

## CHAPTER 15.

## STATE BUDGET AND ACCOUNTS, AUDIT AND EXECUTIVE DEPARTMENTS.

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[15.001 to 15.005 Stats. 1937 repealed by 1939 c. 30; See 1939 c. 413 s. 2, 4]

## SUBCHAPTER I.

## STATE DEPARTMENT OF BUDGET AND ACCOUNTS.

15.01 **Department of budget and accounts.** (1) **CREATION.** There is created a state department of budget and accounts in charge of the director of department of budget and accounts, who may be referred to as the "director."

(2) **OFFICES.** The state department of budget and accounts 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 department of budget and accounts 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, all state educational, charitable, correctional and other institutions, all societies and associations, and other agencies of the state government to which section 20.78 is applicable. [1945 c. 165; 1947 c. 9]

15.02 **Director, appointment, qualifications.** (1) The director of budget and accounts shall be appointed by the governor, by and with the advice and consent of the senate. The initial appointment shall be made not later than April 1, 1947, but if this section is not passed by the legislature by that date such appointment shall be made promptly after such passage, and shall be for a term beginning July 1, 1947 and ending June 30, 1955. Thereafter each successor shall be appointed for a term of 6 years but appointments shall be made not later than April 1, next preceding the expiration of each term. Vacancies shall be filled as provided in chapter 17. On July 1, 1947 the office of director of the budget is abolished.

(2) The person eligible for appointment as director of budget and accounts shall have the following qualifications:

(a) Training equivalent to that represented by graduation from a college or university of recognized standing with major work in accounting, finance, economics and statistics.

(b) At least 5 years of successful experience involving the performance of responsible work in fiscal accounting, finance and administration.

(c) Recognition in the professional accounting field as a holder of the certificate of certified public accountant. [1945 c. 165; 1947 c. 9]

[15.03 Stats. 1943 repealed by 1945 c. 165]

**15.04 Director, duties, powers.** It shall be the duty of the director of budget and accounts 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 and publish in the official state paper at the end of each fiscal year not later than October 1 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 a comparison with the prior year; to prepare and publish at the end of each fiscal year not later than October 1 a statement of the condition of the general fund showing the cash balance, the accounts receivable, the accounts payable and the continuing unexpended and unincumbered appropriation balances; and to prepare and publish not earlier than January 1 nor later than January 15 a statement of the estimated receipts and disbursements of the general fund for the biennium in progress, showing also the estimated condition of the general fund at the end of the current biennium. A copy of such published statement shall be filed in the office of the secretary of state.

(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, or any member 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) **QUARTERLY FINANCIAL STATEMENT.** Prepare and make available to the public, by filing in the legislative reference library, a quarterly summarized financial statement, showing in reasonable detail the receipts, disbursements and cash balances of state funds as of September 30, December 31, March 31, and June 30, of each year, and such other matters of a fiscal nature as the director of budget and accounts deems useful and proper.

(7) **INFORMATION TO LEGISLATURE AND GOVERNOR.** Upon request provide the legislature and the governor with such special information and data pertaining to the financial and accounting affairs of the state government as it may require.

(10) **TAKE TESTIMONY.** In the discharge of any duty imposed by law, to administer oaths and take testimony and to cause the deposition of witnesses to be taken in the manner prescribed for taking depositions in civil actions in circuit courts. [1931 c. 33 s. 1; 1943 c. 93; 1945 c. 34, 165, 586; 1947 c. 9]

**15.05 Departmental accounting, information, aid.** (1) All departments shall keep their accounts and other financial records as prescribed by the director of budget and accounts, except as otherwise specifically directed by law. All such departments shall also furnish to the director of budget and accounts all information relating to their financial transactions which he may call for pursuant to this subchapter 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 budget and accounts and his duly authorized employes shall have free access to all financial accounts of every state department, and it shall be the duty of each such department to assist the director in preparing estimates of receipts and expenditures for inclusion in the state budget report. [1947 c. 9]

**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 budget and accounts 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 budget and accounts is empowered to make budget estimates for said department, board or commission. [1947 c. 9]

**15.07 Budget compiled.** The director of budget and accounts 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. [1947 c. 9]

**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 budget and accounts 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 budget and accounts 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. [1947 c. 9]

**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 2 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 budget and accounts, 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 budget and accounts;

(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. [1947 c. 9]

**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 budget and accounts 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 budget and accounts 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 budget and accounts.

