

1989 Senate Bill 189

Date of enactment: April 17, 1990

Date of publication*: May 1, 1990

1989 WISCONSIN ACT 248

AN ACT to repeal 16.61 (3) (n); and to amend 15.04 (1) (h), 16.61 (3) (e), 19.21 (5) (b) and (8), 59.23 (8) and 59.715 (24) (a) of the statutes, relating to: public records and forms.

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

SECTION 1. 15.04 (1) (h) of the statutes is amended to read:

15.04 (1) (h) *Report of forms and papers used.* Annually, no later than ~~January 15~~ September 1, file with the public records and forms board a report which shall include such information relative to records and forms management as may be specified by the board. The report shall cover all previously unsubmitted forms and papers that were required to be filed with the department or independent agency during the preceding ~~calendar~~ fi-scal year.

SECTION 2. 16.61 (3) (e) of the statutes is amended to read:

16.61 (3) (e) May establish the minimum period of time for retention before destruction of any county, city, town, village, metropolitan sewerage district or school district record.

SECTION 3. 16.61 (3) (n) of the statutes is repealed.

SECTION 4. 19.21 (5) (b) and (8) of the statutes are amended to read:

19.21 (5) (b) Any county having a population of less than 500,000 may provide by ordinance for the destruction of obsolete public records, subject to ss. 59.716 and 59.717, except for court records governed by SCR chapter 72.

(8) Any metropolitan sewerage commission created under ss. 66.88 to 66.918 may provide for the destruction of obsolete commission records. No record of the metropolitan sewerage district may be destroyed except by

action of the commission specifically authorizing the destruction of that record. Prior to any destruction of records under this subsection, the commission shall give at least 60 days' prior notice of the proposed destruction to the state historical society, which may preserve records it determines to be of historical interest. Upon the application of the commission, the state historical society may waive this notice. ~~The~~ Except as provided under sub. (7), the commission may only destroy a record under this subsection after 7 years elapse from the date of the record's creation, unless a shorter period is fixed by the public records and forms board under s. 16.61 (3) (e).

SECTION 5. 59.23 (8) of the statutes is amended to read:

59.23 (8) The sheriff is authorized to destroy all sheriff's dockets, daily jail records and cash books dated prior to 1901. It shall be the duty of the sheriff to hereafter retain and safely keep all such records for a period of ~~30~~ 8 years, or a shorter period authorized by the public records and forms board under s. 16.61 (3) (b), after which the ~~same~~ records may be destroyed.

SECTION 6. 59.715 (24) (a) of the statutes is amended to read:

59.715 (24) (a) Any district attorney record, after it has first been ~~photographed or microphotographed~~ microfilmed and preserved ~~under s. 889.30~~ in accordance with s. 16.61 (7).

SECTION 7. Nonstatutory provisions; transition. In lieu of the report filed under section 15.04 (1) (h) of the statutes due no later than January 15, 1990, each head of a department or independent agency shall include information relating to records and forms management for the

– 2 –

1989 Senate Bill 189

period from January 1, 1989, to June 30, 1989, in the report due no later than September 1, 1990, under section 15.04 (1) (h) of the statutes, as affected by this act.

SECTION 8. Initial applicability. The treatment of

section 15.04 (1) (h) of the statutes first applies to reports due to be filed with the public records and forms board on September 1, 1990 for the fiscal year 1989–90 reporting period.

