



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-0437/1  
EVM:klm

## 2021 SENATE BILL 55

February 2, 2021 – Introduced by Senators FEYEN, L. TAYLOR, FELZKOWSKI, JACQUE and STROEBEL, cosponsored by Representatives THIESFELDT, BROOKS, BOWEN, GUNDRUM, HORLACHER, KRUG, KURTZ, MURPHY, ROZAR, SCHRAA, SKOWRONSKI, SNYDER, SPIROS, SUBECK, TITTL, MURSAU, KUGLITSCH and DUCHOW. Referred to Committee on Government Operations, Legal Review and Consumer Protection.

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

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### *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,

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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.

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

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

3           38.12 (4) (a) The Except as provided in par. (b), the proceedings of the district  
4 board meetings shall be published within 45 days after the meeting as a class 1  
5 notice, under ch. 985, in a newspaper published in the district. If no newspaper is  
6 published in the district, the proceedings may be publicized as the district board  
7 directs. The publication of the proceedings shall include a statement of receipts and  
8 expenditures in the aggregate. The district board shall make a detailed record of all  
9 receipts and expenditures available to the public for inspection at each district board  
10 meeting and upon request.

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

12           38.12 (4) (b) In lieu of publishing the proceedings in a newspaper published in  
13 the district, the district board may post the proceedings, including a statement of  
14 receipts and expenditures in the aggregate, in at least one public place, place the  
15 same proceedings electronically on an Internet site maintained by the district board,  
16 and transmit an electronic copy of the same proceedings to the official newspaper  
17 designated by the district under ch. 985 or, if there is no official newspaper, to a  
18 newspaper likely to give notice in the district. If the district board elects to act under  
19 this paragraph, the district board shall do all of the following:

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1           1. If there is a newspaper published in the district or if the district board has  
2 designated an official newspaper, do all of the following:

3           a. Provide 180 days notice to the newspaper of its intention to act under this  
4 paragraph.

5           b. Provide a class 2 notice, under ch. 985, in the newspaper prior to first posting  
6 the proceedings in at least one public place and placing and transmitting the  
7 proceedings electronically as authorized under this paragraph. The district board  
8 may not begin posting and electronic placement under this paragraph until 30 days  
9 after the last insertion required under this subd. 1. b.

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

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

15          **SECTION 3.** 59.14 (2) of the statutes is renumbered 59.14 (2) (a) and amended  
16 to read:

17          59.14 (2) (a) The Except as provided in par. (b), the board shall, by ordinance  
18 or resolution, provide for publication in one or more newspapers in the county as a  
19 class 1 notice, under ch. 985, a certified copy of all its proceedings had at any meeting,  
20 regular or special; said publication to be completed within 60 days after the  
21 adjournment of each session.

22          **SECTION 4.** 59.14 (2) (b) of the statutes is created to read:

23          59.14 (2) (b) In lieu of publishing the proceedings in a newspaper published in  
24 the county, the board may, by ordinance or resolution, provide for posting within 60  
25 days after the adjournment of each session of a certified copy of all its proceedings

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1 in at least one public place, for placing the same proceedings electronically on an  
2 Internet site maintained by the board, and for transmitting an electronic copy of the  
3 same proceedings to the official newspaper designated by the county under ch. 985  
4 or, if there is no official newspaper, to a newspaper likely to give notice in the county.  
5 If the board elects to act under this paragraph, the board shall do all of the following:

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

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

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

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

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

21 61.32 (1) The trustees of each village shall constitute a board designated the  
22 "Village Board of" (name of village) in which shall be vested all the powers of the  
23 village not specifically given some other officer. A majority of the members-elect  
24 shall constitute a quorum, but a less number may adjourn from time to time. The  
25 president shall preside at all meetings when present. In the president's absence the

