

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-2331/1dn
JTK:kmg:pg

March 17, 2003

Ron Sklansky and Bob Conlin:

1. Proposed s. 19.356 (7) requires the circuit court to issue a decision concerning access to certain information contained in a public record within a specified period after filing and service is complete. A statute which requires a court to issue a decision within a specified period is unusual and perhaps unprecedented, and, given the prerogatives of a coequal branch of government, may not be entirely effective. It may, however, at least suggest that some prioritization may be in order, which could advance the disposition of these types of cases.

2. Some statutes, for example, ss. 40.07 and 51.30, stats., address the issue of access to public records by public employees and even by employees of the same agency that creates the records. Since under current statutory law it is not generally possible for a record subject to challenge the decision of a public officer or agency to provide access to a record, this issue does not generally arise. However, under proposed s. 19.356 (2) and (9), there may be a question as to whether notice of a proposed release needs to be provided when access to a public record is sought by other public officers or agencies, or even by officers or employees within the same agency that creates the record. You may wish to address that issue.

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