

No. 402, S.]

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CHAPTER 306

AN ACT to renumber chapter 44a of the statutes, relating to the state civil service and to renumber, amend and revise the sections of said chapter.

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

SECTION 1. Chapter 44a of the statutes is renumbered to be chapter 16.

SECTION 2. Section 990—1 of the statutes is renumbered and amended to read: 16.01. DEFINITIONS. * * * *In this chapter unless the context otherwise requires:*

(1) * * * "Commission" * * * means the state civil service commission.

(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 militia.

(3) * * * "Appointing officers" * * * means the officer, commission, board or body, having the power of appointment, or election to, or removal from, subordinate positions in any office, department, commission, board or institution.

(4) * * * "Subordinate" * * * or "employee" * * * means any person holding a subordinate position subject to appointment, removal, promotion or reduction by an appointing officer.

SECTION 3. Sections 990—3 and 990—4 and part of section 990—5 of the statutes are consolidated, renumbered to be section 16.02 and are revised to read: 16.02. COMMISSIONERS; APPOINTMENT; TERM; OFFICE; ORGANIZATION. (1) The state civil service commission consists of three commissioners, appointed by the governor, by and with the advice and consent of the senate. The regular full term of a commissioner is six years, but each shall hold office until his successor is appointed and qualifies. One regular full term expires on the twenty-first day of June in each odd-numbered year. Prior to said day in each odd-numbered year, the governor, by and with the advice and consent of the senate, shall appoint a successor to the commissioner whose term is about to expire. Such appointee shall hold office for a term of six years from the said twenty-first day of June and until his successor is appointed and qualified.

(2) Each commissioner shall qualify by taking, subscribing

and filing with the secretary of state the oath of office prescribed by the constitution.

(3) At no time shall more than two commissioners be adherents of the same political party; and no commissioner shall hold any other lucrative administrative office under the United States or this state.

(4) The commission shall keep its office in the state capitol.

(5) The commission may elect one of its members president, and may employ a chief examiner, who shall be ex officio secretary.

(6) The commission may designate persons in or out of the official service of the state or of any city or county who shall, if in the service, with the consent of the head of department or office in which such person serves, act as local examiner. Such persons in the official service, in the performance of such duties as the commission directs, shall be under the direct and sole control of the commission, and their duties shall be considered part of the duties of the offices in which they are serving, and time shall be allowed therefor during office hours and no extra compensation shall be paid such persons for such service.

(7) The governor may remove any commissioner at any time for inefficiency, neglect of duty, or malfeasance in office. Any vacancy in such commission shall be filled by appointment by the governor, subject to confirmation by the senate, but any appointment shall be in full force until acted upon by the senate.

SECTION 4. That part of section 990—5 of the statutes not disposed of in section 16.02 and note is renumbered and revised to read: 16.03. **USE OF MUNICIPAL AND COUNTY BUILDINGS.** The officials in control of municipal and county buildings, upon requisition by the commission, shall furnish convenient offices and rooms for examinations, and necessary furniture, heat and light for the accommodation of local examiners.

SECTION 5. The first paragraph and subsections First, Second, Third and Fifth of section 990—7 of the statutes are renumbered and amended to read: 16.04. **DUTIES OF COMMISSION.** * * * The * * * commission shall:

* * * (1) Prescribe, amend and enforce rules and regulations for carrying into effect the provisions of * * * *this chapter*. All rules so prescribed shall be subject to the approval of the governor, and they may, from time to time, subject to like approval, be added to, amended or rescinded. * * * However, * * * if the governor takes no action on a rule or amendment submitted to him within a period of ten days

from the date of its submission, then the rule or amendment shall become effective as though approved by the governor. *Notice of the contents of such rules and regulations and of any modifications thereof shall be given by mail in due season to appointing officers affected thereby, and such rules and regulations and modifications shall also be printed for public distribution.*

* * * (2) keep minutes of its own proceedings and records of its examinations and other official actions. All recommendations of applicants for office received by the said commission, or by any appointing officer, shall be kept and preserved by the commission, and all such records, recommendations of former employers excepted, and all written causes of removal and answers thereto filed with it, shall, subject to reasonable regulations, be open to public inspection.

