



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2013 Assembly Bill 729

**Assembly
Amendment 1**

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CURRENT LAW

Current law does not contain any provisions specifically addressing the conduct of classified research at the University of Wisconsin System (UWS).

Under Wisconsin law, any record that is specifically exempted from disclosure by state or federal law (such as by security classification), or authorized to be exempted from disclosure by state law, is exempt from disclosure under the Wisconsin open records law, except for any portion of that record which contains public information. Wisconsin law also contains an exemption from disclosure for records containing trade secrets. [s. 19.36 (1) and (5), Stats.]

ASSEMBLY BILL 729

Assembly Bill 729 (AB 729) contains two major provisions, described below.

Open Records Law Exemption

AB 729 exempts from the Open Records Law for information, data, or records produced or collected by or for faculty or staff of public institutions of higher education as a result of study or research on commercial, scientific, or technical subjects. The exemption applies whether the study or research is sponsored by the institution alone or in conjunction with a governmental body or private concern. The exemption expires when the information is publicly released, published, or patented.

Authority for UWS to Conduct Classified Research

AB 729 authorizes the Board of Regents (BOR) of the UWS to accept research contracts involving government security classifications or similar restrictions on participation in the research or access to, or dissemination of, research results if the following requirements are met:

- The research furthers national security interests.
- The educational interests of all participating students are adequately protected.
- Appropriate facilities, infrastructure, and administrative resources are available for the research, either on campus or at off-campus locations.
- The sponsors of the research cover all additional costs associated with the security requirements of the research.
- The conditions for accepting the contracts and conducting the research are established pursuant to processes approved by the chancellors of the UW institutions at which the research is to be conducted. Chancellors must consult with faculty in approving those processes.

AB 729 requires the BOR to report the following to the Joint Committee on Finance by September 1 every year:

- The number of research contracts considered under processes established at UW institutions.
- The outcome of those contracts.

ASSEMBLY AMENDMENT 1

Assembly Amendment 1 (AA 1) removes from the bill the provision creating an Open Records Law exemption for certain information, data, and records related to research at public institutions of higher education.

BILL HISTORY

AA 1 was offered on February 12, 2014, by Representatives Kuglitsch and Nass. On February 18, 2014, the Assembly Committee on Colleges and Universities voted to recommend adoption of AA 1, and passage of the bill, as amended, on successive votes of Ayes, 13; Noes, 0.

On February 20, 2014, the Assembly adopted AA 1 and passed the bill, as amended, on voice votes.

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