any document authorized or required by law to be recorded in his office, and to charge therefor a fee of twelve cents per folio. The fee for certified copies of appointments, certificates of incorporation or amendments, licenses of foreign corporations, or similar certificates, and for certificates as to results of search of the records and files of his office, when a printed form is used, shall be one dollar, but when a specially prepared form is required the fee shall be one dollar and fifty cents. The minimum fee for any certificate under his hand and seal shall be fifty cents.

(10) **PUBLISH PROPOSED CONSTITUTIONAL AMENDMENTS AND LAWS.** To publish the laws as provided by section 35.64 and to publish in the official state paper once a week for three months immediately preceding any general election, such proposed constitutional amendments as were approved for the first time by the legislature preceding such election.

(11) **OTHER DUTIES.** To perform such other duties as are imposed upon him by the constitution or by law.

(12) **DOMESTIC CORPORATIONS.** To, if a complaint shall be made to him that any corporation authorized to do business in this state is guilty of unfair discrimination within the terms of sections 100.22 and 100.23, refer the matter to the attorney-general, who shall, if the facts justify it in his judgment, co-operate with the district attorney and cause proceedings to be commenced in the proper court against such corporation and its officers and members. [1935 c. 550 s. 361]

**Note:** Under 14.29 (3) it is duty of secretary of state to assume official custody of records of defunct departments when such records are turned over to him for such purpose. He may then exercise discretion as to whether and when such records shall be transferred to state historical society under 44.08, 28 Atty. Gen. 654.

**14.30 Secretary of state as auditor; duties.** The secretary of state as auditor shall:

(1) **SUPERINTEND FISCAL CONCERNS.** Superintend and manage the fiscal concerns of the state as required by law.

(2) **SUGGEST IMPROVEMENTS.** Suggest plans for the improvement and management of the public revenues.

(3) **SETTLE ACCOUNTS.** Examine and settle the accounts of all persons indebted to the state and certify the amount due to the treasurer.

(4) **REQUIRE RETURN OF PROPERTY.** Require every person who has received any money, property or goods belonging to the state, and has not accounted therefor, to settle his accounts and to return such property, money or goods to the state.

(5) **DIRECT COLLECTION OF MONEYS.** Except as otherwise provided by law, direct and superintend the collection of all moneys due the state.

(6) **KEEP SEPARATE ACCOUNTS.** Keep fair, clear, distinct and separate accounts of the revenues and funds of the state, and of all moneys and funds received or held by the state, and also of all expenditures, disbursements and investments thereof, showing the particulars of every expenditure, disbursement and investment.

(7) **KEEP ACCOUNT BETWEEN STATE AND TREASURER.** Keep an account between the state and treasurer and therein charge the treasurer with the balance in the treasury when he came into office, and with all moneys received by him, and all bonds and securities belonging to all public funds on deposit in the treasury, and credit him with all moneys paid by him pursuant to law.

(8) **KEEP AND STATE ACCOUNTS.** Keep and state all accounts in which the state is interested.

(9) **COUNTERSIGN RECEIPTS.** Countersign all receipts for any money paid to the treasurer and enter them in his book to the credit of the county, officer or person making the payment, and charge the treasurer with the same.

(10) **AUDIT CLAIMS.** Examine, determine and audit, according to law, the claims of all persons against the state.

(11) **RECORD AUDITS.** Enter in a book kept for that purpose a record of all accounts audited by him, showing the name of the claimant, the amount claimed, the amount allowed thereon, the number, date and amount of the warrant therefor drawn on the treasurer, and specifying the fund from which the same is to be paid.

(12) **KEEP APPROPRIATION ACCOUNTS.** Keep clear, distinct and separate accounts of all appropriations authorizing expenditures from the state treasury, which accounts shall show the amounts appropriated, the amounts expended and the unexpended balance of each appropriation.

(13) **EXAMINE TREASURER'S BOOKS.** Carefully examine quarter-yearly the books and accounts of the treasurer and the moneys on hand in the treasury, and all bonds and securities belonging to all public funds on deposit in the treasury, and immediately thereupon report the result of such examination in writing to the governor, specifying therein particularly the amount and kind of funds and of all such bonds and securities.

(14) **BIENNIAL REPORT.** Set forth in his biennial report to the governor a statement of all money received into and paid out of the treasury during the preceding fiscal term, showing in summarized form from what sources received and for what purposes paid out; the precise state of the treasury; and such other matter of a fiscal nature as he deems useful and proper.

(16) **AUDIT CLAIMS FOR RETURN OF PRISONERS.** Receive, examine, determine and audit claims, duly certified and approved by the state board of control, from the county clerk of any county in behalf of such county, which are presented for payment to reimburse such county for certain expenses incurred or paid by it on and after July 1, 1937, in reference to all matters growing out of the return of escaped convicts, from the state prison, prison for women, state reformatory, industrial home for women, provided the escape was from some prison camp or institutional activity not located in the same county as the institution proper. If the secretary of state shall find such claims correct and just he shall draw his warrant upon the state treasurer and the treasurer shall pay the amount directed in the warrant and as directed and out of the appropriation provided therefor. The secretary of state may prescribe the form of claim and the information required therein. Expenses as herein used shall only include such amounts as were necessarily incurred and actually paid and shall be no more than the legitimate cost would be to any other county had the offense or crime occurred therein. Any incarceration pending arraignment and all commitments prior to the final disposition of the prisoner charged with any offense or crime referred to in subsection (2) of section 53.01, subsection (4) of section 53.25 and subsections (4) and (5) of section 54.01 while in the county whose courts have jurisdiction shall be in the institution, located in such county, wherein the alleged crime or offense was committed and the warden or superintendent of such institution shall be subject to the same laws and court orders as the sheriff of such county would be in a criminal case and the officer who arrests such prisoner or who shall have him in his custody before arraignment shall forthwith deliver him to such institution unless he can be the sooner arraigned. (1933 c. 470 s. 3; 1937 c. 119, 181 s. 1]

**Note:** Under (16), enacted by chapter 119, Laws 1937, one charged with escape may be held for safe-keeping pending trial in institution from which he escaped instead of in county jail. 26 Atty. Gen. 259.

Constitutionality of appropriation made

by chapter 427, Laws 1937, having been challenged by taxpayer, secretary of state should resolve doubt in favor of state and refuse to audit appropriation until its validity has been judicially determined. 26 Atty. Gen. 410.

**14.31 Claims against state.** (1) **AUDIT.** All claims against the state, when payment thereof out of the state treasury is authorized by law, shall be audited by the secretary of state.

(2) **PAY ROLLS.** Pay rolls, to be entitled to audit, shall be certified by the proper officers who shall set forth the nature of the services rendered by each person named therein.

(3) **OTHER CLAIMS.** Unless otherwise provided by law, all other claims to be entitled to audit shall:

(a) Specify the nature and particulars thereof.

