

(10) Nothing in this section shall prohibit persons from buying raw or dressed furs for the purpose of making themselves garments or robes of any kind, but such persons shall apply to the state conservation commission, or its deputies, for permits to buy such furs.

(11) Any person, firm or corporation who shall violate the provisions of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail not more than one year, or by both such fine and imprisonment.

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

Approved June 30, 1931.

No. 269, A.]

[Published July 3, 1931.

CHAPTER 424.

AN ACT to repeal paragraphs (c) and (e) of subsection (2) of section 16.08, subsection (4) of section 16.09, and section 16.21; and to amend section 14.59, subsection (2) of section 16.01, subsection (2) of section 16.02, section 16.06, paragraph (d) of subsection (2) of section 16.08, subsection (1), paragraph (d) of subsection (2), and subsection (3) of section 16.09, subsections (1) and (3) of section 16.12, subsection (2) of section 16.13, section 16.16, subsections (2) and (3) of section 16.17, section 16.18, subsections (1) and (3) of section 16.19, subsection (3) of section 16.20, section 16.22, subsection (3) of section 16.23, section 16.24, subsection (3) of section 16.27, and sections 16.275, 16.28, and 156.03 of the statutes, relating to the bureau of personnel and the civil service employes of the state.

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

SECTION 1. Paragraphs (c) and (e) of subsection (2) of section 16.08, subsection (4) of section 16.09, and section 16.21 of the statutes are repealed.

SECTION 2. Section 14.59, subsection (2) of section 16.01, subsection (2) of section 16.02, section 16.06, paragraph (d) of subsection (2) of section 16.08, subsection (1), paragraph (d) of subsection (2), and subsection (3) of section 16.09, subsections

(1) and (3) of section 16.12, subsection (2) of section 16.13, section 16.16, subsections (2) and (3) of section 16.17, section 16.18, subsections (1) and (3) of section 16.19, subsection (3) of section 16.20, section 16.22, subsection (3) of section 16.23, section 16.24, subsection (3) of section 16.27, and sections 16.275, 16.28, and 156.03 of the statutes are amended to read: 14.59 The offices of the departments of state government shall be kept open on all days of the year, except Sundays and holidays, and office hours shall begin at eight-thirty o'clock A. M. and close at five o'clock P. M. with intermissions from twelve o'clock M. to one-thirty o'clock P. M. except Saturday afternoons when such hours may be observed as the heads of departments may think proper. During the summer months from May first to October first, departments may, in the discretion of the * * * *executive council* begin office hours at eight o'clock A. M. and close at four o'clock P. M. with intermissions at twelve o'clock M. to one o'clock P. M. Heads of departments may, in their discretion, grant to each clerk or other person * * * in * * * *their* employ * * * *non-cumulative* leave of absence * * * without loss of pay *at the rate of three weeks for a full year's service.*

(16.01) (2) The chief examiner and secretary of the state civil service commission at the time of the taking effect of this section shall automatically become the director of personnel of the bureau of personnel and on filing with the governor a history of employment shall come under the provisions of chapter 16. When a vacancy occurs in the position of director of personnel the members of the personnel board shall forthwith appoint an examining committee of three members to conduct an examination for the position in the manner usually followed and prescribed by chapter 16 for all other positions. Two of the members of the examining committee shall be active examining heads of civil service commission in cities *or counties* of a population of more than three hundred thousand or of a state civil service or personnel commission. The examining committee shall certify a list of successful candidates to the members of the personnel board, who in turn shall submit the top three names to the governor, who shall make the appointment. The governor may remove the director of personnel with the approval of the personnel board.

16.02 (2) "Civil service" means all offices and positions of trust or employment, including mechanics, artisans and laborers,

in the service of the state, except offices and positions in the *organized militia*.

