



2009 ASSEMBLY BILL 520

October 27, 2009 – Introduced by Representatives STASKUNAS, POPE-ROBERTS, MASON, A. OTT, ZEPNICK, MONTGOMERY, ZIGMUNT and CLARK, cosponsored by Senators LEHMAN, COGGS, SULLIVAN and ERPENBACH. Referred to Committee on Education.

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

Analysis by the Legislative Reference Bureau

This bill prohibits a school district 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 bill 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,

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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; 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 a nonstock
15 corporation that is organized under ch. 181, that is a nonprofit corporation, as
16 defined in s. 181.0103 (17), and that coordinates athletic events or contests for
17 students enrolled in grades 9 to 12.

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

20 19.82 (1) “Governmental body” means a state or local agency, board,
21 commission, committee, council, department or public body corporate and politic

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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; an interscholastic athletic association that
5 elects to be governed by this subchapter; or a formally constituted subunit of any of
6 the foregoing, but excludes any such body or committee or subunit of such body which
7 is formed for or meeting for the purpose of collective bargaining under subch. I, IV,
8 V, or VI of ch. 111.

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

10 19.82 **(1m)** “Interscholastic athletic association” means a nonstock corporation
11 that is organized under ch. 181, that is a nonprofit corporation, as defined in s.
12 181.0103 (17), and that coordinates athletic events or contests for students enrolled
13 in grades 9 to 12.

14 **SECTION 5.** 118.133 of the statutes is created to read:

15 **118.133 Participation in interscholastic athletics.** No school district may
16 be a member of an interscholastic athletic association, as defined in s. 19.32 (1db),
17 unless the association elects to be governed by subchs. II and V of ch. 19.

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(END)