

2019 DRAFTING REQUEST

Bill

For: **André Jacque (608) 266-3512** Drafter: **emueller**
 By: **Bill** Secondary Drafters: **fknepp**
 Date: **3/23/2020**
 Same as LRB: May Contact:

Submit via email: **YES**
 Requester's email: **Sen.Jacque@legis.wisconsin.gov**
 Carbon copy (CC) to: **eric.mueller@legis.wisconsin.gov**
marc.shovers@legis.wisconsin.gov
fern.knepp@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Virtual meeting by certain governing bodies of local governmental units during an emergency

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	emueller 3/23/2020				
/P1	emueller 3/24/2020	ccarmich 3/23/2020	mbarman 3/23/2020		
/P2	emueller 3/24/2020	ccarmich 3/24/2020	mbarman 3/24/2020		
/1	fknepp 3/24/2020	ccarmich 3/24/2020	mbarman 3/24/2020	mbarman 3/24/2020	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/2	emueller 3/25/2020	aernstr 3/25/2020	wjackson 3/25/2020	mbarman 3/25/2020	

FE Sent For: ²
not
needed

<END>

Barman, Mike

From: Kreye, Joseph
Sent: Monday, March 23, 2020 12:55 PM
To: Cosh, Bill
Cc: Mueller, Eric; Shovers, Marc
Subject: FW: Drafting request

Hi Bill,

Eric and I can work on these for you as well.

Joe

Joseph T. Kreye
Legal Services Manager
Legislative Reference Bureau
608 504-5857

From: LRB.Legal <lrblegal@legis.wisconsin.gov>
Sent: Monday, March 23, 2020 12:50 PM
To: Mueller, Eric <Eric.Mueller@legis.wisconsin.gov>
Cc: Kreye, Joseph <Joseph.Kreye@legis.wisconsin.gov>
Subject: FW: Drafting request

Can someone help Bill out?

Thanks,
MB

From: Cosh, Bill <Bill.Cosh@legis.wisconsin.gov>
Sent: Monday, March 23, 2020 12:45 PM
To: LRB.Legal <lrblegal@legis.wisconsin.gov>
Subject: FW: Drafting request

Good Morning.

I apologize. Marc is amazing and deserves a vacation!

However, Senator Jacque was just reminded by the Chief Clerk that there is an absolute hard deadline of introducing bills by 5 p.m. on Thursday.

He was wondering if there was someone else who could help draft these sooner? Thanks.

Bill Cosh

From: Shovers, Marc <Marc.Shovers@legis.wisconsin.gov>
Sent: Monday, March 23, 2020 11:55 AM
To: Cosh, Bill <Bill.Cosh@legis.wisconsin.gov>
Subject: RE: Drafting request

Hi Bill. I took Friday off and I'm off today too, but I was checking emails. I can start on #1 tomorrow and I'll either do #2 as well or figure out if a colleague should take that one.

Thanks,

Marc

Marc Shovers
Senior Legislative Attorney
Legislative Reference Bureau
608-504-5876
marc.shovers@legis.wisconsin.gov

From: Cosh, Bill <Bill.Cosh@legis.wisconsin.gov>
Sent: Friday, March 20, 2020 10:03 AM
To: Shovers, Marc <Marc.Shovers@legis.wisconsin.gov>
Subject: FW: Drafting request

Good Morning Marc,

I wanted to thank you again for all of your help with the Towns legislation.

Marcc, I had a drafting request that I wanted to submit. If this doesn't fall in your area please feel free to forward it to the appropriate drafter.

Also, Sen. Jacque gives you permission to reach out to and work with Mike Kolas on the request.

Senator Jacque wanted to get the following package of items drafted:

1st – Open Meeting Flexibility. During this time with the emergency in place the WI Towns Association would like to provide some flexibility with the open meeting requirements. Right now they have the ability to do a meeting via a call. However, under current law they have to provide some mechanism for the public to be able to participate.

