

## CHAPTER 35

## PUBLIC PRINTING; DISTRIBUTION OF LAWS AND PUBLIC DOCUMENTS

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## SUBCHAPTER I

## STATE PRINTING CONTRACTS

**35.001 Definitions.** As used in this chapter:

(1) "Contract printer" is the person under contract to do public printing, other than printing of the 5th class.

(2) "Department" in this chapter means the department of administration.

(3) "Revisor" means the revisor of statutes.

(4) "State agencies" include departments, boards, commissions, bureaus, institutions and the university of Wisconsin system.

*History:* 1977 c. 26; 1983 a. 189.

## GENERAL

**35.01 Public printing; definition and classification.** Public printing includes all graphic reproduction by whatever process and the necessary material and binding. Public printing is divided into 7 classes:

(1) Class 1—All legislative printing and Wisconsin session laws.

(2) Class 2—Wisconsin statutes, annotations and Blue Book.

(3) Class 3—All book printing required for state agencies, not otherwise classified, except university press publications and technical or semitechnical journals of the university of Wisconsin system, the Wisconsin magazine of history and hard bound books of the historical society.

(4) Class 4—All job printing and all printing not otherwise classified.

(5) Class 5—Legal notices.

(7) Class 7—Printing for state agencies located outside the city of Madison.

(8) Class 8—Specialty printing as defined in s. 35.64 (2), yearbooks, and similar student publications not funded by student fees or student organization income and book printing excluded from class 3 under sub. (3).

*History:* 1975 c. 39, 198; 1979 c. 34, 175; 1983 a. 192.

**35.012 State printing; exception.** All printing contracted for under this chapter, except statutes and annotations of the 2nd class, yearbooks and other similar student publications not funded by student fees or student organization income, printing of the 5th and 7th classes and such copyrighted or patented or printing specialties not available for production within this state, shall be printed in this state. Printing contracted for under this chapter which is required under this section to be printed in this state may be done in another state if the laws of that state allow printing contracted for under its laws to be done in this state.

*History:* 1975 c. 39; 1979 c. 34; 1985 a. 29.

**35.015 Exempt printing.** (1) Any printing which is published by students of the university of Wisconsin system and which is funded solely from student fees or student organization income is not subject to this chapter.

(2) Any printing for a single job which the department determines may be printed at a cost less than \$50, other than stationery required for the use of the state, printing authorized and required by the legislature to be done for its use, or printing authorized and required by law to be done for the state, is not subject to this chapter.

(3) Printing is exempt from this chapter when the department exercises the discretion vested in s. 16.82 (4) to determine what printing shall be done by the state itself and what shall be contracted and when printing of forms is done by prison industries, as created under s. 56.01 (1).

**History:** 1975 c. 39, 200; 1981 c. 350.

**35.03 Powers of department.** The department shall:

(1) Let contracts for public printing and for the purchase of paper in the manner provided in this chapter.

(2) Receive printer's copy and requisitions for public printing from parties authorized by law to present them.

(3) Deliver such copy to the contract printer with written orders that the copy be printed.

(4) Direct the manner, form, style, quantity and method, when these are not expressly prescribed by law, of public printing except printing of the first class; and provide editorial services to state agencies in the preparation of copy for the printer.

(5) Prescribe rules, not inconsistent with law, for the conduct of business.

(6) Make reports to the joint committee on finance setting forth the cost of the public printing during the preceding fiscal term, with recommendations of any retrenchments that can be made therein.

(7) Order such further editions as may be necessary to supply demands whenever any original edition of Wisconsin session laws, or Wisconsin statutes, proves inadequate to meet the estimated future demands therefor, but no reprinting shall occur after the original type or plates have been distributed or rearranged. Such reprints shall be charged to the same appropriation as the original editions.

(8) In solicitation of bids, subdivide classes of printing, creating additional classes, or change printing from one class to another in establishing contracts, whenever the department determines that further or different classification will benefit the state.

(9) Furnish the paper to be used by contract printers or, when it is more economical, purchase paper from contract printers.

**History:** 1971 c. 125.

**35.035 Printing costs and charges.** (1) Unless otherwise provided, the department shall charge the cost of printing, including related materials and printing services, of all publications authorized or directed by law to be published to the state agencies responsible for submitting the publications.

(2) The department may contract with state agencies for the printing of agency publications, for which publication is not required by law, on the basis of the cost of such printing.

(3) The department shall receive full payment for the cost of printing publications of state agencies from the appropriate agencies.

(4) In this section, "state agencies" include all departments as defined in s. 16.002 (2), the legislature, the courts, and the legislative and judicial branch agencies.

**History:** 1979 c. 34; 1983 a. 189 s. 329 (27).

**35.04 Employees.** The department shall employ such staff, under the classified service as are necessary to perform the duties imposed by this chapter.

#### LEGISLATIVE; CLASS 1 PRINTING

**35.05 Printing in general, how ordered and executed.** (1) All printing for the legislature shall be in such form and printed in such manner and amount as may be determined by the joint rules of the legislature, or in the case of printing of a

nature that is the concern of one house only, then as determined by that house.

(2) (a) When the senate or the assembly determines the form or amount of printing for its own use, such determination or such regulations as may be considered appropriate governing such printing, may be made by the rules of the house or by resolution or by the senate committee on organization for the senate or the assembly committee on organization for the assembly, subject to final decision by their respective houses.

(b) When printing concerns both houses the form or amount of such printing may be determined by the joint rules or by joint resolution or by the joint committee on legislative organization, subject to any provisions of the joint rules or joint resolutions.

(3) All printing for which the format, number of copies or other features prescribed by statute is now repealed, or which had a customary form, number of copies or other features, shall continue to conform to such format, other requirements or customary form until changed by or under authority of statute, joint rule or rule of either house.

(4) When legislative proposals, legislative publications or other printing is required for the legislature, including revision or correction bills for the revisor of statutes, bills or reports for the legislative council or legislative proposals of members intended for introduction by them, such printing may be ordered by the chief clerk of either house or by other authorized persons during any session of the legislature or recess thereof, pursuant to such regulations as either house shall establish.

