

**2013 DRAFTING REQUEST**

**Bill**

Received: 12/12/2013 Received By: tdodge  
Wanted: As time permits Same as LRB:  
For: Dave Hansen (608) 266-5670 By/Representing: Charlie  
May Contact: Drafter: mduchek  
Subject: Health - vital statistics Addl. Drafters:  
Extra Copies:

Submit via email: YES  
Requester's email: Sen.Hansen@legis.wisconsin.gov  
Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Allow vital records to be posted electronically

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	mduchek 1/23/2014			_____			
/P1	mduchek 2/7/2014	scalvin 2/11/2014	jfrantze 2/3/2014	_____	srose 2/3/2014		State S&L
/1			rschluet 2/11/2014	_____	sbasford 2/11/2014	lparisi 2/27/2014	State S&L

FE Sent For:

*atw*  
*3/14/14*

<END>

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/?	mduchek 1/23/2014						
/P1		scalvin 2/1/2014	jfrantze 2/3/2014		srose 2/3/2014		State S&L
FE Sent For:		1 sac 02/11/2014	1 sac 02/11/2014				

*[Handwritten signature]*  
 <ENDS>  
 2/11/14  
 jm

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/?	mduchek	/PI sac 02/01/2014	/PI sac 02/01/2014	RB 2/ 10/13 12/2			

FE Sent For:

<END>

**Duchek, Michael**

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**From:** Dodge, Tamara  
**Sent:** Thursday, December 12, 2013 3:13 PM  
**To:** Duchek, Michael  
**Subject:** Vital records request.

Charlie from Senator Hansen's office called (6-5670). He wants to repeal s. 69.24 (1) (am), which prohibits the electronic posting of vital records. Sounds like the Senator has constituents that want to post records from the early 19<sup>th</sup> century online and this statute is blocking them.

I told Charlie that we'd let him know if I wasn't the one drafting the bill. If you want to enter it but wait on it a bit and see if I can still take it, that would be fine.

Thanks,  
Tami

**Tamara J. Dodge**

Attorney  
Wisconsin Legislative Reference Bureau  
P.O. Box 2037  
Madison, WI 53701-2037  
(608) 267 - 7380  
[tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)

**Duchek, Michael**

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**From:** Schultz, Charles  
**Sent:** Friday, January 17, 2014 8:44 AM  
**To:** Duchek, Michael  
**Subject:** RE: Vital Records Bill

Mike,

Yes, that is the intention. But only if those records are 106+ yrs old.

"make images, digital or otherwise, of either a copy or of the actual vital record, where the original was created before Oct. 1, 1907 from the various county Register of Deeds or any other source"

I'll be around until 3pm today.

Charles Schultz  
Office of State Senator Dave Hansen  
Phone: (608) 266-5670  
Fax: (608) 267-6791

-----Original Message-----

**From:** Duchek, Michael  
**Sent:** Thursday, January 16, 2014 5:17 PM  
**To:** Schultz, Charles  
**Subject:** RE: Vital Records Bill

Charlie,

As I said, the current statute, ss. 69.21 (2) (d) and 69.24 (1) (am), makes it unlawful for someone to make certain records available to the public in electronic format.

Is the intent to repeal this language so that someone CAN make those records available to the public in an electronic format?

Maybe we can chat tomorrow or I can touch base with leg. council if that would help.

-Mike

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**From:** Schultz, Charles  
**Sent:** Thursday, January 16, 2014 4:26 PM  
**To:** Duchek, Michael  
**Subject:** Vital Records Bill

Hi Mike,

I know I sent you some language yesterday but we revised it a bit and I wanted you to have the new stuff asap.

"make images, digital or otherwise, of either a copy or of the actual vital record, where the original was created before Oct. 1, 1907 from the various county Register of Deeds or any other source"

Let me know if you have any questions.

Regards,  
Charles Schultz  
Office of State Senator Dave Hansen  
Phone: (608) 266-5670  
Fax: (608) 267-6791

**Duchek, Michael**

---

**From:** Schultz, Charles  
**Sent:** Wednesday, January 08, 2014 1:54 PM  
**To:** Duchek, Michael  
**Subject:** RE: Bill draft request

Hi Michael,

Sorry for the delay. I will double check with Sen. Hansen to see what we want to do. I will be in touch.

