

judgment will be sought against the several parties naming them, and the time and place of hearing.

SECTION 2. A new section is added to the statutes to read: 278.107 The provisions of sections 278.101 to 278.106 shall not apply to any contract entered into on or after July 1, 1933.

SECTION 3. This act shall take effect upon passage and publication.

Approved July 25, 1933.

No. 935, A.]

[Published July 29, 1933.

CHAPTER 475.

AN ACT to create subsection (18) of section 59.08 of the statutes, relating to powers of the county board.

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

SECTION 1. A new subsection is added to section 59.08 of the statutes to read: (59.08) (18) The county board may delegate its power to sell lands acquired by tax deed to a committee consisting of the county clerk, county treasurer and the chairman of the town wherein the particular lands are situated. The members of such committee shall receive no extra compensation for such services.

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

Approved July 25, 1933.

No. 944, A.]

[Published July 29, 1933.

CHAPTER 476.

AN ACT to create chapter 109 and subsection (7) of section 20.02 of the statutes, relating to the stabilization of employment, promotion of fair methods of competition, providing penalties, and making an appropriation.

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

SECTION 1. A new chapter is added to the statutes, and a new subsection is added to section 20.02 to read:

CHAPTER 109.

EMERGENCY PROMOTION OF INDUSTRIAL RECOVERY.

109.01 DECLARATION OF POLICY. An emergency, productive of widespread unemployment and disorganization of industry, which affects the public welfare of the people throughout the state and is undermining their standards of living, is hereby declared to exist. It is hereby declared to be the policy of the legislature to remove obstacles to business recovery, to promote the organization of industry for the purpose of co-operative action among trade groups, to induce co-operation between employers and employes, to eliminate unfair competitive practices, to reduce and relieve unemployment, to improve standards of labor and otherwise rehabilitate and conserve the natural resources of the state.

109.02 DURATION. This chapter shall cease to be in effect and any agencies established thereby shall cease to exist at the expiration of two years after the date of the enactment thereof or sooner if the governor shall, by proclamation, declare that the emergency recognized by section 109.01 has ended.

109.03 ADMINISTRATIVE AGENCIES. (1) To effectuate the policy of this chapter the governor may delegate any of his functions and powers under this chapter to such officers, agents and employes as he may designate or appoint, and fix their compensation, and determine their respective duties and operations.

(2) The governor is further authorized to accept and utilize such voluntary and uncompensated services and utilize such state officers and employes as he may find necessary, and prescribe their authorities, duties, responsibilities and tenure.

109.04 CODES OF FAIR COMPETITION AND TRADE PRACTICES. (1) (a) Upon application to the governor by one or more trade or industrial associations or groups, the governor may approve a code or codes of fair competition and trade practices for the conduct of the intrastate business of the trade or industry or subdivision thereof, if the governor finds (1) that said code has been approved by a preponderant majority of persons engaged in such trade or industry or subdivision thereof, which majority of persons control a preponderant amount of volume of business in dollars and units of output, and pay a preponderant amount of wages paid in such trade or industry or subdivision thereof, (2) that such associations or groups impose no inequitable restrictions on admission to membership therein and are truly representative of such trades or industries or subdivisions thereof, (3) that such code or codes are not designed to promote monopolies or to eliminate or oppress small enterprises and will not operate to discrimi-

nate against them, and will tend to effectuate the policy of this chapter, and (4) that such code or codes are not inequitable and that the interests of the consumers and the general public will be protected, and that the adoption of such code will be in harmony with and not conflict with any federal law or code of fair competition or stabilization plan approved by the federal government, and that such code is necessary for the stabilization of the intrastate business of such trade or industry. The governor may, as a condition of approval of any such code, impose such conditions (including requirements for the making of reports and the keeping of accounts) for the protection of consumers, competitors, employes, and others and in furtherance of the public interest, and may provide such exceptions to and exemptions from the provisions of such code as the governor, in his discretion, deems necessary to effectuate the policy declared in this chapter.

