

received by the state from appropriations made by the congress of the United States under the authority of such act, and is authorized to receive and provide for the proper custody of same, and to make disbursements therefrom upon the order of the state board of vocational education.

(2) This * * * *section* may be cited as the "Rehabilitation Law."

(3) (d) "Federal act" means the act of congress entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, *as amended*.

SECTION 163. All sections and parts of sections now contained in chapters 39, 40 and 41 of the statutes which are not mentioned or treated in this act shall remain unaffected by this act.

SECTION 164. This act shall take effect on July 1, 1927.

Approved July 21, 1927.

No. 404, S.]

[Published July 22, 1927.

CHAPTER 426.

AN ACT to repeal section 23.09; and to create a new section to be numbered section 23.09 of the statutes, relating to the creation of a state conservation commission and the establishment of a system for the protection, development and use of forests, fish and game and other outdoor resources, and providing a penalty.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 23.09 of the statutes is repealed.

SECTION 2. A new section is added to the statutes to be numbered and to read: 23.09 (1) The purpose of this section is to provide an adequate and flexible system for the protection, development and use of forests, fish and game, lakes, streams, plant life, flowers and other outdoor resources in the state of Wisconsin.

(2) To carry out the purpose of this act and other acts for like purposes, there is created a state conservation commission of six members, three of whom shall be from the territory north, and three from the territory south of a line running east and west through the south limits of the city of Stevens Point. The

members of said commission shall be appointed by the governor by and with the advice and consent of the senate. The term of office for each member of the commission shall be six years, provided that of those first appointed two shall be appointed for two years, two for four years, and two for six years. The commissioners appointed shall be persons having knowledge of and interest in conservation.

(3) The members of the state conservation commission shall receive no pay for their services as members of the commission, but shall be allowed their actual and necessary traveling expenses and subsistence while absent from their homes in attendance upon meetings of the commission or in the discharge of their official duties.

(4) The commission, after having fully qualified shall without delay meet at the capitol in Madison, and organize by electing a chairman and secretary. Four members of said commission shall constitute a quorum for the transaction of business. Meetings may be called by the chairman and shall be called on the request of any two members and may be held as often as necessary, and at other places than the state capitol.

(5) The commission shall keep its office in the state capitol, and the superintendent of public property is directed to provide suitable rooms for that purpose, and to furnish the necessary furniture, supplies, postage, stationery, equipment, printed forms, notices and special publications, subject to the printing laws of the state, except such material and supplies as must be purchased locally for the various hatcheries, parks, reserves, etc. Said commission may sell equipment when such sale in its judgment will be of advantage to the state.

(6) The commission shall employ a conservation director who shall continue in office at the pleasure of the commission, and whose salary shall be fixed by the commission but not to exceed six thousand five hundred dollars per year. Said director shall be a person having executive ability and experience, special training and skill in conservation work, and shall not be subject to the provisions of chapter 16 of the statutes. He shall be administrative head of the state conservation department, shall be responsible to the commission for the execution of its policies; shall employ, by and with the advice and consent of the commission, such technical and administrative assistance as may be necessary for the execution of such policies, and shall exercise

the powers of the commission in the interim of its meetings but subordinate thereto, but shall not have authority to make rules and regulations.

(7) The commission is hereby authorized to make such rules and regulations, inaugurate such studies, investigations and surveys, and establish such services as they may deem necessary to carry out the provisions and purposes of this act, and any violation of any provisions of this act or of any rules or regulation promulgated by the commission shall constitute a misdemeanor and be punished as hereinafter provided. The commission shall also have authority:

(a) To close seasons in cases of urgent emergency on any species of game or fish in any specified locality or localities, when it shall find after investigation and public hearing, that such action is reasonably necessary to secure the perpetuation of any species of game or fish, and the maintenance of an adequate supply thereof. The statutes governing such subjects shall continue in full force and effect, except as further restricted and limited by the rules and regulations promulgated by the commission as herein provided.

