

Wisconsin Document Depository Program Historical Background

The Wisconsin Statutes have included provisions for access to and distribution of government documents to libraries since 1901. The *Wisconsin Library Bulletin*, May/June 1984 contained the following summary:

The early laws identified various methods for the promotion of documents and recognized quite specifically that access to public documents would “assist state offices, members of the legislature, and other citizens who are studying the growth and development of the affairs and institutions of this state (1901 Wis. Laws, Chapter 168).

In the laws of 1903, provision was first made for depositories of public documents:

1903 Wis. Laws, Chapter 238, Section 373c

The secretary of said free library commission is hereby directed to ascertain and report to the state superintendent of public property what public libraries, in the state, containing more than one thousand volumes, including libraries of normal schools, academies, and colleges, can suitably care for and advantageously use, public documents printed by the state. The secretary of said commission shall designate such libraries as depositories of state documents and shall, from time to time, prepare lists of such depositories for use of the state superintendent of public property. The state superintendent of public property is hereby directed to furnish each library which is designated as a depository of state documents one set of public documents, as they are published, and also copies of such reports and documents, printed at the expense of the state, as may be of general interest and supplied to him in sufficient numbers to meet such demand.

1903 Wis. Laws, Chapter 22, Section 351

Documents for institutions, etc. There shall be delivered to the several state institutions, state university, and normal schools, and also to each college, incorporated academy and literary institution of this state having a library of three hundred volumes, and to every established public library containing one thousand volumes or more, upon application being made therefore, one copy each of all documents published by the state. The state officers shall be furnished at all time with such documents belonging to the state as may be necessary or convenient for the business of their respective offices. There shall also be delivered to the library of the college of law and the university of Wisconsin ten copies of the senate and assembly journals and of the laws enacted at each regular and special session of the legislature.

1903 Wis. Laws, Chapter 22, Section 354

Upon completion of the binding of the five hundred sets of collected public documents provided for in section 319, the state printer shall promptly deliver to the state library seventy-five sets thereof, and to the state historical library sixty sets thereof, for the purpose of effecting exchanges with other libraries; also three sets to the free library commission, for the use of the legislative reference room. The residue of the edition shall be delivered by the state printer to the superintendent of public property, to be distributed as follows: one set to each member of the legislature to which such public documents were submitted, one set to the library of the state university, and to each county clerk, the same to be preserved in such institutions and in the office of such clerk; and not

exceeding one hundred sets to be placed at the disposal of the free library commission, to be distributed through the said superintendent to such school, collegiate, and free public libraries of the state having one thousand or more volumes, as may be designated by the secretary of said commission as depositories of public documents.

The language has been revised slightly over the years, and the duties of various agencies have changed somewhat; but the intent has remained largely the same. The legislature clearly indicated the importance of distribution of state government documents to the public through libraries. There were several attempts to better define state documents, to formalize the program and to revise the statutes to provide greater clarity.

In 1965 the Free Library Commission was incorporated into the Department of Public Instruction (DPI), the statutory language was modified, and responsibility for the state government document distribution was placed within DPI. The legislative library and reference bureau remained in the legislative branch.

Sections 35.85(2)(b) and 35.85(6), Wis. Stats., (1965) were added to the statutes and referenced the Free Library Commission. These references were later changed to the State Superintendent of Public Instruction.

In 1975, the Department of Public Instruction appointed a task force to review the statutory language related to the depository program, to refine the definition of government document, and to formalize the designation of depository libraries. A manual was issued by DPI describing the depository program and defining the responsibilities of the depository libraries.

In 1979 Wis. Laws, Chapter 34, Section 2001, required the Governor to appoint a committee to study the distribution of documents by the state. In the committee's charge, specific reference was made to s. 35.84(2); however, the committee was encouraged to consider any other provisions of the statutes relating to the distribution of documents. The committee was appointed in November 1979 and issued a report later in the year. According to the report, "The committee did not establish as a goal either the expansion or constriction of the free distribution of official state documents. Rather the committee attempted to ascertain the need for free copies of official state documents, clarify ambiguous and conflicting statutes and establish some consistency in the document distribution area." Some, but not all, of the language included in the report eventually was incorporated into the statutes in 1985.

In 1988, the State Superintendent of Public Instruction appointed the State Government Document Depository Study Committee. This committee studied problems associated with the language as it had evolved. The committee recommended a major revision of the statutes and assisted in drafting the revised statutory language. This bill was signed into law as 1991 Wisconsin Act 285 on April 29, 1992.

Amendments to the Statutes

1991 Wisconsin Act 285 of the Wisconsin Statutes revised and improved the Wisconsin Document Depository Program. The new statutory language defines the term state document; outlines the responsibilities of the Division for Libraries, Technology and Community Learning, depository libraries and other agencies; provides for exemptions; and clarifies several aspects of the program. It also requires state agencies to designate one or more staff members to be responsible for meeting state document depository distribution requirements.

Section 35.82(1), Wis. Stats. designates three state level depository libraries: the Wisconsin Historical Society Library, the Legislative Reference Bureau Library, and the Reference and Loan Library. The Wisconsin Historical Society Library, the Legislative Reference Bureau Library, and the Reference and Loan Library may have the only copies of state documents when insufficient numbers of copies are received for full distribution. The State Law Library also receives documents related to legal matters as indicated in s. 35.84 and 35.85, Wis. Stats.

Section 35.82, Wis. Stats. specifies that the Division for Libraries, Technology, and Community Learning designate not more than ten regional (full) depository libraries. Regional depository libraries receive all state documents made available through the depository program. The division also designates not more than 35 libraries to serve as selective (partial) state document depository libraries which receive all state documents except those for which distribution is restricted under s. 35.835(3).

The Department of Administration distributes selected documents listed in the chart in s. 35.84, Wis. Stats. The remainder of the documents listed in s. 35.84, Wis. Stats., are distributed by the Reference and Loan Library.

Statutory References

In addition to ss. 35.81-35.91, Wis. Stats., there are numerous other references in the statutes concerning the distribution of documents published by the state. These references include: the definitions of state agency as related to document distribution; public printing and distribution of laws and public documents by the Department of Administration; the designation of depository libraries; and the various responsibilities of the Wisconsin Historical Society, the Legislative Reference Bureau, and the Division for Libraries, Technology and Community Learning as they relate to the receipt and distribution of state documents.

Current Depository Program

The amendments to the statutes were strategically written to address potential format changes to state government information that would impact the way state documents might be accessed in the future. S. 35.81, Wis. Stats. indicates that state documents are the depository program's responsibility "regardless of the format or process by which produced." On Sept. 19, 2000 Executive order #408 required state agencies to "create an internet-based service center giving Wisconsin citizens secure and reliable access to core state government service." With executive order #408 came a dramatic decrease in the number of documents being printed by state agencies and an increase in the amount of documents and information now available online on state agency websites.

The [Wisconsin Digital Archives](#) was established in 2004 as part of the Wisconsin Document Depository Program to begin identifying a means to insure that content on state agency websites could continue to be available in the future and to provide a way for state agencies to continue to fulfill their statutory obligation to participate in the Wisconsin Document Depository Program with electronic formats.