

CHAPTER 15.

STATE BUDGET AND ACCOUNTS, AUDIT AND EXECUTIVE DEPARTMENTS.

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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) "DEPARTMENT" DEFINED. Whenever in this chapter or in ss. 20.002 and 20.330 the word "department" is used, it includes 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 s. 20.950 is applicable.

History: 1957 c. 53.

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 term of office of the person holding the office of director on the effective date of this amendment (1957) shall expire on said effective date. Thereupon appointment shall be made of a successor director for a term commencing on the date of appointment and ending June 30, 1961. 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 ch. 17.

(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.

History: 1951 c. 97 s. 4; 1957 c. 263.

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 at the end of each fiscal year not later than October 15, a condensed, 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 at the end of each fiscal year not later than October 15, a statement of the condition of the general fund showing the cash balance, the accounts receivable, the accounts payable and the continuing unexpended and unencumbered appropriation balances; and to prepare not earlier than January 1 nor later than February 1, in odd-numbered years a tentative 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 each of such statements shall be filed in the legislative reference library and shall be sent to each member of the legislature.

(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 value. The director may call upon the state auditor for advice and suggestions in prescribing such forms.

(6) **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.

(7) **COLLECT REVENUE INFORMATION.** To collect from any available source and to correlate information concerning any and all anticipated state revenues.

(8) **COLLECT INFORMATION ON DISBURSEMENTS.** To collect and correlate information from all state departments concerning any departmental disbursements and the proper time thereof.

(9) **FORECAST REVENUES AND EXPENDITURES.** To forecast all revenues and expenditures of the state.

(10) **DETERMINE MINIMUM CASH BALANCES.** To determine the minimum cash balances needed in operating banks at all times to meet the operating requirements of all state departments.

(11) **ADVISE INVESTMENT COMMISSION ON SURPLUS MONEYS.** To advise the state investment commission daily concerning surplus moneys available for investment from each of the various state funds.

(12) **ADVISE INVESTMENT COMMISSION ON CASH NEEDS.** To advise the state investment commission concerning the date when invested funds will be required in the form of cash. Said commission shall furnish such reports of investments as may be required by the director of budget and accounts.

(13) **CO-OPERATE IN IMPROVEMENTS OF STATE FUND MANAGEMENT.** To co-operate with the state investment commission, the state treasurer, the department of taxation and other revenue departments for the purpose of effecting improvements in the management and investment of state funds.

History: 1951 c. 511; 1957 c. 53, 547, 672.

15.05 Departmental accounting, information, aid. (1) All departments shall keep their accounts and other financial records as prescribed by the director under section 15.04 (5), except as otherwise specifically directed by law. All such departments shall also furnish to the director 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.

(3) Upon request of the director of budget and accounts all state departments shall furnish such information concerning anticipated revenues and expenditures as may be required by him for effective control of state finances.

History: 1951 c. 511; 1957 c. 53.

15.06 Departmental reports. Each department, other than the legislature and the courts, shall, in each even-numbered year on the date prescribed for it by the director, 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 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 employe positions and their salaries at the time of such report showing basic salary, cost of living bonus, and total salary, together with similar comparative detail for the succeeding biennium showing, in addition, the proposed merit increases contemplated for each ensuing year of the biennium as well as all contemplated new employe positions and the salaries to be paid; such statement to be furnished on forms prescribed by the director;

(5) All fiscal or other information relating to the department that the director or the governor may require on forms prescribed by the director;

(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.

History: 1953 c. 29; 1957 c. 53.

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.

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 and the state auditor shall attend all such hearings and shall give such advice and assistance to the governor-elect in the conduct of such hearings as he may desire.

15.09 Budget message to legislature. Not later than February 1 in each regular session of the legislature, the governor shall deliver his budget message to the 2 houses in joint session assembled. With such message he shall transmit to the legislature the biennial state budget report and the executive budget bills together with suggestions for the best methods for raising the needed revenues.

History: 1951 c. 333; 1957 c. 53.

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 of a budget-in-brief thereof shall be furnished to each member of the legislature on the day of the delivery of the budget message. The biennial state budget report shall be furnished to each member of the legislature on or about February 15 of each odd-numbered year and 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;

(5) A 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, appropriation, object and activities at the discretion of the director of budget and accounts;

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

History: 1957 c. 53.

15.11 Budget bill. (1) The executive budget bills shall incorporate the governor's recommendations for appropriations for the succeeding biennium. One bill shall cover each of the following operating funds: the general fund, the highway fund and the conservation fund. Each appropriation in each bill except those for highway construction and aids to local units shall be divided into 3 allotments; personal services, other operating expenses, and capital outlay. Immediately after the delivery of the budget message, the bills shall be introduced without change into either house by the joint finance committee and when introduced shall be referred to that committee.

(2) No bill affecting the general fund and containing an appropriation or increasing the cost of state government or decreasing state revenues shall be passed by either house until the general fund budget bill has passed both houses; except that the governor or the joint committee on finance may recommend and the legislature enact emergency appropriation bills. Such bills shall carry a statement to the effect that they are emergency appropriation bills recommended by the governor or the joint committee on finance, and such statement shall be sufficient to permit passage prior to the general fund budget bill.

History: 1951 c. 7, 333; 1953 c. 49; 1957 c. 53.

15.12 Recommendation of joint finance committee on fiscal policy. At any time during the regular session but not later than 10 days after the passage by both houses of the budget bill relating to the general fund, the joint committee on finance shall report to the legislature in the form of a joint resolution, to be introduced in either house, its recommendations as to fiscal policy concerning state revenues and appropriations for the next biennium. Such information shall include: The estimated condition of the general fund on the succeeding July 1; the estimated general fund revenues during the ensuing biennium; the total amount of appropriations in the budget bills; the estimated condition of the general fund at the end of the ensuing biennium; and such other information as the committee deems pertinent.

History: 1953 c. 49; 1957 c. 53.

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 governor or 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.

History: 1957 c. 53.

15.14 Departmental estimates. (1) **EXPENDITURES.** Each department except the legislature and the courts shall prepare and submit to the director of budget and accounts an estimate by quarters of the amount of money which it proposes to expend upon each of its divisions, activities and functions. The director of budget and accounts may waive the submission of estimates of other than administrative expenditures from such funds as he may determine. Estimates shall be prepared in such form and at such times as the direc-

tor may require. Revised and supplemental estimates may be presented at any time under rules to be prescribed by the director.

