

1       **AN ACT** *to renumber and amend* 19.82 (1); and *to create* 19.82 (1) of the statutes;  
2           **relating to:** the applicability of the open meetings law to an economic development  
3           corporation.

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

4           **SECTION 1.** 19.82 (1) of the statutes is renumbered 19.82 (1m) and amended to read:  
5           19.82 (**1m**) “Governmental body” means a state or local agency, board, commission,  
6           committee, council, department or public body corporate and politic created by constitution,  
7           statute, ordinance, rule or order; a governmental or quasi–governmental corporation except  
8           for the Bradley center sports and entertainment corporation and except for an economic  
9           development corporation; a local exposition district under subch. II of ch. 229; a family care  
10          district under s. 46.2895; a nonprofit corporation operating the Olympic ice training center  
11          under s. 42.11 (3); or a formally constituted subunit of any of the foregoing, but excludes any  
12          such body or committee or subunit of such body which is formed for or meeting for the purpose  
13          of collective bargaining under subch. I, IV or V of ch. 111.

14          **SECTION 2.** 19.82 (1) of the statutes is created to read:  
15          19.82 (**1**) “Economic development corporation” means a nonprofit corporation whose  
16          board of directors or officers consist of representatives of business, state and local  
17          government, or the public and whose primary purpose is to encourage and promote the  
18          industrial, economic, entrepreneurial, commercial, and civic development or redevelopment  
19          of a community or area.

**COMMENT:** This bill draft exempts an economic development corporation from the open meetings law. The definition of the term

“economic development corporation” is adapted from the definition of the term “community development corporation” found in s. 135.400 (3) of the Missouri statutes.

If a concern exists that governmental activities properly subject to open meeting requirements under current law may be exempt from these requirements under the language of this draft, the definition of the term “economic development corporation” could be modified. For example, using criteria set forth in recent opinions of the attorney general, an economic development corporation also might be defined in terms of: (1) how many, if any, public officials or employees may serve as board members or officers of the corporation; (2) what percentage, if any, of the corporation’s funding may be derived from public funds; or (3) whether the corporation may be housed, equipped, or staffed by a unit of government.

Finally, this draft does not intend to alter or affect that portion of the definition of the term “meeting” in the open meetings law providing that if one-half or more of the members of a governmental body are present, a meeting is rebuttably presumed to be for the purpose of exercising the responsibilities, authority, power, or duties delegated to or vested in the body. Thus, if 3 members of a 5-person village board also sit on the board of an economic development corporation, there would be a rebuttable presumption of a village board meeting, subject to the open meetings law, were these individuals to attend a corporation board meeting.