

1991 Senate Bill 102

Date of enactment: April 29, 1992
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1991 Wisconsin Act 285 (Vetoed in Part)

AN ACT to repeal 35.85 (7) and (11m) and 35.86 (4); to renumber 35.84 (figure) lines 55 and 56; to amend 13.93 (1m), 14.019 (5), 16.61 (2) (b) and (c), 35.84 (title), 35.84 (figure) line 50 (title), 35.84 (figure) column B line 53, 35.84 (figure) column B line 54, 35.85 (12), 35.86 (2) and 44.06 (2), (4) and (5); to repeal and recreate 43.05 (5) and 44.06 (1); and to create 35.81 to 35.835, 35.84 (figure) column E line 55, 35.85 (4) and 36.11 (24) of the statutes, relating to state document collection and distribution, granting rule-making authority and making appropriations.

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

SECTION 1. 13.93 (1m) of the statutes is amended to read:

13.93 (1m) 1970 ANNOTATIONS. The revisor of statutes shall prepare and deliver to the department of administration, as soon as practicable after the end of

the regular legislative session of 1969, a printer's copy for a volume to be designated "Wisconsin Annotations" and to contain the Wisconsin constitution, notes of the legislative history of the sections of the statutes and annotations of court decisions interpreting the Wisconsin constitution and statutes, and such other matter as the revisor deems important. The

department shall order printed, and the contract printer shall print and deliver, the number of copies ordered. This edition of the annotations shall be printed and published as supplement to the 1969 Wisconsin statutes; and the laws and the contract governing the printing and distribution of those statutes shall, as far as applicable, govern the printing and sale of the annotations, except that the annotations shall be sold at a price fixed by the department at approximately the cost thereof and there shall be no free distribution thereof except as provided in ss. 35.84, and 35.85 (5) and (11m) and 44.06 (1). The department shall designate the type, and shall determine the number of copies to be printed.

SECTION 2. 14.019 (5) of the statutes is amended to read:

14.019 (5) FINAL REPORT; DEPOSIT. Any nonstatutory committee created by the governor and in existence at the time of the general election for a new gubernatorial term shall prepare a final written report on its activities to be submitted to the governor and, if the incumbent governor is not reelected, to the governor-elect prior to the first Monday of January of the year in which the new gubernatorial term begins. The number of copies prepared of such final reports shall be determined by the coordinator under sub. (3) ~~but 3~~. The governor shall deposit sufficient copies each of every final report required under this subsection, and 3 copies each of any other report by any such committee duplicated for public distribution, shall be deposited with the historical society, the legislative reference bureau, and with the general reference and loan division for library in services of the department of public instruction for distribution under s. 35.83 (3).

SECTION 2m. 16.61 (2) (b) and (c) of the statutes are amended to read:

16.61 (2) (b) "Public records" means all books, papers, maps, photographs, films, recordings, or other documentary materials or any copy thereof, regardless of physical form or characteristics, made, or received by any agency of the state or its officers or employes in connection with the transaction of public business, except the records and correspondence of any member of the state legislature and any state document received by a state document depository library. "Public records" includes all records subject to disposal under s. 645.76.

(c) "Records series" means public records that are arranged under a manual or automated filing system, or are kept together as a unit, because they relate to a particular subject, result from the same activity, or have a particular form.

SECTION 3. 35.81 to 35.835 of the statutes are created to read:

35.81 Definitions. In ss. 35.81 to 35.91:

(1) "Division" means the division for library services 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.

(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.

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

35.82 Designation of state document depository libraries. (1) The state historical society, the legislative reference bureau and the reference and loan library 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 center for research libraries, Chicago, Illinois, 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).

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

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 reference and loan library 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 center for research libraries, Chicago, Illinois, 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.

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 university of Wisconsin system or 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.

SECTION 4. 35.84 (title) of the statutes is amended to read:

35.84 (title) Distribution by department.

SECTION 5. 35.84 (figure) line 50 (title) of the statutes is amended to read:

35.84 (figure)

50. (title) Each ~~main~~ public library and branch thereof; s. 43.52 (~~DLS~~)

SECTION 6. 35.84 (figure) column B line 53 of the statutes is amended to read:

35.84 (figure) Column B Statutes (soft covers)

53. Each regional public state document depository library; s. 43.05 (~~5~~) 35.82 (3), not to exceed 10 (~~DLS~~)..... 1

SECTION 7. 35.84 (figure) column B line 54 of the statutes is amended to read:

35.84 (figure) Column B Statutes (soft covers)

54. Each selective public state document depository library; s. 43.05 (~~5~~) 35.82 (3), not to exceed ~~50 (DLS)~~ 35..... 1

SECTION 8. 35.84 (figure) lines 55 and 56 of the statutes are renumbered 35.84 (figure) lines 56 and 57.

