

contract for the erection and maintenance of such ornamental lighting system and the furnishing of electric current therefor. *In all such cases, the council or village board, as the case may be, shall determine whether the entire cost of installation, maintenance and lighting shall be borne by the city or village or whether the cost of installation shall be borne by the abutting property owners and the cost of maintenance and lighting shall be borne by the city or village. The words "ornamental lighting system" as used herein shall mean lights of a uniform character supported by fixtures that are uniform and of such design as shall be adopted by the common council or village board, as the case may be, and installed at regular intervals not to exceed one hundred and twenty-five feet apart on both sides of any street or extending over the same forming an arch calculated to be of greater benefit to the abutting property than the street lights suspended at street intersections in the method commonly used for general street lighting.*

SECTION 2. This act shall take effect upon passage and publication.

Approved June 20, 1917.

No. 481, S.]

[Published June 25, 1917.

CHAPTER 456

AN ACT to amend TITLE IV of the statutes relating to public lands, to amend certain sections of the statutes relating to that subject and to create a new chapter relating to the public domain, the commissioners of the public lands and the conservation commission.

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

SECTION 1. TITLE IV of the statutes is amended to read:

TITLE IV.

THE PUBLIC • • • DOMAIN AND THE TRUST FUNDS.

SECTION 2. A new chapter is added to the statutes to be numbered and entitled as follows:

CHAPTER 23.

COMMISSIONERS OF THE PUBLIC LANDS AND THE CONSERVATION COMMISSION.

And such new chapter shall contain the sections designated in this act as sections 23.01, 23.02, 23.03, 23.04, 23.05, 23.06, 23.07, 23.08, 23.09, 23.10, 23.11, 23.12, 23.13.

COMMISSIONERS OF THE PUBLIC LANDS.

SECTION 3. Two new sections are added to the statutes to read:

23.01 CONSTITUTIONAL BOARD. The board created by section seven of article ten of the constitution may be styled in any session law, statute or proceeding in a court of justice as "Commissioners of the Public Lands."

23.02 JURISDICTION. Together with the power and duty of selling the school and university lands and investing the funds arising therefrom, prescribed for said commissioners by the aforesaid section of the constitution, they are invested with power to dispose of all other public lands and all interests in lands held by the state for sale, and with such further powers as may be necessary or convenient to enable them to exercise the functions and perform the duties imposed upon them by law.

SECTION 4. Section 185 of the statutes is amended to read:

23.03 MAY INVESTIGATE LAND CLAIMS. * * *
Said commissioners * * * may make investigations concerning the rights of the state to indemnity swamp lands, and select and secure all such lands as it is or may hereafter be entitled to. The accounts for expense incurred in so doing, on their approval, shall be payable out of the general fund, and charged to the appropriation for the commissioners of the public lands. In all other cases the expenses connected with securing and selecting public lands shall be paid from the fund to which the proceeds from the sale thereof will be added, and accounts for such expenses, when so approved, shall be audited by the secretary of state and paid from such fund.

SECTION 5. Section 186 of the statutes is amended to read:

23.04 OFFICE IN CAPITOL; RECORDS; COPIES AS EVIDENCE; * * * (1) Said commissioners shall keep their office in the capitol. They shall conveniently arrange and preserve therein all records, books, reports, surveys, maps, field notes, plats and other papers pertaining to the public lands heretofore, now, or hereafter owned by the state, including all such as have been or shall be received from the United States or any officer thereof. They may perfect such records, books, reports, surveys, maps, field notes, plats and other papers when incomplete, and cause fair copies thereof to be made when from injury, loss, use or accident it shall become necessary; and any such copy when certified by the chief clerk of the land office

under his hand and the official seal of said office to have been made for any of the causes herein specified, and to be a correct copy thereof, shall have the same force and effect in all courts and places as the original; and any copy from said original records, books, reports, surveys, maps, field notes, plats or other papers, or from any record or paper required by law to be kept in their office, or any copy from said certified copy thereof, when certified by the chief clerk of the state land office or any one of the commissioners of the public lands under the official seal of said commissioners, shall be received in evidence with the same effect as the original.

