

No. 115, A.]

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CHAPTER 538.

AN ACT to amend 35.75, 35.76 and 35.77 of the statutes, relating to contracts for the publication of the supreme court reports.

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

35.75, 35.76 and 35.77 of the statutes are amended to read:

35.75 All contract periods for the publication of the supreme court reports shall be 4 years each, commencing on * * * *January 1, 1952*, and in each * * * *fourth* year thereafter. Every such contract shall contain the following covenants on the part of the publisher: That he will print, bind and issue every volume of said reports for which the manuscript shall be furnished to him by the supreme court reporter during said period; that he will publish, deliver and place on sale each of said volumes within 60 days after delivery to him, at the capitol in Madison, of the manuscript of a sufficient number of decisions for such volume, not counting as any part of said 60 days the time elapsing between the delivery by the publisher to the reporter of the last page proofs of such decisions and the delivery by the reporter to the publisher of the manuscript copy for the index, tables of cases and citations; that he will furnish promptly to the reporter, at the capitol in Madison, galley proofs, triplicate page proofs, and triplicate second page proofs of the matter contained in each volume, and revises of such proofs if called for by the reporter, and will make all changes required by the reporter and marked by him on the various proofs, changes from manuscript copy to be paid for by the state at cost out of the appropriation provided by section 20.62 (2) (b); that he will remain fully obligated to eliminate all typographical errors from the work, notwithstanding the correction of proofs by said reporter; that he will keep said volumes at all times during the contract period and for 2 years thereafter on sale in the state of Wisconsin to residents thereof at contract price, in suitable quantities, and at such places as may be designated therefor by the director of purchases; that he will deliver to the bureau of purchases at Madison, immediately after the publication, and subject to approval and acceptance by the justices of the supreme court or a majority of them, as many copies of each volume at the contract price as it may require, making delivery at the same place; that he will not take out or procure to be taken out any copyright whatever upon any such volume, except in the name and for the benefit of the state of Wisconsin, and that upon any breach of this covenant as to copyright he will pay to the state treasurer \$500 as liquidated damages; that the director of purchases may declare the contract forfeited, whenever it shall be determined in any action upon the bond of such publisher, that he has failed in any respect to comply with the provisions of this chapter or of his contract; and that he will comply with all the provisions of this chapter on his part to be performed, and will make no charge or claim against the state for full performance of said contract, except for the cost of changes from manuscript copy and for the contract price of the volumes delivered. But said publisher, his representatives and assigns, may continue to publish and sell any such volume originally published by him, so long as he and they comply with all the requirements of this chapter and of his contract in respect to the character, sale and price thereof, notwithstanding a copyright vested in the state.

35.76 Commencing in the first week in * * * *October* next preceding each contract period, the director of purchases shall advertise for 6 successive weeks in newspapers, each of which is published in a different city of the state, that sealed proposals for printing, publishing and delivering the supreme court reports, as required by this chapter will be received by said director of purchases at his office, and there publicly opened and read at a specified time, and that upon application said director of purchases will furnish to bidders all necessary information and blanks. *The director of purchases may include in the specification proposals a provision that the contract price shall be adjusted from time to time during the term of the contract as affected by an increase or decrease in the printers' wage scale and paper and binding costs.*

35.77 Each bidder shall deposit with the state treasurer before filing his proposal the sum of \$1,000, to be forfeited to the state in case he shall not make a contract according with the terms of his proposal, if accepted, and according with the requirements of this chapter, take a receipt therefor from said treasurer, stating the aforesaid conditions of the deposit, and deliver the same to the director of purchases with his proposal. Each proposal shall specify the price per volume at which the volumes to be published during the contract period will be sold to the state and to residents of this state, which *bid* price shall not exceed * * * \$5.

Approved July 6, 1951.