

No. 658, A.]

[Published July 15, 1919.

CHAPTER 538.

AN ACT to amend subsection (9) of section 40.47 of the statutes, relating to establishment of union free high schools.

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

SECTION 1. Subsection (9) of section 40.47 of the statutes is amended to read: 40.47 (9) The electors of any union free high school district and the electors of any common school district included within the union free high school district are empowered to authorize and direct their respective school boards or boards of education to enter into an agreement for the erection and maintenance, jointly, of a school building for housing the high school and the common school or schools. *Provided, that in all cases where such agreement shall have been entered into, the principal of the union free high school shall be the administrative head of both schools except that where a state graded school is maintained he shall not have supervision of instruction in the grades.*

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

Approved July 9, 1919.

No. 419, A.]

[Published July 15, 1919.

CHAPTER 539.

AN ACT to amend section 1 of chapter 50, laws of 1903 and section 4270a of the statutes, relating to public advertising in cities of the first class and in counties having a population of over two hundred and fifty thousand.

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

SECTION 1. Section 1 of chapter 50, laws of 1903 and section 4270a of the statutes are amended to read: (Chapter 50, laws of 1903) Section 1. The common council of any city of the first class, as classified by the statutes of 1898, shall on or before the first Tuesday in April, * * * in each year * * * direct the city clerk of such city to * * * *invite proposals to do the advertising for such city for the next ensuing year thereafter, and until a new contract is awarded, of all ordinances, notices and all the city advertising required by law, or by resolution or ordinance of the common council, to be published in a newspaper, and also for proposals to publish the proceedings of the common council as may be ordered by the council.* * * *

*He shall invite separate bids for the advertising required, which advertising may be divided and classified if the council shall so order, and for publishing the proceedings of the common council, and shall invite such bids from the English * * * newspapers published daily in such city for at least two consecutive years prior to the date of the bids, and shall require the delivery of such proposals * * * in writing duly sealed, and directed to said clerk, on or before the third Tuesday of April of the then current year. Such proposals shall name a price per folio, or shall name a price per folio per thousand of average daily circulation in such city for the period of six months next preceding the date of such proposals, as shown by the affidavit of an authorized officer or agent of such proponent, or shall name a price for such advertising space as may be required or ordered by the common council at any time during the year for which awards shall be made, or at the option of the proponent, shall include any or all of such separate proposals as aforesaid. No bids for either kind of work shall be considered by said clerk except from a daily newspaper which has been published in such city at least two years consecutively next before the date of the bid, and no bid shall be considered unless accompanied by a certificate from the city treasurer, showing that the bidder has deposited with him five hundred dollars in money, or United States bonds, and a written agreement, executed by said bidder under seal, to the effect that if such bid, either for advertising or publishing proceedings, be accepted, and upon being notified thereof, such bidder shall fail to enter into and execute a contract for the advertising, or the publication of proceedings, or for both, as required by this act, within the time prescribed by said clerk, * * * then and in such case the said five hundred dollars shall become absolutely forfeited to such city. If a bid be rejected in case the bidder makes but one, and if both bids be rejected in case the bidder makes two bids, the said certificate of the city treasurer, and such agreement, and said five hundred dollars shall be thereupon returned to the bidder. The said clerk shall, on the third Tuesday in April in each year at twelve o'clock at noon, in the presence of the mayor, open all such bids or proposals, and shall thereupon in the presence of the mayor, enter upon a record to be kept by the clerk for that purpose, all the said proposals for either kind of work, * * * with the respective prices for which such newspapers shall offer to do either the advertising or the publication of the proceedings of the common council. And thereupon said clerk shall transmit all such proposals to the common council, at the next regular meeting*

thereof, held after the opening of such proposals, and a statement of all such proposals, designating therein the * * * *several rates respectively made by newspapers for such advertising, or such publication of council proceedings, or both of them, at the lowest price for the time herein specified.* * * * The common council shall thereupon * * * by its resolution, designate and award such advertising, and such publication of council proceedings to the * * * newspaper or newspapers, * * * so published in such city *in the English language, which shall respectively offer to do such advertising and such publication of proceedings, or either, at the lowest price for the time herein specified, or, said common council may award such advertising and such publication proceedings or either to the lowest bidder or to the lowest bidder based upon a rate per thousand of average circulation in such city, as aforesaid, or said common council may award such advertising and such publication of council proceedings, or either, to the lowest bidder and also to the lowest bidder based upon a rate per thousand of average circulation in such city, as aforesaid. The common council may separately provide for additional advertising of any division or class of advertising in any daily newspaper which shall have made a proposal therefor, as aforesaid, and such additional advertising shall not be required to be proven as an essential to the validity of any proceeding of any nature.* * * * And if two or more bids shall be received for either the advertising or the publication of the proceedings * * * for the same * * * rate then and in such case * * * the common council may determine which newspaper, or newspapers, aforesaid, shall be awarded such advertising or publication of proceedings, and the publishers of the newspaper or newspapers to which such advertising or publication of proceedings, or both, shall be awarded as aforesaid, shall respectively thereupon give bond in the sum of two thousand dollars for the faithful performance of said contract, which bond shall be approved by the comptroller of such city, as to the sureties therein, and by the city attorney as to the form and execution thereof. Provided, that in case both the advertising and the publication of proceedings, * * * shall be let to the same newspaper, then the penalty of such bond shall be four thousand dollars. And, whenever the successful bidder for the advertising, or for the publication of proceedings as aforesaid, or for both, shall have executed the contract and bond aforesaid, and such bond shall have been duly approved as aforesaid, the sum of five hundred dollars deposited with the city treasurer by such bidder, in accordance

