

## CHAPTER 15.

## EXECUTIVE DEPARTMENT.

15.01	Budget bureau.	15.31	Purchase state made articles.
15.02	Director, appointment.	15.32	Requisitions.
15.03	Director, removal.	15.33	Buy on low bid, exceptions.
15.04	Director, duties, powers.	15.34	Contracts, contents, arbitration clause.
15.05	Departmental accounting, information, aid.	15.35	Audit of bills; illegal contracts; actions to recover.
15.06	Departmental reports.	15.36	Warehouses.
15.07	Budget compiled.	15.37	Duties of director of purchases.
15.08	Budget hearings.	15.38	Director succeeds printing board.
15.09	Budget message to legislature.	15.39	Powers of director of purchases.
15.10	Biennial budget, contents.	15.40	Report to governor.
15.11	Budget bill.	15.72	Capitol parking regulations.
15.12	Emergency budget bill.	15.74	Motor vehicle parking in capitol park prohibited.
15.13	Lobbying by officers.	15.76	Bureau of engineering; chief engineer, appointment, salary.
15.14	Departmental estimates.	15.77	State chief engineer; powers, duties.
15.15	Division of departmental research.	15.78	Supervision by assistant engineers.
15.16	Director, appointment, salary, removal.	15.79	Approval of contracts by engineer and governor; audit.
15.17	Director, duties, powers.	15.80	Charges against departments.
15.18	Departments and employes to cooperate; reports to governor.	15.81	Construction controlled by chapter 15.
15.26	Bureau of purchases, definitions.	15.83	Coal for state heating and power plants.
15.27	Bureau of purchases, director, bond, salary.	15.84	Contracts for coal.
15.28	Powers of director of purchases.		
15.29	Duties of director of purchases.		

15.001 to 15.005 [Repealed by 1939 c. 30; see 1939 c. 413 s. 2, 4]

15.01 **Budget bureau.** (1) **CREATION.** There is created a state budget bureau in the executive department in charge of the director of the budget.

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

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

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

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

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

15.04 **Director, duties, powers.** It shall be the duty of the director of the budget and he shall have power and authority:

(1) **PREPARE BUDGET.** To discharge all duties in connection with the compilation of the biennial state budget report imposed by sections 15.06 to 15.10.

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

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

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

(5) **BOOKKEEPING FORMS.** To prescribe the forms of accounts and other financial records to be used by all departments. Such accounts shall be as nearly uniform as is

practical, and as simple as is consistent with an accurate and detailed record of all receipts and disbursements and of all other transactions affecting the acquisition, custodianship and disposition of values.

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

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

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

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

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

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

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

(10) **TAKE TESTIMONY.** In the discharge of any duty imposed by law, to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of papers, books, accounts, documents and testimony and to cause the deposition of witnesses, whether residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in circuit courts. In case of disobedience on the part of any person to comply with any subpoena issued by the director of the budget, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of any circuit court, or the judge thereof, on application of the director, to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court, or a refusal to testify therein. [1931 c. 33 s. 1; 1943 c. 93]

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

(2) The director of the budget and his duly authorized employes shall have free access to all financial accounts of the secretary of state and state treasurer and it shall be the duty of these officers to assist the director in preparing estimates of receipts and expenditures for inclusion in the state budget report.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**15.11 Budget bill.** With the state budget report the governor shall transmit a budget bill, incorporating all recommendations for appropriations for the succeeding biennium made by him. Such bill shall be drawn in legislative form as a single appropriation bill. Immediately after the delivery of the budget message, this bill shall be introduced without change by the joint committee on finance in either the assembly or the senate as it may direct and when so introduced shall be referred to the joint committee on finance. Such bill shall bear the caption, "Executive Budget Bill." [1933 c. 140 s. 3]

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

**15.13 Lobbying by officers.** No department or any officer or employe thereof shall present any request for increased appropriations or any explanation, argument or appeal in support of any such request, except at a hearing of the joint committee on finance or at the request of either house or any committee thereof. Nor shall any department, officer or employe attempt to procure an increased appropriation other than through the regular

and orderly presentation of budget requests in the manner provided in this chapter or to the governor in emergencies.

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

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

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

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

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

**15.15** [*Repealed by 1929 c. 97 s. 1*]

**15.15 Division of departmental research.** (1) **CREATION.** There is created a division of departmental research in the executive department in charge of a director.