(2) **ACTION THEREON BY DIRECTOR.** The director of budget and accounts shall examine each such estimate to determine 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; 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 budget and accounts as provided in subsection (1) and which shall have been approved either by such director or by the governor. Approval by the director of budget and accounts 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 bureau of personnel.

(4) **APPEALS TO GOVERNOR.** Any department feeling itself aggrieved by the refusal of the director of budget and accounts 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 director of budget and accounts shall not draw his warrant for payment of any expenditures incurred by any department for which the approval of the director 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 budget and accounts or by the governor. [1947 c. 9]

[15.15 to 15.18 Stats. 1945 renumbered sections 15.50 to 15.53 by 1947 c. 9]

[15.15 Stats. 1927 repealed by 1929 c. 97 s. 1]

**15.15 Director of budget and accounts; pre-auditing and accounting; additional duties and powers.** The director of budget and accounts in the discharge of pre-auditing and accounting functions shall have the following duties and powers:

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

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

(3) **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.

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

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

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

(7) **AUDIT CLAIMS FOR RETURN OF PRISONERS.** Receive, examine, determine and audit claims, duly certified and approved by the state department of public welfare, 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, state reformatory and the Wisconsin home for women. If the director of budget and accounts 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 director of budget and accounts 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 section 53.02 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. [1947 c. 9; 43.08 (2)]

**Note:** Under 14.30 (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. Constitutionalality 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. See note to 23.09, citing 31 Atty. Gen. 312.

[15.16 Stats. 1927 repealed by 1929 c. 97 s. 1]

**15.16 Prior approval of requisitions, etc.** Except as provided in section 15.18 (2), all requisitions and all authorizations for salaries, travel and miscellaneous expense shall before any liability is incurred thereon be submitted to the director for his approval as to legality of purpose and sufficiency of funds therefor. No purchase order shall be issued unless the requisition has been first approved by the director. Upon such approval, the director shall immediately incumber all requisitions and all authorizations for salaries, travel and miscellaneous expense. The director shall not approve any such requisition or authorization if the unincumbered allotment balance is insufficient. [1947 c. 9]

[15.17 Stats. 1917 renumbered section 46.18 by 1919 c. 328 s. 25]

**15.17 Transfers within appropriation.** Whenever it is apparent that any allotment or authorization balance is insufficient for the specific purpose for which made, the director may upon the request of the department transfer to such balance such amount as may be necessary from any other authorization balance or from the allotment balance within the appropriation. [1947 c. 9]

[15.18 Stats. 1917 renumbered section 46.18 by 1919 c. 328 s. 25]

**15.18 Purchases, prior approval of; agreements.** (1) **PRIOR APPROVAL ON PURCHASES.** It shall be unlawful for any state department to make any purchase, except as provided in subsection (2), without the prior approval of the director as provided in section 15.16.

(2) **AGREEMENTS AS TO CERTAIN PURCHASES, ETC.** The director may agree with any state department that local purchases may be made, travel expenses may be incurred or miscellaneous expenses incurred up to a maximum amount determined by the director for any fiscal year or part thereof. [1947 c. 9]

[15.19, 15.20 Stats 1917 renumbered section 46.18 by 1919 c. 328 s. 25]

**15.19 Accounting.** The director shall:

(1) **KEEP SEPARATE ACCOUNTS.** Keep in his office 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 incumbrances, expenditures, disbursements and investments thereof, showing the particulars of every incumbrance, expenditure, disbursement and investment.

(2) **REVENUE ACCOUNTS.** Place revenue estimates on the books of account and credit actual receipts against them.

