

**CHAPTER 277, Laws of 1977**  
(Vetoed in Part)

AN ACT to repeal 19.46 (5) and 19.50 (3); to renumber 13.123 (3) and 19.42 (2); to renumber and amend 19.42 (3) and (8) and 19.50 (title), (1) and (2); to amend 13.56 (2), 15.07 (4), 19.41, 19.42 (1), (4) and (5), 19.44 (1) (intro.) and (c), 19.45 (title), (1) to (4), (10) and (11) (a) to (c), 19.46 (3) and (4), 19.47 (2), (3) and (5), 20.521 (1) (b), 227.026 (1) (a), 227.08 (1) and 227.09 (1) (intro.); to repeal and recreate 19.42 (6) and (7), 19.43, 19.44 (1) (a) and (b) and (2), 19.45 (6) to (8), 19.46 (1) and (2), 19.48 and 19.49; and to create 13.123 (3) (b) and (c), 19.42 (2), (7m), (8) to (10), (12) and (14), 19.44 (1) (d) to (g), (3) and (4), 19.45 (9m), 19.47 (6), 19.50 to 19.57, 19.58 (3) and 20.923 (4) (b) 2m of the statutes, relating to recodification of the code of ethics for state public officials, granting rule-making authority, making an appropriation and providing penalties.

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

SECTION 1. 13.123 (3) of the statutes is renumbered 13.123 (3) (a).

SECTION 2. 13.123 (3) (b) and (c) of the statutes are created to read:

13.123 (3) (b) Notwithstanding par. (a), no member of the legislature may be reimbursed for attendance at any meeting held outside this state, other than a meeting of the legislature, a legislative committee, committee of the joint legislative council or a statutory body of which the person is a duly constituted member, after the chief clerk of the member's house determines: 1) after the day of the September primary, that the member either has not filed nomination papers for reelection or election to another legislative seat or has sought a party nomination for a legislative seat but it is generally acknowledged that the member has not won nomination; or 2) after the day of the general election, that it is generally acknowledged that the member has not been elected to a legislative seat for the succeeding session. In making such determination, the chief clerk is bound by the determination of the board of state canvassers if such determination has been issued.

(c) Paragraph (b) may not be construed to affect eligibility for any allowance authorized under sub. (1) or (2).

SECTION 3. 13.56 (2) of the statutes is amended to read:

13.56 (2) (title) REVIEW OF RULES BY COMMITTEE. The committee shall promote adequate and proper rules, statements of general policy and interpretations of statutes by agencies and an understanding upon the part of the public respecting such rules, statements and interpretations. When the committee determines that a statement of policy or an interpretation of a statute is a rule, as defined in s. 227.01 (9) and (11), it may direct the agency to promulgate the statement or interpretation as an emergency rule pursuant to s. 227.027 within 30 days of the committee's action. It may hold public hearings to investigate complaints with respect to ~~guidelines adopted under s. 19.48 (1) (a) and to~~ rules and portions of rules if it considers such complaints meritorious and worthy of attention and may, on the basis of the testimony received at such public hearings, suspend any such rule or portion of a rule ~~or such guideline~~ by the affirmative vote of at least a majority of the members present. When the committee suspends a rule or portion of a rule, it shall give a class 1 notice, under ch. 985, of the suspension in the official state newspaper and such other notice as it deems appropriate. If any rule or

portion of a rule ~~or such guideline~~ is so suspended, the committee shall as soon as possible place before the legislature, at any regular session and at any special session upon the consent of the governor, a bill to repeal the suspended rule or portion of a rule. If such bill is defeated, or fails of enactment in any other manner, the rule or portion of a rule ~~or such guideline~~ shall stand and the committee may not suspend it again. If the bill becomes law, the rule or portion of a rule ~~or such guideline~~ is repealed and shall not be enacted again unless a properly enacted law specifically authorizes the adoption of that rule ~~or such guideline~~. The committee shall make a biennial report to the legislature and governor of its activities and include therein its recommendations.

SECTION 4. 15.07 (4) of the statutes is amended to read:

15.07 (4) QUORUM. A majority of the membership of a board constitutes a quorum to do business and, unless a more restrictive provision is adopted by the board, a majority of a quorum may act in any matter within the jurisdiction of the board. This subsection does not apply to actions of the ethics board as provided in s. 19.47 (4).

SECTION 5. 19.41 of the statutes is amended to read:

**19.41 Declaration of policy.** (1) It is declared that high moral and ethical standards among state public officials and state employes are essential to the conduct of free government; that the legislature believes that a code of ethics for the guidance of state public officials and state employes will help them avoid conflicts ~~of interest in~~ between their personal interests and their public office responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the people of this state in their state public officials and state employes.

(2) It is the intent of the legislature that in its operations the board shall protect to the fullest extent possible the rights of individuals affected.

SECTION 6. 19.42 (1) of the statutes is amended to read:

19.42 (1) "Anything of value" means any ~~gift money or property~~, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include reasonable compensation and expenses paid by the state, fees and, honorariums, actual and necessary expenses authorized which are permitted and reported under s. 19.49 or the exchange of seasonal, anniversary or customary gifts among relatives and friends 19.56, political contributions which are reported under ch. 11, or hospitality extended for a purpose unrelated to state business by a person other than an organization.

SECTION 7. 19.42 (2) of the statutes is renumbered 19.42 (3).

SECTION 8. 19.42 (2) of the statutes is created to read:

19.42 (2) "Associated", when used with reference to an organization, includes any organization in which a person or a member of his or her immediate family is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity ~~and voting rights~~.

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SECTION 9. 19.42 (3) of the statutes is renumbered 19.42 (11) and amended to read:

19.42 (11) "Business Organization" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, ~~organization, self-employed individual trust or any other legal entity which engages in profit-making activities other than an individual or body politic.~~

SECTION 10. 19.42 (4) of the statutes, as affected by chapter .... (Assembly Bill 627), laws of 1977, is amended to read:

19.42 (4) "Candidate for state public office" means any person who files nomination papers and a declaration under s. 8.10 (5), 8.15 (4) (b) or 8.20 (6) for the purpose of

appearing on the ballot for election as a state public official; or any person nominated for the purpose of appearing on the ballot for election as a state public official through the write-in process and who files a declaration under s. 8.10 (5) or 8.15 (4) (b), or any person who is nominated by the governor for appointment to state public office to serve as a state public official and whose nomination is pending.

