

## CHAPTER 15.

## STATE AUDIT AND MISCELLANEOUS EXECUTIVE FUNCTIONS.

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## 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. The term of office of the person holding the office of state auditor on September 1, 1963 shall expire on said date. Thereupon appointment shall be made of a successor state auditor for a term commencing on the date of appointment and ending October 1, 1963. 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. 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.

History: 1963 c. 225.

**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) **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.

(3) **AUDITS OF DEPARTMENTS.** Audit the records of the various state departments at least once each 3 years and, in conjunction therewith, reconcile the records of the department audited with those of the department of administration. Within 30 days after completion of any such audit, he shall file with the governor, the department of administration, the legislative reference bureau 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.

(3a) **ANNUAL AUDIT OF DEPARTMENT OF ADMINISTRATION.** Annually audit the central accounting records of the department of administration. A detailed report of such audit shall be filed as provided by sub. (3), and copies shall be provided to each member or

member-elect of the legislature and shall be available in limited number to the public. He shall also prepare a summary of such audit report, for distribution in the same manner as the Wisconsin Blue Book under s. 35.84.

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

(6) **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.

(7) **REQUIRE REPORTS.** Require each department of state government to file with him on or before September 1 of each year a report on all receivables due the state as of the preceding June 30 which were occasioned by activities of the reporting department. Said report shall show the aggregate amount of such receivables according to fiscal year of origin and collections thereon during the fiscal year preceding the report. The state auditor may require any department to file with him a detailed list of the receivables comprising the aggregate amounts shown on the above indicated reports.

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

(8a) **DISSEMINATE INFORMATION.** Disseminate information concerning state and local government accounting, auditing and fiscal matters.

(9) **STATEMENT OF RECOMMENDATIONS.**

Prepare a statement of recommendations submitted in each audit report pertaining to state government operations, which statement shall be available to any person upon request.

(10) **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.

(11) **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 on or before December 1 in each even-numbered year and with each house of the legislature at the beginning of each regular session.

(12) **MUNICIPAL AUDITING AND REPORTING.** (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 needed in the work of the department of state audit, in such form and upon such blanks as the state auditor shall prescribe; and all public officers so called upon shall fill out properly and return promptly to the department of state audit all blanks so transmitted. To examine all town, village, city, county and other public records for such purposes as are deemed needed by the department. To publish annually the information collected, with such compilations, analyses or recommendations as may be deemed needed.

(b) In his discretion to inspect and examine or cause an inspection and examination of the records of any town, city, village, county or other public officer whenever such officer shall have failed or neglected to return properly the information as required by par. (a) within the time set by the department of state audit.

(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, county or other local public body, board, commission or agency may suffer through their delinquency; and no payment shall be made them for salary, or on any other accounts, until the total amount of charges for such inspection and examination as provided in par. (e) shall have been paid into the

treasury of the regular county or other local public body, board, commission or agency.

(d) To inquire into the system of accounting of public funds in use by towns, villages, cities, counties, school districts, boards of education and all other local public bodies, boards, commissions, departments or agencies; to devise, prescribe and at the request of any town, village, city, county, school district, board of education or other local public body, board, commission, department or agency, to install a system of accounts which shall be as nearly uniform as practicable; provided, that when so installed the system shall be retained in use; and to audit the books of the town, village, city, county, school district, board of education or other local public body, board, commission, department or agency upon the request of the governing board, council, commission or body thereof, 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 ch. 135.

(e) Establish a scale of charges for system installations, audits, inspections and other services rendered by the department of state audit in connection with financial records or procedures of towns, villages, cities, counties, school districts, boards of education and all other local public bodies, boards, commissions, departments or agencies. Upon the completion of such work the department of state audit shall transmit to the clerk of the town, village, city, county, school district, board of education or other local public body, board, commission, department or agency a statement of such charges, except that charges for the installation of cost accounting systems for county highway departments shall be transmitted to the state highway commission and paid from the appropriation made by s. 20.420 (1) (x). Duplicates of such statements shall be filed in the offices of the director and state treasurer. Within 60 days after the receipt of the above statement of charges, the same shall be audited as other claims against towns, villages, cities, counties, school districts, boards of education, other local public bodies, boards, commissions, departments or agencies and the state highway commission are audited, and shall be paid into the state treasury and credited to the program revenue under s. 20.190 (3). Past due accounts of towns, villages, cities, counties, school districts, boards of education and all other local public bodies, boards, commissions, departments or agencies shall be certi-

fied to the director on October 1 of each year and included in the next apportionment of state special charges to local units of government.

(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.

(i) The municipal auditing functions of the state department of audit shall be performed in such a manner as to make auditing services under par. (d) available to local units of government as quickly as possible.

