



2001 SENATE BILL 343

December 6, 2001 - Introduced by Senators HUELSMAN, WELCH and ROESSLER, cosponsored by Representatives STONE, MUSSER, LADWIG, STASKUNAS, M. LEHMAN, OLSEN, GROTHMAN, OWENS, OTT, GUNDRUM, JESKEWITZ, F. LASEE and VRAKAS. Referred to Committee on Universities, Housing, and Government Operations.

1 **AN ACT** *to renumber and amend* 19.82 (2); and *to create* 19.82 (2) (b), (d) and
2 (f) to (h), 59.58 (7), 60.50 (7), 60.77 (5) (L), 61.34 (6) and 62.14 (6) (am) of the
3 statutes; **relating to:** exemptions from the open meetings law for certain
4 gatherings related to highway, street, alley, or public works projects.

Analysis by the Legislative Reference Bureau

Currently, with certain exceptions, meetings of governmental bodies, which include town boards, town sanitary district commissions, and subcommittees of local governing bodies, must be held at places that are reasonably accessible to members of the public and must be preceded by public notice. Also under current law, a town board or a town sanitary district commission may gather at the site of a public works project and, in the case of a town board, at the site of a highway, street, or alley project, that has been approved by the board or commission for the sole purpose of inspecting the work that has been completed or that is in progress. Before doing so, however, the chairperson of the board or commission, or a designee, must notify by telephone or fax those news media who have filed a written request for notice of such an inspection in relation to the project. The chairperson or designee is also required to submit a report at the board's or commission's next meeting which describes the inspection, and the board or commission may not take any official action at the site.

This bill provides that the current law open meetings and public notice requirements do not apply to a gathering of the members of a town board of supervisors, a town sanitary district commission, or a subcommittee of a county board of supervisors, city council, village board of trustees, or town board of

SENATE BILL 343

supervisors at the site of certain actual or proposed public works projects or highway, street, or alley projects, with regard to which no construction has begun, for the sole purpose of observing the site, collecting information, taking measurements, or discussing a project with affected owners or occupants. Under the bill, no such body may take official action at the site, and the chief officer of the board, commission, or subcommittee, or the designee, must submit at the next meeting of that body a report that describes the gathering.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

3 19.82 (2) (intro.) “Meeting” means the convening of members of a governmental
4 body for the purpose of exercising the responsibilities, authority, power or duties
5 delegated to or vested in the body. If one-half or more of the members of a
6 governmental body are present, the meeting is rebuttably presumed to be for the
7 purpose of exercising the responsibilities, authority, power or duties delegated to or
8 vested in the body. The term does not include any of the following:

9 (a) A social or chance gathering or conference which is not intended to avoid
10 this subchapter, ~~any~~.

11 (c) A gathering of the members of a town board for the purpose specified in s.
12 60.50 (6), ~~any~~.

13 (e) A gathering of the commissioners of a town sanitary district for the purpose
14 specified in s. 60.77 (5) (k) or ~~any~~ (L).

15 (i) A gathering of the members of a drainage board created under s. 88.16, 1991
16 stats., or under s. 88.17, for a purpose specified in s. 88.065 (5) (a).

17 **SECTION 2.** 19.82 (2) (b), (d) and (f) to (h) of the statutes are created to read:

SENATE BILL 343

1 19.82 (2) (b) A gathering of the members of a subcommittee of a county board
2 for the purpose specified in s. 59.58 (7).

3 (d) A gathering of the members of a town board or its subcommittee for the
4 purposes specified in s. 60.50 (7).

5 (f) A gathering of the members of a subcommittee of a village board for the
6 purpose specified in s. 61.34 (6).

7 (g) A gathering of the members of a board of public works or its subcommittee
8 for the purpose specified in s. 62.14 (6) (am).

9 (h) A gathering of the members of a subcommittee of a city council for the
10 purpose specified in s. 62.14 (6) (am).

11 **SECTION 3.** 59.58 (7) of the statutes is created to read:

12 59.58 (7) PLANNING AND DISCUSSION. A subcommittee of the board with
13 jurisdiction over highways or public works may gather at the site of a highway, street,
14 or alley project or public works project that is under consideration, or has been
15 proposed or approved, by the board, but with regard to which no construction has
16 begun, for the sole purpose of observing the site, collecting information, taking
17 measurements, or discussing the project with affected owners or occupants. The
18 subcommittee may not take any official action at the site, and the chairperson of the
19 subcommittee, or a designee, shall submit at the next board meeting a report that
20 describes the gathering.

21 **SECTION 4.** 60.50 (7) of the statutes is created to read:

22 60.50 (7) PLANNING AND DISCUSSION. Gather at the site of a highway, street, or
23 alley project or public works project that is under consideration, or has been proposed
24 or approved, by the town board, but with regard to which no construction has begun,
25 for the sole purpose of observing the site, collecting information, taking

SENATE BILL 343

1 measurements, or discussing the project with affected owners or occupants. A
2 subcommittee of the town board may also gather as provided under this subsection.
3 The town board or its subcommittee may not take any official action at the site, and
4 the chairperson of the town board or the subcommittee, or a designee, shall submit
5 at the next town board meeting a report that describes the gathering.

6 **SECTION 5.** 60.77 (5) (L) of the statutes is created to read:

7 60.77 (5) (L) Gather at the site of a public works project that is under
8 consideration, or has been proposed or approved, by the commission, but with regard
9 to which no construction has begun, for the sole purpose of observing the site,
10 collecting information, taking measurements, or discussing the project with affected
11 owners or occupants. The commission may not take any official action at the site, and
12 the president of the commission, or a designee, shall submit at the next commission
13 meeting a report that describes the gathering.

14 **SECTION 6.** 61.34 (6) of the statutes is created to read:

15 61.34 (6) PLANNING AND DISCUSSION. A subcommittee of the village board with
16 jurisdiction over highways, streets, or public works may gather at the site of a
17 highway, street, or alley project or public works project that is under consideration,
18 or has been proposed or approved, by the village board, but with regard to which no
19 construction has begun, for the sole purpose of observing the site, collecting
20 information, taking measurements, or discussing the project with affected owners or
21 occupants. The subcommittee may not take any official action at the site, and the
22 chairperson of the subcommittee, or a designee, shall submit at the next board
23 meeting a report that describes the gathering.

24 **SECTION 7.** 62.14 (6) (am) of the statutes is created to read:

SENATE BILL 343

1 62.14 (6) (am) *Planning and discussion.* The board, a subcommittee of the
2 board, the council, or a subcommittee of the council may gather at the site of a
3 highway, street, or alley project or public works project that is under consideration,
4 or has been proposed or approved, by the board, but with regard to which no
5 construction has begun, for the sole purpose of observing the site, collecting
6 information, taking measurements, or discussing the project with affected owners or
7 occupants. The board or its subcommittee may not take any official action at the site,
8 and the president of the board or council or the chairperson of the subcommittee, or
9 a designee, shall submit at the next board or council meeting a report that describes
10 the gathering.

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(END)