



2011 SENATE JOINT RESOLUTION 41

September 29, 2011 – Introduced by Senators VINEHOUT, CARPENTER, S. COGGS, HANSEN, HOLPERIN, C. LARSON and LASSA, cosponsored by Representatives RICHARDS, BARCA, BERCEAU, BERNARD SCHABER, BEWLEY, E. COGGS, D. CULLEN, DOYLE, FIELDS, HEBL, HINTZ, HULSEY, MASON, MOLEPSKE JR, PASCH, POCAN, RADCLIFFE, RINGHAND and ROYS. Referred to Committee on Judiciary, Utilities, Commerce, and Government Operations.

1 **To renumber** section 10 of article IV; and **to create** section 10 (2) of article IV of the
2 constitution; **relating to:** requiring the legislature to enact laws requiring
3 reasonable notice of and public access to meetings of governmental bodies,
4 including the legislature, and making members of the legislature subject to
5 citations and civil penalties for violations of such laws (first consideration).

Analysis by the Legislative Reference Bureau

On June 14, 2011, in *Ozanne v. Fitzgerald*, the Wisconsin Supreme Court held that under the constitutional separation of powers, the courts will not apply the notice and public access requirements of the open meetings law to meetings of legislative bodies.

The constitution also prohibits arrest of members of the legislature except for treason, felony, or breach of the peace and exempts members from civil process during the legislative session and for 15 days before and after the session.

This constitutional amendment, proposed to the 2011 legislature on first consideration, requires the legislature to enact laws requiring reasonable notice of and public access to meetings of governmental bodies, including the legislature, and making members of the legislature subject to citations and civil penalties for violations of such laws.

