



**SENATE SUBSTITUTE AMENDMENT 1,
TO 2005 SENATE BILL 126**

April 18, 2005 - Offered by Senator ROESSLER.

1 **AN ACT to amend** 59.14 (1), 60.77 (5) (c), 60.77 (5m), 60.80 (1) (intro.), 61.50 (1),
2 61.50 (1m) and 62.11 (4) (a); and **to create** 59.14 (1m), 60.77 (5s), 60.85 (5),
3 61.50 (3) and 62.11 (4) (c) of the statutes; **relating to:** changing the
4 requirements for the publication of certain actions taken by certain local
5 governments.

Analysis by the Legislative Reference Bureau

Generally under current law, the complete text of an ordinance that is enacted by a city, village, town, county, or town sanitary district (local governmental unit) must be published in a local newspaper. If no newspaper exists in a village, however, the ordinance may be posted in at least three public places in the village. Towns may also post ordinances in the same manner.

Under this substitute amendment, a local governmental unit may continue to publish the complete text of an enacted ordinance or the local governmental unit may publish a notice of the ordinance in a local newspaper. The notice must contain at least all of the following information:

1. The number and title of the ordinance.
2. The enactment date of the ordinance.
3. A summary of the ordinance.

4. Information about where the full text of the ordinance may be obtained.

The substitute amendment makes no change to current law regarding the posting of ordinances in villages or towns.

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

1 **SECTION 1.** 59.14 (1) of the statutes is amended to read:

2 59.14 (1) Whenever a board enacts an ordinance under this chapter the clerk
3 shall immediately publish it the ordinance either in its entirety, as a class 1 notice,
4 under ch. 985, or as a notice as described under sub. (1m); and the clerk shall procure
5 and distribute copies of the ordinance to the several town clerks, who shall file it in
6 their respective offices.

7 **SECTION 2.** 59.14 (1m) of the statutes is created to read:

8 59.14 (1m) A notice of an ordinance that may be published under this
9 subsection shall be published as a class 1 notice under ch. 985 and shall contain at
10 least all of the following:

- 11 (a) The number and title of the ordinance.
12 (b) The date of enactment.
13 (c) A summary of the subject matter of the ordinance.
14 (d) Information as to where the full text of the ordinance may be obtained.

15 **SECTION 3.** 60.77 (5) (c) of the statutes is amended to read:

16 60.77 (5) (c) Issue rules or orders, which shall be published either in their
17 entirety, as a class 1 notice under ch. 985, or as a notice, as described under sub. (5s).

18 **SECTION 4.** 60.77 (5m) of the statutes is amended to read:

19 60.77 (5m) **AUTHORITY TO ENACT ORDINANCES.** The commission may enact and
20 enforce ordinances to implement the powers listed under sub. (5). The ordinances

1 shall be published either in their entirety, as a class 1 notice under ch. 985, or as a
2 notice, as described under sub. (5s).

3 **SECTION 5.** 60.77 (5s) of the statutes is created to read:

4 60.77 (5s) REQUIREMENTS FOR NOTICE. A notice of an ordinance that may be
5 published under this subsection shall be published as a class 1 notice under ch. 985
6 and shall contain at least all of the following:

- 7 (a) The number and title of the ordinance.
8 (b) The date of enactment.
9 (c) A summary of the subject matter of the ordinance.
10 (d) Information as to where the full text of the ordinance may be obtained.

11 **SECTION 6.** 60.80 (1) (intro.) of the statutes is amended to read:

12 60.80 (1) GENERAL REQUIREMENT. (intro.) The town clerk shall publish either
13 in its entirety, as a class 1 notice under ch. 985, or as a notice, as described under sub.
14 (5), or post in at least 3 places in the town likely to give notice to the public, the
15 following, within 30 days after passage or adoption:

16 **SECTION 7.** 60.85 (5) of the statutes is created to read:

17 60.85 (5) REQUIREMENTS FOR NOTICE. A notice of a resolution, motion, ordinance,
18 or action that may be published under this subsection shall be published as a class
19 1 notice under ch. 985 and shall contain at least all of the following:

- 20 (a) The number and title of the resolution, motion, ordinance, or action.
21 (b) The date of enactment.
22 (c) A summary of the subject matter of the resolution, motion, ordinance, or
23 action.
24 (d) Information as to where the full text of the resolution, motion, ordinance,
25 or action may be obtained.

1 **SECTION 8.** 61.50 (1) of the statutes is amended to read:

2 61.50 (1) PUBLICATION OF NOTICE OF ORDINANCES. Every contract, conveyance,
3 commission, license or other written instrument shall be executed on the part of the
4 village by the president and clerk, sealed with corporate seal, and in pursuance only
5 of authority therefor from the village board. All ordinances and bylaws shall be
6 signed by the president and countersigned by the clerk; and, if any penalty or
7 forfeiture is thereby imposed, the ordinance or bylaw shall be published either in its
8 entirety, as a class 1 notice, under ch. 985, or as a notice, as described under sub. (3),
9 and shall take effect on the day after its the publication or a later date if expressly
10 prescribed. If there is no newspaper published in the village, the village board may
11 in lieu of newspaper publication have copies of said the ordinances and bylaws posted
12 in at least 3 public places in said village, and proof thereof filed and recorded by the
13 village clerk, and the same shall take effect the day after the proof of posting has been
14 filed and recorded, or at a later date if expressly provided in the ordinance or bylaw.

15 **SECTION 9.** 61.50 (1m) of the statutes is amended to read:

16 61.50 (1m) INDETERMINATE PUBLICATION. When any village ordinance is
17 required by law to be published without express designation therein as to class of
18 notice, it the ordinance shall be published either in its entirety, as a class 1 notice
19 under ch. 985, or as a notice, as described under sub. (3).

20 **SECTION 10.** 61.50 (3) of the statutes is created to read:

21 61.50 (3) REQUIREMENTS FOR NOTICE. A notice of an ordinance that may be
22 published under this subsection shall be published as a class 1 notice under ch. 985
23 and shall contain at least all of the following:

24 (a) The number and title of the ordinance.

25 (b) The date of enactment.

1 (c) A summary of the subject matter of the ordinance.

2 (d) Information as to where the full text of the ordinance may be obtained.

3 **SECTION 11.** 62.11 (4) (a) of the statutes is amended to read:

4 62.11 (4) (a) Proceedings of the council shall be published in the newspaper
5 designated under s. 985.06 as a class 1 notice, under ch. 985. The proceedings for the
6 purpose of publication shall include the substance of every official action taken by
7 the governing body. Except as provided in this subsection ~~all ordinances every~~
8 ordinance shall be published either in its entirety, as a class 1 notice, under ch. 985,
9 or as a notice, as described under par. (c), within 15 days of passage, and shall take
10 effect on the day after its the publication or at a later date if expressly prescribed.

11 **SECTION 12.** 62.11 (4) (c) of the statutes is created to read:

12 62.11 (4) (c) A notice of an ordinance that may be published under this
13 paragraph shall be published as a class 1 notice under ch. 985 and shall contain at
14 least all of the following:

15 1. The number and title of the ordinance.

16 2. The date of enactment.

17 3. A summary of the subject matter of the ordinance.

18 4. Information as to where the full text of the ordinance may be obtained.

19 (END)