* * * (3) Make investigations, either sitting as a body or through a single commissioner, concerning all matters touching the enforcement and effect of the provisions of * * * *this chapter*, and the rules and regulations prescribed thereunder concerning the action of any examiner or subordinate of the commission and any person in the public service, in respect to the execution of * * * *this chapter* * * *.

* * * (4) Make a biennial report to the governor on June thirtieth in each even-numbered year, showing its own actions, the rules and regulations and all the exceptions thereto in force, and the practical effects thereof, and *include therein* any suggestions it may approve for the more effectual accomplishment of the purposes of * * * *this chapter*. It shall also give the names and separate compensation of all persons employed by the commission during the preceding year and the purposes of such employment.

SECTION 6. Subsection Fourth of section 990—7 of the statutes is divided into two sections which are renumbered to be sections 16.05 and 16.06 and are revised to read: 16.05 TESTIMONIAL POWERS; WITNESSES. (1) Each of the commissioners and the secretary 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 commission; and each of the commissioners and the secretary may administer oaths and take testimony. The commission may examine such public records as it requires in relation to any matter which it has authority to investigate. All officers and other persons in the civil service shall attend and testify when requested to do so by the commission.

(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 commissioners, 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.

16.06 WITNESS FEES. Each person not in the civil service who appears before the commission by its order shall receive for his attendance the fees and mileage provided for witnesses in civil actions in courts of record, which shall be audited and paid upon presentation of proper vouchers sworn to by such witness and certified by the president of the commission. But no witness subpoenaed at the instance of parties other than the commission shall be entitled to compensation from the state for attendance or travel, unless the commission certifies that his testimony was relevant and material, to the matter investigated.

SECTION 7. Section 990—8 of the statutes is renumbered and amended to read: **16.07. CLASSIFICATION OF CIVIL SERVICE.** * * * (1) *The classes.* The civil service * * * is divided into the unclassified service and the classified service.

(2) *Unclassified service.* The unclassified service * * * comprises:

(a) All officers elected by the people.

(b) All officers and employes appointed by the governor whether subject to confirmation or not.

(c) All officers and employes in any department for the creation of which a vote of two-thirds of all the members elected to each house is required.

(d) All presidents, deans, principals, professors, instructors, a scientific staff and other teachers in the university, normal or public schools, the library staff in any library maintained wholly or in part at state expense, the superintendent, warden or other head of the state reformatory, charitable and penal institutions.

(e) All persons appointed by name in any statute.

(f) All legislative officers.

(3) **CLASSIFIED SERVICE.** The classified service * * * comprises all positions not included in the unclassified service.

SECTION 8. Section 990—12, part of section 990—14, the first sentence of section 990—15, the first sentence of section 990—20 and the first sentence of section 990—21 of the statutes are consolidated, renumbered to be section 16.08 and are amended to read: **16.08 CLASSIFICATION OF CLASSIFIED SERV-**

ICE. * * * (1) *The classes.* The offices, positions and employments in the classified service * * * shall be arranged by the * * * commission in five classes * * * designated * * * *respectively* the exempt class, the competitive class, the noncompetitive class, the labor class and legislative employees.

* * * (2) **EXEMPT CLASS.** The following positions shall be included in the exempt class:

* * * (a) One deputy or assistant of each principal executive officer, and the chief clerk or secretary of any board or commission.

* * * (b) One stenographer for each appointing officer, board or commission.

* * * (c) The clerks and other assistants and employes of the supreme court.

* * * (d) In addition to the above there may be included in the exempt class all other offices or positions, except laborers, for the filling of which competitive or noncompetitive examinations shall be found by the * * * commission to be impracticable on account of the temporary character of the employment or for special reasons satisfactory to the commission.