SECTION 10m. 19.42 (5) of the statutes is amended to read:

19.42 (5) "Department" means the legislature, the university of Wisconsin system, any authority or public corporation created and regulated by an act of the legislature and any office, department or independent agency or legislative service agency created under ch. 13, 14 or 15, or any constitutional office other than a judicial office.

SECTION 11. 19.42 (6) and (7) of the statutes are repealed and recreated to read:

19.42 (6) "Gift" means the payment or receipt of anything of value without valuable consideration.

(7) "Immediate family" means:

(a) A person's spouse; and

(b) A person's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from such person or from whom such person receives, directly or indirectly, more than one-half of his or her support.

SECTION 12. 19.42 (7m) of the statutes is created to read:

19.42 (7m) "Income" has the meaning given under the federal internal revenue code.

SECTION 13. 19.42 (8) of the statutes, as affected by chapters 29 and .... (Assembly Bill 627), laws of 1977, is renumbered 19.42 (13) and amended to read:

19.42 (13) "State public official office" means every person:

(a) All positions to which persons are regularly appointed by the governor with the advice and consent of the senate, judges of courts of record, reserve judges, justices of the supreme court, the administrative director of courts, and all other persons, except the position of trustee of any private higher educational institution receiving state appropriations.

(b) The positions of associate and assistant vice presidents of the university of Wisconsin system and vice chancellors identified in s. 20.923 (5).

(c) All positions identified under s. 20.923 (2), (4), (4m), (6) (b), (f), (g) and (h), (8), (9), (10), (12), (13) and (14), except employes of the judiciary not mentioned in this subsection, trustees and employes of the investment board, teaching personnel of the university of Wisconsin system, nonprofessional legislative employes, and trustees of any private higher educational institution receiving state appropriations clerical employes.

(d) A member of the examining board of architects, professional engineers, designers and land surveyors or member of the pharmacy internship board.

(e) The chief clerk and sergeant at arms of each house of the legislature or a full-time, permanent employe occupying the position of auditor for the legislative audit bureau.

SECTION 14. 19.42 (8) to (10), (12) and (14) of the statutes are created to read:

19.42 (8) "Ministerial action" means an action that a person performs in a given state of facts in a prescribed manner in obedience to the mandate of legal authority, without regard to the exercise of the person's own judgment as to the propriety of the action being taken.

(9) "Nominee" means any person who is nominated by the governor for appointment to a state public office and whose nomination requires the advice and consent of the senate.

(10) "Official required to file" means:

(a) A member of the elections board.

(b) A member of the examining board of architects, professional engineers, designers and land surveyors.

(c) A state public official identified under s. 20.923 except s. 20.923 (6) (h).

(d) A state public official whose appointment to state public office requires the advice and consent of the senate.

(e) A person appointed by the governor pursuant to s. 14.22 or 17.20 (2) other than a trustee of any private higher educational institution receiving state appropriations.

(f) An auditor for the legislative audit bureau.

(g) The chief clerk and sergeant at arms of each house of the legislature.

(12) "Security" has the meaning given under s. 551.02 (13), except that the term does not include a certificate of deposit or a deposit in a mutual savings and loan association, mutual savings bank, credit union, or similar association organized under the laws of any state.

(14) "State public official" means any person holding a state public office.

SECTION 15. 19.43 of the statutes, as affected by chapter .... (Assembly Bill 627), laws of 1977, is repealed and recreated to read:

**19.43 Financial disclosure.** (1) Each person who in January of any year is an official required to file shall file a statement of economic interests with the board no later than April 30 of that year. The information contained on such statement shall be current as of December 31 of the preceding year.

(2) An official required to file shall file a statement of economic interests with the board as per the date he or she assumes office no later than 21 days following that date if such person has not previously filed a statement of economic interests with the board during that year.

(3) A nominee shall file a statement of economic interests with the board as per the date he or she was nominated within 21 days of being nominated unless the nominee has previously filed a statement of economic interests with the board during that year. Following the receipt of a nominee's statement of economic interests, the board shall forward copies of such statement to the members of the committee of the senate to which the nomination is referred.

(4) A candidate for state public office shall file a statement of economic interests with the board no later than the end of the 3rd day following the deadline for filing nomination papers for the office for which the person is a candidate, or the end of the 3rd day following the deadline for filing a declaration of acceptance in the case of a write-in candidate, unless such person has previously filed a statement of economic interests with the board during that year. The information contained on such statement shall be current as of December 31 of the preceding year. Before certifying the name of any candidate for state public office under s. 7.08 (2) (a), the elections board shall ascertain whether that candidate has complied with this subsection. If not, the elections board shall mail that candidate a notice by certified mail with return receipt requested informing the person that his or her name will not appear on the ballot unless a statement of economic interests is filed. If the statement is not filed within 3 days after the date on which the return receipt is received, the candidate's name may not be certified for ballot placement.

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(5) Each member of the investment board and each employe of the investment board identified in s. 20.923 shall complete and file with the ethics board a quarterly report of economic transactions no later than the last day of the month following the end of each calendar quarter during any portion of which he or she was a member of the investment board. Such reports of economic transactions shall be in the form prescribed by the ethics board and shall identify the date and nature of any purchase, sale, put, call, option, lease, or creation, dissolution or modification of any economic interest made during the quarter for which the report is filed and disclosure of which would be required by s. 19.44 if a statement of economic interests were being filed.

(7) In any case where an official required to file has failed to make a timely filing, the board shall promptly thereafter notify the state treasurer of such delinquency. Upon such notification the state treasurer shall withhold all payments for compensation, reimbursement of expenses and other obligations to such official until the statement of economic interests is filed.

(8) On its own motion or at the request of any person who is required to file a statement of economic interests, the board may extend the time for filing or waive any filing requirement if the board determines that the literal application of the filing requirements of this subchapter would work an unreasonable hardship on such person or that the extension of the time for filing or waiver is in the public interest. The board shall set forth in writing as a matter of public record its reason for the extension or waiver.

