

## CHAPTER 35

## PUBLICATION AND 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.

(2m) "Printing" includes all public printing by means of graphic reproduction by whatever process and the necessary materials and binding. The term also includes reproduction of a document in optical disc format whenever the publishing state agency is authorized to reproduce and determines to reproduce copies of a document in optical disc format in lieu of printed format.

(4) "State agencies" includes departments, boards, commissions, bureaus, and institutions, except that "state agencies" does not include the Board of Regents of the University of Wisconsin System.

**History:** 1977 c. 26; 1983 a. 189; 2005 a. 25; 2007 a. 20; 2015 a. 55, 196.

## GENERAL

**35.01 Public printing; definition and classification.**

Public printing is divided into 7 classes:

(1) Class 1 — All legislative printing and the Laws of Wisconsin.

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

(3) Class 3 — All book printing required for state agencies, not otherwise classified, except the Wisconsin Magazine of History and 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; 1991 a. 39; 2005 a. 25; 2009 a. 143; 2013 a. 20; 2015 a. 55.

**35.012 State printing; exception.** All printing contracted for under this chapter, except statutes 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

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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; 2013 a. 20.

**35.015 Exempt printing. (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. 303.01 **(1)**.

**History:** 1975 c. 39, 200; 1981 c. 350; 1989 a. 31; 2015 a. 55.

**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 printing for state agencies except printing of the first class; and provide editorial services to state agencies in the preparation of copy for the printer.

**(5)** Promulgate rules 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 the Laws of Wisconsin, 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; 1989 a. 359; 1991 a. 39; 1995 a. 27.

**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" includes all departments as defined in s. 16.002 **(2)**, the legislature, the courts, and the legislative and judicial branch agencies. In this section, "state agencies" does not include the Board of Regents of the University of Wisconsin System.

**History:** 1979 c. 34; 1983 a. 189 s. 329 **(27)**; 2015 a. 55.

**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 except as provided for the Wisconsin statutes and the Laws of Wisconsin under s. 35.50 **(2)**.

**(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, except as provided for the Wisconsin statutes and the Laws of Wisconsin under s. 35.50 **(2)**.

**(3)** All printing that has a customary form, number of copies, or other features shall continue to conform to such form or other requirements until changed by or under authority of statute, joint rule, or rule of either house, except as provided for the Wisconsin statutes and the Laws of Wisconsin under s. 35.50 **(2)**.

**(4)** When legislative proposals, legislative publications or other printing is required for the legislature, including revision or correction bills for the legislative reference bureau, bills or reports for the joint 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; 1991 a. 215; 1993 a. 52; 2007 a. 20; 2013 a. 20.

**35.07 Proposed constitutional amendments.** No later than the August 1 preceding a general election, the legislative reference bureau shall publish on the Internet in one or more electronic file formats each proposed constitutional amendment that was approved for the first time by the legislature preceding the election. Each such proposed constitutional amendment shall remain so published on the Internet until the conclusion of the general election.

**History:** 2015 a. 55.

**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 day after the date of enactment.

(c) “Working day” means each day except Saturdays, Sundays, and federal and statewide legal holidays designated in s. 995.20.

(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, shall immediately provide electronic notice to the legislative reference bureau of the act number and 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 legislative reference bureau shall publish every act and every portion of an act that is enacted by the legislature over the governor’s partial veto on its date of publication on the Internet in one or more electronic file formats. The legislative reference bureau may electronically publish every act and every portion of an act that is enacted by the legislature over the governor’s partial veto on other electronic media in one or more electronic file formats, as the legislative reference bureau determines.

(c) Copies of each act or portion of an act enacted by the legislature over the governor’s partial veto shall be available electronically on or before the date of publication of the act to subscribers under s. 35.87. 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 electronically to subscribers on or before its date of publication.

**History:** 1981 c. 372 ss. 5, 13; 1983 a. 36; 1983 a. 192 s. 304; 1991 a. 39; 2005 a. 155; 2013 a. 5, 20.

**Cross Reference:** See s. 889.01 for the acts as prima facie evidence.

**Cross Reference:** See s. 991.11 for effective dates of acts.

**Article IV, Section 17** of the Wisconsin Constitution vests the legislature with the constitutional power to “provide by law” for publication. The legislature has set the requirements for publication. If a court can intervene and prohibit the publication of an act, the court determines what shall be law and not the legislature. If the court does that, it does not in terms legislate but it invades the constitutional power of the legislature to declare what shall become law. This a court may not do. *Ozanne v. Fitzgerald*, 2011 WI 43, 334 Wis. 2d 70, 798 N.W.2d 436, 11–0613.

