

**SENATE AMENDMENT 1,
TO 2003 SENATE BILL 404**

February 17, 2004 – Offered by Senator KANAVAS.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 7: after “records” insert “and granting rule-making authority”.

3 **2.** Page 12, line 1: delete the material beginning with that line and ending with
4 page 13, line 6.

5 **3.** Page 14, line 20: after that line insert:

6 “**SECTION 10t.** 137.05 (title) of the statutes is renumbered 137.25 (title).”.

7 **4.** Page 14, line 21: after “137.25” insert “(1)”.

8 **5.** Page 14, line 22: delete that line and substitute:

9 “137.25 **(1)**”.

10 **6.** Page 14, line 23: delete “units.”.

11 **7.** Page 22, line 7: delete “If” and substitute “Except as provided in sub. (6), if”.

1 **8.** Page 22, line 22: delete “If” and substitute “Except as provided in sub. (6),
2 if”.

3 **9.** Page 23, line 1: delete “A record” and substitute “(a) Except as provided in
4 sub. (6), a record”.

5 **10.** Page 23, line 3: delete “subsection” and substitute “paragraph”.

6 **11.** Page 23, line 5: after that line insert:

7 “(b) A governmental unit that has custody of a record is also further subject to
8 the retention requirements for public records of state agencies, and the records of the
9 University of Wisconsin Hospitals and Clinics Authority established under ss. 16.61,
10 and 16.611 and the retention requirements for documents of local governmental
11 units established under s. 16.612.

12 **(7)** The public records board may promulgate rules prescribing standards
13 consistent with this subchapter for retention of records by state agencies, the
14 University of Wisconsin Hospitals and Clinics Authority and local governmental
15 units.”.

16 **12.** Page 23, line 6: delete “(7)” and substitute “(8)”.

17 **13.** Page 27, line 6: after that line insert:

18 “**SECTION 13m.** 137.25 (2) of the statutes is created to read:

19 137.25 **(2)** The department of administration shall promulgate rules
20 concerning the use of electronic records and electronic signatures by governmental
21 units, which shall govern the use of electronic records or signatures by governmental
22 units, unless otherwise provided by law. The rules shall include standards regarding
23 the receipt of electronic records or electronic signatures that promote consistency
24 and interoperability with other standards adopted by other governmental units of

1 this state and other states and the federal government and nongovernmental
2 persons interacting with governmental units of this state. The standards may
3 include alternative provisions if warranted to meet particular applications.”.

4 **14.** Page 27, line 15: delete the material beginning with that line and ending
5 with page 29, line 6, and substitute:

6 “**SECTION 15am.** 224.30 (2) of the statutes is repealed.”.

7 **15.** Page 30, line 16: delete lines 16 to 19 and substitute:

8 “**SECTION 21m. Nonstatutory provisions.**

9 (1) Using the procedure under section 227.24 of the statutes, the department
10 of administration may promulgate emergency rules under section 137.25 (2) of the
11 statutes, as created by this act, for the period before the effective date of permanent
12 rules initially promulgated under section 137.25 (2) of the statutes, as created by this
13 act, but not to exceed the period authorized under section 227.24 (1) (c) and (2) of the
14 statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the
15 department is not required to provide evidence that promulgating a rule under this
16 subsection as an emergency rule is necessary for the preservation of the public peace,
17 health, safety, or welfare and is not required to provide a finding of emergency for a
18 rule promulgated under this subsection.

19 **SECTION 22m. Initial applicability.**

20 (1) The treatment of sections 137.01 (3) (a) and (4) (a) and (b), 137.04, 137.05
21 (title), 137.06, 137.11 to 137.24, 137.25 (2), 889.29 (1), 910.01 (1), 910.02, and 910.03,
22 subchapters I (title) and II (title) of chapter 137, and chapter 137 (title) of the statutes
23 and the renumbering and amendment of section 137.05 of the statutes first apply to

1 electronic records or electronic signatures that are created, generated, sent,
2 communicated, received, or initially stored on the effective date of this subsection.”.

3 (END)