February 12, 2021 - Introduced by Representatives THIESFELDT, BROOKS, BOWEN, GUNDRAM, HOrLACHER, KRUG, KURTZ, MURPHY, ROZAR, SCHRAA, SKOWRONSKI, SNYDER, SPIROS, SUBECK, TITTL, KUGLITSCH, MURSAU and DUCHOW, cosponsored by Senators FEYEN, L TAYLOR, JACQUE, FELZKOWSKI and STROEBEL. Referred to Committee on Local Government.

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

\underline{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, electronically placing a copy of the proceedings on the Internet site maintained by the respective governmental unit, and transmitting a copy to the newspaper designated by the governmental unit or likely to give notice in the territory of the 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.

Under the bill, before the governmental unit may discontinue publication in a newspaper, the governmental unit must do the following:
1. Provide 180 days’ notice to the newspaper.
2. Publish two separate notices in the newspaper indicating that it will discontinue publication in the newspaper and will instead post, electronically place,
and transmit the proceedings. The governmental unit may discontinue publication of its proceedings 30 days after the second notice required under this provision.

3. Establish an electronic notification service to notify interested individuals and organizations in the governmental unit each time the proceedings are posted, electronically placed, and transmitted.

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

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

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

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

38.12 (4) (b) In lieu of publishing the proceedings in a newspaper published in the district, the district board may post the proceedings, including a statement of receipts and expenditures in the aggregate, in at least one public place, place the same proceedings electronically on an Internet site maintained by the district board, and transmit an electronic copy of the same proceedings to the official newspaper designated by the district under ch. 985 or, if there is no official newspaper, to a newspaper likely to give notice in the district. If the district board elects to act under this paragraph, the district board shall do all of the following:
1. If there is a newspaper published in the district or if the district board has designated an official newspaper, do all of the following:
   a. Provide 180 days notice to the newspaper of its intention to act under this paragraph.
   b. Provide a class 2 notice, under ch. 985, in the newspaper prior to first posting the proceedings in at least one public place and placing and transmitting the proceedings electronically as authorized under this paragraph. The district board may not begin posting and electronic placement under this paragraph until 30 days after the last insertion required under this subd. 1. b.
   c. Establish an electronic notification service to notify interested individuals and organizations in the district each time proceedings are posted in a public place and placed and transmitted electronically.

2. Maintain the proceedings placed electronically on the district board’s Internet site for at least 3 years.

Section 3. 59.14 (2) of the statutes is renumbered 59.14 (2) (a) and amended to read:

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

Section 4. 59.14 (2) (b) of the statutes is created to read:

59.14 (2) (b) In lieu of publishing the proceedings in a newspaper published in the county, the board may, by ordinance or resolution, provide for posting within 60 days after the adjournment of each session of a certified copy of all its proceedings
in at least one public place, for placing the same proceedings electronically on an Internet site maintained by the board, and for transmitting an electronic copy of the same proceedings to the official newspaper designated by the county under ch. 985 or, if there is no official newspaper, to a newspaper likely to give notice in the county. If the board elects to act under this paragraph, the board shall do all of the following:

1. Provide 180 days notice to the newspaper or newspapers designated by the board by ordinance or resolution for publication of its proceedings of its intention to act under this paragraph.

2. Prior to first posting the proceedings in at least one public place and placing and transmitting the proceedings electronically as authorized under this paragraph, provide a class 2 notice, under ch. 985, in the newspaper or newspapers identified under subd. 1. The board may not begin posting and electronic placement and transmittal under this paragraph until 30 days after the last insertion required under this subdivision.

3. Establish an electronic notification service to notify interested individuals and organizations in the county each time proceedings are posted in a public place and placed and transmitted electronically.