(2) **CIVIL SERVICE EXEMPTION.** The director and all investigators, clerks and stenographers needed by the director to properly execute his functions shall be exempt from the provisions of chapter 16.

(3) **DEPARTMENT DEFINED.** Whenever used in sections 15.15 to 15.18 the word "department" shall have the same definition as provided in subsection (4) of section 15.01. [*1939 c. 30*]

**15.16** [*Repealed by 1929 c. 97 s. 1*]

**15.16 Director, appointment, salary, removal.** The director created by section 15.15 shall be appointed by the governor for an indeterminate term. He shall be paid a salary at an annual rate not exceeding five thousand dollars as fixed by the governor. The governor shall fill any vacancy created in the office of director and may remove such director at pleasure at any time. [*1939 c. 30*]

**15.17** [*Renumbered section 46.18 by 1919 c. 328 s. 25*]

**15.17 Director, duties, powers.** The director created by section 15.15 shall have the following duties and powers:

(1) **INVESTIGATIONS AND HEARINGS.** The director and his assistants, when directed by the governor, shall be authorized and shall make investigations of any irregularities, and of all phases of operating cost and functions of any or all executive or administrative departments, institutions, boards and commissions in the state government so as to determine the feasibility of consolidating, creating or rearranging departments for the purpose of effecting the elimination of unnecessary state functions, avoiding duplication, reducing the cost of administration and increasing efficiency. The director may hold either public or private hearings to inform himself of any matters relating to his functions and for that purpose shall be clothed with the powers relating to witnesses given by subsection (4) of section 325.01 and the provisions of section 325.12 shall apply.

(2) **EMPLOYES.** The director shall by and with the consent of the governor employ such stenographic reporters to take testimony, experts, assistants, investigators, and clerks as he deems necessary to execute his functions and fix their compensation.

(3) **REPORTS.** The director shall reduce to writing his findings ascertained after in-

vestigations and hearings relating to any department, institution, board or commission, or part thereof, and shall submit the same to the governor, and when directed by the governor to the legislature, and he shall make recommendations appended to such report, which in his opinion will rectify any faults found in such findings, if any.

(4) **FREEDOM OF ACCESS.** The director and such assistants as shall be designated by him shall have the power to enter into any department, institution, board or commission and examine its books, accounts, rules and regulations and any other matter which in the director's judgment should be examined and may interrogate the department's employes publicly or privately relative thereto. [1939 c. 30]

**Note:** 15.17 to 15.28 do not grant any income from Central Wisconsin Conservation Area in accordance with terms of lease. powers of reviewing discretion of conservation commission in making expenditures of 29 Atty. Gen. 381.

**15.18** [Renumbered section 46.18 by 1919 c. 328 s. 25]

**15.18 Departments and employes to co-operate; reports to governor.** (1) Every department, its officers and employes, shall co-operate with the director and shall comply with his every request relating to his functions.

(2) The director shall make monthly reports of his expenditures to the governor and shall not pay the same without first securing the consent of the governor.

(3) He shall work under the direction and control of the governor and shall make such reports verbally or in writing to the governor as the governor may require. [1939 c. 30]

**15.19, 15.20** [Renumbered section 46.18 by 1919 c. 328 s. 25]

**15.26 Bureau of purchases, definitions.** As used in sections 15.26 to 15.40 the following terms shall mean:

(1) The term "office" includes both houses of the legislature and any department, board, commission or body connected with the state government, including all educational, charitable, correctional, penal and other state institutions.

(2) The term "officer" includes each requisitioning officer of the legislature and the person or persons at the head of any such department, board, institution, commission or body, by whatever title any such person or persons may be elsewhere designated.

(3) The words "permanent personal property" include furniture and furnishings, typewriters, calculating, numbering and adding machines, apparatus, library and other books, motor vehicles, machinery and equipment, and any and all property which in the opinion of the director of purchases will have a life of more than one year.

(4) The words "contractual services" include gas, electricity, steam, telephone, telegraph, freight, express, drayage, towels, drinking water, postage, printing, binding and similar services.

**15.27 Bureau of purchases, director, bond, salary.** (1) There is created within the executive department a bureau of purchases, in charge of the director of purchases, who shall be appointed by the governor subject to chapter 16. The person holding the position of superintendent of public property at the time of the taking effect of this section shall be eligible to qualify for the position of director of purchases by filing his history of employment with the director of personnel.

