



2011 ASSEMBLY JOINT RESOLUTION 52

August 9, 2011 - Introduced by Representatives RICHARDS, BARCA, BERCEAU, BERNARD SCHABER, BEWLEY, E. COGGS, D. CULLEN, DOYLE, FIELDS, HEBL, HINTZ, HULSEY, MASON, MOLEPSKE JR, PASCH, POCAN, RADCLIFFE, RINGHAND, ROYS, SEIDEL, SHILLING, SINICKI, STASKUNAS, STEINBRINK and VRUWINK, cosponsored by Senators C. LARSON, HOLPERIN, CARPENTER and S. COGGS. Referred to Committee on Homeland Security and State Affairs.

1 **To renumber** section 10 of article IV; and **to create** section 10 (2) of article IV of the
2 constitution; **relating to:** requiring the legislature to enact laws requiring
3 reasonable notice of and public access to meetings of governmental bodies,
4 including the legislature, and making members of the legislature subject to
5 citations and civil penalties for violations of such laws (first consideration).

Analysis by the Legislative Reference Bureau

On June 14, 2011, in *Ozanne v. Fitzgerald*, the Wisconsin Supreme Court held that under the constitutional separation of powers, the courts will not apply the notice and public access requirements of the open meetings law to meetings of legislative bodies.

The constitution also prohibits arrest of members of the legislature except for treason, felony, or breach of the peace and exempts members from civil process during the legislative session and for 15 days before and after the session.

This constitutional amendment, proposed to the 2011 legislature on first consideration, requires the legislature to enact laws requiring reasonable notice of and public access to meetings of governmental bodies, including the legislature, and making members of the legislature subject to citations and civil penalties for violations of such laws.

A constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

1 ***Resolved by the assembly, the senate concurring, That:***

2 **SECTION 1.** Section 10 of article IV of the constitution is renumbered section 10
3 (1) of article IV.

4 **SECTION 2.** Section 10 (2) of article IV of the constitution is created to read:

5 [Article IV] Section 10 (2) The legislature shall enact laws requiring
6 governmental bodies to conduct business in meetings that are held with reasonable
7 prior notice and accessible to the public and make these laws applicable to the
8 legislature. Notwithstanding section 8 of this article, courts of law may apply these
9 laws to the senate, the assembly, and other legislative bodies. Notwithstanding
10 section 15 of this article, members of the legislature are subject to citation and civil
11 penalties during a legislative session while a house is in recess for violations of such
12 laws.

13 **SECTION 3. Numbering of new provisions.** If another constitutional
14 amendment ratified by the people creates the number of any provision created in this
15 joint resolution, the chief of the legislative reference bureau shall determine the
16 sequencing and the numbering of the provisions whose numbers conflict.

17 ***Be it further resolved, That*** this proposed amendment be referred to the
18 legislature to be chosen at the next general election and that it be published for three
19 months previous to the time of holding such election.

20 (END)