(First sentence sec. 990—15) (3) **COMPETITIVE CLASS.** The competitive class 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 class, the noncompetitive class, or the labor class.

(First sentence sec. 990—20) (4) **NONCOMPETITIVE CLASS.** The noncompetitive class shall include such positions as are not in the exempt class or the labor class, and which it is impracticable to include in the competitive class.

(First sentence sec. 990—21) (5) **LABOR CLASS.** The Labor class shall include ordinary unskilled laborers.

SECTION 9. Section 990—13 of the statutes is renumbered and amended to read: 16.09 CLASSIFICATIONS AND APPOINTMENTS FOR CHARITABLE AND PENAL INSTITUTIONS; REMOVALS. * * * *The classifications prepared pursuant to law by the superintendents or heads of the several state reformatory, charitable and penal institutions, approved by the state board of control, * * * and adopted by the commission * * * are the classifications in such respective institutions, and adequate eligible lists shall be made up,*

and so far as possible *shall be* at all times kept by the commission from which appointments shall be made in such institutions. But the provisions of * * * *this chapter* with reference to removals, suspensions, discharges, reductions in pay or position, transfers and reinstatements shall not be applicable in such cases, except that they shall be made for just cause, which shall be neither religious nor political. In such institutions emergency appointments and appointments when no suitable person is on an eligible list may be made otherwise than from such list. And such persons, when so appointed, shall have the same rights as though taken from an eligible list, except that they may be subjected to such test as to merit and fitness as * * * is prescribed by the commission.

SECTION 10. Section 990—2 of the statutes is renumbered and amended to read: 16.10 APPOINTMENTS; PROMOTIONS AND REMOVALS IN CLASSIFIED SERVICE.

* * * (1) * * * Appointments to, and promotions in the * * * *classified service*, * * * shall be made only according to merit and fitness, *which, except as otherwise provided by law* * * * shall be ascertained * * * so far as practicable by examinations, which so far as practicable, shall be competitive.

(2) * * * No person shall be appointed, transferred, removed, reinstated, promoted or reduced as an officer, clerk, employe or laborer in the * * * *classified service* * * * in any manner, or by any means, other than those prescribed in * * * *this chapter*.

SECTION 11. Section 990—10 of the statutes is renumbered and amended to read: 16.11 EXAMINATIONS; RULES CONCERNING; WHERE HELD. * * * (1) All examinations for positions in the *classified service* shall be practical in character, and shall relate to those matters which will fairly test the capacity and fitness of the persons examined to discharge the duties of the office or employment sought by them, giving due allowance for experience in the same or similar positions.

(2) The competitive examinations shall be free and open to all applicants who are citizens of the United States and of * * * *this state* * * * and who * * * have fulfilled the preliminary requirements stated in section * * * 16.12, and shall be held at such times and places as * * * in the judgment of the commission, most nearly meet the convenience of applicants and the needs of the service.

(3) Examinations of a technical or special character, or where requirements are peculiarly within the knowledge of the

office, institution or department in which appointment is to be made, shall be proposed by the incumbent of such office or head of such institution or department, or by persons having knowledge and experience in the same or similar employments.

(4) It is the declared policy of the state that under the operation of * * * *this chapter* there shall be a fair distribution throughout the state of persons accepted for the classified service, and to that end examinations shall be held simultaneously at at least one convenient point in each county of the state.

(5) The commission may require candidates who have satisfied the preliminary requirements, to undergo an examination, in cases where oral tests or tests for manual skill or use of instruments in constructive work may be necessary, at convenient designated places in the state.

SECTION 12. Section 990—11 of the statutes is divided into two sections which are renumbered to be sections 16.12 and 16.13 and are amended to read: 16.12 APPLICATION FOR ADMISSION TO EXAMINATIONS; FORMS. * * * (1) The * * * commission shall require persons applying for admission to any examination provided for under * * * *this chapter*, or under the rules and regulations of the said commission, to file in its office, a reasonable time prior to the proposed examination, a formal application, in which the applicant shall state under oath or affirmation:

* * * (a) His full name, residence and post-office address.