(5) (a) Whenever either house requires any printing for its exclusive use and whenever any joint action of both houses is taken requiring any printing to be done, the chief clerk of the house where such action originates shall issue a printing requisition to the department, and the department shall procure the printing from the contract printer selected for the printing under article IV, section 25, of the constitution.

(b) If there is no contract in force for class 1 public printing, the chief clerks shall deliver copy to the department which shall have it printed in accordance with the statutes.

(c) Any member or officer of the legislature entitled to stationery or other personalized printing may elect to have the printing performed by a printer other than the contract printer under par. (a) if par. (a) is otherwise complied with, but no voucher for printing to be performed other than by the contract printer selected through the department of administration shall be approved unless the cost of the printing will be the same as, or less than, the cost of obtaining the printing from the contract printer.

(d) Any member or officer of the legislature entitled to personalized printing may specify that his or her personalized printing shall be produced using paper with best-available recycled content.

(e) The design of the letterhead and envelope for each member or officer of the legislature shall be approved as provided by the house in which the member or officer serves; provided, that for personalized printing nothing on the finished product may indicate the printer who performed the work.

(6) Any provision in the rules of the senate or the assembly or of the joint rules relating to printing shall continue in effect during any recess or adjournment of the legislature as though the legislature had continued in session and shall likewise continue in effect following the convening and during any other special or regular session until such provision is modified or repealed.

**History:** 1977 c. 279; 1983 a. 192.

**35.095 Acts. (1) DEFINITIONS.** In this section:

(a) "Date of enactment" means the day on which a bill becomes an act through approval by the governor, passage over the governor's veto or failure of the governor to act on it or the day on which a portion of a bill which has been vetoed in part is enacted over the governor's partial veto.

(b) "Date of publication" means the date designated by the secretary of state under sub. (3).

(c) "Working day" means each day except Saturdays, Sundays and federal and statewide legal holidays designated in s. 895.20.

**(2) NUMBERING.** (a) Each act of a session shall be numbered consecutively commencing with one. An act enacted by the governor's approval shall be numbered by the governor at the time of approval. An act enacted either by passage over the governor's veto or by the governor's failure to act upon it within the time limit shall be numbered immediately by the chief clerk of the house of origin.

(b) The person numbering an act under par. (a) shall note on it the date of enactment and shall deposit it in the secretary of state's office no later than the next working day following its enactment.

**(3) PUBLICATION.** (a) The secretary of state shall publish every act and every portion of an act which is enacted by the legislature over the governor's partial veto within 10 working days after its date of enactment.

(b) The secretary of state shall designate a date of publication for each act and every portion of an act which is enacted by the legislature over the governor's partial veto. The date of publication may not be more than 10 working days after the date of enactment.

(c) Copies of each act or portion of an act enacted by the legislature over the governor's partial veto shall be available on or before its date of publication to subscribers under s. 35.87 who pick up their documents. At appropriate intervals, the officer designated under s. 35.87 shall certify to the secretary of state that each act or portion of an act was available to subscribers on or before its date of publication.

**History:** 1981 c. 372 ss. 5, 13; 1983 a. 36; 1983 a. 192 s. 304.

**35.15 Wisconsin session laws. (1)** Immediately after the end of each session of the legislature, the legislative reference bureau shall prepare, for publication by the secretary of state, camera-ready copy for a volume denominated "Wisconsin Session Laws," and identified by the year in which that session began.

(a) The volume shall contain all acts enacted during such session, all important joint resolutions of the session, and an alphabetical index to the volume prepared by the legislative reference bureau in consultation with the revisor of statutes.

(b) The copy shall show the date of enactment of each act, the date of publication of each act and published joint resolution, the number of the proposal from which the act or joint resolution originated and the house in which it originated and shall be in the form prescribed by the joint rules. The copy shall omit the signature of the officers affixed to the enrolled act or joint resolution.

(c) The copy shall be delivered to the department within 10 working days from the date of publication of the last act. The department shall determine the number of copies to be printed.

(d) After making the necessary comparison, the chief of the legislative reference bureau shall issue a certificate, to be filed in the office of the secretary of state as a public record, that he or she has compared the printed acts with the original acts on file in the office of the secretary of state, and that they appear to be correctly printed. Each volume of the session laws shall contain a printed copy of such certificate.

**(2)** If the legislature adjourns for an extended period before final adjournment, but such adjournment is for less than 60 days, the secretary of state shall publish the session laws in one volume. If such adjournment is for more than 60 days, the secretary of state may publish the first volume of the session laws in such manner that laws enacted at the adjourned session are printed as a pocket supplement. The laws enacted at such adjourned session shall be printed as a pocket supplement unless the content thereof is so great that a separate bound volume is necessary.

**History:** 1977 c. 29; 1979 c. 110 s. 60 (3); 1981 c. 372.

**35.17 Correcting typographical errors.** In enrolling under s. 13.92 (1) (b) 3 and for publishing under ss. 35.095, 35.15 and 35.35 (1) (a) the legislative reference bureau shall correct obvious typographical errors. No such correction shall be deemed an alteration of the enrolled copy. Like corrections shall be made by the revisor in printing the Wisconsin statutes and administrative code. On questions of orthography the current edition of Webster's new international dictionary shall be taken as the standard.

**History:** 1977 c. 29; 1981 c. 372.

## STATUTES, ANNOTATIONS, TOWN LAW FORMS; CLASS 2 PRINTING

**35.18 Wisconsin statutes. (1) PUBLICATION.** Biennially the revisor shall prepare and deliver to the department printer's copy for the Wisconsin statutes, which shall contain all the general statutes in force, all important joint resolutions adopted since the last preceding general session, an alphabetical index, a list of numerical cross-references in the statutes to other parts of the statutes, and such other matter as the revisor deems desirable and practicable. The department shall determine how many copies shall be printed.

