

**2011 DRAFTING REQUEST**

**Senate Joint Resolution**

Received: **09/07/2011**

Received By: **jkuesel**

Wanted: **Soon**

Companion to LRB:

For: **Kathleen Vinehout (608) 266-8546**

By/Representing: **Joel Nilestuen**

May Contact:

Drafter: **smiller**

Subject: **Constitutional Amendments**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Vinehout@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Enforcement of open meetings law in legislative branch

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**Instructions:**

Provide that legislature may enact laws requiring governmental bodies to conduct business in meetings held with reasonable prior notice that are accessible to the public. Notwithstanding article IV, sec. 8, these laws may be applied to the senate and assembly and other legislative bodies in courts of law. Notwithstanding art IV, sec. 15, members of the legislature are subject to citation and civil penalties for violations of the laws during a legislative session while a house is in recess.

---

**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>
/?	smiller 09/07/2011	kfollett 09/07/2011		_____			
/1			phenry 09/08/2011	_____	sbasford 09/08/2011	lparisi 09/22/2011	

FE Sent For:

<END>

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2011 DRAFTING REQUEST

Assembly Joint Resolution

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Wanted: Soon

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For: Kathleen Vinehout (608) 266-8546

By/Representing: Joel Nilestuen

May Contact:

Drafter: smiller

Subject: Constitutional Amendments

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/?	smiller	11/5f 9/17	9/18 ph	X			
FE Sent For:							
<END>							



State of Wisconsin  
2011 - 2012 LEGISLATURE

2824/1



~~LRB-224172~~

~~SRM:WJST~~

SRM:WJST

SENATE  
2011 ~~ASSEMBLY~~ JOINT RESOLUTION ~~102~~

in 9-7 → 9/8 please

August 9, 2011 - Introduced by Representatives RICHARDS, BARCA, BERCEAU, BERNARD SCHABER, BEWLEY, E. COGGS, D. CULLEN, DOYLE, FIELDS, HEBL, HINTZ, HULSEY, MASON, MOLEPSKE JR, PASCH, POCAN, RADCLIFFE, RINGHAND, ROYS, SEIDEL, SHILLING, SIMICKI, STASKUNAS, STEINBRINK and VRUWINK, cosponsored by Senators C. LARSON, HOLPERIN, CARPENTER and S. COGGS. Referred to Committee on Homeland Security and State Affairs.

Reger

- 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.

A constitutional amendment requires adoption by two successive legislatures, and ratification by the people, before it can become effective.

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*Resolved by the assembly, the senate concurring, That:*

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**SECTION 1.** Section 10 of article IV of the constitution is renumbered section 10

3

(1) of article IV.

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**SECTION 2.** Section 10 (2) of article IV of the constitution is created to read:

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[Article IV] Section 10 (2) The legislature shall enact laws requiring governmental bodies to conduct business in meetings that are held with reasonable prior notice and accessible to the public and make these laws applicable to the legislature. Notwithstanding section 8 of this article, courts of law may apply these laws to the senate, the assembly, and other legislative bodies. Notwithstanding section 15 of this article, members of the legislature are subject to citation and civil penalties during a legislative session while a house is in recess for violations of such laws.

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**SECTION 3. Numbering of new provisions.** If another constitutional amendment ratified by the people creates the number of any provision created in this joint resolution, the chief of the legislative reference bureau shall determine the sequencing and the numbering of the provisions whose numbers conflict.

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*Be it further resolved, That* this proposed amendment be referred to the legislature to be chosen at the next general election and that it be published for three months previous to the time of holding such election.

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11

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(END)

**Godwin, Gigi**

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**From:** Nilsestuen, Joel  
**Sent:** Thursday, September 22, 2011 10:35 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-2824/1 Topic: Enforcement of open meetings law in legislative branch

Please Jacket LRB 11-2824/1 for the SENATE.