(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. If the director is satisfied that an estimate for any period is more than sufficient for the execution of the normal functions of a department, he may modify or withhold such estimates.

(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.

History: 1957 c. 53.

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.

(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 as provided in s. 15.16.

(6) **AUDIT CLAIMS.** Examine, determine and audit, according to law, the claims of all persons against the state as provided in section 15.18.

(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. Expenses 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.

History: 1957 c. 53, 610.

15.16 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 accounts and credit actual receipts against them as of the last day of each quarter. Any receipts applying to a prior fiscal year received between August 16 and the next succeeding August 15 shall be credited by the director to the fiscal year in which said August 16 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.

(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 allotments unincumbered and the unallotted 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 proper fund and account authorized by law, and charge the treasurer with the same.

(5) **ENCUMBRANCES AND CHARGES FOR PRIOR FISCAL YEAR.** (a) On August 15 of each fiscal year all outstanding encumbrances entered for the previous fiscal year shall be transferred by the director as encumbrances against the appropriation for the current fiscal year, and an equivalent prior year appropriation balance shall also be forwarded to the current year by the director. Payments made on previous year encumbrances forwarded shall be charged to the current fiscal year. All other charges incurred during any previous fiscal year, and not evidenced by encumbrances, which are presented for payment between August 16 in any fiscal year and August 15 in the next succeeding fiscal year shall be entered as charges in the fiscal year in which said August 16 falls; but such charges shall not be paid if they exceed the unencumbered appropriation balance as of August 15 of the fiscal year preceding the year of payment.

(b) After August 15, departments shall be allowed not to exceed one month for reconciling August 15 prior year balances, correcting errors and certifying necessary adjustments to the central accounting office. No prior year corrections shall be permitted after September 15, it being incumbent upon all state departments to completely reconcile their records with the department of budget and accounts by said date. Each department shall delegate to some individual the responsibility of reconciling its accounts as herein provided and shall certify his name to the director. As soon as a reconciliation has been effected, the department shall advise the director in writing of such fact and shall forward to him a copy of such reconciliation. If any department fails to reconcile its accounts as provided in this subsection, the person responsible for such reconciliation shall not be entitled to any further compensation for salary until such reconciliation is effected.

(6) **PRIOR APPROVAL OF PURCHASE ORDERS, ETC.** (a) All purchase orders, contracts, or printing orders shall, before any liability is incurred thereon, be submitted to the director for his approval as to legality of purpose and sufficiency of appropriated and allotted funds therefor. In all cases the date of the contract or order shall govern the fiscal year chargeable. Upon such approval, the director shall immediately encumber all contracts or orders.

(b) Pursuant to s. 15.59 and subject to ss. 15.18 and 20.902 local purchases may be made or miscellaneous expenses incurred by any state department.

(c) Any department feeling itself aggrieved by the refusal of the director of budget and accounts to approve any proposed encumbrance or payment under this section or s. 15.18 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.

(7) **PETTY CASH FUND.** A petty cash fund in an amount not exceeding \$500 from the operating appropriation may be established for such departments as the director may determine. The operation and maintenance of petty cash funds and the character of expenditures therefrom shall be prescribed by the director.

(8) **REFUND ACCOUNTS.** The director of budget and accounts shall establish rules permitting state departments, authorized to do so by the governor, to issue checks to refund amounts not to exceed \$5 each. The director of budget and accounts may establish petty cash funds for such departments for the purpose of paying refunds.

(9) **DIRECTOR OF BUDGET AND ACCOUNTS TO REQUIRE ACCOUNTS OF STATE MONEY, ETC.** The director of budget and accounts shall from time to time require all persons receiving money or securities or having the disposition or management of any property of the state, of which an account is kept in his office, to render statements thereof to him; and all such persons shall render such statements at such time and in such form as he shall require.

History: 1951 c. 319 s. 5; 1953 c. 30, 319; 1957 c. 53, 547, 672.

15.18 Pre-audit procedure. The director shall pre-audit claims in accordance with the following procedures:

(1) **CLAIMS AGAINST STATE.** (a) *Audit.* All claims against the state, when payment thereof out of the state treasury is authorized by law, shall be audited by the director.

(b) *Payrolls.* Payrolls, to be entitled to audit, shall be certified by the proper officers who shall set forth the nature of the services rendered by each person named therein.

(c) *Other claims.* Unless otherwise provided by law, all other claims to be entitled to audit shall:

1. Specify the nature and particulars thereof on an official or original invoice.
2. Conform with statutory provisions and be necessarily incurred in the performance of duties required by the state service.
3. Include receipts for all items of travel expenditure in excess of \$1.50, unless other satisfactory evidence is accepted by the auditing officer.
4. Include the claimant's affidavit, or statement under the penalties of perjury, setting forth that all items of traveling expenses were incurred in the performance of duties required by the public service, and that the amount charged for transportation or for other expenses incident to travel was actually paid out and that no part of such transportation was had upon a free pass or otherwise free of charge. The blank form of such travel voucher shall be prescribed by the director of budget and accounts.
5. Exclude items of travel expenditure for tips, portorage, parlor car seats other than sleeping car berths, or for expenses not necessarily incurred in the performance of duties required by the public service.
6. Exclude items of expenditure incurred while traveling outside the state by any officer or employe of any state department or institution thereof unless in the discharge of his duties required by the public service.
7. Exclude except upon the order of the governor items of expenditure for expenses of more than one officer or employe of any state department or institution thereof while attending any convention, association, society, business conference or meeting held outside the state. The governor may delegate the authority to approve items of expenditures for travel while attending meetings outside the state to his staff or to the department of budget and accounts. He may also determine whether such requests shall be made on an individual basis or by means of periodic reports from the several departments of the state. The governor may also require periodic reports on out of state travel made by the personnel of each state agency with such detail as he may desire. Any auxiliary, allied or subordinate society, association or meeting held in connection with or as a part of or immediately preceding, during or immediately following the time of any convention, association, society or meeting shall for the purposes of this section be considered as one convention, association, society, business conference or meeting.
9. Be approved by the proper state officer.