(c) Include receipts for all items of expenditure of one dollar or more, unless other satisfactory evidence is accepted by the auditing officer.

(d) Include the claimant's affidavit setting forth that all items of traveling expenses were incurred in the performance of duties required by the public service, and that the amount charged for transportation or for other expenses incident to travel was actually paid out and that no part of such transportation was had upon a free pass or otherwise free of charge. The blank form of such affidavit shall be prescribed by the secretary of state.

(e) Be approved by the proper officer, if any.

(4) **SALARIES, ETC., WHEN PAYABLE.** (a) The salaries, wages, compensation of and reimbursements to all state officers and employes, except as otherwise expressly provided, shall be paid at the end of each month for the services rendered or disbursements made during such month, or at the termination of such service, and shall be charged against the proper appropriation for the respective office, commission, board or body with which the person receiving the same is connected.

(b) All such salaries, wages or compensation not exceeding the rate of one hundred dollars per month shall be payable semimonthly. [1931 c. 230]

**Note:** In absence of rule on subject by board of dental examiners, all vouchers for payment of money should be signed by secretary-treasurer and president of board. 19 Atty. Gen. 623.

Secretary of state should not audit and pay amounts certified as due reinstated deputy oil inspectors in absence of court mandate so directing. 24 Atty. Gen. 466.

Men holding positions vacated by discharge of certain oil inspectors under civil service law are entitled to pay of office. 24

Atty. Gen. 510.

Where two groups of deputy oil inspectors covering single district request pay for given period, only one group is entitled to pay of such office. Secretary of state is advised not to audit these accounts without order of court directing which group should be paid. 24 Atty. Gen. 511.

The secretary of state is fully protected in auditing payment of salary to a de facto state officer. 28 Atty. Gen. 555.

**14.32 Items not allowed.** The secretary of state shall not audit items of expenditure for tips, portage, 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, except as herein provided, items of expenditure incurred while traveling outside the state by any officer or employe of the state or of any department or institution thereof unless in the discharge of his duties required by the public service; nor shall he audit except upon the order of the governor items of expenditure for expenses of more than one officer or employe of the state or of any department or institution thereof while attending any convention, association, society or meeting held outside the state. Any auxiliary, allied or subordinate society, association, or meeting held in connection with or as a part of or immediately preceding, during or immediately following the time of any convention, association, society or meeting shall for the purposes of this section be considered as one convention, association, society or meeting. This section shall supersede all other statutory provisions specifically authorizing out-of-state travel. [1933 c. 345; 1935 c. 163, 398]

**14.33 Examination of claimants.** The secretary of state may examine under oath the claimant or any other person relative to any claim presented against the state, and may require oral or written answers as to any facts relating to the justness of the claim, or as to the liability of the state.

**14.34 Audit order indorsed on claim; record.** The order of the secretary of state auditing any claim shall be indorsed on or annexed to such claim, shall specify the amount allowed, the fund from which the same is payable, and the law that authorizes payment of such claim out of the treasury; and said order with the claim and all evidence relative thereto shall be filed and preserved in his office.

**14.35 Warrants; what to specify.** The secretary of state shall draw his warrant on the state treasurer payable to the claimant for the amount allowed by him upon every claim audited under section 14.31, specifying from what fund to be paid, the particular



law which authorizes the same to be paid out of the state treasury, and the post-office address of the payee; and he shall not credit the treasurer for any sum of money paid out by him otherwise than upon such warrants.

**14.36 Warrants; signatures.** Whenever it is impracticable for the secretary of state to personally sign warrants issued on the state treasury, his name may be signed thereto by one or more persons in his department designated by him or by the use of a mechanical device adopted by him for affixing a facsimile signature; and the state treasurer, when written authority and reasons therefor are filed in his office, shall honor warrants so signed, the same as if signed in person by the secretary of state, until such authority is revoked in writing. [1939 c. 262]

**14.37 Certification of boards, evidence of correctness of account.** The certificate of the proper officers of the board of regents of the normal schools, the regents of the University of Wisconsin, the state board of control, or the proper officers of any other board or commission organized or established by the state, shall in all cases be evidence of the correctness of any account which may be certified by them.

**14.38 Claims requiring legislative action.** All claims of every kind against the state requiring legislative action shall be made in duplicate, in the manner provided in section 14.31 and shall be filed in the office of the secretary of state. The secretary of state shall examine the same, see if ordered by competent authority, and if properly made and justly due, and as soon as practicable report the same to the legislature with such recommendation, if any, as he may deem proper, and designate the fund to which they are chargeable. Whenever a bill appropriating money for a claim becomes a law the secretary of state, before drawing his warrant therefor on the treasurer, shall see that the proper account on which such appropriation is based is filed in his office.

**14.39 Transfer of funds appropriated.** Whenever an appropriation has been made from the general fund in the state treasury to any other fund therein, the secretary of state in his discretion may withhold the transfer of such appropriation or any part thereof from the general fund until the same is required to pay claims duly audited.

**14.40 Secretary to require accounts of state money, etc.** The secretary of state shall from time to time require all persons receiving money or securities or having the disposition or management of any property of the state, of which an account is kept in his office, to render statements thereof to him; and all such persons shall render such statements at such time and in such form as he shall require.

**14.405 State suit tax; notice of default.** If the secretary of state does not receive from the clerk of the circuit court the statement relative to suit tax required by subsection (11) of section 59.39 together with a receipt for the sum required by law to be paid on the actions so entered during the preceding quarter, on or before the first day of the next succeeding month, he shall forthwith notify the judge of the circuit court of the county of the failure to transmit such statement or receipt or both; and such judge shall thereupon notify the clerk to show cause why he should not be removed from office in the manner provided by law.

**14.41 Assistant treasurer; oath; bond; powers.** The treasurer may appoint, in writing, an assistant state treasurer who may perform and execute any of the duties of the treasurer, except as commissioner of the public lands. The assistant treasurer shall take and subscribe the oath of office prescribed by the constitution and shall give bond to the treasurer, in such sum and with such conditions as the treasurer prescribes, conditioned for the faithful discharge of his duties. The oath of the assistant treasurer and the certificate of his appointment shall be filed and preserved in the office of the secretary of state. The chief accountant and such other employes as the treasurer may require shall give bond to the state of Wisconsin in such sum and with such conditions as the treasurer prescribes, conditioned for the faithful discharge of his duty; the cost thereof to be charged to the appropriations made by section 20.05. [1931 c. 439]

**14.42 Duties of treasurer.** The treasurer shall:

(1) **HAVE CUSTODY OF MONEYS.** Receive and have charge of all money paid into the treasury, and pay out the same as directed by law. Checks on depositories in which moneys may be deposited shall be signed in one of the following methods:

- (a) by the treasurer personally;
- (b) by an assistant state treasurer, appointed as provided in section 14.41 of the statutes, in the name of the treasurer;
- (c) by any clerk in his department designated by him in the name of the treasurer;

or

(d) by placing on a check the facsimile signature of the treasurer adopted by him as a facsimile signature. Any depository shall be fully warranted and protected in making payment on any check bearing such facsimile notwithstanding that the same may have been placed thereon without the treasurer's authority.