**(2) REVISOR'S CERTIFICATE.** After making the necessary comparison, the revisor shall annex, at the end of one copy of each newly printed statute, which shall be filed in the office of the secretary of state as a public record, his certificate certifying that he has compared each printed section therein with the original section of the statutes, or, as the case may be, with the original section contained in the enrolled act from which the section was derived, together with all amendments of such original section, if any, and that all the sections appear to be correctly printed. All other copies shall contain a printed copy of such certificate.

**(3) NUMBERS AND TITLES OF CHAPTERS AND SECTIONS.** All chapters and sections of Wisconsin statutes shall retain their present numbers and titles until changed by the revisor or by statute. Each section shall be designated by a mixed, decimal number, the whole number corresponding to the chapter and the decimal to the section's place in the chapter. The numbers and titles of chapters and sections shall be printed in boldface type. Each subsection shall be designated by a number, or by a number and a letter of the alphabet, enclosed in parentheses. Each paragraph shall be designated by a letter or letters enclosed in parentheses. Each subdivision shall be designated by a number or by a number and a letter. Each paragraph of a subdivision shall be designated by a letter or letters.

**History:** 1971 c. 211; 1981 c. 314; 1987 a. 27.

**35.19 Pamphlet laws.** Editions of parts of the statutes in pamphlet form may be produced for official use and for public sale. The department shall charge the cost of pamphlet laws produced for such use or sale to the requisitioning state agencies.

**History:** 1973 c. 333; 1979 c. 34.

**35.20 Wisconsin Town Law Forms.** With each issue of Wisconsin statutes, under the supervision of the revisor, an edition will be printed as directed by the department for distribution by the department to all town clerks, of a volume to be designated "Wisconsin Town Law Forms" containing suitable forms for use in the administration of laws relating to: common schools; the county board; the powers, duties and liabilities of towns, town officers and the assessment of taxes; highways, bridges and drainage districts; and such other forms as the revisor determines desirable and practicable.

**35.23 Wisconsin Annotations.** The revisor shall prepare such annotations as will keep the volume known as "Wisconsin Annotations," up to date, and to print such continuations in each biennial issue of Wisconsin statutes.

#### BLUE BOOK AND REPRINTS; CLASS 2 PRINTING

**35.24 Blue Book. (1)** The legislative reference bureau shall compile, index, prepare and deliver to the department biennially copy for a book to be denominated "Wisconsin Blue Book" and identified by the biennium of its intended use.

(a) The Blue Book shall contain the biographies and pictures of state officers, senators and representatives to the assembly and officers of each house, information pertaining to the organization of Wisconsin state government, and statistical and other information of the same general character as that heretofore published, but so selected and condensed as will limit the number of pages to 1,000 or less. In making such selection the legislative reference bureau is directed to consult freely with the state superintendent and the director of the historical society, and insofar as possible, make the book useful for civics classes in schools.

(b) The department shall deliver camera-ready copy to the contract printer, to be printed and delivered as soon as practicable after the spring election of the odd-numbered year.

(2) The Blue Book shall be cloth bound in hard covers and shall have a blue spine.

(3) Reprints of the feature article shall be bound in paper covers and shall be in such quantity as is authorized for each specific reprint by the joint committee on finance on the basis of funds allotted by the committee for this purpose.

**History:** 1971 c. 82, 211; 1973 c. 90; 1975 c. 39 s. 732 (1); 1975 c. 200, 205; 1977 c. 29, 418; 1979 c. 34, 221; 1981 c. 20, 260.

#### OFFICIAL REPORTS; CLASS 3 PRINTING

**35.26 Official reports. (1)** Every report submitted under s. 15.04 (1) (d) shall set forth all receipts and disbursements in full and in detail. At the same time at which a report is submitted under s. 15.04 (1) (d), it shall be presented by its author to the department as printer's copy. No report shall contain any advertising matter nor any copying of the session laws or statutes of this state, except minor extracts explanatory of and incorporated in the text.

(2) Before filing any report its author shall carefully edit the same and strike therefrom all journals and minutes of proceedings and all correspondence, petitions, orders and other documents or writings whose substance can be briefly stated, consolidate, so far as practicable, statistical tables and strike out all matter which is not important information concerning public affairs.

(3) Sufficient copies of official reports shall be supplied by the publishing state agencies to the department for distribution in accordance with s. 35.84.

(4) The costs of reports authorized by ss. 35.26 to 35.28 shall be charged to the requisitioning agency.

**History:** 1971 c. 42; 1977 c. 196 s. 131; 1979 c. 34; 1983 a. 36.

**35.265 State budget, copies.** The governor may issue not to exceed 1,000 copies of the state budget report and as many copies of the budget report in brief as the governor determines to be necessary. The cost of these reports shall be charged to the department. After making the required distribution of the state budget report to the executive and legislative agencies and members of the legislature, the remaining copies may be sold to individuals at a price which does not exceed the costs per copy of printing, postage and handling. Revenues collected by the department under this section shall be deposited in the general fund.

**History:** 1977 c. 29, 418; 1981 c. 27; 1983 a. 27.

**35.27 Limitation of editions of official reports.** Within 60 calendar days after receiving printer's copy therefor, the department shall have printed and deliver editions of the reports mentioned in s. 35.26 and of any report required by law to be made to the governor or to the legislature if not otherwise limited. The maximum number of copies and pages shall be established by the department for any report.

**35.28 Orders by department.** The department may order printed in suitable form, in reasonable quantities, copies of opinions and briefs of the attorney general and the supreme court; opinions of the court of appeals; decisions of the public service commission; and special editions of parts of official reports.

**History:** 1977 c. 29 s. 1654 (9) (g); 1977 c. 187; 1981 c. 347.

#### BOOK PUBLICATIONS; CLASS 3 PRINTING

**35.29 Books, pamphlets and magazines. (1)** State agencies may order printed such materials as may be necessary for the proper administration of their offices, subject to distribution and sales regulations provided in this chapter and determinations of the department under s. 16.82 (4) (b). Unless otherwise provided by law, state agencies may make free distribution of such materials or may fix and collect a charge therefor, not to exceed cost, including distribution cost as determined under s. 35.80.