(j) To devise a system of cost accounting as nearly uniform as possible for all county infirmaries, which shall include an appraisal of present buildings and equipment. Such system shall include an annual charge of 2 per cent of the original cost of new construction or purchase, or of the appraised value of existing infirmary structures and equipment. If the infirmary or any of its equipment is replaced, any net cost of replacement in excess of the original cost shall be subject to a similar charge. When the amounts charged under this subsection equal such cost, no further charge shall be recognized in the determination of per capita costs. The cost thereof shall be paid from the appropriation made by s. 20.190 (2). The state department of public welfare, director, state board of health and the Wisconsin county boards association shall provide such assistance as may be required by the state department of audit.

History: 1961 c. 191; 1963 c. 479; 1965 c. 66 s. 8; 1965 c. 163, 249 s. 78; 1965 c. 432 s. 6; 1965 c. 433.

#### SUBCHAPTER VI. MISCELLANEOUS.

##### 15.60 State recreation committee. (1)

(a) The purpose of this section is to promote, encourage and co-ordinate a long-range plan to acquire, maintain and develop for public use those areas of the state best adapted to the development of a comprehensive system of recreational facilities in all fields, including without limitation: parks; forests; camping grounds; fishing and hunting grounds; scenic areas, waters and highways; boat landings, beaches and other areas of public access to navigable waters; and to facilitate and encourage the fullest public use thereof.

(b) It is the legislative intent in the passage of this act to authorize the expenditure of approximately \$50,000,000 over the next 10 years for an outdoor recreation and resource development program to be allotted approximately as follows: \$33,000,000, state park and forest recreation areas; \$9,000,000,

fish and game habitat; \$2,500,000, youth conservation camps; \$2,000,000 to protect scenic resources along highways; \$1,500,000, for creation of new lakes under the federal small watershed program; \$1,000,000 in state aids to help metropolitan areas acquire rural recreation lands; \$500,000 in state aids to help counties owning lands entered under the forest crop law develop recreational facilities; \$392,000 for tourist information centers; \$270,000 for careful planning of future projects and priorities; and \$50,000 for a survey of the Lake Superior region recreational potential.

(2) There is created a state recreation advisory committee consisting of the governor as chairman ex officio, the director of the conservation department, the chairman of the state highway commission, the director of public welfare, the chairman of the state soil and water conservation committee, and the recreation specialist in the department of resource development. The committee shall meet as often as necessary upon the call of the governor and at least quarterly. Members of the committee shall receive no salary as such members, and any expenses incurred in the performance of their duties shall be charged against their respective departments.

(3) The advisory committee shall:

(a) Recommend to each successive legislature the appropriations necessary to accomplish the priorities established for the following biennium, provided that such recommendations include all projects listed in sub. (6) which have been activated and for which funds have been allotted, and which have not been completed during the preceding biennium;

(b) Co-ordinate the development by its member agencies of a long-range plan for the acquisition and capital improvement of areas necessary for a state-wide system of recreational facilities to be recommended to the legislature;

(c) Develop and disseminate a long-range plan for the fullest utilization of all the recreational assets of the state.

(4) The committee may reimburse other state agencies for necessary services. When it appears to the committee that there is an overlapping of authority or responsibility between member agencies in the completion of any priority the committee shall negotiate a co-operative agreement for completing the priority among the agencies concerned. The committee may retain necessary consulting services. The committee is attached to the executive office for administrative purposes only.

(5) In the fulfillment of its purposes, the committee may receive such gifts and grants of money or property or services as are not otherwise provided for in the statutes. The proceeds of such gifts or grants of money or property may be expended for the purpose of the gift or grant.

(5b) In a county containing 4,500 acres or more of state park lands on January 1, 1961, no lands or interest therein for new state parks shall be acquired by the state unless the county board of such county first approves the proposed state park.

(6) Projects for the biennium July 1, 1961 to June 30, 1963, shall be limited to the following list of high priorities (the order of listing within priority categories is for identification purposes only):

(a) *State park system and state forest recreation areas.* New land control, existing projects:

1. Kettle Moraine state forest
2. Governor Dodge state park
3. High Cliff state park
4. Terry Andrae state park
5. Wildcat Mountain state park (Lake area to be studied in 1961-63 and activated if feasible)
6. Apostle Islands state forest
7. Black River state forest
8. Brule River state forest
9. American Legion state forest
10. Northern Highland state forest
11. Flambeau River state forest

(b) *State park system and state forest recreation areas.* New land control, new projects:

1. Europe Lake state park
2. Lake Wissota state recreation area
3. Mirror Lake state recreation area
4. Pike Lake unit of the Kettle Moraine state forest
5. Sugar Creek recreation area
6. "I" highway recreation areas (3)
7. Whitefish Bay state park
8. Belmont Mounds recreation area.