(2) **ISSUE COUNTERSIGNED RECEIPTS.** Issue receipts for all money paid to him, which, before their delivery, shall be countersigned by the secretary of state; and no receipt, unless so countersigned, shall be evidence of the payment of any money into the treasury.

(3) **PAY CLAIMS AS PRESENTED.** Pay all claims authorized to be paid out of the treasury in the order in which they are presented, giving a preference to no one.

(4) **PAY ON WARRANTS SUMS AUTHORIZED BY LAW.** Pay out of the treasury, on demand, upon the warrants of the secretary of state and not otherwise such sums only as are authorized by law to be so paid, if there be appropriate funds therein to pay the same, and, when any sum is required to be paid out of a particular fund, pay it out of such fund only; and upon each such warrant, when payment is made in currency, take the receipt, indorsed on or annexed thereto, of the payee therein named or his authorized agent or assignee.

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

(6) **KEEP CASH AND FUND ACCOUNTS.** Keep, in books provided for that purpose, fair, full and separate accounts of all money received by him, clearly distinguishing the separate funds required to be kept; keep also a cash book, and enter therein a detailed account of all money received and disbursed, and at the end of each week, verify such accounts with the secretary of state.

(7) **PERMIT EXAMINATION OF BOOKS.** Permit at all times inspection and examination of the books, papers and transactions of his office by the governor, attorney-general, state budget bureau, or by the legislature, or any Secretary of state, or of either branch thereof, committee thereof,

(8) **REPORT TO GOVERNOR QUARTERLY.** Report to the governor quarterly, or oftener if required, the total amount of funds in the treasury, specifying in what kind of currency they consist, the amount of each kind, and the amount belonging to each separate fund, and also what amounts are in each of the state depositories, together with the interest earned thereon, and also all defalcations and neglect of duty of any disbursing or collecting officer or agent of the state, and any information pertaining to the duties of his office he may think proper or the governor may require.

(9) **REPORT TO GOVERNOR BIENNIALY.** Report to the governor, within ten days after the thirtieth day of June in each even-numbered year, a statement of all money received into and paid out of the treasury during the preceding fiscal term, showing under separate heads from what sources received and for what particular object or service paid out; and also the precise state of the treasury, together with such information and suggestions of a fiscal nature as he shall deem useful and proper.

(10) **REPORT MONEYS PAID COUNTIES.** Furnish the county clerk of each county, annually, between the tenth day of July and the first day of August succeeding, a full and complete statement of all money paid by said treasurer to the county treasurer during the preceding year ending on the thirtieth day of June and said statement shall be filed and recorded in said clerk's office.

(11) **MAKE CERTIFIED COPIES.** Make a certified copy of any deed, bond, document or paper filed in his office, and transcripts from the books and records kept therein, when required by any person so to do; and collect therefor twelve cents per folio, and twenty-five cents for such certificate.

(12) **STAMP CHECKS AND DRAFTS.** Cause to be plainly printed or stamped upon all checks and drafts issued by him, the words "Void if not presented for payment within two years."

(13) **SERVICES IN CONNECTION WITH SECURITIES HELD IN TRUST.** Upon request therefor from any company, corporation, society, order or association which has securities on deposit with him, in trust, mail to its address from time to time not to exceed sixty days before the same become due, any or all interest coupons; return to it any or all bonds, notes or other deposits as they become due and are replaced by other securities; and interest coupons, make any indorsement of interest or otherwise on any such securities; and collect therefor from the company, corporation, society, order or association making the request, a fee of twenty-five cents for a single coupon cut, or for each entry of interest indorsed on a note or return of a bond, note or other security, and a fee of ten cents for each additional coupon cut, or entry of interest indorsed on a note, bond or other security, and may withhold any and all coupons cut or refuse indorsement of interest on securities until such fee shall have been paid. Such fees shall be paid into the state treasury as a part of the general fund, and no extra charge shall be required for postage or registered mail.

(14) **OTHER DUTIES.** Perform all other duties imposed upon him by law.

(15) **ADVERTISE RECEIPT OF LEGACIES AND SHARES.** The state treasurer, upon the receipt of any money which belongs to heirs or legatees, shall forthwith advertise the fact in the state paper by giving the name of the decedent, the time and place of his death, the amount paid into the treasury, the personal representative paying the same, the county in which the estate is probated, and that the money will be paid to the heirs or legatees without interest, on proof of ownership, if applied for within five years from the date of publication in the manner provided in section 318.03. The cost of such advertising shall be charged to the appropriation for the treasury department.

(16) **MONTHLY STATEMENTS.** The state treasurer shall render monthly statements to the state annuity and investment board of the costs of services rendered to said board. Upon receipt of such statements, the director of investments shall certify the amounts thereof to the secretary of state to be paid into the general fund of the state treasury out of the appropriation for the state annuity and investment board for the cost of making its investments; such amounts shall be and are hereby reappropriated from said general fund and added to the appropriation for the state treasurer for administration. [1933 c. 190 s. 9; 1937 c. 181 s. 5; 1939 c. 142, 194]

**Note:** Section 14.42 (15) requires state treasurer to advertise only receipt of unclaimed legacies and shares paid into state treasury under 318.03 (2). Section 220.25 is complete in itself, thereby making it unnecessary for state treasurer to advertise receipt of money paid by banks under escheat of bank deposits law. 26 Att. Gen. 390.

14.43 [Renumbered section 34.02 by 1935 c. 55]

14.44 **Banks, foreign control, ineligibility as depository.** Whenever the ownership, control or power to vote a majority interest in the stock of any state or national bank doing business in Wisconsin shall be held or in any manner exercised by any foreign corporation, association or trust which shall not have filed its articles of incorporation and obtained authority to do business in this state as provided in section 226.02, such bank shall not be qualified to act as depository for any public funds of the state of Wisconsin or of any subdivision thereof, nor as a depository for reserve funds of state banks until the provisions of section 226.02 shall be complied with by such foreign corporation, association or trust. [Spl. S. 1931 c. 1 s. 1]

14.445 **Investments by board of deposits.** Whenever the board of deposits may deem it advisable, it may and it is hereby authorized to invest in, hold and dispose of readily salable interest bearing bonds of the United States, the state of Wisconsin, and interest bearing bonds which are a direct obligation of any county, city or village in this state. [1931 c. 415; 1941 c. 319]

14.45 **Interest.** The board of deposits shall from time to time fix the rates of interest to be paid by depositories on active and inactive deposits and cause notice thereof to be published in the official state paper. The rate of interest on inactive deposits, until changed by said board, shall be two and one-half per centum per annum on deposits actually received and held by the depositories. [Spl. S. 1931 c. 1 s. 3]

