

1981 Senate Bill 250

Date published: May 6, 1982

## CHAPTER 335 , Laws of 1981

AN ACT to repeal 16.61 (11) (a) and 19.21 (2); to renumber 16.61 (11) (b) and 19.21 (3), (4), (5) (a) and (b) and (6); to renumber and amend 19.21 (5) (c) and (7); to amend 13.91 (intro.), 13.94 (intro.), 16.61 (4), (11) (title) and (13) (c), subchapter II (title) of chapter 19, 59.07 (6), 59.14 (1) and (3), 62.60 (3), 893.90 (2) and 946.72 (1); and to create 19.31 to 19.39, 43.30, 46.206 (1) (bm), 59.14 (4), 116.035, 119.18 (22), 120.13 (28) and 120.49 (16) of the statutes, relating to access to public records and providing a penalty.

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

SECTION 1. 13.91 (intro.) of the statutes is amended to read:

**13.91 Legislative council staff.** (intro.) There is created a bureau known as the "Legislative Council Staff," headed by the executive secretary of the legislative council. The legislative council staff shall be strictly nonpartisan and shall at all times observe the confidential nature of the research and drafting requests received by it. The legislative council staff may call upon any state department, agency or officer, or any agency of any political subdivision, for such facilities and data as are available and such departments and agencies shall ~~co-operate~~ cooperate with the legislative council staff to the fullest possible extent.

SECTION 2. 13.94 (intro.) of the statutes, as affected by chapter 20, laws of 1981, is amended to read:

**13.94 Legislative audit bureau.** (intro.) There is created a bureau to be known as the "Legislative Audit Bureau", headed by a chief known as the "State Auditor". The bureau shall be strictly nonpartisan and shall at all times observe the confidential nature of any audit currently being performed. Subject to s. 230.35 (4) (a) and (f), the state auditor or designated employees shall at all times with or without notice have access to all departments and to any books, records or other documents maintained by the departments and relating to their expenditures, revenues, operations and structure except as provided in sub. (4). In the discharge of any duty imposed by law, the state auditor may subpoena witnesses, administer oaths and take testimony and cause the deposition of witnesses to be taken as prescribed for taking depositions in civil actions in circuit courts.

SECTION 3. 16.61 (4) of the statutes is amended to read:

**16.61 (4) APPROVAL FOR DISPOSITION OF RECORDS.** All public records made or received by or in the custody of a state agency shall be and remain the property of the state. Such records may not be disposed of without the written approval of the board. State agencies shall submit records disposal authorizations for all public records series in their

custody to the board for its approval within one year after each record series has been received or created unless a shorter period of retention is authorized by law, in which case authorization shall be submitted within that period. ~~The board is authorized to~~ may alter retention periods for ~~all~~ any records series; but if retention for a certain period is specifically required by law, the board may not decrease the length of that period. The board may not authorize the destruction of any public records during the period specified in s. 19.35 (5).

SECTION 4. 16.61 (11) (title) of the statutes is amended to read:

16.61 (11) (title) AUTHORITY TO REPRODUCE RECORDS.

SECTION 5. 16.61 (11) (a) of the statutes is repealed.

SECTION 6. 16.61 (11) (b) of the statutes is renumbered 16.61 (11).

SECTION 7. 16.61 (13) (c) of the statutes is amended to read:

16.61 (13) (c) The historical society shall, in cooperation with the staff of the board, as soon as practicable, adequately and conveniently classify and arrange the state records or other official materials transferred to its care, for permanent preservation under this section and keep the records and other official materials accessible to all persons interested, under proper and reasonable rules adopted by the historical society ~~adopts, consistent with s. 19.35~~. Copies of the records and other official materials shall, on application of any citizen of this state interested therein, be made and certified by the director of the historical society, or an authorized representative in charge, which certificate shall have the same force as if made by the official originally in charge of them. Records which have a confidential character while in the possession of the original custodian shall retain their confidential character after transfer to the historical society unless the board of curators of the historical society, with the concurrence of the original custodian or the custodian's legal successor, determines that the records shall be made accessible to the public under such proper and reasonable rules as the historical society adopts. If the original custodian or the custodian's legal successor is no longer in existence, confidential records formerly in that person's possession may not be released unless the release is first approved by the board. For public records and other official materials transferred to the care of the university archival depository under par. (b), the chancellor of the university preserving the records shall have the power and duties assigned to the historical society under this section.

