

Senate Bill 18

Date published:
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CHAPTER 107, LAWS OF 1967

AN ACT to repeal 35.03 (7) and (8), 35.04 (2), 35.08, 35.09, 35.43, 35.46 to 35.49, 35.52, 35.53 and 35.80 (1); to renumber 35.35 to 35.41, 35.50, 35.51, 35.54, 35.545, 35.55, 35.56, 35.68, 35.69, 35.74, 35.75, 35.76, 35.77, 35.78 and 35.79, 35.80 (2) and 35.805; to renumber and amend 35.03 (9), (10) and (11), 35.04 (1), 35.45 and 35.555; to amend 35.001 (1) and (4), 35.01 (intro.) and (3), 35.012, 35.015, 35.03 (3) and (6), 35.05, 35.15 (1), 35.18 (1), 35.19, 35.20, 35.24 (2) (a), 35.26 (2) and (3), 35.27, 35.29 (1), 35.34 (1), 35.35, 35.41, 35.42, 35.50 (1), 35.52, 35.53 (1), 35.60, 35.62, 35.64, as renumbered, 35.65 (1) and (3); and to create 35.01 (9), 35.56, 35.58 and 35.61 of the statutes, relating to public printing.

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

SECTION 1. 35.001 (1) and (4) of the statutes are amended to read:

35.001 (1) ~~“Director”~~ *“Department”* in this chapter means the director of the bureau performing the printing function in the department of administration.

(4) *“State agencies”* include departments, boards, commission, bureaus, institutions, the university and state colleges ~~universities~~.

SECTION 2. 35.01 (intro.) and (3) of the statutes are amended to read:

35.01 (intro.) Public printing includes all graphic reproduction by whatever process and the necessary material and binding ~~which is a part of a state printing order~~. Public printing is divided into § 9 classes:

(3) Class 3—All book printing required for state agencies, not otherwise classified, except yearbooks and similar student publications, the law review, journal of land and public utility economics, university press publications, the transactions of the Wisconsin academy of sciences, arts and letters, and similar technical or semitechnical publications, journals of the university of Wisconsin and the state universities, the Wisconsin magazine of history and hard bound books of the state historical society.

SECTION 3. 35.01 (9) of the statutes is created to read:

35.01 (9) Class 9—Binding and rebinding, not an integral part of a printing order, necessary to preserve books, documents, manuscripts, periodicals and other material.

SECTION 4. 35.012 of the statutes is amended to read:

35.012 All printing contracted for under this chapter, except statutes and annotations of the 2nd class, yearbooks and other similar student publications, printing of the 5th, 6th and 7th classes and such copyrighted or patented or printing specialties not available for production within this state, shall be printed in this state. *Such printing, contracted for under this chapter, 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.*

SECTION 5. 35.015 of the statutes is amended to read:

35.015 Printing is exempt from this chapter when the director department exercises the ~~power~~ *discretion* vested in ~~him~~ by s. 16.82 (4), *to determine what printing shall be done by the state itself and what shall be contracted.*

SECTION 6. 35.03 (3) and (6) of the statutes are amended to read:

35.03 (3) Deliver such copy, ~~except printing of the first class,~~ to the contract printer with written orders that the copy be printed.

(6) Make ~~biennial~~ reports *upon request* to the legislature *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 and ~~containing the title of each publication, author agency, number of pages, number of copies, to whom distributed, costs including preparation and distribution, method of reproduction and justification.~~ All state agencies shall report to the director, at his discretion, such information as is required to implement this section. The director shall use the data from these reports to maintain a continuous listing of state publications, and he shall use the data from the listing in preparing the biennial report. For the purposes of this subsection a publication shall be reported if it contains more than 8 pages of reading matter, reproduced in a quantity of 500 copies or more, or if it contains more than 48 pages regardless of the number of copies.

SECTION 7. 35.03 (7) and (8) of the statutes are repealed.

