

No. 335, A.]

[Published August 7, 1915,

CHAPTER 504.

AN ACT to repeal section 1946g, subsection 44 of section 170 and subsections 2 and 4 of section 1946n; and to amend section 1946h, subdivisions (3) and (5) of subsection 4 of section 170, subsection 14 of section 170, subsection 3 of section 1946n and sections 1946j and 1946l; and to amend and renumber section 172—39 of the statutes, relating to the office of state fire marshal, and making appropriations.

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

SECTION 1. Section 1946g, subsection 44 of section 170 and subsections 2 and 4 of section 1946n of the statutes, are repealed.

SECTION 2. Section 1946h, subdivisions (3) and (5) of subsection 4 of section 170, subsection 14 of section 170, subsection 3 of section 1946n and sections 1946j and 1946l of the statutes, are amended to read: Section 1946h. *The commissioner of insurance shall be ex officio state fire marshal * * *. He is hereby empowered and required to appoint one chief assistant fire marshal and * * * such deputy fire marshals, * * * clerical and stenographic assistants as are needed for the carrying out of the duties of the office. The deputy commissioner of insurance may be appointed chief assistant fire marshal and his salary apportioned by the commissioner of insurance between the appropriation to the department of insurance and the appropriation to the state fire marshal. The duties of said chief assistant and deputies shall be to assist the state fire marshal. The state fire marshal shall have power to retain and assign to their duties any or all the officers, subordinates and clerks of the state fire marshal's department. In the event of a vacancy in the office of the state fire marshal, or during the absence or disability of that officer, the chief assistant shall perform the duties of the office.*

(Section 170. 4.) (3) The other deputies, assistants, clerks, stenographers and all other employes in the office of the attorney-general shall receive such salary or compensation as shall be fixed by the attorney-general, *but the salaries and expenses of all attorneys employed pursuant to subsection 4 of section 1946j whose principal duty it shall be to prosecute arson cases shall not exceed four thousand dollars per calendar year.*

(5) All salaries, compensation and expenses under this subsection, *except the salaries and expenses of attorneys employed principally to prosecute arson cases,* shall be charged to the

general appropriation for the attorney-general. *The salaries and expenses last above excepted, shall be charged to the appropriation for the commissioner of insurance as ex officio state fire marshal.*

(Section 170.) 14. (a) The commissioner of insurance, five thousand dollars.

(b) The deputy commissioner of insurance shall receive an annual salary * * * *to be fixed by the commissioner of insurance.*

(c) The commissioner shall fix the salary or compensation of all other subordinates or assistants. Said commissioner shall receive actual and necessary expenses incurred in representing this state at the annual meeting of the national convention of insurance commissioners and he and the deputy commissioner of insurance and the employes under the said commissioner shall receive actual and necessary traveling expenses incurred in the discharge of their official duties. Salaries, compensation and expenses under subdivisions (a), (b) and (c) of this subsection shall be charged to the proper appropriation for the commissioner of insurance.

(d) *Assistants, deputies, clerks, stenographers and other employes under the commissioner of insurance as ex officio state fire marshal shall receive such salary or compensation as shall be fixed by the said commissioner subject to the approval of the governor. Such subordinates shall receive actual and necessary traveling expenses incurred in the discharge of their official duties. Such salaries, compensations and expenses, provided for in this subdivision, shall be charged to the appropriation for the commissioner of insurance as ex officio state fire marshal.*

(Section 1946n.) * * * 2. For the purpose of maintaining a department of the state fire marshal and paying all the expenses incident thereto, *including salaries and expenses of assistants employed by the attorney-general in the prosecution of arson cases*, every fire insurance company doing business in the state of Wisconsin, except town mutual insurance companies heretofore or hereafter organized under the provisions of section 1927, shall pay to the commissioner of insurance on or before the first day of February annually in addition to the taxes now required by law to be paid by such company, three-eighths of one per cent on the gross premium and assessment receipts of such companies on all business done in Wisconsin in the year next preceding, as shown by their annual statements under oath to the insurance department. The commissioner of insurance shall pay over the moneys thus collected to the state treasurer. *If the tax herein provided for shall yield revenues*

materially in excess of or materially less than the cost of maintaining the said department, including legal expenses of all kinds in arson cases, the said commissioner shall recommend to the legislature such change in the rate of tax as will, in his judgment, correct such discrepancy between receipts and costs after allowing for any deficit incurred.

