

No. 776, A.]

[Published July 13, 1933.]

**CHAPTER 394.**

AN ACT to create section 323.07 of the statutes, relating to accounts of testamentary trustees.

*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: 323.07 ACCOUNTS OF TESTAMENTARY TRUSTEES. Upon rendering any account to the court of his trusteeship, the testamentary trustee shall produce for examination by the court, or a duly authorized clerk thereof, all securities, evidences of deposits, and investments reported by him, which shall be described in such account in sufficient detail so that the same may be readily identified, and the court, or its duly authorized clerk, shall ascertain whether such securities, evidences of deposits, and investments correspond with such account.

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

Approved July 12, 1933.

No. 780, A.]

[Published July 13, 1933.]

**CHAPTER 395.**

AN ACT to create section 66.29 of the statutes, relating to qualifications of bidders upon public works.

*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: 66.29 PUBLIC WORKS, CONTRACTS, BIDS. (1) DEFINITIONS

(a) The word "person" as used in this section shall mean and include any and every individual, co-partnership, association, corporation or joint stock company, lessee, trustee or receiver.

(b) The term "municipality" shall mean and include any county, town, city, village, school district, board of school directors, sewer district, drainage district, or any other public or quasi public corporation, board or other public body charged with the duty of receiving bids for and awarding any public contract.

(c) The term "public contract" shall mean and include any contract for the construction, execution, repair, remodeling, improvement of any public work, building, furnishing of supplies,

material of any kind whatsoever, proposals for which are required to be advertised for by law.

(2) Upon all public contracts, by any municipality, board or other public body, every public officer charged with the duty of receiving bids for and awarding of any contract, may within its discretion before delivering any form for bid proposals pertaining thereto to any person, require such person to submit a full and complete statement sworn to before an officer authorized by law to administer oaths, of financial ability, equipment, experience in the work prescribed in said public contract, and of such other matters as the municipality, board, public body or officer thereof may require for the protection and welfare of the public in the performance of any public contract; and such statement shall be in writing on a standard form of a questionnaire as adopted for such use by the municipality, board or public body or officer thereof, to be furnished by such municipality, board, public body or officer thereof, and shall be filed in the manner and place designated by the municipality, board, public body or such officer thereof, not less than five days prior to the time set for opening of bids. The contents of said statements shall be confidential and shall not be disclosed except upon written order of such person furnishing the same, or in cases of actions against, or by such person or municipality.

(3) No bid shall be received from any person who has not submitted the sworn statement as provided in the preceding sections, provided that any prospective bidder who has once qualified to the satisfaction of the municipality, board, public body or officer, and who wishes to become a bidder upon subsequent public contracts under the jurisdiction of the same, to whose satisfaction the prospective bidder has qualified under the provision of the preceding section, need not separately qualify on each public contract unless required so to do by the said municipality, board, public body or officers.

(4) Whenever the municipality, board, public body or officer is not satisfied with the sufficiency of the answer contained in the questionnaire and financial statement, it may reject said bid, or disregard the same.

(5) Whenever any person shall submit a bid or proposal for the performance of public work under any public contract to be let by the municipality, board, public body or officer thereof, who shall claim mistake, omission or error in preparing his bid, the

said person shall, before the bids are opened, make known the fact that he has made an error, omission or mistake, and in such case his bid shall be returned to him unopened and the said person shall not be entitled to bid upon the contract at hand unless the same is re-advertised and relet upon such advertisement. In case any such person shall make an error or omission or mistake and shall discover the same after the bids are opened, he shall immediately and without delay give written notice and make known the fact of such mistake, omission or error which has been committed and submit to the municipality, board, public body or officers thereof, clear and satisfactory evidence of such mistake, omission or error and that the same was not caused by any careless act or omission on his part in the exercise of ordinary care in examining the plans, specifications, and conforming with the provisions of this section, and in case of forfeiture, shall not be entitled to recover the moneys or certified check forfeited as liquidated damages unless he shall prove before a court of competent jurisdiction in an action brought for the recovery of the amount forfeited, that in making the mistake, error or omission he was free from carelessness, negligence or inexcusable neglect.

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

Approved July 12, 1933.

No. 891, A.]

[Published July 13, 1933.

### CHAPTER 396.

AN ACT to amend paragraph (c) of subsection (1) of section 221.255 of the statutes, relating to receiving stations of banks. *The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. Paragraph (c) of subsection (1) of section 221.255 of the statutes (created by chapter 8, laws of 1933) is amended to read: (221.255) (1) (c) Receiving stations shall be established only in the county in which the bank operates *or within the trade area of the home office of the bank and not more than thirty-five miles from such home office. Such trade area shall be determined and designated by the commissioner of banking and the banking review board in accordance with a petition of the persons to be served by such receiving station.*