(2) Such director shall devote full time to his duties and shall have no other office or employment. He shall furnish a bond for the faithful performance of his duties and the delivery to his successor of any or all records and property belonging to his office in such sum and with such sureties as the governor may require and approve, and the cost of such bond shall be charged to the appropriation of said bureau. Such director shall be paid such salary as may be fixed by the governor, within the salary ranges for the position established pursuant to law.

**15.28 Powers of director of purchases.** The director of purchases shall have authority and is hereby directed to purchase and may delegate to special designated agents the authority to purchase:

(1) All necessary materials, supplies, paper, coal, fuel, stationery, apparatus, furniture, equipment, all other permanent personal property and miscellaneous capital, and contractual services and all other expense of a consumable nature for all state offices. All such materials, services and other things and expense furnished to any such office shall be charged to the proper appropriations of the offices to whom furnished, as provided in section 20.10 of the statutes.

(2) Cement, machinery and other materials and supplies needed for the improvement or maintenance of highways and streets paid for in whole or in part with state funds. The officials of any town, village, city or county shall upon application to the director of purchases be given information as to prices on any items mentioned in this subsection which are to be used on public works and paid for in whole or in part by public funds.

(3) All mimeograph, multigraph and similar work.

(4) Coal and other solid fuel for state owned or operated heating or heating and power

plants wherein the annual requirements are in excess of 50 tons, to be purchased on contracts pursuant to specifications supplied by the state engineer, as provided in section 15.83. [1931 c. 33 s. 3; 1931 c. 67 s. 151; 1943 c. 442]

**Note:** Provisions of Robinson-Patman law are not applicable to state in its purchases. 26 Atty. Gen. 142.

Fair labor standards act of 1938 does not apply to state in purchasing materials through bureau of purchases. 27 Atty. Gen. 743.

Bureau of purchases has no authority to purchase and use multilith machine for state work. 31 Atty. Gen. 60.

**15.29 Duties of director of purchases.** (1) The director of purchases shall check or have checked, as to quantity and quality, the delivery of all purchases.

(2) The director of purchases shall prepare standard specifications, as far as possible, for all state purchases. By "standard specifications" is meant a specification, either chemical or physical or both, prepared to describe in detail the article which the state desires to purchase, and trade names shall not be used. On the formulation, adoption and modification of any standard specifications, the director of purchases shall also seek and be accorded without cost, the assistance, advice and co-operation of other state offices and officers. Each specification adopted for any commodity shall, insofar as possible, satisfy the requirements of any and all offices which use it in common. [1943 c. 442]

**15.30** [Repealed by 1943 c. 442]

**15.31 Purchase state made articles.** All materials, supplies, apparatus, equipment and other things required to be furnished by the director of purchases which are manufactured at the state prison or at any of the other public institutions of the state shall be purchased by the said director of purchases from said prison or institution.

**15.32 Requisitions.** Except as otherwise provided in sections 15.26 to 15.40 and in the rules and regulations adopted pursuant thereto, all supplies, materials, equipment and contractual services shall be purchased for and furnished to any office only upon requisition to the director of purchases or his authorized agents. The director of purchases shall prescribe the form, contents, number and disposition of requisitions.

**15.33 Buy on low bid, exceptions.** (1) All materials, supplies, equipment and contractual services except as otherwise provided herein, when the estimated cost thereof shall exceed \$3,000, shall be purchased from the lowest responsible bidder, after due notice inviting proposals, except that stationery and printing shall be let to the lowest bidder in all cases. Such notice shall be published on at least one day in the official state paper and the bids shall not be opened until at least 7 days from the last date of publication and 10 days from the first date of publication shall have elapsed. The official advertisement shall give a clear description of the article to be purchased, the amount of the bond or check to be submitted as surety with the bid and the date of public opening.

(3) When the director of purchases believes that it is to the best interests of the state to purchase certain patented or proprietary articles, other than printing and stationery, he shall have power and authority to purchase said articles without the usual statutory procedure. All equipment shall be purchased from the lowest and best bidder as determined by the bids and a comparison of the detailed specifications submitted with the bids, and after due advertisement as hereinbefore provided. Where the low bid or bids are rejected, a complete written record shall be compiled and filed, giving the reasons in full for such action.

(4) The director of purchases shall have power to let contracts in excess of funds available, provided that any such contract shall state in substance that its continuance beyond the limits of funds already available shall be contingent upon appropriation of the necessary funds.

