



2013 ASSEMBLY BILL 26

February 15, 2013 - Introduced by Representatives BIES, BALLWEG, BROOKS, KAPENGA, T. LARSON, SCHRAA, TAUCHEN, TITTL and ZEPNICK. Referred to Committee on Government Operations and State Licensing.

1 **AN ACT to create** 19.35 (3) (cm) of the statutes; **relating to:** fees charged for
2 access to public records.

Analysis by the Legislative Reference Bureau

Under the public records law, an authority may charge certain fees to a person who requests a record to cover costs associated with responding to the records request. In *Milwaukee Journal Sentinel v. City of Milwaukee*, 2012 WI 65, 341 Wis. 2d 607, 815 N.W.2d 367, the Wisconsin Supreme Court held that the public records law does not permit an authority to charge fees for the cost of redacting confidential information from records. This bill amends the public records law to provide that an authority may impose a fee upon a requester for the actual, necessary, and direct cost of deleting, redacting, or separating information that is not subject to disclosure from a record.

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:

3 **SECTION 1.** 19.35 (3) (cm) of the statutes is created to read:
4 19.35 (3) (cm) Except as otherwise provided by law or as authorized to be
5 prescribed by law, an authority may impose a fee upon a requester for the actual,

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1 necessary, and direct cost of deleting, redacting, or separating information that is not
2 subject to disclosure from a record.

3 **SECTION 2. Initial applicability.**

4 (1) This act first applies to requests to inspect or copy a record made on the
5 effective date of this subsection.

6 (END)