

1981 Senate Bill 417

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CHAPTER 350 , Laws of 1981

AN ACT to repeal 15.04 (1) (i) to (m), 15.107 (9), 16.61 (2) (ad), (ah), (ap), (at), (bm) and (cm) and (3) (f) to (q) and 16.62 (3); to renumber and amend 16.72 (3); to amend 15.04 (1) (h), 15.105 (4), 16.61 (title) and (1), 16.62 (title) and (1), 16.82 (4) (a) and 35.015 (3); to repeal and recreate 15.04 (1) (h), 15.105 (4), 16.61 (title) and (1) and 16.62 (title) and (1); and to create 15.04 (1) (i) to (m), 16.61 (2) (ad), (ah), (ap), (at), (bm) and (cm) and (3) (f) to (q), 16.62 (3) and 16.72 (3) (a) of the statutes, relating to expanding the duties of the public records board to include forms management and to requiring state printing to be done by prison industries.

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

SECTION 1. 15.04 (1) (h) of the statutes is amended to read:

15.04 (1) (h) (title) *Semiannual report of forms used.* ~~Annually~~ Semiannually, on January 15 and July 15 file with the ~~department of administration and the legislative council~~ public records and forms board a complete and current listing of all previously unsubmitted forms, reports and papers required by the department or independent agency to be completed by any person, other than a governmental body, as a condition of obtaining the approval of the department or independent agency or for any other reason. The department or independent agency shall attach a blank copy of each such form, report or paper to the listing.

SECTION 2. 15.04 (1) (h) of the statutes, as affected by chapter (this act), laws of 1981, is repealed and recreated to read:

15.04 (1) (h) *Annual report of forms used.* Annually, on January 15 file with the department of administration and the legislative council a complete and current listing of all forms, reports and papers required by the department or independent agency to be completed by any person, other than a governmental body, as a condition of obtaining the

approval of the department or independent agency or for any other reason. The department or independent agency shall attach a blank copy of each such form, report or paper to the listing.

SECTION 3. 15.04 (1) (i) to (m) of the statutes are created to read:

15.04 (1) (i) *Records and forms management program.* Establish and maintain a records and forms management program.

(j) *Records and forms officer.* Appoint a records and forms officer, who shall be responsible for reviewing, consolidating, simplifying, designing and filing all records and forms and who may prevent any form from being put into use.

(k) *Form numbering and filing system.* Establish a numbering and filing system for forms.

(L) *Report on forms management.* Report by March 1 and September 1 on its forms management to the public records and forms board.

(m) *Notice on forms.* See that each form used by the agency to seek information from municipalities, counties or the public contains on the first page a conspicuous notice of the authorization for the form and of any penalties for failure to respond and of whether or not completing the form is voluntary.

SECTION 4. 15.04 (1) (i) to (m) of the statutes, as created by chapter (this act), laws of 1981, are repealed.

SECTION 5. 15.105 (4) of the statutes is amended to read:

15.105 (4) (title) PUBLIC RECORDS AND FORMS BOARD. There is created a public records and forms board which is attached to the department of administration under s. 15.03. The public records and forms board shall consist of the governor, the director of the historical society, the attorney general and, the state auditor, a representative of the small business community appointed by the governor, a representative of a newspaper published in this state appointed by the governor and the executive secretary of the legislative council or their designated representatives.

SECTION 6. 15.105 (4) of the statutes, as affected by chapter (this act), laws of 1981, is repealed and recreated to read:

15.105 (4) PUBLIC RECORDS BOARD. There is created a public records board which is attached to the department of administration under s. 15.03. The public records board shall consist of the governor, the director of the historical society, the attorney general and the state auditor, or their designated representatives.

SECTION 8. 15.107 (9) of the statutes, as created by chapter (this act), laws of 1981, is repealed.

SECTION 9. 16.61 (title) and (1) of the statutes are amended to read:

16.61 (title) Records and forms of state offices and other public records. (1) (title) PUBLIC RECORDS AND FORMS BOARD. The public records and forms board shall preserve for permanent use important state records and, provide an orderly method for the disposition of other state records and rationalize and make more cost-effective the management of forms and records by state agencies.