(16.06) (1) Each of the members of the personnel board *and the director of personnel* may issue subpoenas to compel the attendance in this state of witnesses and the production of books and papers pertinent to any inquiry or investigation authorized by law to be made by the * * * *bureau*; and each of the members *and the director* may administer oaths and take testimony. The board *and the director* may examine such public records as it requires in relation to any matter which * * * *they have* authority to investigate. All officers and other persons in the civil service shall attend and testify when requested to do so by the board *or the director*.

(2) In case of the refusal of any person to comply with any subpoena issued hereunder or to testify to any matter regarding which he may be lawfully interrogated, the circuit court of any county or the judge thereof, on application of any one of the members *or the director, when authorized by the board*, shall issue an order requiring such person to comply with such subpoena and to testify, or either, and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(16.08) (2) (d) All presidents, deans, principals, professors, instructors, research assistants and other teachers in the university, state teachers colleges, Stout institute and the state school of mines. * * *

(16.09) (1) The offices, positions and employments in the classified service shall be arranged by the director in * * * *two* divisions designated respectively the exempt *and* the competitive * * * divisions.

(2) (d) In addition to the above there may be included *by the board after consideration of the recommendation of the director* in the exempt division all other offices or positions for the filling of which competitive * * * examinations shall be found * * * to be impracticable on account of the temporary character of the employment or for special reasons satisfactory to the board.

(3) The competitive division shall include all positions for which it is practicable to determine the merit and fitness of applicants by competitive examinations, and shall include all positions and employments of whatever functions, designations or

compensation, in each and every branch of the classified service, except such positions as are in the exempt division * * * .

(16.12) (1) The director shall require persons applying for admission to any examination provided for under sections 16.01 to 16.30, or under the rules of the board, to file in * * * *the office of the bureau* a reasonable time prior to the proposed examination, a formal application.

(3) Blank forms for such applications shall be furnished by the * * * *bureau* without charge to all persons requesting the same.

(16.13) (2) Whenever the director refuses to examine an applicant, or after an examination to certify an eligible, as provided in this section, then said director, if requested by the person so rejected, shall give to him a full and explicit statement of the exact cause of such refusal to examine or to certify, as the case may be. Appeal may be had from the decision of the director * * * *in accordance with the provisions of subsection (5) of section 16.05.*

16.16 (1) Appointments in the exempt division may be made without examination, but no office or position shall be deemed to be in the exempt division unless it is specifically exempted by law or is named in such division in the rules, and if so named, the reasons for such exemptions shall be stated separately in the reports of the * * * *bureau*. Not more than one appointment shall be made to or under the title of any such office or position unless a different number is specifically authorized by law or mentioned in the rules.

(2) No office or position shall be included by the board in the exempt division except after public hearing by the board. Suitable public notice of such hearings shall be given by the * * * *bureau*. At any such hearing any taxpayer of this state shall have the right to be heard, either in person or by counsel, either in opposition to or in favor of the proposed exemption.

(16.17) (2) The term of eligibility of * * * applicants *on original entrance and promotional lists* shall be * * * *six months; but such term may be extended by the board after consideration of the recommendation of the director. The eligibility of individuals on reinstatement lists may be extended in like manner. But in no case may eligibility be extended for a period of more than three years.*

(3) Appointments shall be made from the eligible list most nearly appropriate, and a new and separate list shall be created for a stated position only when there is no appropriate list existing from which appointments may be made. The * * * *director with the advice and approval of the board* shall have authority to establish separate eligible lists in various localities. No person shall be appointed or employed under any title not appropriate to the duties performed, and no person shall be transferred to, or assigned to perform the duties of, any position subject to a competitive examination, unless he has previously passed an open competitive examination equivalent to that required for such position.