14.46 [Repealed by Spl. S. 1931 c. 1 s. 1]

14.47 **Cashier in secretary of state's office bonded.** The cashier and assistant cashiers in the office of the secretary of state shall give bonds to the secretary of state in such sum and with such conditions as he may prescribe, conditioned for the faithful discharge of their duties. Said bonds shall be furnished by a surety company authorized to do business in this state and the cost thereof shall not exceed one-fourth of one per cent per annum on the amount of said bond or obligation by said surety executed and shall be payable from the appropriation to the secretary of state. [Spl. S. 1931 c. 1 s. 1]

14.48 **Reports of depositories.** Every state depository shall, on the first day of each month, and oftener when required, file with the secretary of state a sworn statement of the amount of public moneys deposited with it, and, within ten days after the first day of each January, April, July and October, shall make a full statement of all deposits and payments of state moneys during the preceding quarter, together with a computation and statement of the interest earned thereon, computed upon the daily balance on deposit, which interest shall thereupon be added to and become part of the deposit balance, such statement shall be accompanied by an affidavit of the president and cashier of such depository to the effect that it is in all respects true and correct, and that, except for the interest therein credited, neither said depository nor any officer, agent or employe thereof, nor any person in its behalf, has in any way whatsoever given, paid or rendered, or promised to give, pay or render to the state treasurer or to any other person any money, credit, service or benefit whatsoever by reason or in consideration of the deposit with it of any portion of the state moneys. Any person who shall make any false statement in any affidavit required by this section shall be guilty of perjury.

**14.49 Apportionment of interest.** (1) The total interest earned on state moneys in all depositories shall be apportioned quarterly or oftener by the state treasurer among, added to and become a part of the several funds.

(2) On the taking effect of this act interest shall be apportioned on the above basis to the life fund created under section 210.05 from the date of the establishment of this fund.

**14.50 Checks, drafts or warrants may be canceled; reissue.** (1) If any check or draft drawn and issued by the state treasurer upon the funds of the state in any state depository is not delivered or called for in two years after issue and remains in or is returned to the hands of the state treasurer without being paid, the state treasurer is hereby authorized to cancel the same, credit the amount of such check or draft to the fund upon which it is drawn, and charge the amount thereof to the state depository upon which it was drawn.

(2) If any warrant drawn upon the state treasurer by the secretary of state against any fund belonging to the state remains in the possession of the state treasurer or any other person without demand of payment for two years after the same was issued, or if a check is canceled by the state treasurer, as provided in subsection (1), the warrant upon which such canceled check was issued shall be returned to the secretary of state and shall be by him canceled and credited to the fund upon which it was drawn.

(3) When the payee or person entitled to any check or draft so canceled by the state treasurer, or the payee or person entitled to any warrant so canceled by the secretary of state, demands such check, draft or warrant or payment thereof, the secretary of state shall, and he is hereby authorized to, issue a new warrant therefor, to be paid out of the proper fund by the state treasurer.

(4) When the bank on which any check or draft is drawn by the state treasurer shall before payment of such check or draft become insolvent or shall be taken over by the commissioner of banking or comptroller of the currency, the state treasurer shall on the demand of the person in whose favor such check or draft was drawn and upon the return to the treasurer of such check or draft issue a duplicate for the same amount. This subsection shall apply to checks or drafts heretofore issued and not paid.

(5) If any check or draft drawn and issued by the state treasurer is lost or destroyed and the bank on which such check or draft is drawn has been notified to stop payment thereon, the state treasurer may, after the expiration of seven days from the date of notice to stop payment, issue a duplicate check or draft and thereafter the state treasurer shall be relieved from all liability thereon. [*Spl. S. 1931 c. 15 s. 3; Spl. S. 1931 c. 26 s. 1; 1933 c. 1*]

**Note:** Under (5) bank is liable to state for check paid by bank after receipt of notice by treasury department of its loss or destruction. Where notice is given under (5) state treasury need not use "stop payment" form issued by bank in which state funds are deposited. 22 Atty. Gen. 1012.

**14.51 Examination of depositories.** The state treasurer, on or before the first day of July of each year, shall make an examination of the accounts of the state with each bank or institution which is or has been a state depository, and shall cover back into the general fund of the state treasury all money remaining in such banks which is held for payment of checks or drafts which have been issued by any state treasurer more than two years prior to such examination and which have not been presented for payment.

**14.52 Deputy and assistant attorneys-general.** The attorney-general may appoint a deputy attorney-general and assistants each of whom shall be an attorney at law admitted to practice in this state. The deputy attorney-general shall give a bond to the state in the sum of five thousand dollars, with good and sufficient sureties, to be approved by the governor, conditioned for the faithful performance of his duties, and in the absence or disability of the attorney-general, he may do and perform all the acts provided by statute to be performed by the attorney-general, and the attorney-general shall be responsible for all acts of his deputy. The said appointees shall perform such duties as the attorney-general prescribes. Such appointments shall be made by writing filed in the office of the secretary of state, and such appointees shall take and subscribe the constitutional oath of office, which shall also be so filed.

**14.53 Duties of attorney-general.** The attorney-general shall:

(1) **REPRESENT STATE.** Appear for the state and prosecute or defend all actions and proceedings, civil or criminal, in the supreme court, in which the state is interested or a party, and attend to and prosecute or defend all civil cases sent or remanded by the supreme court to any circuit court in which the state is a party; and, when requested by the governor or either branch of the legislature, appear for the state and prosecute or defend

in any court or before any officer, any cause or matter, civil or criminal, in which the state or the people thereof may be in any wise interested.

(2) **PROSECUTE BREACHES OF BONDS AND CONTRACTS.** Prosecute, at the request of the governor, secretary of state or treasurer, any official bond or any contract in which the state is interested, deposited with either of them, upon a breach thereof, and prosecute or defend for the state all actions, civil or criminal, relating to any matter connected with either of their departments.

(3) **ADVISE DISTRICT ATTORNEYS.** Consult and advise with the district attorneys when requested by them in all matters pertaining to the duties of their office.

(4) **GIVE OPINION TO OFFICERS.** Give his opinion in writing, when required, without fee, upon all questions of law submitted to him by the legislature or either branch thereof, or by the head of any department of the state government.

(5) **PROTECT TRUST FUNDS.** Examine all applications for loans from any of the trust funds, and furnish to the commissioners of public lands his opinion in writing as to the regularity of each such application, and also of the validity of any bonds or other securities purchased for the benefit of such funds.