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

(4) **COUNTERSIGN RECEIPTS.** Countersign all receipts issued by the state treasurer for any money paid to him and enter them to the credit of the county, officer or person making the payment, and charge the treasurer with the same.

(5) **INCUMBRANCES AND CHARGES FOR PRIOR FISCAL YEARS.** Except as herein otherwise provided, on October 31 of each fiscal year all incumbrances entered for any previous fiscal year shall be transferred by the director as incumbrances against the appropriation for the current fiscal year. All other charges incurred during any previous fiscal year, and not evidenced by incumbrances, which are presented for payment between November 1 in any fiscal year and October 31 in the next succeeding fiscal year shall be entered as charges in the fiscal year in which said November 1 falls; but in no case shall such charges be paid if they exceed the previous fiscal year's unincumbered appropriation balance as of October 31. [1947 c. 9]

**15.20 Crediting of receipts.** Any receipts applying to a prior fiscal year received between November 1 and the next succeeding October 31 shall be credited by the director to the fiscal year in which said November 1 falls. Except in the case of revolving and continuing specific appropriations, any refund of a disbursement or reimbursement to a specific or sum sufficient appropriation, applicable to any prior fiscal year, received between said dates shall not be credited to any appropriation but shall be considered as a nonappropriated receipt. [1947 c. 9]

#### SUBCHAPTER II.

#### DEPARTMENT OF STATE AUDIT.

**15.21 Department of state audit.** (1) **DIRECTOR.** There is created a department of state audit in charge of a director designated as "state auditor" who shall be appointed by the governor with the advice and consent of the senate for a term of 6 years beginning July 1, 1947 and until his successor is appointed and qualified. The initial appointment shall be made not later than April 1, 1947, but if this section is not passed by the legislature by that date such appointment shall be made promptly after such passage. Each successor shall be appointed not later than April 1, next preceding the expiration of each term. The state auditor shall be paid an annual salary of \$7,000. The person eligible for appointment as state auditor shall have the following qualifications:

(a) Training equivalent to that represented by graduation from a college or university of recognized standing with major work in accounting, finance, economics and statistics.

(b) At least 5 years of successful experience involving the performance of responsible work in fiscal accounting, finance and administration.

(c) Recognition in the professional accounting field as a holder of the certificate of certified public accountant.

(2) **OATH AND BOND.** The state auditor shall take and file the official oath and shall file a bond in such sum and with such sureties as the governor may prescribe. The premium on such bond shall be paid out of the appropriation to the department of state audit.

(3) **LOCATION OF OFFICE.** The department of state audit shall have its offices at the seat of state government in Madison. [1947 c. 9]

**15.22 Functions.** The state auditor shall:

(1) **AUDIT FISCAL CONCERNS.** Audit the fiscal concerns of the state as required by law. For such purpose the books, records and documents of each state department shall be available to him at any and all times with or without notice.

(2) **AUDITS OF DEPARTMENTS.** Annually reconcile the records of the department of budget and accounts with the records of the various state departments and at least once each biennium conduct a post-audit of all state revenues and expenditures in respect to each

other state department. Within 30 days after completion of any such audit, he shall file with the governor, the department of budget and accounts, the legislative reference library, and the department audited, a detailed report thereof, including his recommendations for improvement and efficiency and including specific instances, if any, of illegal or improper expenditures. Such reports shall be available to the public.

(3) SUMMARY STATEMENT OF AUDIT REPORTS. Prepare a brief summary statement of each detailed audit report, including his recommendations, which statement shall be available to any person upon request.

(4) AUDIT STATE FUNDS. At least once in each year, and at such other times as the governor or legislature may direct, examine and see that all the money appearing by the books of the director of budget and accounts 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 10 days thereafter to have the full sum belonging to said funds in the treasury the attorney-general shall institute proceedings to recover the same.

(5) KEEP ACCOUNT BETWEEN STATE AND TREASURER. Certify to the treasurer the balance in the treasury when he came into office and all bonds and securities belonging to all public funds on deposit in the treasury or properly accounted for and transmit a certified copy thereof to the outgoing treasurer and his successor.