SECTION 16. 19.44 (1) (intro.) of the statutes is amended to read:

19.44 (1) (intro.) ~~The person filing any~~ Every statement of economic interests which is required to be filed under this subchapter shall ~~file the statement on a~~ be in the form prescribed by the board, and shall supply contain the following information ~~to the board~~:

SECTION 17. 19.44 (1) (a) and (b) of the statutes are repealed and recreated to read:

19.44 (1) (a) The identity of every organization with which the person required to file is associated and the nature of his or her association with the organization, except that no identification need be made of:

1. Any organization which is described in section 170 (c) of the internal revenue code.
2. Any organization which is organized and operated primarily to influence voting at an election including support for or opposition to a person's present or future candidacy or to a present or future referendum.
3. Any nonprofit organization which is formed exclusively for social purposes and any nonprofit community service organization.
4. A trust.

(b) The identity of every organization or body politic in which the person who is required to file or such person's immediate family, severally or in the aggregate, owns, directly or indirectly, securities having a value of \$5,000 or more, the identity of such securities and their approximate value, except that no identification need be made of a security or issuer of a security when it is issued by any organization not doing business in this state or by any government or instrumentality or agency thereof, or an authority or public corporation created and regulated by an act of such government, other than the state of Wisconsin, its instrumentalities, agencies and political subdivisions, or authorities or public corporations created and regulated by an act of the legislature.

SECTION 18. 19.44 (1) (c) of the statutes is amended to read:

19.44 (1) (c) The name of any creditor to whom ~~he or a member of his~~ the person who is required to file or such person's immediate family, severally or in the aggregate, owes \$3,000 \$5,000 or more and the approximate amount owed.

SECTION 19. 19.44 (1) (d) to (g) of the statutes are created to read:

19.44 (1) (d) ~~The county in which~~ real property located in this state in which the person who is required to file or such person's immediate family holds an interest, other than the principal residence of such person or his or her immediate family, and the nature of the interest held. A person's interest in real property does not include a pro rata share of interests in real property if the person's pro rata share is less than 10 % of the outstanding shares or is less than an equity value of \$5,000.

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(e) The identity of each payer from which the person who is required to file or a member of his or her immediate family received \$1,000 or more of his or her income for the preceding taxable year, except that if the person who is required to file identifies the general nature of the business in which the person or his or her immediate family is engaged, then no identification need be made of any individual person, not acting as a representative of an organization, unless the individual is a lobbyist as defined in s. 13.62. In addition, no identification need be made of payers from which dividends or interest, compensation or reimbursement of expenses reported under s. 19.56, and political contributions reported under ch. 11 were received.

(f) If the person who is required to file or a member of his or her immediate family received \$1,000 or more of his or her income for the preceding taxable year from a partnership, corporation electing to be taxed as a partnership under subchapter S of the federal internal revenue code or service corporation under s. 180.99 in which such person or a member of his or her immediate family, severally or in the aggregate, has a 10 % or greater interest, the identity of each payer from which the organization received \$1,000 or more of its income for its preceding taxable year, except that if the person who is required to file identifies the general nature of the business in which the person or his or her immediate family is engaged then no identification need be made of any individual, not acting as a representative of an organization, unless the individual is a lobbyist as defined in s. 13.62. In addition, no identification need be made of payers from which dividends or interest are received.

(g) The identity of each person or organization from which the person who is required to file received, directly or indirectly, any gift or gifts having an aggregate value of more than \$100 within the taxable year preceding the time of filing, except that the source of a gift need not be identified if the donor is the donee's parent, grandparent, child, grandchild, brother, sister, parent-in-law, grandparent-in-law, brother-in-law, sister-in-law, uncle, aunt, niece, nephew, spouse, fiance or fiancée.

SECTION 20. 19.44 (2) of the statutes is repealed and recreated to read:

19.44 (2) Whenever a dollar amount is required to be reported pursuant to this section, it is sufficient to report whether the amount is not more than \$50,000, or more than \$50,000.

SECTION 21. 19.44 (3) and (4) of the statutes are created to read:

19.44 (3) (a) A person is the owner of a trust and the trust's assets and obligations if he or she is the creator of the trust and has the power to revoke the trust without obtaining the consent of all of the beneficiaries of the trust.

(b) A person who is eligible to receive income or other beneficial use of the corpus of a trust is the owner of a pro rata share of the corpus in the proportion that such person's beneficial interest in the trust bears to the total beneficial interests vested in all beneficiaries of the trust. A vested beneficial interest in a trust includes a vested reverter interest.

~~(c) Notwithstanding sub. (1) and pars. (a) and (b), any provision of this section that would require identification of income from a trust or of the assets of a trust applies only to a trust which is created by the person who is required to file, or a member of his or her immediate family, or to a trust which is created by a person other than the person who is~~

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~~required to file or a member of his or her immediate family, while the person who is required to file is a state public official, that would benefit the person who is required to file or his or her immediate family.~~

(4) Information which is required by this section shall be provided on the basis of the best knowledge, information and belief of the person filing the statement.

SECTION 22. 19.45 (title) and (1) to (4) of the statutes are amended to read:

**19.45 (title) Standards of conduct.**

(1) The legislature hereby reaffirms that a state public official holds his or her position as a public trust, and any effort to realize substantial personal gain through official conduct is a violation of that trust. This subchapter ~~shall~~ does not prevent any legislator, state public official or state public employe from accepting other employment or following any pursuit which in no way interferes with the full and faithful discharge of his or her duties to this state. The legislature further recognizes that in a representative democracy, the representatives are drawn from society and, therefore, cannot and should not be without all personal and economic interest in the decisions and policies of government; ~~that~~ citizens who serve as state public officials or state public employes retain their rights as citizens to interests of a personal or economic nature; ~~that~~ standards of ethical conduct for state public employes and state public officials need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts which are substantial and material; and that state public officials may need to engage in employment, professional or business activities, other than official duties, in order to support themselves or their families and to maintain a continuity of professional or business activity, or may need to maintain investments, which activities or investments do not conflict with the specific provisions of this subchapter.

(2) No state public official may use his or her public position or office to obtain financial gain or anything of substantial value for the private benefit of himself or herself or his or her immediate family, or for any business an organization with which he or she is associated.

(3) No person or organization may offer to or give to a state public official or his immediate family, directly or indirectly, and no state public official or his immediate family may solicit or ~~receive~~ accept from any person or organization, directly or indirectly, anything of value pursuant to an understanding that if it could reasonably be expected to influence such state public official's vote, official actions or judgment would be influenced thereby, or could reasonably be considered as a reward for any official action or inaction on the part of such state public official. This subsection does not prohibit a state public official from engaging in outside employment.

