



2013 ASSEMBLY BILL 729

February 4, 2014 – Introduced by Representatives KUGLITSCH, STRACHOTA, KAHL, KNODL, RIPP, AUGUST, CRAIG, PRIDEMORE and WRIGHT, cosponsored by Senators FARROW and COWLES. Referred to Committee on Colleges and Universities.

1 **AN ACT** *to create* 19.36 (14), 36.11 (55m) and 36.45 (4) of the statutes; **relating**
2 **to:** classified research at University of Wisconsin System institutions and
3 exemption from open records requirements.

Analysis by the Legislative Reference Bureau

Under this bill, if certain requirements are satisfied, the Board of Regents of the University of Wisconsin (UW) System may accept research contracts involving government security classifications or similar restrictions on participation in the research or access to, or dissemination of, research results. The requirements that must be satisfied are as follows. First, the research must further national security interests. Second, the educational interests of all participating students must be adequately protected. Third, appropriate facilities, infrastructure, and administrative resources must be available for the research, either on campus or at off-campus locations. Fourth, the sponsors of the research must cover all additional costs associated with the security requirements of the research. Finally, the conditions for accepting the contracts and conducting the research must be established pursuant to processes approved by the chancellors of the UW institutions at which the research is to be conducted. The bill requires the chancellors to consult with faculty in approving those processes.

The bill also provides that certain information of public higher education institutions is exempt from inspection or copying under the open records law. The information subject to the exemption is information, data, or records produced or collected by or for faculty or staff of such institutions as a result of study or research

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on commercial, scientific, or technical subjects. The exemption applies whether or not the study or research is sponsored by the institution alone or in conjunction with a governmental body or private concern. The exemption expires when the information is publicly released, published, or patented.

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

1 **SECTION 1.** 19.36 (14) of the statutes is created to read:

2 19.36 (14) HIGHER EDUCATION INTELLECTUAL PROPERTY RECORDS. An authority
3 may withhold access to information, data, or records produced or collected by or for
4 faculty or staff of public institutions of higher education in the conduct of or as a
5 result of study or research on commercial, scientific, or technical subjects, whether
6 sponsored by the institution alone or in conjunction with a governmental body or
7 private concern, until such information, data, or records have been publicly released,
8 published, or patented.

9 **SECTION 2.** 36.11 (55m) of the statutes is created to read:

10 36.11 (55m) CLASSIFIED RESEARCH. The board may accept research contracts
11 involving government security classifications or other similar restrictions on
12 participation in research or access to or dissemination of research results, if all of the
13 following are satisfied:

14 (a) The research furthers national security interests.

15 (b) The educational interests of all participating students are adequately
16 protected.

17 (c) Appropriate facilities, infrastructure, and administrative resources are
18 available for the research, either on campus or at off-campus locations.

19 (d) The sponsors of the research cover all additional costs associated with the
20 security requirements of the research.