SECTION 10. 16.61 (title) and (1) of the statutes, as affected by chapter (this act), laws of 1981, are repealed and recreated to read:

16.61 (title) Records of state offices and other public records. (1) PUBLIC RECORDS BOARD. The public records board shall preserve for permanent use important state records and provide an orderly method for the disposition of other state records.

SECTION 11. 16.61 (2) (ad), (ah), (ap), (at), (bm) and (cm) and (3) (f) to (q) of the statutes are created to read:

16.61 (2) (ad) 1. "Form" means every piece of paper, transparent plate or film containing information, printed, generated or reproduced by whatever means, with blank spaces left for the entry of additional information to be used in any transaction involving this state. "Form" includes instructions for completing a form.

2. "Form" does not include any of the following:

a. Forms that must be completed by applicants for admission to an institution of the university of Wisconsin system or by students of such an institution who are applying for financial aid, including loans, or for a special course of study or who are adding or dropping courses, registering or withdrawing, establishing their residence or being identified or classified.

b. Forms the use of which is required by federal law.

c. Forms used by teachers to evaluate a student's academic performance.

d. Forms used by hospitals and health care providers to bill or collect from patients and 3rd parties.

e. Forms used by medical personnel in the treatment of patients.

f. Forms used to collect data from research subjects in the course of research projects administered by the board of regents of the university of Wisconsin system.

g. Forms used by the department of health and social services, division of corrections, in the investigation or processing of persons either under the control or custody of the department or under investigation by a court.

h. Forms that are not public contact or public data collection forms.

(ah) "Forms management" means the system of providing forms to accomplish necessary operations efficiently and economically, including analysis and design of forms, improvement of methods of procurement, distribution and disposition of forms and improvement of methods to keep to a reasonable level the public's duty to report. "Forms management" includes the elimination of unnecessary forms and of unnecessary data collection and standardizing, consolidating and simplifying forms and related procedures.

(ap) "Public contact form" means a form used in transactions between a state agency and a member of the public.

(at) "Public data collection form" means a form used to obtain information from a member of the public.

(bm) "Records and forms coordinator" means a person designated by a state agency to be a liaison between that state agency and the board.

(cm) "Retention schedule" means instructions as to the length of time, the location and the form in which record series are to be kept and the method of filing records series.

(3) (f) Shall cooperate with and advise records and forms coordinators.

(g) Shall devise retention schedules for forms.

(h) Shall have access to all blank forms in the possession of any state agency. The board may not disclose information that can be identified with any individual to anyone not authorized to receive that information.

(i) Shall approve all public contact forms and public data collection forms.

(j) Shall establish a forms management program for this state.

(k) Shall make as cost effective as possible the procurement and use of forms by state agencies.

(L) Shall receive and investigate complaints about forms.

(m) Shall have final authority to make changes in order to carry out the duties under this subsection.

(n) Shall report annually to the governor and the legislature.

(o) May delegate any of the duties under this subsection to other state agencies.

(p) Shall appoint a records and forms management coordinator in the classified service to oversee the day-to-day execution of the board's duties, to serve as the executive secretary of the board and director of the records and forms center and to have statewide responsibility for limiting paperwork. That coordinator shall review all forms approved by a records and forms officer for jurisdiction, authority, standardization of design and nonduplication of existing forms and shall report to the board quarterly on the progress of records and forms management within state agencies. Unless the coordinator rejects for cause or modifies the form within 20 working days, it is approved. The coordinator's rejection of any form is appealable to the public records and forms board. If the head of a state agency certifies to the coordinator that the form is needed on a temporary, emergency basis, the form is approved.

(q) Shall see that the records and forms center in the department does serve as a clearinghouse for all public contact forms and carries out the duties under this subsection.

SECTION 12. 16.61 (2) (ad), (ah), (ap), (at), (bm) and (cm) and (3) (f) to (q) of the statutes, as created by chapter (this act), laws of 1981, are repealed.

SECTION 12bg. 16.62 (title) and (1) of the statutes are amended to read:

16.62 (title) Records and forms management service. (1) The department shall establish and maintain a records and forms management service:

(a) To advise and assist state agencies in the establishment and operation of records and forms management programs through the issuance of standards and procedures and provision of technical and management consulting services.

(b) To operate a state records and forms center and a central microfilm facility for state agencies and to develop rules as necessary for efficient operation of the facilities.

