



State of Wisconsin
2017 - 2018 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO ASSEMBLY BILL 70**

November 8, 2017 - Offered by Representatives THIESFELDT and STEFFEN.

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.

Analysis by the Legislative Reference Bureau

This substitute amendment 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 substitute amendment, 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 governmental unit must have at least as many individuals and organizations receiving electronic notices as the bona fide paid circulation of the newspaper in which the governmental unit publishes its proceedings. Current law defines a newspaper's "bona fide paid circulation" as a paid circulation "that has constituted 50 percent or more of its circulation, and that has had actual subscribers at each publication of not less than 1,000 copies in 1st and 2nd class cities, or 300 copies if in 3rd and 4th class cities, villages or towns."

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

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

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

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

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 permitted under this paragraph. The district board
14 may not begin posting and electronic placement under this paragraph until 30 days
15 after the last insertion required under this subd. 1. b.

16 c. Establish an electronic notification service to notify interested individuals
17 and organizations in the district each time proceedings are posted in a public place
18 and placed and transmitted electronically. The district board may not begin posting
19 and electronic placement and transmittal under this paragraph until the number of
20 individuals and organizations that will receive electronic notices under the service
21 is equal to or greater than the bona fide paid circulation of the newspaper published
22 in the district or designated by the board. If, after the board has commenced posting
23 and electronic placement and transmittal, the number of individuals and
24 organizations that are receiving electronic notices decreases below the bona fide paid
25 circulation of the official newspaper published in the district or designated by the

1 board, the board may nevertheless continue to post and electronically place and
2 transmit proceedings as permitted under this paragraph. In this subd. 1. c., bona fide
3 paid circulation has the meaning given in s. 985.03 (1) (a).

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

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

8 59.14 (2) (a) The Except as provided in par. (b), the board shall, by ordinance
9 or resolution, provide for publication in one or more newspapers in the county as a
10 class 1 notice, under ch. 985, a certified copy of all its proceedings had at any meeting,
11 regular or special; said publication to be completed within 60 days after the
12 adjournment of each session.

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

14 59.14 (2) (b) In lieu of publishing the proceedings in a newspaper published in
15 the county, the board may, by ordinance or resolution, provide for posting within 60
16 days after the adjournment of each session of a certified copy of all its proceedings
17 in at least one public place, for placing the same proceedings electronically on an
18 Internet site maintained by the board, and for transmitting an electronic copy of the
19 same proceedings to the official newspaper designated by the county under ch. 985
20 or, if there is no official newspaper, to a newspaper likely to give notice in the county.
21 If the board elects to act under this paragraph, the board shall do all of the following:

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

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

7 3. Establish an electronic notification service to notify interested individuals
8 and organizations in the county each time proceedings are posted in a public place
9 and placed and transmitted electronically. The board may not begin posting and
10 electronic placement and transmittal under this paragraph until the number of
11 individuals and organizations that will receive electronic notices under the service
12 is equal to or greater than the bona fide paid circulation of a newspaper identified
13 under subd. 1. If, after the board has commenced posting and electronic placement
14 and transmittal, the number of individuals and organizations that are receiving
15 electronic notices decreases below the bona fide paid circulation of a newspaper
16 identified under subd. 1., the board may nevertheless continue to post and
17 electronically place and transmit proceedings as permitted under this paragraph.
18 In this subdivision, bona fide paid circulation has the meaning given in s. 985.03 (1)
19 (a).

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

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

23 61.32 (1) The trustees of each village shall constitute a board designated the
24 "Village Board of" (name of village) in which shall be vested all the powers of the
25 village not specifically given some other officer. A majority of the members-elect

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

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

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

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

12 (b) Provide a class 2 notice, under ch. 985, in the newspaper prior to first posting
13 the proceedings in at least one public place and placing and transmitting the
14 proceedings electronically as permitted under this subsection. The board may not
15 begin posting and electronic placement and transmittal under this subsection until
16 30 days after the last insertion required under this paragraph.

17 (c) Establish an electronic notification service to notify interested individuals
18 and organizations in the village each time proceedings are posted in a public place
19 and placed and transmitted electronically. The board may not begin posting and
20 electronic placement and transmittal under this subsection until the number of
21 individuals and organizations that will receive electronic notices under the service
22 is equal to or greater than the bona fide paid circulation of the newspaper published
23 in the village. If, after the board has commenced posting and electronic placement
24 and transmittal, the number of individuals and organizations that are receiving
25 electronic notices decreases below the bona fide paid circulation of the newspaper

1 published in the village, the board may nevertheless continue to post and
2 electronically place and transmit proceedings as permitted under this subsection.
3 In this paragraph, bona fide paid circulation has the meaning given in s. 985.03 (1)
4 (a).

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

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

9 62.11 (4) (a) 1. ~~Proceedings~~ Except as provided in subd. 2., proceedings of the
10 council shall be published in the newspaper designated under s. 985.06 as a class 1
11 notice, under ch. 985. The proceedings for the purpose of publication shall include
12 the substance of every official action taken by the governing body. Except as provided
13 in this subsection every ordinance shall be published either in its entirety, as a class
14 1 notice, under ch. 985, or as a notice, as described under par. (c) 2., within 15 days
15 of passage, and shall take effect on the day after the publication or at a later date if
16 expressly prescribed.

