

1979 Assembly Bill 114

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CHAPTER 35, Laws of 1979

AN ACT to amend 19.21 (5) and (6), 59.716 (intro.) and 59.717 (intro.) of the statutes, relating to destruction of obsolete records by counties and towns.

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

SECTION 1. 19.21 (5) and (6) of the statutes are amended to read:

19.21 (5) (a) Any city council or village board and any town board, subject to s. 60.756, may provide by ordinance for the destruction of obsolete public records. Prior to ~~any such~~ the destruction at least 60 days' notice in writing of such destruction shall be given the historical society which shall preserve any such records it determines to be of historical interest. The historical society may, upon application, waive such notice. No assessment roll containing forest crop acreage may be destroyed without prior approval of the secretary of revenue.

(b) The period of time any town, city or village public record ~~shall be~~ is kept before destruction shall be as prescribed by ordinance unless a specific period of time is provided by statute. The period prescribed in ~~such the~~ ordinance shall may not be ~~not~~ less than 2 years with respect to water stubs, receipts of current billings and customer's ledgers of any municipal utility, and 7 years for other records unless a shorter period has been fixed by the public records board ~~pursuant to~~ under s. 16.61 (3) (e).

(c) Any town board, city council or village board may ~~also~~ provide by ordinance for the keeping and preservation of public records by the use of microfilm or other reproductive device. Any photographic reproduction shall be deemed an original record for all purposes if it meets the applicable standards established in s. 16.61 (7), ~~so far as the same may be applicable.~~

(6) Counties Any county having a population of 500,000 or more may provide by ordinance for the destruction of obsolete public records without regard to ss. 59.715 to 59.717 and may undertake a management of records service and any other county may so provide subject to ss. 59.715 to 59.717.

The period of time any public record shall be kept before destruction shall be determined by ordinance except that in all counties the specific period of time expressed within s. 59.715 shall apply ~~as to those records or documents.~~ Prior to any destruction of records under this subsection, except those specified within s. 59.715 ~~as well as those having a confidential character as determined by the county,~~ at least 60 days' notice of such destruction shall be given in writing, to the historical society, which may preserve any ~~such~~ records it determines to be of historical interest; ~~however no notice need be given.~~ Notice is not required for any of ~~the aforesaid class of~~ records for which destruction has previously been approved by the historical society or in which ~~the~~ society has indicated that it has no interest for historical purposes. Records which have a confidential character while in the possession of the original custodian shall retain such confidential character after transfer to the historical society unless the director of the historical society, with the concurrence of the original custodian, determines that such records shall be made accessible to the public under such proper and reasonable rules as the historical society adopts. The county board may ~~also~~ provide, by ordinance, a program for the keeping, preservation, retention and disposition of public records including the establishment of a committee on public records and may institute a record management service for the county and may appropriate funds to accomplish such purposes.

SECTION 2. 59.716 (intro.) of the statutes is amended to read:

59.716 Transfer of obsolete county records. (intro.) Prior to destruction of public records under s. 59.715, the proper officers in counties with a population of less than 500,000 shall make a written offer to the historical society under s. 44.09, ~~and if.~~ If the offer be is accepted by the ~~said~~ society within 60 days, the officers shall transfer, title to noncurrent records in their custody as follows:

SECTION 3. 59.717 (intro.) of the statutes is amended to read:

59.717 Destruction of county records, when. (intro.) If title is not accepted by the historical society within 60 days after a written notice offer is made under s. 59.716, county officers in counties with a population of less than 500,000 may destroy records as follows: