

**SENATE AMENDMENT 1,
TO 2003 SENATE BILL 78**

June 20, 2003 – Offered by Senator ROESSLER.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 5: after “records” insert “and granting rule-making authority”.

3 **2.** Page 13, line 11: before that line insert:

4 “**SECTION 10m.** 196.135 of the statutes is created to read:

5 **196.135 Confidential handling of records. (1) DEFINITION.** In this section,
6 “record” has the meaning given in s. 19.32 (2).

7 **(2) RULES.** The commission shall promulgate rules establishing requirements
8 and procedures for the confidential handling of records filed with the commission.

9 **(3) NOTICE.** If the commission decides to allow public access under s. 19.35 to
10 a record filed with the commission, the commission shall, before allowing access and
11 within 3 working days after making the decision to allow access, serve written notice
12 of that decision by certified mail or personal service on the person who filed the
13 record, if any of the following applies:

1 (a) The commission granted the record confidential handling status under the
2 rules promulgated under sub. (2).

3 (b) The person who filed the record requested confidential handling status
4 under the rules promulgated under sub. (2) and the commission has not yet acted on
5 the request.

6 (c) The commission denied a request for confidential handling under the rules
7 promulgated under sub. (2); the person whose request was denied filed a petition for
8 review of the commission's decision to deny the request; and the petition is pending
9 before a court.

10 **(4)** LIMIT ON ACCESS; RIGHT OF ACTION. (a) The commission shall not provide
11 access to a record that is the subject of a notice under sub. (3) within 12 days of the
12 date of service of the notice.

13 (b) A person who is entitled to a notice under sub. (3) may bring an action for
14 judicial review of a decision by the commission to allow public access under s. 19.35
15 to a record. Section 19.356 (3) to (8) applies to such an action, except that “record
16 subject” means the person who is entitled to notice under sub. (3), “authority” means
17 the commission, “notice under s. 19.356 (2) (a)” means the notice under sub. (3), and
18 “action commenced under s. 19.356 (4)” means the action under this paragraph.”.

19 **(END)**