(b) Upon the approval of any such code covering any trade or industry or subdivision thereof, all persons, firms or corporations engaged in such trade or industry or subdivision thereof, shall, as to the intrastate trade or business carried on by them, be bound by such code and any standards adopted and approved by the governor subject only to such exemptions to the application thereof as may be provided in the approved code or imposed by the governor as a condition of the approval of the code.

(2) Among other things, codes of fair competition and business practices shall establish standards of maximum hours of labor, minimum rates of pay and working conditions. If any code shall provide that it shall constitute unfair competition to sell below cost of production, the governor may, upon approval of any such code containing such provision, provide a method for determining said cost standard and make such provisions in relation to the enforcement of said standard as he may from time to time determine. Every code of fair competition, agreement, and license approved, prescribed, or issued under this title shall contain the following conditions:

(a) That employes shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agent, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection;

(b) That no employe and no one seeking employment shall be required, as a condition of employment, to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing.

(3) After the governor shall have approved any code and the same shall have been published in the manner provided in sections 35.64 and 35.65, the provisions of such code shall be the standards of fair competition for the intrastate business of the trade or industry to which the code or codes apply.

(4) Any violation of any of the provisions of any approved code or approved standard shall be deemed an unfair method of competition and shall be penalized as provided in subsection (2) and (3) of section 99.29.

(5) The several circuit courts of the state are hereby vested with jurisdiction to prevent and restrain violation of any code of fair competition and business practices approved under this section and it shall be the duty of the several district attorneys in their respective districts, under the direction of the attorney-general, to institute proceedings in equity to prevent and restrain such violations. Any trade or industrial association or group or any person who is a member thereof who is damaged by a violation of a code may petition the circuit court having jurisdiction to restrain such violations.

109.05 MODIFICATION OF CODES AND AGREEMENTS. The governor may modify, amend or terminate any code, agreement, rule, regulation or condition or any specific provisions thereof approved or issued under this chapter if he shall determine that such code, agreement, rule, regulation or condition, or any specific provisions thereof, do not effectuate the purpose of this chapter. Each code, or agreement approved under this chapter shall contain an express provision to that effect.

109.06 POWER TO REQUIRE REPORTS AND SECURE EVIDENCE. (1) As a condition of his approval of a code or agreement, the governor may require that persons operating under these shall make such reports as he finds necessary to effect the code or agreement and enable him to determine whether the code or agreement is operating consistently with the public interest.

(2) When necessary to the administration of a code or agreement the governor may, as a condition of its approval, require the establishment of a uniform system of accounts to be installed and

kept by all persons coming under the terms of the code or agreement.

(3) The governor shall have access to the accounts and records of persons operating under a code or agreement, and authorize his agents to make examination of such accounts and records.

(4) For the purpose of determining whether a code or agreement will or does operate to effectuate the purpose of this chapter, the governor or his authorized agent may issue subpoenas and take testimony. The witnesses and every officer who subpoenas them shall be entitled to the same fees as are allowed to witnesses and officers in courts of record. No witness subpoenaed at the instance of any party other than the governor shall be entitled to payment of fees by the state unless the governor certifies that the testimony of such witness was material to the hearing or proceeding.

(5) For the purpose of determining whether a code or agreement will or does operate to effectuate the purpose of this chapter, the governor, or his authorized agent, may require persons engaged in business to file with him at such times and in such manner as he may direct, sworn or unsworn reports or sworn or unsworn answers in writing to specific questions. The governor, or his authorized agent, may have access to and may copy any document, or any part thereof, which is in the possession or under the control of any persons engaged in business, provided that the contents of such document, or any part thereof, are relevant to any matter upon which the governor may demand information through subpoena process.