(2) Upon receiving the necessary printer's copy the department shall order printing as follows: Of the opinions of the attorney general, not more than 1,000 copies; and of the decisions of the public service commission, not more than 500 copies.

**History:** 1971 c. 40 s. 93; 1971 c. 125, 164; 1973 c. 90; 1977 c. 29 s. 1654 (9) (g); 1979 c. 34; 1981 c. 347; 1983 a. 524.

#### JOB PRINTING; CLASS 4 PRINTING

**35.34 Job printing and all printing not otherwise classified. (1)** Job printing includes such other printing not specified in this chapter as may be permitted or required by law and necessary for the use of state agencies, including binding needed in connection with such printing.

(2) Costs for such printing shall be charged to the requisitioning agency.

#### LEGAL NOTICES; CLASS 5

**35.35 Requisition procedure. (1)** (a) The legislative reference bureau shall provide to the secretary of state camera-ready copy in type not smaller than 5.5 point for the printing of any enrolled proposed constitutional amendment and of each enrolled resolution ordered to be printed in the official state newspaper by the president of the senate for resolutions originating in the senate or by the speaker of the assembly for resolutions originating in the assembly. The copy shall identify material deleted from existing law by stricken type, and material inserted into existing law by underscored type.

(b) The department may contract to sell, at a price equal to the cost of composition, camera-ready copy of the laws to any commercial publisher.

(2) Every state agency required by law to publish legal notices in a newspaper shall furnish printer's copy to the department with a requisition therefor.

(3) All such printing shall be in the English language.

History: 1977 c. 29; 1981 c. 372.

**35.36 Fees; state legal notices.** (1) The compensation to the official state newspaper and other papers for all legal notices required to be published at the expense of the state may not exceed the rates specified in s. 985.08 (1), (2) and (3). All expenditures incidental to such printing shall be absorbed by the newspaper doing the publishing. Whenever the state elects to provide camera-ready copy for the publication of its facsimile ballots or other legal notices the maximum chargeable rates shall be adjusted as provided in s. 985.08 (2) (b).

(2) The costs of publication of legal notices shall, unless otherwise provided by law, be charged to the appropriation of the agency on whose order such publication is made.

History: 1977 c. 418; 1981 c. 372.

#### AGENCIES LOCATED OUTSIDE OF MADISON; CLASS 7

**35.43 Printing for out-of-Madison state agencies.** Whenever it becomes advantageous to do so, the department of administration may establish blanket printing contracts in out-of-Madison metropolitan areas. Such contracts shall whenever practical follow the basic patterns established for classes 1 to 4.

#### SPECIALTY PRINTING; CLASS 8

**35.44 Specialty printing and book printing excluded from class 3.** Specialty printing and book printing excluded from class 3 in s. 35.01 (3) shall be procured on individual competitive bids and by official state printing order according to specifications determined by the department.

#### GENERAL SPECIFICATIONS AND ORDER WRITING

**35.50 Specifications.** (1) Specifications for state printing except class 1, including type style and size, page size, titles, paper, form, quality, quantity, binding and method, shall be as determined by the department unless specified by statute. Any state agency which objects to such determination may appeal the decision to the governor.

(2) Unless otherwise required by law, each edition of the session laws, administrative code and register, Blue Book, and reports specified in ss. 35.26 and 35.27, and reprints thereof, shall be substantially the same in printing and binding as the previous edition of the same publication. Unless otherwise determined by the revisor of statutes, each edition of the statutes shall be substantially the same in printing and binding as the previous edition of the statutes. The session laws and statutes shall be printed and bound in a finished size based on an 8 1/2 inch by 11 inch format.

(3) Specifications for class 1 state printing shall be determined by the department with the advice and approval of the joint committee on legislative organization.

(4) Whenever possible, state publications, other than printing of classes 4 and 5, shall be restricted to finished outside dimensions which shall not exceed 9 by 14 inches and shall not be less than 3 1/2 by 7 inches.

History: 1979 c. 34; 1985 a. 29.

**35.51 Proofs; where received.** Contract printers shall submit proof sheets of all public printing done by them and when

requested, revised proof sheets thereof, to the department. When requested by the chief clerk of either house proof sheets of printing of the first class shall be delivered to them.

**35.52 Authority for printing; increase, and diminution of editions and pages.** The department shall not order any printing not authorized by law nor any quantity in excess of the legal limitation thereof. If experience demonstrates that the number of copies or the number of pages specified in this chapter for the editions of the Blue Book or session laws exceed the actual lawful demand therefor, the number of volumes or pages thereafter to be printed shall be still further reduced as will supply such demand and no more. In like manner, any specification as to quantity in any requisition for printing which is required to be distributed shall be reduced to the actual probable demand therefor, as determined from previous experience in such distribution.

**35.53 State printing orders.** (1) No printer shall be paid for any printing not authorized by an official printing order. The department shall prescribe the form, contents, number, and disposition of printing requisitions and official printing orders.

(2) The governor may cause the withdrawal of any printing requisition if, in his opinion, public policy demands it, or if the edition thereof seems excessive. In such cases, he shall hear the statement of the requisitioning officer, and shall communicate to such officer the action taken and reason therefor.

**35.54 Title pages; names of authors.** Every requisitioning agency shall provide the necessary printer's copy for a suitable title page, containing the name of the author for every book and other document which requires a title page; but no such publication shall have written or printed thereon, nor attached thereto, the words "Compliments of" followed by the name of the author, nor any other words of similar purport.

**35.55 Editing printer's copy.** Printer's copy must accompany every requisition. The editors of all state agencies may edit for themselves the matter and form of the contents of the printer's copy presented by them respectively to the department. All printer's copy which does not conform to accepted trade practices, and, in the opinion of the department is unsatisfactory, shall be returned to its author for revision and correction.