(2) All records, books and files kept by the commissioners shall at all business hours be open, under proper regulations made by them, to the inspection of any person, free of charge. The commissioners also may in like manner make, perfect, and complete proper records, books, reports and other papers pertaining to the lands of which the state has been or is trustee for the United States. * * *

SECTION 6. Section 187 of the statutes is amended to read:

23.05 CHIEF CLERK; ASSISTANT; CLERKS; APPOINTMENTS; DUTIES; OATH. * * * The commissioners shall appoint from the competitive class pursuant to the provisions of * * * *chapter 16* of the statutes, a chief clerk and an assistant chief clerk who shall, during the absence of the chief clerk, have all the authority given by law to the chief clerk; and such other clerks as provided in subsection (1) * * * of section * * * 20.73 * * *. Such appointments shall be filed in the office of the secretary of state. Every such clerk shall before entering upon the discharge of his duties take and subscribe the following oath, to wit: "I do solemnly swear (or affirm as the case may be) that I will support the constitution of the state of Wisconsin; that I will not be engaged either directly or indirectly in the purchase for my own benefit of any public lands of the state of Wisconsin, so long as I remain a clerk in the land bureau thereof and that I will faithfully discharge to the best of my ability the duties of clerk in said bureau so help me God," which oath shall be filed in the office of the secretary of state.

SECTION 7. Section 188 of the statutes is amended to read:

23.06 NOT TO BUY LANDS. * * * The said commissioners, and all clerks and other persons employed by them or about any of their respective offices, are prohibited from purchasing any of the public lands, directly or indirectly, either

in their own name or in the name of any other person in trust for them or either of them; and for every tract or parcel of land purchased in violation hereof each such person offending shall forfeit the sum of two hundred and fifty dollars.

SECTION 8. Section 191 of the statutes is amended to read:

23.07 REPORT OF COMMISSIONERS. * * * The said commissioners shall within ten days after the thirtieth day of June in each even-numbered year, make a report to the governor of their official proceedings, showing the quantity of land sold or leased and the amount received therefor, the amount of interest moneys accrued or received, and a specific account of the several investments made by them, stating in all cases of loans, the name of each borrower, the sum borrowed, and a description of the property mortgaged, and such other matters as they may think proper to communicate or as the legislature may require.

SECTION 9. A new section is added to the statutes to read:

23.08 LAND COMMISSIONERS AND CONSERVATION COMMISSION TO COOPERATE. The commissioners may, in their discretion make requisitions upon the conservation commission for suitable men in its employ to appraise lands or perform such other service in field or forest as the commissioners may need to have done. So far as practicable the commissioners may select the men to serve, and during such temporary service the men shall be their assistants and subject to their orders. In other respects, as far as may be found practicable, said commissioners and said commission shall mutually cooperate in order to make economical use of their respective employes, equipments and facilities and to enhance the value of the public lands.

THE CONSERVATION COMMISSION.

SECTION 10. Subsections (1), (2), (3), (4), (5), (6), (7) and (8) of section 62.01 of the statutes are amended to create a new section of the statutes and to read:

23.09 CREATION, TERM, ORGANIZATION, SALARY, OATH. * * * (1) A state conservation commission is hereby created to be composed of three commissioners, not more than two of whom shall belong to the same political party. Immediately after the passage of this act the governor shall, by and with the advice and consent of the senate, appoint such commissioners, but no commissioner so appointed shall be qualified to act until so confirmed. One of the commissioners shall

be a man with a thorough knowledge of the propagation, protection and care of fish and game; the second shall be a technically trained forester; and the third a competent man with practical experience in commercial and business affairs. The term of one of such appointees shall terminate on the first Monday in February, 1917; the term of the second such appointee shall terminate on the first Monday in February, 1919; and the term of the third such appointee shall terminate on the first Monday in February, 1921. In January, 1917, and biennially thereafter, there shall be appointed and confirmed in the same manner, one commissioner for the term of six years from the first Monday in February of such year. Each such commissioner so appointed shall hold his office until his successor is appointed and qualified. Any vacancies shall be filled by appointment by the governor for the unexpired term subject to confirmation by the senate, but any such appointment shall be in full force until acted upon by the senate. Each such commissioner shall receive an annual salary of three thousand five hundred dollars, and his actual and necessary traveling expense incurred in the conduct of his official business.