**35.15 Laws of Wisconsin. (1)** (a) No later than the end of each session of the legislature, the legislative reference bureau shall prepare camera-ready copy for one or more volumes denom-

inated “Laws of Wisconsin”, and identified by the year in which that session began.

(b) 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.

(c) 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.

(d) The department shall determine the number of copies to be printed.

(e) 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 Laws of Wisconsin shall contain a printed copy of such certificate.

(2) The legislative reference bureau shall publish the Laws of Wisconsin as expeditiously as possible in such number of volumes and at such times as the bureau determines to be appropriate. If acts are enacted or joint resolutions are adopted while a volume is in production, the bureau may elect to publish them as a pocket part to the bound volume.

**History:** 1977 c. 29; 1979 c. 110 s. 60 (3); 1981 c. 372; 1991 a. 39; 2007 a. 20.

**35.17 Correcting obvious errors in enrolling and publishing. (1)** 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 minor clerical errors. No such correction shall be deemed an alteration of the enrolled copy.

(2) The legislative reference bureau shall correct obvious non-substantive errors when publishing the Wisconsin statutes under s. 35.18 (1) (a) and (b) and the administrative code under s. 35.93 (3).

(3) 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; 2007 a. 20; 2013 a. 20.

#### STATUTES AND TOWN LAW FORMS; CLASS 2 PRINTING

**35.18 Wisconsin statutes. (1) PUBLICATION.** (a) Biennially the legislative reference bureau 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, and such other matter as the bureau deems desirable and practicable. The department shall determine how many copies shall be printed.

(b) 1. The legislative reference bureau shall electronically publish interim updated versions of the statutes included in the biennial Wisconsin statutes printed under par. (a) on the Internet in one or more electronic file formats. The legislative reference bureau may electronically publish the updated versions on other electronic media in one or more electronic file formats, as the legislative reference bureau determines.

2. The legislative reference bureau shall include in the updated versions of the statutes electronically published under subd. 1. all general statutes in force, except that the legislative reference bureau may omit tables and graphic images from publication in a particular electronic file format if the legislative reference bureau determines that the tables and graphic images are incompatible with that electronic file format. If the legislative reference bureau omits tables or graphic images from publication in a particular electronic file format, it shall insert a note following the

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affected statutory unit identifying the omission and providing a hypertext link providing electronic access to the table or graphic image. The legislative reference bureau shall at all times publish the statutes on the Internet in at least one electronic file format that allows for publication of all tables and graphic images contained in the statutes.

3. The legislative reference bureau shall include all of the following with each updated version of the statutes published under subd. 1.:

- a. The date of publication for the updated version.
- b. The edition of the biennial Wisconsin statutes that is being updated.
- c. The act number of the most recent legislative act included in the updated version.
- d. The date through which the updated version has been updated. The updated version shall include all legislative acts that were enacted, and all supreme court orders affecting statutes that were entered, on or before the date referenced in this subd. 3. d.
- e. A notice stating that the updated version of the statutes electronically published under this paragraph is certified under sub. (2) (b).

**(2) LEGISLATIVE REFERENCE BUREAU CERTIFICATION.** (a) After making the necessary comparison, the chief of the legislative reference bureau shall sign and file in the office of the secretary of state as a public record a certificate certifying that the bureau has compared each section contained in the biennial Wisconsin statutes printed under sub. (1) (a) with the original section of the statutes, or 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 copies of the biennial Wisconsin statutes printed under sub. (1) (a) shall contain a printed copy of such certificate.

(b) After making the necessary comparison, the legislative reference bureau shall publish on the Internet, and with each electronic publication of the Wisconsin statutes under sub. (1) (b), a certification that the bureau has compared each section of the Wisconsin statutes published under sub. (1) (b) with the original section of the statutes, or 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 published. The certification shall indicate any electronic file formats in which the statutes are published that do not contain all graphic images and tables due to incompatibility with the electronic file format.

**(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 legislative reference bureau 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.

**(4) ANNOTATIONS.** The legislative reference bureau shall prepare such annotations as will keep the volume known as "Wisconsin Annotations," up to date, and include those annotations in the Wisconsin statutes published under sub. (1) (a) and (b).