(d) *Salaries, etc., when payable.* 1. The salaries, wages, compensation of and reimbursement to all state officers and employes, except as otherwise expressly provided, shall be paid at the beginning of the month following the month for the service rendered or disbursements made during such month, or at the termination of such service, and shall be charged against the proper appropriation for the respective office, commission, board or body with which the person receiving the same is connected.

2. All such salaries, wages or compensation not exceeding the rate of \$100 per month shall be payable semimonthly.

3. The salaries, wages, compensation of and reimbursement to legislative employes shall be paid on the last working day of the month in which the services were rendered.

(3) **EXAMINATION OF CLAIMANTS.** The director of budget and accounts may examine under oath the claimant or any other person relative to any claim presented against the state, and may require oral or written answers as to any facts relating to the justness of the claim, or as to the liability of the state.

(4) **AUDIT ORDER INDORSED ON CLAIM; RECORD.** The order of the director of budget and accounts auditing any claim shall be indorsed on or annexed to such claim, shall specify the amount allowed, the fund from which the same is payable, and the law that authorizes payment of such claim out of the treasury; and said order with the claim and all evidence relative thereto shall be filed and preserved in his office.

(5) **WARRANTS; WHAT TO SPECIFY.** The director shall draw his warrant on the state treasurer payable to the claimant for the amount allowed by him upon every claim audited under subsection (1), specifying from what fund to be paid, the particular law which authorizes the same to be paid out of the state treasury, and at the director's discretion the post-office address of the payee; and he shall not credit the treasurer for any sum of money paid out by him otherwise than upon such warrants.

(6) **WARRANTS; SIGNATURES.** Whenever it is impracticable for the director of budget and accounts to personally sign warrants issued on the state treasury, his name may be signed thereto by one or more persons in his department designated by him or by the use of a mechanical device adopted by him for affixing a facsimile signature; and the state treasurer, when written authority and reasons therefor are filed in his office, shall honor warrants so signed, the same as if signed in person by the director of budget and accounts, until such authority is revoked in writing.

(7) **CERTIFICATION OF BOARDS, EVIDENCE OF CORRECTNESS OF ACCOUNT.** The certificate of the proper officers of the board of regents of state colleges, the regents of the university of Wisconsin, the state department of public welfare, or the proper officers of any other board or commission organized or established by the state, shall in all cases be evidence of the correctness of any account which may be certified by them.

(8) **CLAIMS REQUIRING LEGISLATIVE ACTION.** All claims of every kind against the state requiring legislative action shall be made in duplicate, in the manner provided in sub. (1) and shall be filed in the office of the director of budget and accounts. The director of budget and accounts shall examine the same, see if ordered by competent authority and if properly made, designate the fund to which they are chargeable. The director shall as soon as practicable refer such claims to the claims commission established under s. 15.94 for its findings of fact, its conclusions, and its report thereon to the legislature for action. Whenever a bill appropriating money for a claim becomes a law the director of budget and accounts, before drawing his warrant therefor on the treasurer, shall see that the proper account on which such appropriation is based is filed in his office.

(9) **TRANSFER OF FUNDS APPROPRIATED.** Whenever an appropriation has been made from the general fund in the state treasury to any other fund therein, the director of budget and accounts in his discretion may withhold the transfer of such appropriation or any part thereof from the general fund until the same is required to pay claims duly audited.

History: 1951 c. 231; 1953 c. 61, s. 1; 1955 c. 10, 93, 652; 1957 c. 4, 53, 141, 610, 672.

15.20 Review of federal aid administrative budgets. Whenever any agency of the federal government shall require that as a condition to obtaining federal aid the state agency entrusted with the administration of such aid shall submit a budget of the contemplated expenditures for administrative purposes, the proposed budget for such expenditures shall, before it is submitted to the federal authorities for approval, first be approved by the governor and reported to the joint committee on finance while the legislature is in session and at other times to the emergency board.

History: 1951 c. 424.

15.205 Uncollectible shortages. On or before March 1 of each odd year the attorney general shall notify the department of budget and accounts of the sums of money embezzled from the several state accounts during the prior 2 years indicating the amounts uncollected and uncollectible. The department of budget and accounts shall cause a bill to be prepared appropriating from the several state funds a sum sufficient to liquidate the uncollectible shortages in state accounts caused by such embezzlement, and submit such bill to the joint committee on finance for introduction.

History: 1957 c. 547.

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 the effective date of this amendment (1957) shall expire on said effective date. Thereupon appointment shall be made of a successor state auditor for a term commencing on the date of appointment and ending June 30, 1961. 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: 1951 c. 97 s. 5; 1951 c. 319 s. 231; 1957 c. 263.

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 in each biennium and, in conjunction therewith, reconcile the records of the department audited with those of the department of budget and accounts. 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.

(3a) **ANNUAL AUDIT OF DEPARTMENT OF BUDGET AND ACCOUNTS.** Annually audit the records of the department of budget and accounts. A detailed report of such audit shall be filed in the manner provided by subsection (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 section 35.84 (14).

(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) **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 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.

(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 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, county and other public 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, county or other public 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.

(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 paragraph (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 chapter 135.

(e) To 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 (82). 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, 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 revolving fund provided in s. 20.190 (41). 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 certified to the director of budget and accounts 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.

(h) To devise a system of cost record accounting as nearly uniform as possible for all county tuberculosis sanatoria and private sanatoria approved by the state board of health under s. 58.06 which shall include an appraisal of present buildings and equipment. The cost thereof shall be paid from the appropriation made by s. 20.190 (3). The state board of health, state chief engineer and Wisconsin sanatorium superintendents association shall provide such assistance as may be requested by the department of state audit.

(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.

(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, state chief engineer, state board of health and the Wisconsin county boards association shall provide such assistance as may be required by the state department of audit.

(k) To devise a uniform cost accounting system for the state mental hospitals which shall correspond, as closely as possible, to the uniform cost accounting system for county mental hospitals presently required under s. 46.18 (8), (9) and (10). The system so devised shall reflect the values of land, buildings and equipment at original cost, as may be determined from appraisals and available records, and it shall be installed as of July 1, 1959. The state chief engineer and the state department of public welfare shall provide such assistance as may be requested by the department of state audit. All costs incurred by any state agency in connection with the foregoing shall be paid from the appropriation made by s. 20.190 (4).

