



## 1997 SENATE BILL 137

March 26, 1997 - Introduced by Senator ADELMAN, by request of Attorney General James E. Doyle. Referred to Committee on Judiciary, Campaign Finance Reform and Consumer Affairs.

1     **AN ACT to create** 19.975 of the statutes; **relating to:** authorization for the  
2             attorney general and district attorneys to issue subpoenas to investigate  
3             alleged violations of the open meetings law.

---

### *Analysis by the Legislative Reference Bureau*

Currently, under the open meetings law, with certain exceptions, meetings of state and local governmental bodies are required to be held in open session, and certain notice of meetings is required to be given. The law is enforced by the attorney general or, upon the verified complaint of any person, by the district attorney of any county where a violation occurs. Civil penalties are prescribed for violations. Any public document, including a document that is produced in a closed session of a governmental body or in a civil investigatory proceeding, is potentially open to public inspection unless otherwise specifically provided by law or unless the custodian demonstrates, at the time that a request for access is made, that the public interest in withholding access to the document outweighs the strong public interest in providing access. Currently, the attorney general and district attorneys have no general authority to issue subpoenas to investigate alleged civil offenses under the open meetings law before an enforcement action is commenced in court.

This bill permits the attorney general and any district attorney to issue subpoenas for the purpose of requiring testimony or the production of documents to aid in the investigation of an alleged violation of the open meetings law. The bill provides that no person may be excused from testifying or producing a document upon the ground that the testimony or document relates to business conducted in a