SECTION 8. Subchapter II (title) of chapter 19 of the statutes is amended to read:

CHAPTER 19  
SUBCHAPTER II  
PUBLIC RECORDS AND PROPERTY

SECTION 9. 19.21 (2) of the statutes is repealed.

SECTION 10. 19.21 (3), (4) and (5) (a) and (b) of the statutes are renumbered 19.21 (2), (3) and (4) (a) and (b), respectively.

SECTION 11. 19.21 (5) (c) of the statutes is renumbered 19.21 (4) (c) and amended to read:

19.21 (4) (c) Any town board, city council ~~or~~, village board or school board may provide by ordinance or resolution 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).

SECTION 12. 19.21 (6) of the statutes is renumbered 19.21 (5).

SECTION 13. 19.21 (7) of the statutes is renumbered 19.21 (6) and amended to read:

19.21 (6) Any school district, except a city school district or a school district in a city of the 1st class, may provide for the destruction of obsolete school records. Prior to any such 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 the notice. The period of time a school district record shall be kept before destruction shall be not less than 7 years unless a shorter period is fixed by the public records board under s. 16.61 (3) (e). This section shall not apply to pupil records under s. 118.125.

SECTION 14. 19.31 to 19.39 of the statutes are created to read:

**19.31 Declaration of policy.** In recognition of the fact that a representative government is dependent upon an informed electorate, it is declared to be the public policy of this state that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employes who represent them. Further, providing persons with such information is declared to be an essential function of a representative government and an integral part of the routine duties of officers and employes whose responsibility it is to provide such information. To that end, ss. 19.32 to 19.37 shall be construed in every instance with a presumption of complete public access, consistent with the conduct of governmental business. The denial of public access generally is contrary to the public interest, and only in an exceptional case may access be denied.

**19.32 Definitions.** As used in ss. 19.33 to 19.39:

(1) "Authority" means any of the following having custody of a record: a state or local office, elected official, agency, board, commission, committee, council, department or public body corporate and politic created by constitution, law, ordinance, rule or order; a governmental or quasi-governmental corporation; any court of law; the assembly or senate; a nonprofit corporation which receives more than 50% of its funds from a county or a municipality, as defined in s. 59.001 (3), and which provides services related to public health or safety to the county or municipality; or a formally constituted subunit of any of the foregoing.

(2) "Record" means any material on which written, drawn, printed, spoken, visual or electromagnetic information is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority. "Record" includes, but is not limited to, handwritten, typed or printed pages, maps, charts, photographs, films, recordings, tapes (including computer tapes), and computer printouts. "Record" does not include drafts, notes, preliminary computations and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working; materials which are purely the personal property of the custodian and have no relation to his or her office; materials to which access is limited by copyright, patent or bequest; and published materials in the possession of an authority other than a public library which are available for sale, or which are available for inspection at a public library.

(3) "Requester" means any person who requests inspection or copies of a record.

**19.33 Legal custodians.** (1) An elected official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employe of his or her staff to act as the legal custodian.

(2) The chairperson of a committee of elected officials, or the designee of the chairperson, is the legal custodian of the records of the committee.

(3) The cochairpersons of a joint committee of elected officials, or the designee of the cochairpersons, are the legal custodians of the records of the joint committee.