(2) The governor may at any time remove any commissioner for inefficiency, neglect of duty, or malfeasance in office. Before such removal he shall give such commissioner a copy of the charges against him and shall fix a time when he can be heard in his own defense, which shall not be less than ten days thereafter, and such hearing shall be open to the public. If he shall be removed the governor shall file in the office of the secretary of state a complete statement of all charges made against such commissioner, and his findings thereon, with a record of all proceedings.

(3) No commissioner, nor the secretary, shall hold any other office, or serve on or under any committee of any political party, but shall devote his entire time to the duties of his office. Each of said commissioners shall maintain his residence in the city of Madison.

(4) Before entering upon the duties of his office, each of said commissioners shall take and subscribe the constitutional oath of office, and shall in addition thereto swear (or affirm) that he holds no other public position or office, nor any position under any political committee or party; such oath (or affirmation) shall be filed in the office of the secretary of state.

(5) * * * On the second Monday of February in each odd-numbered year the commissioners shall meet at the office

of the commission and elect a chairman who shall serve for two years and until his successor is elected. A majority of said commissioners shall constitute a quorum to transact business, and * * * a single vacancy shall not impair the right of the remaining two commissioners to exercise all the powers of the commission.

(6) Said commission shall appoint a secretary who shall keep a full and correct account of all transactions and proceedings of said commission and shall perform such other duties as may be required by said commission and shall receive an annual salary the amount * * * of which shall be fixed by the commission and approved by the governor. Said commission may employ the necessary clerks and stenographers to perform the clerical work of the office, and appoint and employ such foresters, wardens, experts, agents, superintendents, assistants and employes as may be necessary to carry out the provisions of this section, and shall fix the compensation for such clerks, stenographers, foresters, wardens, experts, agents, superintendents, assistants and employes, subject to the approval of the governor as to the number thereof and the amount of their respective salaries or compensation. All such employes shall receive their actual and necessary traveling expenses incurred in the performance of their duties, but no such expense account shall be audited unless the same is fully itemized and verified by the oath of such employes that such expenses were actually incurred in performance of their duties. * * *

(7) The commissioners shall be known collectively as the "state conservation commission of Wisconsin." It shall have a seal with the words "state conservation commission of Wisconsin," and such other design as the commission may prescribe engraved thereon, by which it shall authenticate its proceedings and of which the court shall take judicial notice.

(8) Said commission shall keep its office at the state capitol and the superintendent of public property is directed to provide suitable rooms for that purpose, also the necessary office furniture, supplies, postage and stationery. Said commission is authorized to sell equipment and paraphernalia whenever it believes that such sale will be of advantage to the state; also to purchase the necessary supplies, equipment and instruments, to procure printed forms and notices and to issue special publications pertaining to its work, subject to the printing laws of the state, the cost of which shall be audited and paid the same as other expenses of the state are audited and paid. Said commis-

sion may hold meetings at other places than the capitol whenever in its judgment the interests of the state can best be served by so doing.

SECTION 11. Section 62.02 of the statutes is repealed.

SECTION 12. Section 62.03 of the statutes is amended to read:

23.10 CONSERVATION WARDENS. * * * (1) The state conservation commission shall secure the enforcement of * * * *all laws which it is required to administer* and bring, or cause to be brought, actions and proceedings in the name of the state * * * *for that purpose*. The persons appointed by said commission to exercise and perform the powers and duties heretofore conferred and imposed upon deputy fish and game wardens, * * * shall be known as * * * conservation wardens and shall be subject to the provisions of * * * *chapter 16* of the statutes.

(2) Whenever the county board of any county shall by resolution authorize the appointment of county conservation wardens, and shall fix the number of the same, it shall be the duty of the county judge, district attorney, and county clerk, acting as a board of appointment, to select the persons for such positions and certify their names to the state conservation commission which shall, if in its judgment such persons are competent and efficient, issue to them commissions as county conservation wardens. Such wardens shall, within their county, have all the powers and perform the duties of * * * conservation wardens, but their compensation shall be fixed by the county board in the resolution authorizing their appointment and be paid out of the county treasury.