(5a) **EXAMINATION OF BONDS, CERTIFICATE OF ATTORNEY-GENERAL.** Examine a certified copy of all proceedings preliminary to any issue of state bonds, and, if found regular and valid, indorse on each bond his certificate of such examination and validity, and that said bond is incontestable, except for constitutional reasons, unless an action making such contest shall be brought in a court having jurisdiction of the action within thirty days from the date of said certificate, and make similar examinations and certificates respecting municipal bonds in the cases specified in subsection (3) of section 67.02, except that the thirty days' limitation shall commence to run upon the recording of the attorney-general's certificate in the office of the clerk of the municipality issuing the bonds, and the certificate shall so state.

(5m) **LEGAL SERVICE.** It shall be the duty of the attorney-general to furnish all legal services required by the state annuity and investment board in the investment of its funds, together with such other services as are necessarily connected with such legal work.

(5n) **LEGAL SERVICE, APPROPRIATION.** The attorney-general shall render to the state annuity and investment board monthly statements of the total cost of such legal and other services. Upon receipt of such statements, the director of investments shall certify the amounts thereof to the secretary of state to be paid into the general fund of the state treasury out of the appropriation for the state annuity and investment board for the cost of making its investments; such amounts shall be and hereby are reappropriated from said general fund and added to the appropriation for the department of the attorney-general for general administration purposes.

(6) **PREPARE FORMS.** Prepare, whenever requested by the head of any department of the state government, proper drafts of forms for contracts and other writings which may be wanted for the use of the state.

(7) **TURN STATE MONEYS INTO TREASURY.** Pay into the state treasury all money received by him belonging to the state, immediately upon receipt thereof.

(8) **KEEP REGISTRY OF ACTIONS.** Keep in proper books, to be provided for that purpose at the expense of the state, a register of all actions and demands prosecuted or defended by him on behalf of the state and of all proceedings had in relation thereto.

(9) **KEEP STATEMENT OF FEES.** Keep a detailed statement of all fees, including his fees as commissioner of public lands, received by him during the preceding year, and file such statement with the secretary of state on or before the thirtieth day of June in each year.

(10) **REPORT TO LEGISLATURE.** Report to the legislature or either branch thereof, when requested, upon any matters pertaining to the duties of his office.

(11) **GENERAL.** Perform all other duties imposed upon him by law.

(12) **ATTORNEY FOR STATE EMPLOYEES.** The attorney-general shall, at the request of the head of any department of state government approved by the governor, appear for and defend, in any court of the state where an action may have been brought, or may be tried, any agent, inspector or employe of such department charged with the enforcement of law or prosecution for violation of law, in any action for slander or other torts against him, based upon any act done or incurred in, or arising out of the lawful discharge of the duties of such agent, inspector or employe. Witness fees incurred in the defense of any case under this section shall be paid as provided for in section 325.07. [1931 c. 67 s. 59; 1931 c. 144; 1939 c. 32]

**Note:** Repeated construction of a statute by the attorney-general without change in the law by subsequent legislatures is significant, though not controlling, in deter-

mining the construction thereof. Union F. H. S. Dist. v. Union F. H. S. Dist., 216 W 102, 256 NW 788.

See note to 102.17, citing Johnson v. In-

dustrial Commission, 222 W 19, 267 NW 286.

Attorney-general should avoid advising unofficially with reference to matters administered by another department of state. 20 Atty. Gen. 378.

County judge acts in judicial capacity under chapter 142, Stats., in passing upon

applications for hospitalization of needy persons, and hence neither district attorney nor attorney-general is his official advisor. 20 Atty. Gen. 937.

Attorney-general does not render opinions upon questions involved in litigation. 24 Atty. Gen. 115.

**14.531 Attorney-general, powers.** Any civil action prosecuted by the attorney-general by direction of any officer, department, board or commission, shall be compromised or discontinued when so directed by such officer, department, board or commission. Any civil action prosecuted by the attorney-general on his initiative, or at the request of any individual may, in his discretion, on approval of the governor, be compromised or discontinued. In any criminal action prosecuted by the attorney-general, he and the deputy and assistant attorneys-general shall have the same powers with reference to such action as are vested in district attorneys.

**14.54 State superintendent, qualifications.** No person is eligible to the office of state superintendent of public instruction, unless at the time of his election thereto he has taught or supervised teaching in this state for a period not less than five years and, at such time, holds the highest grade of certificate which the state superintendent is by law empowered to issue.

**14.55, 14.56** [Renumbered section 14.57 by 1927 c. 425 s. 1]

**14.57 State superintendent; powers and duties.** (1) **GENERAL SUPERVISION.** The state superintendent shall ascertain the conditions of the public schools, stimulate interest in education, spread as widely as possible a knowledge of the means and methods which may be employed to improve the schools.

(2) **SECTARIANISM.** He shall exclude all sectarian books and instruction from the public schools.

(3) **EDUCATIONAL MEETINGS.** He shall attend such educational meetings and make such investigations as he may deem important, and such as will acquaint him with the different systems of common schools in the United States.

(5) **SUPERVISION OF SCHOOLS.** He shall supervise and inspect the common schools, graded schools, high schools, county schools of agriculture and domestic science, manual training schools, county normal schools, and the day schools for the deaf and blind, and those of defective speech; and shall advise with the principals and local authorities thereof, and give assistance in organizing such school.

(5a) **STATE SCHOOLS FOR BLIND AND DEAF.** He shall maintain and govern the Wisconsin school for the blind and the Wisconsin school for the deaf, as provided by section 47.045.

(6) **PUBLIC INFORMATION.** He shall by reports, bulletins, circulars, correspondence and public addresses give the public information bearing upon the different methods of school organization and management and the subject of education generally.

(7) **APPEALS.** He shall examine and determine all appeals, which by law may be made to him, and prescribe rules of practice in respect thereto, not inconsistent with law.

(8) **EDUCATIONAL LITERATURE.** He shall collect in his office such schoolbooks, apparatus, maps and charts as may be obtained without expense to the state, and he shall purchase at an expense not exceeding two hundred and fifty dollars, in any one year, books and periodicals bearing upon the different phases of education.

(9) **FORMS FOR SCHOOL OFFICERS.** He shall prepare for the use of school officers suitable forms for making reports and suitable outlines as aids in conducting school meetings.

(10) **COURSES OF STUDY; PHYSICAL TRAINING.** (a) He shall prepare and publish, from time to time, courses of study for the common, graded and high schools, and the other schools under his supervision, and shall furnish copies thereof to the school board.

(b) He shall prescribe a course in physical education and training adapted to the common schools, and shall have general supervision of physical education in the public schools.

(11) **SPECIAL PROGRAM.** He shall compile and distribute annually to the schools, in pamphlet form, matter suitable for the observance of Memorial day and Arbor day.

(12) **SCHOOL FUND INCOME.** He shall apportion the school fund income as provided by law.

(13) **COPIES OF RECORDS.** He shall make certified copies, when required, of any papers deposited or filed or records kept in his office, and of any act or decision made by him, and his fees therefor shall be twelve cents per folio.