SECTION 8. 35.03 (9), (10) and (11) of the statutes are renumbered 35.03 (7), (8) and (9) and amended to read:

35.03 (7) Order such further editions as may be necessary to supply demands whenever any original edition of Wisconsin session laws, or Wisconsin statutes, or ~~Wisconsin Blue Book~~ proves inadequate to meet the estimated future demands therefor, ~~providing that~~ 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 ~~advertising for bids solicitation of bids,~~ subdivide classes 1, 2, 3 and 4 of printing, creating additional classes, or he may change printing from one class to another in advertisements *establishing contracts*, whenever ~~he 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 becomes *is* more economical, purchase paper from contract printers.

SECTION 9. 35.04 (1) of the statutes is renumbered 35.04 and amended to read:

35.04 ~~There shall be appointed such employees including editorial~~ *The department shall employ such staff,* under the classified service as are necessary to perform the duties imposed by this chapter.

SECTION 10. 35.04 (2) of the statutes is repealed.

SECTION 11. 35.05 (5) of the statutes is amended to read:

35.05 (5) 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 deliver copy to the contract printer, with a requisition to the director signed by such clerk, and the contract printer shall do the printing and deliver it in the shortest possible time *issue a printing requisition to the department.* If there is no contract in force for class 1 public printing, the chief clerks shall deliver copy to the director ~~who~~ *department which* shall have it printed in accordance with the statutes.

SECTION 12. 35.08 and 35.09 of the statutes are repealed.

SECTION 13. 35.15 (1) of the statutes is amended to read:

35.15 (1) Immediately after the end of each general and each special session of the legislature, the secretary of state shall prepare printer's copy for a volume denominated "Wisconsin Session Laws," which 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 revisor. Said printer's copy shall show the date of approval and the effective date of each act, and joint resolution, the number of the proposal from which it originated and the house in which it originated and shall be in ~~such~~ *the* form as ~~may~~ be prescribed by the joint rules; but shall omit the signature of the officers affixed to the enrolled act, or joint resolution. Such printer's copy shall be delivered to the ~~director~~ and by him to the contract printer, who shall print and deliver the ~~same~~ *department for production* within 60 calendar days. The ~~director~~ *department* shall determine the number of copies to be printed. After making the necessary comparison, the secretary of state shall annex at the end of one of the copies, which shall be filed in his office as a public record, his certificate that he has compared the printed copies therein with the original acts approved by the governor, and that they appear to be correctly printed. All other copies and reprints thereof shall contain a printed copy of such certificate.

SECTION 14. 35.18 (1) of the statutes is amended to read:

35.18 (1) Biennially the revisor shall prepare and deliver to the ~~director~~ *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 revisor deems desirable and practicable. ~~Said~~ *The* printer's copy may be in 2 instalments; the first, consisting of the text of the statutes, shall be delivered to the ~~contract~~ printer immediately after the governor's approval of the last act of the general session, and the 2nd, consisting of the appendix and index, shall be delivered within 60 calendar days after the first. The ~~director~~ *department* shall determine how many copies shall be printed. Within 90 calendar days the ~~contract~~ printer shall submit printer's proof of all type matter, within 180 days after receipt of the first instalment of printer's copy the ~~contract~~ printer shall begin making delivery and within 240 days after said receipt he shall complete delivery, at least one-eighth of the edition to be delivered weekly proof of all type matter shall be submitted and delivery shall begin within 180 calendar days and be completed within 240 calendar days from receipt of first copy.

SECTION 15. 35.19 and 35.20 of the statutes are amended to read:

35.19 The ~~contract printer~~ is required to print and deliver in pamphlet form, such Editions of parts of the statutes *in pamphlet form* as may be ordered by the ~~director~~ *department* may be printed for the use of public officers. Such orders shall be discretionary, shall be limited to actual needs as shown by experience or other competent proof, and the printing shall be done from the plates from which the statutes have been printed, so far as that can be done possible, and such printing shall be charged to the requisitioning agency.