**History:** 1971 c. 211; 1981 c. 314; 1987 a. 27; 1991 a. 316; 2003 a. 323; 2007 a. 20; 2013 a. 20 ss. 575h to 575L, 575n.

**Cross Reference:** See s. 889.01 for the statutes as prima facie evidence.

**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 edition of the biennial Wisconsin statutes printed under s. 35.18 (1) (a), under the supervision of the legislative reference bureau, 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 legislative reference bureau determines desirable and practicable.

**History:** 2007 a. 20; 2013 a. 20.

**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 of public instruction 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 case-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 legislative organization. The cost of reprints shall be paid from the appropriation under s. 20.765 (1) (d).

**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; 1989 a. 31; 1995 a. 27; 1997 a. 27; 2003 a. 33; 2005 a. 25.

**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 final proof 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 department shall determine for any report the maximum number of copies and pages, or the length if authorized to be reproduced in optical disc format.

**History:** 2005 a. 25; 2015 a. 196.

**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.

(1m) No state agency may distribute any materials printed under sub. (1) directly to any member of the legislature, except in the manner provided in this subsection. If a state agency wishes to make available any materials under sub. (1) to members of the legislature, the agency shall send a notice to all members briefly describing the materials. If a member notifies the state agency that the member wishes to receive a copy of specified materials, the agency may then distribute the materials to that member.

(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; 1995 a. 27.

#### 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 electronic copy in type not smaller than 6 point Arial 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; 2011 a. 228.

**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, or optical disc manufacturing specifications whenever reproduction in optical disc format is authorized, shall be as determined by the department unless specified by statute. Any state agency that objects to the department's determination may appeal the decision to the governor.

(2) Unless otherwise required by law, each edition of the Blue Book and the 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 chief of the legislative reference bureau, each edition of the Laws of Wisconsin shall be substantially the same in format, printing, and binding as the previous edition of the same publication. Unless otherwise determined by the legislative reference bureau, each edition of the biennial Wisconsin statutes printed under s. 35.18 (1) (a) shall be substantially the same in format, printing, and binding as the previous edition of the same publication. Unless otherwise determined by the legislative reference bureau, each electronic publication of the Wisconsin statutes under s. 35.18 (1) (b), the Wisconsin administrative code under s. 35.93 (2), and the Wisconsin administrative register under s.

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**35.93 (3)** shall be in substantially the same format as the previous edition or version of the same publication.

**(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, except as otherwise provided for the Laws of Wisconsin under sub. (2).

**(4)** Whenever possible, state publications printed on paper, 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; 1991 a. 39, 215; 1993 a. 16; 2005 a. 25; 2007 a. 20; 2013 a. 20; 2015 a. 196.

**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, regardless of the format to be used for reproduction. When requested by the chief clerk of either house proof sheets of printing of the first class shall be delivered to them.

**History:** 2005 a. 25.

**35.52 Authority for printing; increase, and diminution of editions and pages.** The department may 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 specified in this chapter for the editions of the Blue Book or Laws of Wisconsin exceeds the actual lawful demand therefor, the number of volumes or pages thereafter to be printed shall be reduced to such number 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.

**History:** 1991 a. 39.

**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 the governor's opinion, public policy demands it, or if the edition thereof seems excessive. In such cases, the governor shall hear the statement of the requisitioning officer, and shall communicate to such officer the action taken and reason therefor.

**History:** 1991 a. 316.

**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 on no such publication shall there appear, nor shall there be attached thereto, the words "Compliments of" followed by the name of the author, nor any other words of similar purport.

**History:** 2005 a. 25.

**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 that 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. An optical disc copy may be substituted if the document being published is authorized to be reproduced in optical disc format.

**History:** 2005 a. 25; 2015 a. 196.

## 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 agen-

cies, establish base prices and specifications for 2-year periods unless otherwise determined by the department, except that:

**(a)** As a basis for printing the biennial Wisconsin statutes under s. 35.18 (1) (a), the department shall, before advertising for bids and after consultation with the legislative reference bureau, establish base prices for 2-year periods and establish specifications subject to approval by the legislative reference bureau for 2-year periods.

**(b)** As a basis for printing of the Laws of Wisconsin, the department shall, before advertising for bids and after consultation with the chief of the legislative reference bureau, establish base prices for 2-year periods and establish specifications subject to approval by the chief for 2-year periods.

**(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 legislative reference bureau shall approve specifications and production schedules for the printing and binding of the Wisconsin statutes.