(c) *State park system and state forest recreation areas.* Areas to be studied and activated if feasible:

1. Lac du Flambeau Pines
2. Raspberry Bay
3. Menominee Indian reservation

(d) *State park system and state forest recreation areas.* Capital improvements, No. 1 priority:

1. State parks
  - a. Blue Mounds
  - b. Copper Falls

- c. Devils Lake
- d. Governor Dodge
- e. High Cliff
- f. Interstate
- g. Lost Dauphin
- h. Nelson Dewey
- i. Pattison
- j. Peninsula
- k. Perrot
- l. Potawatomi
- m. Rocky Arbor
- n. Wyalusing
- o. Amnicon Falls
- 2. State forest recreation areas
  - a. American Legion
  - b. Black River
  - c. Brule River
  - d. Kettle Moraine
  - e. Northern Highland
- 3. New areas. Capital improvements on lands acquired under s. 15.60 (6) (b) and (c).

(e) *State park system and state forest recreation areas.* Capital improvements, No. 2 priority:

- 1. State park system
  - a. Aztalan state park
  - b. Big Foot Beach state park
  - c. Brunet Island state park
  - d. Copper Culture Mounds state park
  - e. Cushing Memorial state park
  - f. First Capitol state park
  - g. Lizard Mound state park
  - h. Lucius Woods state park
  - i. Merrick state park
  - j. Mill Bluff state park
  - k. New Glarus state park
  - l. Ojibwa state park
- m. Old Wade House state park
- n. Rib Mountain state park
- o. Roche-a-Cri state park
- p. Terry Andrae state park
- q. Tower Hill state park
- r. Wildcat Mountain state park
- s. Yellowstone Lake recreation area
- 2. State forest recreation areas
  - a. Apostle Islands
  - b. Council Grounds
  - c. Flambeau River
  - d. Point Beach

(f) *Game habitat.* 1. New land control, existing projects:

- a. Avon Bottoms
- b. Allenton Marsh
- c. Bakkens Pond
- d. Brandon Marsh
- e. Brooklyn Marsh
- f. Blue River
- g. Collins Marsh

- h. Deansville Marsh
- i. Eldorado Marsh
- j. Grand River
- k. Honey Creek
- l. Karcher Marsh
- m. Killsnake Marsh
- n. Lake Mills
- o. Liberty Creek
- p. Lodi Marsh
- q. Mazomanie Marsh
- r. McMillan Marsh
- s. Mead Area
- t. Mud Lake (Columbia county)
- u. Mud Lake (Dodge county)
- v. Mullet Creek
- w. New Munster Marsh
- x. Pensaukee Marsh
- y. Peshtigo Harbor
- z. Pine Island
- aa. Poygan Marsh
- ab. Princess Point
- ac. Rome Pond
- ad. Scuppernong Marsh
- ae. Sensiba Marsh
- af. Shaw Marsh
- ag. Theresa Marsh
- ah. Tichigan Marsh
- ai. Vernon Marsh
- aj. Westford Marsh
- ak. Waterloo Marsh
- al. Waunakee Marsh
- 2. New land control, new projects:
  - a. Bong Air Force Base Acquisition and Development
  - b. Brillion Marsh
  - c. Evansville Marsh
  - d. Goose Lake
  - e. Jefferson Marsh
  - f. Klemme Marsh
  - g. Mud Lake (Dunn county)
  - h. Paris Marsh
  - i. Richmond Marsh
  - j. Scattered wetlands
  - k. Silver Creek
  - l. Swan Lake
  - m. White River
  - n. Wildcat Marsh
  - o. Wolf River
- (g) *Fish habitat.* 1. New land control, existing projects:
  - a. Big Roche-a-Cri
  - b. Camp Lake Marsh
  - c. Cedar Springs
  - d. Chaffee Creek
  - e. Dell Creek
  - f. Dorn Creek Marsh
  - g. Eagle Lake Marsh
  - h. Elk Creek
  - i. Emmons Creek

- j. Kinnickinnic River
- k. LaBudde Creek
- l. La Crosse River
- m. Little Plover River
- n. Little Wolf River
- o. Mekan River
- p. Milwaukee River
- q. Nace Creek
- r. Peterson Creek
- s. Pine River
- t. Prairie River
- u. Radley Creek
- v. Remnant Fish Habitat Areas
- w. Sawyer Creek
- x. Silver Lake Marsh
- y. Soules Creek
- z. Turtle Creek
- aa. Upper Tomorrow River
- ab. Upper Waubesa Marsh
- ac. Wedde Creek
- ad. White River (Waushara county)
- ae. White River, South Branch (Bayfield county)
- af. Willow Creek
- ag. Wind Lake Marsh
- 2. New land control, new projects:
  - a. Bean Brook
  - b. Big Brook
  - c. Big Sioux River
  - d. Bluff Creek
  - e. Bolen Creek
  - f. Devils Creek
  - g. Evergreen River
  - h. Leech Creek
  - i. Moose Ear Creek
  - j. Mt. Vernon Creek
  - k. Oconto River, South Branch
  - l. Osceola Creek
  - m. Plum Creek
  - n. Remnant Fish Habitat Areas
  - o. Upper Neenah Creek

(h) *Youth conservation camps.* 1. The conservation department and the department of public welfare may select the sites for 2 permanent youth camps in addition to the camp provided by subd. 2.

