



2001 SENATE BILL 484

March 5, 2002 - Introduced by Senator ROESSLER, cosponsored by Representatives UNDERHEIM, SERATTI, TOWNSEND, KAUFERT, HUNDERTMARK, OLSEN and HAHN. Referred to Committee on Privacy, Electronic Commerce and Financial Institutions.

1 **AN ACT** *to renumber and amend* 19.32 (2); and *to create* 19.32 (2) (b) of the
2 statutes; **relating to:** access to certain public records in multiple
3 custodianship.

Analysis by the Legislative Reference Bureau

Currently, state and local governmental records may be available for public inspection and copying. Any record that is available may be requested and obtained from any state or local governmental officer or agency that has custody of the record, regardless of whether the record is an original or a copy.

This bill provides that if a record is publicly accessible and the record relates to a governmental service, and the state or local governmental officer or agency performing that service has custody of the record, the record may only be requested or obtained from the officer or agency that performs the service. However, the bill provides that, if more than one state or local governmental officer or agency performs a service and an identical record relating to that service was originated by one of the officers or agencies, then the record may only be requested and obtained from the originating officer or agency. In addition, the bill provides that, if none of the officers or agencies originated the record but one of the officers or agencies first received the record, then the record may only be requested and obtained from the officer or agency that first received the record.

The bill does not affect public record retention requirements.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 19.32 (2) of the statutes is renumbered 19.32 (2) (a) and amended
2 to read:

3 19.32 (2) (a) ~~“Record”~~ Except as provided in par. (b), “record” means any
4 material on which written, drawn, printed, spoken, visual, or electromagnetic
5 information is recorded or preserved, regardless of physical form or characteristics,
6 which has been created or is being kept by an authority. “Record” includes, but is not
7 limited to, handwritten, typed, or printed pages, maps, charts, photographs, films,
8 recordings, tapes (including computer tapes), computer printouts, and optical disks.
9 “Record” does not include drafts, notes, preliminary computations, and like
10 materials prepared for the originator’s personal use or prepared by the originator in
11 the name of a person for whom the originator is working; materials which are purely
12 the personal property of the custodian and have no relation to his or her office;
13 materials to which access is limited by copyright, patent, or bequest; and published
14 materials in the possession of an authority other than a public library which are
15 available for sale, or which are available for inspection at a public library.

16 **SECTION 2.** 19.32 (2) (b) of the statutes is created to read:

17 19.32 (2) (b) Except as otherwise provided in this paragraph, if material in the
18 custody of an authority relates to a governmental service and an authority
19 performing that service has custody of the material, the material is a “record” only
20 if it is in the possession of such an authority. If more than one authority performs
21 a service and identical material originated by an authority relating to the

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1 performance of that service is in the custody of more than one authority, the material
2 is a “record” only if it is in the custody of the authority that originated the material
3 or, if no authority originated the material and one of the authorities first received the
4 material, then only if it is in the possession of the authority that first received the
5 material.

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(END)