Regards,  
Charles Schultz  
Office of State Senator Dave Hansen  
Phone: (608) 266-5670  
Fax: (608) 267-6791

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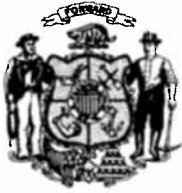
**From:** Duchek, Michael  
**Sent:** Monday, December 23, 2013 3:41 PM  
**To:** Schultz, Charles  
**Subject:** Bill draft request

Charlie,

I got a request forwarded from Tami Dodge that Sen. Hansen would like a bill that would repeal some language prohibiting certain records from being posted electronically, s. 69.24 (1) (am). The vital records law is one of the more cryptic sets of laws we have, but as I understand it that provision was added in 1997 Act 210 and it appears it was trying to deal *only* with records held by the Wisconsin Historical Society and possibly others, as opposed to vital records obtained from the state or a local registrar. So I wanted to confirm whether repealing that provision and other language from that act would cover the scope of the request or not. Let me know when you have a chance if this sounds correct, or if you want to discuss the request any further or if you have other information that might be helpful to me to draft the request, thanks,

**Mike Duchek**  
**Legislative Attorney**  
**Wisconsin Legislative Reference Bureau**  
**(608) 266-0130**





State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3836/P1

MED:/:...

SM

lu 1-23-13

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Gen

put done

1 **AN ACT ...; relating to: copying and making available certain vital records.**

***Analysis by the Legislative Reference Bureau***

Current law contains certain provisions addressing the preparation and issuance of vital records and the authorized copying of vital records. Vital records include certificates of birth, death, divorce, or annulment, and termination of domestic partnership, marriage documents, and declarations of domestic partnership. Some of these provisions make a distinction based upon whether the event that is the subject of a record occurred before October 1, 1907. Current law provides for the issuance of certified and uncertified copies of vital records by the State Registrar appointed by the Department of Health Services (state registrar) or a local registrar, subject to various restrictions, and for the issuance of uncertified copies of vital records for events occurring before October 1, 1907, by other persons, such as the State Historical Society. Certified copies of vital records include a certification including the seal of the issuing officer, are deemed the same as the original vital record, and are regarded as being presumptive evidence of any fact stated in the vital record. Uncertified copies do not have the same status or certification as certified records and have a notice on their face that they are uncertified.

Current law provides that any person who makes available to the public in electronic format an uncertified photocopy of a vital record for an event occurring before October 1, 1907, other than a vital record issued by the state registrar or a local registrar, is guilty of a Class I felony. Current law does not specifically prohibit making any other vital records available to the public in electronic format. Current law also provides that, subject to certain exceptions, any person who prepares or

issues any paper or film which purports to be, or carries the appearance of, an original or a copy of a vital record, whether certified or uncertified, is guilty of a Class I felony.

This bill repeals the prohibition against making certain records for events occurring before October 1, 1907, available in electronic format and specifically provides that any person may copy or make available electronically an uncertified copy of a vital record for an event occurring prior to October 1, 1907.

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. 69.21 (2) (d) 1. and 2. of the statutes are amended to read:

2           69.21 (2) (d) 1. An uncertified photocopy of a vital record for an event occurring  
3 before October 1, 1907, other than a vital record held by the state registrar and any  
4 local registrar, is subject to this paragraph ~~and may not be made available to the~~  
5 ~~public in electronic format~~, but is not otherwise subject to the limitations of this  
6 section or the requirements of s. 69.22.

7           2. An uncertified photocopy of a vital record described in subd. 1. shall have on  
8 its face the following text: “UNCERTIFIED COPY. Not valid for identification  
9 purposes. ~~It is illegal to make this document available to the public in electronic~~  
10 ~~format.~~”.

History: 1985 a. 315; 1987 a. 307; 1997 a. 210; 1999 a. 185; 2001 a. 16.

