



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-0506/2
TKK:jld

2017 ASSEMBLY BILL 70

February 13, 2017 - Introduced by Representatives THIESFELDT, FIELDS, BERNIER, E. BROOKS, R. BROOKS, CONSIDINE, DUCHOW, FELZKOWSKI, GANNON, HORLACHER, HUTTON, JACQUE, JARCHOW, KOOYENGA, KREMER, KRUG, KUGLITSCH, KULP, MURPHY, MURSAU, NYGREN, PRONSCHINSKE, RIPP, RODRIGUEZ, ROHRKASTE, SANFELIPPO, SCHRAA, SINICKI, SKOWRONSKI, SNYDER, STUCK and TITTL, cosponsored by Senators STROEBEL, L. TAYLOR, FEYEN, WANGGAARD, NASS, CRAIG, C. LARSON, DARLING, LASEE and KAPENGA. Referred to Committee on Local Government.

1 **AN ACT to renumber and amend** 38.12 (4), 59.14 (2), 62.11 (4) (a), 64.34 (1) and
2 120.11 (4); **to amend** 61.32 and 985.05 (1); and **to create** 38.12 (4) (b), 59.14 (2)
3 (b), 62.11 (4) (a) 2., 64.34 (1) (b) and 120.11 (4) (b) of the statutes; **relating to:**
4 publication of proceedings of meetings held by certain governmental bodies.

Analysis by the Legislative Reference Bureau

This bill authorizes city councils and the boards of villages, counties, school districts, and technical college districts to satisfy their legal obligation to publish the proceedings of regular and special meetings by posting a copy of the proceedings in a public place and electronically placing a copy of the proceedings on the Internet site maintained by the respective governmental unit. Generally, proceedings are defined as the substance of every official action taken by a local governing body at any meeting of the governing body. With some exceptions, current law requires each of these governmental units to publish proceedings of meetings held by the council or board in a newspaper published in the jurisdiction.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 **SECTION 1.** 38.12 (4) of the statutes is renumbered 38.12 (4) (a) and amended
6 to read:

ASSEMBLY BILL 70**SECTION 1**

1 38.12 (4) (a) The Except as provided in par. (b), the proceedings of the district
2 board meetings shall be published within 45 days after the meeting as a class 1
3 notice, under ch. 985, in a newspaper published in the district. If no newspaper is
4 published in the district, the proceedings may be publicized as the district board
5 directs. The publication of the proceedings shall include a statement of receipts and
6 expenditures in the aggregate. The district board shall make a detailed record of all
7 receipts and expenditures available to the public for inspection at each district board
8 meeting and upon request.

9 **SECTION 2.** 38.12 (4) (b) of the statutes is created to read:

10 38.12 (4) (b) In lieu of publishing the proceedings in a newspaper published in
11 the district, the district board may post the proceedings, including a statement of
12 receipts and expenditures in the aggregate, in at least one public place and place the
13 same proceedings electronically on an Internet site maintained by the board. If the
14 board elects to act under this paragraph, the board shall maintain the electronically
15 placed proceedings on the Internet site for at least 3 years.

16 **SECTION 3.** 59.14 (2) of the statutes is renumbered 59.14 (2) (a) and amended
17 to read:

18 59.14 (2) (a) The Except as provided in par. (b), the board shall, by ordinance
19 or resolution, provide for publication in one or more newspapers in the county as a
20 class 1 notice, under ch. 985, a certified copy of all its proceedings had at any meeting,
21 regular or special; said publication to be completed within 60 days after the
22 adjournment of each session.

23 **SECTION 4.** 59.14 (2) (b) of the statutes is created to read:

24 59.14 (2) (b) In lieu of publishing the proceedings in a newspaper published in
25 the county, the board may, by ordinance or resolution, provide for posting within 60

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1 days after the adjournment of each session of a certified copy of all its proceedings
2 in at least one public place and for placing the same proceedings electronically on an
3 Internet site maintained by the board. If the board elects to act under this
4 paragraph, the board shall maintain the electronically placed proceedings on the
5 Internet site for at least 3 years.