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1 board may select another trustee to preside. Regular meetings shall be held at such  
2 time as may be prescribed by their bylaws. Special meetings may be called by any  
3 2 trustees in writing, filed with the clerk, who shall thereupon seasonably notify all  
4 the trustees of the time and place thereof in the manner directed by the bylaws. All  
5 meetings shall be open to the public. The board shall keep a record of all its  
6 proceedings, and, except as provided in sub. (2), if there is a newspaper published in  
7 any village, the board shall cause the proceedings to be published therein as a class  
8 1 notice, under ch. 985. The proceedings for the purpose of publication shall include  
9 the substance of every official action taken by the governing body. If there is no  
10 newspaper published in the village, the board may cause the proceedings to be  
11 published in a newspaper having general circulation in the village, posted in several  
12 public places or publicized in some other fashion, in such manner as the board  
13 directs. Nothing herein shall be construed as requiring the republication of any  
14 proceeding, ordinance or other matter or thing which has already been published  
15 according to law, nor shall anything herein be construed to relieve any village from  
16 publishing any proceeding, ordinance or other matter or thing required by law to be  
17 published. Notwithstanding the provisions of s. 985.08 (4), the fee for any such  
18 publication shall not exceed the rates specified in s. 985.08 (1). The board has power  
19 to preserve order at its meetings, compel attendance of trustees and punish  
20 nonattendance and it shall be judge of the election and qualification of its members.  
21 The president and board of trustees of any village, whether operating under general  
22 or special law, may by a three-fourths vote of all the members of the village board  
23 determine that a salary be paid the president and trustees.

24 **SECTION 6.** 61.32 (2) of the statutes is created to read:

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1           61.32 (2) If there is a newspaper published in the village, in lieu of publishing  
2 the proceedings in that newspaper, the village board may post the proceedings in at  
3 least one public place, place the same proceedings electronically on an Internet site  
4 maintained by the board, and transmit an electronic copy of the same proceedings  
5 to the official newspaper designated by the village under ch. 985 or, if there is no  
6 official newspaper, to a newspaper likely to give notice in the village. If the board  
7 elects to post the proceedings in a public place and place and transmit the  
8 proceedings electronically, the board shall do all of the following:

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

11           (b) Provide a class 2 notice, under ch. 985, in the newspaper prior to first posting  
12 the proceedings in at least one public place and placing and transmitting the  
13 proceedings electronically as authorized under this subsection. The board may not  
14 begin posting and electronic placement and transmittal under this subsection until  
15 30 days after the last insertion required under this paragraph.

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

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

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

23           62.11 (4) (a) 1. Proceedings Except as provided in subd. 2., proceedings of the  
24 council shall be published in the newspaper designated under s. 985.06 as a class 1  
25 notice, under ch. 985. The proceedings for the purpose of publication shall include

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1 the substance of every official action taken by the governing body. Except as provided  
2 in this subsection every ordinance shall be published either in its entirety, as a class  
3 1 notice, under ch. 985, or as a notice, as described under par. (c) 2., within 15 days  
4 of passage, and shall take effect on the day after the publication or at a later date if  
5 expressly prescribed.

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

7 62.11 (4) (a) 2. In lieu of publishing the proceedings of the council as provided  
8 in subd. 1., the council may post the proceedings in at least one public place, place  
9 the same proceedings electronically on an Internet site maintained by the council,  
10 and transmit an electronic copy of the same proceedings to the official newspaper of  
11 the city as provided in s. 985.05 (2) or, if there is no official newspaper, to a newspaper  
12 likely to give notice in the city. If the council elects to act under this subdivision, the  
13 council shall do all of the following:

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

16 b. Provide a class 2 notice, under ch. 985, in the newspaper prior to first posting  
17 the proceedings in at least one public place and placing and transmitting the  
18 proceedings electronically as authorized under this subdivision. The council may not  
19 begin posting and electronic placement and transmittal under this subdivision until  
20 30 days after the last insertion required under this subd. 2. b.

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

24 d. Maintain the proceedings placed electronically on the council's Internet site  
25 for at least 3 years.

