

**SENATE . . . . . No. 2051**

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**The Commonwealth of Massachusetts**

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SENATE, April 10, 1980.

The committee on Ways and Means, to whom was committed the Senate Bill establishing the paperwork control commission (Senate, No. 1545), reports recommending that the same ought to pass, with an amendment, substituting a new draft entitled "An Act creating the department of forms, records, and paperwork control" (Senate, No. 2051).

For the committee,

CHESTER G. ATKINS

## The Commonwealth of Massachusetts

In the Year One 'Thousand Nine Hundred and Eighty.

### AN ACT CREATING THE DEPARTMENT OF FORMS, RECORDS, AND PAPERWORK CONTROL.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. It is hereby found that the proliferation of  
2 forms, records and paperwork in government of the common-  
3 wealth has placed a large burden and expense on both public  
4 and private sectors, and that the economic well-being of many  
5 private and public organizations is threatened by the con-  
6 tinued growth in governmental forms, records and paper-  
7 work.

8 Therefore, it is the purpose of the department of forms,  
9 records and paperwork control created by this act to simplify,  
10 consolidate or eliminate, when and where expedient, the forms,  
11 surveys, and other documents used by state agenices or de-  
12 partments, by studying and implementing a continuing pro-  
13 gram of forms management.

1 SECTION 2. The General Laws are hereby amended by in-  
2 serting after Chapter 7 the following chapter: —

#### CHAPTER 7A

#### MASSACHUSETTS FORMS, RECORDS AND PAPERWORK CONTROL ACT

6 *Section 1.* This chapter shall be known and may be cited as  
7 the "Massachusetts Forms, Records and Paperwork Control  
8 Act."

9 *Section 2.* The following words and phrases appearing in  
10 this chapter shall have the following meanings, unless the  
11 context clearly indicates and necessitates a contrary defini-  
12 tion.

13 "Agency" shall mean any state office, department, division,  
14 board, bureau, commission, authority, or other separate unit  
15 of the commonwealth established by the constitution, special

16 or general laws, or by executive or legislative order; provided,  
17 however, it shall not include any public educational institution  
18 in the commonwealth, or any department of the judicial branch  
19 of government in the commonwealth.

20 "Agency forms coordinator," shall mean a person designated  
21 by an agency to serve as an information liaison person be-  
22 tween the agency and the department to facilitate the imple-  
23 mentation and maintenance of a forms management program  
24 in that agency.

25 "Department" shall mean the department of forms, records,  
26 and paperwork control created by this chapter.

27 "Commissioner" shall mean the commissioner of the execu-  
28 tive office of administration and finance.

29 "Forms, records, or paperwork" shall mean any documenta-  
30 tion of the informational, communicative or decision making  
31 processes of the commonwealth, its agencies and subdivisions  
32 made or received by any agency of the commonwealth or its  
33 employees in connection with the transaction of public busi-  
34 ness or government functions, which documentation is created,  
35 received, retained, maintained, or filed by that agency or its  
36 successors as evidence of its activities or because of the in-  
37 formational value of the data in the documentation.

38 "Forms management" shall mean the program established  
39 and maintained pursuant to this chapter by the department  
40 of forms, records, and paperwork control, for the purpose of  
41 consolidating and controlling the use of forms and other docu-  
42 ments by agencies of the commonwealth, and for the purpose  
43 of providing continuity of forms design and use.

44 *Section 3.* The commissioner shall establish and staff the  
45 department of forms, records, and paperwork control, for the  
46 orderly implementation and maintenance of a statewide pro-  
47 gram of forms, records, and paperwork management. The  
48 commissioner shall appoint, without regard to chapter thirty-  
49 one, such staff as necessary to achieve the purposes of the  
50 department, with persons who are familiar with the principles  
51 of information and forms management, and the affairs and  
52 organization of state government. The commissioner shall  
53 assign such functions to the department from time to time

54 as he deems necessary to achieve the purposes of the depart-  
55 ment.

56 *Section 4.* The department shall investigate practices and  
57 procedures of state and local government and governmental  
58 authorities relating to the management and control over in-  
59 formation collection, processing and dissemination. The de-  
60 partment also shall investigate the nature and extent to which  
61 state and local government and governmental authorities co-  
62 operate with each other and with federal and private agencies  
63 in the standardization of the collection, processing and dis-  
64 semination of information and such other related matters as  
65 the commissioner shall determine. Where its investigation in-  
66 dicates needed changes pursuant to the purposes of this chap-  
67 ter, as determined by the commissioner, the department shall  
68 take steps to implement a forms, records and paperwork man-  
69 agement program.

70 *Section 5.* The department is authorized and empowered to  
71 require of state agencies a listing of, and documentation of  
72 the necessity for, such forms, surveys, and other documents  
73 as the commissioner may require. The department shall de-  
74 sign and prescribe forms, stationery, and other printed mate-  
75 rial except informative publications, in continuous use by  
76 state departments and agencies within the executive branch.  
77 No such department or agency shall provide for the printing  
78 of any new or revised matter before consulting with, and  
79 obtaining the approval of the commissioner.