**History:** 1977 c. 29; 1979 c. 34; 1991 a. 215; 1993 a. 16; 2007 a. 20; 2013 a. 20.

**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 that 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. Separate advertisements may be used for publications authorized to be published in optical disc format.

**History:** 1977 c. 29; 2005 a. 25; 2015 a. 196.

**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” includes all departments as defined in s. 16.002 (2), the legislature, the courts, and the legislative service and judicial branch agencies. In this section, “state agencies” does not include the Board of Regents of the University of Wisconsin System.

**History:** 1979 c. 34; 1983 a. 189 s. 329 (27); 2015 a. 55.

**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.

**35.81 Definitions.** In ss. 35.81 to 35.91:

(1) “Division” means the division for libraries and technology in the department of public instruction.

(1m) “Legislative service agency” has the meaning given under s. 16.70 (6).

(2) “State agency” has the meaning given for “agency” in s. 13.172 (1), and for purposes of ss. 35.81 to 35.835 includes a committee, as defined in s. 15.01 (3), and a committee established by executive order under s. 14.019, except that “state agency” does not include the Board of Regents of the University of Wisconsin System or an institution, as defined in s. 36.05 (9).

(3) “State document” includes every publication produced by a state agency in multiple copies or prepared for a state agency in multiple copies by a private individual or organization that is supported wholly or partly by any funds appropriated by this state, regardless of the format or process by which produced and regardless of the source of funds provided to the publisher, which is intended by the publisher to be disseminated or made accessible to the public or is required by law to be published, but does not include any publication of a state agency intended by the state agency to be used solely for internal purposes within the state agency or between that state agency and other state agencies and does not include the Wisconsin administrative code or the Wisconsin administrative register.

(4) “State document depository library” means a library designated under s. 35.82.

**History:** 1991 a. 285; 1993 a. 335; 1995 a. 27 s. 9145 (1); 1997 a. 27; 2001 a. 48; 2011 a. 158; 2013 a. 20; 2015 a. 55.

**35.82 Designation of state document depository libraries.** (1) The state historical society, the legislative reference bureau and the resources for libraries and lifelong learning service of the department of public instruction are designated as state document depository libraries and shall receive state documents delivered under s. 35.83 (3).

(2) The library of congress and the Council of State Governments, Lexington, Kentucky, are designated as state document depository libraries outside this state.

(3) The division shall designate state document depository libraries in this state which agree to accept state documents delivered as directed by s. 35.83 (3), which are adequately staffed and which are capable of ensuring access to those state documents. The division may promulgate rules establishing criteria and the procedure for designation and termination of state document depository libraries under this subsection. The division shall designate not more than 10 libraries to serve as regional state document depository libraries which shall receive all state documents made available. The division shall designate not more than 35 libraries to serve as selective state document depository libraries which shall receive all state documents except those for which distribution is restricted under s. 35.835 (3).

**History:** 1991 a. 285; 1995 a. 27 s. 9145 (1); 1997 a. 27; 1999 a. 19; 2011 a. 158.

**35.825 Duties of state document depository libraries.** Each state document depository library shall make freely available to inhabitants of the state all state documents retained by the library, shall keep state documents readily accessible for use and

**35.825 PRINTING AND DISTRIBUTION OF PUBLIC DOCUMENTS**

Updated 15–16 Wis. Stats. 8

shall render assistance in their use to such inhabitants without charge.

**History:** 1991 a. 285.

**35.83 State document distribution. (1)** Each state agency head shall designate one or more individuals to be responsible for all document distribution requirements provided under this section and shall submit the name of any designated individual to the division.

**(2)** The division shall coordinate all state document distribution requirements specified under this section.

**(3)** Except as provided in sub. (4m) and s. 35.835 (1) and (3), each state agency shall deliver, at the expense of the state agency, sufficient copies of each state document published by the state agency to the division for distribution to the following places in the quantities indicated:

- (a) The state historical society, 2 copies.
- (b) The legislative reference bureau, 2 copies.
- (c) The resources for libraries and lifelong learning service of the department of public instruction, one copy.
- (d) The regional state document depository libraries, one copy for each library.
- (e) The selective state document depository libraries, one copy for each library.
- (f) The library of congress, one copy.
- (g) The Council of State Governments, Lexington, Kentucky, one copy.

**(4)** The division shall deliver state documents received under sub. (3) to each of the state document depository libraries.