2. Establishment of a camp in the Rhineland area during the summer of 1962.

3. Lease of land and facilities for temporary conservation camps pending completion of the permanent camps.

(i) *Scenic easements.* 1. First priority will be given to completing scenic easements along the Great River road. Easements will also be acquired on highways along Lake Michigan and Green Bay, Lake Superior; along the Chippewa, Wisconsin, Fox, Milwaukee and Wolf rivers; in the lake and forest

country of northern Wisconsin; and through the Menominee Indian reservation and the Kettle Moraine area.

(j) *Tourist information centers.* 1. A permanent tourist center shall be established in 1961 near the Illinois border, adjacent to the interstate highway between Chicago and Milwaukee. Two mobile centers shall be purchased and tried at various experimental locations near Hudson, Beloit and other points adjacent to the interstate highway system.

(k) *Conservation easements.* Projects qualifying under s. 23.09 (16).

(l) *Special purchase opportunities.* With the approval of the state recreation advisory committee, \$100,000 may be allocated to take advantage of critical purchase opportunities for lands adjacent to existing parks and state forests.

(7) Projects for the 1965-67 biennium shall include the acquisition of land for and the development of Thunder Mountain state park in Marinette county. If not completed during the biennium, it shall be included in subsequent recommendations under sub. (3) (a).

**History:** 1961 c. 427, 668; 1963 c. 100; 1965 c. 269.

**15.85 Governor's commission on human rights.** (1) 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. 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.

(2) (a) The commission shall disseminate information and 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 human rights for all people, of whatever race, creed, color or national origin, to the end that Wisconsin will be a better place in which to live.

(b) The commission may investigate alleged cases of discrimination in public places of accommodation or amusement, as defined in s. 942.04 (2), and may seek conciliation in any such case where it believes discrimination to have occurred.

(c) The commission shall encourage and assist local units of government in guaranteeing all persons an equal opportunity for housing.

**History:** 1965 c. 66 s. 8; 1965 c. 439.

**15.855 Gifts and donations.** All gifts, grants, bequests and devises to the governor's commission on human rights for its use for any of the purposes mentioned in s. 15.85, whether made to the members or otherwise, are valid and shall be used to carry out the purposes for which made and received.

**15.87 Governor's council on traffic law enforcement.**

(1) There is created a governor's council on traffic law enforcement to be composed of 17 members. The governor shall appoint 5 members who shall be recognized community leaders in the fields of business, labor and industry, and 8 members plus 4 alternate members (2 in each area plus an alternate to be chosen to represent any absent member for that area) who shall be professionals in the traffic law enforcement field representing: state traffic enforcement officers; county sheriffs and deputy sheriffs; county patrols; and municipal chiefs of police. Such appointments shall be for 3-year terms. Two senators including a representative of the minority party shall be appointed as are standing committees and 2 assemblymen including a representative of the minority party shall be appointed by the speaker of the assembly for terms ending on February 1 of each odd-numbered year. Vacancies shall be filled by the governor for the unexpired term. Members shall be reimbursed for their actual and necessary expenses in the performance of their duties from the appropriation under s. 20.560 (9) (w).

(2) The council shall elect a chairman and shall meet at the call of the chairman and undertake studies which the governor or the chairman deems advisable. The council, with the governor's approval, may also undertake studies which it deems advisable.

(3) The council shall make recommendations to the governor for better utilization of enforcement agencies, equipment and communications; shall designate the reports to be filed with it by such agencies; shall report to the governor any proposals for changes in the law which it believes will bring about a better over-all enforcement effort; and shall issue a biennial report to the governor and the legislature.

(4) The council may inspect and examine the records of any enforcement agency and may call upon any enforcement officer or supervisor of any officer or group of enforcement officers for advice or information.

History: 1965 c. 232, 432 s. 6.

**15.90 Capitol parking regulations.**

(a) Except as provided in par. (b), 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 regulation or city ordinance that may be enacted by the city of Madison designating the manner of such parking or limiting the length of time which automobiles can be so parked in such public streets in said city.

(b) Eight areas, for the parking of 3 automobiles in each area, at the curb on the capitol park side of the 4 streets surrounding the state capitol park, each area as near as lawfully permissible to each near side of the intersections of said streets with the driveways leading to the capitol building, are reserved for the parking of automobiles by legislators during sessions (regular, adjourned or special) of the legislature, and only emergency police regulations or city ordinances of the city of Madison are applicable to such areas during said sessions. The department of administration shall mark and post the areas. Parking of automobiles in the areas during said sessions is permitted without restriction to legislators whose automobiles are identified as specified in sub. (4), and the parking therein of any vehicle by any other person is prohibited during said sessions and any violation of this prohibition shall be punished as in sub. (2).