The Town's Association concern is that 1st, many of their board members are elderly and fall into the high risk group. 2nd, many town boards at their meetings do not allow the public to participate. They would like some type of flexibility that would allow them during periods of a declared emergency to meet the public participation requirement by publishing minutes of the meeting. That is the way Sen. Jacque explained it to me. I apologize if it is not clear enough please feel free to call Mike Kolas directly.

2nd – Board of Review – with the Board of Reviews coming up the Towns would like to have the ability to postpone them. They want the option for local government to postpone their Board of Review and Annual Meeting during a declared emergency.

Thank you in advance for all of your help. If you need anything else or have any additional questions please let me know. Take care.

Bill

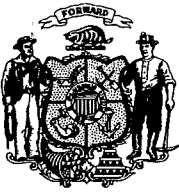
Bill Cosh

Policy Advisor

Office of Senator André Jacque

1st Senate District

(608) 266-3512



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5928/P1
EVM:cdc

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to renumber* 60.20 (3); and *to create* 60.20 (3) (b) of the statutes;
2 **relating to:** town board meetings during a state of emergency.

Analysis by the Legislative Reference Bureau

Under current law, a town board meeting may be held in the town or in any other town, city, or village in the same county or in an adjoining county. Town board meetings are subject to open meetings law.

This bill specifies that, during a state of emergency, a town board may meet using any means of communication that allow identification of board members, participation by members, and, to the extent feasible, monitoring by the public. The bill also provides that, if the town board does not have access to technology allowing the public to monitor the proceedings contemporaneously, the publication of the minutes of the meeting in the town's official newspaper serves in lieu of open public access to the meeting.

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

3 **SECTION 1.** 60.20 (3) of the statutes is renumbered 60.20 (3) (a).

4 **SECTION 2.** 60.20 (3) (b) of the statutes is created to read:

Barman, Mike

From: Cosh, Bill
Sent: Tuesday, March 24, 2020 3:49 AM
To: Mueller, Eric
Cc: Rettinger, Nik
Subject: FW: quick turn around time needed

Eric,

Would you be able to update this draft with the following? Thank you.

Bill Cosh

From: Jacque, Andre <Andre.Jacque@legis.wisconsin.gov>
Sent: Monday, March 23, 2020 7:57 PM
To: Cosh, Bill <Bill.Cosh@legis.wisconsin.gov>
Cc: Rettinger, Nik <Nik.Rettinger@legis.wisconsin.gov>
Subject: RE: quick turn around time needed

The League of Municipalities and Counties Association requested the same options for their elected boards. We should extend the same flexibility to all publicly elected boards.

From: Cosh, Bill <Bill.Cosh@legis.wisconsin.gov>
Sent: Monday, March 23, 2020 3:20 PM
To: Koles, Michael - Other <mike.koles@wisctowns.com>; Jolene Plautz <jplautz@aol.com>
Cc: Jacque, Andre <Andre.Jacque@legis.wisconsin.gov>
Subject: quick turn around time needed

Mike,

Here is a draft for your review. Please let me know ASAP if you want anything changed.

Bill Cosh

From: Sen.Jacque <Sen.Jacque@legis.wisconsin.gov>
Sent: Monday, March 23, 2020 3:16 PM
To: Cosh, Bill <Bill.Cosh@legis.wisconsin.gov>
Subject: FW: Draft review: LRB -5928/P1

From: LRB.Legal <lrblegal@legis.wisconsin.gov>
Sent: Monday, March 23, 2020 3:15 PM
To: Sen.Jacque <Sen.Jacque@legis.wisconsin.gov>
Subject: Draft review: LRB -5928/P1

Following is the PDF version of draft LRB -5928/P1.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5928/P2
EVM:cdc

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT to amend** 323.52 (title); and **to create** 323.52 (3) of the statutes; **relating**
2 **to:** meetings of governing bodies of political subdivisions during a state of
3 emergency.