(3) On application, supported by satisfactory testimonials, the state conservation commission may appoint, and issue a commission to any resident of this state as special * * * conservation warden. The civil service law shall not apply to such appointments. Such special deputies shall have all the powers of deputy conservation wardens; but no compensation for such service, nor any other expense or charge on account thereof, shall be paid from the state treasury.

(4) All * * * conservation wardens shall, before exercising any of their powers, be provided with a commission issued by the state conservation commission under its seal, substantially as follows:

State Conservation Commission of Wisconsin.

To all to whom these presents shall come, greeting:

Know ye, that reposing special trust and confidence in the in-

tegrity and ability of _____, of the county of _____, we do hereby appoint and constitute him a * * * conservation warden (or county, or special * * * conservation warden) for the (county of _____), state of Wisconsin, and do authorize and empower him to execute and fulfill the duties of that office according to law, during good behavior and the faithful performance of his duties.

In testimony whereof, we have hereunto affixed the signature and official seal of said commission, at its office in the city of Madison, Wisconsin, this _____ day of _____, 191____

(Seal)

State Conservation Commission of Wisconsin.

By _____

(5) The state conservation commission shall furnish to each * * * conservation warden at the time of his appointment, a pocket identification folder in form and substance as follows: A leather-covered folder, size when folded, three by four inches; on one of the inner sides thereof shall be securely fastened a photograph of such appointee to be furnished by him, and partly on the photograph and partly on the margin of such folder shall be an impression of the seal of the state conservation commission; such appointee shall also affix his signature below the photograph on such folder; on the other inner side of such folder shall be securely fastened a miniature true copy of the commission issued to such appointee, which shall be signed by the state conservation commission. Such appointee, when on official duty, shall at all times carry such identification folder on his person, and shall on demand exhibit the same to any person to whom he may represent himself as a * * * conservation warden. The cost of such identification folder shall be charged to the appropriation for the state conservation commission.

(6) All * * * conservation wardens shall make full and complete reports of their transactions as such, according to the demand of the state conservation commission and shall at all times be subject to its direction and control in the performance of their duties. They shall also gather and transmit any and all statistical information relative to such matters within their charge as the said commission shall from time to time direct. The commission shall make * * * a report to the governor * * * *during July of each even-numbered year*, covering *all* its work and such other information as may be valuable to the state in relation thereto and including an itemized statement of receipts and disbursements.

SECTION 13. Two new sections are added to the statutes to read:

23.11. GENERAL POWERS (1) In addition to the powers and duties heretofore conferred and imposed upon said commission by this chapter it is empowered and required to have and take the general care, protection and supervision of all state parks, of all state fish hatcheries and lands used therewith, of all state forests, and of all lands owned by the state or in which it has any interests, except lands the care and supervision of which are vested in some other officer, body or board; and said commission is granted such further powers as may be necessary or convenient to enable it to exercise the functions and perform the duties required of it by this chapter and by other provisions of law. But it is not empowered to perform any act upon state lands held for sale that will diminish their salable value.

(2) Whenever any lands placed by law under the care and supervision of the commission are inaccessible because surrounded by lands belonging to individuals or corporations, and whenever in the opinion of the commission the usefulness or value of such lands, whether so surrounded or not, will be increased by access thereto over lands not belonging to the state, the commission may purchase, or if such purchase cannot be effected for a price deemed reasonable, may acquire by condemnation such lands as may be necessary to construct highways that will furnish the needed access.

(3) Every power to acquire lands for highways, for parks, or for any other purpose by condemnation shall be exercised by proceedings conducted in the manner provided by sections 605, 606 and 607.

23.12 BY-LAWS. Said commission may make and establish such rules and by-laws, not inconsistent with law, as it may deem useful to itself and its subordinates in the conduct of the business entrusted to it.

PROVISIONS COMMON TO BOTH BOARDS

SECTION 14. A new section is added to the statutes to read:

23.13. GOVERNOR TO BE INFORMED. The commissioners of the public lands and the state conservation commission of Wisconsin shall furnish to the governor upon his request a copy of any paper, document or record in their respective offices and give him orally such information as he may call for.

SECTION 15. This act shall take effect upon passage and publication.

Approved June 20, 1917.