(5) The director of purchases shall have power to require of bidders or contractors such sureties as, in his judgment, are deemed advisable. He shall have power to decide as to the responsibility and competency of such bidders and sureties. [1931 c. 33 s. 3; 1933 c. 159 s. 3; 1943 c. 442]

**Note:** Determination of lowest and best bidder on proprietary or patented article is discretionary; director of purchases, with approval of advisory council, may let contract to other than low bidder if in their judgment such bidder is lowest and best bidder. 19 Atty. Gen. 418.

All purchases of less than three thousand dollars must be by procedure prescribed by executive council and such procedure as to patented mechanical appliances of five hundred dollars to three thousand dollars must provide for bids; but if director of purchases believes it to best interest of state and executive council approves, purchases of patented proprietary articles of whatever cost may be made without such procedure,

except that purchases of patented or proprietary equipment must be made by bids. 21 Atty. Gen. 69.

Where contract for furnishing services to state has been entered into pursuant to (1) and it develops during performance that specifications in original contract did not fully cover all services to be required by state, contract may be modified by mutual consent without re-advertising for new bids, provided subject matter and general scope of contract remains essentially same and there is no collusion. Surety bond for faithful performance of contract should be modified so as to cover changes in original contract. 29 Atty. Gen. 131.

**15.34 Contracts, contents, arbitration clause.** (1) All contracts for materials, supplies, equipment and contractual service shall run to the state of Wisconsin, and shall

be signed by the director of purchases. All contracts shall contain a clause providing for arbitration of disputes between the state and the contractor regarding quality and quantity.

(2) The director of purchases shall have power and authority to enter into continuing agreements and flexible contracts in anticipation of the needs of departments, which provide for deliveries of specified articles at stated prices, which prices may be lowered through market conditions, but not increased at any time during the life of said continuing agreements or flexible contracts, except as may result from adjustments of the base price in contracts for coal let upon specifications as provided in subsection (1) of section 15.83. No such continuing agreements or flexible contract shall exceed one year's duration. [1931 c. 67 s. 152]

**15.35 Audit of bills; illegal contracts; actions to recover.** No bill or statement for work or labor performed under purchase orders or contracts issued by the director of purchases or his designated agents, and no bill or statement for supplies, materials, equipment or contractual services purchased for and delivered to any office shall be paid until such bill or statement shall have been approved by the director of purchases or his designated agents. Whenever any officer or any subordinate of such officer shall contract for the purchase of supplies, material, equipment or contractual services contrary to the provisions of sections 15.26 to 15.40 or the rules and regulations made pursuant thereto, such contract shall be void, and any such officer shall be liable for the cost thereof, and if such supply, material, equipment or contractual services so unlawfully purchased has been paid for out of public moneys, the amount thereof may be recovered in the name of the state in an action filed by the attorney-general against such officer or subordinate and his bondsmen. Such cause of action shall be deemed to have arisen in Dane county, and summons shall be served therein as in civil actions.

**15.36 Warehouses.** The director of purchases shall have authority to establish necessary warehouses wherein he shall be permitted to store such staple and standard articles as are needed by various state officers.

**15.37 Duties of director of purchases.** The director of purchases shall have power and it shall be his duty:

(1) To lease all quarters required for the performance of the duties of state offices and officers outside of state-owned buildings, subject to the approval of the governor.

(2) To purchase from time to time so many copies of the latest digest of the Wisconsin reports, and such volumes of said reports, as may be required to complete such sets of said reports as may be called for to supply new courts and new counties; and also such volumes of said reports as may be required by the state librarian to make the exchanges provided for by law with other states and territories;

(3) To distribute all public printing to the officers and organizations entitled thereto as provided in sections 35.84 to 35.91, and to sell public documents as authorized in section 35.91;

(4) (a) To distribute in pamphlet form such laws as may be required to meet the public demand, including the constitution and additional copies of election laws; also blank nomination papers and other election blanks and supplies, not otherwise provided for, for use of candidates, committees, and by city and county clerks. Such laws, blanks and supplies shall be sold by said superintendent at cost, plus fifteen per cent and necessary postage or other transportation charges.