(4) Every authority not specified in subs. (1) to (3) shall designate in writing one or more positions occupied by an officer or employe of the authority or the unit of government of which it is a part as a legal custodian to fulfill its duties under this subchapter. In the absence of a designation the authority's highest ranking officer and the chief administrative officer, if any, are the legal custodians for the authority. The legal custodian shall be vested by the authority with full legal power to render decisions and carry out the duties of the authority under this subchapter. Each authority shall provide the name of the legal custodian and a description of the nature of his or her duties under this subchapter to all employes of the authority entrusted with records subject to the legal custodian's supervision.

(5) Notwithstanding sub. (4), if an authority specified in sub. (4) or the members of such an authority are appointed by another authority, the appointing authority may designate a legal custodian for records of the authority or members of the authority appointed by the appointing authority, except that if such an authority is attached for administrative purposes to another authority, the authority performing administrative duties shall designate the legal custodian for the authority for whom administrative duties are performed.

(6) The legal custodian of records maintained in a publicly owned or leased building or the authority appointing the legal custodian shall designate one or more deputies to act as legal custodian of such records in his or her absence or as otherwise required to respond to requests as provided in s. 19.35 (4). This subsection does not apply to members of the legislature or to members of any local governmental body.

(7) The designation of a legal custodian does not affect the powers and duties of an authority under this subchapter.

(8) No elected official of a legislative body has a duty to act as or designate a legal custodian under sub. (4) for the records of any committee of the body unless the official is the highest ranking officer or chief administrative officer of the committee or is designated the legal custodian of the committee's records by rule or by law.

**19.34 Procedural information.** (1) Each authority shall adopt, prominently display and make available for inspection and copying at its offices, for the guidance of the public, a notice containing a description of its organization and the established times and places at which, the legal custodian under s. 19.33 from whom, and the methods whereby, the public may obtain information and access to records in its custody, make requests for records, or obtain copies of records, and the costs thereof. This subsection does not apply to members of the legislature or to members of any local governmental body.

(2) (a) Each authority which maintains regular office hours at the location where records in the custody of the authority are kept shall permit access to the records of the authority at all times during those office hours, unless otherwise specifically authorized by law.

(b) Each authority which does not maintain regular office hours at the location where records in the custody of the authority are kept shall:

1. Permit access to its records upon at least 48 hours' written or oral notice of intent to inspect or copy a record; or

2. Establish a period of at least 2 consecutive hours per week during which access to the records of the authority is permitted. In such case, the authority may require 24 hours' advance written or oral notice of intent to inspect or copy a record.

(c) An authority imposing a notice requirement under par. (b) shall include a statement of the requirement in its notice under sub. (1), if the authority is required to adopt a notice under that subsection.

(d) If a record of an authority is occasionally taken to a location other than the location where records of the authority are regularly kept, and the record may be inspected at the place at which records of the authority are regularly kept upon one business day's notice, the authority or legal custodian of the record need not provide access to the record at the occasional location.

**19.35 Access to records; fees.** (1) **RIGHT TO INSPECTION.** (a) Except as otherwise provided by law, any requester has a right to inspect any record. Substantive common law principles construing the right to inspect, copy or receive copies of records shall remain in effect. The exemptions to the requirement of a governmental body to meet in open session under s. 19.85 are indicative of public policy, but may be used as grounds for denying public access to a record only if the authority or legal custodian under s. 19.33 makes a specific demonstration that there is a need to restrict public access at the time that the request to inspect or copy the record is made.

(b) Except as otherwise provided by law, any requester has a right to inspect a record and to make or receive a copy of a record which appears in written form. If a requester requests a copy of the record, the authority having custody of the record may, at its option, permit the requester to photocopy the record or provide the requester with a copy substantially as readable as the original.

(c) Except as otherwise provided by law, any requester has a right to receive from an authority having custody of a record which is in the form of a comprehensible audio tape recording a copy of the tape recording substantially as audible as the original. The authority may instead provide a transcript of the recording to the requester if he or she requests.

(d) Except as otherwise provided by law, any requester has a right to receive from an authority having custody of a record which is in the form of a video tape recording a copy of the tape recording substantially as good as the original.