History: 1951 c. 724; 1955 c. 356; 1957 c. 389, 526.

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.

History: 1955 c. 10.

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.

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 employes publicly or privately relative thereto.

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.

SUBCHAPTER IIIA.

DIVISION OF INDUSTRIAL DEVELOPMENT.

15.535 Division of industrial development. (1) CREATION. There is created a division of industrial development in the executive department in charge of a director.

(2) DIRECTOR. The director shall be appointed by the governor for an indeterminate term and 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.

(3) EMPLOYEES. The director shall, with the consent of the governor, employ such assistants as are necessary to execute his function and fix their compensation.

(4) CIVIL SERVICE EXEMPTION. The director and all employes under him shall be exempt from ch. 16.

(5) ADVISORY COMMITTEE. To aid and advise the director in the performance of his functions as specified in s. 15.536 there is created an advisory committee consisting of 2 senators and 2 assemblymen, appointed as are standing committees, and 13 other members representing such interested organizations and groups as industry, agriculture, small business, labor, banking and finance, the university of Wisconsin, railroads, water transportation, public utilities, harbor and terminal authorities and industries, at least 2 of whom shall represent lake ports, to be appointed by the governor. All terms shall be for 2 years beginning May 1 of odd years and shall continue until the successors are appointed and qualified. Vacancies shall be filled in the same manner as original appointments. If a legislative member of the committee ceases to be a legislator, his membership on the committee also terminates. The committee shall receive reports periodically from the division and shall meet at least semiannually to advise, guide, and establish the policies of the division. The committee shall meet at the direction of the governor or upon written request from any 3 members. Members of the advisory committee shall receive no compensation but shall receive their actual and necessary expenses while engaged in the performance of their official duties.

History: 1955 c. 271; 1957 c. 439.

15.536 Functions of division of industrial development. Under the supervision of the director and guidance of the advisory committee the division shall formulate and direct a program of industrial development for the state. Through research and promotion the division shall foster the most desirable growth and diversification of agriculture and industry in the state. It shall serve as the central co-ordinating agency and clearinghouse for activities and information concerning the economy of the state. It shall have no regulatory power whatever in respect to the activities of private persons, but its functions shall be solely of an advisory, informational, co-ordinative and promotional nature. The division shall have the following duties:

(1) AID PLANT LOCATION. (a) To gather and maintain information on available plant locations throughout the state;

(b) To process requests received by state agencies on information pertaining to industrial location;

(c) To co-ordinate the activities of and give assistance to state and local organizations including local development corporations, county industrial committees, chambers of commerce, labor organizations, and similar agencies interested in obtaining new industrial plants or commercial enterprises;

(d) To act as the state's official liaison agency between persons interested in locating business firms in Wisconsin, and state and local groups seeking new business. In such capacity, the division shall maintain the confidential nature of the negotiations it conducts as requested by the persons contemplating location in this state.

(2) BUSINESS SERVICE. (a) To make recommendations to the governor for the purpose of guiding and accomplishing a co-ordinated and economically efficient development of the state. The division shall encourage and co-ordinate research on such subjects as labor, transportation, markets, power, state regulations affecting business, taxes and other factors influencing industrial development. In respect to this activity the division shall, at the direction of the governor, utilize and co-ordinate the research facilities of state departments and institutions;

(b) To provide advice and assistance to Wisconsin business and labor and bring to the attention of the governor those significant problems which may be relieved by state action.

(3) **PROMOTE DEVELOPMENT.** (a) To collect and disseminate information regarding the advantages of developing new business in the state;

(b) To aid local communities in organizing for and obtaining new business to locate therein.

(4) **PORT DEVELOPMENT.** Under the supervision of the director and guidance of the advisory committee the division shall formulate and direct a program of port development for the state. Through research and promotion the division shall foster the most desirable growth and development of the ports and harbors in the state. It shall serve as the central co-ordinating agency and clearinghouse for activities and information concerning the ports of the state. The division shall have the following duties:

(a) To gather and maintain information on the ports of the state;

(b) To process requests received by state agencies on information pertaining to ports of the state;

(c) To act as the liaison agency between port authorities and existing state agencies;

(d) To make recommendations to the governor for the purpose of guiding and accomplishing a co-ordinated and economically efficient development of the ports of the state. The division shall encourage and co-ordinate research on such subjects as taxes, freight rates and tariffs, demurrage charges, highways and bridges directly affecting ports, and state and federal regulations affecting ports. In respect to this activity the division shall, at the direction of the governor, utilize and co-ordinate the pertinent research facilities of state departments and institutions;

(e) To provide advice and assistance to Wisconsin port authorities and bring to the attention of the governor and legislature those significant problems which may be relieved by state action;

(f) To appear when it deems advisable before any governmental agency, federal, state or local, concerning the welfare of the ports of the state;

(g) To collect and disseminate information regarding the advantages of developing new business for the ports of the state;

(h) To aid local port authorities in organizing for and obtaining new business.

(5) **OTHER FUNCTIONS.** To perform such other functions as the advisory committee may direct to aid in the industrial development of the state.

(6) **REPORT.** To submit an annual report to the governor and the legislature on the activities, growth, progress, problems and costs of the various programs of the division, and such other reports as the advisory committee may direct.

History: 1955 c. 271; 1957 c. 439.

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, and any contract involving less than \$1,000 for construction work to be done for, or furnished to the state or any agency thereof.

15.55 Bureau of purchases, director, bond. (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 ch. 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.

History: 1951 c. 319 s. 231.

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 s. 20.680 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.

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.

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.

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 and shall prescribe regulations as to time and manner of submitting such requisitions for processing. He shall also provide rules and regulations for the transfer of surplus supplies, materials and equipment in any department to another which may have need therefor, and for the disposal by private or public sale of supplies, materials and equipment which are obsolete. In either case due credit shall be given to the department releasing the same.