* * * (b) His nationality, age, and the place and date of his birth.

* * * (c) His health and his physical capacity for public service.

* * * (d) His business and employments and residences for at least the five previous years.

* * * (e) Such other information as may reasonably be required touching the applicant's merit and fitness for the public service.

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

(3) The commission may require in connection with such application such certificates of citizens, physicians or others having knowledge of the applicant, as the good of the service may require.

16.13 APPLICANTS AND ELIGIBLES MAY BE BARRED; QUALIFICATIONS. (1) The commission may

refuse to examine the applicant, or after examination to certify an eligible, who is found to lack any of the preliminary requirements established by the commission for the examination for the position or employment for which he applies, or who is physically so disabled as to be rendered unfit for the performance of the duties of the position to which he seeks appointment, or who is addicted to the habitual use of intoxicating liquors to excess, or has been guilty of any crime or infamous or notoriously disgraceful conduct, or who has been dismissed from the public service for delinquency or misconduct, or who has made a false statement of any material fact, or practiced, or attempted to practice, any deception or fraud in his application, in his certificate, in his examination, or in securing his eligibility or appointment, or refuses to furnish testimony as required in section * * * 16.05.

(2) Whenever the said commission refuses to examine an applicant, or after an examination to certify an eligible, as provided in this section, then said commission, 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.

(3) Applicants for positions in the recognized mechanical trades must have had practical experience for such periods as the commission may prescribe.

(4) When any position to be filled involves fiduciary responsibility, the appointing officer, where otherwise permitted by law, may require the appointee to furnish bond or other security, and shall notify the commission of the amount and other details thereof * * * Any surety company * * * authorized to do business in this state, shall be a sufficient security on any such bond.

SECTION 13. Section 990—26 of the statutes is renumbered to be section 16.14 POLITICAL OR RELIGIOUS AFFILIATIONS REJECTED; NO DISCRIMINATION.

SECTION 14. Section 990—25 of the statutes is renumbered and amended to read: 16.15 RECOMMENDATIONS. * * * No recommendation for any person who * * * applies for office or place, or for examination or registration under the provisions of * * * this chapter, or of the rules established pursuant thereto, except as to character, and, in the case of former employers, as to ability, shall be given to, or considered by any person concerned in making any examination, registration, appointment, promotion or reinstatement under * * * this chapter, and the rules made pursuant thereto. No recom-

mentation whatsoever shall relate to the political or religious opinions of any applicant. No recommendation for the promotion of any person in the classified service shall be considered by any officer concerned in making promotions, except it be made by the officer or officers under whose supervision or control such employe is serving. Any recommendation made contrary to the provisions of this section, with the knowledge and consent of the applicant or employe, shall be sufficient cause for refusing his application or appointment, or for debarring him from the promotion proposed, and a repetition of the offense shall be sufficient cause for removing him from the service.

SECTION 15. That part of section 990—14 of the statutes not included in revised section 16.08 is renumbered and amended to read: 16.16 EXEMPT CLASS; APPOINTMENTS TO; LIMITATIONS; PUBLIC HEARING. (1) *Appointments in the exempt class may be made without examination*, but no office or position shall be deemed to be in the exempt class unless it is specifically *exempted by law or is named in such class in the rules*, and *if so named*, the reasons for such exemptions shall be stated separately in the reports of the said commission. 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 classified by the commission in the exempt class except after public hearing by the commission or any member or the chief examiner thereof. Suitable public notice of such hearings shall be given by the said commission. 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. * * *

SECTION 16. That part of section 990—15 of the statutes not included in revised section 16.08 is renumbered and amended to read: 16.17 COMPETITIVE CLASS; APPOINTMENTS TO; TERM OF ELIGIBILITY. * * * (1) Appointments shall be made to or employment shall be given in all positions in the competitive class that are not filled by promotion, reinstatement, transfer or reduction under the provisions of * * * *this chapter*, and the rules made in pursuance thereof, by appointment from among those certified to the appointing officer in accordance with the provisions of section * * * 16.18.