#### BIDS AND CONTRACTS; CLASSES 1, 2, 3 AND 4

**35.56 Base prices and specifications.** (1) As a basis for bids for public printing in classes 1, 2, 3 and 4 the department shall, before advertising for bids and after consultation with agencies, establish base prices and specifications for 2-year periods unless otherwise determined by the department.

(2) The specifications shall include a provision that the contract price shall be adjusted as affected by an increase or decrease in the printers' wage scale, providing no adjustment will take effect before 3 months of a new contract period has elapsed.

(3) The specifications shall include normal production schedules for completion and delivery of each class; and shall provide penalties for failure to comply with production schedules or standards of quality.

(4) The specifications shall provide that all work will be performed within the plant of the contract printer unless excepted by the department.

(5) Notwithstanding subs. (1), (3) and (4), the revisor of statutes shall approve specifications and production schedules for the printing and binding of the Wisconsin statutes.

**History:** 1977 c. 29; 1979 c. 34.

**35.57 Advertisement for bids.** The department shall publish advertisements that sealed proposals for furnishing printing, during the next ensuing contract period, with all other material which the department requires, will be received any time prior to a specified day, when all proposals will be publicly opened and read. The advertisements shall be run as class 2 notices, under ch. 985, in the official state paper.

**History:** 1977 c. 29.

**35.59 Breach of printing contracts.** If a successful bidder or contractor enters upon the performance of a printing contract, and thereafter at any time during the term thereof refuses or neglects to comply with its terms and conditions or with the law relating to public printing, the bidder or contractor is liable to the state in damages to the amount of the difference between the cost of public printing under the printing contract and the cost thereof under any subsequent contracts let by the department. The attorney general, in all cases of damages and of forfeitures arising under this chapter, shall commence and prosecute to final judgment all necessary actions for the recovery thereof with costs, which when collected shall be paid into the state treasury.

**History:** 1979 c. 355; 1983 a. 27.

**35.60 Reletting contracts.** If a successful bidder fails to execute a printing contract under the bidder's preliminary agreement and accepted bid, the department shall let the contract to the next lowest bidder, unless in its opinion the interest of the state requires that new proposals be received, in which case the department shall immediately advertise for new proposals under this chapter. If the contractor refuses or neglects to execute the work according to law and the terms of the printing contract, the department shall declare the contract void and shall immediately advertise for new bids for the remainder of the contract period. Necessary emergency public printing while readvertising and reletting contracts may be procured by the department.

**History:** 1983 a. 27, 192.

#### DELIVERY, BILLING, ACCOUNTING AND SPECIAL PURCHASES

**35.61 Delivery and billing.** (1) The printing specified in each order shall be performed separately and delivered to the destination specified on the order.

(2) Every contract printer shall file with the department immediately upon completion of an order a detailed and itemized invoice, together with one copy of the job.

**35.62 Accounts.** The department shall keep an account of all paper delivered to contract printers and prevent waste thereof and keep a record of costs of each job of public printing, grouping said records separately for each class of printing.

**35.63 Expenses of printing, how charged.** The costs of printing, plates, paper, binding, and the necessary services and materials shall be charged to the requisitioning agency unless excepted by statute.

**35.64 Special purchases.** (1) Any material and labor necessarily required in doing public printing which is not provided for by this chapter and is not required of contract printers by existing contracts, may be procured by the department.

(2) The department may order specialty printing from suppliers when it proves to be more economical or practical. Specialty printing includes all types of graphic reproduction not required of contract printers by existing contracts.

#### PAPER PROCUREMENT, ACCOUNTABILITY, WASTE

**35.65 Paper purchases.** (1) The department shall procure by state bid and purchase procedures such paper supplies as are necessary for production of public printing and shall have delivered quantities to the contract printer for current jobs or necessary stock piling.

(2) Contract printers are accountable for all paper assigned to them and shall report inventories periodically as prescribed by the department. Paper which has been wasted or converted to other uses shall be charged to the contract printer.

(3) Contract printers shall be allowed waste on all work performed according to specifications established in s. 35.56.

#### SUBCHAPTER II

#### PUBLIC DOCUMENTS DISTRIBUTION AND SALES

**35.78 Distribution and sales costs and charges.** (1) Unless otherwise provided, the department shall charge the cost of distribution and sale of all publications authorized or directed by law to be published to the state agencies responsible for submitting the publications.

(2) The department may contract with state agencies for the distribution and sale of agency publications, for which publication is not required by law, on the basis of the cost of such operations. All such contracts shall authorize the department to sell publications on behalf of state agencies at the price fixed by law, or if no price is fixed, at a price determined by publishing agencies not to exceed cost. The department shall return unsold publications to state agencies if desired by the agencies.

(3) The department shall receive full payment for the cost of sale and distribution of all publications of state agencies from the appropriate agencies. The department shall deposit all revenues derived from the sale and distribution of publications into:

(a) The general fund if financed from general purpose revenues;

(b) The appropriate segregated fund if financed from corresponding segregated fund revenues; or

(c) The appropriate program revenue or segregated revenue appropriation if financed from program revenue or corresponding segregated revenue derived from program receipts.

(4) In this section, cost shall be calculated as provided in s. 35.80.

(5) In this section, "state agencies" include all departments as defined in s. 16.002 (2), the legislature, the courts, and the legislative service and judicial branch agencies.

**History:** 1979 c. 34; 1983 a. 189 s. 329 (27).

**35.80 Cost calculation.** Costs for the sale and distribution of publications by the department include the cost of storage, handling, shipping and distribution.

