

said reports and collection of said taxes as if said section had not been repealed.

(2) The repeal of sections 194.01 to 194.16 of the statutes of 1931 shall not be deemed a waiver or abrogation of the rights of the state of Wisconsin to thereafter enforce compliance with said sections of all unfulfilled obligations thereunder of persons subject to the provisions thereof.

SECTION 6. This act shall take effect thirty days after passage and publication.

Approved July 25, 1933.

No. 424, S.]

[Published Aug. 2, 1933.

CHAPTER 489.

AN ACT to reconcile conflicts between chapter 487 (50-S) revising insurance laws and chapters 120, 140, 141, 142, 144, 148, 168, 230, 236 and 353, all of the laws of 1933, relating to insurance; to correct errors therein; and to repel any implication that the enactment of said revision repealed or changed any provision of other acts of this session.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. A new subsection is added to section 200.03 of the statutes to read:

(200.03) (16) The service of such process shall be made by leaving duplicate copies thereof in the hands or office of the commissioner of insurance and paying to him for the use of the state a fee of two dollars for each company. A certificate by the commissioner of insurance showing such service and attached to the original or third copy of such process presented to him for that purpose shall be sufficient evidence thereof.

SECTION 2. Sections 200.27 and 203.47 of the statutes are repealed.

SECTION 3. Section 201.11 (as revised by section 36 of chapter 487 (50-S), Laws 1933) is amended to read:

201.11 STOCK COMPANIES' CAPITAL; SURPLUS.
(1) No stock insurance company shall transact business unless it has capital, in cash or invested as provided by law, of at least * * * two hundred thousand dollars for the insurance specified in any one subsection of section 201.04; with an additional * * *

*one hundred thousand dollars for the insurance mentioned in any other subsection which may be transacted by such company, provided that no such company shall be subject to higher capital requirements than those in effect when it began to transact the business of insurance in this state. * * **

(2) A company transacting the business mentioned in subsection (7) of section 201.04 shall have a capital of at least two hundred and fifty thousand dollars and a surplus of at least one hundred and twenty-five thousand dollars, in addition to the capital stock and surplus requirements for other classes of insurance being transacted by such corporation.

(3) * * * No stock insurance company shall begin business unless it has a surplus equal to one-fourth of its authorized capital stock.

SECTION 4. Subsection (5) of section 201.11, created by chapter 142, Laws 1933, is renumbered (3) of section 201.17 and re-enacted.

SECTION 5. Section 201.14 (as revised by section 40 of chapter 487 (50-S), Laws 1933) is amended to read:

201.14 CONDITIONS OF TRANSACTING INSURANCE; SPECIAL SURPLUS FUND. No domestic insurance company other than life shall begin business unless it shall issue simultaneously policies upon two hundred or more risks, or it shall hold a fund in excess of the capital stock, in cash or invested as provided by law, equal to ten times the maximum single risk to be assumed, which fund shall be used for the payment of losses and shall not be otherwise disbursed until the risks outstanding shall exceed two hundred and it shall have received, in cash, not less than one annual premium *from the applicant* upon each application. If any policy is to cover more than one year, the premium shall be prepaid for such greater period. No part of the premium so received shall be used for promotion expenses. .

SECTION 6. Subsection (1) of section 201.44 (as revised in section 64 of chapter 487 (50-S), Laws 1933) is amended by inserting "solicited" before "issued".

SECTION 7. Section 201.59 (as revised by section 78 of chapter 487 (50-S), Laws 1933) is amended by inserting "including property exempt from taxation" after "insurance" in the first sentence thereof.

SECTION 8. Section 201.62 (as revised by section 78a of chapter 487 (50-S), Laws 1933) is amended to read:

201.62 PROPERTY OWNER REPORT TO INSURANCE COMMISSIONER, UNAUTHORIZED INSURANCE. (1)

The owner of property situated in this state * * * *including property exempt from taxation* shall, upon demand of the commissioner, furnish him a sworn statement showing the description and location of the property, the amount of insurance he has effected against loss by fire, the number of each policy, * * * the name and location of the company issuing such policy, *and the premiums paid, or if he has not insured his property the amount paid into or credited to any insurance fund or other reserve against loss or damage by fire.* If any such statement shall not be made as required, said commissioner shall cause a demand in writing to be served on the owner so failing to make such sworn statement. Every person who shall wilfully make false statement or who shall, for thirty days after such demand, neglect to render such statement shall forfeit fifty dollars and an additional fifty dollars for each day's neglect after the expiration of said thirty days.