(6) ANNUAL AUDIT OF TREASURER. Annually audit the books and accounts of the treasurer, the moneys on hand in the treasury, and all bonds and securities belonging to all public funds on deposit in the treasury or properly accounted for by the treasurer, and promptly 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. He shall transmit a certified copy of such report to the outgoing treasurer and his successor.

(7) SPECIAL EXAMINATIONS. Make such special examinations of the accounts and financial transactions of any department or officer as the governor or legislature may direct.

(8) TAKE TESTIMONY. In the discharge of any duty imposed by law, to subpoena witnesses, administer oaths and take testimony and to cause the deposition of witnesses to be taken in the manner prescribed for taking depositions in civil actions in circuit courts.

(9) BIENNIAL REPORT. Prepare a biennial report of his activities, including his recommendations for efficiency and economy in the expenditure of appropriations made by the legislature. Such report shall be filed with the governor and the director of budget and accounts on or before December 1 in each even-numbered year and with each house of the legislature at the beginning of each regular session.

(10) MUNICIPAL AUDITING AND REPORTING. The state auditor in the discharge of municipal auditing and reporting functions shall have the following duties and powers:

(a) To collect annually from all town, city, village, county and other public officers information as to the collection of taxes, receipts from licenses and other sources, the expenditure of public funds for all purposes, and such other information as may be needful in the work of the department of state audit, in such form and upon such blanks as the state auditor shall prescribe; and it shall be the duty of all public officers so called upon to fill out properly and return promptly to the department of state audit all blanks so transmitted. To examine all town, village, city and county records for such purposes as are deemed needful by the department. To publish annually the information collected, with such compilations, analyses or recommendations as may be deemed needful.

(b) In his discretion to inspect and examine or cause an inspection and examination of the records of any town, city, village or county officer whenever such officer shall have failed or neglected to return properly the information as required by paragraph (a) within the time set by the department of state audit. Upon the completion of such inspection and examination the department of state audit shall transmit to the clerk of the town, city, village or county a statement of the expenses incurred by the department of state audit to secure the necessary information. Duplicates of such statements shall be filed in the office of the director of budget and accounts and state treasurer. Within 60 days after the receipt of the above statement, the same shall be audited, as other claims of towns, cities, villages and counties are audited, and shall be paid into the state treasury, in default of which the same shall become a special charge against such town, city, village or county and be included in the next apportionment or certification of state taxes and charges, and collected with interest at the rate of 10 per cent per annum from

the date such statements were certified by the department of state audit, as other special charges are certified and collected.

(c) The officers responsible for the furnishing of information collected pursuant to this subsection shall be jointly and severally liable for any loss the town, city, village or county may suffer through their delinquency; and no payment shall be made them for salary, or on any other accounts, until the cost of such inspection and examination as provided in paragraph (b) shall have been paid into the town, city, village or county treasury.

(d) To inquire into the system of accounting of public funds in use in towns, villages, cities and counties; to devise, prescribe and at the request of any town, village, city, county, school district or board of education, to install a system of accounts which shall be as nearly uniform as practicable; provided, that when so installed the system shall be retained by the town, village, city, county, school district or board of education; and to audit the books of the town, village, city, county, school district or board of education upon the request of the town or village board, city council, county board, school district or board of education, or upon his own motion. Nothing herein shall be construed to be exclusive and prevent a local governing body from employing an auditor of its own choice duly licensed under chapter 135.

(e) To establish a scale of charges for the installations of systems of accounts and for audits, when such installation or audit is requested by a town, village, city, county, school district or board of education. Upon the completion of such work the department of state audit shall transmit to the clerk of the town, village, city, county, school district or board of education, a statement of such charges. Duplicates of such statements shall be filed in the offices of the director of budget and accounts and state treasurer. Within 60 days after the receipts of the above statement of charges, the same shall be audited as other claims against towns, villages, cities, counties, school districts and boards of education are audited, and shall be paid into the state treasury, in default of which the same shall become a special charge against such town, village, city, county, school district or board of education, and be included in the next apportionment or certification of state taxes and charges, and collected, with interest at the rate of 10 per cent per annum from the date such charges were certified by the department, as other special charges are certified and collected.