(2) Except for persons designated in sub. (3), the parking of any motor vehicle in any of the 4 driveways of the capitol park leading to the capitol building is prohibited. Parking of any motor vehicles on the grounds of any of the state office buildings shall be in accordance with rules and orders established by the department of administration, but the department of administration shall not charge any fee for such parking. Any person violating this subsection or any regulation adopted pursuant thereto shall be fined not exceeding \$25 or imprisoned not exceeding 10 days.

(3) The following persons may park automobiles identified in the manner provided by sub. (4) in the parking areas designated in sub. (2) without regard to the provisions thereof:

- (a) Legislators and constitutional officers.
- (b) Officers of the senate and assembly or a person they may specify.
- (c) Such state officers and employes as the governor may direct not to exceed 15.

(4) To facilitate the administration of sub. (3), the department of administration shall procure identification tags, and issue such tags to applicants eligible under sub. (3).

History: 1963 c. 577.

**15.92 Regulation of conduct in capitol park.** (1) Any person who does any of the following shall be fined not more than \$25 or imprisoned not more than 10 days:

(a) Discharges any firearm or explosive substance in capitol park without consent of the commissioner of administration; or

(b) Walks upon any part of capitol park except the walks or driveways; or

(c) Deposits any filth or commits any nuisance in capitol park; or

(d) Molests any of the birds or game in capitol park or permits any dog in his custody to do so.

(2) The commissioner of administration or his agent is authorized to summarily kill any dog found running loose within the park.

**15.93 Burning bituminous coal near capitol.** (1) It shall be unlawful to burn any bituminous coal for heating, power or any other purpose or purposes within any of the following blocks surrounding the capitol park in the city of Madison, viz.: Blocks 64, 65, 66, 67, 68, 71, 72, 73, 74, 75, 76, 77, 82, 83, 84, 85, 88, 89, 90, 91, 98, 99, 100, 101, 102, 103, 104, 105, 107, 108, 109 and 110 or in the streets or alleys adjoining said blocks, except in smoke preventing furnaces of such an efficiency that no smoke shall be visible emitting from the top or outlet of the stack or chimney.

(2) Any person who shall cause, allow, or permit bituminous coal to be burned in violation of this section shall forfeit the sum of \$25 for each day or part thereof during which such violation continues.

(3) The commissioner of administration, with the assistance of the attorney general, shall institute proper proceedings to collect fines for and restrain violations of this section.

(4) The limitations contained in this section are imposed for the protection of the state capitol and its contents.

**History:** 1965 c. 66 s. 6.

**15.94 Claims commission.** (1) **PURPOSE.** There is created a claims commission to receive, investigate and make recommendations on all claims presented against the state which are filed pursuant to s. 16.53 (8). No claim or bill relating to such a claim shall be considered by the legislature until a recommendation thereon has been made by the claims commission.

(2) **ORGANIZATION.** The claims commission shall be composed of a representative of the executive office selected by the gover-

nor, a representative of the department of administration selected by the commissioner of administration, a representative of the attorney general's office selected by the attorney general, the chairman of the senate committee on finance and the chairman of the assembly committee on finance. The representative of the attorney general's office shall be chairman and the representative of the department of administration shall be secretary.

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

(4) **PROCEDURE.** When a claim has been referred to the claims commission, it shall schedule such claim for hearing, giving the claimant at least 10 days' written notice of the date, time and place thereof. The commission shall keep a record of its proceedings, but such proceedings may be recorded by a permanent recording device without transcription. It may require sworn testimony and may summon and compel attendance of witnesses and the production of documents and records. Any member of the commission may sign and issue a subpoena. Three members shall constitute a quorum.

(5) **DEPARTMENTS TO CO-OPERATE.** The several agencies of the state government shall co-operate with the commission and shall make their personnel and records available upon request when such request is not inconsistent with other statute law.

(6) **FINDINGS.** The commission shall report its findings and recommendations, on all claims referred to it, to the legislature for action. If from its findings of fact the commission concludes that any such claim is one on which the state is legally liable, or one which involves the causal negligence of any officer, agent or employe of the state, or one which on equitable principles the state should in good conscience assume and pay, it shall cause a bill to be drafted covering its recommendations and shall report its findings and conclusions and submit the drafted bill to the joint committee on finance at the earliest available time. A copy of its findings and conclusions



shall be submitted to the claimant within 10 days after the commission makes its determination.