**History:** 1979 c. 34.

**35.84 Distribution, to whom.** The department shall make distribution of official documents as indicated and shall charge the appropriations of the state agency publishing or arranging for publication of each official document for the total cost of distribution as determined under s. 35.80. Distribution is automatic unless indicated otherwise. [See Figure 35.84 following]

Figure 35.84:

**TABLE FOR DISTRIBUTION OF OFFICIAL DOCUMENTS**

SYMBOLS	A	B	C	D	E	F	G	H	I	J	K	L	M	N
A— Application, written														
E— Copies to each person or institution in the group														
DLS—Division for Library Services shall certify list														
DPI— Department of Public Instruction shall certify list														
	Statutes, Hard Covers; s. 35.18	Statutes, Soft Covers; s. 35.18	Annotations; s. 35.23	Bound Session Laws; s. 35.15	Blue Books; s. 35.24 (1)	Administrative Code and Register; s. 35.93; s. 227.025	Budget Estimates; s. 35.265	Biennial Reports; s. 15.04(1)(d)	Governor's Messages; s. 14.04	Opinions of Attorney General; s. 35.28; s. 165.015(1)	Supreme Court Reports; s. 35.28; s. 751.11	Decisions of Public Service Comm.; s. 35.28	Decisions of Tax Appeals Comm.; s. 73.01(3)(b)	Town Law Forms; s. 35.20
<b>CONSTITUTIONAL OFFICERS:</b>														
1. Governor	1		1A	1	400	1	1	1	1	1A				
2. Lieutenant Governor	1		1A	1A	300		1	1	1	1A				
3. Secretary of State	1		1A	1	200		1	1A	1	1A				
4. State Treasurer	1		1A	1A	200					1A				
5. Attorney General	1		1A	1	200	1				1A	1			
6. State Superintendent of Public Instruction	1		1A	1A	200				1	1	1			
<b>LEGISLATURE:</b>														
10. Each Senator	1	1A	1A	1	600	1A	1	1A	1					
11. Each Representative to the Assembly	1	1A	1A	1	350	1A	1	1A	1					
12. Members of next succeeding legislature not entitled to distribution under lines 10 or 11					35A									
13. Each Chief Clerk		4	1A	1A	200	1A			1					
14. Each Sergeant at Arms	1			1	200									
15. Legislative Audit Bureau	1	5	1	2	7	1	6	1		1				
16. Legislative Reference Bureau	2	35	17	37	265		20							
17. Legislative Reference Library; s. 35.85(11m)	3		3	3	3	3	3	3	3	3	3	3	3	3
18. Revisor of Statutes Bureau	7	7	10	7	7	2				1	1			
19. Legislative Council	5	25	5	25	25	3				1	1			
20. Legislative Fiscal Bureau	2	10	1	10	32	2				1				
<b>JUDICIARY:</b>														
30. Each Supreme Court Justice	1	1	1	1	1						2			
31. State Law Library	9	4	13	4	1	2				3	3	3	2	
32. Each Court of Appeals Judge	1	1	1	1	1						1			
33. Milwaukee County Law Library	1		1	1	1	1				1	1			
34. Court of Appeals Libraries in Waukesha, Madison, Wausau	1		1	1	1	1				1	1			
35. Each Circuit Court Judge	1	1	1	1	1						1			
36. Each county law library; s. 757.40	1		1	1	1	1A				1A				
37. Clerk of each court in lines 30, 32 and 35		1	1	1	1	1A								
<b>STATE AGENCIES:</b>														
40. Head of each department and independent agency listed in ch. 15, subchapters II and III		1	1A	1A	1	1A	1		1	1A				
41. Historical Society; s. 35.85(7)	3	7	3	10	3	1	3	3	3	3	3	3	3	3
42. Department of Justice	30	100	10	20	1	11	1			90	20	2	2	
43. Public Defender Board	1	180	32	32	1	3	1		1	32	32			
<b>LIBRARIES:</b>														
50. Each main public library; s. 43.52 (DLS)	1				1									

SYMBOLS	A	B	C	D	E	F	G	H	I	J	K	L	M	N
A— Application, written														
E— Copies to each person or institution in the group														
DLS—Division for Library Services shall certify list	Statutes, Hard Covers; s. 35.18	Statutes, Soft Covers; s. 35.18	Annotations; s. 35.23	Bound Session Laws; s. 35.15	Blue Books; s. 35.24 (1)	Administrative Code and Register s. 35.93; s. 227.025	Budget Estimates; s. 35.265	Biennial Reports; s. 15.04(1)(d)	Governor's Messages; s. 14.04	Opinions of Attorney General; s. 35.28; s. 165.015(1)	Supreme Court Reports; s. 35.28; s. 751.11	Decisions of Public Service Comm.; s. 35.28	Decisions of Tax Appeals Comm.; s. 73.01(3)(b)	Town Law Forms; s. 35.20
DPI— Department of Public Instruction shall certify list														
51. Each academic library listed in DLS annual library directory (DLS) . . . . .	1				1									
52. Each school library media center listed in DPI annual public and nonpublic school directories (DLS) . . . . .					1									
53. Each regional public depository library; s. 43.05(5), not to exceed 10 (DLS) . . . . .			1	1	1	1	1	1	1	1	1	1	1	1
54. Each selective public depository library; s. 43.05(5), not to exceed 50 (DLS) . . . . .			1	1		1								
55. University of Wisconsin Law Library	2	25	10	10	1	1				19	1	1	1	
56. Each library of a law school accredited by the American Bar Association not otherwise provided for in this section	2	8		10	1	1				1	1			
FEDERAL:														
60. Each member and member-elect of Congress from this state . . . . .	1		1	1	1									
61. Library of Congress . . . . .	1		1	1	1	1A		1	1	1	1	1	1	
62. Each U.S. Attorney in this state . . . . .		1	1	1	1									
63. Each U.S. Clerk of Court in this state		1	1		1									
64. Each library maintained for a federal court in this state . . . . .	1		1	1	1	1A								
65. Each U.S. Judge in this state . . . . .		1	1	1										
LOCAL GOVERNMENTS:														
70. Each district attorney . . . . .		1	1	1	1					1				
71. Each county board chairperson . . . . .		1												
72. Each county clerk . . . . .		1			1									1
73. Each city clerk . . . . .		1			1					1				
74. Each town clerk . . . . .		1												1
75. Each village clerk . . . . .		1												
76. Each sheriff . . . . .		1			1									
77. Each county corporation counsel . . . . .		1	1	1	1									
78. Each county highway commission . . . . .		1A												
EDUCATIONAL INSTITUTIONS:														
85. Each campus of University of Wisconsin system and vocational, technical and adult education system administrator's office (DPI) . . . . .		1				1								
86. Each public or nonpublic elementary and secondary school administrator's office (DPI) . . . . .						1								
OTHER:														
99. Each newspaper as listed in Blue Book					1									

History: 1985 a. 29; 1987 a. 27, 148, 399.