35.20 With each issue of Wisconsin statutes, the ~~contract printer~~, under the supervision of the revisor, shall print an edition will be printed as directed by the ~~director~~ an edition of 1,400 copies *department* for distribution by said ~~director~~ the *department* to all town clerks, 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.

SECTION 16. 35.24 (2) (a) of the statutes is amended to read:

35.24 (2) (a) The Blue Book shall be ~~machine sewed~~, bound in blue cloth ~~except 300 copies reserved for distribution to state officers, which shall be bound in blue half morocco with the name of the distributee in gilt letters upon the back.~~

SECTION 17. 35.26 (2) and (3) of the statutes are amended to read:

35.26 (2) Every such report shall set forth all receipts and disbursements in full and in detail, and be filed with the governor within 60 *calendar* days next following the period covered. A ~~duplicate~~ report shall at the same time be presented by its author to the ~~director department~~ as printer's copy. No report shall contain any advertising matter nor any copying of the Wisconsin session laws or statutes, except minor extracts explanatory of and incorporated in the text. ~~The detailed tables of purchases in the report of the state department of public welfare shall not be printed.~~

(3) 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 ~~of interest to individuals chiefly~~ and not important information concerning public affairs.

SECTION 18. 35.27 of the statutes is amended to read:

35.27 Within 60 *calendar* days after receiving printer's copy therefor, the ~~contract printer department~~ shall ~~print~~ *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 ~~director department~~ for any report.

SECTION 19. 35.29 (1) of the statutes is amended to read:

35.29 (1) The ~~director department~~ may order printed such ~~catalogs, book lists, courses of study, schoolhouse plans, reports, directories, pamphlets and other similar materials~~ as are necessary to the proper administration of offices of state agencies as required or authorized by the statutes and subject to distribution and sales regulations as specified in ss. 16.79 (4) (a); 35.84; 35.91; or as otherwise set forth in the statutes.

SECTION 20. 35.34 (1) of the statutes is amended to read:

35.34 (1) Job printing includes ~~labels, envelopes, letterheads, note heads, billheads, blanks of all kinds, blank books, folders, circulars, postal cards, announcements, instructions, cards for card catalogues, indexes, questions for bar, medical, bureau of personnel, teachers' or other examinations, slips, payrolls, statements, tables of receipts and disbursements, certificates, election and other notices, sample ballot, list of candidates, and 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 such binding as ~~may~~ be needed in connection with such printing. ~~The form of all blank payrolls and expense sheets to be used by any state agency shall be prepared by the department of administration.~~

SECTION 21. 35.43 of the statutes is repealed.

SECTION 22. 35.45 of the statutes is renumbered 35.57 and is amended to read:

35.57 The ~~director department~~ shall during June and July of each

even-numbered year publish an advertisement that sealed proposals for furnishing, during the next ensuing contract period, the printing included in classes 1, 2, 3 and 4, with all other material which the ~~director de-~~partment requires, will be received by said director at his office any time prior to a specified day, when all proposals will be there publicly opened and read; ~~that each bidder may, at his option, file a proposal to furnish one, or more than one, or all of said several classes of printing; that upon application said director will in the meantime furnish to bidders a list of the base prices and specifications as he has established and all necessary blanks and information, and that no bids will be considered that are not presented in the form so prescribed. All such forms and a proper form for the advertisement shall be approved by the attorney general. The advertisement shall be run as a class 2 notice, under ch. 985, in the official state paper and 3 other daily papers throughout the state.~~

SECTION 23. 35.46 to 35.49 of the statutes are repealed.

