

lands against which assessments have been made to pay the cost of acquisition.

(9) (b) After the expiration of said thirty days the county board may issue special improvement bonds covering all of the assessments except such as the owners have filed notices of election to pay as provided in this section. Said bonds shall be signed by the chairman of the county board and the county clerk, be sealed with the corporate seal of the county, and contain such recitals as may be necessary to show that they are chargeable to the particular property, specifying the same * * * *against which assessments have been made to pay the cost of improvement. Such recitals need not set forth the particular description of said lands at length but shall be sufficient if they contain a reference to the record of such description in the office of the register of deeds of the county, and such particular description of all lands covered by said assessments shall be recorded in the office of the register of deeds of the county wherein said lands are situated in addition to being filed in the office of the county clerk.*

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

Approved June 16, 1931.

No. 254, S.]

[Published June 18, 1931.

CHAPTER 269.

AN ACT to create section 103.49 of the statutes, relating to a prevailing wage clause in state building contracts, and providing a penalty.

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

SECTION 1. A new section is added to the statutes to read: 103.49 (1) Each contract hereafter made for the erection, construction, or remodeling of any public building to which the state or any department thereof is a party shall contain a stipulation that no laborer, workman, or mechanic in the employ of the contractor or of any subcontractor, agent, or other person, doing or contracting to do all or a part of the work, shall be paid less than the prevailing wage rate in the same or most similar trade or occupation in the county wherein such public building is situated, which rate shall be set forth specifically in the contract.

(2) The prevailing wage rate in any trade or occupation in any county shall be the rate paid to a majority of all persons employed in such trade or occupation in such county, or if there is no rate at which a majority are employed then the prevailing wage rate shall be the rate which is paid to a larger number of employes than any other rate paid in such county for work in such trade or occupation.

(3) Before bids are asked for any work to which this section is applicable, the department or officer having the authority to prescribe the specifications, shall request the industrial commission to ascertain the prevailing wage rate in all trades and occupations required in the work under contemplation in the county in which the work is to be done. Unless it shall within the year have made a determination of the prevailing wage rate in such trades or occupations in such county, the industrial commission shall thereupon conduct a public hearing in such county and make such further investigations as may be necessary to enable it to ascertain the prevailing wage rate for each such trade or occupation. It shall make its determination within thirty days after receipt of the request and shall file the same with the department or officer applying therefor.

(4) Any officer or employe of the state who shall publish any specifications or execute any contract for the erection, construction, or remodeling of any public building to which the state or any department is a party without complying with this section and any contractor, subcontractor, or agent thereof who, after executing a contract in compliance with this section, shall pay to or permit any agent or subcontractor to pay any laborer, workman, or mechanic in his or their employ a lesser wage for work done under such contract than the prevailing wage rate as set forth in the contract shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding two hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.

(5) It shall be the duty of the industrial commission to enforce the provisions of this section. To this end it may demand, and it shall be the duty of every contractor and subcontractor to furnish to the commission, copies of any or all payrolls and may examine all records relating to the wages paid laborers, workmen, or mechanics on work to which this section is applicable.

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

Approved June 16, 1931.

No. 299, S.]

[Published June 18, 1931.

CHAPTER 270.

AN ACT to create section 289.025 of the statutes, relating to embezzlement of moneys paid on construction work.

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

SECTION 1. A new section is added to the statutes to read: 289.025 All moneys which are the proceeds of any mortgage on real estate or leasehold, contract or other interest therein, paid to any principal contractor or any subcontractor who has performed work and labor or furnished any materials on any construction work for improvements upon the mortgaged premises, as well as all moneys paid by any owner to any such principal contractor or to any such subcontractor who has performed work and labor, or furnished any materials for improvements on any real estate, shall be and constitute a trust fund in the hands of any such contractor or subcontractor to the amount of all claims due and to become due or owing from such contractor or subcontractor for work, labor and materials to persons otherwise entitled to a lien under chapter 289 of the statutes against such owner and his property, until all such claims shall have been paid; and the using of any of such moneys by any such contractor or subcontractor for any purpose other than the payment of such claims for work, labor and materials, until all such claims, except those which are the subject of a bona fide dispute, shall have been paid in full, or pro rata in cases of a deficiency, is hereby declared to be an embezzlement of any moneys so misappropriated, and shall be punishable as provided by law in cases of embezzlement, upon the complaint of any person aggrieved by such misappropriation.

SECTION 2. This act shall take effect sixty days after passage and publication.

Approved June 16, 1931.