**35.85 Other distribution.** The department shall make the following distribution of public printing in addition to that indicated in s. 35.84:

(1) The chief clerk of each house of the legislature shall, upon request, be supplied for use during the session with the bound journals of any previous session of the legislature. The department may sell such copies of the bound journals not required for the above distribution or for distribution otherwise prescribed by law, and may sell older editions at reduced prices. All prices shall be fixed by the department.

(2) Of parts of official reports, pamphlets and magazines, and pamphlet laws, printed by authority of ss. 35.28 and 35.29, one copy to each person named in lists filed for the purpose of such distributions by the respective state agencies upon whose requisition the same were printed except that blocks of such publications may be allotted to the requisitioning agency for official use subject to approval of the department.

(3) Each county, town, village and city shall purchase from the department for the municipal judges and for other officers of the county or municipality such number of copies of the statutes and other official documents not distributed under s. 35.84 as are needed for its official purposes.

(5) The department may order such further distribution of the statutes, annotations and session laws as may be needed for official use by any justice of the supreme court or by any state agency.

(7) There shall be delivered to the historical society 3 copies of every document published at the expense of the state. The chief clerks of the legislature are responsible for the delivery of all legislative documents, the department for all documents listed in s. 35.84, and the publishing state agencies for all other public documents, except as provided in s. 751.11 (2).

(8) All briefs and other materials printed for the supreme court shall be delivered to the clerk of that court for distribution.

(11) The chief clerks of the legislature shall promptly send to each county clerk, to the Milwaukee county law library, and upon application, to each state university, college and public library in this state, copies of all legislative documents together with proper filing appliances for all sessions. Each county clerk shall keep these documents open to public inspection in his office.

(11m) Except as otherwise provided in s. 35.84, the proper officers of the respective houses of the legislature, the department of administration or the state agency of origin, as the case may be, shall promptly deliver to the legislative reference bureau library, as printed or otherwise reproduced, 3 copies of each message, report, bulletin, circular or other public document of whatever character excluding forms, printed or otherwise reproduced in sufficient quantity at the expense of the state. One copy of each document received by the legislative reference bureau library under this subsection shall be retained in the library's noncirculating reference collection of Wisconsin state documents for such period as the library deems reasonable.

(12) In addition to the distributions authorized by s. 35.84 and this section, the department shall deliver upon request of the historical society and the state law library, copies of any state publication still in its possession as may be needed for the use of the historical society and the state law library; and upon the request of any state officer, such copies of any printing of the 3rd class, as may be necessary or convenient for the business of such officer. But no state officer shall receive more than one such copy for his or her own use nor more than one copy for each assistant and chief clerk in his or her office. The department shall also deliver, at the expense

of the state, to the library of congress, such public printing as shall be designated for that purpose by the written request of the director of the historical society; and it shall notify the historical society of the receipt by it of each separate lot of public printing. Costs of distributions made in accordance with this subsection shall be charged to the requisitioning agency.

(13) Departmental distribution programs, which are not specified in this chapter, may be established, provided that they do not conflict with this chapter.

**History:** 1971 c. 106; 1971 c. 152 s. 38; 1971 c. 164; 1977 c. 305 s. 64; 1979 c. 34; 1979 c. 347 s. 28; 1985 a. 29; 1987 a. 50.

**35.86 Exchanges.** (1) The director of the historical society may procure the exchange of public documents produced by federal, state, county, local and other agencies as may be desirable to maintain or enlarge its historical, literary and statistical collections, and may make such distributions of public documents, with or without exchange, as may accord with interstate or international comity. The state law librarian shall procure so many of such exchanges as he is authorized by law to make, and the department of health and social services, commissioner of banking, department of public instruction, legislative reference bureau, and the legislative council, may procure by exchange such documents from other states and countries as may be needed for use in their respective offices. Any other state agency wishing to initiate a formal exchange program in accordance with this section may do so by submitting a formal application to the department and by otherwise complying with this section.

(2) Exchange lists, containing the number of public documents received and distributed in exchange, shall be filed with the department by the respective state agencies so authorized to procure exchanges or make distributions, and the documents specified therein shall be forwarded by the department carriage charges prepaid.

(3) The department shall authorize no distribution to be made in exchange until exchange lists have been received by it in compliance with this section.

(4) In this section, "public document" includes all hardbound volumes of statutes, session laws, Wisconsin reports, attorney general's opinions, opinions and decisions of the public service commission, Blue Book and other reports by state agencies; all periodical literature published by the state, including "Health in Wisconsin", "Wisconsin magazine of history" and "Wisconsin library bulletin", and all serial publications distributed in quantities of 25 copies or more and consisting of 25 pages or more.

(5) The department shall charge the cost of exchanges, including the costs specified in s. 35.80, to the appropriations of the state agencies filing exchange lists with the department.

(6) The department shall inform all state agencies of this section.

**History:** 1977 c. 29 s. 1654 (9) (g); 1979 c. 34; 1983 a. 36.

**35.87 Sales of legislative documents.** The legislature may provide as a service to paid subscribers routine distribution of copies of all bills, joint resolutions, amendments, acts, journals, bulletins of proceedings and hearing bulletins printed for the legislature. The biennial fee, effective January 1 of each odd-numbered year, for subscription to the complete legislative document distribution service shall be based on 20% of prior session actual printing costs of such documents, including but not limited to the costs of typesetting, purchasing, paper, printing, duplication, collating and binding, as determined by the legislative reference bureau and the department. Portions of the service may be made available for a fee equal to a percentage of the fee for the total service, based on

the respective percentages of total printing costs. Actual postage or delivery costs shall be added for those subscribers who do not pick up their documents. The joint committee on legislative organization shall determine the operational responsibility for the service authorized under this section, including the procedure for sale of the service, distribution of documents and the collection of fees. The officer designated by the legislature shall pay all moneys received for subscriptions to the service into the general fund.

