

2003 DRAFTING REQUEST

Bill

Received: 02/18/2003

Received By: jkuesel

Wanted: As time permits

Identical to LRB:

For: David Hansen (608) 266-5670

By/Representing: Jay Wadd

This file may be shown to any legislator: NO

Drafter: jkuesel

May Contact:

Addl. Drafters:

Subject: **Public Records**
State Govt - miscellaneous
Munis - miscellaneous
Education - miscellaneous
Counties - miscellaneous

Extra Copies: **MES - 1**
RPN - 1

Submit via email: YES

Requester's email: **Sen.Hansen@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Notice of open meetings and public records laws

Instructions:

Per 01-3801/1.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	jkuesel 02/18/2003	kgilfoy 03/06/2003		_____			S&L
/1			chaskett	_____	mbarman	sbasford	S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
			03/07/2003 _____		03/07/2003	03/18/2003	
			_____			sbasford	
			_____			03/18/2003	
/2	jkuesel 04/13/2003	kgilfoy 04/15/2003	rschluet 04/15/2003 _____		amentkow 04/15/2003	amentkow 04/15/2003	

FE Sent For:

<END>

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? jkuesel kgilfoy
02/18/2003 03/06/2003 S&L

1/2 jkuesel 1/2 - 4/15
4/13/03 kmf chaskett pb mbarman sbasford
4-15-03

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			03/07/2003	_____	03/07/2003	03/18/2003	
				_____		sbasford	
				_____		03/18/2003	

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12/1	jkuesel 2/18	1/1 - 3/4 kmj	1 - 3/2 cph	self 3/7			

FE Sent For:

<END>



WISCONSIN STATE SENATE
DAVE HANSEN
SENATOR - 30TH DISTRICT

- In response to your recent request.
- I thought you might be interested in the enclosed material.

Jeff-

Would you please draft
this for new session?

Thanks - Jay

State Capitol P.O. Box 7882 Madison, Wisconsin 53707-7882
Phone: (608) 266-5670 Fax: (608) 267-6791 E-mail: sen.hansen@legis.state.wi.us



2001 BILL

1 AN ACT to amend 19.37 (4); and to create 19.34 (1m), 19.91, 59.52 (2m) and
2 165.25 (10) of the statutes; relating to: notice of the open meetings and public
3 records access laws, violations of the public records access law and providing
4 a penalty.

Analysis by the Legislative Reference Bureau

Currently, each state and local governmental unit must adopt, prominently display, and make available for inspection and copying at its offices a notice containing a general description of its organization and the established times and places at which, the legal custodians from whom, and the methods whereby the public may obtain information or copies of records in its custody and the costs thereof. There is no parallel requirement under the open meetings law, but state and local governmental bodies must provide notices of their meetings in the manner specified in that law.

This bill requires each county, city, village, and town to prominently display a copy of the general statutory provisions governing access to public records in each of its offices that is accessible to the general public. The bill also requires each governmental body of a county, city, village, and town to prominently display a copy of the open meetings law in each of its offices that is accessible to the general public. In addition, the bill directs the department of justice to prepare and periodically revise as necessary a description in plain language of the effect of the open meetings law and the general statutory provisions governing access to public records. The bill

BILL

provides that if a county publishes a directory the county shall include the description in the directory.

Currently, if any state or local governmental unit or its legal custodian arbitrarily and capriciously denies or delays response to a request for access to a public record or charges excessive fees, the unit or custodian is subject to a forfeiture (civil penalty) of not more than \$1,000. This bill applies the same penalty to a governmental unit or its custodian if the unit or custodian violates any of the other general statutory provisions governing access to public records.

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:

1 **SECTION 1.** 19.34 (1m) of the statutes is created to read:

2 19.34 (1m) Each county, city, village, and town shall prominently display a copy
3 of ss. 19.31 to 19.39 in each of its offices that is accessible to members of the public.