(6a) **SETTLEMENT, CLAIMS COMMISSION.** Whenever the claims commission by unanimous vote finds that payment of less than \$500 to a claimant is justified, it may order the amount so found to be justified paid on its own motion without submission of the claim in bill form to the legislature. Such amounts shall be paid upon the certification of the chairman and secretary, from the appropriation made by s. 20.275 (1) (a) or (u).

(7) **EXCEPTION.** This section shall not be construed as relieving any 3rd party liability or releasing any joint tort-feasor.

(8) **COMPENSATION.** Members of the commission shall receive no remuneration for the function beyond their actual and necessary expenses incurred in the performance of their duties. The commission is authorized to pay the actual and necessary expenses of employes of the office of the attorney general or the department of administration authorized by the commission to secure material information necessary to the disposition of the claim.

**History:** 1961 c. 146; 1963 c. 21; 1965 [13.32 (2) (f)]; 1965 c. 433 s. 121.

**15.95 World's fair participation commission.** There is created a world's fair participation commission to direct Wisconsin's participation in the New York world's fair of 1964-65.

(1) **COMPOSITION.** The commission shall be composed of:

(a) A representative of the state department of agriculture selected by the board.

(b) A representative of the state department of resource development selected by the director.

(c) A representative of the conservation commission selected by the commission.

(d) A representative of the Wisconsin manufacturers' association selected by the board of directors.

(e) A representative of the state chamber of commerce selected by the board of directors.

(f) A representative of the Wisconsin state AFL-CIO selected by the board of directors.

(g) A representative of the Wisconsin division of the American dairy association selected by the board of directors.

(h) A representative of the Wisconsin travel and tourist council selected by the board of directors.

(hm) A representative of the broadcasting industry selected by the lieutenant governor.

(i) The lieutenant governor.

(j) Three senators and 3 assemblymen, including one member of the minority party in each house of the legislature, selected as are standing committees.

(2) **OFFICERS.** The governor shall be honorary chairman of the commission. The lieutenant governor shall be executive chairman of the commission. The commission shall elect a vice chairman and secretary from its membership.

(3) **REMUNERATION.** The members of the commission shall receive no compensation.

(4) **MEETINGS.** The commission shall meet at the call of the executive chairman.

(5) **REPORTS.** The commission shall make every effort to keep the legislature and the people of Wisconsin apprised of their progress in arranging for Wisconsin's participation in the New York world's fair of 1964-65.

(6) **DUTIES.** The commission shall direct Wisconsin's participation in the New York world's fair of 1964-65. To this end it may, with the permission of the governor, create a public authority or private nonprofit corporation to plan, purchase or erect and manage any facility which would publicize Wisconsin to which the world's fair promoters would agree, to solicit and receive moneys from public and private sources to accomplish this purpose and to charge such fees and other charges in connection with the facility provided to permit the operation of such facility without financial loss.

**History:** 1963 c. 164, 224; 1965 c. 66 s. 8; 1965 [13.32 (2) (f)].

**15.96 Turnpike commission.** (1) There is created a Wisconsin turnpike commission of 5 members to be appointed by the governor by and with the advice and consent of the senate for terms of 3 years each; all vacancies shall be filled as provided in s. 17.20 (2).

(2) The commission shall:

(a) Ascertain the feasibility of the construction of a modern express turnpike or toll highway for the purpose of facilitating vehicular traffic in the state. The route of such proposed highway to run roughly between St. Croix or Pierce counties near the Minnesota border and Rock, Walworth or Kenosha counties near the Illinois border.

(b) The commission shall assemble all information it deems appropriate relative to planning, surveying routes, cost of land acquisition, means of financing, economic practicability, potential revenues and any other information related in any way to its functions under par. (a). If after study of this

material, it is determined by a majority of the commissioners that the construction of a turnpike or toll highway over the general route set forth in par. (a) or any portion thereof is in the interests of the public and social welfare and the traveling public of the state, the individual members of the commission may by and with the consent of the governor incorporate under the turnpike corporation laws of this state and proceed with the construction of such turnpike or toll highway without further action of the legislature.

(c) The commission shall undertake similar studies of such other turnpike or toll road projects as the legislature may direct.

(3) The commission shall be furnished adequate quarters pursuant to ss. 16.79 and 16.85.

(4) The commission shall meet at such times and places as it shall determine.

(5) The commission shall elect its own chairman.

(6) (a) The commission may employ consulting engineers, attorneys, accountants, construction and financial experts and such other employes and agents as may be necessary in its judgment; fix their compensation and promote and discharge such employes and agents; all without regard to any other general or special laws. The commission may further enter into contracts with individuals, partnerships or corporations, for the making of such surveys or studies as are deemed necessary by it.

(b) The commission shall not be subject to s. 16.71, but any contract requiring an expenditure of more than \$1,000 may be made only with the approval of the governor.