6 **SECTION 5.** 61.32 of the statutes is amended to read:

7 **61.32 Village board; meeting; salaries.** The trustees of each village shall
8 constitute a board designated the "Village Board of" (name of village) in which shall
9 be vested all the powers of the village not specifically given some other officer. A
10 majority of the members-elect shall constitute a quorum, but a less number may
11 adjourn from time to time. The president shall preside at all meetings when present.
12 In the president's absence the board may select another trustee to preside. Regular
13 meetings shall be held at such time as may be prescribed by their bylaws. Special
14 meetings may be called by any 2 trustees in writing, filed with the clerk, who shall
15 thereupon seasonably notify all the trustees of the time and place thereof in the
16 manner directed by the bylaws. All meetings shall be open to the public. The board
17 shall keep a record of all its proceedings, and, except as provided in this section, if
18 there is a newspaper published in any village, the board shall cause the proceedings
19 to be published therein as a class 1 notice, under ch. 985. The proceedings for the
20 purpose of publication shall include the substance of every official action taken by
21 the governing body. In lieu of publishing the proceedings in a newspaper published
22 in a village, the board may post the proceedings in at least one public place and place
23 the same proceedings electronically on an Internet site maintained by the board. If
24 the board elects to post the proceedings in a public place and place the proceedings
25 electronically, the board shall maintain the electronically placed proceedings on the

ASSEMBLY BILL 70**SECTION 5**

1 Internet site for at least 3 years. If there is no newspaper published in the village,
2 the board may cause the proceedings to be published in a newspaper having general
3 circulation in the village, posted in several public places or publicized in some other
4 fashion, in such manner as the board directs. Nothing herein shall be construed as
5 requiring the republication of any proceeding, ordinance or other matter or thing
6 which has already been published according to law, nor shall anything herein be
7 construed to relieve any village from publishing any proceeding, ordinance or other
8 matter or thing required by law to be published. Notwithstanding the provisions of
9 s. 985.08 (4), the fee for any such publication shall not exceed the rates specified in
10 s. 985.08 (1). The board has power to preserve order at its meetings, compel
11 attendance of trustees and punish nonattendance and it shall be judge of the election
12 and qualification of its members. The president and board of trustees of any village,
13 whether operating under general or special law, may by a three-fourths vote of all
14 the members of the village board determine that a salary be paid the president and
15 trustees.

16 **SECTION 6.** 62.11 (4) (a) of the statutes is renumbered 62.11 (4) (a) 1. and
17 amended to read:

18 62.11 (4) (a) 1. Proceedings Except as provided in subd. 2., proceedings of the
19 council shall be published in the newspaper designated under s. 985.06 as a class 1
20 notice, under ch. 985. The proceedings for the purpose of publication shall include
21 the substance of every official action taken by the governing body. Except as provided
22 in this subsection every ordinance shall be published either in its entirety, as a class
23 1 notice, under ch. 985, or as a notice, as described under par. (c) 2., within 15 days
24 of passage, and shall take effect on the day after the publication or at a later date if
25 expressly prescribed.

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1 **SECTION 7.** 62.11 (4) (a) 2. of the statutes is created to read:

2 62.11 (4) (a) 2. In lieu of publishing the proceedings of the council as provided
3 in subd. 1., the council may post the proceedings in at least one public place and place
4 the same proceedings electronically on an Internet site maintained by the council.
5 If the council elects to act under this subdivision, the council shall maintain the
6 electronically placed proceedings on the Internet site for at least 3 years.