(2) If such insurance has been effected in any company not authorized to do business in this state, *or that such owner carried his own insurance,* the commissioner shall collect from such property owner an amount equal to two per centum of the annual premium which authorized insurance companies would have charged for insuring such property and may maintain a civil action therefor in the name of the state, and when recovered it shall be payable as fire department dues as provided in section 201.59 * * * to the respective cities, villages and towns entitled to the same.

SECTION 9. Subsection (5) of section 203.24 (as revised in section 102 of chapter 487 (50-S), Laws 1933) is amended by striking the last sentence, namely, "A duplicate thereof shall be filed with each inspection bureau of which the insurers are members."

SECTION 10. Section 205.01 (revised in section 162 of chapter 487 (50-S), Laws 1933) is amended by striking "'board' means the compensation insurance board".

SECTION 11. Sections 205.02 to 205.05 (revised by chapter 487 (50-S), Laws 1933) of the statutes are repealed.

SECTION 12. Section 205.06 (revised in section 167 of chapter 487 (50-S), Laws 1933) is amended to read:

205.06 ENFORCEMENT BY COMMISSIONER OF INSURANCE. (1) *This chapter shall be administered and enforced by the commissioner of insurance. In approving classifications, pure premiums, or rates, the commissioner shall in all cases consult with the industrial commission or some member of this commission designated by it. The commissioner may also consult with the industrial commission or its representative on any other matter arising under this chapter and he shall have access to all records of the industrial commission which he may wish to consult in the performance of his duties under this chapter.*

(2) * * * *The commissioner may authorize any person to attend meetings of the rating bureau, hold hearings, make investigations and examinations with reference to any subject over which * * * he has jurisdiction. The person so appointed shall have all the powers of the commissioner in relation to said hearing, investigation or examination * * * and shall report in writing to the * * * commissioner the result of such hearing, examination or investigation and any testimony taken by him.*

SECTION 13. Section 205.07 (revised in section 168 of chapter 487 (50-S), Laws 1933) is amended by striking "board" wherever it occurs in said section and inserting "commissioner".

SECTION 14. Section 205.08 (revised in section 169 of chapter 487 (50-S), Laws 1933) is amended by striking "board" wherever it occurs in said section and inserting "commissioner" and striking "Its" in second sentence of subsection (1).

SECTION 15. Section 205.09 (revised in section 170 of chapter 487 (50-S), Laws 1933) is amended to read:

205.09 CLASSIFICATION OF RISKS. No classification for compensation insurance purposes shall be effective until approved by the * * * commissioner. No rule or regulation with reference to compensation risks filed by any company or by the bureau shall be effective until approved by * * * the commissioner. If at any time reasonable doubt exists on the part of the * * * commissioner as to the proper classification or rate for any risk, such risk may be insured subject to rate and classification to be established therefor.

SECTION 16. Section 205.10 (revised in section 171, of chapter 487 (50-S), Laws 1933) is amended to read:

205.10 PAY ROLL AUDIT. Pay roll audits by companies shall show division by classification, and shall be correct as to amount and as to such division, and shall be reported to the in-

dustrial commission through the * * * *insurance department*. The * * * *commissioner* may, *on his own initiative*, verify any pay roll audit; and upon written complaint stating facts sufficient to warrant action by * * * *him*, * * * *he* shall verify any pay roll audit.

SECTION 17. Section 205.11 (revised in section 172 of chapter 487 (50-S), Laws 1933) is amended to read:

205.11 INVESTIGATIONS; COURT REVIEW. (1) The * * * *commissioner* may upon * * * *his* own motion or upon the verified complaint of any person having a direct interest, to review the acts of any company, bureau or agent, subject to the provisions of this chapter, and after a hearing make findings and orders requiring compliance with the provisions thereof. A copy of such complaint shall be served upon the company, bureau or person against whom the complaint is directed, and each of the parties in interest shall be entitled to ten days' notice of any hearing pursuant to this section. Examination of any bureau shall be at its expense.

(2) Any finding or order made by the * * * *commissioner* after hearing upon * * * *his* own motion or upon complaint shall be subject to summary review by the circuit court of Dane county. The pendency of a court review shall suspend the operation of the * * * *commissioner's* order, but in the event of a final determination against a company, any overcharge made during the pendency of such proceeding shall be refunded.

SECTION 18. Subsection (2) of section 205.12 (revised in section 173 of chapter 487 (50-S), Laws 1933) is amended by striking "board" and inserting "commissioner".