(f) To assist local units of government to install improved budgetary methods and upon request to transmit proposed basic budget forms to each local unit of government.

(g) To devise a system of cost accounting as nearly uniform as possible for all county highway departments. The cost thereof not to exceed \$2,000 shall be paid from the appropriation made by section 20.49 (9) upon certification of the department of state audit to the state highway commission.

(h) To inquire into the system of accounting of funds in use in districts organized under the provisions of chapter 89; to devise and prescribe a system of accounts for such districts which shall be as nearly uniform as practicable, and to audit the books of any such district.

(i) The municipal auditing functions of the state department of audit shall be performed in such a manner as to make auditing services under paragraph (d) available to local units of government as quickly as possible. [1947 c. 9, 300, 472]

[15.26 to 15.40 Stats. 1945 renumbered sections 15.54 to 15.67 by 1947 c. 9]

[15.30 Stats. 1941 repealed by 1943 c. 442]

### SUBCHAPTER III.

#### DIVISION OF DEPARTMENTAL RESEARCH.

**15.50 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 15.50 to 15.53 the word "department" shall have the same definition as provided in section 15.01 (4). [1939 c. 30; 1947 c. 9; 43.08 (2)]

**15.51 Director, appointment, salary, removal.** The director created by section 15.50 shall be appointed by the governor for an indeterminate term. He shall be paid a salary at an annual rate 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; 1947 c. 9, 472]



**15.52 Director, duties, powers.** The director created by section 15.50 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 section 325.01 (4) and the provisions of section 325.12 shall apply.

(2) **EMPLOYEES.** 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 investigations 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 employees publicly or privately relative thereto. [1939 c. 30; 1947 c. 9; 43.08 (2)]

**Note:** 15.17 to 15.28, Stats. 1939, do not grant any powers of reviewing conservation commission in making expenditures of income from Central Wisconsin Conservation Area in accordance with terms of lease. 29 Atty. Gen. 381.

**15.53 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; 1947 c. 9]

#### SUBCHAPTER IV.

#### BUREAU OF PURCHASES.

**15.54 Bureau of purchases, definitions.** As used in sections 15.54 to 15.67 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. [1947 c. 9; 43.08 (2)]

**15.55 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.

(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. [1947 c. 9, 534]

**15.56 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; 1947 c. 9]

**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.

Bureau of purchases has authority to procure parking space for state-owned automobiles when ready availability of such automobiles is essential to the performance of the duties of any particular office. 36 Atty. Gen. 75.

**15.57 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, in so far as possible, satisfy the requirements of any and all offices which use it in common. [1943 c. 442; 1947 c. 9]

**15.58 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. [1947 c. 9]

**15.59 Requisitions.** Except as otherwise provided in sections 15.54 to 15.67 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. [1947 c. 9; 43.08 (2)]

**15.60 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.

(6) Until the termination of the present war (World War II) as proclaimed by the President or Congress and for 2 years thereafter, the provisions of subsections (1) to (5), except as to their requirements in connection with printing and stationery, shall not be deemed to apply to the purchase of supplies, materials or equipment from the federal government or any agency thereof and, with the approval of the governor, may be waived with respect to similar purchases from private sources when such action is deemed to be in the best interests of the state. [1931 c. 33 s. 3; 1933 c. 159 s. 3; 1943 c. 442; 1945 c. 223; 1947 c. 9]

**Note:** 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 readvertising 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.