(4) No state public official may intentionally use or disclose ~~confidential~~ information gained in the course of or by reason of his or her official position or activities in any way that could result in financial gain the receipt of anything of value for himself or herself, for his or her immediate family, or for any other person or organization, if the information has not been communicated to the public or is not public information.

SECTION 23. 19.45 (6) to (8) of the statutes are repealed and recreated to read:

19.45 (6) No state public official, member of a state public official's immediate family, nor any organization with which the state public official or a member of the official's immediate family owns or controls at least 10% of the outstanding equity, voting rights, or outstanding indebtedness may enter into any contract or lease involving a payment or payments of more than \$3,000 within a 12-month period, in whole or in part derived from state funds unless the state public official has first made written disclosure of the nature and extent of such relationship or interest to the board and to the department acting for the state in regard to such contract or lease. Any contract or lease entered into in violation of this subsection may be voided by the state in an action

commenced within 3 years of the date on which the ethics board, or the department or officer acting for the state in regard to the allocation of state funds from which such payment is derived, knew or should have known that a violation of this subsection had occurred. This subsection does not affect the application of s. 946.13.

(7) (a) No state public official who is identified in s. 20.923 may represent a person or organization for compensation before a department or any employe thereof, except:

1. In a contested case which involves a party other than the state with interests adverse to those represented by the state public official; or
2. At an open hearing at which a stenographic or other record is maintained; or
3. In a matter that involves only ministerial action by the department.

(b) This subsection does not apply to representation by a state public official acting in his or her official capacity.

(8) Except in the case where the state public office formerly held was that of legislator, legislative employe under s. 20.923 (6) (f), (g) or (h), chief clerk of a house of the legislature, sergeant at arms of a house of the legislature or a permanent employe occupying the position of auditor for the legislative audit bureau:

(a) No former state public official, for 12 months following the date on which he or she ceases to be a state public official, may, for compensation, on behalf of any person other than a governmental entity, make any formal or informal appearance before, or negotiate with, any officer or employe of the department with which he or she was associated as a state public official within 12 months prior to the date on which he or she ceased to be a state public official.

(b) No former state public official, for 12 months following the date on which he or she ceases to be a state public official, may, for compensation, on behalf of any person other than a governmental entity, make any formal or informal appearance before, or negotiate with, any officer or employe of a department in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge which might give rise to a judicial or quasi-judicial proceeding which was under the former official's responsibility as a state public official within 12 months prior to the date on which he or she ceased to be a state public official.

(c) No former state public official may, for compensation, act on behalf of any party other than the state in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge which might give rise to a judicial or quasi-judicial proceeding in which the former official participated personally and substantially as a state public official.

SECTION 23m. 19.45 (9m) of the statutes is created to read:

19.45 (9m) No state public official or state employe who is employed in a state position full-time at an annual salary in excess of two-thirds of the midpoint of the current salary for executive salary group 2 under s. 20.923 may hold any other position from which he or she receives income from the state exceeding \$5,000 per year. No department may employ any person in violation of this subsection. Every department shall annually check to assure that no employe of the department violates this subsection. Any employe who is found in violation of this subsection shall be required to accept a termination or reduction in salary sufficient to bring the employe into compliance. This provision does not apply to those state public officials or state employes who accept other state employment during a period they are not receiving a full-time salary.

SECTION 24. 19.45 (10) of the statutes is amended to read:

19.45 (10) This section ~~shall does not be construed to~~ prohibit a legislator from making inquiries for information on behalf of a person or organization or from



representing a person or organization before a department if he or she receives no compensation therefor beyond the salary and other compensation or reimbursement to which the legislator is entitled by law, except as authorized under sub. (7).

SECTION 25. 19.45 (11) (a) of the statutes, as affected by chapters 29 and 196, laws of 1977, is amended to read:

19.45 (11) (a) The administrator of the division of personnel in the department of employment relations shall, with the board's advice, adopt rules to implement a code of ethics ~~consistent with this subchapter~~ for classified and unclassified state employes ~~other than except~~ state public officials and subject to this subchapter, unclassified personnel in the university of Wisconsin system ~~teaching personnel~~ and officers and employes of the judicial branch.

SECTION 26. 19.45 (11) (b) and (c) of the statutes are amended to read:

19.45 (11) (b) The board of regents of the university of Wisconsin system shall establish a code of ethics for ~~teaching~~ unclassified personnel in that system who are not subject to this subchapter.

(c) Counties and municipalities may ~~and should~~ establish a ~~code~~ codes of ethics for local public officials including requirements that local officials and candidates for local offices identify their economic interests.

SECTION 27. 19.46 (1) of the statutes, as affected by chapter .... (Assembly Bill 627), laws of 1977, is repealed and recreated to read:

19.46 (1) (a) Any state public official who, in the discharge of his or her official duties, is involved or about to be involved in any matter that could result in a material conflict of interests on his or her part shall:

1. Prepare a written statement describing such matter and the nature of the possible conflict of interests; and

2. Deliver copies of such statement to the board, to his or her immediate superior, if any, and in the case of a legislator to the presiding officer of his or her house or in the case of a justice or judge, to the supreme court; and

3. In the case of an official who is not a legislator, justice or judge, take no further action in regard to such matter except in accordance with advice from the board under par. (c).

(b) Where the presiding officer of either house of the legislature receives a statement from a member of the house under par. (a) 2, the officer shall cause such statement to be printed in the journal and, upon request of the legislator, shall excuse him or her from votes, deliberations and other actions in regard to such matter.

(c) If the state public official is not a legislator, a justice or a judge, such person's superior, if any, shall assign the matter to another employe who does not have a possible conflict of interests. If the official has no immediate superior, he or she shall be guided by written advice from the board in regard to the matter. The board shall promptly review the written statement submitted by an official who has no immediate superior, and on the basis thereof and such further investigation of the matter as the board deems advisable the board shall as promptly as practicable advise such official in writing as to the course of action he or she should follow in regard to the matter. The provisions of subs. (2) and (3) concerning advisory opinions of the board apply to advice given under this paragraph.

(d) If the state public official is a justice of the supreme court, he or she shall decline to participate in the deliberations or decision of the matter concerning which the conflict exists. If the state public official is the judge of a court of record, he or she shall refrain from participation in and request reassignment of the matter concerning which the conflict exists.