(e) Except as otherwise provided by law, any requester has a right to receive from an authority having custody of a record which is not in a readily comprehensible form a copy of the information contained in the record assembled and reduced to written form on paper.

(f) Except as otherwise provided by law, any requester has a right to inspect any record not specified in pars. (b) to (e) the form of which does not permit copying. If a requester requests permission to photograph the record, the authority having custody of the record may permit the requester to photograph the record. If a requester requests that a photograph of the record be provided, the authority shall provide a good quality photograph of the record.

(g) Paragraphs (a) to (c), (e) and (f) do not apply to a record which has been or will be promptly published with copies offered for sale or distribution.

(h) A request under pars. (a) to (f) is deemed sufficient if it reasonably describes the requested record or the information requested. However, a request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request. A request may be made orally, but a request must be in writing before an action to enforce the request is commenced under s. 19.37.

(i) Except as authorized under this paragraph, no request under pars. (a) to (f) may be refused because the person making the request is unwilling to be identified or to state the purpose of the request. Except as authorized under this paragraph, no request under pars. (a) to (f) may be refused because the request is received by mail, unless prepayment of a fee is required under sub. (3) (f). A requester may be required to show acceptable identification whenever the requested record is kept at a private residence or whenever security reasons or federal law or regulations so require.

(j) Notwithstanding pars. (a) to (f), a requester shall comply with any regulations or restrictions upon access to or use of information which are specifically prescribed by law.

(k) Notwithstanding pars. (a), (b) and (f), a legal custodian may impose reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.

(L) Except as necessary to comply with pars. (c) to (e) or s. 19.36 (6), this subsection does not require an authority to create a new record by extracting information from existing records and compiling the information in a new format.

(2) FACILITIES. The authority shall provide any person who is authorized to inspect or copy a record under sub. (1) (a), (b) or (f) with facilities comparable to those used by its employees to inspect, copy and abstract the record during established office hours. An authority is not required by this subsection to purchase or lease photocopying, duplicating, photographic or other equipment or to provide a separate room for the inspection, copying or abstracting of records.

(3) FEES. (a) An authority may impose a fee upon the requester of a copy of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized to be established by law.

(b) An authority may impose a fee upon the requester of a copy of a record for the actual, necessary and direct cost of photographing and photographic processing if the authority provides a photograph of a record, the form of which does not permit copying.

(c) Except as otherwise provided by law or as authorized to be prescribed by law, an authority may impose a fee upon a requester for locating a record, not exceeding the actual, necessary and direct cost of location, if the cost is \$50 or more.

(d) An authority may impose a fee upon a requester for the actual, necessary and direct cost of mailing or shipping of any copy or photograph of a record which is mailed or shipped to the requester.

(e) An authority may provide copies of a record without charge or at a reduced charge where the authority determines that waiver or reduction of the fee is in the public interest.

(f) An authority may require prepayment by a requester of any fee or fees imposed under this subsection if the total amount exceeds \$5.

(4) TIME FOR COMPLIANCE AND PROCEDURES. (a) Each authority, upon request for any record, shall, as soon as practicable and without delay, either fill the request or notify the requester of the authority's determination to deny the request in whole or in part and the reasons therefor.

(b) If a request is made orally, the authority may deny the request orally unless a demand for a written statement of the reasons denying the request is made by the requester within 5 business days of the oral denial. If an authority denies a written request in whole or in part, the requester shall receive from the authority a written statement of the reasons for denying the written request. Every written denial of a request by an authority shall inform the requester that if the request for the record was made in writing, then the determination is subject to review upon petition for a writ of mandamus under s. 19.37 (1) or upon application to the attorney general or a district attorney.