15.60 Buy on low bid, exceptions. (1) All materials, supplies, equipment and contractual services except as otherwise provided in subs. (3) and (7), when the estimated cost exceeds \$3,000, shall be purchased from the lowest responsible bidder. All orders awarded or contracts made by the director of purchases shall be awarded to the lowest responsible bidder, taking into consideration the location of the institution or agency, the qualities of the articles to be supplied, their conformity with the specifications, the purposes for which they are required and the date of delivery, but preference shall always be given to materials, supplies and provisions of Wisconsin producers, distributors, suppliers and retailers. Bids shall be received only in accordance with such standard specifications as may be adopted by the director of purchases in the manner provided in this subsection. Any or all bids may be rejected. Each bid, with the name of the bidder, shall be entered on a record, and each record with the successful bid indicated shall, after the award or letting of the contract, be opened to public inspection. Due notice inviting proposals shall be published 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. A bond furnished by a surety company authorized to do business in this state, for the proper performance of each contract may be required in the discretion of the director of purchases.

(6) Subsections (1) to (5), except as to their requirements in connection with printing and stationery, shall not be deemed to apply, prior to July 1, 1959, 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 purchases from private sources when such action is deemed to be in the best interests of the state.

(7) Stationery and printing shall be purchased from the lowest bidder without regard to the amount of the purchase, except when the director of purchases exercises the discretion vested in him by s. 15.66 (4).

History: 1951 c. 710; 1953 c. 94; 1955 c. 10, 50, 592; 1957 c. 42.

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.

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.

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.

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

(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;

(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.

(5) To determine the form, style, quantity, and method of reproduction, when not specifically prescribed by law, of all materials offered by state departments and agencies for reproduction. Any state department or agency which objects to the determination made under this subsection may appeal the decision of the director of purchases to the governor.

(6) To contract for or to perform all mimeograph, multigraph, multilith or similar reproduction services.

(7) The authorization to perform multilith or similar reproduction services under subsections (5) and (6) or under section 15.66 (4) shall not extend to the use of metal plates.

(8) To sell copies of the inventory of Wisconsin natural resources at cost, plus 20 per cent. The proceeds of such sales shall be paid within one week into the general fund.

History: 1951 c. 710; 1955 c. 10, 532; 1957 c. 547.

15.65 Records of state offices. (1) For the purpose of the permanent preservation of important state records and to provide an orderly method for the disposition of other state records, there shall be established under the executive department a permanent committee on public records, to consist of the governor as chairman, the director of the state historical society, the attorney general, and the state auditor, or their designated representatives. This committee shall pass upon the requests of the state departments or other agencies for the reproduction by microfilm or other process or for the destruction or other disposition of such records, and shall have the power to order the destruction, reproduction, temporary or permanent retention, and disposition of the public records of any department or agency of the state, and shall be specifically required to safeguard the legal, financial and historical interests of the state in such records.

(2) (a) Public records for the purposes of this section are defined as all records, documents, correspondence, original papers, files, manuscripts or other materials bearing upon the activities and functions of the department or agency or its officers or employes.

(b) "State agency" means any officer, commission, board, department or bureau of state government.

(3) To secure the destruction or other disposition of noncurrent public records, the head of any department or agency or his designated representative shall forward to the committee an inventory of the records involved, certifying that insofar as his department or agency is concerned the records may be destroyed immediately or at some specified future date. Such records shall be open at all times to inspection by the members of the committee or their designated representatives. The committee shall pass on all such requests and may order such destruction or other disposition as may be dictated by the historical, financial and legal value of the records involved. No public records may be destroyed without the written approval of the originating office or its legal successor and the written approval of the committee on public records, any and all contrary provisions of law notwithstanding.

(4) To secure the reproduction by microfilm or other photographic method of public records of permanent value in such a manner as to make the reproduction admissible as evidence in any court, tribunal or agency, administrative or otherwise, and to enable any state agency to request the destruction of original records without impairing the integrity of files of records having permanent value, any state agency may, upon receiving prior written approval from the committee on public records, cause any public records whatsoever made or received in the regular course of business to be photographed, microfilmed or otherwise reproduced by photography, provided that all records needed for audit purposes shall be kept available in their original form for a period of at least 5 years from their date of origin or until after audit. Provision shall be made for the preservation of any such reproduction in conveniently accessible files in the agency of origin or its successor or in the state archives and all persons shall be entitled to examine and use the same subject to such reasonable rules as may be made by the responsible officer of the state agency having custody of the same.

(5) (a) Any state agency may receive from the committee on public records written approval for microfilming or otherwise reproducing by photographic method state records by submitting to the committee an inventory of the material to be photographed, showing the name of the agency, title of record series, dates covered, and a brief description of the material.

(b) Any such photographic reproduction shall be deemed to be an original record for all purposes, provided: 1. That such reproduction is upon film which complies with the minimum standards of quality approved for permanent photographic records by the national bureau of standards; 2. that the device used to reproduce the records on film shall be one which accurately reproduces the content of the original; 3. that each reel or part of a reel of microfilm shall carry at the beginning a title target giving the name of the agency, brief title of record series, the microfilming project registration number assigned by the committee on public records, and at the end the camera operator's certificate showing the microfilming project registration number, reel number, brief title of record series, a brief description of the first and last document on the reel or part of reel of film, together with a statement signed by the operator substantially as follows: I hereby certify that I have on this . . . day of . . . , 19. . . , photographed the above-described documents in accordance with standards established by s. 15.65 (5) (b) and with established procedures; and 4. that a statement of compliance with the minimum standards for quality of film and for processing and developing permanent photographic records as provided by the national bureau of standards shall be photographed on each reel or part of a reel of microfilm immediately following the operator's certificate and authenticated by the company developing or processing the film by signing the statement on the film with an acetate ink or perforating the film with a punch or device suitable for that purpose. The certificate of the operator and the statement of compliance shall be presumptive evidence that all conditions and standards prescribed by this section have been complied with.

(c) Any photographic reproduction meeting the foregoing conditions prescribed shall be taken as and stand in lieu of and have all the effect of the original document and shall be admissible in evidence in all courts and all other tribunals or agencies, administrative or otherwise, in all cases where the original document is admissible.

(d) An enlarged copy of any photographic reproduction on film made as herein provided and certified by the custodian as provided in s. 327.18 (2) shall have the same force and effect as the photographic reproduction itself.

(e) All contracts for photographic reproduction of records to be made as provided in this section shall be entered into by the director of the bureau of purchases as provided by s. 15.56 and the cost of making such photographic reproduction shall be paid out of the appropriation of the state agency having the reproduction made.