(7) The commission may call upon any state department, agency, or officer or any agency of any political subdivision for such facilities and data as may be available, and such departments and agencies shall co-operate with the commission to the fullest possible extent.

(8) The commission shall keep a written record of its proceedings. Three members shall constitute a quorum for the transaction of business, and all actions shall require the approval of a majority of all the members of the commission.

(9) The commissioners may have other gainful employment and shall be compensated on the basis of \$25 per diem together with necessary and actual expenses incurred while performing their duty.

(10) State employes may be employed by the commission with the consent of the governor and the department concerned. Such em-

ployes shall retain uninterrupted their civil service rating, sick leave, vacation and other rights under ch. 16 and after termination of their employment by the commission shall be returned to the respective departments and agencies from which they were transferred for resumption of their regular employment.

(11) Necessary expenditures made in the carrying out of the purposes of the commission shall be paid out of appropriation provided by s. 20.822 and in the manner set forth therein.

(12) The commission shall report annually to the governor and biennially to the legislature and shall make such other reports as the governor may require.

**History:** 1965 c. 66 s. 8; 1965 [13.32 (2) (e), (f), (g)]; 1965 c. 433 s. 121.

#### **15.97 Interagency committee on health and welfare.**

(1) The purpose of this section is to promote the welfare of the state by providing a method of collecting, analyzing and interpreting data and making recommendations to the several state agencies regarding the human resources of the state.

(2) There is created an interagency committee on health and welfare consisting of 3 representatives of the state board of health, 3 representatives of the department of public welfare and 3 other state employes or officers selected by the governor because of a particular interest in human welfare. All members shall serve at the pleasure of their appointing officers.

(3) The committee shall at its first meeting select a chairman, vice chairman and secretary and arrange for bimonthly meetings. Members shall receive no compensation for their services in addition to their salaries as state officers or employes.

(4) The committee may select subcommittees.

(5) The committee shall study operations of the several agencies of state government relating to health and public welfare and make recommendations to the legislature through the legislative council and to the departments involved. It shall have no other power than to study, advise and recommend.

(6) The several state agencies shall co-operate in making information available to the committee.

#### **15.98 Governor's educational advisory committee.**

(1) **CREATION.** There is created the governor's educational advisory committee to consist of such representatives of state agencies which have an interest in the educational program for veterans and such other persons with a demonstrated interest in the

educational program for veterans as the governor may select. The members of the committee shall serve at the convenience of the governor.

(2) **PURPOSE; DUTIES.** The committee is created for the purpose of and has the duty of approving and supervising schools and educational courses for the training of veterans of the armed forces under P.L. 346; 53 Stat. 284 and P.L. 550; 66 Stat. 682, and other acts of congress relating to the training of veterans amendatory and supplementary thereto and complying with the federal request that each state create a state approving agency except for programs of training affecting on the farm training and apprentices provided for by sub. (6).

(2a) **CERTIFICATION OF SCHOOLS GENERALLY.** (a) The committee may:

1. Investigate the adequacy of courses leading to vocational and occupational objectives offered, by agencies not supported wholly by taxes, to residents of Wisconsin, except courses approved by recognized accrediting agencies and courses conducted by an employer for his employes or any denominational course having a sectarian objective.

2. Establish rules, standards and criteria to prevent fraud and misrepresentation in the sale and advertising of courses, and to encourage schools to maintain courses, curricula and instruction consistent in quality, content and length comparable to recognized and accepted courses offered in schools with similar vocational and training objectives.

3. Publish a list of schools and courses meeting standards and criteria as prescribed by the committee from time to time.

(3) **OFFICERS; MEETINGS.** The officers of the committee shall consist of a chairman and secretary selected by the committee from among its members. The committee shall determine the time and place of meeting, but may be called by the governor at any time.

(4) **EMPLOYES.** Such personnel as are required to carry out the functions of the committee may be employed by a state agency designated by the committee provided that the appropriations to such state agency shall be reimbursed wholly or partially from federal funds for the salary and expenses of such personnel as long as federal funds for such purposes are made available. The committee may expend state moneys for personal services.

(5) **CONTRACTS.** The committee may enter into contracts with the federal veterans' administration or other proper federal agency for the approval and inspection of schools and

educational courses for the training of veterans of the armed forces under the federal laws mentioned in sub. (2) and other acts of congress relating to the training of veterans amendatory and supplementary thereto, and to receive and disburse moneys received under such contract. All money received by the committee by reason of such contract shall be paid within one week into the general fund, and upon certification of the governor's educational advisory committee shall become available for expenditure by the state agency designated by the committee.

(6) **EXCEPTIONS.** The governor may designate the following agencies for approval and supervision of special phases of the program of veterans' education:

(a) On the job and apprenticeship training program, the industrial commission.

(b) On the farm training program, the state board of vocational and adult education.

(c) Embalmers and funeral directors' apprentices, the state board of health.