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1           **SECTION 9.** 64.34 (1) of the statutes is renumbered 64.34 (1) (a) and amended  
2 to read:

3           64.34 (1) (a) The city comptroller shall each month prepare and present to the  
4 council a summary statement of the revenues and expenses of the city for the  
5 preceding month, detailed as to appropriations and funds, and arranged in standard  
6 form, together with a balance sheet statement of the current assets and current  
7 liabilities of such city at the close of such month. These summaries shall be  
8 accompanied by such detailed schedules as the council may by ordinance require.  
9 The Except as provided in par. (b), the full detailed acts and proceedings of the council  
10 at every general or special meeting thereof, including the full text of all reports filed  
11 and presented at such meeting, shall be published as a class 1 notice, under ch. 985,  
12 subsequent to the day of each such council meeting; and in. Except as provided in  
13 par. (b), in the months of January, April, July, and October the council shall cause to  
14 be published as a class 1 notice, under ch. 985, detailed schedules of the receipts and  
15 disbursements of moneys for the 3 calendar months next preceding the month of such  
16 publication. The compensation to be paid for such publications shall not exceed the  
17 rate provided by law for the publication of legal notices.

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

19           64.34 (1) (b) In lieu of publishing the acts and proceedings of every general and  
20 special meeting of the council as provided under par. (a), the council may, subsequent  
21 to the day of the council meeting, post the acts and proceedings in at least one public  
22 place, place the same acts and proceedings electronically on an Internet site  
23 maintained by the council, and transmit an electronic copy of the same acts and  
24 proceedings to the official newspaper designated by the city under ch. 985 or, if there  
25 is no official newspaper, to a newspaper likely to give notice in the city. In lieu of



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1 publishing the detailed schedules as provided in par. (a), the council may, in the  
2 months of January, April, July, and October, post the detailed schedules in at least  
3 one public place, place the same detailed schedules electronically on an Internet site  
4 maintained by the council, and transmit an electronic copy of the same detailed  
5 schedules to the official newspaper designated by the city under ch. 985 or, if there  
6 is no official newspaper, to a newspaper likely to give notice in the city. If the council  
7 elects to act under this paragraph, the council shall do all of the following:

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

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

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

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

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

23 120.11 (4) (a) The Except as provided in par. (b), the proceedings of a school  
24 board meeting shall be published within 45 days after the meeting as a class 1 notice,  
25 under ch. 985, in a newspaper published in the school district, if any, or publicized

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1 by school district-wide distribution prepared and directed by the school board and  
2 paid out of school funds. If there is no newspaper published in the school district, the  
3 proceedings shall be posted or published as the school board directs. For the purpose  
4 of publication, the proceedings shall include the substance of every official action  
5 taken by the school board at the meeting and a statement of receipts and  
6 expenditures in the aggregate. The school board shall make a detailed record of all  
7 receipts and expenditures available to the public for inspection at each regular school  
8 board meeting and upon request.

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

10 120.11 (4) (b) If there is a newspaper published in the school district, in lieu of  
11 publishing the proceedings in a newspaper published in the school district, the school  
12 board may post the proceedings, as provided in par. (a), in at least one public place,  
13 place the same proceedings electronically on an Internet site maintained by the  
14 school board, and transmit an electronic copy of the same proceedings to the official  
15 newspaper designated by the school board under ch. 985 or, if there is no official  
16 newspaper, to a newspaper likely to give notice in the school district. If the school  
17 board elects to act under this paragraph, the school board shall do all of the following:

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

20 2. Provide a class 2 notice, under ch. 985, in the newspaper published in the  
21 school district prior to first posting the proceedings in at least one public place and  
22 placing and transmitting the proceedings electronically as authorized under this  
23 paragraph. The school board may not begin posting and electronic placement and  
24 transmittal under this paragraph until 30 days after the last insertion required  
25 under this subdivision.