SECTION 9. 35.84 (figure) column E line 55 of the statutes is created to read:

35.84 (figure) Column E Blue Books

55. Head librarian of each public library system; s. 43.13 1

SECTION 10. 35.85 (4) of the statutes is created to read:

35.85 (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.

SECTION 11. 35.85 (7) and (11m) of the statutes are repealed.

SECTION 12. 35.85 (12) of the statutes is amended to read:

35.85 (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 and or the state law library, additional copies of any state publication still 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 and 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 ~~also deliver, at the expense of the state, to the library of congress, such public printing as shall be designated for that purpose by the written request of the director of the historical society; and it shall~~ notify the historical society and the state law library of the receipt by it of each separate lot of public printing. Costs The department shall charge the cost of distributions made in accordance with this sub-

section shall be charged to the requisitioning state agency.

SECTION 13. 35.86 (2) of the statutes is amended to read:

35.86 (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 so authorized to procure exchanges ~~or make distributions~~, and the documents specified therein shall be forwarded by the department with carriage charges prepaid.

SECTION 14. 35.86 (4) of the statutes is repealed.

SECTION 15. 36.11 (24) of the statutes is created to read:

36.11 (24) STATE DOCUMENTS. The board shall assure that each campus identifies and collects significant state documents, as defined in s. 35.81 (3), relating to administration and academic programs of that campus. The board shall provide for the identification and collection of significant state documents, as defined in s. 35.81 (3), published by the board or the system administration.

SECTION 16. 43.05 (5) of the statutes is repealed and recreated to read:

43.05 (5) Designate a librarian to serve as a coordinator of activities for state document depository libraries under ss. 35.81 to 35.835 and to fulfill its responsibilities under ss. 35.81 to 35.835.

SECTION 17. 44.06 (1) of the statutes is repealed and recreated to read:

44.06 (1) In this section, "state document" has the meaning given in s. 35.81 (3).

SECTION 18. 44.06 (2), (4) and (5) of the statutes are amended to read:

44.06 (2) The director of the historical society shall file with the department of administration, and may revise, lists of state, county, municipal, federal, or other agencies to which state ~~public printing should~~ documents shall be distributed in accordance with interstate or international comity, with or without exchange, as provided in s. 35.86, in order to maintain or enlarge the reference collections of the society and the state. The department of administration shall obtain the state documents so specified from the agencies publishing them, at the expense of the agencies, and shall ship the state documents so specified shall be

~~shipped to the addressees directly from the office of the department of administration, provided by the director. The department of administration shall prepay carriage charges payable by the state and shall collect the charges from the agencies publishing the state documents being shipped.~~

(4) The historical society may loan such public documents, except those of rare nature, to other state agencies for official use or on interlibrary loan to other reference libraries under such rules and regulations and for such period as may appear desirable.

(5) The historical society shall prepare a periodic checklist of public state documents issued by the state, including all reports, circulars, bulletins and releases issued by the various state departments, boards, commissions and agencies and shall publish this the list in such form and with such notes as to show the scope and purpose of such publication documents as the society considers advisable.

SECTION 19. **Appropriation changes.** (1) HISTORICAL SOCIETY. In the schedule under section 20.005 (3) of the statutes for the appropriation to the historical society under section 20.245 (1) (am) of the statutes, as affected by the acts of 1991, ~~the dollar amount is increased by \$17,000 for fiscal year 1991-92 and the dollar amount is increased by \$68,200 for fiscal year 1992-93 to increase the authorized FTE positions for the society by 2.0 GPR librarian positions for the purpose of carrying out the responsibilities of the society for collection and preservation of state documents.~~

Vetoed
in Part

(2) PUBLIC INSTRUCTION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of public instruction under section 20.255 (1) (a) of the statutes, as affected by the acts of 1991, ~~the dollar amount is increased by \$1,400 for fiscal year 1991-92 and the dollar amount is increased by \$13,600 for fiscal year 1992-93 to increase the authorized FTE positions for the department by 0.5 GPR library assistant services position for the purpose of carrying out the responsibilities of the department for collection, preservation and distribution of state documents.~~

Vetoed
in Part

SECTION 20. **Initial applicability.** The treatment of section 35.84 (figure) of the statutes applies to distributions of editions that first occur on or after the effective date of this SECTION.