(7) **SOLICITOR PERMITS.** (a) No solicitor or agent shall personally solicit any prospective student to enroll in a private trade, correspondence, business or technical school located either within or outside this state, except within the established and legal premises of such school, unless such person applies for and obtains a permit issued in accordance with rules and in a manner and form prescribed by the governor's educational advisory committee.

(b) An "agent" or "solicitor" means a person employed by or representing a school located within or outside the state who personally attempts to secure student enrollments in places other than the established and legal premises of such school.

(c) No solicitor shall solicit prospective students to enroll in schools other than those types of pupils and the schools specifically listed in the application for a permit.

(d) Each solicitor's permit shall expire on June 30 following the date of issuance. The committee shall collect from each applicant for a solicitor's permit or renewal thereof an annual fee of \$5.

(e) The committee may require the applicant for a solicitor's license to furnish a bond for the faithful performance of agreements with students and may fix the amount of such bond.

(f) If the school represented by the application for a solicitor's permit is located outside the state, the committee may require the school to furnish information concerning its

facilities, curriculum, instructors, enrollment policies, tuition and other costs, refund policy, etc., the same as is required of schools in the state.

(g) Any person violating this section may be fined not more than \$500 or imprisoned not more than 3 months or both.

**History:** 1961 c. 525; 1963 c. 568; 1965 [13.32 (2) (h)].

**15.995 Wisconsin federal surplus property development commission.** (1) **PURPOSE AND CREATION.** In order that federally-owned land, improvements and appurtenances thereto which may be disposed of by the federal government may be acquired and integrated into the Wisconsin economy with the least amount of dislocation of economic, social and governmental institutions of the state, in order that the tax base may be enhanced, in order to assure effective zoning and land use development of such property and in order to provide a facility competent to prevent the piecemeal and unplanned disposition and discordant development of such property which would have a lasting detrimental effect on said institutions, there is created a Wisconsin federal surplus property development commission hereafter known as the commission. The commission shall be composed of 5 members to be appointed by the governor with the advice and consent of the senate for terms of 3 years. Vacancies shall be filled as provided in s. 17.20 (2). The terms of the members first appointed shall begin as soon after February 21, 1960 as may be. The terms of the members subsequently appointed shall begin July 1; of those appointed effective July 1, 1960, one shall be appointed for one year; 2 for 2 years and 2 for 3 years.

(2) **POWERS AND DUTIES.** The commission shall have the following powers and duties:

(a) To ascertain the feasibility of acquiring surplus federal lands and improvements and appurtenances thereto within this state in order to assure that such property will be properly integrated into the economic, social and governmental institutions of the state.

(b) If, after study of any available federal surplus property, it is determined by a majority of the commissioners that the procurement of such property is in the public interest, the individual members of the commission may, by and with the consent of the governor, incorporate under the federal surplus property development corporation laws and develop and dispose of any such available property.

(c) To study social, economic and governmental problems relating to such property; to

confer with officials of affected local units of government with respect to such problems and to propose solutions with respect thereto.

(d) To employ such personnel as may be required to conduct necessary studies and surveys.

(e) To request of any state agency or any agency of a political subdivision such data as may be necessary to accomplish its purposes, and such agencies shall comply with said requests.

(f) To grant approval before any portion of property acquired by a corporation created by it may incorporate as a city or village or be annexed to any incorporated municipality and no such property shall be incorporated or annexed without such approval.

(3) **RECORDS AND COMPENSATION.** The commission shall keep a record of its proceedings. The members shall receive no compensation but shall be reimbursed for their actual and necessary expenditures. The commission shall report annually to the governor and biennially to the legislature.

**Cross Reference:** See 24.085 (1) for requirement that conservation commission sell Bong Air base land to the surplus property development commission.

**15.997 Wisconsin Olympic sports commission.** There is created the "Wisconsin Olympic Sports Commission". The commission shall consist of 3 members, 2 of which shall be appointed by the governor for terms of 5 years each and the 3rd member shall be chosen by the United States Olympic committee for a like term. Successor members shall be appointed and chosen in the same manner and for like terms. The governor shall designate the chairman. Two members shall constitute a quorum. Members shall receive no remuneration for their services, but shall receive their actual and necessary expenses when actually and necessarily engaged in their duties. Subject to the direction and authority of the Wisconsin exposition board under s. 27.30, the Wisconsin Olympic sports commission shall manage and supervise all activities including publicity, in the state fair park in connection with Olympic sports and the facilities and area in connection therewith and shall foster and develop appropriate sports activities within that area. Receipts collected by the Wisconsin Olympic sports commission from operation of the speed-skating rink shall be deposited in the general fund and be considered receipts of the exposition board. Operating costs of the Wisconsin Olympic sports commission shall be paid from the appropriation under s. 20.365 (1) (g).

**History:** 1965 c. 258, 529.