



2003 ASSEMBLY BILL 454

August 4, 2003 - Introduced by Representatives GUNDRUM, ZIEGELBAUER, GROTHMAN, HUEBSCH, JESKEWITZ, HAHN, GUNDERSON, STONE, LOTHIAN, PETROWSKI, ALBERS, VAN ROY, BIES, TOWNSEND, KRAWCZYK, McCORMICK, HINES and GIELOW, cosponsored by Senators LAZICH, KANAVAS and SCHULTZ. Referred to Committee on Government Operations and Spending Limitations.

1 **AN ACT** *to renumber and amend* 40.07 (1); *to amend* 40.07 (2); and *to create*
2 40.07 (1g) and 40.07 (2m) of the statutes; **relating to:** disclosure of certain
3 records of elective or major appointive state or local officials under the
4 Wisconsin Retirement System.

Analysis by the Legislative Reference Bureau

With certain exceptions, under current law, individual personal information in the records of the Department of Employee Trust Funds (DETF) may not be disclosed.

This bill provides that DETF must make available for public inspection and copying records of DETF containing the name of a participant who holds or held an elective or major appointive state or local office, together with the amount of any retirement annuity that is paid, payable, or projected by DETF to become payable to the participant, and if the annuity is paid or being paid, the method used by DETF to calculate the amount of the annuity.

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:

ASSEMBLY BILL 454**SECTION 1**

1 **SECTION 1.** 40.07 (1) of the statutes is renumbered 40.07 (1m) and 40.07 (1m)
2 (intro.), as renumbered, is amended to read:

3 40.07 **(1m)** (intro.) Notwithstanding any other statutory provision, except as
4 provided in subs. (2) and (2m), individual personal information in the records of the
5 department is not a public record and shall not be disclosed, unless:

6 **SECTION 2.** 40.07 (1g) of the statutes is created to read:

7 40.07 **(1g)** In this section:

8 (a) “Local public office” has the meaning given in s. 19.42 (7w), and includes any
9 appointive office or position of a local governmental unit in which an individual
10 serves as the head of a department, agency, or division of the local governmental unit,
11 but does not include any office or position filled by a municipal employee, as defined
12 in s. 111.70 (1) (i).

13 (b) “State public office” has the meaning given in s. 19.42 (13), but does not
14 include a position identified in s. 20.923 (6) (f) to (gm).

15 **SECTION 3.** 40.07 (2) of the statutes is amended to read:

16 40.07 **(2)** ~~Notwithstanding sub. (1), medical~~ Medical records may be disclosed
17 only when a disability application denial is appealed or under a court order duly
18 obtained upon a showing to the court that the information is relevant to a pending
19 court action but medical information gathered for any one of the benefit plans
20 established under this chapter may be used by any other benefit plan established
21 under this chapter.

22 **SECTION 4.** 40.07 (2m) of the statutes is created to read:

23 40.07 **(2m)** The department shall make available for public inspection and
24 copying under s. 19.35 (1) records of the department containing the name of a
25 participant who holds or held a state public office or a local public office together with

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1 the amount of any retirement annuity that is paid, payable, or projected by the
2 department to become payable to that participant, and if the annuity is paid or being
3 paid, the method used by the department to calculate the amount of the annuity.

4 (END)