(f) Each state agency shall, when providing photographic copies or enlargements of records, require of the requestor payment of the actual cost thereof. Fees collected shall be paid by the agency into the fund from which its appropriation was made and credited to such appropriation, except as otherwise provided by law.

(g) Nothing in this section shall be construed to prohibit the responsible officer of any state agency from reproducing any document whatsoever, by any method whatsoever, whenever it is necessary for him to do so in the course of carrying out his duties or functions in any case other than where the original document is to be destroyed; but no original public record shall be destroyed after microfilming or other reproduction without the approval of the committee on public records as provided in sub. (3).

(6) The state historical society, as trustee for the state, shall be the ultimate depository of the archives of the state, and the committee on public records may transfer to the said society such original records and reproductions as it may deem proper and worthy of permanent preservation. The society may deposit in the regional depositories established under s. 44.10, title remaining in the society, the records of state agencies or their district or regional offices which are primarily created in the geographic area serviced by the depository, but the records of all central departments, offices, establishments and agencies shall remain in the main archives in the capital city under the society's immediate jurisdiction. Nothing in this subsection nor in s. 44.01 shall be construed to prevent the society's taking such steps for the safety of articles and materials entrusted to its care in library, museum or archives, including temporary removal to safer locations, as may be dictated by emergency conditions arising from a state of war, civil rebellion or other catastrophe.

(7) Said state historical society is hereby required in co-operation with the staff of the committee on public records as soon as practicable, adequately and conveniently to classify and arrange such state records or other official materials as may be transferred to its care, for permanent preservation under this section and to keep the same accessible to all persons interested, under such proper and reasonable regulations as may be found advisable. Copies therefrom shall, on application of any citizen of this state interested therein, be made and certified by the director of said historical society, or his authorized representative in charge, which certification shall have all the force and effect as if made by the official originally in charge of them.

History: 1951 c. 457; 1957 c. 547.

15.655 Records management service. The executive department is authorized to establish and maintain a records management service in the bureau of purchases:

- (1) To advise state departments on the standards, procedures and techniques required for the efficient creation, use and destruction of state records.
- (2) To establish and maintain intermediate records storage centers at such major installations as the director deems advisable.
- (3) To advise the committee on public records regarding the desirability of approving departmental requests to destroy records.

History: 1957 c. 547.

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.

(4) (a) May reproduce printing of classes 3 and 4 by machines or processes known as multigraph, multicolor, multilith, mimeograph or photographic or by a combination of them, or by similar machines or processes.

(b) In deciding whether to use this discretion, the director shall take into consideration the availability of machines, equipment and personnel for such work in any agency; the maintenance of a uniform workload for employes of the bureau of purchases; the urgency of the work; the relative cost of reproduction by the bureau as against the cost of outside work; the preference of the state agency ordering the work.

(c) The cost of work done under this subsection shall be charged to the agency ordering the work.

(d) This subsection and section 35.015 (2) shall be liberally construed so as to effectuate the legislature's intent to vest broad discretion in the director to determine what public printing in the classes covered shall be done by the state itself, and which by the state printer. Such liberal construction shall extend to the director's determination to use the power conferred, to the determination of what work is to be included in the classes covered, and to the determination of whether a given machine or process is similar to those enumerated.

History: 1951 c. 710; 1955 c. 10.

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.

SUBCHAPTER V.

BUREAU OF ENGINEERING.

15.76 Bureau of engineering; chief engineer, appointment. 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 ch. 16.

History: 1951 c. 319 s. 231.

15.77 State chief engineer; powers, duties. The state chief engineer shall exercise the powers and duties prescribed by ss. 15.76 to 15.845:

(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. Nothing in this paragraph limits or impairs the duty of the chief and each policeman of the police force of the city of Madison to arrest and take before the proper court or magistrate persons found in a state of intoxication or engaged in any disturbance of the peace or violating any law of the state, except s. 15.90 (2), in or around any of said properties located in the city of Madison, as required by s. 62.09 (13).

(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.

(12) LONG-RANGE PLANNING. To prepare in co-operation with the state agencies concerned, plans for the future growth and development of various state institutions and to serve as technical advisor to the state building commission in connection with the development of the state long-range building program provided for in sections 13.351 and 14.86.

(13) To have the responsibility, subject to approval by the governor, for all functions relating to the acquisition, allocation and utilization of office space by the state except the construction of new state-owned buildings.

(14) To require of the several agencies of state government all information necessary for the planning and forecasting of the space needs of state government on a comprehensive long-range basis. To this end the bureau shall co-operate with the state building commission in order that the projected program of new construction will conform with the state's long-range building plans.

(15) To establish a policy of unifying the administrative district boundaries of the several state agencies where possible in order to facilitate the acquisition and maintenance of suitable district headquarters in the several parts of the state.

History: 1951 c. 397; 1953 c. 61, 518; 1957 c. 547.

Neither bureau of engineering nor state chief engineer can validly contract with city of Madison regarding control by the said city of motor vehicle parking at the curbs on the capitol side of streets surrounding capitol square. Legislative action would be necessary to empower the city of Madison, bureau of engineering or state chief engineer to erect parking meters on the inner square. 46 Atty. Gen. 131.

15.775 Deputy state engineer. The state chief engineer shall designate a deputy state engineer under the provisions of ch. 16 from among his staff. In the absence or disability of the state chief engineer, the deputy may perform all the acts provided by statute to be performed by the state chief engineer, and shall perform such other duties as the state chief engineer prescribes. The state chief engineer is responsible for all acts of his deputy. Before entering upon his duties the deputy shall take and file the oath of office required of the state chief engineer.

History: 1957 c. 362.

15.778 State architect; deputy. (1) The state chief engineer shall appoint a state architect under the provisions of ch. 16 who shall have such duties as are prescribed by the statutes and the state chief engineer. Before entering upon his duties as state architect, he shall take and file the oath of office required of the state chief engineer. This provision shall not affect the status of the incumbent state architect.

(2) The state chief engineer shall designate with the recommendation of the state architect a deputy state architect under the provisions of ch. 16 from among his staff. In the absence or disability of the state architect, the deputy may perform all the acts provided by statute to be performed by the state architect, and shall perform such other duties as the state architect prescribes. The state architect is responsible for all acts of his deputy. Before entering upon his duties as deputy, the deputy shall take and file the oath of office required of the state architect.

History: 1957 c. 362.