16.18 (1) Appointing officers shall give written notice to the bureau of personnel of the existence of any vacancy to be filled in any office or employment in the competitive division, under the provisions of sections 16.01 to 16.30, and within ten days after the receipt of such notice the director shall certify from the register of eligibles appropriate for the grade and class in which the position is classified, the three names at the head thereof, which have not been certified three times to the department or office in which the vacancy exists. Whenever eligibles are certified, they must always be those candidates who have been graded highest in an examination held in pursuance of sections 16.01 to 16.30, and the rules made in accordance therewith, except that other conditions being equal, a preference shall be given in favor of veterans of any of the wars of the United States. Preference is hereby defined to mean that whenever an honorably discharged veteran competes in any examination * * * *conducted by the bureau* and passes the minimum grade he shall be accorded five points, and if such veteran has a disability which is directly or indirectly traceable to war service, he shall be accorded another five points, in addition to earned ratings therein. In every case after a name has been certified three times, it may be dropped from the list by the director, but certificates for temporary appointment shall not be counted as one of such certificates.

(2) The appointing officer shall appoint on probation, with sole reference to merit and fitness, one of the said candidates whose name is certified in the manner above set forth, to fill such vacancy unless objection is made, and sustained by the director, to one or more of the persons certified for any of the reasons

stated in section 16.13; however, the provisions of this section may be altered by the director when the office or employment comes within those where by section 16.20 competitive examinations are not required. * * *

(16.19) (1) Vacancies in positions in the competitive division shall be filled, so far as practicable, by promotion from among persons holding positions in the lower grade in the department, office or institution in which the vacancy exists, under rules and regulations made and enforced by the * * * *bureau*. Promotions shall be based upon merit and fitness to be ascertained by examinations, to be provided by the director, and upon the superior qualifications of the person promoted as shown by his previous service, due weight being given to seniority and experience.

(3) No promotion shall be made to a position in the competitive division from a position in * * * *the exempt* division.

(16.20) (3) In case of vacancy in a position in the competitive division where peculiar and exceptional qualifications of a scientific, professional, or educational character are required, and upon satisfactory evidence that for specified reasons competition in such special case is impracticable, and that the position can best be filled by the selection of some designated person of high and recognized attainments in such qualities, the board *upon recommendation of the director with the advice and approval of the board* may suspend the provisions of the statute requiring competition in such case, but no suspension shall be general in its application to such place, and all such cases of suspension shall be reported in the biennial report of the * * * *bureau* with the reasons for the same.

(16.22) All original appointments to the competitive * * * *division* of the classified service shall be for a probationary period of * * * *six* months, but dismissal may be made at any time during such period. If during this probationary period the conduct or capacity of the probationer has not been satisfactory to the appointing officer, the probationer shall be notified, and the director shall be notified in writing, that he will not receive permanent appointment; otherwise his retention in the service shall constitute permanent appointment.

(16.23) (3) The board *after consideration of the recommendation of the director* may provide in its rules for the reinstatement

of persons who have served meritoriously less than three months in seasonal employments, the need for which may reasonably be anticipated and is likely to recur each year or shorter period.

(16.24) (1) No permanent subordinate or employe in the competitive * * * *division* who shall have been appointed under the provisions of sections 16.01 to 16.30 or the rules made pursuant thereto shall be removed, suspended without pay, discharged, or reduced in pay or position except for just cause, which shall not be religious or political. In all such cases the appointing officer shall, at the time of such action, furnish to the subordinate his reasons for the same and allow him a reasonable time in which to make an explanation. The reasons for such action and the answer thereto shall be filed in writing with the director prior to the effective date thereof.

(2) Provisional employes as defined in subsection (1), emergency employes as defined in subsection (2), and temporary employes as defined in subsection (4) of section 16.20 may be dismissed or laid off at any time at the discretion of the appointing officer. Seasonal employes provided for in subsection (3) of section 16.23 may be dismissed or laid off at any time during the first * * * *six* months of service, and, if such service extends beyond * * * *six* months, they may be laid off at the expiration of the seasonal period, at the discretion of the appointing officer. In case of a reduction in force because of stoppage or lack of work or funds or because of material change in duties or organization, permanent employes shall be laid off in accordance with rules established by the * * * *bureau*. Resignations from the classified service shall be regulated by rules of the * * * *bureau*.