Analysis by the Legislative Reference Bureau

This bill specifies that, during a state of emergency, the governing body of a political subdivision may meet using any means of communication that allows identification of its members, participation by its members, and, to the extent feasible, monitoring by the public. The bill also provides that, if the governing body does not have access to technology allowing the public to monitor the proceedings contemporaneously, the publication of the minutes of the meeting in the political subdivision's official newspaper serves in lieu of open public access to the meeting.

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

4 **SECTION 1.** 323.52 (title) of the statutes is amended to read:
5 **323.52** (title) ~~Temporary locations of government for~~ **Emergency**
6 **operation of local units of government.**
7 **SECTION 2.** 323.52 (3) of the statutes is created to read:

1 323.52 (3) VIRTUAL MEETINGS. (a) In this section:

2 1. "Governing body" means a town board, a village board of trustees, a city
3 council, or a county board.

4 2. "Member" means a member of the governing body of a political subdivision.

5 3. "Political subdivision" means a city, village, town, or county.

6 (b) 1. Notwithstanding subs. (1) and (2) and ss. 59.11, 60.20, 61.32, and 62.11
7 (3), during a state of emergency declared under s. 323.10 or 323.11, a governing body
8 may meet through the use of any means of communication by which all of the
9 following occur:

10 a. The identity of each participating member may be verified, and the actions
11 of each participating member may be authenticated, in a manner satisfactory to the
12 presiding officer.

13 b. During the meeting, all participating members may simultaneously hear or
14 read the comments of each member who is recognized by the presiding officer.

15 c. If the governing body has reasonable access to technology allowing the public
16 to monitor the proceedings contemporaneously, the public may monitor the
17 proceedings of the governing body.

18 2. For purposes of determining the presence of a quorum in meetings held
19 under this subsection, any participating member shall be considered present as if the
20 member were physically present at the meeting.

21 3. A meeting held under this subsection shall be preceded by the same or
22 substantially equivalent public notice as would be required if the governing body
23 were physically present.

24 4. Notwithstanding s. 19.83, if the governing body does not have reasonable
25 access to technology allowing the public to monitor the proceedings

Barman, Mike

From: Cosh, Bill
Sent: Tuesday, March 24, 2020 12:14 PM
To: Mueller, Eric
Subject: FW: let me know if this one is good to go

Erik,

Thanks again for your help. We are good to go on this one. Could I please get both a /1 and get the bill jacket for it? Thanks.

Bill Cosh

From: [Jacque, Andre <Andre.Jacque@legis.wisconsin.gov>](mailto:Andre.Jacque@legis.wisconsin.gov)
Sent: Tuesday, March 24, 2020 12:05 PM
To: Cosh, Bill <Bill.Cosh@legis.wisconsin.gov>
Cc: Rettinger, Nik <Nik.Rettinger@legis.wisconsin.gov>
Subject: RE: let me know if this one is good to go

It's good to go. I am ok with the bill's current language that would apply to all similarly declared emergencies.

From: Cosh, Bill <Bill.Cosh@legis.wisconsin.gov>
Sent: Tuesday, March 24, 2020 10:40 AM
To: [Jacque, Andre <Andre.Jacque@legis.wisconsin.gov>](mailto:Andre.Jacque@legis.wisconsin.gov)
Cc: Rettinger, Nik <Nik.Rettinger@legis.wisconsin.gov>
Subject: let me know if this one is good to go

André,

Let me know if this one is good to go and I will request a /1.