80 The commissioner shall continuously review the forms, sta-  
81 tionery, records and printed matter other than informative  
82 materials, in continuous use in executive departments and  
83 agencies of the commonwealth, and may, for increased effi-  
84 ciency, economy, or reduction in unnecessary forms, records  
85 or paperwork in accordance with this chapter, require changes  
86 in such forms, records, stationery, and other printed matter.

87 *Section 6.* Subject to approval by the commissioner, the de-  
88 partment shall: —

89 (a) establish a forms management program for the common-  
90 wealth, and provide assistance in establishing internal forms  
91 management capabilities, which shall include provisions for

92 continuity of forms design procedures from the origin of the  
93 form to its completion as a record by determining the size,  
94 style, format, and use of the form for data compilation, the  
95 distribution of forms, stationery, records, and other related  
96 matters as the commissioner so provides;

97 (b) establish a central forms numbering system and a  
98 cross-index filing system for all forms used by agencies and  
99 departments in the commonwealth, to provide a central source  
100 of information on the usage and availability of forms;

101 (c) standardize, consolidate, and eliminate wherever possi-  
102 ble forms used by the commonwealth;

103 (d) provide coordinated procedures to take advantage of  
104 competitive bidding, consolidated orders, and contract procure-  
105 ment of forms and records used by the commonwealth, its  
106 agencies or departments, and shall work towards more effi-  
107 cient, economical, and timely procurement of forms;

108 (e) require that all forms be purchased through the com-  
109 mission, by establishing and operating a distribution center  
110 for the receipt, storage, and distribution of all material printed  
111 for an agency or department;

112 (f) establish a statewide records management program, pre-  
113 scribing the standards and procedures for record making and  
114 record keeping; provided however, that the investigative and  
115 criminal history records of the Massachusetts state police are  
116 exempted from this requirement;

117 (g) have the authority to examine all forms, records, and  
118 other papers in the possession, constructive possession, or con-  
119 trol of agencies of the commonwealth for the purpose of carry-  
120 ing out the goals of this chapter.

121 *Section 7.* Each executive department or agency of the  
122 commonwealth shall have an affirmative obligation to review  
123 all the forms currently being used by such agency or depart-  
124 ment and, within six months of the establishment of the de-  
125 partment, shall provide to the commissioner a list of all cur-  
126 rent forms being used, plus recommendations for reductions  
127 in the use of forms, by that department or agency, and  
128 shall: —

129 (a) cooperate fully with the department in reducing and

130 consolidating forms, records, and paperwork generated by state  
131 government, and otherwise implementing the provisions of this  
132 chapter;

133 (b) in consultation with the department, establish and main-  
134 tain an active and continuing program for the economical and  
135 efficient management of forms, records, and paperwork, and  
136 implement regulations issued in that regard by the commis-  
137 sioner;

138 (c) designate an agency forms coordinator, who shall as-  
139 sist the department in the content requirements of the form  
140 design process and in the development of the agency's forms  
141 management program;

142 (d) report to the department before the last Wednesday in  
143 December of each year those records and forms which have  
144 been created or discontinued in the past year, or provide a  
145 list of forms and records currently being used by the agency.

146 *Section 8.* The department shall investigate and attempt to  
147 reduce the forms, records and paperwork requirements placed  
148 upon the business community by state and local government  
149 and governmental units, with the express purpose of simpli-  
150 fying, eliminating, or consolidating such duplicative or un-  
151 necessary forms currently required of the business commu-  
152 nity.

153 *Section 9.* On or before the last Wednesday in December,  
154 nineteen eighty-one, and at intervals of not more than two  
155 years thereafter the commissioner shall complete an analysis  
156 of any form which any business in the commonwealth is re-  
157 quired to complete by any state department or agency. This  
158 analysis shall include the statute, regulation, or guidelines re-  
159 quiring or authorizing the use of any such form; the reasons  
160 for the information required by such form; the extent to  
161 which information requested by any such form duplicates in-  
162 formation sought by other forms required of such business;  
163 and recommendations for legislative or executive actions which  
164 would reduce the amount of forms, records or other paper-  
165 work generated, and facilitate the sharing of information and  
166 forms by departments and agencies of the commonwealth.

167 The commissioner shall submit a copy of this forms analysis

168 to the governor, the general court and appropriate depart-  
169 ments and agencies with the executive branch.

170 *Section 10.* The commissioner, acting through the depart-  
171 ment, is hereby authorized to study, develop, and promulgate  
172 rules, regulations, and procedures to facilitate the collection  
173 of discarded papers, and other recyclable paper materials as  
174 he determines, from all departments and agencies in the com-  
175 monwealth, for the purpose of depositing the same in a public  
176 or private recycling collection program for paper products.