(6) No persons shall, without reasonable cause, fail to comply with a subpoena issued under this section, nor refuse to be sworn, or to be examined, or to answer a proper question or produce a pertinent document, when ordered to do so by the governor or his authorized agent. No person shall refuse, neglect or fail to render any report or answer, required under this section at such time and in such manner as the governor or his authorized agent may prescribe. No person shall refuse, neglect or fail to submit, for the purpose of inspection or copying, any document demanded under this section. No person shall wilfully make any false entry or statement in any report required or document demanded under this section. No person shall wilfully fail to make full and true entries and statements in any report or answer required or document demanded under this section.

(7) Any person, acting either personally or through an agent, or as agent of another, who wilfully violates any provision of subsection (6) of this section shall be guilty of a misdemeanor and for each and every such offense shall, upon conviction thereof, be punished by a fine of not more than five thousand dollars or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

109.07 ANTI-TRUST LAW. While this chapter is in effect and for sixty days thereafter, any code, agreement, plan or license, if approved by the governor pursuant to his rules and regulations, and any action complying with the provisions thereof taken during said period, and any code, agreement or license approved, prescribed and in effect pursuant to any federal law, which by such law are exempt from the provisions of the anti-trust laws of the United States, as long as such exemption from the anti-trust laws of the United States prevail, shall be exempt from the application of the provisions of the anti-trust laws of this state and more particularly the following trade statutes: 31.22, 99.14, 111.07 to 111.10, 133.01 to 133.05, 133.09 to 133.24, 134.01, 226.07 to 226.09, 286.32, 286.36, 294.04, 343.33, 343.413, 343.681, 348.40, 352.08.

109.08 COST OF ADMINISTRATION. The costs of administration of chapter 109 shall be defrayed as follows:

(1) Those charges incurred by the governor in connection with the initiation and supervision of codes and agreements shall be assessed as far as possible to the trade or industrial association or group to whom the code or agreement in question applies, and

(2) Those charges not directly assessable under (1) shall be defrayed from a fund to be built up by adding to the direct charges assessed a percentage thereof sufficient to defray charges not assessable; provided, that the additional assessment for such charges shall not exceed twenty-five per cent of the direct charges.

109.09 STATE TO CO-OPERATE WITH THE FEDERAL GOVERNMENT. It is intended that this state shall assist the president of the United States in the administration of the congressional act entitled "an act to encourage national industrial recovery, to foster fair competition and to provide for the construction of certain useful public works", approved June 17, 1933, and hereinafter referred to as the national industrial recovery act, and to co-operate with the president in the administration of the national industrial recovery act. The governor may authorize him to utilize state

officials and employes in cases where this is practicable; provided, that such employes must be used in connection with the supervision of industries doing a substantial portion of their business in Wisconsin; and, provided further, that such utilization of state employes requires no additional state expenditure unless such expenditure be financed under the provisions of the national industrial recovery act.

(20.02) (7) EMERGENCY PROMOTION OF INDUSTRIAL RECOVERY. To the governor, all moneys collected pursuant to section 109.08, to be used for the administration of chapter 109. There is also appropriated to the governor, ten thousand dollars as a revolving fund, which amount is to be repaid to the general fund when the amounts collected under section 109.08 are adequate to provide a revolving fund equal to ten thousand dollars.

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

Approved July 25, 1933.

No. 952, A.]

[Published July 29, 1933.

CHAPTER 477.

AN ACT to amend subsection (5) of section 220.08 of the statutes, relating to the liquidation of closed banks.

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

SECTION 1. Subsection (5) of section 220.08 of the statutes is amended to read: (220.08) (5) The commissioner shall cause notice to be given by advertisement, in such newspapers as he may direct, weekly for three consecutive months, calling on all persons who may have claims against such bank or banking corporation, to present the same to the commissioner, and make legal proof thereof at a place and within a time, not earlier than the last day of publication, to be therein specified. The commissioner shall mail a similar notice to all persons whose names appear as creditors upon the books of the bank or banking corporation. *Any creditor of such bank or banking corporation holding security of any nature, shall file a claim as a general creditor only for the amount by which the debt exceeds the value of such security. The value of said security and the amount to be allowed on the claim so filed shall, upon application of such creditor or the commis-*