11           SECTION 2. 69.24 (1) (a) of the statutes is amended to read:

12           69.24 (1) (a) Other than as authorized under s. ss. 69.21 (2) (d) and 69.30 (3),  
13 prepares or issues any paper or film which purports to be, or carries the appearance  
14 of, an original or a copy of a vital record, certified or uncertified, except as provided  
15 under this subchapter or s. 610.50 and except for any hospital which issues any

1 written announcement of the birth of a person to the parents of the person if the  
2 announcement contains plain notice that the announcement is not for official use.

3 **History:** 1985 a. 315; 1987 a. 247; 1987 a. 403 s. 256; 1997 a. 210, 283; 2001 a. 16, 109; 2009 a. 28.

3 **SECTION 3.** 69.24 (1) (am) of the statutes is repealed.

4 **SECTION 4.** 69.30 (3) of the statutes is created to read:

5 69.30 (3) Any person may copy or may make available electronically an  
6 uncertified copy of a vital record for an event occurring prior to October 1, 1907, that  
7 is issued under s. 69.21 (2) (b) or (d).

\*\*\*\*NOTE: As I understand it, the available sources for pre-1907 records would be the State Registrar, a local registrar, or the State Historical Society. This would allow for the copying and electronic posting of an uncertified copy of pre-1907 records from any of these sources. Will this accomplish your intent?

8 (END)

## Duchek, Michael

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**From:** Schultz, Charles  
**Sent:** Wednesday, February 05, 2014 3:47 PM  
**To:** Duchek, Michael  
**Subject:** RE: bill draft LRB 3836

Correct. I can't for the life of me figure out how someone would use a 106+ year old document to commit fraud.

Charles Schultz  
Office of State Senator Dave Hansen  
Phone: (608) 266-5670  
Fax: (608) 267-6791

---

**From:** Duchek, Michael  
**Sent:** Wednesday, February 05, 2014 3:45 PM  
**To:** Schultz, Charles  
**Subject:** RE: bill draft LRB 3836

So you want it so that, any time a person obtains an uncertified copy of a pre-1907 document, be it from a registrar or the State Historical Society, that it would not have to have that notice that it's uncertified?

-Mike

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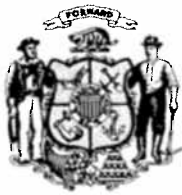
**From:** Schultz, Charles  
**Sent:** Wednesday, February 05, 2014 3:35 PM  
**To:** Duchek, Michael  
**Subject:** bill draft LRB 3836

Hi Mike,

If I'm not mistaken current law requires non-official documents be stamped as such; I didn't see that provision mentioned in the draft.

Is there a way we can have the stamp requirement removed for records pre-1907?

Regards,  
Charles Schultz  
Office of State Senator Dave Hansen  
Phone: (608) 266-5670  
Fax: (608) 267-6791



State of Wisconsin  
2013 - 2014 LEGISLATURE

In 2-7-13



LRB-3836/F

MED:sac:fm

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

Regen  
stand notices on §  
required

1 AN ACT *to repeal* 69.24 (1) (am); *to amend* 69.21 (2) (d) 1. and 2. and 69.24 (1)  
2 (a); and *to create* 69.30 (3) of the statutes; **relating to:** copying and making  
3 available certain vital records.

***Analysis by the Legislative Reference Bureau***

Current law contains certain provisions addressing the preparation and issuance of vital records and the authorized copying of vital records. Vital records include certificates of birth, death, divorce, or annulment, and termination of domestic partnership, marriage documents, and declarations of domestic partnership. Some of these provisions make a distinction based upon whether the event that is the subject of a record occurred before October 1, 1907. Current law provides for the issuance of certified and uncertified copies of vital records by the State Registrar appointed by the Department of Health Services (state registrar) or a local registrar, subject to various restrictions, and for the issuance of uncertified copies of vital records for events occurring before October 1, 1907, by other persons, such as the State Historical Society. Certified copies of vital records include a certification including the seal of the issuing officer, are deemed the same as the original vital record, and are regarded as being presumptive evidence of any fact stated in the vital record. Uncertified copies do not have the same status or certification as certified records and have a notice on their face that they are uncertified.