SECTION 24. 35.50 and 35.51 of the statutes are renumbered 35.59 and 35.60 and 35.60, as renumbered, is amended to read:

35.60 If a successful bidder fails to execute a printing contract with accompanying bond pursuant to his preliminary agreement and accepted bid, the ~~director de-~~partment shall let the contracts to the next lowest bidder, unless in his opinion the interest of the state requires that new proposals be received, in which case ~~he the department~~ shall immediately proceed to advertise for new proposals in the manner as prescribed by this chapter. If the contractor refuses or neglects to execute the work according to law and the terms of his printing contract, ~~said director the department~~ shall declare such contract void and his bond forfeited, and shall forthwith advertise for bids as in the first instance for the remainder of the contract period. Such emergency public printing as must be had while so readvertising and reletting contracts may be obtained by said director at not exceeding current prices ~~procured by the department.~~

SECTION 25. 35.52 and 35.53 of the statutes are repealed.

SECTION 26. 35.54, 35.545 and 35.55 of the statutes are renumbered 35.62, 35.63 and 35.64, and 35.62 and 35.64, as renumbered, are amended to read:

35.62 The ~~director de-~~partment shall keep an account of all paper delivered to contract printers and prevent waste thereof. ~~He shall also and~~ keep a record of costs of each job of public printing, grouping said records separately for each class of printing.

35.64 (1) Any material and labor necessarily required in doing public printing in classes 1 to 4 which is not provided for by this chapter and is not required of contract printers by existing contracts, may be procured by the ~~director at not exceeding current prices department.~~

(2) The ~~director de-~~partment may order specialty printing from suppliers when it proves to be more economical or practical. Specialty printing includes ~~maps, charts and pictures to be bound into books as inserts or to be mounted or used separately; printed, lithographed, engraved or embossed stationery; tickets, sales books; patent, fanfold, or machine forms; wax spotting; and other similar items all types of graphic reproduction not required of contract printers by existing contracts.~~

SECTION 27. 35.35 to 35.41 of the statutes are renumbered 35.50, 35.51, 35.52, 35.53, 35.54, 35.55 and 35.50 (1), 35.52 and 35.53 (1), as renumbered, are amended to read:

35.50 (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 ~~director~~ *department* unless specified by statute. Any state agency which objects to ~~his~~ *such* determination may appeal the decision to the governor.

35.52 The ~~director~~ *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 by ~~him~~ shall be reduced to the actual probable demand therefor, as determined from previous experience in such distribution.

35.53 (1) No ~~contract~~ printer shall be paid for any printing not authorized by a ~~written~~ *an official printing order of the director or of a chief clerk of the legislature* except that when the legislature is not in session the executive secretary of the legislative council may order the printing of council reports. Every such order shall designate the class of the required printing, plainly state the quantity and kind thereof and be issued in multiple copies as determined by the director. A separate series shall be used for each class of printing, and shall be numbered consecutively throughout each contract period, beginning with number one, all multiple copies bearing the same number. No discretionary order for printing shall issue unless said director is satisfied that the public welfare will be promoted by the requested printing sufficiently to justify the cost thereof. All orders issued by chief clerks of the legislature shall be filed with the director. *The department shall prescribe the form, contents, number, and disposition of printing requisitions and official printing orders.*

SECTION 28. 35.555 of the statutes is renumbered 35.45 and amended to read:

35.45 All binding, not an integral part in the completion of a printing order, and rebinding necessary to preserve books, documents, manuscripts, periodicals and other material collected by any state agency, shall be ~~purchased~~ *procured* by the ~~director~~ *department*.

SECTION 29. 35.56 of the statutes is renumbered 35.65 and 35.65 (1) and (3), as renumbered, are amended to read:

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

(3) Contract printers shall be allowed waste on all work performed according to specifications established in s. ~~35.43~~ *35.56*.

SECTION 30. 35.56 of the statutes is created to read:

BASE PRICES AND INTERPRETATION; 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, prior to advertising for bids in each even-numbered year, establish base prices and specifications which shall be uniform for all classes of printing. Base prices and specifications shall become a part of the contract with successful bidders.

(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.