(2) The term of eligibility of an applicant shall be fixed for each list by the * * * commission at not less than one nor 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 appointment may be made. 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.

SECTION 17. Section 990—16 of the statutes is renumbered and amended to read: 16.18 COMPETITIVE CLASS; NOTICE OF VACANCY IN; PREFERENCE TO VETERANS; PROBATION. * * * (1) * * * Appointing officers *shall give written notice* to the * * * commission of the existence of any vacancy * * * in any office or employment in the competitive class, under the provisions of * * * *this chapter*, and within ten days after the receipt of such notice the commission shall certify from the register of eligibles appropriate for the group in which the position to be filled 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 * * * *this chapter*, and the rules made in accordance therewith, except that where practicable, other conditions being equal, the rules shall provide for a preference in favor of veterans of * * * *any of the past wars of the United States. Preference is hereby defined to mean that whenever a question arises as to the certification of two persons of equal qualification as determined by civil service examination and one of these persons is a war veteran, he shall be certified.* In every case after a name has been certified three times it may be dropped from the list by the commission, 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 commission, 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 commission

when the office * * * or employment comes within those whereby section * * * 16.20 competitive examinations are not required. The commission shall make rules for the procedure in such cases.

SECTION 18. Section 990—18 of the statutes is renumbered and amended to read: * * * 16.19 COMPETITIVE CLASS; VACANCIES; PROMOTIONS. (1) Vacancies in positions in the competitive class 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 * * * commission. Promotions shall be based upon merit and fitness to be ascertained by examinations, to be provided by the commission, and upon the superior qualifications of the person promoted as shown by his previous service, due weight being given to seniority and experience. The commission may prescribe forms and rules for reports to be made by the proper officers on the efficiency of their subordinates and employes.

(2) For the purposes of this section an increase in the salary or other compensation of any person holding an office or position within the scope of the rules in force hereunder, beyond the limit fixed for the grade in which such office or position is classified, shall be deemed a promotion.

(3) No promotion shall be made to a position in the competitive class from a position in another class, except that persons holding positions in the labor class may be promoted to positions in the lowest grade of the competitive class, upon examination as provided above, when such examination is specifically authorized by the commission. No person shall be promoted to a position for original entrance to which there is required by * * * *this chapter*, or the rules adopted pursuant thereto, an examination involving essential tests or qualifications different from or higher than those required for original entrance to the positions held by such persons, except as provided above.

SECTION 19. Section 990—17 of the statutes is renumbered to be section 16.20 COMPETITIVE CLASS; WHEN POSITIONS MAY BE FILLED WITHOUT COMPETITION and is amended as follows: Strike out the words "shall be" in line 5 of subsection (1) and insert in lieu thereof the word "is"; strike out the word "statute" in line 9 of subsection (1) and insert in lieu thereof the word "section."

SECTION 20. That part of section 990—20 not included in

revised section 16.08 is renumbered to be section 16.21 NON-COMPETITIVE CLASS; APPOINTMENTS TO. Appointments to positions in the noncompetitive class shall be made after such noncompetitive examination as is prescribed by the rules of the commission. The commission shall state in its annual report the number of persons who come within this class, and the character of their services.

SECTION 21. That part of section 990—21 of the statutes not included in revised section 16.08 is renumbered and amended to read: 16.22 LABOR CLASS; APPOINTMENTS TO; EXAMINATIONS. * * * Vacancies in the labor class shall be filled by appointment from lists of applicants registered in their respective localities by the * * * commission according to rules and regulations determined by said commission except in cases of temporary employment. There may be separate lists of applicants for different kinds of labor or employments and the commission may establish separate labor lists for various localities, institutions and departments. Where the labor service of any institution or department extends to * * * *different* localities the commission may provide separate registration lists for each district or locality. The commission shall require an applicant for registration for the labor service before he can be registered to furnish such evidence or to pass such examination as they may deem proper with respect to his age, residence, physical condition, ability to labor, sobriety, industry, capacity and experience in the employment for which he applies.

