

No. 396, A.]

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CHAPTER 567

AN ACT to repeal and recreate 16.80 of the statutes, relating to the public records of the state, and granting rule-making authority.

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

SECTION 1. 16.80 of the statutes is repealed and recreated to read:

16.80 RECORDS OF STATE OFFICES. (1) COMMITTEE ON PUBLIC RECORDS CREATED. For the purpose of the permanent preservation of important state records and to provide an orderly method for the disposition of other state records, there is established, under the executive department a permanent committee on public records, to consist of the governor as chairman, the director of the state historical society, the attorney general and the state auditor, or their designated representatives.

(2) **DEFINITIONS.** As used in this section:

(a) "Public records" means all records, documents, correspondence, original papers, files, manuscripts or other materials bearing upon the activities and functions of the state agency or its officers or employes except the records and correspondence of any member of the state legislature.

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

(c) "Committee" means the committee on public records.

(3) **DUTIES OF THE COMMITTEE.** The committee:

(a) Shall safeguard the legal, financial and historical interests of the state in public records.

(b) Upon the request of any state agency, may order upon such terms as the committee finds necessary to safeguard the legal, financial and historical interests of the state in public records, the destruction, reproduction by microfilm or other process, temporary or permanent retention or other disposition of public records.

(c) Shall make reasonable rules to carry out the purposes of this section.

(d) Establish a system for the protection and preservation of essential public records as directed by s. 22.03.

(4) **APPROVAL TO DESTROY.** No public records may be destroyed without the written approval of the originating office or its legal successor and the written approval of the committee on public records.

(5) **PROCEDURE FOR DISPOSITION OF NONCURRENT PUBLIC RECORDS.** To secure the destruction or other disposition of noncurrent public records, the head of any state agency or his designated representative shall forward to the committee an inventory of the records involved, certifying that as far as his agency is concerned the records may be destroyed immediately or at some specified future date. Such records shall be open at

all times to inspection by the members of the committee or their designated representatives.

(6) **PROCEDURE FOR PHOTOGRAPHIC REPRODUCTION OF PUBLIC RECORDS.** Any state agency desiring to photographically reproduce public records in order to permit the destruction of original records having permanent value may submit a request to the committee to reproduce photographically such records together with such information as the committee requires. Upon receiving written approval from the committee, any state agency may cause any public record to be photographed, microfilmed or otherwise reproduced by photography. The photographic reproduction shall comply with this section and the rules adopted pursuant thereto.

(7) Any photographic reproduction shall be deemed an original record provided:

(a) That the device used to reproduce the records on film is one which accurately reproduces the content of the original;

(b) That each reel or part of a reel of microfilm carries at the beginning a title target giving the name of the agency, brief title of records series, the disposal authorization number assigned by the committee and at the end the camera operator's certificate showing the disposal authorization 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 certify that I have on this day of _____, 19____, photographed the above described documents in accordance with the standards and procedures established by s. 16.80.

(c) That a statement shall be filed with the committee that the reproduction is upon film which complies with the minimum standards of quality for permanent photographic records, as established by the committee, and that the film was processed and developed in accordance with minimum standards established by the committee. 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.

(8) **ADMISSIBLE IN EVIDENCE.** (a) Any photographic reproduction meeting the requirements of this section shall be taken as, 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.

(b) Any enlarged copy of any photographic reproduction on film made as provided by this section and certified by the custodian as provided in s. 327.08 shall have the same force as the photographic reproduction itself.

(9) **PRESERVATION OF REPRODUCTIONS.** Provision shall be made for the preservation of any photographic reproductions of public records in conveniently accessible files in the agency of origin or its successor or in the state archives.

(10) **CONTRACTS FOR PHOTOGRAPHIC REPRODUCTION.** (a) Contracts for photographic reproduction of records to be made as provided in this section shall be made by the director as provided in s. 16.71 and the cost of making such photographic reproduction shall be paid out of the appropriation of the state agency having the reproduction made.

(11) **MISCELLANEOUS REPRODUCTION OF RECORDS.** (a) Each state agency shall, when providing photographic copies or enlargements of records, require of the requestor payment of the actual cost thereof. Fees collected shall be paid by the state agency into the fund from which its appropriation was made and credited to such appropriation, except as otherwise provided by law.

(b) Nothing in this section shall be construed to prohibit the responsible officer of any state agency from reproducing any document whatso-

ever by any method when 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 as provided in sub. (3).

(12) ACCESS TO PHOTOGRAPHIC REPRODUCTIONS. All persons may examine and use the photographic reproductions of public records subject to such reasonable rules as may be made by the responsible officer of the state agency having custody of the same.

(13) HISTORICAL SOCIETY AS DEPOSITORY. (a) The state historical society, as trustee for the state, shall be the ultimate depository of the archives of the state, and the committee may transfer to the said society such original records and reproductions as it deems proper and worthy of permanent reproduction. The society may deposit in the regional depositories established under s. 44.10, title remaining with the society, the records of state agencies or their district or regional offices which are primarily created in the geographic area serviced by the depository, but the records of all central departments, offices, establishments and agencies shall remain in the main archives in the capital city under the society's immediate jurisdiction. Nothing in this subsection nor in s. 44.01 shall be construed to prevent the society's taking such steps for the safety of articles and materials entrusted to its care in library, museum or archives, including temporary removal to safer locations, as may be dictated by emergency conditions arising from a state of war, civil rebellion or other catastrophe.

(b) The state historical society shall, in co-operation with the staff of the committee, as soon as practicable, adequately and conveniently classify and arrange such state records or other official materials as may be transferred to its care, for permanent preservation under this section and keep the same accessible to all persons interested, under such proper and reasonable rules as the historical society may find advisable. Copies therefrom shall, on application of any citizen of this state interested therein, be made and certified by the director of said historical society, or his authorized representative in charge, which certificate shall have the same force as if made by the official originally in charge of them.

SECTION 2. Wherever the reference is made to section 16.80 (5) (b) of the statutes in section 18.01 (5) (c) it is changed to s. 16.80 (7). The revisor of statutes shall show the change in printing the statutes.

SECTION 3. Wherever the reference is made to section 16.80 (7) of the statutes in section 327.29 (1) it is deleted. The revisor of statutes shall show the change in printing the statutes.

Approved October 3, 1961.