(b) The director of purchases shall confer with the secretary of state and the attorney-general as to what law pamphlets, blanks and other election supplies shall be so printed, or purchased, and offered for sale. [1931 c. 33 s. 3; 1935 c. 535; 1937 c. 181 s. 4]

**15.38 Director succeeds printing board.** The director of purchases shall succeed to all of the powers, duties and functions of the former printing board, relating to state printing and binding, as prescribed in chapter 35. [1931 c. 45 s. 2]

**15.39 Powers of director of purchases.** In addition to other powers vested in the director of purchases, he and his duly authorized representatives:

(1) Shall have access at all reasonable times to all state offices;

(2) May examine all books, records, papers and documents in any such office or institution as pertain directly or indirectly to the purchase of, control of, or distribution of supplies, materials and equipment;

(3) May require any officer to furnish any and all reasonable data, information or statement relating to the work of his department.

**15.40 Report to governor.** The director of purchases shall prepare and deliver, within thirty days after the end of each calendar year, an annual report to the governor which shall become a public record and shall be available to the public.

**15.72 Capitol parking regulations.** The parking of automobiles at the curb on the capitol park side of the four streets surrounding the state capitol park shall be subject to any police or city ordinance that may be enacted by the city of Madison limiting the

length of time which automobiles can be so parked in such public streets in said city. [1929 c. 378; 1935 c. 71; 1939 c. 371]

15.73 [Repealed by 1939 c. 371]

15.74 **Motor vehicle parking in capitol park prohibited.** The parking of any motor vehicle in any of the four driveways of the capitol park leading to the capitol building is prohibited. Any person violating the provision of this section shall upon conviction thereof be punished by a fine of not exceeding twenty-five dollars or by imprisonment in the county jail not exceeding ten days. [1929 c. 378; 1935 c. 71; 1939 c. 371]

15.75 [Repealed by 1939 c. 371]

15.76 **Bureau of engineering; chief engineer, appointment, salary.** There is created within the executive department a bureau of engineering. The directing head of said bureau shall be the state chief engineer who shall be appointed by the governor, subject to the provisions of chapter 16. He shall be paid such salary as may be fixed by the governor, within the salary ranges for the position established pursuant to law.

15.77 **State chief engineer; powers, duties.** The state chief engineer shall exercise the powers and duties prescribed by this chapter:

(1) To take charge of and supervise all engineering or architectural service or construction work performed by, or for, the state, or any department, board, institution, commission or officer thereof, except the state highway commission;

(2) To furnish engineering and architectural services whenever requisitions therefor are presented to him by any such department, board, commission or officer;

(3) To act and assist any such department, board, commission or officer requesting such co-operation and assistance, in letting contracts for engineering or architectural work authorized by law and in supervising the work done thereunder;

(4) To approve the appointment of a chief engineer connected with all state owned power and electric plants and pumping and heating stations and to provide for the methods of operating said plants and stations and shall design records and forms for reporting accurately the cost per unit of product or service. The superintendent or other person having charge of said plants shall not only report to his governing body but to the state engineer in the manner provided and at such times as the state chief engineer shall determine.

(5) (a) To have charge of, operate, maintain and keep in repair the state capitol building and the grounds connected therewith, the capitol annexes and leased quarters, the executive residence, the light, heat and power plant and such other state properties as may be designated by law; to appoint such number of policemen as may be necessary to safeguard all public property placed by law in his charge, and, personally or by any such policeman, to arrest, with or without warrant, any person violating any law within or around any of said properties.

(b) To assign each state officer entitled by law to be supplied with office room to a suitable room or rooms in the capitol, other than to the rooms reserved by either house of the legislature, so long as rooms for that purpose are available. In assigning officers to rooms in the capitol preference shall be given to those who are especially entitled by law to such rooms over those not so especially entitled to them. All assignments of rooms shall be subject to the approval of the governor. Applications for temporary quarters for committees or other bodies shall be made to the state engineer who shall have authority to make assignments therefor.

(c) To let concessions for periods not exceeding 2 years for the operation of a restaurant, barber shop, and cigar stand in the capitol, under such terms and conditions as will in his judgment be most favorable to the state, and secure efficient and economical service;

(6) To appoint, subject to the provisions of chapter 16 and subject to the approval of the department, board, commission or officer applying therefor, one or more assistant state engineers or architects for continuous engineering or architectural service with such applicant, whenever such continuous service is needed;

(7) To keep accurate records of the work done by his department and of the expenditures connected therewith;

(8) To prepare an annual report to the governor showing the expenditures of his department, and the expenditures on behalf of each department, board, commission or officer for which work has been done; and showing in tabular form the cost of operation per unit of product or service of each power or electric plant, heating or pumping station, operated by any state institution and a summary of the engineering or architectural work performed for the state during the period covered by the report;

(9) To rebuild and repair discarded machinery of the several state institutions where found advisable, and put the same back into service.