SECTION 22. Section 990—9 of the statutes is renumbered and amended to read: 16.23 COMPETITIVE, NONCOMPETITIVE AND LABOR CLASSES; ORIGINAL APPOINTMENTS FOR PROBATIONARY PERIOD. * * * All original appointments to the competitive and noncompetitive classes and the labor class of the classified service shall be for a probationary period of one, two or three months in the discretion of the appointing officer, but dismissal for cause may be made during such period. If at the close of this probationary term the conduct or capacity of the probationer has not been satisfactory to the appointing officer, the probationer shall be notified in writing that he will not receive absolute appointment; otherwise his retention in the service shall be equivalent to his final and absolute appointment. * * *

SECTION 23. Section 990—19 of the statutes is renumbered and amended to read: 16.24 TRANSFERS AND REINSTATEMENTS. * * * (1) No transfer or reinstatement shall be

made * * * *from* a position in one class to a position in another class unless the same be specifically authorized by the * * * commission. Section * * * 16.19 and the rules adopted thereunder shall be read with this section and the rules adopted hereunder, and where the transfer involves a promotion the requirements of the promotion rule and regulation shall be observed.

(2) No transfer shall be authorized by the * * * commission of any person holding a position in the exempt class or in the noncompetitive class or the labor class, to a position in the competitive class unless the person seeking to be transferred * * * *has served* at least three years in the position from which he desires transfer, and unless the position to which he desires transfer is similar in the duties to be performed to the position from which he desires transfer. No such transfer shall be authorized unless the person * * * wishing to be transferred has attained a place upon the appropriate eligible list in force at the time the request for the transfer is made.

(3) Any person who has held a position by appointment under the civil service rules and who has been separated from the service without any delinquency or misconduct on his part but owing to reasons of economy or otherwise, may be reinstated within one year, and in the case of legislative employes within two years, from the date of such separation to the same or similar position in the same department; provided, that for the original entrance to the position proposed to be filled by such reinstatement there is not required in the opinion of the * * * commission examination involving essential tests or qualifications different from or higher than those involved in the examination for the original entrance to the position formerly held by the person proposed to be reinstated.

SECTION 24. Section 990—22 of the statutes is renumbered and amended to read: 16.25 REMOVALS. * * * No subordinate or employe in the competitive class, noncompetitive class, or the labor class, * * * who shall have been appointed under the provisions of * * * *this chapter*, or the rules made pursuant thereto, shall be removed, suspended for more than fifteen days, discharged, or reduced in pay or position, except for just cause, which shall not be religious or political. In all cases of removal 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 removal and the answer thereto shall be filed in writing with the commission.

SECTION 25. Section 990—23 of the statutes is divided into two sections which are renumbered to be sections 16.26 and 16.27 and are amended to read: 16.26. APPOINTING OFFICERS TO REPORT APPOINTMENTS; PROMOTIONS; REDUCTIONS; ETC. * * * Each appointing officer * * * shall report to the * * * commission forthwith in writing upon * * * any appointment or employment in the classified service, the name of * * * the appointee, or employe, the title and character of his office or employment, whether on probation or absolute appointment, the date of commencement of service by virtue thereof, and the salary or compensation thereof, and * * * shall report from time to time, and, upon the date of the official action, in, or knowledge of each case, any separation of a person from the service or any promotion, reduction, transfer, reinstatement, or other change therein, and such other information as the * * * commission may require in order to keep the roster * * * provided for in section 16.27.