Section 1946j. 1. The state fire marshal shall, when in his opinion further investigation is necessary, take or cause to be taken the testimony on oath of all persons supposed to be cognizant of any facts or to have any means of knowledge in relation to the matter as to which an examination is herein required to be made, * * * and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, he shall cause such person to be arrested and charged with such offense, and shall furnish to the proper prosecuting attorney all such evidence, together with the copy of all names of witnesses and all the information obtained by him, including a copy of all pertinent and material testimony taken in the case.
* * *

2. * * * *The attorney-general shall aid and assist district attorneys in the prosecution of all arson cases in all courts of the state, and the actual expenses of the attorney-general or his assistants in preparation for and attendance upon such prosecutions under this section shall be paid out of the state treasury and charged to the appropriation for commissioner of insurance as ex officio state fire marshal.*

3. *The attorney-general and district attorney shall make such reports to the state fire marshal, of the proceedings and result of all prosecutions for arson as required by him.*

4. *For this purpose the attorney-general is hereby authorized to employ such assistants as may be necessary for carrying out the provisions of this section. The attorney in the state fire marshal's department shall, without further examination, be eligible for employment under this subsection. Salaries, compensations and expenses of such assistants shall be charged to the appropriation for commissioner of insurance as ex officio state fire marshal.*

Section 1946l. 1. The state fire marshal, his chief assistant and deputies, upon complaint of any person, or without any complaint previously entered, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within their jurisdiction.

2. Whenever any of said officers shall find any building or other structure, which for want of repair, or by reason of age or dilapidated condition, or for any other cause is especially

liable to fire, and which is so situated as to endanger other buildings and property, and whenever any such officers shall find in any building, or upon any premises, any combustible or explosive material, or inflammable conditions, dangerous to the safety of said buildings or premises, *or the occupants thereof, or endangering or hindering firemen in case of a fire*, they shall have power to make reasonable orders for the repair or removal of the same, and such order shall be forthwith complied with by the owner or occupant of said premises or building.

3. Any owner or occupant of buildings or premises failing to comply with any reasonable order of the authorities, above specified, shall be punished by a fine of not less than ten dollars nor more than fifty dollars for each day's neglect, in any action to be brought by any of the officers above referred to in any municipal or justice court in the county where such owner or occupant is resident.

4. *Any order made by the chief assistant or any deputy of the fire marshal shall be subject to review before the state fire marshal or such salaried officer or employe of the department as designated by him, on the service of a written notice of such appeal upon the chief assistant or deputy making such order, and the mailing of a copy thereof to the state fire marshal. Such appeal shall be heard and decided within five days, or within such longer time as may be agreed to by the appellant.*

5. *The final order made by the state fire marshal shall be subject to appeal as provided in subsection 3 of section 1970p of the statutes, except that the review may be had in any court of record of the state.*

SECTION 3. Section 172—39 of the statutes is renumbered to be subsection 3 of section 172—14 and is amended to read: Section * * * (172—14) * * * 3. * * * All moneys received by the insurance commissioner under section 1946n shall be paid into the general fund and are appropriated for the * * * *commissioner of insurance as ex officio state fire marshal to carry into effect the powers, duties and functions provided by law for said state fire marshal's department including salaries and expenses provided in section 1946j for the prosecution of arson cases.*

SECTION 4. The balance of any appropriation for the department of state fire marshal unexpended at the close of business on June 30, 1915, is appropriated for the commissioner of insurance as ex officio state fire marshal to carry into effect the powers, duties and functions provided by law for said state fire marshal's department including salaries and expenses provided in section 1946j for the prosecution of arson cases, and

shall be available to pay indebtedness incurred prior to July 1, 1915.

SECTION 5. This act shall take effect as of July 1, 1915.

Approved August 5, 1915.

No. 498, A.]

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CHAPTER 505.

AN ACT to amend, consolidate, renumber and revise section 1498—2, subsection 9 of section 4560a—12, subsection (c) of section 4560a—13, the first paragraph and the first two sentences of the second paragraph of section 4560a—31, sections 4560a—36 and 4560a—37, subsection 2 of section 4560a—44, the last sentence of section 4560a—47, and sections 4565k and 4565 of the statutes, relating to the shipment of fish and to amend subdivision (a) of subsection 1 of section 4560a—50 of the statutes, relating to the number, weight and size of certain fish which may be taken.

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

SECTION 1. Section 1498—2, subsection 9 of section 4560a—12, subsection (c) of section 4560a—13, the first paragraph and the first two sentences of the second paragraph of section 4560a—31, sections 4560a—36 and 4560a—37, subsection 2 of section 4560a—44, the last sentence of section 4560a—47, and sections 4565k and 4565 of the statutes, as amended by chapters 99 and 124, laws of 1915, and as affected by bills No. 379, S., 369, A. and 435, A., of the present session, are further amended, consolidated and renumbered to be sections 1498—2 and 4560a—36, and revised to read:

Section 1498—2. (1) Except as expressly provided otherwise, no person, firm or corporation shall sell or barter, or cause to be sold or bartered, or transport or cause to be transported, or deliver or receive or offer to deliver or receive for transportation, any fish taken from any inland waters during the period extending from the first day of January to the next succeeding thirtieth day of May of each year.

(2) In addition to the restrictions of subsection (1) of this section, and section 4560a—36, except as expressly provided otherwise, no person, firm or corporation shall transport or cause to be transported, or deliver or receive or offer to deliver or receive for transportation at any time, any fish taken from any inland waters, other than as follows:

(a) One shipment only, of not more than one package, and