

No. 491, A.]

[Published June 29, 1933.]

CHAPTER 315.

AN ACT to amend subdivisions 1 and 2 of paragraph (j) of subsection (2) of section 71.02 of the statutes, relating to tax free reorganizations.

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

SECTION 1. Subdivisions 1 and 2 of paragraph (j) of subsection (2) of section 71.02 of the statutes are amended to read: (71.02) (2) (j) 1. If property involved in transactions described in section 71.02 (2) (i) 1 and 2 * * * was acquired by a corporation in connection with a reorganization * * * the basis for determining gain or loss, depletion or depreciation shall be the same as it would be in the hands of the transferor. This paragraph shall be applicable only when the transaction involved was treated for income tax purposes as provided in section 71.02 (2) (i) 1 and 2.

2. If property * * * was acquired by a corporation by the issuance of its stock or securities in connection with a transaction described in section 71.02 (2) (i) 3 the basis shall be the same as it would be in the hands of the transferor. This paragraph shall be applicable only when the transaction involved was treated for income tax purposes as provided in section 71.02 (2) (i) 3.

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

Approved June 26, 1933.

No. 537, A.]

[Published June 29, 1933.]

CHAPTER 316.

AN ACT to amend subsection (1) of section 289.16 and subsection (1) of section 289.53 of the statutes, relating to liens for labor and materials furnished on public improvements.

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

SECTION 1. Subsection (1) of section 289.16 and subsection (1) of section 289.53 of the statutes (as amended by Chapter 83 of the laws of 1933) are amended to read: (289.16) (1) All contracts involving one hundred dollars or more hereafter made

or let for the performance of any work or labor or furnishing any materials when the same pertains to or is for or in or about any public building, public improvement, public road, alley or highway, or any other public work of whatsoever kind of the state, or of any county, city, village, town, school district, or of any public board or body, shall contain a provision for the payment by the contractor of all claims for such work and labor performed and materials furnished, to be used or consumed in making such public improvement or performing such public work, including without limitation because of specific enumeration fuel, lumber, building materials, *machinery, vehicles, tractors, equipment, fixtures, apparatus, tools, appliances, supplies, electric energy*, gasoline and other motor oil, lubricating oil, and greases, and including the premiums for workmen's compensation insurance, and no such contract shall hereafter be made or let unless the contractor shall give a good and sufficient bond, the penalty of which shall not be less than the contract price, conditioned for the faithful performance of the contract, and the payment to each and every person or party entitled thereto of all the claims for work or labor performed, and materials furnished for or in or about or under such contract, to be used or consumed in making such public improvement or performing such public work, including without limitation because of specific enumeration fuel, lumber, building materials, *machinery, vehicles, tractors, equipment, fixtures, apparatus, tools, appliances, supplies, electric energy*, gasoline and other motor oil, lubricating oil, and greases, and including all premiums for workmen's compensation insurance, such bond in the case of the state to be approved by the governor, of a county by its district attorney, of a city or village by its attorney, if it has one, and if not, then by the mayor or president, respectively, thereof, of a town, by its chairman, of a school district by the director or president of the school board, and in case of any other public board or body by the presiding officer thereof. No assignment, modification, or change of the contract, or change in the work covered thereby, nor any extension of time for completion of the contract shall release the sureties on said bond.

(289.53) (1) Any person, firm or corporation furnishing any materials, to be used or consumed in making such public improvement or performing such public work, including without limitation because of specific enumeration fuel, lumber, building materials, *machinery, vehicles, tractors, equipment, fixtures, ap-*

paratus, tools, appliances, supplies, electric energy, gasoline and other motor oil, lubricating oil, and greases, apparatus, fixtures, machinery or labor, including the premiums for workmen's compensation insurance, to any contractor for public improvements in this state, except in cities of the first class, however organized, shall have a lien on the money, or bonds, or warrants due or to become due such contractor for such improvements; providing, such person, firm or corporation shall, before the payment is made to such contractor, notify the officials of the state, county, township, city, or municipality, whose duty it is to pay such contractor, of his claim by written notice. It shall be the duty of such officer so notified to withhold a sufficient amount to pay such claim until it is admitted or established as provided in subsection (3) of this section and thereupon to pay the amount thereof to such person and such payment shall be a credit on the contract price to be paid such contractor. Any officer violating the duty hereby imposed upon him shall be liable on his official bond to the person serving such notice for the damages resulting from such violation which may be recovered in an action at law in any court of competent jurisdiction. There shall be no preference between the persons serving such notice, but all shall be paid pro rata in proportion to the amount under their respective contracts.

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

Approved June 26, 1933.

No. 645, A.]

[Published June 29, 1933.]

CHAPTER 317.

AN ACT to create section 192.265 of the statutes, relating to whistles on locomotives.

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: 192.265 WHISTLES ON LOCOMOTIVES. It shall be the duty of the public service commission and it shall have power, jurisdiction and authority to investigate, ascertain and determine the placing of whistles on locomotives in such manner as not to be injurious to the hearing of men in the cabs of locomotives.

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

Approved June 26, 1933.