(5) RECORD DESTRUCTION. No authority may destroy any record at any time after the receipt of a request for inspection or copying of the record under sub. (1) until after the request is granted or until at least 60 days after the date that the request is denied. If an action is commenced under s. 19.37, the requested record may not be destroyed until after the order of the court in relation to such record is issued and the deadline for appealing that order has passed, or, if appealed, until after the order of the court hearing the appeal is issued. If the court orders the production of any record and the order is not appealed,

the requested record may not be destroyed until after the request for inspection or copying is granted.

(6) **ELECTED OFFICIAL RESPONSIBILITIES.** No elected official is responsible for the record of any other elected official unless he or she has possession of the record of that other official.

**19.36 Limitations upon access and withholding.** (1) **APPLICATION OF OTHER LAWS.** Any record which is specifically exempted from disclosure by state or federal law or authorized to be exempted from disclosure by state law is exempt from disclosure under s. 19.35 (1), except that any portion of that record which contains public information is open to public inspection as provided in sub. (6).

(2) **LAW ENFORCEMENT RECORDS.** Except as otherwise provided by law, whenever federal law or regulations require or as a condition to receipt of aids by this state require that any record relating to investigative information obtained for law enforcement purposes be withheld from public access, then that information is exempt from disclosure under s. 19.35 (1).

(3) **CONTRACTORS' RECORDS.** Each authority shall make available for inspection and copying under s. 19.35 (1) any record produced or collected under a contract entered into by the authority with a person other than an authority to the same extent as if the record were maintained by the authority.

(4) **COMPUTER PROGRAMS AND DATA.** A computer program, as defined in s. 16.97 (4) (c), is not subject to examination or copying under s. 19.35 (1), but the material used as input for a computer program or the material produced as a product of the computer program is subject to the right of examination and copying, except as otherwise provided in s. 19.35 or this section.

(5) **TRADE SECRETS.** An authority may withhold access to any record or portion of a record containing information qualifying as a common law trade secret.

(6) **SEPARATION OF INFORMATION.** If a record contains information that may be made public and information that may not be made public, the authority having custody of the record shall provide the information that may be made public and delete the information that may not be made public from the record before release.

**19.37 Enforcement and penalties.** (1) **MANDAMUS.** If an authority withholds a record or a part of a record or delays granting access to a record or part of a record after a written request for disclosure is made, the requester may pursue either, or both, of the alternatives under pars. (a) and (b).

(a) The requester may bring an action for a writ of mandamus asking a court to order release of the record. The court may permit the parties or their attorneys to have access to the requested record under restrictions or protective orders as the court deems appropriate.

(b) The requester may, in writing, request the district attorney of the county where the record is found, or request the attorney general, to bring an action for a writ of mandamus asking a court to order release of the record to the requester. The district attorney or attorney general may bring such an action.

(2) **COSTS, FEES AND DAMAGES.** The court shall award reasonable attorney fees, damages of not less than \$100, and other actual costs to the requester if the requester prevails in whole or in substantial part in any action filed under sub. (1). Costs and fees shall be paid by the authority affected or the unit of government of which it is a part, or by the unit of government by which the legal custodian under s. 19.33 is employed and may not become a personal liability of any public official.

(3) **PUNITIVE DAMAGES.** If a court finds that an authority or legal custodian under s. 19.33 has arbitrarily and capriciously denied or delayed response to a request or charged excessive fees, the court may award punitive damages to the requester.

(4) **PENALTY.** Any authority which or legal custodian under s. 19.33 who arbitrarily and capriciously denies or delays response to a request or charges excessive fees may be required to forfeit not more than \$1,000. Forfeitures under this section shall be enforced by action on behalf of the state by the attorney general or by the district attorney of any county where a violation occurs. In actions brought by the attorney general, the court shall award any forfeiture recovered together with reasonable costs to the state; and in actions brought by the district attorney, the court shall award any forfeiture recovered together with reasonable costs to the county.

**19.39 Interpretation by attorney general.** Any person may request advice from the attorney general as to the applicability of this subchapter under any circumstances. The attorney general may respond to such a request.