7 **SECTION 8.** 64.34 (1) of the statutes is renumbered 64.34 (1) (a) and amended
8 to read:

9 64.34 (1) (a) The city comptroller shall each month prepare and present to the
10 council a summary statement of the revenues and expenses of the city for the
11 preceding month, detailed as to appropriations and funds, and arranged in standard
12 form, together with a balance sheet statement of the current assets and current
13 liabilities of such city at the close of such month. These summaries shall be
14 accompanied by such detailed schedules as the council may by ordinance require.
15 The Except as provided in par. (b), the full detailed acts and proceedings of the council
16 at every general or special meeting thereof, including the full text of all reports filed
17 and presented at such meeting, shall be published as a class 1 notice, under ch. 985,
18 subsequent to the day of each such council meeting; and in. Except as provided in
19 par. (b), in the months of January, April, July, and October the council shall cause to
20 be published as a class 1 notice, under ch. 985, detailed schedules of the receipts and
21 disbursements of moneys for the 3 calendar months next preceding the month of such
22 publication. The compensation to be paid for such publications shall not exceed the
23 rate provided by law for the publication of legal notices.

24 **SECTION 9.** 64.34 (1) (b) of the statutes is created to read:

ASSEMBLY BILL 70**SECTION 9**

1 64.34 (1) (b) In lieu of publishing the acts and proceedings of every general and
2 special meeting of the council as provided under par. (a), the council may, subsequent
3 to the day of the council meeting, post the acts and proceedings in at least one public
4 place and place the same acts and proceedings electronically on an Internet site
5 maintained by the council. In lieu of publishing the detailed schedules as provided
6 in par. (a), the council may, in the months of January, April, July, and October, post
7 the detailed schedules in at least one public place and place the same detailed
8 schedules electronically on an Internet site maintained by the council. If the council
9 elects to act under this paragraph, the council shall maintain the electronically
10 placed acts, proceedings, and detailed schedules on the Internet site for at least 3
11 years.

12 **SECTION 10.** 120.11 (4) of the statutes is renumbered 120.11 (4) (a) and
13 amended to read:

14 120.11 (4) (a) The Except as provided in par. (b), the proceedings of a school
15 board meeting shall be published within 45 days after the meeting as a class 1 notice,
16 under ch. 985, in a newspaper published in the school district, if any, or publicized
17 by school district-wide distribution prepared and directed by the school board and
18 paid out of school funds. If there is no newspaper published in the school district, the
19 proceedings shall be posted or published as the school board directs. For the purpose
20 of publication, the proceedings shall include the substance of every official action
21 taken by the school board at the meeting and a statement of receipts and
22 expenditures in the aggregate. The school board shall make a detailed record of all
23 receipts and expenditures available to the public for inspection at each regular school
24 board meeting and upon request.

25 **SECTION 11.** 120.11 (4) (b) of the statutes is created to read:

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1 120.11 (4) (b) In lieu of publishing the proceedings in a newspaper published
2 in the school district, the school board may post the proceedings, as defined in par.
3 (a), in at least one public place and place the same proceedings electronically on an
4 Internet site maintained by the board. If the school board elects to act under this
5 paragraph, the board shall maintain the electronically placed proceedings on the
6 Internet site for at least 3 years.

7 **SECTION 12.** 985.05 (1) of the statutes is amended to read:

8 985.05 (1) The governing body of every municipality not required to have an
9 official newspaper may designate a newspaper published or having general
10 circulation in the municipality and eligible under s. 985.03 as its official newspaper
11 or utilize the same for specific notices. The governing body of such municipality may,
12 in lieu of newspaper publication, direct other form of publication or posting under s.
13 985.02 (2). Other publication or posting, however, shall not be substituted for
14 newspaper publication in proceedings relating to: tax redemptions or sales of land
15 acquired by the county or city authorized to act under s. 74.87 for delinquent taxes,
16 charges or assessments; civil annexations, detachments, consolidations or
17 incorporations under chs. 59 to 66; or legal notices directed to specific individuals.
18 Posting may not be substituted for publication in school board elections conducted
19 under s. 120.06 or publication under s. 60.80 (2) of town ordinances imposing
20 forfeitures. If an eligible newspaper is published in the municipality, other
21 publication or posting shall not be substituted for newspaper publication under s.
22 ~~61.32 or~~ 61.50.

23 **(END)**