(b) To designate such localities as it shall find to be reasonably necessary to secure perpetuation of any species of game or bird, and the maintenance of an adequate supply thereof, as game or bird refuges for the purpose of providing safe retreats in which game or birds may rest and replenish adjacent hunting grounds.

(c) To designate such localities as it shall find to be reasonably necessary to secure the perpetuation of any species of fish and the maintenance of an adequate supply thereof, as fish refuges, for the purpose of providing safe retreats in which fish may breed and replenish adjacent fishing waters.

(d) To acquire by purchase, condemnation, lease or agreement, and to receive by gifts or devise, lands or waters suitable for the purpose hereinafter enumerated, and to maintain the same for the said purposes:

(1) For state forests for the purpose of growing timber, demonstrating forestry methods, protecting water sheds or providing public recreation.

(2) For state parks for the purpose of preserving scenic or historical values or natural wonders.

(3) For public shooting, trapping or fishing grounds or waters for the purpose of providing areas in which any citizen may hunt, trap or fish.

(4) For fish hatcheries and game farms.

(5) For forest nurseries and experimental stations.

(e) To extend and consolidate lands or waters suitable for the above purposes by exchange of others lands or waters under their supervision.

(f) To capture, propagate, transport, sell or exchange any species of game or fish needed for stocking or restocking any lands or waters of the state.

(g) To establish and maintain an efficient fire fighting system for the protection of forests.

(h) To enter into cooperative agreements with persons, firms or corporations, or governmental agencies for purposes consistent with the purposes and provisions of this act.

(i) To regulate camp fires and smoking in the woods at such times and in such designated localities, as it may find reasonably necessary to reduce the danger of destructive forest fires.

(j) To regulate the burning of rubbish, slashings and marshes or other areas as it may find reasonably necessary to reduce the danger of destructive fires.

(k) To conduct research in improved conservation methods, and to disseminate information to the residents of Wisconsin in conservation matters.

(8) The commission is hereby authorized to, and shall cooperate with, the several state departments and officials in the conduct of matters in which the interests of the respective departments or officials overlap.

(9) All rules and regulation of the commission shall be published in at least three newspapers of wide circulation in the territory to be affected, at least one week prior to the date such rule or regulation becomes effective, except in case of emergency when the commission shall give such notice as it may deem feasible.

(10) This section shall not be construed as authorizing the commission to change any penalty for violating any game law or regulation, or change the amount of any license established by the legislature, or to extend any open season or bag limit on migratory birds prescribed by federal law or regulations, or to contract any indebtedness or obligation beyond the appropriations made by the legislature.

(11) Any person violating any rule or regulation of the state conservation commission shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment.

(12) All duties, liabilities, authority, powers, and privileges imposed or conferred by law upon the commissioner of conservation are hereby imposed and conferred upon the state conservation commission created herein by section 23.09.

(13) (a) The present conservation commissioner shall act as the conservation director provided for in subsection (6) of this section until replaced by the commission.

(b) All employes in the conservation commission hereby abolished shall continue in service under the jurisdiction of the state conservation commission created herein, subject to its power to make such changes as are desirable and legal.

(c) The books, records, files and property of the conservation commission hereby abolished shall be transferred to the state conservation commission created herein and shall have the same force and effect as if said commission had not been abolished.

(d) Any investigation or proceeding now pending which in any way affects the conservation commission hereby abolished, shall be continued in behalf of or against the conservation commission created herein.

(e) The existing rules, orders and regulations of the conservation commission hereby abolished shall continue to be the standards, orders and regulations of the conservation commission created herein, until changed or modified by said commission.

(f) The unexpended appropriations of the conservation commission hereby abolished are appropriated to and made available to the conservation commission created herein.

(14) The county board of any county may condemn a right of way for any public highway to any navigable stream, lake, or other navigable waters. Such right of way shall be not less than sixty feet in width, and may be condemned in the manner provided by Chapter 32; but the legality or constitutionality of this provision shall in nowise affect the legality or constitutionality of the rest of this bill.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 21, 1927.