



## 1995 ASSEMBLY BILL 327

April 21, 1995 - Introduced by Representatives TRAVIS, DUFF, ZIEGELBAUER, R. YOUNG, HAHN, BALDWIN, HUBER, ALBERS, LA FAVE, BELL, BOCK and NOTESTEIN, cosponsored by Senators MOEN, BURKE, WINEKE and CHVALA. Referred to Committee on Elections and Constitutional Law.

1     **AN ACT to amend** 19.59 (1m) and 19.59 (7) and (8) (a) and (c); and **to create** 19.48  
2           (10) and 19.59 (1e) of the statutes; **relating to:** disclosure of certain  
3           information by persons who file applications with local governmental units and  
4           issuance of alternative model codes of ethics for local governmental units.

---

### *Analysis by the Legislative Reference Bureau*

Currently, a statutory code of ethics applies to elective and major appointive officials of all local governmental units. The code prohibits local officials from taking certain actions and prohibits any person from offering or giving certain things to local officials. In addition, any county, city, village or town may enact an ordinance establishing additional ethics requirements, including requirements to identify economic interests and provisions prescribing ethical standards of conduct and prohibiting conflicts of interest.

This bill amends the statutory code to create a requirement for each applicant for any license, permit, variance, exception or zoning change which may be granted by a local government to disclose, at the time that the applicant makes application, any business relationship, financial relationship or spousal relationship that the applicant has with any official who is empowered to act upon the application, either individually or as a member of a governmental body. The requirement does not apply if the license, permit, variance, exception or zoning change is granted under a law or ordinance that does not empower the official or body to exercise discretion.

The bill also directs the state ethics board to promulgate, by rule, alternative suggested model codes of ethics for consideration by local governmental units. The bill specifies that in promulgating the codes, the board must take into account the ethical issues confronting various types and sizes of local governments and must incorporate provisions designed to address varied needs.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

---

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

1           **SECTION 1.** 19.48 (10) of the statutes is created to read:

2           19.48 **(10)** Prescribe forms for compliance with s. 19.59 (1e) by persons who file  
3 applications with local governmental units.

4           **SECTION 2.** 19.59 (1e) of the statutes is created to read:

5           19.59 **(1e)** (a) In this subsection, “applicant” includes an officer or partner of  
6 a corporation, organization or partnership.

7           (b) Each applicant for any license, permit, variance, exception or zoning change  
8 which may be granted by a local governmental unit shall, at the time that the  
9 applicant makes application, disclose on a form prescribed by the board any business  
10 relationship, financial relationship or spousal relationship that the applicant has  
11 with any official who is empowered to act upon the application, either individually  
12 or as a member of a governmental body. This paragraph does not apply to any license,  
13 permit, variance, exception or zoning change which an official or governmental body  
14 grants under a law or ordinance that does not empower the official or body to exercise  
15 discretion.

16           **SECTION 3.** 19.59 (1m) of the statutes is amended to read:

17           19.59 **(1m)** In addition to the requirements of sub. ~~(1)~~ subs. (1) and (1e), any  
18 county, city, village or town may enact an ordinance establishing a code of ethics for  
19 public officials and employes of the county or municipality and candidates for county  
20 or municipal elective offices.

21           **SECTION 4.** 19.59 (7) and (8) (a) and (c) of the statutes are amended to read:

1           19.59 (7) Any person who violates sub. (1) or (1e) may be required to forfeit not  
2 more than \$1,000 for each violation.

3           (8) (a) ~~Subsection (1)~~ Subsections (1) and (1e) shall be enforced in the name and  
4 on behalf of the state by action of the district attorney of any county wherein a  
5 violation may occur, upon the verified complaint of any person.

6           (c) If the district attorney fails to commence an action to enforce sub. (1) or (1e)  
7 within 20 days after receiving a verified complaint or if the district attorney refuses  
8 to commence such an action, the person making the complaint may petition the  
9 attorney general to act upon the complaint. The attorney general may then bring an  
10 action under par. (a) or (b), or both.

11           **SECTION 5. Nonstatutory provisions.**

12           (1) SUBMITTAL OF PROPOSED RULES. The ethics board shall submit in proposed  
13 draft form rules interpreting the terms “business relationship” and “financial  
14 relationship” under section 19.59 (1e) (b) of the statutes, as created by this act, to the  
15 legislative council staff under section 227.15 (1) of the statutes no later than the first  
16 day of the 6th month beginning after the effective date of this subsection.

17           (2) ALTERNATIVE MODEL CODES OF ETHICS. The ethics board shall, no later than  
18 the first day of the 9th month beginning after the effective date of this subsection,  
19 adopt and disseminate to all local governmental units that are authorized to enact  
20 codes of ethics under section 19.59 (1m) of the statutes alternative suggested model  
21 codes of ethics for consideration by those local governmental units. In adopting the  
22 codes, the board shall take into account the ethical issues confronting various types  
23 and sizes of local governmental units and shall incorporate provisions designed to  
24 address varied needs.

25           **(END)**