**15.61 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 section 15.83 (1). No such continuing agreements or flexible contract shall exceed one year's duration. [1931 c. 67 s. 152; 1947 c. 9]

**15.62 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 15.54 to 15.67 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. [1947 c. 9]

**15.63 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. [1947 c. 9]

**15.64 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 director of purchases at cost, plus 15 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; 1931 c. 45; 1935 c. 535; 1937 c. 181 s. 4; 1947 c. 9]

**15.65 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; 1947 c. 9]

**15.66 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. [1947 c. 9]

**15.67 Report to governor.** The director of purchases shall prepare and deliver, within 30 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. [1947 c. 9]

[15.72, 15.74 Stats. 1945 renumbered sections 15.90, 15.91 by 1947 c. 9]

[15.73 Stats. 1937 repealed by 1939 c. 371]

[15.75 Stats. 1937 repealed by 1939 c. 371]

#### SUBCHAPTER V.

#### BUREAU OF ENGINEERING.

**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 engineering, architectural and construction work of the state highway commission and the engineering service performed by the industrial commission, department of taxation, public service commission, board of health and other departments, boards and commissions when such service is not related to the maintenance, construction and planning of the physical properties of the state;

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

(3) To act and assist any 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 each state-owned power and electric plant and pumping and heating station and to provide for the methods of operating said plants and stations and to 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 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 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 in accordance with section 47.09;

(6) To approve the appointment, subject to the provisions of chapter 16, of a principal engineer or architect when requested to do so by departments, boards and commissions and when 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 when found feasible, and put the same back into service in the same department or in any other state department, and upon requisition to furnish services and material and loan equipment at fair rentals based on the cost thereof, in connection with the construction, operation and maintenance of heating and power plants, utilities and equipment.

(10) The state chief engineer or his designated assistants shall make a biennial inspection of each building of each institution of the state. Upon completion of such inspection, he shall report his findings to the governor and to the board, commission or officer in charge of such institution.

(11) To prepare a Wisconsin State Capitol Guide Book in pamphlet form with appropriate cover containing information regarding the state capitol, its buildings and grounds, to be sold as near cost as practicable. [1931 c. 33 s. 3; 1935 c. 535; 1943 c. 442; 1945 c. 181, 297; 1947 c. 359]

**15.78 Supervision by principal engineer or architect.** The engineer or architect employed pursuant to section 15.77 (6) shall have charge and supervision of the work of the department, board, commission or officer by whom employed, subject, however, to the general direction of the state chief engineer and the immediate direction of the department, board, commission or officer. [1947 c. 359]

**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 provisions 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 section 15.77 (2) to (4), (6), (7) and (9) 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 services can be ascertained with reasonable accuracy. [1947 c. 359]

**15.81 Construction controlled by chapter 15.** No department, board, commission, officer or agent of the state shall employ engineering or architectural services or expend money for construction purposes on behalf of the state, except as provided in this chapter. No major repair or major improvement shall be authorized or undertaken by the board, commission or officer in charge of any institution prior to the completion of a 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. [1947 c. 359]

[15.82 Stats. 1941 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 50 tons of such fuel. All such specifications where feasible 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 50 tons and where purchased on a heating value and quality basis.

(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; 1947 c. 359]

**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 50 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 Stats. 1941 repealed by 1943 c. 179]

#### SUBCHAPTER VI.

#### MISCELLANEOUS.

**15.85 Governor's commission on human rights.** There is created the governor's commission on human rights to consist of not to exceed 35 members who shall be appointed by the governor for terms of 3 years each without the advice or consent of the senate. Members shall be appointed from the entire state and shall be representative of all races, creeds, groups, organizations and fields of endeavor. They shall receive no compensation for their services. It shall be the duty of the commission to disseminate information and to attempt by means of discussion as well as other proper means to educate the people of the state to a greater understanding, appreciation and practice of tolerance, to the end that Wisconsin will be a better place in which to live. [1947 c. 296]

**15.90 Capitol parking regulations.** The parking of automobiles at the curb on the capitol park side of the 4 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; 1947 c. 9]

**15.91 Motor vehicle parking in capitol park prohibited.** The parking of any motor vehicle in any of the 4 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 \$25 or by imprisonment in the county jail not exceeding 10 days. [1929 c. 378; 1935 c. 71; 1939 c. 371; 1947 c. 9]