(e) A material conflict of interests on the part of a state public official is deemed to exist within the meaning of this section in regard to a matter in which he or she is involved, or is about to be involved in the discharge of his or her official duties, whenever:

1. The official's action or failure to act could reasonably be expected to produce or assist in producing a substantial benefit, directly or indirectly, for such official or his or her immediate family or an organization with which he or she is associated; or

2. The matter in question is one in which the official in his or her private capacity or a member of his or her immediate family or an organization with which he or she is associated has a substantial interest.

SECTION 27m. 19.46 (2) of the statutes is repealed and recreated to read:

19.46 (2) Any individual, either personally or on behalf of an organization or governmental body, may request of the board an advisory opinion regarding the propriety of any matter to which the person or organization is or may become a party; and any appointing officer, with the consent of a prospective appointee, may request of the board an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party. The board shall review a request for an advisory opinion and may advise the person making the request. Advisory opinions and requests therefor shall be in writing. The board's deliberations and actions upon such requests shall be in meetings not open to the public. It is prima facie evidence of intent to comply with this subchapter when a person refers a matter to the board and abides by the board's advisory opinion. The board may authorize the executive director to act in its stead in instances where delay is of substantial inconvenience or detriment to the requesting party. No member or employe of the board may make public the identity of the person requesting an advisory opinion or of persons mentioned in the opinion.

SECTION 28. 19.46 (3) and (4) of the statutes are amended to read:

19.46 (3) A state public official may request the board to obtain an advisory opinion from the attorney general on the application of this ~~chapter~~ subchapter to a given set of circumstances, real or hypothetical, or the board may request such an opinion on its own motion.

(4) Nothing in this section prohibits a ~~legislator~~ state public official from making decisions concerning ~~reimbursement of legislator expenses~~, salaries ~~or~~, salary-related benefits or reimbursement of actual and necessary expenses.

SECTION 29. 19.46 (5) of the statutes is repealed.

SECTION 30. 19.47 (2), (3) and (5) of the statutes are amended to read:

19.47 (2) The board shall appoint an executive director outside the classified service to serve at the pleasure of the board, and shall appoint such other personnel as it requires to carry out its duties. The executive director shall perform such duties as the board assigns to him or her in the administration of this subchapter.

(3) All members and employes of the board shall file statements ~~required by this subchapter~~ of economic interests with the board.

(5) No later than September 1 of each year, the board shall report to the legislature and the governor concerning its actions in the preceding fiscal year, ~~including a summary of its determinations~~; Such report shall contain the names and duties of all persons employed by the board; and a summary of its determinations and advisory opinions. The board shall make sufficient alterations in the summaries to prevent disclosing the identities of persons involved in the decisions or opinions. The report shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as it deems desirable. The report shall contain the current and complete text of all guidelines issued by the board.

SECTION 31. 19.47 (6) of the statutes is created to read:

19.47 (6) The joint committee on legislative organization shall be advisory to the board on all matters relating to operation of the board.

SECTION 32. 19.48 of the statutes, as affected by chapter .... (Assembly Bill 627), laws of 1977, is repealed and recreated to read:

**19.48 Duties of the board.** The board shall:

(1) Adopt such rules as may be necessary to carry out this subchapter. The board shall give prompt notice of the contents of its rules to state public officials who will be affected thereby.

(2) Prescribe and make available forms for use under this subchapter.

(3) Accept and file any information related to the purposes of this subchapter which is voluntarily supplied by any person in addition to the information required by this subchapter.

(4) Preserve the statements of economic interests filed with it for a period of 6 years from the date of receipt in such form, including microfilming, as will facilitate document retention, except that:

(a) Upon the expiration of 3 years after a person ceases to be a state public official the board shall, unless the former state public official otherwise requests, destroy any statement of economic interests filed by him or her and any copies thereof in its possession.

(b) Upon the expiration of 3 years after any election at which a candidate for state public office was not elected, the board shall destroy any statements of economic interests filed by him or her as a candidate for state public office and any copies thereof in the board's possession, unless the person continues to hold another position for which he or she is required to file a statement, or unless the person otherwise requests.

(c) Upon the expiration of 3 years from the action of the senate upon a nomination for state public office at which the senate refused to consent to the appointment of the nominee, the board shall destroy any statements of economic interests filed by him or her as a nominee and any copies thereof in the board's possession, unless the person continues to hold another position for which he or she is required to file a statement, or unless the nominee otherwise requests. This paragraph does not apply to any person who is appointed to state public office under s. 14.22 or 17.20 (2).

(5) Except as provided in s. 19.55 (2) (c), make statements of economic interests filed with the board available for public inspection and copying during regular office hours and make copying facilities available at a charge not to exceed actual cost.

(6) Compile and maintain an index to all the statements of economic interests currently on file with the board to facilitate public access to such statements of economic interests.

(7) Prepare and publish special reports and technical studies to further the purposes of this subchapter.

(8) Report the identity of any person seeking to copy or obtain information from a statement of economic interest in writing to the person who filed it, as soon as possible.

SECTION 33. 19.49 of the statutes is repealed and recreated to read:

**19.49 Complaints.** (1) The board shall accept from any individual, either personally or on behalf of an organization or governmental body, a verified complaint in writing which states the name of any person alleged to have committed a violation of this subchapter and which sets forth the particulars thereof. The board shall forward to the accused within 10 days a copy of the complaint and a general statement of the applicable statutes with

respect to such verified complaint. If the board determines that the verified complaint does not allege facts sufficient to constitute a violation of this subchapter, it shall dismiss the complaint and notify the complainant and the accused. If the board determines that the verified complaint alleges facts sufficient to constitute a violation of this subchapter, it may make an investigation with respect to any alleged violation. If the board determines that the verified complaint was brought for harassment purposes, the board shall so state.

(2) Any state public official may request the board to make an investigation of his or her own conduct or of allegations made by other persons as to his or her conduct. Such a request shall be made in writing and shall set forth in detail the reasons therefor.

(3) Following the receipt of a verified complaint or upon the receipt of other information, whether or not under oath, that provides a reasonable basis for the belief that a violation of this subchapter has been committed or that an investigation of a possible violation is warranted, the board may investigate the circumstances concerning the possible violation. Such investigation shall be initiated by a resolution of the board and shall state the nature and purpose of the investigation and the actions or activities to be investigated. No investigation of any person may be commenced until it has been authorized by the board and until the person who is the subject of the investigation has been notified of the investigation pursuant to sub. (4). If the board, during the course of an investigation, finds probable cause to believe that a violation of this subchapter has occurred, it may:

(a) If no verified complaint has been filed, make upon its own motion a verified complaint, which shall be in writing, shall state the name of the person who is alleged to have committed a violation of this subchapter and shall set forth the particulars thereof. The board shall forward to the accused within 10 days a copy of the complaint, a general statement of the applicable statutes with respect to such verified complaint and a specific statement enumerating the source or sources of information upon which the complaint is based.