(16.27) (3) Any sums paid contrary to the provisions of this section may be recovered from any officer or officers making such appointments in contravention of the provisions of law or of the rules made in pursuance of law, or from any officer signing or countersigning or authorizing the signing or countersigning of any warrant for the payment of the same, or from the sureties on the official bond of any of said officers, in an action in the circuit court of any county within the state, maintained by the *director or the* personnel board or by any member thereof, or by a citizen resident therein, who is assessed for, and liable to pay, or within one year before the commencement of the action has

paid, a state, city or county tax within this state. All moneys recovered in any action brought under this section when collected, shall be paid into the state treasury except that if a citizen taxpayer is plaintiff in any such action he shall be entitled to receive for his own use the taxable costs of such action and five per cent of the amount recovered as attorney's fees.

16.275 (1) Appointing officers may in their discretion grant to each subordinate employed subject to the provisions of this chapter * * * *a non-cumulative leave of absence* * * * without loss of pay, *at the rate of three weeks for a full year's service.*

(2) Leave of absence with pay owing to sickness, and leave of absence without pay, other than vacation, shall be regulated by rules of the * * * *bureau.*

16.28 The right of any taxpayer to bring any action to restrain the payment of compensation to any person appointed to or holding any office or place of employment in violation of the provisions of sections 16.01 to 16.30, shall not be limited or denied by reason of the fact that said office or place of employment has been classified as, or determined to be, not subject to competitive examination; however, any judgment or injunction in any such action shall be prospective only, and shall not affect payments already made or due to such persons by the proper disbursing officers, in accordance with the * * * *rules of the bureau of personnel* in force at the times of such payments.

156.03 Embalmers' examinations shall be held at least once a year at time and place fixed by the board, and be conducted by the board or a member. At least fifteen days prior thereto, the secretary shall mail notice thereof to all unlicensed undertakers known to him at their last known addresses. The state board of health shall appoint a committee of three licensed embalmers of the state of Wisconsin to assist the board in conducting examinations. This committee shall hold office during the pleasure of the board and any member may be removed by the state board of health for cause. Each member of the committee shall receive a compensation of ten dollars per day and all necessary expenses for each day of actual service rendered. The state board of health and committee of examiners shall appoint one field educator who shall be a licensed embalmer in good standing and have had at least five years of practical experience in embalming dead human bodies. Such field

educator may enter any mortuary, funeral home or undertaking establishment at all reasonable hours for the purpose of inspection, and shall be paid a salary and necessary expenses fixed by the board out of the appropriation made by subsection (6) of section 20.43. * * *

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

Approved June 30, 1931.

No. 327, A.]

[Published July 3, 1931.

CHAPTER 425.

AN ACT to repeal and recreate subsection (19) of section 272.18 ; and to amend section 246.09 of the statutes, relating to exemptions.

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

SECTION 1. Subsection (19) of section 272.18 of the statutes is repealed.

SECTION 2. A new subsection is added to section 272.18 of the statutes to be numbered and to read: (272.18) (19) If a policy of insurance, whether heretofore or hereafter issued, is effected by any person on his own life or on another life, in favor of a person other than himself, or, except in cases of transfer with intent to defraud creditors, if a policy of life insurance is assigned or in any way made payable to any such person, the lawful beneficiary or assignee thereof, other than the insured or the person so effecting such insurance, or his executors or administrators, shall be entitled to its proceeds and avails against the creditors and representatives of the insured and of the person effecting the same, whether or not the right to change the beneficiary is reserved or permitted, and whether or not the policy is made payable to the person whose life is insured if the beneficiary or assignee shall predecease such person; provided, that, subject to the statute of limitations, the amount of any premiums for said insurance paid with intent to defraud creditors, with interest thereon, shall inure to their benefit from the proceeds of the policy; but the company issuing the policy shall be discharged of all liability thereon by payment of its proceeds in accordance with its terms, unless before