with this act, shall be returned to the said bidder in accordance with the provisions * * * *hereinbefore* set forth. Such *newspaper* or newspapers shall thereupon become liable to print and publish all such ordinances, notices, council proceedings and other proceedings as are required by the charter of such city, or by resolution or ordinance of the common council to be published in a public newspaper, * * * or which such newspaper shall have contracted to publish for the compensation specified in such proposals and contract, and shall receive no other compensation therefor; provided, however, that said common council may in its discretion reject any or all bids so made that by said common council shall be deemed exorbitant, or too high, and in case of the rejection of all bids for either advertising or publication of proceedings for such cause, it shall thereupon be the duty of the said common council to direct said city clerk to * * * *invite new* proposals for such advertising or publication of proceedings, as the case may be, * * * and the said clerk shall thereafter transmit to said common council the proposals so received by him in the manner aforesaid. The said common council shall designate the * * * newspapers receiving the contract for such advertising *and for such publication of proceedings* as the proper official newspapers of such city. Provided, that if for any reason such contracts, or any of them, shall not be awarded at the time hereinbefore specified, then the new contract, or contracts, shall be awarded for the unexpired portion of such year and until a new contract is awarded.

Section 4270a. All publishers of daily newspapers, printed in whole or in part, in a printing office at the place where such daily newspaper purports to be published in any county, or in any city of the third or fourth class, in the state of Wisconsin, shall not be awarded or be entitled to any compensation or fee for the publishing of any election notice, nomination ticket, summons, order, citation, notice of sale or other notice, and any other advertisement of any description required to be published by law, or in pursuance of any law, or of any order of any court, unless such daily newspaper shall have a bona fide circulation to actual subscribers of not less than three hundred copies per day, and shall have been regularly and continuously published in such county or in such city of the third or fourth class at least six days in each calendar week, holidays excepted, for at least two years immediately before the date of such notices. Provided, that in cities of the first and second class and in counties with a population of over two hundred and fifty thousand inhabitants, all printing and publications done for such cities or counties un-

der contract shall not be awarded to the publisher of any daily newspaper nor shall the same be entitled to any compensation or fee, unless such daily newspaper in cities of the first and second class, and in the aforesaid counties, shall have a bona fide circulation to actual paying subscribers in a number not less than * * * *six hundred copies per day*, and unless each such newspaper in said counties and in cities of the first and second class, shall have been regularly and continuously published in such county or such city each day, Sundays and holidays excepted, for at least two years immediately before the date of such notice.

SECTION 2. All ordinances, proceedings or other action of every kind and nature taken under, or in any manner based upon publication under the provisions of chapter 50 of the laws of 1903 or of chapter 78 of the laws of 1903 or of section 4270a of the statutes, shall not be construed or held to be invalidated by reason of the failure of any affidavit of publication to show qualification for or compliance with the terms of said chapters, or either of them.

SECTION 3. All acts or parts of acts, including the provisions of any special charter, contravening the provisions of this act, are hereby repealed; provided, however, that nothing herein contained shall be construed as repealing chapter 98 of the laws of 1897.

SECTION 4. This act shall take effect upon passage and publication.

Approved July 9, 1919.

No. 355, A.]

[Published July 15 1919.

CHAPTER 540.

AN ACT to repeal chapter 196, laws of 1919; to amend section 925—30a and to create section 925—30b of the statutes, relating to fixing salaries for officers and employes of cities of the first class.

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

SECTION 1. Chapter 196 of the laws of 1919 and section 925—30b of the statutes are hereby repealed.

SECTION 2. Section 925—30a of the statutes is amended to read: Section 925—30a. The common council of any city of the first class, whether operating under general or special charter, may at any time within four months prior to the first day of December of any year, introduce and pass ordinances fixing and changing the salary of any city officials and employes, the ordinances to go into effect on the first day of January thereafter;