



2013 SENATE JOINT RESOLUTION 35

May 16, 2013 – Introduced by Senators L. TAYLOR, LASSA and LEHMAN, cosponsored by Representatives KAHL, KESSLER, GOYKE, BERCEAU, WRIGHT and RINGHAND. Referred to Committee on Government Operations, Public Works, and Telecommunications.

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 (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.

This constitutional amendment, proposed to the 2013 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.

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

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

6 **SECTION 1.** Section 10 of article IV of the constitution is renumbered section 10
7 (1) of article IV.

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

1 [Article IV] Section 10 (2) The legislature shall enact laws following the
2 ratification of this amendment requiring governmental bodies to conduct business
3 in meetings that are held with reasonable prior notice and accessible to the public
4 and make these laws applicable to the legislature. Notwithstanding section 8 of this
5 article, courts of law may apply these laws to the senate, the assembly, and its
6 committees. Any change to the open meetings laws, once enacted, requires a
7 two-thirds majority vote in each house of the legislature.

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

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

15 (END)