**History:** 1977 c. 29; 1979 c. 34.

**35.88 Official documents to remain public property.** All official document series and all current volumes of periodically updated official documents that are distributed to any state or local government office or officer under s. 35.84 shall remain as public property and shall be kept for the use of that office or officer.

**History:** 1985 a. 29.

**35.89 Lists of distributees in counties.** Each county clerk shall transmit to the department a list of the officers in his county entitled to distribution of public printing from its office.

**35.90 Inventories by other state officers.** Every state officer maintaining a permanent office at the city of Madison, shall make and file annually with the department an inventory of all public printing of the 2nd and 3rd classes and all maps and charts on hand for distribution on July 1. Said department shall require the return to it of all such printing as has become, in its opinion, of no further use to the office reporting the same. The department may suspend requisitions for public printing by departments which fail to submit inventories in compliance with this section.

**35.91 Future distribution; sales.** (1) The latest edition of the Wisconsin statutes shall be sold at a price (calculated to the nearest dollar) to be fixed by the department, based on cost plus 75% of the revisor's expenditures under s. 20.765 (3) (a) during the preceding biennium. The department may sell noncurrent editions of the Wisconsin statutes and Wisconsin annotations at reduced prices to be fixed by it.

(2) Current copies of the Blue Book and the Wisconsin session laws shall be sold at prices determined by the department, which shall include the cost of sale and distribution under s. 35.80 and, as determined by the legislative reference bureau, the proportionate cost per copy of typesetting, purchasing, paper, printing, duplication, collating and binding.

(3) A price list of all printed matter on hand for sale shall be prepared from time to time by the department, which it may have printed and bound as an advertisement in state publications, and it may circulate such price list by mail.

**History:** 1971 c. 82; 1979 c. 34, 221; 1985 a. 29.

#### WISCONSIN ADMINISTRATIVE CODE

**35.93 Wisconsin administrative code and register.** (1) The Wisconsin administrative code and register shall be printed in loose-leaf form and shall be hole-punched. The notice section of the register and new rules filed by an agency whose rules have not been compiled and printed pursuant to this section may be duplicated in some other form than printing if the department and revisor determine that it is administratively feasible to do so. The printing or other duplicating shall be handled by the department. It shall also determine the style of the hole-punching and may purchase and sell at cost suitable binders for the code or parts thereof. The revisor shall supervise the arrangement of materials in the Wisconsin

administrative code and register, including the numbering of pages and sections. No part of the Wisconsin administrative code or register may be printed until the revisor has approved the arrangement of materials and numbering of sections therein.

(2) In this section "rule" and "agency" have the meanings prescribed in s. 227.01.

(3) The revisor shall compile and deliver to the department for printing copy for a register which shall contain all the rules filed since the compilation of rules for the preceding issue of the register was made and those executive orders which are to be in effect for more than 90 days or an informative summary thereof. The complete register shall be compiled and published before the first day of each month and a notice section of the register shall be compiled and published before the 15th day of each month. The register shall be printed in the same style as the original code and shall be so set up as to permit the changes to be inserted as pages of the original code in lieu of the pages containing superseded material. Each issue of the register shall contain a title page with the name "Wisconsin administrative register", the number and date of the register, and a table of contents. Each page of the register shall also contain the date and number of the register of which it is a part in addition to the other necessary code titles and page numbers. The revisor may include in the register such instructions or information as in the revisor's judgment will help the user to correctly make insertions and deletions in the code and to keep the code current.

(4) Each issue of the Wisconsin administrative register shall contain a notice section in which shall be printed the notices of hearings on rule making which agencies have transmitted to the revisor for that purpose, notices of intent to promulgate rules without a public hearing under s. 227.16 (2) (e), notices of referrals of proposed rules to presiding officers under s. 227.19 (2), notices of emergency rules in effect, fiscal estimates for rule-making orders under s. 227.14 (4) and such other notices as may be required by law or determined by the revisor to be appropriate.

(5) The department shall determine, on the basis of the distribution requirements under s. 35.84 and probable sales demands, the number of copies of each part of the code and each issue of the register to be printed.

(6) The department shall sell the code, issues of the register or parts of either of them at a price to be determined by it, which shall include the proportionate cost per copy of preparation and manufacturing as determined by the revisor of statutes, and the cost of sale and distribution specified in s. 35.80. State employe personnel costs shall be excluded from preparation costs. The department may establish the price of the code or of the register or parts thereof on an annual basis.

(7) A subscriber is not entitled to a refund of any part of any advance payment for the code or the register. The department shall notify each subscriber when a further payment is due.

(8) The revisor shall prepare and the department shall publish a table of contents and an index of all the rules in effect which have been compiled and printed under this section. The table of contents and index shall be recompiled and reprinted annually. They shall be printed in the same page size as the administrative code. The department shall distribute one copy of the table of contents and index free to each subscriber to the register or parts thereof.

(9) The department shall charge the legislature under s. 20.765 (1) (d) for the cost of distribution of the code and the register, including the costs specified in s. 35.80, and shall

deposit all revenues received from their sale into the general fund.

**(10)** State agencies may purchase from the department as many copies of their part or parts of the code or copies of the register as they require for their own use or for distribution,

and shall pay the department therefor at the price established under sub. (6).

**History:** 1971 c. 152 s. 38; 1975 c. 252, 421; 1977 c. 187 s. 135; 1979 c. 34, 221; 1981 c. 314 s. 146; 1983 a. 192; 1985 a. 29; 1985 a. 182 s. 55 (1), 57.