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.

15.79 Approval of contracts by engineer and governor; audit. Every contract for engineering or architectural service and every contract involving an expenditure of \$1,000 or more 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 the approval of the governor; and no payment or compensation for work done under any contract involving \$1,000 or more, except highway contracts, shall be made unless the written claim therefor is audited and approved by the state chief engineer.

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.

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.

15.82 Transfer of functions of state office building commission to bureau of engineering. (1) The powers, duties and functions vested in the state office building commission are transferred to and vested in the bureau of engineering.

(2) The personnel employed by the state office building commission at the time of transfer may be selected in whole or in part by the state chief engineer, such personnel to have the same classification, status and salary as before transfer, or the state chief engineer may select personnel in whole or in part from the eligible civil service lists.

(3) All records, equipment and property maintained or used by the state office building commission are transferred to the bureau of engineering. In case of dispute arising under this subsection, determination shall be made by the governor.

(4) All office space or other space assigned to and used by the state office building commission in the discharge of its functions is assigned to the bureau of engineering for the discharge of such functions.

(5) All rules and regulations promulgated by the state office building commission in force at the time of transfer shall continue in force after transfer until rescinded, altered or amended by the bureau of engineering.

(6) All appropriation balances credited to the state office building commission shall be transferred and credited on July 1, 1949 to the bureau of engineering, to be used for the same purposes for which the appropriations were made.

(7) Transfer under this section shall be effected as of June 30, 1949 and thereupon the state office building commission is abolished. Within 60 days thereafter, said commission shall file a complete report of its activities with the governor.

History of various appropriations for engineering to construct or pay for a \$40,000 state office building. There are no provisions which authorize the bureau of engineering to construct or pay for a penthouse on top of the state office building. 40 Atty. Gen. 272.

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

(1) Prepare all specifications for contracts for fuel for all state-owned or operated heating or heating and power plants wherein the annual requirement is in excess of 12,500 therms of such fuel. All such specifications where feasible shall provide for purchase of such fuel 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 purchase is produced, or for increases or decreases in production costs of other fuels.

(1a) Prepare all specifications for contracts for lubricants for all state-owned or operated heating or heating and power plants and make such tests in connection therewith as may be deemed necessary.

(2) Test all fuel purchased for state-owned or operated heating or heating and power plants wherein the annual requirement is in excess of 12,500 therms 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 section, to promote efficiency and economy in the testing, handling, storing and use of such fuel.

(4) Furnish to the director of budget and accounts at such times as he may require estimates of the amount of 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.

History: 1957 c. 568.

15.84 Contracts for fuel. No contract for the purchase of fuel for any state-owned or operated heating or heating and power plant wherein the annual requirement is in excess of 12,500 therms shall be binding unless purchased upon specifications furnished by the state chief 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 chief 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 chief 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.

History: 1957 c. 568.

15.845 State planning division. (1) STATE PLANNING DIVISION. There is created within the bureau of engineering a state planning division composed of a director of regional planning and all other personnel now employed by the state planning board. The personnel so transferred shall have the same classification, status, salary and rights in the employ of the bureau of engineering as they had immediately before the transfer. The state chief engineer shall have all the powers necessary to perform the duties prescribed in this section, including the power to determine and allocate the functions prescribed herein. No mention of any duty or function of any subordinate or division shall be construed to release such subordinate or division from the authority of the director.

(2) DIRECTOR, EMPLOYMENT, DUTIES. The state chief engineer shall employ a director of regional planning whose duties shall be to co-operate with and assist all local planning agencies in the state to the end that their activities may be properly co-ordinated in the

interest of the state as a whole; to gather and disseminate city, town, and regional planning information; to co-operate with the conservation commission in the development of a recreational system plan for the state; to co-operate with the state board of health in the regulation and control of lake and stream platting. Said director of regional planning shall be a civil engineer or landscape architect who shall have had not less than 5 years' practical experience in city or regional planning work.

(3) POWERS. It shall be the duty of the director of regional planning, and he shall have power, jurisdiction and authority:

(a) To make studies in river valleys of the state, in such units as he may determine, for the future platting of lands without the limits of any incorporated city or village, or for the future location of streets or highways or parkways, including the extension or widening of existing streets and highways, through such lands, but such studies shall not supersede the supervision exercised by any city or county planning body.

(b) To co-operate with all county, city, town and village commissions, boards or committees, charged with the responsibility of planning or zoning certain areas or districts within their respective corporate limits, to the end that the purposes of this section be carried out. All such commissions, boards or committees shall co-operate with the director of regional planning to the same end.

(c) To exercise general advisory supervision over the administration of all laws relating to state zoning or planning of river valleys.

(d) To study and investigate all problems connected with state zoning or planning of river valleys and to make reports and recommendations thereon.

(e) To issue general recommendations applicable throughout the state for the carrying out of state zoning and planning of river valleys. Such general recommendations shall be issued only after an opportunity to be heard thereon shall have been afforded to interested parties and shall be published in the official state paper.

(f) To make investigations and inspections in regard to any general or special recommendations which he may issue. In the exercise of this power the director of regional planning may require the submission and approval of plans for state zoning or planning of river valleys.

(g) To map and take such measures as may be necessary or convenient to conserve and maintain springs of flowing pure water in areas not suitable or required for agricultural purposes, and outside the limits of incorporated cities and villages.

(h) To designate the lands most appropriate for state parks, which with a system of valley parkways will comprise a complete plan of recreational and educational areas, thus incorporating and conserving our most picturesque and historical natural landscapes.

(i) In the carrying out of the foregoing duties and in the exercise of the foregoing powers to make such recommendations as may be necessary and desirable for the exercise of flood control.

(j) To do work to facilitate urban planning for smaller communities lacking adequate planning resources (including surveys, land use studies, urban renewal plans, technical services and other planning work but excluding plans for specific public works) and to provide planning assistance to cities and other municipalities having a population less than 25,000 according to the latest decennial census; to do similar planning work in metropolitan and regional areas in co-operation with official state, metropolitan or regional planning agencies empowered by law to perform such planning; and to accept and use therefor any planning grants made by the federal housing and home financing administrator; all as provided by s. 701, Title VII, Urban Planning and Reserve of Public Works, P. L. 560, 83rd congress, chapter 649, 2nd session, or any acts amendatory thereof or supplementary thereto. It is the intent that as to work authorized by this section the director may proceed under this paragraph or under any other provisions of this section authorizing such work.