SECTION 19. Section 205.13 (revised in section 174 of chapter 487 (50-S), Laws 1933) is amended to read:

205.13 BUREAU, ORGANIZATION, GOVERNMENT, MEMBERSHIP, CHARGES. * * * The bureau shall make by-laws for its government and for the government of its members. Such by-laws and amendments thereto shall be filed with and approved by the * * * *commissioner* before they shall be effective. Such bureau shall admit to membership every company. The charges and service of such bureau shall be equitable and nondiscriminatory between members.

SECTION 20. Section 205.14 (revised in section 175 of chapter 487 (50-S), Laws 1933) is amended by striking "board"

wherever it occurs in said section and inserting "commissioner" and striking "its" and inserting "his".

SECTION 21. Section 205.15 (revised in section 176 of chapter 487 (50-S), Laws 1933) is amended by striking "board" and inserting "commissioner".

SECTION 22. Section 205.17 (revised in section 178 of chapter 487 (50-S), Laws 1933) is amended by striking "board" and inserting "commissioner" wherever it occurs in said section.

SECTION 23. Section 205.18 (revised by section 179 of chapter 487 (50-S), Laws 1933) is amended by striking "board" wherever it occurs in said section and by inserting "commissioner".

SECTION 24. Section 205.19 (revised in section 180 of chapter 487 (50-S), Laws 1933) is amended by striking "board" and inserting "commissioner" wherever it occurs in said section.

SECTION 25. Sections 205.21 to 205.24, as amended in chapter 353, Laws 1933, are re-enacted.

SECTION 26. Section 205.25 (revised in section 186 of chapter 487 (50-S), Laws 1933) is amended by striking "board" wherever it occurs in said section and inserting "commissioner".

SECTION 27. Section 205.26 (revised in section 187 of chapter 487 (50-S), Laws 1933) is amended to read:

205.26 INFORMATION CONCERNING INSURANCE. Every company shall file with the * * * *commissioner* such information regarding insurance written by it on risks located in this state as * * * *he* may require.

SECTION 28. Section 205.28 (revised in section 189 of chapter 487 (50-S), Laws 1933) is amended by striking "or of the board".

SECTION 29. Section 206.35, as amended by chapter 141, Laws 1933, is re-enacted.

SECTION 30. Section 206.41 (as revised by section 239 of chapter 487 (50-S), Laws 1933) is amended by substituting therein the word "May" for "March".

SECTION 31. Subsection (5) of section 209.04 (as revised in section 250 of chapter 487 (50-S), Laws 1933) is repealed and a new subsection (5) is created to read: (5) Nothing in this section shall be construed to prevent the proper exchange of business between lawfully licensed resident agents of this state.

SECTION 32. Section 168 of chapter 487 (50-S), Laws 1933, is repealed and section 2 of chapter 230, Laws 1933, is re-enacted.

SECTION 33. This act shall take effect upon passage and publication.

Approved July 25, 1933.

No. 420, S.]

[Published July 31, 1933.

CHAPTER 490.

AN ACT to amend chapter 138 of the statutes, relating to joint harbors and harbor commissions for joint harbors, and outlining its powers, duties and limitations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Chapter 138 of the statutes is amended to read:

CHAPTER 138.

138.01 HARBOR COMMISSION CREATED. * * * A harbor commission is hereby provided and created for cities in the state of Wisconsin, located on a harbor which lies partly in this state and partly in another state. Such a harbor is herein designated a joint harbor. Such commission shall be known as the "..... Harbor Commission" (carrying the name of the Wisconsin city in which the commission is located), and such harbor commission is referred to in this * * * chapter as the commission. This * * * chapter shall not become operative in any city until the city council of such a city shall, by resolution, accept the provisions of this * * * chapter, and until the city clerk shall * * * certify to the secretary of state * * * that this chapter has been adopted and is in force in such city.

* * * 138.02 COMPOSITION; TERMS. Such commission shall consist of three members who shall be appointed * * * by the mayor of the city in which the commission is located, and shall be confirmed by the council. All members shall be residents of the city in which the commission is located, and all members shall be appointed with special reference only to ability and fitness for the office. The members shall serve without compensation other than remuneration for expenses. Of the first members, * * * one shall be appointed for a two-year term, one for a four-year term and one for a six-year term with terms beginning on the first day of July of the year in which this chapter shall be adopted. After the expiration of these first terms all members shall hold their offices for the terms of six years each or until their successors shall be appointed, confirmed and qualified. Va-