

1991 Senate Bill 404

Date of enactment: **April 29, 1992**

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1991 WISCONSIN ACT 280

AN ACT to amend 215.26 (4); and to repeal and recreate 214.75 (5) of the statutes, relating to: savings and loan association record keeping by optical imaging.

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

SECTION 1g. 214.75 (5) of the statutes, as created by 1991 Wisconsin Act (Assembly Bill 904), is repealed and recreated to read:

214.75 (5) (a) A savings bank may cause records kept by the savings bank to be recorded, copied or reproduced by any photostatic, photographic or miniature photographic process or by optical imaging if the process employed correctly, accurately and permanently copies, reproduces or forms a medium for copying, reproducing or recording the original record on a film or other durable material. A savings bank may thereafter dispose of the original record after obtaining the written consent of the commissioner. This subsection, except that part requiring written consent of the commissioner, is applicable to federal savings banks if it does not contravene federal law.

(b) Any photographic, photostatic or miniature photographic copy or reproduction or copy reproduced from a film record or any copy of a record generated by optical disk storage of a savings bank record shall be considered to be an original record for all purposes and shall be treated as an original record in all courts or administrative agencies for the purpose of its admissibility in evidence. A facsimile, exemplification or certified copy of a photographic copy or reproduction, copy reproduced from a film record or copy generated from optical disk storage of a record shall, for all purposes, be considered to be a facsimile, exemplification or certified copy of the original record.

SECTION 1r. 215.26 (4) of the statutes is amended to read:

215.26 (4) REPRODUCTION AND DESTRUCTION OF RECORDS. (a) Any association may cause any or all records kept by such association to be recorded, copied or reproduced by any photostatic, photographic or miniature photographic process ~~which~~ or by optical imaging if the process employed correctly, accurately and permanently copies, reproduces or forms a medium for copying ~~or reproducing or recording~~ the original record on a film or other durable material, ~~and such~~. An association may thereafter dispose of the original record after first obtaining the written consent of the ~~commissioners~~ commissioner. This section, excepting the part of it which requires written consent of the commissioner, is applicable to federal associations insofar as it does not contravene federal law.

(b) Any photographic, photostatic or miniature photographic copy or reproduction or copy reproduced from a film record ~~made from~~ or any copy of a record generated by optical disk storage of an association ~~records~~ record shall be deemed to be an original record for all purposes and shall be treated as an original record in all courts or administrative agencies for the purpose of its admissibility in evidence. A facsimile, exemplification or certified copy of any such photographic copy or reproduction ~~or~~ copy reproduced from a film record or copy generated from optical disk storage of a record shall, for all purposes, be deemed a facsimile, exemplification or certified copy of the original record.

SECTION 2. Nonstatutory provisions; reconciliation. The repeal and recreation of section 214.75 (5) of

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the statutes is void unless 1991 Wisconsin Act
(Assembly Bill 904) is enacted into law.