(14) **REPORT TO GOVERNOR.** He shall report to the governor, during the last half of each even-numbered year:

(a) The condition of all schools under his supervision and of the state university and normal schools.

(b) An abstract of the common school reports made to him by school superintendents.

- (c) His visits to educational institutions.
- (d) The work done by the assistants, inspectors and others in the performance of the duties of his office.
- (e) Plans for improving the schools and advancing education.
- (f) The receipts and disbursements of all school incomes.
- (g) Such other matters as he shall deem expedient.
- (15) **TEACHERS' INSTITUTES.** He shall supervise the public school teachers' institutes.
- (16) **ANNUAL CONVENTIONS.** He shall annually hold conventions of county superintendents, of city superintendents, and of supervising teachers.
- (18) **REPORTS TO SUPERINTENDENT.** He shall require from school officers, superintendents, principals and teachers, and they shall make to him such reports as will enable him to distribute and award the state school fund appropriations and the several state educational appropriations to the various schools and persons entitled thereto, and to properly discharge the other duties of his office.
- (19) **FORMS FOR REPORTS.** He shall prepare, print and distribute blank forms upon which superintendents, clerks, principals, teachers and other officers and persons shall make the school returns and reports required of them.
- (21) **RECORD OF EXAMINATIONS AND CERTIFICATES.** He shall file in his office all papers relating to examinations for state certificates and shall register each state certificate.
- (22) **LICENSING AND CERTIFICATION OF TEACHERS.** He shall license all teachers for the public schools of the state, and make rules and regulations and prescribe standards of attainment for the examination, licensing and certification of teachers, except as provided in section 39.05. [1939 c. 53, 59]

**Note:** State superintendent of public instruction has power to sponsor state-wide WPA recreational and educational projects where such sponsorship entails no state obligation. 28 Atty. Gen. 319.

**14.58 Fiscal year.** The fiscal year of the state commences on the first day of July in each year and closes on the thirtieth day of June next succeeding. All books and accounts of the secretary of state and of the state treasurer shall be kept, and all their duties shall be performed with reference to the beginning and ending of the fiscal year. All officers and persons required to render annual accounts to the secretary of state and treasurer shall close such accounts on the thirtieth day of June in each year, and shall render such accounts as soon thereafter as may be practicable, and the fiscal year of all departments, boards and bodies connected with the state government in any manner shall commence and close on the same dates as the fiscal year of the state. A fiscal year ending in an even-numbered calendar year may be designated as an even-numbered fiscal year, and a fiscal year ending in an odd-numbered calendar year may be designated as an odd-numbered fiscal year.

**14.59 State office hours; leaves of absence.** The offices of the departments of state government shall be kept open on all days of the year, except Sundays and holidays, and office hours shall begin at eight-thirty o'clock A. M. and close at five o'clock P. M. with intermissions from twelve o'clock M. to one-thirty o'clock P. M. except Saturday afternoons when such hours may be observed as the heads of departments may think proper. During the summer months from May first to October first, departments may, in the discretion of the governor begin office hours at eight o'clock A. M. and close at four o'clock P. M. with intermissions at twelve o'clock M. to one o'clock P. M. Heads of departments shall grant to each clerk or other person in their employ, noncumulative leave of absence without loss of pay at the rate of three weeks for a full year's service. [1931 c. 424 s. 2; 1937 c. 218; 1939 c. 70, 535]

**Note:** Where department head grants vacations and thereafter, during period of vacation, department goes out of existence, employe is nevertheless entitled to receive pay for vacation so allowed him. 28 Atty. Gen. 249.

Sec. 1, ch. 535, Laws 1939, does not exclude

employes engaged in skilled trades and employed on hourly basis and employes engaged in labor or clerical work and employed on per diem or hourly basis from mandatory vacation-with-pay provisions of 14.59, as it now reads after said amendment. 29 Atty. Gen. 402.

**14.60 Official reports.** The several officers, boards and commissions from whom annual or biennial reports are required to be made to the governor, and whose reports cover a period ending on the thirtieth day of June, shall make out and deposit with the governor, on or before the first day of January of each odd-numbered year, a report of the transactions in their respective offices from the thirtieth day of June last preceding. Such reports shall be published with the next annual or biennial reports of the same officers, boards or commissions, respectively, or of their successors.

**14.61 Reports of receipts and disbursements to governor.** The respective state officers, heads or chiefs of bureaus and departments of the state service and the several boards having control of the charitable and penal and educational institutions of the state, including the normal schools and state university shall, on or before the tenth day of January in each odd-numbered year, make and deliver to the governor a brief succinct, detailed

report of all receipts and expenditures in their respective offices, departments for the biennial term ending the first Monday of January.

**14.62 Report of expenses of departments.** The respective state boards, bureaus or departments or heads of all bureaus and departments and regents of state schools shall in each odd-numbered year, on or before the tenth day of January make and deliver to the governor in tabular form a complete, concise and detailed report of the expenses of conducting such office, bureau or department, normal schools and state university for each year of the biennial term ending on the first Monday in January preceding the date of such report, and shall accompany such report with a like detailed statement or report of the receipts and expenses of conducting such office, bureau or department for the corresponding years of the two preceding biennial terms.

**14.63 State aid recipients' accounting.** Every association, society, institute or other organization, that receives aid in any form through appropriations from the state shall make report to the secretary of state on or before the first day of September in each year. Such annual report shall contain a detailed statement of all receipts and expenditures of such association, society, institute or organization for each year ending June thirtieth and such portions as are of special importance may be published in the biennial report of the secretary of state.

**14.64 Mail service.** In case a regular mail service is established and maintained among the various offices in and about the capitol, by the postal authorities or by the director of purchases, none of the state officers receiving such service shall thereafter rent post-office boxes in the city of Madison at the expense of the state. The secretary of state shall not draw his warrant and the treasurer of state shall not allow payment for such claims.

**14.65 Co-operation of functions.** (1) The several state officers, commissions and boards shall co-operate in the performance and execution of state work and shall interchange such data, reports and other information, and, by proper arrangements between the officers, commissions and boards directly interested, shall interchange such services of employes, or shall so jointly employ or make such assignments of employes as the best interests of the public service require. All interchanges of services and joint employments and assignments of employes for particular work shall be consistent with the qualifications and principal duties of such employes.

(2) Whenever the employe of any state officer, commission or board is assigned or required hereunder to perform services for any other such officer, commission or board, such employe is vested with all powers and may enjoy all privileges necessary to perform the duties and execute the functions imposed upon and delegated to him and may perform such services and exercise such powers in the same manner, to the same extent and with like effect as though regularly appointed therefor.

(3) The advisory council of the executive department shall aid and advise in the correlation and co-ordination of state work as provided in this section, and said council and the director of personnel, after consultation with the state officers, commissions and boards, shall formulate and may from time to time alter rules and regulations governing such interchange and joint employments and assignments of employes as provided in this section. All such rules and regulations and alterations shall be subject to the approval of the governor, and when so approved shall be published.

(4) Each officer, commission and board shall keep a record of all work done for or in co-operation with other officers, commissions and boards under this section, and shall make a report thereof to the advisory council in such form and at such times as is prescribed in the rules and regulations formulated under subsection (3).

**14.66 State officers may require searches, etc., without fees.** The secretary of state, treasurer and attorney-general, respectively, are authorized to require searches in the respective offices of each other and in the offices of the clerk of the supreme court, of the several circuit courts, of the county courts or registers of deeds for any papers, records or documents necessary to the discharge of the duties of their respective offices, and to require copies thereof and extracts therefrom without the payment of any fee or charge whatever. [1935 c. 541 s. 217]

**14.67 Investment of state funds other than trust funds.** The commissioners of the public lands, by and with the approval of the governor, may from time to time direct the investment of so much of the money of any fund or of the income of any fund in the state treasury, not otherwise provided for, as they may deem advantageous to the state to so invest, in the interest-bearing bonds of the United States, or of this state, specifying the amount and kind of bonds to be bought, and also direct the disposal of any such bonds at any time by their written order, signed by them, approved by the governor, and recorded in the office of the secretary of state; and every such investment shall be held as a part of the fund out of which made, and the loss or gain shall inure thereto, and a particular ac-



count thereof be separately kept with each fund.

**14.68 Receipts and deposits of money; procedure; penalties.** (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.

(2) The secretary of state shall prescribe a form of official blank receipts to be issued by or for each officer, board, commission, society or association who or which collects or receives any money for or on behalf of the state, or who or which collects any money that is required by law to be turned into the state treasury, and such officer, board, commission, society or association shall issue such official receipts or cause the same to be issued to each person from whom money is received. All such official receipts shall be numbered consecutively, and the state treasurer shall require a true accounting for the same.

(3) Any person who shall issue or deliver such official receipt or pass or utter the same except in the manner required by law shall be deemed guilty of a misdemeanor.

(4) In case any officer, board, commission, society, or association included within the provisions of this section neglects or refuses to make such deposits of money, or to make such reports as are required by this section, the secretary of state, with the approval of the governor, shall withhold all moneys due such officer, board, commission, society or association until the provisions of this section are complied with; and provided further that upon such failure to make such deposits of money, the officer or official so failing shall be liable to the state treasurer for an amount equal to the interest upon the moneys so withheld from deposit at the same rate as that received by the state upon state deposits, for the period for which such deposit is withheld; and such interest shall be a charge against said officer or official and shall be deducted from his compensation.

(5) The motor vehicle department shall have power to receive checks in payment of motor vehicle license fees and such checks shall be deposited with the state treasurer. Any overpayment on account of any such license fees shall be refunded by the state treasurer on the certificate and audit of the motor vehicle department. All excess payments not so refunded shall be placed in the revolving fund created in subsection (2) of section 20.051, from which revolving fund there shall be paid the amount of any check which shall be returned unpaid. It shall be the duty of the motor vehicle department to immediately demand payment of any such unpaid check, and in the event the same is not paid within five days to cancel any motor vehicle license issued in consideration of such check, and to forward the same to the district attorney of the county where such check was issued for prosecution according to law. [1939 c. 410]

**Note:** Where owner of truck applies for and receives truck license under 85.01 (4) (c) for gross weight of 25,999 pounds specified in application, no refund of portion thereof can be made under 14.68 (5) on owner's theory that secretary of state is not authorized to license truck in excess of 23,999 pounds for operation on class "A" or class

"B" highways. Such license in no sense purports to grant authority to violate other provisions of ch. 85, Stats. Nor are taxes paid under 194.48 refundable on this theory by public service commission. Such refund in any event would be governed by 20.06 (2). 28 Atty. Gen. 296.

**14.69 Record of appointed officers of boards and commissions.** All boards, commissions and societies, supported in whole or in part from state funds, and which are authorized to elect or appoint their own officers, or to appoint officers, or members of other state organizations, departments or commissions, whether judicial, military or civil, shall report such elections or appointments to the secretary of state who shall either record or file such appointments for information of the public.

**14.70 Payments to state, protested check.** (1) Payments to the state may be made in legal tender, postal money order, express money order, bank draft or certified check. Payments to the state of amounts not exceeding one hundred dollars may be made by personal or individual checks drawn in the ordinary course of business. If any such personal or individual check is not paid by the bank on which it is drawn, the person by whom such check has been tendered shall remain liable for the payment of the amount for which such check was tendered and for all legal penalties and additions, and in such case the officer to whom such check was tendered shall lay the facts before the district attorney of the proper county for prosecution as provided by law. In case any license shall have been granted upon any such check, such license shall be subject to cancellation for the nonpayment of such check.

(2) Payments to the state of amounts exceeding one hundred dollars may also be made

by personal or individual checks when the paying bank upon whom such check is drawn shall have filed with the department to whom such check is payable a guarantee drawn in the form approved by the attorney-general. All banks are authorized to execute such guarantee. [1937 c. 24]

**14.71 General departmental powers.** (1) **APPOINTMENT OF SUBORDINATES.** Except as expressly provided by law, the governor, secretary of state, state treasurer, attorney-general, state superintendent, commissioner of insurance, state fire marshal, director of purchases, public service commission, industrial commission, adjutant general, grain and warehouse commission, director of personnel, department of taxation, board of tax appeals, commissioners of public lands, state conservation commission, state supervisor of inspectors, banking commission, banking review board, free library commission, state chief engineer, director of agriculture, director of the budget, geological and natural history survey, state board of health, state highway commission, state planning board, state board of medical examiners, state board of dental examiners, state board of pharmacy, Wisconsin real estate brokers board, state board of vocational and adult education, Wisconsin employment relations board, commissioner of the motor vehicle department, director of public welfare 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.

(Im) **SALARY INCREASE.** Salaries of employes in the classified service, as defined in section 16.08, except as otherwise herein provided, shall be increased only at the beginning of a fiscal year. Heads of departments, boards, commissions and institutions shall on or before July fifteenth in each year file with the director of the bureau of personnel and the director of the budget a list of such employes showing their then existing salaries and their proposed new salaries. Salary increases at other periods in the fiscal year may be allowed only upon approval of the emergency board. No salary increase shall take effect unless it conforms to and is within the salary range established for the position under section 16.105. Increases in salary heretofore granted for the fiscal year beginning July 1, 1939, shall continue in effect until September 1, 1939, and thereafter shall become ineffective for any purpose unless prior to that time such increases shall have been approved by the emergency board. Increases for the fiscal year beginning July 1, 1940, shall in no case become effective without approval of the emergency board.

