



**ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO 2009 ASSEMBLY BILL 520**

March 17, 2010 – Offered by Representative STASKUNAS.

1     **AN ACT** *to amend* 19.32 (1), 19.82 (1) and 19.85 (1) (b), (c) and (e); and *to create*  
2             19.32 (1db), 19.82 (1m) and 118.133 of the statutes; **relating to:** participation  
3             in interscholastic athletics and application of the public records and open  
4             meetings laws to interscholastic athletic associations and certain nonpublic  
5             entities.

---

***Analysis by the Legislative Reference Bureau***

This substitute amendment prohibits a school district or any private school that participates in the Milwaukee Parental Choice Program from being a member of an interscholastic athletic association unless the association agrees to be governed by the public records and open meetings laws. Currently, there is no similar prohibition.

The substitute amendment also provides that any interscholastic athletic association that elects to be governed by the public records and open meetings laws is covered under those laws. Under the public records law, except as otherwise provided by law, any person has the right to inspect or copy a public record unless the custodian demonstrates that the public interest in withholding access to the information contained in the record outweighs the strong public interest in providing access to that information. Under the open meetings law, with certain exceptions, meetings of governmental bodies must be preceded by public notice, must be held in places that are reasonably accessible to the public, and must be open to the public

at all times. If a meeting is properly noticed, a body may, by recorded vote of a majority of the members present, convene in closed session for the purpose of considering certain matters specified by law.

The substitute amendment also amends the open meetings law to permit nonpublic entities that are covered by the law to consider in closed session certain personnel actions, or certain other actions whenever competitive or bargaining reasons require a closed session, if the actions involve the entities or their parent entities.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 19.32 (1) of the statutes is amended to read:

2           19.32 (1) “Authority” means any of the following having custody of a record: a  
3 state or local office, elected official, agency, board, commission, committee, council,  
4 department or public body corporate and politic created by constitution, law,  
5 ordinance, rule or order; a governmental or quasi-governmental corporation except  
6 for the Bradley center sports and entertainment corporation; a local exposition  
7 district under subch. II of ch. 229; a long-term care district under s. 46.2895; any  
8 court of law; the assembly or senate; a nonprofit corporation which receives more  
9 than 50% of its funds from a county or a municipality, as defined in s. 59.001 (3), and  
10 which provides services related to public health or safety to the county or  
11 municipality; an interscholastic athletic association that elects to be governed by this  
12 subchapter; or a formally constituted subunit of any of the foregoing.

13           **SECTION 2.** 19.32 (1db) of the statutes is created to read:

14           19.32 (1db) “Interscholastic athletic association” means an association,  
15 whether or not incorporated, that coordinates athletic events or contests for students  
16 enrolled in grades 9 to 12.

17           **SECTION 3.** 19.82 (1) of the statutes, as affected by 2009 Wisconsin Act 28, is  
18 amended to read:

1           19.82 (1) “Governmental body” means a state or local agency, board,  
2           commission, committee, council, department or public body corporate and politic  
3           created by constitution, statute, ordinance, rule or order; a governmental or  
4           quasi-governmental corporation except for the Bradley center sports and  
5           entertainment corporation; a local exposition district under subch. II of ch. 229; a  
6           long-term care district under s. 46.2895; an interscholastic athletic association that  
7           elects to be governed by this subchapter; or a formally constituted subunit of any of  
8           the foregoing, but excludes any such body or committee or subunit of such body which  
9           is formed for or meeting for the purpose of collective bargaining under subch. I, IV,  
10          V, or VI of ch. 111.

11           **SECTION 4.** 19.82 (1m) of the statutes is created to read:

12           19.82 (1m) “Interscholastic athletic association” means a nonstock corporation  
13           that is organized under ch. 181, that is a nonprofit corporation, as defined in s.  
14           181.0103 (17), and that coordinates athletic events or contests for students enrolled  
15           in grades 9 to 12.

16           **SECTION 5.** 19.85 (1) (b), (c) and (e) of the statutes are amended to read:

17           19.85 (1) (b) Considering dismissal, demotion, licensing or discipline of any  
18           public employee, any employee of the governmental body or the entity of which the  
19           body is a part, or any person licensed by a board or commission or the investigation  
20           of charges against ~~such~~ the employee or other person, or considering the grant or  
21           denial of tenure for a university faculty member, and the taking of formal action on  
22           any such matter; provided that the ~~faculty member or other public employee,~~ faculty  
23           member, or person licensed is given actual notice of any evidentiary hearing which  
24           may be held prior to final action being taken and of any meeting at which final action  
25           may be taken. The notice shall contain a statement that the person has the right to

1 demand that the evidentiary hearing or meeting be held in open session. This  
2 paragraph and par. (f) do not apply to any such evidentiary hearing or meeting where  
3 the employee, faculty member, or person licensed requests that an open session be  
4 held.

5 (c) Considering employment, promotion, compensation or performance  
6 evaluation data of any public employee, or any employee of the governmental body  
7 or the entity of which the body is a part, over which the governmental body has  
8 jurisdiction or exercises responsibility.

9 (e) Deliberating or negotiating the purchasing of public properties or properties  
10 of the governmental body or the entity of which the body is a part, the investing of  
11 public funds or funds of the body or the entity of which the body is a part, or  
12 conducting other specified public business or business of the body or the entity of  
13 which the body is a part, whenever competitive or bargaining reasons require the  
14 body to hold a closed session.

15 **SECTION 6.** 118.133 of the statutes is created to read:

16 **118.133 Participation in interscholastic athletics.** No school district or  
17 private school participating in the program under s. 119.23 may be a member of an  
18 interscholastic athletic association, as defined in s. 19.32 (1db), unless the  
19 association elects to be governed by subchs. II and V of ch. 19.

20 (END)