SECTION 31. 35.58 of the statutes is created to read:

35.58 BIDDING AND AWARDS. (1) Bids shall be sealed proposals in the form and content prescribed by the department. The bid shall be accompanied by a bond, executed by a surety company authorized to do business in this state, in the sum of \$5,000, to the effect that it guarantees the bidder will, if his bid is accepted, execute the contract and bond required by law within the time prescribed by the department.

(2) All bids shall be opened and read publicly at the time and place appointed by the department. Thereafter the department shall determine which bids are acceptable and shall award each subclass to the low responsible bidder offering the greatest per cent of discount from or the least per cent above base prices established by s. 35.56. Any or all bids may be rejected for cause. In the absence of valid bids for any subclass, the department shall readvertise promptly for new bids.

(3) The department shall prepare a contract incorporating the terms and conditions of the specifications for each accepted bid, said contract covering the 2 years beginning January 1 of each odd-numbered year. The bidder shall furnish promptly a bond executed by a surety company authorized to do business in this state in the amount which shall be 20% of the estimated total amount to the next even multiple of \$1,000 paid during the preceding 2-year contract period for each applicable subclass, except no bond shall be for less than \$5,000. The bond shall be for the faithful performance of all duties required of him by law and by the terms and conditions of his bid and contract. Upon entering into a contract with the bidder, the department shall release all bid bonds for the subject subclass.

SECTION 32. 35.61 of the statutes is created to read:

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.

SECTION 33. 35.68, 35.69, 35.74, 35.75, 35.76, 35.77, 35.78 and 35.79 of the statutes are renumbered 35.35, 35.36, 35.37, 35.38, 35.39, 35.40, 35.41 and 35.42 and 35.35, 35.41 and 35.42, as renumbered, are amended to read:

35.35 The secretary of state shall provide printer's copy for the printing of all laws in newspapers. Every state agency required by law to publish ~~any matter~~ *legal notices* in a newspaper shall furnish printer's copy to the ~~director~~ *department* with requisition therefor. All such printing shall be in the English language.

35.41 All proposals shall be opened and read publicly at the time and place appointed therefor, ~~or on such adjourned day as may be named by the director. Thereupon that proposal shall be accepted which proposes to sell said reports to the state and to residents of the state at the lowest price per volume. Each accepted proposal~~

shall have indorsed thereupon, over the signature of the director the word "Accepted," with the date of such acceptance, which indorsement shall constitute immediate notice to the bidder of the fact of acceptance department. If no proposal has been received the director department may, subject to the approval of the supreme court, enter into a temporary contract for printing, publishing and delivering said reports, and shall as soon thereafter as practicable relet the contract for the remainder of the contract period as herein provided for letting the original contract.

35.42 Within 30 days after the acceptance of any proposal, or such further time as the director may allow department allows therefor, the successful bidder shall make a contract according to the terms of his proposal and according to the terms of this chapter, and shall execute to the state, and deposit with the state treasurer a bond in the penal sum of \$10,000, conditioned to fulfill such contract in all particulars, with at least 2 sufficient sureties, residents of this state, to be approved by the secretary of state. Such bond shall by its terms be the joint and several obligation of the the person executing it, but such bidder may, in lieu of sureties to such bond, deposit therewith bonds of the United States, payable to the bearer, amounting to not less than \$10,000, which shall be deemed and held to be forfeited to the state of Wisconsin, in case of the failure of such bidder to fulfill any of the conditions of his said bond by him to be performed. If the successful bidder fails to complete his contract or forfeits the same for any cause, the director department shall publish notice as provided in s. 35.76 and relet the contract as soon thereafter as practicable, for the remainder of the contract period, as herein provided for letting the original contract.

SECTION 34. 35.80 (1) of the statutes is repealed.

SECTION 35. 35.80 (2) and 35.805 of the statutes are renumbered 35.43 and 35.44.

SECTION 36. Whenever the word "director" appears in chapter 35, substitute "department."

Approved August 8, 1967.