**SECTION 15.** 43.30 of the statutes is created to read:

**43.30 Public library circulation records.** Records of any library which is in whole or in part supported by public funds, including the records of a public library system, indicating which of its documents or other materials have been loaned to or used by an identifiable individual may not be disclosed except to persons acting within the scope of their duties in the administration of the library or library system or persons authorized by the individual to inspect such records, or by order of a court of law.

**SECTION 15m.** 46.206 (1) (bm) of the statutes is created to read:

46.206 (1) (bm) All records of the department relating to aid provided under s. 49.177, 49.19, 49.46 or 49.47 are open to inspection at reasonable hours by members of the legislature who require the information contained in the records in pursuit of a specific state legislative purpose. All records of any county relating to aid provided under s. 49.177, 49.19, 49.46 or 49.47 are open to inspection at reasonable hours by members of the board of supervisors of the county or the governing body of a city, village or town located in the county who require the information contained in the records in pursuit of a specific county or municipal legislative purpose. The right to records access provided by this paragraph does not apply if access is prohibited by federal law or regulation or if this state is required to prohibit such access as a condition precedent to participation in a federal program in which this state participates.

**SECTION 16.** 59.07 (6) of the statutes is amended to read:

59.07 (6) **PUBLIC RECORDS.** Prescribe the form and manner of keeping the records in any county office and the accounts of county officers. The board may adopt an ordinance designating legal custodians for the county. Unless prohibited by law, the ordinance may require the clerk or the clerk's designee to act as legal custodian for the board and for any committees, commissions, boards or authorities created by ordinance or resolution of the board.

**SECTION 16e.** 59.14 (1) of the statutes, as affected by chapter 43, laws of 1981, is amended to read:

59.14 (1) Every sheriff, clerk of the circuit court, register of deeds, county treasurer, register of probate, county clerk and county surveyor shall keep his or her office at the county seat in the offices provided by the county or by special provision of law; or if there is none, then at such place as the board directs. The board may also require any elective or appointive county official to keep his or her office at the county seat in an office to be provided by the county. All such officers shall keep their offices open during the usual business hours of any day except Sunday, as the board directs. With proper care, the officers shall open to the examination of any person all books and papers required to be kept in his or her office and permit any person so examining to take notes and copies of such books, records, papers or minutes therefrom except as authorized ~~under~~ in sub. (3) and s. 19.59 (3) (d).

**SECTION 16m.** 59.14 (3) of the statutes is amended to read:

59.14 (3) Any county board may by ordinance provide that the cut-off reception time for the filing and recording of documents shall be advanced by one-half hour in any official business day during which time the register of deeds office is open to the public, in order to complete the processing, recording and indexing to conform to the day of reception ~~but for. Any register of deeds may provide in his or her notice under s. 19.34 (1) that requests for inspection or copying of the records of his or her office may be made only during a specified period of not less than 35 hours per week. For all other purposes, the register of deeds office shall remain open to the public during usual business hours.~~

SECTION 16s. 59.14 (4) of the statutes is created to read:

59.14 (4) Any register of deeds who in good faith makes an erroneous determination as to the accessibility of a portion of a record to members of the public under s. 19.36 (6) is not subject to any penalty for denial of access to the record under s. 19.37 (4).

SECTION 17. 62.60 (3) of the statutes is amended to read:

62.60 (3) A majority of the sewerage commissioners ~~shall be a lawful~~ constitutes a quorum for the transaction of business. As soon as the commissioners first appointed under this subchapter enter upon the duties of their office, they shall elect one of the members of the sewerage commission as chairperson of the commission, who shall be removable at pleasure by the commission. The chairperson shall preside over the meetings of the commission and shall perform other duties which are imposed upon the chairperson of the sewerage commission by this subchapter or assigned by the commission. At the same time the commission shall elect a secretary, not a member of the commission, who shall be removable at pleasure by the commission and shall receive the compensation the commission determines. The salary shall be paid at the time and in the same manner that the salaries of other employes of the commission are paid. The secretary shall ~~enter in a bound book and carefully preserve neat, legible and record and preserve~~ accurate minutes of all matters concerning the commission and perform the other duties which usually appertain to the office of secretary of a private corporation, or as are imposed upon the secretary by this subchapter or which are assigned by the commission. All records shall be of the commission are subject to s. 19.21 (1) to (4) and subch. IV of ch. 19 shall govern all subch. II of ch. 19. All meetings and sessions of the commission are governed by subch. IV of ch. 19. The commission shall, annually, furnish to the mayor and common council of the city which established the sewerage commission a detailed report of all its official transactions and expenditures.