Current law provides that any person who makes available to the public in electronic format an uncertified photocopy of a vital record for an event occurring before October 1, 1907, other than a vital record issued by the state registrar or a local

registrar, is guilty of a Class I felony. Current law does not specifically prohibit making any other vital records available to the public in electronic format. Current law also provides that, subject to certain exceptions, any person who prepares or issues any paper or film which purports to be, or carries the appearance of, an original or a copy of a vital record, whether certified or uncertified, is guilty of a Class I felony.

This bill repeals the prohibition against making certain records for events occurring before October 1, 1907, available in electronic format and specifically provides that any person may copy or make available electronically an ~~uncertified~~ copy of a vital record for an event occurring prior to October 1, 1907. *Ins A*

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:***

**SECTION 1.** 69.21 (2) (d) 1. <sup>e</sup> and 2. of the statutes <sup>e is</sup> are amended to read:

69.21 (2) (d) 1. An uncertified photocopy of a vital record for an event occurring before October 1, 1907, other than a vital record held by the state registrar and any local registrar, is subject to this paragraph and ~~may not be made available to the public in electronic format,~~ but is not otherwise subject to the limitations of this section or the requirements of s. 69.22. *g 69.21(2)(d) 1. RP*

2. An uncertified photocopy of a vital record described in subd. 1. shall have on its face the following text: "UNCERTIFIED COPY. Not valid for identification purposes. ~~It is illegal to make this document available to the public in electronic format.~~"

**SECTION 2.** 69.24 (1) (a) of the statutes is amended to read:

69.24 (1) (a) Other than as authorized under s. ss. 69.21 (2) (d) and 69.30 (3), prepares or issues any paper or film which purports to be, or carries the appearance of, an original or a copy of a vital record, certified or uncertified, except as provided under this subchapter or s. 610.50 and except for any hospital which issues any

1 written announcement of the birth of a person to the parents of the person if the  
2 announcement contains plain notice that the announcement is not for official use.

3 **SECTION 3.** 69.24 (1) (am) of the statutes is repealed.

4 **SECTION 4.** 69.30 (3) of the statutes is created to read:

5 69.30 (3) Any person may copy or may make available electronically an  
6 uncertified copy of a vital record for an event occurring prior to October 1, 1907, that  
7 is issued under s. 69.21 (2) (b) or (d).

\*\*\*\*NOTE: As I understand it, the available sources for pre-1907 records would be  
the State Registrar, a local registrar, or the State Historical Society. This would allow for  
the copying and electronic posting of an uncertified copy of pre-1907 records from any of  
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8 (END)

2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3836/lins  
MED:sac:jm

INSERT A

*Not A*  
In addition, the bill repeals the requirements, for uncertified copies of vital records for events occurring before October 1, 1907, that uncertified copies of vital records contain a notice that they are uncertified. *they*

INSERT B

1           **SECTION 1.** 69.21 (2) (a) and (c) of the statutes are consolidated, renumbered  
2           69.21 (2) (a) and amended to read:  
3           **69.21 (2) (a)** The state registrar or local registrar shall issue an uncertified copy  
4           of the vital record of one or more registrants if the subject of the vital record is an  
5           event occurring after September 30, 1907. The requirements of ss. 69.15 (6) (b) and  
6           69.20 (3) (b) for disclosing information under s. 69.20 (2) shall apply to issuance  
7           under this paragraph of any copy of a vital record containing such information. (e)  
8           Any uncertified copy issued under ~~par. (a) or (b)~~ this paragraph shall have on its face  
9           a notice that it is uncertified.

**History:** 1985 a. 315; 1987 a. 307; 1997 a. 210; 1999 a. 185; 2001 a. 16.



**Barman, Mike**

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**From:** Wagnitz, John  
**Sent:** Thursday, February 27, 2014 2:32 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -3836/1 Topic: Allow vital records to be posted electronically

Please Jacket LRB -3836/1 for the SENATE.