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11/05/2008

1 **AN ACT** *to create* 13.42 of the statutes; **relating to:** virtual meetings of the legislature
2 and legislative committees.

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

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council’s special committee on emergency management and continuity of government.

This draft would permit each house of the Legislature, pursuant to its rules or joint rules, to issue a notice that the house and its committees are prevented from physically meeting at the seat of government due to an emergency. If a notice is issued, the house and any committee of the house may conduct a virtual meeting and transact business using any means of communication by which all of the following occur: (1) the identity of each participating member is verified, and the actions of each participating member are authenticated; (2) all participating members are able to simultaneously hear or read the comments of members recognized to speak; (3) all communication by a member who is recognized to speak is immediately transmitted to the other participating members; and (4) the public has the opportunity to monitor the proceedings by viewing an Internet website, within technological limits. In order for a joint committee of the legislature to hold a virtual meeting in the manner described above, each house would have to issue a notice of emergency. Exceptions to public notice of legislative proceedings or meetings and to public access via the Internet are provided where the public welfare requires secrecy, as provided in Article IV, Section 10 of the Wisconsin Constitution.

Under the draft, a virtual meeting held in accordance with these requirements would be considered to have occurred at the seat of government and all actions taken at a virtual meeting would have the same legal effect as if the members were physically present at the seat of government. For purposes of determining the presence of a quorum to conduct business, any member participating in a virtual meeting would be considered present in the same manner as if physically present at the seat of government.

The draft provides that in presiding over a virtual meeting of a house of the legislature, the presiding officer must interpret and apply all rules of

proceeding of that house, which presume the physical presence of members in the house's chambers at the seat of government, in a manner so as to accomplish the same purposes for which the rules were adopted. Finally, the draft states that the language authorizing virtual meetings does not limit the authority of either house to use teleconferencing for purposes of holding a committee meeting at the seat of government.

1 **SECTION 1.** 13.42 of the statutes is created to read:

2 **13.42 Virtual meetings of the legislature and legislative committees at seat of**
3 **government.** (1) Either house of the legislature, pursuant to its rules or joint rules, may issue
4 a notice that the house and its committees are prevented from physically meeting at the seat
5 of government due to an emergency. If a house issues such a notice, that house and any
6 committee of that house may conduct a virtual meeting and transact business through the use
7 of any means of communication by which all of the following occur:

8 (a) The identity of each participating member may be verified, and the actions of each
9 participating member may be authenticated, in a manner satisfactory to the presiding officer
10 or committee chairperson.

11 (b) During the meeting, all participating members may simultaneously hear or read the
12 comments of each member who is recognized by the presiding officer or committee
13 chairperson.

14 (c) All communication during the meeting by a member who is recognized by the
15 presiding officer or committee chairperson is immediately transmitted to each participating
16 member.

17 (d) Except as provided in sub. (6), any member of the public who has access to an
18 Internet connection may monitor the proceedings of the house or committee by viewing a
19 website, within technological limits. The legislature shall attempt to update the website as

1 immediately as is feasible under the circumstances, and, to the extent feasible, provide
2 contemporaneous audio broadcasting of members' comments.

3 (2) In order to hold a virtual meeting of a joint committee in the same manner as
4 provided under sub. (1), each house of the legislature shall issue the required notice of
5 emergency.

6 (3) For purposes of Article IV, section 11 of the Wisconsin Constitution, a virtual
7 meeting held under sub. (1) shall be considered to have occurred at the seat of government and
8 all actions taken during such a meeting shall have the same legal effect as if the members were
9 physically present at the seat of government.

10 (4) For purposes of determining the presence of a quorum, any member participating
11 in proceedings or meetings held under this section shall be considered present in the same
12 manner as if the member were physically present at the seat of government.

13 (5) Except as provided in sub. (6), a virtual meeting held under sub. (1) shall be
14 preceded by the same or substantially equivalent public notice as would be required if the
15 members were physically present at the seat of government.

16 (6) Subsections (1) (d) and (5) do not apply if, pursuant to Article IV section 10 of the
17 Wisconsin Constitution, the public welfare requires secrecy.

18 (7) In presiding over a virtual meeting of a house of the legislature under sub. (1), the
19 presiding officer shall interpret and apply all rules of proceeding of that house, which presume
20 the physical presence of members in the house's chambers at the seat of government, in such
21 a manner as to accomplish the same purposes for which the rules were adopted.

22 (8) This section does not limit the authority of either house of the legislature to use
23 teleconferencing for purposes of holding a committee meeting at the seat of government.

24 (END)