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

18 62.11 (4) (a) 2. In lieu of publishing the proceedings of the council as provided
19 in subd. 1., the council may post the proceedings in at least one public place, place
20 the same proceedings electronically on an Internet site maintained by the council,
21 and transmit an electronic copy of the same proceedings to the official newspaper of
22 the city as provided in s. 985.05 (2) or, if there is no official newspaper, to a newspaper
23 likely to give notice in the city. If the council elects to act under this subdivision, the
24 council shall do all of the following:

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

3 b. Provide a class 2 notice, under ch. 985, in the newspaper prior to first posting
4 the proceedings in at least one public place and placing and transmitting the
5 proceedings electronically as permitted under this subdivision. The council may not
6 begin posting and electronic placement and transmittal under this subdivision until
7 30 days after the last insertion required under this subd. 2. b.

8 c. Establish an electronic notification service to notify interested individuals
9 and organizations in the city each time proceedings are posted in a public place and
10 placed and transmitted electronically. The council may not begin posting and
11 electronic placement and transmittal under this subdivision until the number of
12 individuals and organizations that will receive electronic notices under the service
13 is equal to or greater than the bona fide paid circulation of the newspaper designated
14 under s. 985.06. If, after the council has commenced posting and electronic
15 placement and transmittal, the number of individuals and organizations that are
16 receiving electronic notices decreases below the bona fide paid circulation of the
17 newspaper designated under s. 985.06, the council may nevertheless continue to post
18 and electronically place and transmit proceedings as permitted under this
19 subdivision. In this subd. 2. c., bona fide paid circulation has the meaning given in
20 s. 985.03 (1) (a).

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

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

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

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

17 64.34 (1) (b) In lieu of publishing the acts and proceedings of every general and
18 special meeting of the council as provided under par. (a), the council may, subsequent
19 to the day of the council meeting, post the acts and proceedings in at least one public
20 place, place the same acts and proceedings electronically on an Internet site
21 maintained by the council, and transmit an electronic copy of the same acts and
22 proceedings to the official newspaper designated by the city under ch. 985 or, if there
23 is no official newspaper, to a newspaper likely to give notice in the city. In lieu of
24 publishing the detailed schedules as provided in par. (a), the council may, in the
25 months of January, April, July, and October, post the detailed schedules in at least

1 one public place, place the same detailed schedules electronically on an Internet site
2 maintained by the council, and transmit an electronic copy of the same detailed
3 schedules to the official newspaper designated by the city under ch. 985 or, if there
4 is no official newspaper, to a newspaper likely to give notice in the city. If the council
5 elects to act under this paragraph, the council shall do all of the following:

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

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

14 3. Establish an electronic notification service to notify interested individuals
15 and organizations in the city each time proceedings are posted in a public place and
16 placed and transmitted electronically. The council may not begin posting and
17 electronic placement and transmittal under this paragraph until the number of
18 individuals and organizations that will receive electronic notices under the service
19 is equal to or greater than the bona fide paid circulation of the newspaper in which
20 the council publishes its proceedings. If, after the council has commenced posting
21 and electronic placement and transmittal, the number of individuals and
22 organizations that are receiving electronic notices decreases below the bona fide paid
23 circulation of the newspaper in which the council publishes its proceedings, the
24 council may nevertheless continue to post and electronically place and transmit

1 proceedings as permitted under this paragraph. In this subdivision, bona fide paid
2 circulation has the meaning given in s. 985.03 (1) (a).

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

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

7 120.11 (4) (a) The Except as provided in par. (b), the proceedings of a school
8 board meeting shall be published within 45 days after the meeting as a class 1 notice,
9 under ch. 985, in a newspaper published in the school district, if any, or publicized
10 by school district-wide distribution prepared and directed by the school board and
11 paid out of school funds. If there is no newspaper published in the school district, the
12 proceedings shall be posted or published as the school board directs. For the purpose
13 of publication, the proceedings shall include the substance of every official action
14 taken by the school board at the meeting and a statement of receipts and
15 expenditures in the aggregate. The school board shall make a detailed record of all
16 receipts and expenditures available to the public for inspection at each regular school
17 board meeting and upon request.

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

19 120.11 (4) (b) If there is a newspaper published in the school district, in lieu of
20 publishing the proceedings in a newspaper published in the school district, the school
21 board may post the proceedings, as defined in par. (a), in at least one public place,
22 place the same proceedings electronically on an Internet site maintained by the
23 board, and transmit an electronic copy of the same proceedings to the official
24 newspaper designated by the board under ch. 985 or, if there is no official newspaper,

1 to a newspaper likely to give notice in the school district. If the school board elects
2 to act under this paragraph, the board shall do all of the following:

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

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

11 3. Establish an electronic notification service to notify interested individuals
12 and organizations in the school district each time proceedings are posted in a public
13 place and placed and transmitted electronically. The school board may not begin
14 posting and electronic placement and transmittal under this paragraph until the
15 number of individuals and organizations that will receive electronic notices under
16 the service is equal to or greater than the bona fide paid circulation of the newspaper
17 published in the school district. If, after the school board has commenced posting and
18 electronic placement and transmittal, the number of individuals and organizations
19 that are receiving electronic notices decreases below the bona fide paid circulation
20 of the newspaper published in the school district, the school board may nevertheless
21 continue to post and electronically place and transmit proceedings as permitted
22 under this paragraph. In this subdivision, bona fide paid circulation has the
23 meaning given in s. 985.03 (1) (a).

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

