
AN ACT to amend 323.52 (title); and to create 323.52 (3) of the statutes; relating to: meetings of governing bodies of local governmental units during a state of emergency.

Analysis by the Legislative Reference Bureau

This bill specifies that, during a state of emergency, the governing body of a local governmental unit 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 a newspaper likely to give notice to the area affected 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:

SECTION 1. 323.52 (title) of the statutes is amended to read:

323.52  (title)  Temporary locations of government for Emergency operation of local units of government.
SECTION 2. 323.52 (3) of the statutes is created to read:

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

1. “Governing body” means a town board, a village board of trustees, a city council, a county board, a school board, or an elected town sanitary district commission.

2. “Local governmental unit” means a city, village, town, county, school district, or town sanitary district.

3. “Member” means a member of the governing body of a local governmental unit.

(b) 1. Notwithstanding subs. (1) and (2) and ss. 59.11, 60.20, 61.32, 62.11 (3), 119.10, 120.11, and 120.43, during a state of emergency declared under s. 323.10 or 323.11, a governing body may meet through the use of any means of communication by which all of the following occur:

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

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

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

2. For purposes of determining the presence of a quorum in meetings held under this subsection, any participating member shall be considered present as if the member were physically present at the meeting.
3. A meeting held under this subsection shall be preceded by the same or substantially equivalent public notice as would be required if the governing body were physically present.

4. Notwithstanding s. 19.83, if the governing body does not have reasonable access to technology allowing the public to monitor the proceedings contemporaneously, the publication of the minutes of the meeting as a class 1 notice under ch. 985 may serve in lieu of open public access to a meeting under this subsection.

(END)