

No. 85, S.]

[Published May 21, 1949.

**CHAPTER 141.**

AN ACT to amend 103.39 (2) of the statutes, relating to the payment by the state and its political subdivisions, to persons therein described, of wages due an employe at the time of his death.

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

103.39 (2) of the statutes is amended to read:

103.39 (2) In case of the death of an employe to whom wages are due, the full amount of the wages due shall upon demand be paid by the employer to the wife, children, husband or other dependent living with such employe at the time of his death.

*In the case of an employe of the state, the amount of the wage due shall include all unused vacation allowance. Any employer may not less than 5 days after the death of an employe and before the filing of a petition for letters testamentary or of administration in the matter of the decedent's estate, make payment of the wage due the deceased employe to the wife, children, father or mother, brother or sister of the decedent, giving preference in the foregoing order; or, if no such relatives survive, the employer may apply such payment or so much thereof as may be necessary to paying creditors of the decedent in the order of preference prescribed in section 313.16 for satisfaction of debts by executors and administrators. The making of payment in such manner shall be a discharge and release of the employer to the amount of such payment. As used in this subsection "employer" includes the state and any of its subdivisions and any employer defined under subsection (1).*

Approved May 18, 1949.

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