



STATE OF WISCONSIN Assembly Journal

Ninety–Second Regular Session

THURSDAY, September 5, 1996

The Chief Clerk makes the following entries under the above date:

ADMINISTRATIVE RULES

Assembly Clearinghouse Rule 96–89

Relating to the inspection of fire systems.
Submitted by Department of Industry, Labor and Human Relations.
Report received from Agency, August 23, 1996.
To committee on **Labor and Employment**.
Referred on September 4, 1996.

Assembly Clearinghouse Rule 96–117

Relating to allowing the operation of double bottoms and certain other vehicles on certain specified highways.
Submitted by Department of Transportation.
Report received from Agency, August 23, 1996.
To committee on **Highways and Transportation**.
Referred on September 4, 1996.

COMMUNICATIONS

State of Wisconsin
Revisor of Statutes Bureau
Madison

September 1, 1996

Charles R. Sanders
Assembly Chief Clerk

Donna Doyle
Senate Chief Clerk's Office

The following rules have been published:

Clearinghouse Rule 94–203	effective	9–1–96
Clearinghouse Rule 94–204	effective	9–1–96
Clearinghouse Rule 94–180	effective	9–1–96
Clearinghouse Rule 95–47	effective	9–1–96
Clearinghouse Rule 95–161	effective	9–1–96
Clearinghouse Rule 95–189	effective	9–1–96
Clearinghouse Rule 95–196	effective	9–1–96
Clearinghouse Rule 95–210	effective	9–1–96
Clearinghouse Rule 95–215	effective	9–1–96
Clearinghouse Rule 95–226	effective	9–1–96
Clearinghouse Rule 95–234	effective	9–1–96

Clearinghouse Rule 96–3	effective	9–1–96
Clearinghouse Rule 96–8	effective	9–1–96
Clearinghouse Rule 96–13	effective	9–1–96
Clearinghouse Rule 96–15	effective	9–1–96
Clearinghouse Rule 96–19	effective	9–1–96
Clearinghouse Rule 96–20	effective	9–1–96
Clearinghouse Rule 96–22	effective	9–1–96
Clearinghouse Rule 96–30	effective	9–1–96
Clearinghouse Rule 96–32	effective	9–1–96
Clearinghouse Rule 96–35	effective	9–1–96
Clearinghouse Rule 96–46	effective	9–1–96
Clearinghouse Rule 96–50	effective	9–1–96
Clearinghouse Rule 96–57	effective	9–1–96
Clearinghouse Rule 96–58	effective	9–1–96

Sincerely,
GARY L. POULSON
Deputy Revisor

REFERRAL OF AGENCY REPORTS

State of Wisconsin
Public Service Commission
Madison

August 29, 1996

Re: Public Service Commission – Fifth Annual Report

To the Honorable, the Assembly:

Enclosed is a copy of the fifth annual report of the Public Service Commission to the legislature as provided for in s. 1.11(2)(j), Wis. Stats. It reports on the number of environmental assessments and environmental impact statements prepared by the Commission between July 1, 1995 and June 30, 1996.

If you have any questions on this report, please contact our Environmental Affairs Coordinator, Michael John Jaeger, at (608) 267–2546.

Sincerely,
CHERYL L. PARRINO
Chairman, PSC

Referred to committee on **Environment and Utilities**.

AGENCY REPORTS

State of Wisconsin
Department of Employment Relations
Madison

August 15, 1996

To the Honorable, the Assembly:

Pursuant to 230.04 (9) (em), Wis. Stats., I am pleased to submit the Veterans Employment Report for FY 1995. The Report summarizes information relating to veteran hires and “on-board” statistics for the time period and includes information for each individual state agency and unit of the University of Wisconsin System.

Please contact Greg Jones, Administrator of the Division of Affirmative Action, at 266-3017, if you have questions or need additional information regarding this report.

Sincerely,
JON E. LITSCHER
Secretary, DER

State of Wisconsin
Department of Administration
Madison

August 22, 1996

To the Honorable, the Legislature:

The [1995 Wisconsin Act 27](#) establishes a nonstatutory provision under Section 9159 (14h) on reports concerning potential sponsorship of state publications. Specifically, the provision requires each executive branch agency to submit to the Secretary of Administration a report which describes the documents and other materials published by the agency and the mailings by the agency of substantially similar materials in bulk quantities. It also requires the agency’s report to address the appropriateness and feasibility of securing sponsorship for such documents, materials and mailings, if the agency were authorized by law to do so, including specific types of sponsorship for specific documents, materials and mailings. The provision further requires the Secretary of Administration to examine the reports received by each executive branch agency and report those findings and recommendations to the Legislature.