(b) If a verified complaint has been filed and the board finds probable cause to believe that a violation of this subchapter, other than one contained in the complaint, has occurred, it may amend the complaint, upon its own motion, to include such violations. If the complaint is so amended by the board, a copy of the amendment shall be sent to the person complained against within 48 hours.

(4) As soon as it becomes apparent to the executive director that there exists probable cause for the belief that a particular person has committed a violation of this subchapter, the executive director shall apply to the board for a resolution authorizing the investigation and, if secured, shall forward a copy of the resolution to the alleged violator together with a notice informing the alleged violator that such person is the subject of the investigation authorized by such resolution and a general statement of the applicable statutes with respect to such investigation.

(5) No action may be taken on any complaint which is filed later than 3 years after a violation of this subchapter is alleged to have occurred.

SECTION 34. 19.50 (title), (1) and (2) of the statutes are renumbered 19.58 (title), (1) and (2), respectively, and amended to read:

**19.58 (title) Criminal penalties.** (1) Any person who intentionally violates this subchapter or a code of ethics adopted or established under s. 19.45 (11) (a) or (b) shall be fined not less than \$100 nor more than \$5,000 or imprisoned not more than one year in the county jail or both.

(2) The penalty under sub. (1) does not limit the power of either house of the legislature to discipline its own members or to impeach a public official, or limit the power of a department to discipline its state public officials or ~~state public~~ employees.

SECTION 35. 19.50 (3) of the statutes is repealed.

SECTION 36. 19.50 to 19.57 of the statutes are created to read:

**19.50 Investigations.** Pursuant to any investigation or hearing conducted under this subchapter, the board has the power:

(1) To require any person to submit in writing such reports and answers to questions relevant to the proceedings conducted under this subchapter as the board may prescribe, such submission to be made within such period and under oath or otherwise as the board may determine.

(2) To administer oaths and to require by subpoena issued by it the attendance and testimony of witnesses and the production of any documentary evidence relating to the investigation or hearing being conducted. Notwithstanding s. 885.01 (4), the issuance of a subpoena requires action by the board in accordance with s. 19.47 (4).

(3) To order testimony to be taken by deposition before any person who is designated by the board and has the power to administer oaths, and, in such instances, to compel testimony and the production of evidence in the same manner as authorized by sub. (2).

(4) To pay witnesses the same fees and mileage as are paid in like circumstances by the courts of this state.

(5) To request and obtain from the department of revenue copies of state income tax returns and access to other appropriate information under s. 71.11 (44) (c) regarding all persons and organizations who are the subject of such investigation.

**19.51 Probable cause of violation.** (1) At the conclusion of its investigation, the board shall, in preliminary written findings of fact and conclusions based thereon, make a determination of whether or not probable cause exists to believe that a violation of this subchapter has occurred. If the board determines that no probable cause exists, it shall immediately send written notice of such determination to the accused and to the party who made the complaint. If the board determines that there is probable cause for believing that a violation of this subchapter has been committed, its preliminary findings of fact and conclusions may contain:

(a) A recommendation for criminal prosecution which shall be referred to the district attorney in whose jurisdiction the alleged violation occurred, and, if the district attorney fails to commence a prosecution within 30 days, to the attorney general, who may then commence a prosecution; or

(b) An order setting a date for hearing before the board to determine whether a violation of this subchapter has occurred. Such order shall be served upon the accused. A hearing ordered under this paragraph shall be commenced within 30 days of the date it is ordered unless the accused petitions for and the board consents to a later date. Prior to any hearing ordered under this paragraph, the accused is entitled to full discovery rights, including adverse examination of witnesses who will testify at the hearing at a reasonable time before the date of the hearing.

(2) The board shall inform the accused or his or her counsel of exculpatory evidence in its possession.

(3) If the board makes a recommendation for criminal prosecution under sub. (1), the district attorney to whom the recommendation is made shall, within 30 days of receipt of such recommendation, make a decision whether to prosecute the party charged. The board shall give written notice of any referral under this subsection to the accused. The district attorney shall give written notice of the decision to the accused, the complainant and the board.

**19.52 Hearing procedure.** (1) Every hearing or rehearing under this subchapter shall be conducted in accordance with the requirements of ch. 227, except as otherwise expressly provided. During any investigation and during any hearing which is conducted to determine whether a violation of this subchapter has occurred, the person under

investigation or the accused may be represented by counsel of his or her own choosing and the accused or his or her representative, if any, shall have an opportunity to challenge the sufficiency of any complaint which has been filed against him or her, to examine all documents and records obtained or prepared by the board in connection with the matter heard, to bring witnesses, to establish all pertinent facts and circumstances, to question or refute testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses, and shall otherwise be able to exercise fully any pretrial discovery procedure usually available in civil actions. During any hearing conducted by the board to determine whether a violation of this subchapter has occurred, all evidence including certified copies of records which the board considers shall be fully offered and made a part of the record in the proceedings. The accused or any other person under investigation shall be afforded adequate opportunity to rebut or offer countervailing evidence. Upon request of the accused, the board shall issue subpoenas to compel the attendance of necessary witnesses.

(2) Any person whose name is mentioned or who is otherwise identified during a hearing being conducted by the board and who, in the opinion of the board, may be adversely affected thereby, may, upon his or her request or upon the request of any member, appear personally before the board and testify on his or her own behalf and the board may permit any other person to appear and to testify at a hearing.

(3) The standards of evidence and the burden of proof applicable to criminal proceedings shall apply to hearings under this section.

(4) After the conclusion of its hearing the board shall as soon as practicable begin deliberations on the evidence presented at such hearing and shall then proceed to determine whether the accused has violated this subchapter. If a hearing examiner is appointed under s. 227.09 (1) and a majority of the members of the board were not present at the hearing, the board shall not begin deliberations until after the proposed decision is served and opportunity is given for arguments.

(5) Notwithstanding s. 227.09 (1), the board may appoint any qualified person as a hearing examiner.