**(4m)** In lieu of the distribution under sub. (3) (b), each legislative service agency shall deliver, at the expense of the agency, 2

copies of each state document published by the agency to the legislative reference bureau.

**(5)** This section does not apply to state documents distributed under s. 35.84.

**History:** 1991 a. 285; 1995 a. 27 s. 9145 (1); 1997 a. 27; 1999 a. 19; 2011 a. 158.

**35.835 State document distribution; exemptions.**

**(1)** Except as specified in sub. (2), state documents published exclusively for public sale by presses established by the state historical society and state documents sold primarily on a subscription basis are exempt from the state document depository library distribution requirements under s. 35.83.

**(2)** Each state agency shall deliver to the division without charge 3 copies of each state document exempted under sub. (1). The division shall deliver one copy to the state historical society and one copy to the legislative reference bureau.

**(3)** A state agency may restrict distribution of a state document prepared by or for that state agency to only that number necessary for distribution to the state document depository libraries specified under s. 35.83 (3) (a) to (d) if the state document is published in limited quantities because of its cost or the nature of the information that it contains.

**(4)** This section does not apply to state documents distributed under s. 35.84.

**History:** 1991 a. 285; 2015 a. 55.

**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	D	E	G	H	I	J	K	L	M	N
<b>A — Application, written</b>	Statutes, Hard Covers; s. 35.18	Statutes, Soft Covers; s. 35.18	Laws of Wisconsin; s. 35.15	Blue Books; s. 35.24 (1)	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>E — Copies to each person or institution in the group</b>												
<b>DLS — Division for Library Services shall certify list</b>												
<b>DPI — Department of Public Instruction shall certify list</b>												
<b>CONSTITUTIONAL OFFICERS:</b>												
1. Governor .....	1		1	400	1	1	1	1A				
2. Lieutenant Governor .....	1		1A	300	1	1	1	1A				
3. Secretary of State .....	1		1	200	1	1A	1	1A				
4. State Treasurer .....	1		1A	200				1A				
5. Attorney General .....	1		1	200				1A	1			
6. State Superintendent of Public Instruction .....	1		1A	200			1	1	1			
<b>LEGISLATURE:</b>												
10. Each Senator .....	1A	1A	1	600	1	1A	1					
11. Each Representative to the Assembly .....	1A	1A	1	350	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	200			1					
14. Each Sergeant at Arms .....	1		1	200								
15. Legislative Audit Bureau .....	1	5	2	7	6	1		1				
16. Legislative Reference Bureau .....	5	35	40	265	20							
17. Legislative Reference Library .....	3		3	3	3	3	3	3	3	3	3	3
19. Legislative Council .....	5	25	25	25				1	1			
20. Legislative Fiscal Bureau .....	2	10	10	32				1				
22. Legislative Technology Services Bureau .....	1	1	1									
<b>JUDICIARY:</b>												
30. Each Supreme Court Justice .....	1	1	1	1					2			
31. State Law Library .....	9	4	4	1				3	3	3	2	
32. Each Court of Appeals Judge .....	1	1	1	1					1			
33. Milwaukee County Law Library ..	1		1	1				1	1			
34. Court of Appeals Libraries in Waukesha, Madison, Wausau	1		1	1				1	1			
35. Each Circuit Court Judge .....	1	1	1	1					1			
36. Each county law library; s. 757.40	1		1	1				1A				
37. Clerk of each court in lines 30, 32 and 35		1	1	1								

2015–16 Wisconsin Statutes updated through 2017 Wis. Act 36 and all Supreme Court and Controlled Substances Board Orders effective on or before July 22, 2017. Published and certified under s. 35.18. Changes effective after July 22, 2017 are designated by NOTES. (Published 7–22–17)

Figure 35.84:

**TABLE FOR DISTRIBUTION OF OFFICIAL DOCUMENTS**

SYMBOLS	A	B	D	E	G	H	I	J	K	L	M	N
<b>A — Application, written</b> <b>E — Copies to each person or institution in the group</b> <b>DLS — Division for Library Services shall certify list</b> <b>DPI — Department of Public Instruction shall certify list</b>	Statutes, Hard Covers; s. 35.18	Statutes, Soft Covers; s. 35.18	Laws of Wisconsin; s. 35.15	Blue Books; s. 35.24 (1)	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. 75L11	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>STATE AGENCIES:</b>												
40. Head of each department and independent agency listed in ch. 15, subchapters II and III . . . . .		1	1A	1	1		1	1A				
41. Historical Society . . . . .	3	7	10	3	3	3	3	3	3	3	3	3
42. Department of Justice . . . . .	10	180	15	1	1	1		50	20	2	2	
43. Public Defender Board . . . . .	1	378	44	1	1		1	44	44			
44. Each district attorney . . . . .		1	1	1				1				
<b>LIBRARIES:</b>												
50. Each public library and branch thereof; s. 43.52 . . . . .	1			1								
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 non-public school directories (DLS) . . . . .				1								
53. Each regional state document depository library; s. 35.82 (3), not to exceed 10 (DLS) . . . . .		1	1	1	1	1	1	1	1	1	1	1
54. Each selective state document depository library; s. 35.82 (3), not to exceed 35 (DLS) . . . . .		1	1	1		1						
55. Head librarian of each public library system; s. 43.13 . . . . .				1								
56. University of Wisconsin Law Library . . . . .	2	25	10	1				19	1	1	1	
57. 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			
58. Department of Public Instruction Reference and Loan Library . . . . .	1		1	1	1	1	1	1	1	1	1	1
59. Council of State Governments, Lexington, Kentucky . . . . .	1		1	1	1	1	1	1	1	1	1	1
<b>FEDERAL:</b>												
60. Each member and member-elect of Congress from this state . . . . .	1A		1	1								
61. Library of Congress . . . . .	1		1	1	1	1	1	1	1	1	1	1
62. Each U.S. Attorney in this state . . . . .		1	1	1								
63. Each U.S. Clerk of Court in this state . . . . .		1		1								
64. Each library maintained for a federal court in this state . . . . .	1		1	1								
65. Each U.S. Judge in this state . . . . .		1	1									

Figure 35.84:

**TABLE FOR DISTRIBUTION OF OFFICIAL DOCUMENTS**

SYMBOLS	A	B	D	E	G	H	I	J	K	L	M	N
A — Application, written	Statutes, Hard Covers; s. 35.18	Statutes, Soft Covers; s. 35.18	Laws of Wisconsin; s. 35.15	Blue Books; s. 35.24 (1)	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. 75L.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
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												
LOCAL GOVERNMENTS:												
71. Each county board chairperson . . .		1A										
72. Each county clerk . . . . .		1A		1								1
73. Each city clerk . . . . .		1A		1				1				
74. Each town clerk . . . . .		1A										1
75. Each village clerk . . . . .		1A										
76. Each sheriff . . . . .		1A		1								
77. Each county corporation counsel . . . . .		1A	1	1								
78. Each county highway commissioner . . . . .		1A										
79. Each register of deeds . . . . .		1A										
80. Each coroner or medical examiner		1A										
81. Each county treasurer . . . . .		1A										
82. Each county surveyor . . . . .		1A										
83. Each county human services or social services department director		1A										
84. Each county veterans' service officer . . . . .		1A										
EDUCATIONAL INSTITUTIONS:												
85. Each campus of University of Wisconsin system and technical college 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; 1989 a. 31; 1991 a. 39, 285; 1993 a. 16; 1995 a. 27; 1997 a. 27; 1999 a. 19, 32; 2007 a. 71; 2009 a. 177, 180; 2013 a. 20, 168.

**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.

(4) If the department obtains copies of any document for which distribution is required under s. 35.83, and the division informs the department in writing that the state agency publishing the document has not distributed the document in accordance with s. 35.83 (3), the department shall distribute the document in accordance with s. 35.83 (3) and shall charge the state agency publishing the document for the cost of distribution.

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

(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 the clerk's office.

(12) In addition to the distributions authorized by s. 35.84 and this section, the department shall deliver, upon request of the state historical society or the state law library, additional copies of any state publication in its possession after the department has fulfilled all of the distribution requirements of s. 35.84 and this section, as may be needed for the use of the state historical society or 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 notify the historical society and the state law library of the receipt by it of each separate lot of public printing. The department shall charge the cost of distributions made in accordance with this subsection to the requisitioning state 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; 1991 a. 39, 285, 316.

**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 the state law librarian is authorized by law to make, and the department of health services, department of children and families, commission of banking, department of public instruction, legislative reference bureau, and the legislative council staff, 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 the number of state documents distributed in exchange, shall be filed with the department by the respective state agencies authorized to procure exchanges, and the documents specified therein shall be forwarded by the department with 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.