(2) **TRAVELING EXPENSES.** The chief officers enumerated in subsection (1), and their appointees and employes, shall each be reimbursed for actual and necessary traveling expenses incurred in the discharge of their duties. The officers and employes of any department, board or commission, shall, when for reasons of economy or efficiency, they are stationed at any other place than the official location of such department, board or commission, receive their actual and necessary traveling and other expenses when called to such official location for temporary service. The members of boards, departments and commissions who are entitled to expenses but not compensation, the members of boards, departments and commissions who are entitled to a per diem for time actually spent in state service, and the members of boards, departments and commissions who receive an honorarium, shall be entitled to travel and other expenses while attending meetings of such board, department or commission held at the city of Madison; provided, that no such traveling or other expenses shall be allowed to any such member of any department, board or commission who actually resides in the city of Madison while attending any such meeting at said city.

(3) **NOTARY PUBLIC.** Each officer, commission, board, or body is authorized to expend from his or its proper appropriation a sum sufficient to pay all fees and expenses necessarily incurred in qualifying an employe as a notary public, and securing a notarial seal; but such notary shall receive no fees for notarial services rendered to the state.

(4) **PURCHASE OF MOTOR VEHICLES.** Each department, board or commission, upon the written approval of the governor, may purchase necessary trucks and automobiles for its general use, of such style and make as it may determine. Such trucks and automobiles shall be purchased through the bureau of purchases, pursuant to section 33.03 [15.26 to 15.40].

(5) **SALE OF MOTOR VEHICLES.** All state owned passenger automobiles or trucks now in the possession, custody or control of any department, board or commission shall, when ready to be disposed of, be placed in the custody and control of the director of purchases. Said director shall dispose of such automobiles and trucks in such manner as he sees fit, and the proceeds from the sale or trade thereof shall be credited to the proper department, board or commission for the subsequent purchase of automotive equipment.

(6) ALLOWANCE FOR USE OF AUTOMOBILES. (a) Whenever any department, board, or commission determines that the duties of any employe require the use of an automobile, it may authorize such employe to use his personal automobile in his work for the state, and reimburse him for such use on either of the bases outlined in paragraphs (b) and (c), and subject to all of the conditions set forth in this subsection.

(b) If the officer or employe travels less than six hundred miles in any month he may receive an allowance of not to exceed seven cents for each mile traveled.

(c) If the officer or employe travels six hundred miles or more in any month, he may receive an allowance of not to exceed thirty dollars plus his actual and necessary disbursements for gasoline and lubricating oil.

(d) Any chief officer may, when necessary, use his personal automobile in his work for the state on either of the above bases and subject to the conditions set forth in paragraphs (e) to (g) following.

(e) The chief officer of every department, any of whose officers or employes use their own automobiles in work for the state, shall file with the secretary of state a list of all persons in his department who are authorized to use personal automobiles.

(f) The provisions of this section relating to the allowance for the use of a personal automobile shall apply also to members of county boards and to county employes, any part of whose salary or expenses are paid, directly or indirectly, by the state.

(ff) For travel between points convenient to be reached by railroad or bus without unreasonable loss of time the allowance for the use of a personal automobile shall not exceed the railroad or bus fare between such points.

(g) All allowances for the use of a personal automobile shall be paid upon the certification of the amounts payable by the head of the department to the secretary of state. [1931 c. 63, 373; Spl. S. 1931 c. 10 s. 3; 1935 c. 164; 1937 c. 51, 181 s. 3; 1937 c. 284, 349; Spl. S. 1937 c. 8, 9; 1939 c. 12, 410, 412, 413, 435, 469; 1939 c. 517 s. 2]

**Note:** Provisions of chapter 373, Laws 1931, regulating allowance for use of personal automobile by county employes any part of whose salary is paid directly or indirectly by state, apply to superintendent of county tuberculosis sanatorium. 20 Atty. Gen. 821.

Subsection (6) (f) applies to use of personal automobile by county supervising teacher. 20 Atty. Gen. 1203.

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

**14.72 Emergency board.** 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. The legislative members shall be paid a per diem of ten dollars for each day actually devoted to the discharge of the duties of the board or of any special duties performed at the request of the governor, except while the legislature is in session, and shall be reimbursed their actual and necessary expenses, from the appropriation made in section 20.74. 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. The board may employ such assistants as it may deem necessary and fix their compensation, on the same basis as employes of the executive department. [1931 c. 67 s. 142; 1933 c. 406 s. 1]

**14.73 Insuring state vehicles.** The several departments, boards and commissions of the state government are authorized to secure public liability, property damage and fire, theft and windstorm insurance for the protection of state automobiles and trucks. The cost of such insurance by such departments, boards and commissions shall be audited and paid in the same manner as other departmental expense. [1937 c. 207]

**14.75 Commission on interstate co-operation.** (1) There is created a commission on interstate co-operation to consist of three senators and three assemblymen, who shall be appointed as are standing committees in the respective houses at the commencement of each regular session of the legislature, and three state officials to be designated by the governor. The governor shall serve as an ex officio, nonvoting member of the commission. Vacancies shall be filled in the same manner as original appointments are made, but all vacancies occurring while the legislature is not in session shall be filled by the governor. Members shall continue to serve until their successors are appointed. The commission shall elect one of its members chairman and one secretary.

(2) It shall be the function of the commission on interstate co-operation:

(a) To carry forward the participation of this state as a member of the council of state governments.

(b) To encourage and assist the legislative, executive, administrative, and judicial officials and employes of this state to develop and maintain friendly relations by correspondence, by conference, or otherwise, with officials and employes of other states, the federal government, and local units of government.

(c) To promote co-operation between this state and other units of government when-

ever it seems advisable to do so by formulating proposals for, and by facilitating the adoption of compacts, the negotiation of uniform or reciprocal agreements, either for administrative rules and regulations or for the co-operation of governmental officials, and any other suitable process, and all such acts as will, in the opinion of this commission, enable this state to do its proper part in forming a more perfect union among the various governments in the union.

(d) To designate by its chairman one or more of its members or other state officials to represent this state in conference with officials of other states or units of government for the purposes set forth in paragraph (c), all such appointments of conferees to be subject to the approval of the governor. Each such conference shall be fully reported to the commission, which shall in turn make reports of such conferences to the governor and to the legislature. The commission shall prepare and submit a report of its activities and recommendations to the governor and to the legislature within fifteen days after the convening of each regular legislative session and at such other times as it deems appropriate.

(3) The members of said commission shall serve without compensation but shall be reimbursed for their actual and necessary expenses in the performance of their duties. [1937 c. 273]

**14.76 Commissioners on uniform state laws.** The revisor of statutes and the chief of the legislative reference library shall represent this state in the national conference of commissioners on uniform state laws. They shall examine subjects on which uniformity of legislation in the different states is desirable; ascertain the best means to effect uniformity; co-operate with commissioners of other states in the consideration and drafting of uniform acts for submission to the legislatures of the several states; and prepare bills adapting such uniform acts to our statutes for introduction in the legislature. [1941 c. 173]