4. Maintain the proceedings placed electronically on the board’s Internet site for at least 3 years.

SECTION 5. 61.32 of the statutes is renumbered 61.32 (1) and amended to read:

61.32 (1) The trustees of each village shall constitute a board designated the “Village Board of” (name of village) in which shall be vested all the powers of the village not specifically given some other officer. A majority of the members-elect shall constitute a quorum, but a less number may adjourn from time to time. The president shall preside at all meetings when present. In the president’s absence the
board may select another trustee to preside. Regular meetings shall be held at such time as may be prescribed by their bylaws. Special meetings may be called by any 2 trustees in writing, filed with the clerk, who shall thereupon seasonably notify all the trustees of the time and place thereof in the manner directed by the bylaws. All meetings shall be open to the public. The board shall keep a record of all its proceedings, and, except as provided in sub. (2), if there is a newspaper published in any village, the board shall cause the proceedings to be published therein as a class 1 notice, under ch. 985. The proceedings for the purpose of publication shall include the substance of every official action taken by the governing body. If there is no newspaper published in the village, the board may cause the proceedings to be published in a newspaper having general circulation in the village, posted in several public places or publicized in some other fashion, in such manner as the board directs. Nothing herein shall be construed as requiring the republication of any proceeding, ordinance or other matter or thing which has already been published according to law, nor shall anything herein be construed to relieve any village from publishing any proceeding, ordinance or other matter or thing required by law to be published. Notwithstanding the provisions of s. 985.08 (4), the fee for any such publication shall not exceed the rates specified in s. 985.08 (1). The board has power to preserve order at its meetings, compel attendance of trustees and punish nonattendance and it shall be judge of the election and qualification of its members. The president and board of trustees of any village, whether operating under general or special law, may by a three-fourths vote of all the members of the village board determine that a salary be paid the president and trustees.

SECTION 6. 61.32 (2) of the statutes is created to read:
61.32 (2) If there is a newspaper published in the village, in lieu of publishing the proceedings in that newspaper, the village board may post the proceedings in at least one public place, place the same proceedings electronically on an Internet site maintained by the board, and transmit an electronic copy of the same proceedings to the official newspaper designated by the village under ch. 985 or, if there is no official newspaper, to a newspaper likely to give notice in the village. If the board elects to post the proceedings in a public place and place and transmit the proceedings electronically, the board shall do all of the following:

(a) Provide 180 days notice to the newspaper of its intention to act under this subsection.

(b) Provide a class 2 notice, under ch. 985, in the newspaper prior to first posting the proceedings in at least one public place and placing and transmitting the proceedings electronically as authorized under this subsection. The board may not begin posting and electronic placement and transmittal under this subsection until 30 days after the last insertion required under this paragraph.

(c) Establish an electronic notification service to notify interested individuals and organizations in the village each time proceedings are posted in a public place and placed and transmitted electronically.

(d) Maintain the proceedings placed electronically on the board's Internet site for at least 3 years.

SECTION 7. 62.11 (4) (a) of the statutes is renumbered 62.11 (4) (a) 1. and amended to read:

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

SECTION 8. 62.11 (4) (a) 2. of the statutes is created to read:

62.11 (4) (a) 2. In lieu of publishing the proceedings of the council as provided in subd. 1., the council may post the proceedings in at least one public place, place the same proceedings electronically on an Internet site maintained by the council, and transmit an electronic copy of the same proceedings to the official newspaper of the city as provided in s. 985.05 (2) or, if there is no official newspaper, to a newspaper likely to give notice in the city. If the council elects to act under this subdivision, the council shall do all of the following:

a. Provide 180 days notice to the newspaper designated under s. 985.06 of its intention to act under this subdivision.

b. Provide a class 2 notice, under ch. 985, in the newspaper prior to first posting the proceedings in at least one public place and placing and transmitting the proceedings electronically as authorized under this subdivision. The council may not begin posting and electronic placement and transmittal under this subdivision until 30 days after the last insertion required under this subd. 2. b.

c. Establish an electronic notification service to notify interested individuals and organizations in the city each time proceedings are posted in a public place and placed and transmitted electronically.

d. Maintain the proceedings placed electronically on the council's Internet site for at least 3 years.
SECTION 9. 64.34 (1) of the statutes is renumbered 64.34 (1) (a) and amended to read:

64.34 (1) (a) The city comptroller shall each month prepare and present to the council a summary statement of the revenues and expenses of the city for the preceding month, detailed as to appropriations and funds, and arranged in standard form, together with a balance sheet statement of the current assets and current liabilities of such city at the close of such month. These summaries shall be accompanied by such detailed schedules as the council may by ordinance require.