(10) The state chief engineer shall make an annual inspection of each building of the



state at each state institution. Upon the completion of such inspection, he shall report his findings to the governor and to the board, commission or officer in charge of such institution. [1931 c. 33 s. 3; 1935 c. 535; 1943 c. 442]

**15.78 Supervision by assistant engineers.** The assistants appointed pursuant to subsection (6) of section 15.77 shall have charge and supervision of the work of the department, board, commission or officer upon whose application such appointment was made, subject, however, to the general direction of the state chief engineer and the immediate direction of such applicant.

**15.79 Approval of contracts by engineer and governor; audit.** Every contract for engineering or architectural service or for construction work to be done for, or furnished to the state, or any department, board, commission or officer thereof, shall, before it becomes valid or effectual for any purpose, have indorsed thereon in writing the approval thereof of the state chief engineer or his designated assistant, and in the case of contracts involving an expenditure of \$1,000 or more the approval of the governor; and no payment or compensation for work done under any contract, except highway contracts, shall be made unless the written claim therefor is audited and approved by the state chief engineer. [1943 c. 334]

**Note:** For application of 15.79 to highway contracts, see note to 84.06, citing State ex rel. Lathers v. Smith, 238 W 291, 299 NW 43.

The requirement in 84.06 (1), Stats. 1939, that a contract for highway construction shall be entered into on behalf of the state by the state highway commission "subject to the provisions of section 15.79," merely relates to the initial execution of such a con-

tract and to the provision in 15.79, Stats. 1939, as to the approval of contracts by the state chief engineer and the governor, and as to such a contract the provision in 15.79 that no payment for construction work done under contract shall be made unless the written claim therefor shall be audited and approved by the state chief engineer does not apply. State ex rel. Lathers v. Smith, 238 W. 291, 299 NW 43.

**15.80 Charges against departments.** The cost of services furnished pursuant to subsections (2), (3), (4), (6) and (7) of section 15.77 shall be charged to and paid out of the respective appropriations to the departments, boards, commissions or officers receiving such services, whenever in the judgment of the state chief engineer the cost of the service to each can be separately ascertained with reasonable accuracy.

**15.81 Construction controlled by chapter 15.** No department, board, commission, officer or agent of the state shall employ engineering or architectural service or expend money for construction purposes on behalf of the state, except as provided in this chapter. No repair or improvement shall be authorized or undertaken by any board, commission or officer in charge of any institution prior to the completion of the report of the state chief engineer, except in cases of emergency, which shall be first reported to the state chief engineer before any work thereon is commenced.

**15.82** [Repealed by 1943 c. 442]

**15.83 Coal for state heating and power plants.** The state chief engineer is authorized and he shall:

(1) Prepare all specifications for contracts for coal and other solid fuel for all state owned or operated heating or heating and power plants wherein the annual requirement is in excess of fifty tons of such fuel. All such specifications shall provide for purchase of such coal on a heating value and quality basis and may provide for an adjustment of the base price as affected by an increase or decrease in the miners' wage scale during the life of the contract in the district in which the coal purchased is produced.

(2) Test all coal and other solid fuel purchased for state owned or operated heating or heating and power plants wherein the annual requirement is in excess of fifty tons.

(3) Make such rules and regulations as he may deem necessary, not inconsistent with this subsection, to promote efficiency and economy in the testing, handling, storing and use of such fuel.

(4) Furnish to the director of the budget at such times as he may require estimates of the number of tons of coal and other solid fuel needed for each such state owned or operated heating or heating and power plant during the ensuing year or other period and the estimated delivered cost thereof. [1931 c. 67 s. 151]

**15.84 Contracts for coal.** No contract for the purchase of coal or other solid fuel for any state owned or operated heating or heating and power plant wherein the annual requirement is in excess of fifty tons shall be binding unless purchased upon specifications furnished by the state engineer. Payments for fuel delivered under such contracts and for freight, switching and hauling charges thereon shall be made upon vouchers approved by the state engineer, but upon being audited and paid shall be charged against the proper appropriation to the officer, department, board or commission which has jurisdiction over the institution at which such fuel is used. The state engineer shall quarterly report to each such officer, department, board or commission the total of such payments charged to their respective appropriations and institutions, but approval of such payments by them shall not be necessary. [1931 c. 67 s. 151]

**15.85 to 15.89** [Repealed by 1943 c. 179]