



**PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION**

1     **AN ACT** *to amend* 13.41 (3), (4) and (7), 166.05 (1) (title) and 166.05 (2); and *to*  
2             **create** 13.41, 13.42, 14.38 (10m) and 166.05 (1m) of the statutes; **relating to:**  
3             interim successors for legislators, meetings of the legislature and legislative  
4             committees, and temporary seat of government for the legislature.

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***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a later version.

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

5             **SECTION 1.** 13.41 of the statutes is created to read:  
6             **13.41 Interim successors for legislators. (1)** A legislator, as soon as  
7             practicable after the legislature convenes under s. 13.02 (1), shall file with the chief  
8             clerk for the legislator's house a list of not fewer than 3 nor more than 7 interim  
9             successors for the legislator and shall specify their order of succession. The legislator  
10            may update the list as often as the legislator wishes.

1           **(2)** A list created under sub. (1) is not subject to inspection or copying under  
2 s. 19.35 (1).

3           **(3)** If, during an emergency resulting from enemy action, there are more than  
4 9 vacancies in the senate at the same time, as determined under s. 17.03, the  
5 presiding officer, or his or her designee, shall appoint interim successors to fill the  
6 vacancies from the list under sub. (1) for the legislators whose seats are vacant, in  
7 the order of succession specified. The presiding officer may not appoint an interim  
8 successor who is unwilling, unable, or ineligible under the constitution and statutes  
9 to serve as a legislator.

10           **(4)** If, during an emergency resulting from enemy action, there are more than  
11 25 vacancies in the assembly at the same time, as determined under s. 17.03, the  
12 presiding officer, or his or her designee, shall appoint interim successors to fill the  
13 vacancies from the list under sub. (1) for the legislators whose seats are vacant, in  
14 the order of succession specified. The presiding officer may not appoint an interim  
15 successor who is unwilling, unable, or ineligible under the constitution and statutes  
16 to serve as a legislator.

17           **(5)** Interim successors appointed under sub. (3) or (4) shall take the oath of  
18 office, but may not be required, as a prerequisite to the exercise of the powers or  
19 discharge of the duties of a legislator, to comply with any other provision of law  
20 relative to taking office.

21           **(6)** The chief clerk of each house, or if he or she is unavailable, his or her deputy,  
22 shall notify the secretary of state of all vacancies that are filled by interim successors  
23 under this section.

24           **(7)** An interim successor taking office under this section shall exercise the  
25 powers and discharge the duties of the office until the vacancy is filled under s. 17.19

1 or the emergency resulting from enemy action has ended. All votes taken by an  
2 interim successor shall be as valid as if taken by an elected legislator.

3 **SECTION 2.** 13.41 (3), (4) and (7) of the statutes, as created by 2009 Wisconsin  
4 Act .... (this act), are amended to read:

5 13.41 **(3)** ~~If, during an emergency resulting from enemy action,~~ there are more  
6 than 9 vacancies in the senate at the same time, as determined under s. 17.03, the  
7 presiding officer, or his or her designee, shall appoint interim successors to fill the  
8 vacancies from the list under sub. (1) for the legislators whose seats are vacant, in  
9 the order of succession specified. The presiding officer may not appoint an interim  
10 successor who is unwilling, unable, or ineligible under the constitution and statutes  
11 to serve as a legislator.

12 **(4)** ~~If, during an emergency resulting from enemy action,~~ there are more than  
13 25 vacancies in the assembly at the same time, as determined under s. 17.03, the  
14 presiding officer, or his or her designee, shall appoint interim successors to fill the  
15 vacancies from the list under sub. (1) for the legislators whose seats are vacant, in  
16 the order of succession specified. The presiding officer may not appoint an interim  
17 successor who is unwilling, unable, or ineligible under the constitution and statutes  
18 to serve as a legislator.

19 **(7)** An interim successor taking office under this section shall exercise the  
20 powers and discharge the duties of the office until the vacancy is filled under s. 17.19  
21 ~~or the emergency resulting from enemy action has ended.~~ All votes taken by an  
22 interim successor shall be as valid as if taken by an elected legislator.

23 **SECTION 3.** 13.42 of the statutes is created to read:

24 **13.42 Virtual meetings of the legislature and legislative committees.**

25 **(1)** In this section:

1           (a) “Disaster” means a severe or prolonged, natural or human-caused,  
2           occurrence that threatens or negatively impacts life, health, property,  
3           infrastructure, the environment, the security of this state or a portion of this state,  
4           or critical systems, including computer, telecommunications, or agricultural  
5           systems.

6           (b) “Member” means a member of the legislature.

7           **(2)** Either house of the legislature, under its rules or joint rules, may issue a  
8           notice that the house and its committees are prevented from physically meeting at  
9           the seat of government due to an emergency resulting from a disaster or the  
10          imminent threat of a disaster.

