

No. 154, S.]

[Published May 28, 1959.

CHAPTER 55

AN ACT to amend 289.16 (1) of the statutes, relating to surety bonds on public works contracts, and prohibiting designation of the surety company, agent or broker.

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

289.16 (1) of the statutes is amended to read:

289.16 (1) All contracts with the state involving \$1,000 or more and all other contracts involving \$100 or more for the performance of labor or furnishing materials when the same pertains to or is for or in or about any public improvement or public work of whatsoever kind shall contain a provision for the payment by the contractor of all claims for labor performed and materials furnished, 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 the premiums for workmen's compensation insurance and the contributions for unemployment compensation; and no such contract shall be made unless the contractor * * * *gives a bond issued by a surety company licensed to do business in this state*, the penalty of which shall not be less than the contract price, conditioned for the faithful performance of the contract, and the payment to every person entitled thereto of all the claims for 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 as in such contract provided and as above specified, 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 mayor or president, of a town by its chairman, of a school district by the director or president 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. *Neither the invitation for bids, nor the person having power to approve the contractor's bond, shall require that such bond be furnished by a specified surety company, or through a specified agent or broker.*

Approved May 26, 1959.