SECTION 19. 116.035 of the statutes is created to read:

**116.035 Designation of records custodian.** The board of control may, on behalf of any agency authority as defined in s. 19.32 (1), including the agency, the agency administrator and any subunit of the agency, designate one or more individuals to be legal custodians of records.

SECTION 20. 119.18 (22) of the statutes is created to read:

119.18 (22) **RECORDS CUSTODIAN.** On behalf of any school district authority as defined in s. 19.32 (1), including the board, school district officers and any subunit of the board or school district, designate one or more persons to be legal custodians of records.

SECTION 21. 120.13 (28) of the statutes is created to read:

120.13 (28) **RECORDS CUSTODIAN.** On behalf of any school district authority as defined in s. 19.32 (1), including the school board, school district officers and any subunit of the school board or school district, designate one or more persons to be legal custodians of records.

SECTION 22. 120.49 (16) of the statutes is created to read:

120.49 (16) RECORDS CUSTODIAN. On behalf of any school district authority as defined in s. 19.32 (1), including the school board, school district officers and any subunit of the school board or school district, designate one or more persons to be legal custodians of records.

SECTION 23. 893.90 (2) of the statutes is amended to read:

893.90 (2) Any civil action arising under ch. 11 ~~or~~ subch. III of ch. 13 or subch. II of ch. 19 shall be commenced within 3 years after the cause of action accrues or be barred.

SECTION 24. 946.72 (1) of the statutes is amended to read:

946.72 (1) Whoever with intent to injure or defraud destroys, damages, removes or conceals any public record is guilty of a Class D felony.

SECTION 25. **Program responsibility changes.** In the sections of the statutes listed in Column A, the program responsibilities references shown in Column B are deleted and the program responsibilities references shown in Column C are inserted:

(23) HISTORICAL SOCIETY.

A	B	C
Statute Sections 15.701 (intro.)	References Deleted 19.21 (5)	References Inserted 19.21 (4)

(32) JUSTICE.

A	B	C
Statute Sections 15.251 (intro.)	References Deleted none	References Inserted 19.37 (1) (b) and (4), 19.39

SECTION 26. **Cross-reference changes.** In the sections of the statutes listed in Column A, the cross-references shown in Column B are changed to the cross-references shown in Column C:

A	B	C
Statute Sections 19.55 (2) (intro.) 19.59 (3) (d) 19.88 (3) 29.21 (3) 36.07 (6) 59.51 (14s), as created by ch. 20, laws of 1981 62.60 (3) 127.06 (4) 144.33 (1) 144.925 (2) 147.08 (2) (c) 757.87 (1) 968.30 (7) (e)	Old Cross-References 19.21 19.21 s. 19.21 19.21 s. 19.21 and subch. IV of ch. 19 19.21 (1) and (6)  s. 19.21 (1) to (4) and subch. IV of ch. 19 19.21 s. 19.21 s. 19.21 s. 19.21 19.21 s. 19.21 (2)	New Cross-References 19.35 19.35 subch. II of ch. 19 19.35 subchs. II and IV of ch. 19 19.21 (1) and (5)  subchs. II and IV of ch. 19 19.35 subch. II of ch. 19 subch. II of ch. 19 subch. II of ch. 19 19.35 ss. 19.35 and 19.36

SECTION 27. **Effective date.** This act takes effect on January 1, 1983.