Except as provided in par. (b), the full detailed acts and proceedings of the council at every general or special meeting thereof, including the full text of all reports filed and presented at such meeting, shall be published as a class 1 notice, under ch. 985, subsequent to the day of each such council meeting; and in the months of January, April, July, and October the council shall cause to be published as a class 1 notice, under ch. 985, detailed schedules of the receipts and disbursements of moneys for the 3 calendar months next preceding the month of such publication. The compensation to be paid for such publications shall not exceed the rate provided by law for the publication of legal notices.

SECTION 10. 64.34 (1) (b) of the statutes is created to read:

64.34 (1) (b) In lieu of publishing the acts and proceedings of every general and special meeting of the council as provided under par. (a), the council may, subsequent to the day of the council meeting, post the acts and proceedings in at least one public place, place the same acts and proceedings electronically on an Internet site maintained by the council, and transmit an electronic copy of the same acts and proceedings to the official newspaper designated by the city under ch. 985 or, if there is no official newspaper, to a newspaper likely to give notice in the city. In lieu of
publishing the detailed schedules as provided in par. (a), the council may, in the
months of January, April, July, and October, post the detailed schedules in at least
one public place, place the same detailed schedules electronically on an Internet site
maintained by the council, and transmit an electronic copy of the same detailed
schedules to the official newspaper designated by the city under ch. 985 or, if there
is no official newspaper, to a newspaper likely to give notice in the city. If the council
elects to act under this paragraph, the council shall do all of the following:

1. Provide 180 days notice to the newspaper in which the council publishes its
   proceedings of its intention to act under this paragraph.

2. Provide a class 2 notice, under ch. 985, in the newspaper in which the council
   publishes its proceedings prior to first posting the proceedings in at least one public
   place and placing and transmitting the proceedings electronically as authorized
   under this paragraph. The council may not begin posting and electronic placement
   and transmittal under this paragraph until 30 days after the last insertion required
   under this subdivision.

3. Establish an electronic notification service to notify interested individuals
   and organizations in the city each time proceedings are posted in a public place and
   placed and transmitted electronically.

4. Maintain the proceedings placed electronically on the council’s Internet site
   for at least 3 years.

**SECTION 11.** 120.11 (4) of the statutes is renumbered 120.11 (4) (a) and amended
to read:

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

SECTION 12. 120.11 (4) (b) of the statutes is created to read:

120.11 (4) (b) If there is a newspaper published in the school district, in lieu of publishing the proceedings in a newspaper published in the school district, the school board may post the proceedings, as provided in par. (a), in at least one public place, place the same proceedings electronically on an Internet site maintained by the school board, and transmit an electronic copy of the same proceedings to the official newspaper designated by the school board under ch. 985 or, if there is no official newspaper, to a newspaper likely to give notice in the school district. If the school board elects to act under this paragraph, the school board shall do all of the following:

1. Provide 180 days notice to the newspaper published in the school district of its intention to act under this paragraph.

2. Provide a class 2 notice, under ch. 985, in the newspaper published in the school district prior to first posting the proceedings in at least one public place and placing and transmitting the proceedings electronically as authorized under this paragraph. The school board may not begin posting and electronic placement and transmittal under this paragraph until 30 days after the last insertion required under this subdivision.
3. Establish an electronic notification service to notify interested individuals and organizations in the school district each time proceedings are posted in a public place and placed and transmitted electronically.

4. Maintain the proceedings placed electronically on the school board's Internet site for at least 3 years.

**SECTION 13.** 985.05 (1) of the statutes is amended to read:

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

(END)