(4) CORRELATE DATA AS TO STATE DEVELOPMENT. The state chief engineer shall direct the assembly and correlation of data and information with reference to the development of the state and its subdivisions, and may include among other things data and information relating to the general character and extent of highways, waterways, waterfront and harbor developments, flood prevention works, parks, reservations, forests, wild life refuges, aviation facilities, drainage and sanitary systems, waste disposal works for the prevention of stream pollution, waterworks, railroad and motor vehicle routes, power transmission facilities, public buildings, and other public works or facilities, which may be appropriate subjects of state concern; work opportunities; also the general location and extent of forests, agriculture areas and open development areas for purposes of conservation, housing, food and water supply, sanitary and drainage facilities and the protection of urban and rural development; also a land utilization program, including the general classification and allocation of the land within the state amongst agricultural,

forestry, recreational, soil conservation, water conservation, industrial, urbanization and other uses and purposes.

(5) **PURPOSE OF STUDIES.** The studies made by the director of regional planning shall be made with the general purpose of guiding and accomplishing a co-ordinated, adjusted, efficient and economic development of the state, which will, in accordance with present and future needs and resources, best promote the health, safety, order, convenience and welfare of the state as well as efficiency and economy in the process of development. All state boards, commissions, departments, and institutions are directed to co-operate with the director of regional planning to further these ends.

(6) **LIBERAL CONSTRUCTION.** The powers herein granted shall be liberally construed in favor of the director of regional planning.

(7) **TRANSFER FROM STATE PLANNING BOARD.** All records, equipment and other equipment maintained or used in the office of the state planning board in connection with the functions transferred by this act are transferred to the bureau of engineering. All orders, rules and regulations of and pending actions before the state planning board shall continue in full force and effect as orders, rules and regulations of and pending actions before the bureau of engineering until such orders, rules and regulations are rescinded, altered or amended and such pending actions completed by the bureau of engineering.

History: 1951 c. 397; 1955 c. 436.

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 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.

History: 1953 c. 50.

See note to 111.34, citing 41 Atty. Gen. 245.

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.

History: 1951 c. 205.

15.90 Capitol parking regulations. (1) 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.

(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. Any person violating this subsection 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 state engineer shall procure permanent metal identification tags designed to be affixed to the rear license plate, and he shall issue such tags at cost to applicants eligible under sub. (3).

History: 1951 c. 294; 1953 c. 77.

See note to 15.77, citing 46 Atty. Gen. 131.

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 state chief engineer; 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 state chief engineer or his agent is authorized to summarily kill any dog found running loose within the park.

History: 1955 c. 696.

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, firm or corporation 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 state chief engineer, 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: 1955 c. 696 s. 115, 116.

15.94 Claims commission. (1) **PURPOSE.** There is hereby created a claims commission to receive, investigate and make recommendations on all claims presented against the state which are filed pursuant to s. 15.18 (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 governor, a representative of the department of budget and accounts selected by the director of budget and accounts, 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 budget and accounts 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.

(7) **EXCEPTION.** This section shall not be construed as relieving any third 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 budget and accounts

authorized by the commission to secure material information necessary to the disposition of the claim.

History: 1955 c. 98, 652, 669; 1957 c. 97.

15.95 Fine arts commission. (1) **CREATION AND ORGANIZATION.** In order to receive and properly care for and maintain the bronze memorial statue of Major Richard Ira Bong when tendered by the national guard association of Wisconsin and other memorials, the fine arts commission is created to consist of the state architect or his representative, the director of the Milwaukee art institute, and the following members appointed to serve for terms of 6 years as follows: a member of the faculty of the department of art education of the school of education of the university or of the department of art history of the college of letters and science of that institution, designated by the president of the university; a member of the board of curators of the state historical society of Wisconsin, designated by the president thereof; and a citizen of the state of recognized standing in the fields of fine arts, architecture or landscape architecture appointed by the governor. All initial appointments shall be made prior to July 1, 1951 and shall expire on April 1, of the year of expiration. Vacancies shall be filled in accordance with the foregoing for the unexpired term. A majority of the members constitutes a quorum. The commission shall at its first meeting, to be called by the governor, elect a chairman and secretary from its own number and shall make such rules and regulations for the conduct of its own proceedings as it deems proper. Thereafter meetings shall be called by the chairman at such time and place as he designates. All notices of meetings and minutes thereof, together with a record of all correspondence and official actions shall be kept by the secretary. All members shall serve without pay, but shall be compensated for their actual and necessary expenses incurred in the performance of their official duties.

(2) **POWERS AND DUTIES.** No public monument, memorial, or work of art, except such as are or shall become the property of the university or the state historical society of Wisconsin, shall be constructed by or become the property of the state by purchase wholly or in part from state funds, or by gift or otherwise, until the same has been approved by the commission as to design, structure, composition and location and arrangements made for its care and maintenance which are satisfactory to the commission. "Work of art" means any painting, portrait, mural decoration, stained glass, statue, bas-relief, ornament, tablet, fountain or any other article or structure of a permanent character intended for decoration or commemoration. The governor, the legislature or any committee thereof may, at any time, request a report as to the recommendations of the commission on any of the above matters and the commission shall make such report within 30 days of the receipt of such request.

(3) **PERSONNEL AND EQUIPMENT.** The commission may employ such personnel and acquire such materials and equipment as it deems necessary to carry out its functions, the cost of which does not exceed the amounts specified in s. 20.370 (1).

History: 1951 c. 450; 1957 c. 528.

15.96 Turnpike commission. (1) There is hereby 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 have the following powers and duties:

(a) To 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 may deem 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 provisions of 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 the provisions of ss. 15.64 and 15.77.

(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 the provisions of s. 15.56, 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 employes 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 (71) 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: 1953 c. 186.

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.

History: 1957 c. 528.

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; 58 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 is authorized to:

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 employees 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) EMPLOYEES. 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 from federal funds for the salary and expenses of such personnel. Such state agency is authorized to expend state moneys for personal services in anticipation of repayment from federal funds.

(5) CONTRACTS. The committee is authorized to 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.

History: 1953 c. 137; 1957 c. 438.