4 **SECTION 2.** 19.37 (4) of the statutes is amended to read:

5 19.37 (4) **PENALTY.** Any authority which or legal custodian under s. 19.33 who
6 violates any provision of ss. 19.33 to 19.365 may be required to forfeit not more than
7 \$1,000. Any authority which or legal custodian under s. 19.33 who arbitrarily and
8 capriciously denies or delays response to a request or charges excessive fees may be
9 required to forfeit not more than \$1,000. Forfeitures under this section shall be
10 enforced by action on behalf of the state by the attorney general or by the district
11 attorney of any county where a violation occurs. In actions brought by the attorney
12 general, the court shall award any forfeiture recovered together with reasonable
13 costs to the state; and in actions brought by the district attorney, the court shall
14 award any forfeiture recovered together with reasonable costs to the county.

15 **SECTION 3.** 19.91 of the statutes is created to read:

2001 BILL

1 AN ACT *Gen. Cat.* to amend 19.37 (4); and to create 19.34 (1m), 19.91, 59.52 (2m) and
2 165.25 (10) of the statutes; relating to: notice of the open meetings and public
3 records access laws, violations of the public records access law^v and providing
4 a penalty.

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3 of ss. 19.31 to 19.39[✓] in each of its offices that is accessible to members of the public.

4 **SECTION 2.** 19.37 (4) of the statutes is amended to read:

5 19.37 (4) PENALTY. Any authority which or legal custodian under s. 19.33[✓] who
6 violates any provision of ss. 19.33 to 19.365[✓] may be required to forfeit not more than
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8 capriciously denies or delays response to a request or charges excessive fees may be
9 required to forfeit not more than \$1,000. Forfeitures under this section shall be
10 enforced by action on behalf of the state by the attorney general or by the district
11 attorney of any county where a violation occurs. In actions brought by the attorney
12 general, the court shall award any forfeiture recovered together with reasonable
13 costs to the state; and in actions brought by the district attorney, the court shall
14 award any forfeiture recovered together with reasonable costs to the county.

PCWF

15 **SECTION 3.** 19.91 of the statutes is created to read:

Basford, Sarah

From: Wadd, Jay
Sent: Tuesday, March 18, 2003 9:44 AM
To: LRB.Legal
Subject: Draft review: LRB 03-2085/1 Topic: Notice of open meetings and public records laws

It has been requested by <Wadd, Jay> that the following draft be jacketed for the SENATE:

Draft review: LRB 03-2085/1 Topic: Notice of open meetings and public records laws

Barman, Mike

From: Kuesel, Jeffery
Sent: Tuesday, March 25, 2003 4:27 PM
To: Barman, Mike
Subject: FW: LRB 2085, relating to notice of the open meetings and public records access laws

-----Original Message-----

From: Wagnitz, John
Sent: Tuesday, March 25, 2003 3:12 PM
To: Kuesel, Jeffery
Subject: LRB 2085, relating to notice of the open meetings and public records access laws

Dear Jeffery:
could I please get a pdf (or any other format) copy of LRB 2085, relating to notice of the open meetings and public records access laws?

Thanks,

John Wagnitz
Office of Senator Dave Hansen
319 South, State Capitol

Barman, Mike

From: Barman, Mike
Sent: Tuesday, March 25, 2003 4:42 PM
To: Wagnitz, John; Sen.Hansen
Subject: LRB-2085/1 (attached) (requested by John Wagnitz per JTK)



03-2085/1

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

State of Wisconsin
Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703

Barman, Mike

From: Barman, Mike
Sent: Thursday, April 10, 2003 7:54 AM
To: Kuesel, Jeffery
Cc: Wagnitz, John
Subject: Re-Draft Instructions - LRB-2085/1

-----Original Message-----

From: Wagnitz, John
Sent: Wednesday, April 09, 2003 6:29 PM
To: Barman, Mike
Subject: RE: LRB-2085/1 (attached) (requested by John Wagnitz per JTK)

Dear Mike,

We have circulated this draft for cosponsorship but we would like to make a change to the draft. Could we drop the penalty section of this bill (line 5-7) and the analysis?