**19.53 Findings of fact and conclusions; orders and recommendations.** If the board determines that no violation of this subchapter has occurred, it shall immediately send written notice of such determination to the accused and to the party who made the complaint. If the board determines that a violation of this subchapter has occurred, its findings of fact and conclusions may contain one or more of the following orders or recommendations:

(1) In the case of a state public official in the unclassified service, a recommendation that the state public official be censured, suspended, or removed from office or employment. Such recommendation shall be made to the appropriate appointing authority who may censure, suspend, or take action to remove the official from office or employment.

(2) In the case of a legislator, a recommendation that the person be censured, suspended, or removed from office. Such recommendation shall be made to the appropriate house.

(3) In the case of a justice or judge, a recommendation that the person be reprimanded, censured, suspended or removed from office. Such recommendation shall be sent to the supreme court and to the presiding officer of each house of the legislature.

(4) In the case of a state public official liable to impeachment, a recommendation that the official be removed from office. Such recommendation shall be referred to the assembly.

(5) An order requiring the accused to conform his or her conduct to this subchapter.

(6) An order requiring the accused to forfeit not more than \$500 for each violation of this subchapter. The attorney general, when so requested by the board, shall institute proceedings to recover any forfeiture incurred under this section which is not paid by the person against whom it is assessed.

(7) Such other recommendation or order as may be necessary and appropriate and is consistent with the intent and purposes of this subchapter.

**19.54 Rehearings.** (1) After the service upon the accused by the board of any decision under s. 19.53 containing an order or recommendation, the accused may apply to the board for a rehearing with respect to any matter determined in such decision as provided in s. 227.12.

(2) An application for rehearing is governed by such general rules as the board may establish. Only one rehearing may be granted by the board. No order of the board becomes effective until 20 days after it is issued, or while an application for rehearing or a rehearing is pending, or until 10 days after such application for rehearing is either denied, expressly or by implication, or the board has announced its final determination on rehearing.

**19.55 Public inspection of records.** (1) Except as provided in sub. (2), all records in the possession of the board are open to public inspection at all reasonable times. The board shall require a person wishing to examine a statement of economic interests or the list of persons who inspect any statements which are in the board's possession to identify himself or herself, and if the person is representing another person or organization, the person or organization which he or she represents. Such identification may be provided in writing or in person. The board shall record and retain for at least 3 years information obtained by it pursuant to this subsection. No person may use a fictitious name or address or fail to identify a principal in making any request for inspection.

(2) Notwithstanding s. 19.21, the following records in the board's possession are not open for public inspection:

(a) Records obtained in connection with a request for an advisory opinion other than summaries of advisory opinions that do not disclose the identity of persons requesting such opinions. The board may however, make such records public with the consent of the person or organization requesting the advisory opinion. A person or organization who makes or purports to make public the substance of or any portion of an advisory opinion given to such person or organization by the board is deemed to have waived the confidentiality of the request for an advisory opinion and of any records obtained or prepared by the board in connection with the request for an advisory opinion.

(b) Records obtained or prepared by the board in connection with an investigation, except that the board shall permit inspection of records that are made public in the course of a hearing by the board to determine if a violation of this subchapter has occurred. Whenever the board refers such investigation and hearing records to a district attorney, they may be made public in the course of a prosecution initiated under this subchapter.

(c) Statements of economic interests and reports of economic transactions which are filed with the ethics board by members or employees of the investment board, except that the ethics board shall refer statements and reports filed by such persons to the legislative audit bureau for its review, and except that a statement of economic interests filed by a member or employee of the investment board who is also an official required to file shall be open to public inspection.

**19.56 Fees and honorariums.** (1) In order to achieve the broadest possible public discussion and understanding of state government, the legislative process and the specific policy issues and proposals pending before the legislature, every state public official is encouraged to meet with clubs, conventions, special interest groups, political groups, school groups and other gatherings to discuss and to interpret these topics.

(2) Notwithstanding s. 19.45 (4), reasonable compensation for any such activity or for any published work and reimbursement of actual and necessary expenses incurred in connection therewith may be accepted by a state public official, but if such activity or published work is accomplished by an official with the use of the state's time or of its facilities, services or supplies not generally available to all citizens of this state or, except in the case of a legislator or constitutional officer, in the course of his or her official duties, the official may not retain such compensation or reimbursement of expenses but shall deposit it with the department with which he or she is associated. A state public official need not, however, deposit reimbursement received for bona fide expenses reimbursable by the state.

(3) An official required to file who receives and retains for personal use any compensation or reimbursement of expenses in excess of \$10 for a published work or a meeting or the presentation of a paper, talk or demonstration shall, within 60 days of its receipt, report to the board or in the case of a legislator to the chief clerk of his or her house, the amount of such compensation or reimbursement, together with a brief statement describing the circumstances under which the payment was received.

(4) Nothing in this section prevents or limits reimbursement by the state of actual and reasonable expenses incurred by a state public official in the performance of official duties.

**19.57 Prior approval of rules.** (1) APPLICATION. This section does not apply to emergency rules adopted under s. 227.027.

(2) ROLE OF LEGISLATIVE COUNCIL. Prior to any public hearing on a proposed rule under this subchapter, or if no public hearing is required, prior to notification of the standing committees, the board shall submit the proposed rule to the legislative council for review. The legislative council shall act as a clearing house for rule drafting and cooperate with the board and the revisor to:

(a) Review the statutory authority under which the board intends to adopt the rule. The legislative council shall notify the board, the joint committee for the review of administrative rules and the appropriate standing committee when the statutory authority is eliminated or significantly changed by repeal, amendment, court decision or for any other reason.

(b) Ensure that the procedures for the promulgation of a rule required by this chapter are followed.

(c) Review proposed rules for form, style and placement in the administrative code.

(d) Review proposed rules to avoid conflict with or duplication of existing rules.

(e) Review proposed rules to provide adequate references to relevant statutes, related rules and forms.

(f) Streamline and simplify the rule-making process.

(g) Review proposed rules for clarity, grammar and punctuation and to ensure plain language.

(h) Review proposed rules to determine potential conflicts and to make comparisons with federal regulations.

(3) LEGISLATIVE COUNCIL TO ASSIST STANDING COMMITTEES. The legislative council shall work with and assist the appropriate standing committees throughout the rule-making process. The legislative council may issue recommendations concerning any proposed rule which the board submits under this section.

