



2009 BILL

1 **AN ACT** *to amend* 19.32 (1) and 19.82 (1) of the statutes; **relating to:** application
2 of the public records access and open meetings laws to student governmental
3 bodies at the University of Wisconsin and the Wisconsin Technical College
4 System.

Analysis by the Legislative Reference Bureau

Currently, students at the University of Wisconsin (UW) System and the Wisconsin Technical College System (WTCS) have the right to organize themselves in a manner they determine and to select their representatives to participate in institutional or technical college district governance. Upon consultation with the appropriate chancellor and subject to the approval of the Board of Regents of the UW System, UW students have responsibility for disposition of revenues from those student fees that constitute substantial support for campus student activities. Upon consultation with the district director and subject to the approval of the district board, technical college students in each technical college district have responsibility for disposition of revenues from student activity and incidental fees authorized by law. Currently, coverage of the public records access and open meetings laws is determined in part based upon whether a governmental unit or body is created by the constitution or a statute, ordinance, rule, or order. Currently, no statute creates a unit or body of students at the UW or the WTCS.

This bill provides that any body created by students at the UW System or the WTCS that has supervision or direction over the expenditure of revenues derived from mandatory student fees is covered under the public records access and open

BILL

meetings laws. Under the bill, except as otherwise provided by law, any person has the right to inspect or copy a public record of a covered student organization 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. In addition, with certain exceptions, meetings of covered student 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 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; any body created by students at the University of Wisconsin System
12 or the technical college system that has supervision or direction over the expenditure
13 of revenues derived from mandatory student fees; or a formally constituted subunit
14 of any of the foregoing.

15 **SECTION 2.** 19.82 (1) of the statutes is amended to read:

16 19.82 (1) “Governmental body” means a state or local agency, board,
17 commission, committee, council, department or public body corporate and politic

BILL

1 created by constitution, statute, ordinance, rule or order; a governmental or
2 quasi-governmental corporation except for the Bradley center sports and
3 entertainment corporation; a local exposition district under subch. II of ch. 229; a
4 long-term care district under s. 46.2895; any body created by students at the
5 University of Wisconsin System or the technical college system that has direction or
6 supervision over the expenditure of revenues derived from mandatory student fees;
7 or a formally constituted subunit of any of the foregoing, but excludes any such body
8 or committee or subunit of such body which is formed for or meeting for the purpose
9 of collective bargaining under subch. I, IV or V of ch. 111.

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(END)