The Department of Administration solicited information on potential sponsorship of state publications and those materials published by the agency in bulk from executive branch agencies. Agency responses are summarized in the attached Table A. In addition, Attachments A through M are provided at the end of the summary for those publications that were too large to include in the table. The department did not attempt to do an in-depth feasibility study of state publications sponsorship in this report, or independently assess the responses of agencies.

As the attached Table A indicates from executive branch agency responses, few agencies believe solicitation of sponsorship (advertising) for state publications warrants

further review or would be cost-effective for the state. Most agencies indicate that potential conflicts of interest would result if the state pursued sponsorship of publications considering the regulatory, educational or advocacy function of many of the agencies. Many publications such as biennial reports are statutorily required, and therefore, would not be feasible for sponsorship. Further, there may be little incentive for GPR or SEG supported agencies to receive sponsorship revenue if the revenue goes to the fund source of the appropriations, rather than as a direct offset to the cost of producing the publication.

In addition, state statutes may limit or prohibit, in some cases, any state agency or public official from soliciting sponsorship of state publications. As emphasized by the State Ethics Board, statutory requirements under s. [19.45\(3\)](#) prohibit a state public official from soliciting anything of value that could reasonably be expected to influence the official’s actions or judgment. Also, under s. [13.625\(3\)](#), an agency official is prohibited from soliciting anything of pecuniary value from a lobbyist or from a business or organization that employs a lobbyist. However, the State Ethics Board does state that an agency may solicit contributions to cover administrative expenses for state programs from individuals, businesses or organizations if (1) the individuals, businesses and organizations that are solicited are not likely to be substantially affected by agency activities or by statutes, rules or programs the agency administers or enforces; and (2) neither lobbyists nor organizations that employ lobbyists are solicited.

Many agencies stressed the lack of staff or expertise to implement an advertising program as a significant barrier for sponsorship of state publications. Additional staff time would be required to administer the program, or it would have to be contracted to a firm with advertising capabilities in order to determine the appropriate advertising market for a particular publication, pricing mechanisms, monitoring, accounting, etc. One alternative to this barrier is to have the Department of Administration contract with an organization to conduct the advertising function for all state agencies to alleviate any future budgetary and personnel costs of the additional function of advertising within each agency. However, whether one contract would be feasible is not entirely the issue in terms of cost. Any form of advertising would result in higher paper, printing and mailing costs to the state due to the additional pages necessary to advertise within a publication.

Another concern is that with the advancement in information technology and continued use of the Internet, the need for hard-copies of reports, publications, and all other materials may be significantly reduced. Therefore, the possibility of obtaining advertising revenues to cover costs of publications may be diminished.

There are many other issues pertaining to whether or not seeking sponsorship of state publications is good public policy. Even though disclaimers could be placed in state publications advertising, the relationship between the advertiser and the agency may be viewed as a product endorsement. Problems may be encountered if the public holds an agency responsible for some action taken by an advertiser. Also, part of advertising a product or service is the

implication of endorsement that the product or service is of highest quality. Additional time and resources might be necessary to establish standards for state agencies in choosing appropriate sponsorship of publications to provide the public with any type of guarantee of quality.

Furthermore, advertisements may be viewed as a distraction to the true meaning and purpose for which the publications are intended, i.e., to serve and educate the public. Many state publications already contain an abundance of information and are very complex without the addition of advertisements.

In addition, the need to maintain integrity, trust and confidence with the public for programs administered by state agencies may well exceed the potential savings to the state

from revenue collected to offset administrative cost of producing and distributing state publications.

Based upon the numerous agency concerns cited regarding potential sponsorship of state publications, the Department of Administration believes greater use of advertising by state agencies is a policy question best left to the Legislature. No recommendation is made regarding additional advertising in publications beyond what is currently being performed by state agencies.

Sincerely,
JAMES R. KLAUSER
Secretary, DOA