

No. 284, S.]

[Published July 10, 1917.]

**CHAPTER 598**

**AN ACT** to create two new sections of the statutes to be numbered sections 1636—275 and 20.125, creating a state cement purchasing commission, making provisions for the purchase of cement for state and state aid construction, and making an appropriation.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** There are added to the statutes two new sections to read: Section 1636—275. 1. There is created a commission to be known as the state cement purchasing commission. to consist of the state chief engineer, to be ex officio chairman of the commission, the superintendent of public property, and the state highway engineer. The members of the commission shall serve without compensation other than that provided for their customary work. The office of the cement purchasing commission shall be in the state capitol in the quarters assigned to the state chief engineer.

2. The cement purchasing commission shall on or before December 31st of each year, or of each second year, circularize all state departments, boards and commissions, collecting information from them as to the probable amount of cement required in the succeeding calendar year or years for use in state or state aid construction under their direction.

3. The state cement purchasing commission shall once each year, or in their discretion, once every two years, request bids from all companies producing or supplying cement for supplying the above estimated requirements. Bids are to be received for cement delivered f. o. b. cars at such points as the commission shall determine, and the company which agrees to deliver cement, at such point at the lowest price, shall, if the bids are considered satisfactory, be considered the low bidder and shall be awarded the contract for all cement used in state or state aid construction in Wisconsin during the period covered by the request for bids. If there shall be evidences of a combination to fix prices, all bids showing such evidence may be thrown out. If no satisfactory bid can be had in any year, cement may be purchased on the open market for state or state aid construction in the usual manner.

4. The state cement purchasing commission is authorized to enter into a contract with the successful bidder under suitable

terms and under proper bonds to furnish all cement used in the state during the succeeding calendar year or years on work paid for in whole or in part with state funds. Cement so purchased may be furnished f. o. b. cars to any contractor or may be sold to any contractor on state or state aid construction.

5. The price to be paid the contracting company for cement furnished f. o. b. cars at any railroad station in Wisconsin shall be the price bid furnished f. o. b. the most advantageous point at which a price was obtained plus or minus the difference between the freight from the plant supplying the cement to said point and the freight from the plant to the railroad station at which delivery is desired.

6. Nothing in this section shall involve the state in any obligation to pay any claim for damages made by the contracting company because of the nonuse of the estimated amount of cement. The contracting company shall furnish the amount of cement actually demanded for use in state or state aid construction performed during the term of the contract, be it a greater or less amount than the originally estimated quantity and at the prices f. o. b. the required point of delivery, which prices shall be determined in accordance with the provisions of subsection 5 of this section. Nothing in this section shall require the contracting company to supply cement in less than carload lots.

7. The state cement purchasing commission shall make the proper and necessary arrangements for the testing of all cement delivered in the state under the agreement with the contracting company. The cost per barrel of this testing shall be a proper charge against the consumer and shall be added to the contract price of the cement, shall be collected by the company furnishing the cement and shall be paid over by said company to the testing agency or agencies selected by the state cement purchasing commission to do the testing. Every bag of cement purchased under this section shall have attached to it a tag bearing the words "State Tested Cement" in addition to the special sampling tags of the testing agency.

8. It shall be unlawful for any person, board, commission, or unit of government to resell any cement purchased under this section for use in other than state or state aid construction, and the contracting companies may collect from any person, board, commission, or unit of government, illegally reselling cement in defiance of the provisions of this section, the full commercial price of cement at the time such resale was made plus the necessary legal or other costs of collection. Provided,

that any reasonable amount of cement furnished for any work and not used, may, upon the completion of said work, be resold at a fair price.

9. Payment for all cement purchased under this section shall be made in the same manner as payments are made for labor or other materials furnished on the same state or state aid construction.

10. The officials of any town, village, city, or county may upon application to the state cement purchasing commission, be given the advantage of the state cement price for cement used in public work to be paid for in whole or in part by public funds, and the state cement purchasing commission shall make the necessary regulations to make it possible for said units of government to obtain the required cement in accordance with the general provisions of this act.

Section 20.125. There is appropriated from the general fund to the cement purchasing commission, annually, beginning July 1, 1917, not to exceed two thousand five hundred dollars, to defray the cost of the necessary clerical work, postage and traveling expenses of the commission and its employes; provided that this appropriation shall not be available in any year until bids for cement have been received and a contract or contracts awarded under the provisions of subsection 3 of section 1636—275, and provided that in case no such contract is let in any year, the appropriation for that year shall lapse and revert to the general fund.

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

Approved July 7, 1917.

No. 604, S.]

[Published July 10, 1917.

## CHAPTER 599

AN ACT to amend subsection 3 of section 1947 of the statutes and to provide for supervision of the transfer, and issue of new shares or certificates, of capital stock of life insurance companies, and to regulate the election of directors to fill vacancies created by the sale and transfer of such shares or certificates, to protect the interests of policyholders, and to fix the personal liability of the members of the board of directors and stockholders of record in such cases.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Subsection 3 of section 1947 of the statutes is amended by adding thereto a new subdivision to read: (e)