16.27 ROSTER OF CLASSIFIED SERVICE. The * * * commission shall keep in its office an official roster of the classified * * * service * * * and shall enter thereon the name of each and every person who has been appointed to, employed, promoted, reduced or reinstated in any position in such service, upon such evidence as it may require or deem satisfactory that such person was appointed to, employed, promoted, reduced or reinstated in the service in conformity with the provisions of * * * this chapter, and the rules adopted pursuant thereto. * * * This roster shall show in connection with each name the date of appointment, employment, promotion, reduction or reinstatement, the compensation * * * and title of the position, and the nature of the duties thereof, and the date and cause of any termination of such office or employment and shall be open to public inspection at all reasonable hours. The commission shall have access to all public records and papers, the examination of which will aid in the discharge of its duty in connection with said roster.

SECTION 26. Section 990—24 of the statutes is renumbered and amended to read: 16.28 PAY ROLLS CERTIFIED BY COMMISSION; MANDAMUS; LIABILITY OF APPOINTING OFFICERS; TAXPAYERS' SUITS. * * * (1) * * * Neither the secretary of state, nor other fiscal officer of this state, * * * shall draw, sign or issue, or * * * authorize the drawing, signing or issuing of any warrant on the treasurer or other disbursing officer of the state; * * *

nor shall the treasurer or other disbursing officer of the state * * * pay any salary or compensation to any officer, clerk, employe, or other person in the classified service of the state, unless an estimate, pay roll or account for such salary or compensation containing the names of every person to be paid, shall bear the certificate of the * * * commission that the persons named in such estimate, pay roll, or account have been appointed, employed, reinstated or promoted in pursuance of * * * *this chapter.*

(2) Any officer, clerk, employe, or other person entitled to be certified by said commission to the secretary of state or other fiscal or disbursing officer of the state, as having been appointed or employed in pursuance of law and of the rules made in pursuance of law, and refused such certificate, may maintain * * * *an action of mandamus* to compel such commission to issue such certificate.

(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 civil service commission 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.

SECTION 27. Section 990—32 of the statutes is renumbered and amended to read: 16.29 TAXPAYERS' SUITS. * * * 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 * * * *this chapter*, 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 pro-

pective only, and shall not affect payments already made or due to such persons by the proper disbursing officers, in accordance with the civil service rules in force at the times of such payments.

SECTION 28. Section 990—6 of the statutes is renumbered and amended to read: 16.30 DUTY AND LIABILITY OF APPOINTING OFFICER. * * * (1) * * * All officers of this state * * * shall conform to, * * * comply with and * * * aid in all proper ways in carrying into effect the provisions of * * * *this chapter* and the rules and regulations prescribed thereunder * * *

(2) No appointing officer shall, * * * select or appoint any person for appointment, employment, promotion or reinstatement, except in accordance with the provisions of * * * *this chapter*, and the rules and regulations prescribed thereunder.

(3) Any person employed or appointed contrary to the provisions of * * * *this chapter*, or of the rules and regulations established thereunder, shall be paid by the officer or officers so employing or appointing, or attempting to employ or appoint him, the compensation agreed upon for any service performed under such appointment or employment, or attempted appointment or employment, or in case no compensation is agreed upon, the actual value of such services and any expenses incurred in connection therewith, and shall have a cause of action against such officer or officers or any of them, for such sum * * * and for the costs of the action. No public officer shall be reimbursed by the state for any sums so paid or recovered in any such action.

SECTION 29. Section 990—33 of the statutes is repealed.

