



2009 ASSEMBLY BILL 190

April 2, 2009 – Introduced by Representatives MOLEPSKE JR., ZEPNICK, BERCEAU and SMITH. Referred to Committee on Assembly Organization.

1 **AN ACT** *to amend* 13.92 (1) (c) of the statutes; **relating to:** disclosing drafts of
2 drafting requests that did not result in legislation.

Analysis by the Legislative Reference Bureau

Under current law, the drafting section of the Legislative Reference Bureau (LRB) may draft proposed legislation for legislators, state government agencies, the chief clerks of the assembly and senate, and party caucuses of the assembly and senate. Under current law, the LRB may not disclose records of drafting requests that did not result in introduced legislation. Under this bill, generally, with regards to drafts that have not been introduced, if a person who made a request for proposed legislation disclosed a draft of the proposed legislation to another person, other than a person who may request drafting services under current law, the draft, but not the file for the drafting request, is subject to an open records request and the person who made the drafting request is the legal custodian of the draft.

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

3 **SECTION 1.** 13.92 (1) (c) of the statutes is amended to read:
4 13.92 (1) (c) *Drafting records; when confidential.* While the legislature remains
5 in session the drafting section shall maintain the files for all drafting requests

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1 received during such session, but after final adjournment the drafting records to
2 legislation introduced shall be turned over to the reference section under par. (a) 3.
3 Records of drafting requests which did not result in legislation introduced shall
4 remain confidential at all times ~~and, except that, if a person who has made a request~~
5 ~~for proposed legislation, or any other person specified under par. (b) 1., has disclosed~~
6 ~~a draft of the proposed legislation to a 3rd party, other than a person specified under~~
7 ~~par. (b) 1., the draft, but not the record of the drafting request, is a public record under~~
8 ~~subch. II of ch. 19 and, for purposes of this paragraph and subch. II of ch. 19, the~~
9 ~~person who requested the draft is the sole legal custodian. Records of drafting~~
10 ~~requests that did not result in legislation introduced~~ may be maintained by the
11 drafting section in such form as will facilitate its operations.

SECTION 2. Initial applicability.

12
13 (1) This act first applies to drafting requests received on the effective date of
14 this subsection.

15 (END)