11          **(3)** If a house issues a notice under sub. (2), that house and any committee of  
12          that house may conduct a meeting and transact business through the use of any  
13          means of communication by which all of the following occur:

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

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

20          (c) Any document that is used during the meeting by a member and that is  
21          accepted by the presiding officer or committee chairperson is immediately  
22          transmitted to each participating member.

23          (d) Except as provided in sub. (8), within technological limits, the public may  
24          monitor the proceedings of the house or committee.

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

4           **(5)** For purposes of article IV, section 11, of the Wisconsin Constitution, a  
5 meeting held under sub. (3) or (10) shall be considered to have occurred at the seat  
6 of government and all actions taken during the meeting shall have the same legal  
7 effect as if the members were physically present at the seat of government.

8           **(6)** For purposes of determining the presence of a quorum in proceedings or  
9 meetings held under this section, any participating member shall be considered  
10 present as if the member were physically present at the seat of government.

11           **(7)** Except as provided in sub. (8), a meeting held under sub. (3) or (10) shall  
12 be preceded by the same or substantially equivalent public notice as would be  
13 required if the members were physically present at the seat of government.

14           **(8)** Subsections (3) (d) and (7) do not apply with respect to a meeting held under  
15 sub. (3), if pursuant to article IV, section 10, of the Wisconsin Constitution, the public  
16 welfare requires secrecy.

17           **(9)** In presiding over a meeting of a house of the legislature described under  
18 sub. (3) or (10), the presiding officer shall interpret and apply all rules of proceeding  
19 of that house that presume the physical presence of members in the house's  
20 chambers at the seat of government, in such a manner as to accomplish the same  
21 purposes for which the rules were adopted.

22           **(10)** Notwithstanding the requirement for a notice of emergency under sub. (2),  
23 and pursuant to the session schedule under s. 13.02 (3), the legislature may meet for  
24 up to one week per session by holding a meeting as described under sub. (3) in order  
25 to practice meeting in that manner.

1           **(11)** This section does not limit the authority of either house of the legislature  
2 to use teleconferencing for purposes of holding a committee meeting at the seat of  
3 government.

4           **SECTION 4.** 14.38 (10m) of the statutes is created to read:

5           **14.38 (10m)** NOTIFICATION OF CONSTITUTIONAL AMENDMENT. If an amendment to  
6 the Wisconsin Constitution is approved that requires the legislature to provide for  
7 temporary succession to the powers and duties of public offices for the period of an  
8 emergency resulting from a cause other than an enemy action, within 30 days after  
9 the government accountability board records the approval under s. 7.70 (3) (h), notify  
10 the legislature that the amendment has been approved.

11           **SECTION 5.** 166.05 (1) (title) of the statutes is amended to read:

12           **166.05 (1)** (title) DESIGNATION OF EMERGENCY TEMPORARY LOCATION BY THE  
13 GOVERNOR.

14           **SECTION 6.** 166.05 (1m) of the statutes is created to read:

15           **166.05 (1m)** DESIGNATION OF TEMPORARY LOCATION BY THE LEGISLATURE. (a) The  
16 legislature, by joint rule, may provide a process for designating a temporary seat of  
17 government for the legislature that is different than the location under sub. (1).

18           (b) Whenever, as the result of a disaster, as defined in s. 13.42 (1) (a), or the  
19 imminent threat of a disaster, it becomes imprudent, inexpedient, or impossible to  
20 conduct the business of the legislature at the state capitol, the legislature may meet  
21 at the temporary location designated as provided under par. (a) or sub. (1) until it is  
22 no longer, as a result of the disaster or imminent threat of disaster, imprudent,  
23 inexpedient, or impossible, to conduct the business of the legislature at the state  
24 capitol.

1 (c) Pursuant to the session schedule under s. 13.02 (3), the legislature may meet  
2 for up to one week per session in a location that is not the state capitol or the  
3 temporary location designated as provided under par. (a) or sub. (1) to practice  
4 meeting at a temporary location.

5 (d) Information about the temporary location designated as provided under  
6 par. (a) is not subject to inspection or copying under s. 19.35 (1).

7 **SECTION 7.** 166.05 (2) of the statutes is amended to read:

8 166.05 (2) EXERCISE OF GOVERNMENTAL AUTHORITY. While the seat of government  
9 remains at such a temporary location all official acts required by law to be performed  
10 at the seat of government by any officer, independent agency, department, or  
11 authority of this state, including the convening and meeting of the legislature in  
12 regular or special session under sub. (1) or (1m) (b) or (c), shall be as valid and binding  
13 when performed at such emergency the temporary location as if performed at the  
14 normal location.

15 **SECTION 8. Effective dates.** This act takes effect on the day after publication,  
16 except as follows:

17 (1) INTERIM SUCCESSORS FOR LEGISLATORS. The amendment of section 13.41 (3),  
18 (4), and (7) of the statutes takes effect on the day after the secretary of state notifies  
19 the legislature that an amendment to the Wisconsin Constitution has been approved  
20 that requires the legislature to provide for temporary succession to the powers and  
21 duties of public offices for the period of an emergency resulting from a cause other  
22 than an enemy action.

23 (END)