

urban, including buildings owned by the state or any political subdivision thereof. All plumbing installations shall so far as practicable be made to conform with such code. Cities and villages may make additional regulations not in conflict with such code.

SECTION 3. It is the intent of the legislature that the provisions of this act are separable; and if any provisions are unconstitutional, such shall not affect the remainder of this act.

SECTION 4. This act shall take effect sixty days after its passage and publication.

Approved June 30, 1931.

No. 647, A.]

[Published July 6, 1931.]

### CHAPTER 432.

AN ACT to create section 103.50 of the statutes, relating to the insertion of prevailing hours of labor and wage clauses in all state highway 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: 103.50 (1) Every contract to which the state is a party for the construction or improvement of any highway shall contain a stipulation that no laborer 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 permitted to work a longer number of hours per day or be paid a lesser rate of wages than the prevailing hours of labor and rate of wages in the county or counties where the work is to be done, as set forth specifically in the contract.

(2) The industrial commission shall annually ascertain and determine the prevailing hours of labor and the prevailing wage rate for common labor and for such other classes of labor as the highway commission may deem advisable in all counties in which any highway construction is contemplated during the ensuing season. The highway commission shall notify the industrial commission of its contemplated construction program as soon as this shall have been determined upon and the industrial commission shall within thirty days thereafter advise the highway commission what are the prevailing hours of labor and the prevailing wage rate for common labor and for such other classes of labor as may

have been specified in the request of the highway commission in all counties in which highway construction is contemplated. If a contemplated construction project extends into more than one county, the prevailing hours of labor and the prevailing wage rates shall be ascertained and determined jointly for the several counties into which the project extends, so that there shall be but one standard for the entire project.

(3) By the term "prevailing hours of labor" is meant the hours of labor per day worked by a larger number of workmen of the same grade employed within the county or counties (if the contemplated highway improvement extends into more than one county) than are employed for any other number of hours per day. By the term "prevailing wage rate" is meant the rate of pay per hour or per day paid to a larger number of workmen engaged in the same grade of labor at outdoor work within such county or counties than any other rate of pay. 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.

(4) Before making its determination of the prevailing hours of labor and prevailing wage rate for common labor and such other classes of labor as may be specified by the highway commission in all of the several counties in which highway construction is expected to be carried on during the ensuing season, the industrial commission shall conduct one or more public hearings of which notice shall be given at least ten days in advance in the official state paper. It shall also be the duty of the industrial commission to conduct such investigations as may be necessary to keep itself advised at all times as to the hours of labor and wage rates in all parts of the state for all classes of labor commonly employed in highway construction work.

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

(6) The prevailing hours of labor and the prevailing wage rate for common labor and for such other classes of labor as the highway commission shall deem advisable shall be specifically set forth in the specifications, advertisements and contracts for each highway construction contract to which the state is a party.

(7) Any contractor, subcontractor, or agent thereof who, after executing a contract in compliance with this section, shall employ or knowingly permit any laborer, workman or mechanic to work a longer number of hours per day or pay or knowingly permit to be paid to any such laborer, workman or mechanic a lesser wage rate than the prevailing hours of labor and 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. Upon a second conviction hereunder, in addition to such penalty, the contract on which the violation shall have occurred shall be forfeited and the contractor or subcontractor so convicted of a second offense shall not be entitled to receive any further payment under such contract.

(8) It shall be the duty of the highway 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 pay rolls 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 30, 1931.

No. 664, A.]

[Published July 6, 1931.

### CHAPTER 433.

AN ACT to amend subsection (4r) and to create subsection (4q) of section 102.09 of the statutes, relating to dependents under the workmen's compensation act.

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

SECTION 1. Subsection (4r) of section 102.09 of the statutes is amended to read: (102.09) (4r) If there is more than one person wholly or partially dependent, the death benefit shall be divided between such dependents in such proportion as the commission shall determine to be just, considering their ages and other facts bearing on such dependency. \* \* \*