(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; 1991 a. 39, 285, 316; 1993 a. 490; 1995 a. 27 ss. 1755, 9126 (19), 9145 (1); 1997 a. 27; 2007 a. 20 ss. 727, 9121 (6) (a).

**35.87 Sales of legislative documents.** (1) 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.

(2) If the service is provided, the biennial fee, effective January 1 of each odd-numbered year, for subscription to the complete legislative document distribution service shall be \$500. If the service is provided, the joint committee on legislative organization may authorize portions of the service to be provided separately, and may prescribe a biennial fee for each portion so provided. The sum of the biennial fees for all portions of the service provided separately may not be less than \$500. Actual postage or delivery costs shall be added to the fee for those subscribers who do not pick up their documents.

(3) If the service is provided, the chief of the legislative reference bureau shall review the fee prescribed in this section on a biennial basis and, no later than December 1 of each even-numbered year, shall recommend to the joint committee any revision to the fee that the chief determines to be appropriate. The joint committee may thereafter recommend to the legislature revision of the fee prescribed in this subsection. The joint committee shall promptly transmit a copy of its recommendation to the secretary of administration.

(4) 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 deposit all moneys received for subscriptions to the service into the general fund.

**History:** 1977 c. 29; 1979 c. 34; 1995 a. 27.

**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 the county entitled to distribution of public printing from its office.

**History:** 1991 a. 316.

**35.90 Inventories by other state officers.** Every state officer, other than a district attorney, 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. The 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.

**History:** 1989 a. 31.

**35.91 Future distribution; sales.** (1) The latest edition of the Wisconsin statutes shall be sold at a reasonable price, as determined by the department. 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 Laws of Wisconsin 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, duplicating, 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; 1991 a. 39; 1999 a. 83; 2003 a. 33; 2005 a. 25; 2007 a. 20.

## WISCONSIN ADMINISTRATIVE CODE AND REGISTER

**35.93 Wisconsin administrative code and register.****(1) DEFINITIONS.** In this section:

- (a) “Agency” has the meaning given in s. 227.01 (1).
- (b) “Chapter” means the highest organizational unit into which an agency’s rules are divided within the Wisconsin administrative code.
- (c) “Date of publication” means the date on which a register is published under sub. (2) (a).
- (d) “End-of-month register” means the last register published in a calendar month.
- (e) “Issue” means all registers published in a calendar month.
- (f) “Notice-only register” means a register other than an end-of-month register.
- (g) “Rule” has the meaning given in s. 227.01 (13).

**(2) WISCONSIN ADMINISTRATIVE REGISTER.** (a) The legislative reference bureau shall electronically publish the Wisconsin administrative register on the Internet in one or more electronic file formats on the Monday of each week, or on the next working day, as defined in s. 227.01 (14), if Monday is a holiday under s. 230.35 (4) (a).

(b) The legislative reference bureau shall include all of the following in each notice-only register and each end-of-month register:

1. A title page with the name “Wisconsin Administrative Register,” the issue number, and the date of publication of the register.
2. A table of contents.
3. A notice section containing all of the following that are received by the legislative reference bureau after the compilation of the preceding register:
  - a. Notices of emergency rules in effect under s. 227.24 (3).
  - b. Statements of the scope of proposed rules under ss. 227.135 and 227.24 (1) (e) 1d.
  - c. Notices of submittal of proposed rules to the legislative council staff under s. 227.14 (4m).
  - d. Notices of hearings on rule making under s. 227.17 (1).
  - e. Notices of intent to promulgate rules without a public hearing under s. 227.16 (2) (e).
  - f. Fiscal estimates and economic impact analyses for proposed rules under ss. 227.137 and 227.14 (4) and emergency rules under s. 227.24 (1) (e) 2.
  - g. Notices of referrals of proposed rules to presiding officers under s. 227.19 (2).
  - h. Notices of declaratory judgments under s. 227.40 (6).
  - i. Web addresses provided by agencies under s. 101.055 (3) (a) or 227.21 (2) (c) for proposed rules.
  - j. Other notices that are otherwise required by law to be included or that the legislative reference bureau determines are appropriate for inclusion in the Wisconsin administrative register.
4. Copies of all rules filed with the legislative reference bureau under s. 227.20 (1) or modified under s. 227.265 since the compilation of the preceding register, including emergency rules filed under s. 227.24 (3).
5. Copies of all executive orders received by the legislative reference bureau since the compilation of the preceding register.
6. Web addresses provided by agencies under s. 101.055 (3) (a) or 227.21 (2) (c) for rules included in a register under subd. 4.