Thank you,

John Wagnitz
Office of Senator Dave Hansen
319 South, State Capitol

-----Original Message-----

From: Barman, Mike
Sent: Tuesday, March 25, 2003 4:42 PM
To: Wagnitz, John; Sen.Hansen
Subject: LRB-2085/1 (attached) (requested by John Wagnitz per JTK)

<< File: 03-2085/1 >>

Mike Barman

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(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

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Legislative Reference Bureau - Legal Section - Front Office
100 N. Hamilton Street - 5th Floor
Madison, WI 53703



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-2085/22
JTK:kmg:cph

Wanted Soon

2003 BILL

1
2
3
4

(regenerate)
AN ACT ~~to amend 19.37 (4); and to create 19.34 (1m), 19.91, 59.52 (2m) and~~
~~165.25 (12)~~ of the statutes; relating to: notice of the open meetings and public
records access laws, ~~violations of the public records access law, and providing~~
~~a penalty.~~

Analysis by the Legislative Reference Bureau

Currently, each state and local governmental unit must adopt, prominently display, and make available for inspection and copying at its offices a notice containing a general description of its organization and the established times and places at which, the legal custodians from whom, and the methods whereby the public may obtain information or copies of records in its custody and the costs thereof. There is no parallel requirement under the open meetings law, but state and local governmental bodies must provide notices of their meetings in the manner specified in that law.

This bill requires each county, city, village, and town to prominently display a copy of the general statutory provisions governing access to public records in each of its offices that is accessible to the general public. The bill also requires each governmental body of a county, city, village, and town to prominently display a copy of the open meetings law in each of its offices that is accessible to the general public. In addition, the bill directs the Department of Justice to prepare and periodically revise as necessary a description in plain language of the effect of the open meetings law and the general statutory provisions governing access to public records. The bill

BILL

No specific penalty applies to violations, although the requirements imposed under the bill are enforceable through the court system.

provides that if a county publishes a directory the county shall include the description in the directory.

~~Currently, if any state or local governmental unit or its legal custodian arbitrarily and capriciously denies or delays response to a request for access to a public record or charges excessive fees, the unit or custodian is subject to a forfeiture (civil penalty) of not more than \$1,000. This bill applies the same penalty to a governmental unit or its custodian if the unit or custodian violates any of the other general statutory provisions governing access to public records.~~

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4 ~~**SECTION 2.** 19.37 (4) of the statutes is amended to read:~~

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9 required to forfeit not more than \$1,000. Forfeitures under this section shall be
10 enforced by action on behalf of the state by the attorney general or by the district
11 attorney of any county where a violation occurs. In actions brought by the attorney
12 general, the court shall award any forfeiture recovered together with reasonable
13 costs to the state; and in actions brought by the district attorney, the court shall
14 award any forfeiture recovered together with reasonable costs to the county.~~

15 **SECTION 3.** 19.91 of the statutes is created to read:

BILL

1 **19.91 Posting requirement.** Each governmental body of a county, city,
2 village, and town shall prominently display a copy of this subchapter in each of its
3 offices that is accessible to members of the public.

4 **SECTION 4.** 59.52 (2m) of the statutes is created to read:

5 **59.52 (2m) DESCRIPTION OF PUBLIC RECORDS AND OPEN MEETINGS LAWS.** If the
6 county publishes a directory, the clerk shall ensure that the directory includes the
7 description of the public records and open meetings laws prepared by the department
8 of justice under s. 165.25 (12).

9 **SECTION 5.** 165.25 (12) of the statutes is created to read:

10 **165.25 (12) DESCRIPTION OF PUBLIC RECORDS AND OPEN MEETINGS LAWS.** Prepare,
11 periodically revise as necessary, and transmit to each county clerk a description in
12 plain language of the effect of ss. 19.31 to 19.39 and subch. V of ch. 19, including an
13 explanation of the courses of action available to persons who believe that a violation
14 of those provisions has occurred or is occurring.

15

(END)

Barman, Mike

From: Wadd, Jay
Sent: Monday, April 21, 2003 2:48 PM
To: Barman, Mike

Hi, Mike--

Is it possible for you to email me a copy of LRB-2085/2? If I'm not mistaken we redrafted the bill to take out the penalty provisions....

thanks--

Jay Wadd
Sen Hansen's Office

Barman, Mike

From: Barman, Mike
Sent: Wednesday, April 23, 2003 8:12 AM
To: Wadd, Jay
Subject: LRB-2085/2 (attached - per your request)



03-2085/2

Sorry it took me so long to get this to you ... I was out sick the past few days.

Mike Barman

Mike Barman - Senior Program Asst. (PH. 608-266-3561)
(E-Mail: mike.barman@legis.state.wi.us) (FAX: 608-264-6948)

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