Bill

From: [Sen.Jacque <Sen.Jacque@legis.wisconsin.gov>](mailto:Sen.Jacque@legis.wisconsin.gov)
Sent: Tuesday, March 24, 2020 10:39 AM
To: Cosh, Bill <Bill.Cosh@legis.wisconsin.gov>
Subject: FW: Draft review: LRB -5929/P2

From: [LRB.Legal <Lrblegal@legis.wisconsin.gov>](mailto:Lrblegal@legis.wisconsin.gov)
Sent: Tuesday, March 24, 2020 10:37 AM
To: [Sen.Jacque <Sen.Jacque@legis.wisconsin.gov>](mailto:Sen.Jacque@legis.wisconsin.gov)
Subject: Draft review: LRB -5929/P2

Following is the PDF version of draft LRB -5929/P2.

Barman, Mike

From: Jackson, Wendy
Sent: Tuesday, March 24, 2020 12:34 PM
To: Barman, Mike
Subject: -5928

Can you please submit and jacket this draft?

Wendy Jackson
Administrative Services Manager
Legislative Reference Bureau
wendy.jackson@legis.wisconsin.gov
608-504-5869

Barman, Mike

From: LRB.Legal
To: Sen.Jacque
Subject: Draft review: LRB -5928/1
Attachments: 19-5928/1

State of Wisconsin - Legislative Reference Bureau
One East Main Street - Suite 200 - Madison

The attached draft was prepared at your request. Please review it carefully to ensure that it satisfies your intent. If you have any questions concerning the draft or would like to have it redrafted, please contact Eric V. Mueller, Senior Legislative Attorney, at (608) 504-5825, at eric.mueller@legis.wisconsin.gov, or at One East Main Street, Suite 200.

We will jacket this draft for introduction in the Senate.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will submit a request to DOA when the draft is introduced. You may obtain a fiscal estimate on the draft prior to introduction by contacting our program assistants at LRB.Legal@legis.wisconsin.gov or at (608) 266-3561. If you requested a fiscal estimate on an earlier version of this draft and would like to obtain a fiscal estimate on the current version before it is introduced, you will need to request a revised fiscal estimate from our program assistants.

Please call our program assistants at (608) 266-3561 if you have any questions regarding this email.



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-5928/1
EVM:cdc

2019 BILL

1 **AN ACT to amend** 323.52 (title); and **to create** 323.52 (3) of the statutes; **relating**
2 **to:** meetings of governing bodies of political subdivisions during a state of
3 emergency.

Analysis by the Legislative Reference Bureau

This bill specifies that, during a state of emergency, the governing body of a political subdivision may meet using any means of communication that allows identification of its members, participation by its members, and, to the extent feasible, monitoring by the public. The bill also provides that, if the governing body does not have access to technology allowing the public to monitor the proceedings contemporaneously, the publication of the minutes of the meeting in the political subdivision's official newspaper serves in lieu of open public access to the meeting.

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BILL**SECTION 2**

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8 may meet through the use of any means of communication by which all of the
9 following occur:

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11 of each participating member may be authenticated, in a manner satisfactory to the
12 presiding officer.

13 b. During the meeting, all participating members may simultaneously hear or
14 read the comments of each member who is recognized by the presiding officer.

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16 to monitor the proceedings contemporaneously, the public may monitor the
17 proceedings of the governing body.

18 2. For purposes of determining the presence of a quorum in meetings held
19 under this subsection, any participating member shall be considered present as if the
20 member were physically present at the meeting.

21 3. A meeting held under this subsection shall be preceded by the same or
22 substantially equivalent public notice as would be required if the governing body
23 were physically present.

24 4. Notwithstanding s. 19.83, if the governing body does not have reasonable
25 access to technology allowing the public to monitor the proceedings

BILL

1 contemporaneously, the publication of the minutes of the meeting in the political
2 subdivision's official newspaper may serve in lieu of open public access to a meeting
3 under this subsection.

4 (END)

Barman, Mike

From: Cosh, Bill
Sent: Wednesday, March 25, 2020 11:21 AM
To: LRB.Legal
Subject: Draft Review: LRB -5928/2

Please Jacket LRB -5928/2 for the SENATE.



Instructed To Toss For
Them To Jacket For
The "1" Version.