

No. 424, A.]

[Published July 30, 1943.]

CHAPTER 555.

AN ACT to repeal and recreate 103.50 of the statutes, relating to highway contracts and providing penalties.

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

SECTION 1. Section 103.50 of the statutes is repealed and recreated to read:

103.50 HIGHWAY CONTRACTS. (1) HOURS OF LABOR. No laborer 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 under a contract based on bids as provided in section 84.06 (1) to which the state is a party for the construction or improvement of any highway, shall be permitted to work a longer number of hours per day or per calendar week than the prevailing hours of labor determined pursuant to this section; nor shall he be paid a lesser rate of wages than the prevailing rate of wages thus determined, for the area in which the work is to be done; except that any such laborer or mechanic may be permitted or required to work more than such prevailing number of hours per day and per calendar week if he shall be paid for all hours in excess of the prevailing hours at a rate of at least 1½ times his hourly rate of pay.

(2) DEFINITIONS. By the term "prevailing hours of labor" is meant the hours of labor per day and per week worked within the area by a larger number of workmen of the same class than are employed within the area for any other number of hours per day and per week. In no event, however, shall the prevailing hours of labor be deemed to be more than 8 hours per day nor more than 40 hours per week. By the term "prevailing wage rate" is meant the rate of pay per hour paid to the largest number of workmen engaged in the same class of labor within such area. In no event, however, shall the prevailing wage rate for any class of labor be deemed to be less than a reasonable and living wage. By the term "area" is meant the locality from which labor for any project within such area would normally be secured.

(3) INVESTIGATIONS; DETERMINATIONS. It shall be the duty of the industrial commission to conduct such investigations as may be necessary to define classes of laborers and me-

chanics and to inform itself as to the hours of labor and wage rates prevailing in all areas of the state for all classes of labor and mechanics commonly employed in highway construction work, with a view to ascertaining and determining prevailing hours and rates accordingly under this section. Before making its determination or determinations of the prevailing hours of labor and prevailing wage rate for all such laborers and mechanics, the industrial commission shall conduct one or more public hearings, of which notice shall be given at least 10 days in advance in the official state paper. The commission shall cause to be prepared from time to time definitions of classes of such laborers and mechanics.

(4) CERTIFICATION TO HIGHWAY COMMISSION. The industrial commission shall prior to February 1 of the current calendar year certify to the highway commission the prevailing hours of labor and the prevailing wage rate for all such classes of laborers and mechanics in each area. If a construction project extends into more than one area there shall be but one standard of hours of labor and wage rates for the entire project.

(5) APPEALS TO GOVERNOR. In the event that the highway commission shall deem any determination of the industrial commission as to the prevailing hours of labor and prevailing wage rates in an area to have been incorrect, it may appeal to the governor, whose determination shall be final.

(6) CONTENTS OF CONTRACTS. The prevailing hours of labor and the prevailing wage rates and classifications for all labor shall be specifically set forth in the advertisements, proposals and contracts for each highway construction contract to which the state is a party, and shall, together with the provisions of subsection (7), be kept posted on the project by the employer in at least 2 conspicuous places for the information of employees working on the project.

(7) PENALTIES. (a) Any contractor, subcontractor or agent thereof who shall violate any of the provisions of this section shall be punished by a fine of not less than \$50 nor more than \$200, or by imprisonment for not more than 18 months, or by both such fine and imprisonment. Each day that any such violation continues shall be deemed a separate and distinct offense.

(b) Whoever shall induce any individual who seeks to be or is employed on any project subject to this section, to give up or forego any part of the wages to which he is entitled under the

contract governing such project, by threat not to employ or by threat of dismissal from such employment, or by any other means whatsoever, shall upon conviction be punished by a fine not exceeding \$1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment.

(c) Any person employed on a project under a contract subject to this section who shall knowingly permit the contractor or subcontractor to pay him less than the wage rate set forth in such contract, or who shall give up any part of the compensation to which he is entitled thereunder, shall be punished by a fine not exceeding \$20, or by imprisonment in the county jail for not more than 30 days, or by both such fine and imprisonment. Each day any violation of this paragraph continues shall be deemed a separate and distinct offense.

(8) ENFORCEMENT AND PROSECUTION. It shall be the duty of the highway commission to require adherence to subsections (1) and (6). The highway commission may demand and it shall be the duty of every contractor and subcontractor to furnish copies of any and all pay rolls and it may examine all records relating to hours of work and the wages paid laborers and mechanics on the work to which this section is applicable. Upon request of the highway commission or upon complaint of alleged violation, it shall be the duty of the district attorney of the county in which the work is located to make such investigation as necessary and to prosecute violations in a court of competent jurisdiction.

Approved July 27, 1943.

No. 446, A.]

[Published July 30, 1943.]

CHAPTER 556.

AN ACT to create 49.215 of the statutes, relating to what shall be considered income of old-age recipients in certain cases.

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

49.215 of the statutes is created to read:

49.215 INCOME FROM AGRICULTURAL LABOR NOT INCOME UNDER SECTION 49.21 IN CERTAIN CASES. Any income or resources of any individual arising from agricultural labor performed by