(c) The legislative reference bureau shall include all of the following in each end-of-month register:

1. Each chapter of the Wisconsin administrative code that has been affected by rules filed with the legislative reference bureau under s. 227.20 (1) or modified under s. 227.265, in accordance with sub. (3) (e) 1.
2. Any other chapters of the administrative code determined by the legislative reference bureau to be appropriate for publica-

tion due to corrections made under s. 13.92 (4) (b) or 35.17 or due to the addition of editorial notes.

3. Instructions or information to help the user to correctly identify insertions and deletions in the Wisconsin administrative code and that keep the Wisconsin administrative code current.

(d) The legislative reference bureau shall number each issue consecutively.

(e) Any document required to be included in the Wisconsin administrative register shall be considered published under par. (a) if the document can be accessed from the register’s table of contents by the use of one or more hypertext links.

**(3) WISCONSIN ADMINISTRATIVE CODE.** (a) The legislative reference bureau shall electronically publish the Wisconsin administrative code on the Internet in one or more electronic file formats, as the legislative reference bureau determines. The legislative reference bureau may electronically publish the Wisconsin administrative code on other electronic media in one or more electronic file formats, as the legislative reference bureau determines.

(b) Except as otherwise provided in s. 227.21 (2), the legislative reference bureau shall include in the Wisconsin administrative code published under par. (a) all permanent rules in force, except that the legislative reference bureau may omit tables and graphic images from publication in a particular electronic file format if the legislative reference bureau determines that the tables and graphic images are incompatible with that electronic file format. If the legislative reference bureau omits tables or graphics under this paragraph, the legislative reference bureau shall insert a note following the affected provision identifying the omission and providing a hypertext link providing electronic access to the table or graphic image. The legislative reference bureau shall at all times publish the administrative code on the Internet in at least one electronic file format that allows for publication of all tables and graphic images contained in the administrative code.

(c) The legislative reference bureau shall include all of the following with each chapter of the Wisconsin administrative code published under par. (a):

1. The date and issue number of the Wisconsin administrative register in which the chapter is published.
2. The name of the promulgating agency.
3. A chapter title and number.
4. A table of contents for the chapter.
5. A notice stating that the chapter is published under the authority granted by this subsection.

(d) The legislative reference bureau shall include with the Wisconsin administrative code a table of contents and an index of all permanent rules currently in effect.

(e) The legislative reference bureau shall incorporate into the appropriate chapters of the Wisconsin administrative code each permanent rule filed with the legislative reference bureau under s. 227.20 (1) or modified under s. 227.265 and, for each chapter of the administrative code affected by a rule, do all of the following:

1. Publish the chapter in the appropriate end-of-month register in accordance with the filing deadline for publication established in the rules procedures manual published under s. 227.15 (7), in an end-of-month register agreed to by the submitting agency and the legislative reference bureau, or, in the case of a rule modified under s. 227.265, in the end-of-month register for the month in which the bill modifying the rule is enacted.

2. Publish the chapter in the Wisconsin administrative code published on the Internet on the first day of the month following the date of publication of the end-of-month register in which the chapter is published under subd. 1. and sub. (2) (c) 1. and publish the chapter in the Wisconsin administrative code published on any other electronic media under par. (a) on or after the day after the date of publication of that end-of-month register.

3. If the chapter is affected by a rule that adopts standards under s. 101.055 (3) (a) or 227.21 (2) (a), publish, in conjunction

with the publication of the chapter under subd. 2., any Web addresses provided under s. 101.055 (3) (a) or 227.21 (2) (c).

(f) If a chapter of the Wisconsin administrative code is published in an end-of-month register under sub. (2) (c) 2., the legislative reference bureau shall publish the chapter in the Wisconsin administrative code published on the Internet on the first day of the month following the date of publication of that end-of-month register and shall publish the chapter in the Wisconsin administra-

tive code published on any other electronic media under par. (a) on or after the day after the date of publication of that end-of-month register.

**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; 1991 a. 215; 1995 a. 106; 2003 a. 33; 2005 a. 25; 2007 a. 20; 2011 a. 21; 2013 a. 20, 125, 136, 210, 277, 278, 295, 320, 332, 361, 363; 2015 a. 195.

**Cross Reference:** See s. 889.01 for the administrative code as prima facie evidence.