

No. 290, S.]

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CHAPTER 203.

AN ACT to renumber 44.08 (2) to be 44.08 (2) (a), 44.08 (5) to be 44.08 (6); to repeal and recreate 44.08 (4); to create 44.08 (2) (b), 44.08 (5) of the statutes, relating to preservation of public records.

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

SECTION 1. 44.08 (2) is renumbered 44.08 (2) (a).

SECTION 2. 44.08 (2) (b) is created to read:

44.08 (2) (b) "State agency" means any officer, commission, board, department or bureau of state government.

SECTION 3. 44.08 (4) is repealed and recreated to read:

44.08 (4) To secure the reproduction by microfilm or other photographic method of public records of permanent value in such a manner as to make the reproduction admissible as evidence in any court, tribunal or agency, administrative or otherwise, and to enable any state agency to request the destruction of original records without impairing the integrity of files of records having permanent value, any state agency may, upon receiving prior written approval from the committee on public records, cause any public records whatsoever made or received in the regular course of business, to be photographed, microfilmed or otherwise reproduced by photography, provided that all records needed for audit purposes shall be kept available in their original form for a period of at least 5 years from their date of origin or until after audit. Provision shall be made for the preservation of any such reproduction in conveniently accessible files in the agency of origin or its successor or in the state archives and all persons shall be entitled to examine and use the same subject to such reasonable rules as may be made by the responsible officer of the state agency having custody of the same.

SECTION 4. 44.08 (5) is renumbered 44.08 (6).

SECTION 5. 44.08 (5) is created to read:

(5) (a) Any state agency may receive from the committee on public records written approval for microfilming or otherwise reproducing by photographic method state records by submitting to the committee an inventory of the material to be photographed, showing the name of the agency, title of record series, dates covered, and a brief description of the material.

(b) Any such photographic reproduction shall be deemed to be an original record for all purposes, provided (1) that such reproduction is upon film which complies with the minimum standards of quality approved for permanent photographic records by the national bureau of standards; (2) that the device used to reproduce the records on film shall be one which accurately reproduces the content of the original; (3) that each reel or part of a reel of microfilm shall carry at the beginning a title target giving the name of the agency, brief title of record series, the microfilming project registration number assigned by the committee on public records, and at the end the camera operator's certificate showing the microfilming project registration number, reel number, brief title of record series, a brief description of the first and last document on the reel or part of reel of film, together with a statement signed by the operator substantially as follows: I hereby certify that I have on this day of, 19....., photographed the above-described documents in accordance with standards established by section 44.08 (5) (b) and with established procedures; and (4) that a statement of compliance with the minimum standards for quality of film and for processing and developing permanent photographic records as provided by the national bureau of standards shall be photographed on each reel or part of a reel of microfilm immediately following the operator's certificate and authenticated by the company developing or processing the film by signing the statement on the film with an acetate ink or perforating the film with a punch or device suitable for that purpose. The certificate of the operator and the statement of compliance shall be presumptive evidence that all conditions and standards prescribed by this section have been complied with.

(c) Any photographic reproduction meeting the foregoing conditions prescribed shall be taken as and stand in lieu of and have all the effect of the original document and shall be admissible in evidence in all courts and all other tribunals or agencies, administrative or otherwise, in all cases where the original document is admissible.

(d) An enlarged copy of any photographic reproduction on film made as herein provided and certified by the custodian as provided in section 327.18 (2) shall have the same force and effect as the photographic reproduction itself.

(e) All contracts for photographic reproduction of records to be made as provided in this section shall be entered into by the director of the bureau of purchases as provided by section 15.56 and the cost of making such photographic reproduction shall be paid out of the appropriation of the state agency having the reproduction made.

(f) Each state agency shall, before providing photographic copies or enlargements of records, require of the requestor prepayment of the actual cost thereof. Fees collected shall be paid by the agency into the fund from which its appropriation was made and credited to such appropriation, except as otherwise provided by law.

(g) Nothing in this section shall be construed to prohibit the responsible officer of any state agency from reproducing any document whatsoever, by any method whatsoever, whenever it is necessary for him to do so in the course of carrying out his duties or functions in any case other than where the original document is to be destroyed; but no original public record shall be destroyed after microfilming or other reproduction without the approval of the committee on public records as provided in section 44.08 (3).

Approved June 2, 1949.