(4) NOTIFICATION OF STANDING COMMITTEES. The board shall notify appropriate standing committees when proposed rules under this subchapter are in final draft form by submitting a notice to the presiding officer in each house. Each presiding officer shall



refer the notice to one standing committee. The board may withdraw a proposed rule by notifying the presiding officer in each house of the legislature of its intention not to promulgate the rule.

(5) **FORM OF NOTICE.** The notice shall include the proposed rule in a form complying with s. 227.024 (1).

(6) **STANDING COMMITTEE REVIEW.** (a) A committee may be convened upon the call of its chairperson or a majority of its members to review a proposed rule. A committee may meet separately or jointly with the other committee to which the notice is referred, direct the board to attend the meeting and hold public hearings to review the proposed rule.

(b) The standing committee review period lasts for 30 days after the notice is submitted and if within the 30-day period a standing committee directs the board to meet with it to review the proposed rule, the standing committee review period is extended for 30 days from the date of that request.

(c) The board may not promulgate a proposed rule during the standing committee review period unless both committees approve the rule prior to the expiration of that period.

~~(d) Either standing committee may disapprove the proposed rule or part of a proposed rule by taking action in executive session to disapprove the rule within the standing committee review period. If both committees fail to take this action, the proposed rule is not disapproved and the board may promulgate the rule.~~

~~(7) **JOINT COMMITTEE FOR THE REVIEW OF ADMINISTRATIVE RULES.** (a) If either standing committee disapproves a proposed rule or part of a proposed rule, the proposed rule or its part shall be referred to the joint committee for the review of administrative rules.~~

Vetoed  
in Part

~~(b) The joint committee review period lasts for 30 days after the proposed rule is referred and the joint committee shall meet and take action in executive session during that period.~~

~~(c) The board may not promulgate a proposed rule or its part which is disapproved by a standing committee unless the proposed rule is approved by the joint committee for the review of administrative rules or unless a law is properly enacted under par. (e). The board may promulgate portions of the rule which were not suspended, if the committee disapproved only parts of the rules.~~

~~(d) The joint committee for the review of administrative rules may reverse the standing committee disapproval by taking action to approve the rule within the joint committee review period. The joint committee may uphold the standing committee disapproval by taking action to disapprove the rule within the joint committee review period. The joint committee may remand the proposed rule to the board for further consideration or public hearings or both.~~

~~(e) If the joint committee for the review of administrative rules disapproves a proposed rule or portion of the proposed rule, the proposed rule or portion of the proposed rule, may not be promulgated unless a properly enacted law specifically authorizes the adoption of that rule.~~

**SECTION 37.** 19.58 (3) of the statutes is created to read:

19.58 (3) In this section “intentionally” has the meaning given under s. 939.23.

**SECTION 38.** 20.521 (1) (b) of the statutes is amended to read:

20.521 (1) (b) *Investigations.* A sum sufficient for the payment of expenses incurred by the ethics board for investigations and hearings authorized by the board under s. 19.48 subch. III of ch. 19 which cannot be conducted within the appropriation under par. (a).

The amounts provided in this paragraph shall not be utilized for the support of permanent staff.

SECTION 39. 20.923 (4) (b) 2m of the statutes is created to read:

20.923 (4) (b) 2m. Ethics board: executive director.

SECTION 40. 227.026 (1) (a) of the statutes, as affected by chapter 84, laws of 1977, is amended to read:

227.026 (1) (a) The statute pursuant to which the rule was ~~created~~ adopted, amended or repealed provides for an effective date subsequent to legislative review of the proposed action or otherwise prescribes a different effective date; or

SECTION 41. 227.08 (1) of the statutes is amended to read:

227.08 (1) Agencies Except as provided in s. 19.52 (3), agencies shall not be bound by common law or statutory rules of evidence. They shall admit all testimony having reasonable probative value, but shall exclude immaterial, irrelevant or unduly repetitious testimony. They shall give effect to the rules of privilege recognized by law. Basic principles of relevancy, materiality and probative force shall govern the proof of all questions of fact. Objections to evidentiary offers and offers of proof of evidence not admitted may be made and shall be noted in the record.

SECTION 42. 227.09 (1) (intro.) of the statutes, as affected by chapter 196, laws of 1977, is amended to read:

227.09 (1) (intro.) An agency may designate an official of the agency or an employee on its staff or borrowed from another agency pursuant to s. ~~230.047~~ or 20.901 or 230.047 as a hearing examiner to preside over any contested case. In hearings under s. 19.52, another qualified person may be appointed. Subject to rules of the agency, examiners presiding at hearings may:

SECTION 43. **Report on advisory opinions.** The first report of the ethics board under section 19.47 (5) of the statutes, as affected by this act, after the effective date of this act shall contain a summary of all advisory opinions which the ethics board has issued through the end of the preceding fiscal year. The ethics board shall make sufficient alterations in the summaries to prevent disclosing the identities of persons involved in the opinions.

SECTION 44. **Program citations.** (1) Under the listing of program responsibilities for the office of the secretary of state specified in section 14.361 of the statutes, the reference to section "19.43" is deleted.

(2) Under the listing of program responsibilities for the office of the state treasurer specified in section 14.561 of the statutes, the reference to section "19.43 (7)" is inserted.

(3) Under the listing of program responsibilities for the department of justice specified in section 15.251 (intro.) of the statutes, the reference to sections "19.51 (1) (a)" and "19.53 (6)" is inserted.

(4) Under the listing of program responsibilities for the department of revenue specified in section 15.431 (intro.) of the statutes, the reference to section "19.44 (2)" is deleted and the reference to section "19.50 (5)" is substituted.

(5) Under the listing of program responsibilities for the elections board specified in section 15.611 (intro.) of the statutes, the reference to section "19.43 (4)" is inserted.

(6) Under the listing of program responsibilities for the department of employment relations and division of personnel specified in sections 15.171 (intro.) and 15.171 (1) of the statutes, as created by chapter 196, laws of 1977, the reference to section "19.45 (11) (a)" is inserted.

(7) Under the listing of program responsibilities for the board of regents of the university of Wisconsin system specified in section 15.911 (intro.) of the statutes, reference to section "19.45 (11) (b)" is inserted.

**SECTION 45. Effective date; application.** (1) This act shall take effect on the first day of the 3rd month commencing after publication.

(2) Section 19.45 (8) (a) and (b) of the statutes, as repealed and recreated by this act, applies only to a former state public official who ceases to be a state public official after the effective date of this act.

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