(c) To periodically audit state agencies' records and forms management programs and recommend improvements in records and forms management practices.

SECTION 12bh. 16.62 (title) and (1) of the statutes, as affected by chapter (this act), laws of 1981, are repealed and recreated to read:

16.62 Records management service. (1) The department shall establish and maintain a records management service:

(a) To advise and assist state agencies in the establishment and operation of records management programs through the issuance of standards and procedures and provision of technical and management consulting services.

(b) To operate a state records center and a central microfilm facility for state agencies and to develop rules as necessary for efficient operation of the facilities.

(c) To periodically audit state agencies' records management programs and recommend improvements in records management practices.

SECTION 12br. 16.62 (3) of the statutes is created to read:

16.62 (3) The department may establish user fees for the services of the public records and forms board and of the public records and forms center. Those fees shall be sufficient to fund the necessary functions of the board and center. Any moneys collected shall be credited to the appropriation under s. 20.505 (1) (i) or (kg).

SECTION 12bt. 16.62 (3) of the statutes, as affected by chapter (this act), laws of 1981, is repealed.

SECTION 12d. 16.72 (3) of the statutes is renumbered 16.72 (3) (b) and amended to read:

16.72 (3) (b) All materials and services required to be furnished by the department which are manufactured or produced at the institutions of the state shall be purchased from said institutions when such products or services conform to the specifications prepared by the department. All printing of forms for the state shall be done by prison industries, as created under s. 56.01 (1), when prison industries submits the lowest responsible bid, unless the head of the state agency by which the form is to be used determines that the form is needed on an emergency basis.

SECTION 12h. 16.72 (3) (a) of the statutes is created to read:

16.72 (3) (a) In this subsection, "form" means every piece of paper, transparent plate or film containing information, printed, generated or reproduced by whatever means, with blank spaces left for the entry of additional information to be used in any transaction involving this state. "Form" includes instructions for completing a form. "Form" does not include any of the following:

1. Forms that must be completed by applicants for admission to an institution of the university of Wisconsin system or by students of such an institution who are applying for financial aid, including loans, or for a special course of study or who are adding or dropping courses, registering or withdrawing, establishing their residence or being identified or classified.

2. Forms the use of which is required by federal law.

3. Forms used by teachers to evaluate a student's academic performance.

4. Forms used by hospitals and health care providers to bill or collect from patients and 3rd parties.

5. Forms used by medical personnel in the treatment of patients.

6. Forms used to collect data from research subjects in the course of research projects administered by the board of regents of the university of Wisconsin system.

7. Forms that are not public contact or public data collection forms.

SECTION 12p. 16.82 (4) (a) of the statutes is amended to read:

16.82 (4) (a) May produce or contract to have produced, printing of classes 1, 3 and 4, and excerpts from the statutes under class 2, and all materials offered by state agencies for production. All printing of forms, as defined in s. 16.72 (3) (a), shall be done under s. 16.72 (3).

SECTION 12t. 35.015 (3) of the statutes is amended to read:

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

SECTION 13. **Terminology changes.** (1) Wherever the term "public records board" appears in the following sections of the statutes, the term "public records and forms board" is substituted: 15.101 (4), 16.61 (2) (a), 19.21 (5) (b), 19.23 (1), 166.10 (intro.) and 645.76.

(2) Wherever the term "public records and forms board" appears in the following sections of the statutes, the term "public records board" is substituted: 15.101 (4), 16.61 (2) (a), 19.21 (5) (b), 19.23 (1), 166.10 (intro.) and 645.76, all as affected by chapter (this act), laws of 1981.

SECTION 14. **Effective dates.** (1) Except as provided in subsection (2), this act takes effect on the day after its publication.

(2) The treatment of sections 15.04 (1) (h) (by SECTION 2) and (i) to (m) (by SECTION 4), 15.105 (4) (by SECTION 6), 15.107 (9) (by SECTION 8), 16.61 (title) and (1) (by SECTION 10), (2) (ad), (ah), (ap), (at), (bm) and (cm) and (3) (f) to (q)

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(by SECTION 12) and 16.62 (title) and (1) (by SECTION 12bh) and (3) (by SECTION 12bt) of the statutes and SECTION 13 (2) of this act by this act takes effect on January 1, 1987.