SECTION 30. Section 990—27 of the statutes is renumbered and amended to read: Section * * * 4548m. OBSTRUCTION OR FALSIFICATION OF CIVIL SERVICE EXAMINATIONS; PAPERS, ETC. (1) Any commissioner, or examiner, or any other person who * * * wilfully, by himself or in cooperation with one or more persons, defeats, deceives or obstructs any person in respect of his or her right of examination or registration, according to * * * *chapter 16 of the statutes*, or to any rules or regulations prescribed pursuant thereto, or

(2) Who * * * wilfully, or corruptly, falsely marks, grades, estimates or reports upon the examination or proper standing of any person examined, registered or certified, pursuant to the provisions of * * * *said chapter*, or aids in so doing, or

(3) Who * * * wilfully or corruptly makes any false representations concerning the same, or concerning the person examined, or

(4) Who * * * wilfully or corruptly furnishes any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any persons so examined, registered or certified, being appointed, employed or promoted, or

(5) Who * * * personates any other person, or permits or aids in any manner any other person to personate him or her, in connection with any examination, or registration or application or request to be examined or registered, shall for each offence be deemed guilty of a misdemeanor.

SECTION 31. Section 990—28 of the statutes is renumbered and amended to read: Section * * * 4548n SOLICITATION OF SUBSCRIPTIONS, ETC., BY STATE OFFICERS AND EMPLOYEES PROHIBITED. No officer, agent, clerk or employe * * * of * * * this state shall, directly or indirectly solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription or contribution, or political service, whether voluntary or involuntary, for any political purpose whatever, from any officer, agent, clerk or employe of the state. Every said officer, agent, clerk or employe who * * * has charge or control in any building, office or room occupied for any purpose of said government is hereby authorized to prohibit the entry of any person, and he shall not permit any person to enter the same for the purpose of therein making, collecting, receiving or giving notice, of any political assessment, subscription or contribution, and no person shall enter, or remain in any said office, building or room, or send or direct any letter or other notice thereto, for the purpose of giving notice of, demanding, or collecting a political assessment, subscription or contribution, nor shall any person therein give notice of, demand, collect or receive, any such assessment, subscription or contribution. Any person who * * * violates any provision of this section shall be guilty of a misdemeanor.

SECTION 32. Section 990—30 of the statutes is renumbered and amended to read: Section * * * 4548o. PROHIBITED APPOINTMENTS PUNISHED. Whoever, after a rule has been duly established and published, according to the provisions of * * * chapter 16 makes an appointment to office or selects a person for employment, contrary to the provisions of such rule, or wilfully refuses or neglects otherwise to comply with, or to conform to, the provisions of * * *

chapter 16, or violates any of such provisions, shall be deemed guilty of a misdemeanor. If any person shall be convicted under this section, any public office which such person may hold shall by force of such conviction be rendered vacant, and such person shall be incapable of holding office for the period of five years from the date of such conviction.

SECTION 33. Section 990—31 of the statutes is renumbered and amended to read: Section * * * 4548p. MISDEMEANORS, HOW PUNISHED. Misdemeanors under the provisions of sections * * * * * 4548m, 4548n, 4548o, shall be punishable by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment in the discretion of the court.

SECTION 34. Section 990—29 of the statutes is renumbered to be section 4548q.

SECTION 35. Chapter 363 of Wisconsin session laws of 1905, chapter 256 of Wisconsin session laws of 1907, chapter 436 of Wisconsin session laws of 1909 chapter 448 of Wisconsin session laws of 1911 and chapter 534 of Wisconsin session laws of 1913 are added to section 4978 of the statutes, at appropriate places, according to their numbers and dates, as further acts repealed by said section.

SECTION 36. This act shall take effect upon passage and publication.

Approved May 29, 1917.

No. 534, S.]

[Published June 1, 1917.

CHAPTER 307

AN ACT to vacate a cemetery in the city of Platteville, Grant County, Wisconsin.

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

SECTION 1. A cemetery consisting of about half an acre of land, undesignated and known by no name, situated between Fourth street and North Court and bounded on the north by a lot owned by Frank Riter and a lot owned by Chris Stender and on the south by a lot owned by Jacob Karrman, Jr., and a lot owned by Tom Murray and more particularly described as lots 9, 10, 19, and 20 in Covell's addition to the city of Platteville, Wisconsin, having been for many years past and now being in a ruinous and abandoned condition, no person or any association having any charge or care thereof for the past twenty