

1991 Assembly Bill 1093

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1991 WISCONSIN ACT 317

AN ACT *to repeal* 230.13 (1) (b); *to renumber and amend* 19.36 (7); *to amend* 19.36 (7) (title) and 230.13 (1) (intro.); and *to create* 13.58 and 19.36 (7) (a) of the statutes, **relating to:** public access to records of the identities of certain applicants for certain public positions and creation of a joint committee on information policy.

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

SECTION 1. 13.58 of the statutes is created to read:

13.58 Joint committee on information policy. (1)

CREATION. There is created a joint committee on information policy composed of the following members:

(a) The assembly cochairperson of the joint committee on finance, or a member of that committee who is designated by its assembly cochairperson; and the senate cochairperson of the joint committee on finance, or a member of that committee who is designated by its senate cochairperson.

(b) Two other majority party and 2 minority party senators and 2 other majority and 2 minority party representatives to the assembly, appointed as are the members of standing committees in their respective houses.

(c) One member appointed by the governor.

(d) The secretary of administration or his or her designee.

(2) OFFICERS. In making appointments of the members of each house, other than the cochairpersons of the joint committee on finance, each house shall designate a cochairperson.

(3) STAFF. The committee shall be staffed as are other standing committees of the legislature.

(4) MEETINGS. The committee shall meet as often as necessary to perform its duties and functions.

(5) POWERS AND DUTIES. (a) The committee shall do all of the following:

1. Review information management practices and policies of state and local units of government, including their responsiveness to the needs of state and local units of government for delivery of high-quality services on an efficient and economical basis, to ensure data security and integrity and to protect the personal privacy of individuals who are subjects of data bases of state and local governmental agencies.

2. Review the effects on the needs identified under subd. 1 of proposals for the expansion of existing information technology and the implementation of new information technology by the state.

3. Review the impact of proposed legislation on existing technology utilization by state and local units of government.

4. Review reports submitted by the privacy advocate under 1991 Wisconsin Act 39, section 9101 (4mx) (b), and any statutory changes recommended by the privacy advocate under s. 19.63 (1) (f).

(b) The committee may do any of the following:

1. Direct the privacy advocate, the council on information technology or the subunit in the department of administration with policy-making responsibility related to information technology to conduct studies or prepare reports on items related to the committee's duties under par. (a).

2. Make recommendations to the governor, the legislature, state agencies or local units of government regarding the policies, practices, proposals, legislation and reports reviewed under subd. 1 and par. (a).

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(6) **BILLS.** Bills may be referred to the joint committee by either house of the legislature for its recommendation.

SECTION 2. 19.36 (7) (title) of the statutes, as created by 1991 Wisconsin Act 269, is amended to read:

19.36 (7) (title) IDENTITIES OF APPLICANTS FOR PUBLIC POSITIONS.

SECTION 3. 19.36 (7) of the statutes, as created by 1991 Wisconsin Act 269, is renumbered 19.36 (7) (b) and amended to read:

19.36 (7) (b) Every applicant for a position with any authority may indicate in writing to the authority that the applicant does not wish the authority to reveal his or her identity. Except with respect to an applicant whose name is certified for appointment to a position in the state classified service or a final candidate, if an applicant makes such an indication in writing, the authority shall not provide access to any record related to the application that may reveal the identity of the applicant.

SECTION 4. 19.36 (7) (a) of the statutes is created to read:

19.36 (7) (a) In this section, “final candidate” means

each applicant for a position who is seriously considered for appointment or whose name is certified for appointment and whose name is submitted for final consideration to an authority for appointment to any state position, except a position in the classified service, or to any local public office, as defined in s. 19.42 (7w). “Final candidate” includes, whenever there are at least 5 candidates for an office or position, each of the 5 candidates who are considered most qualified for the office or position by an authority, and whenever there are less than 5 candidates for an office or position, each such candidate. Whenever an appointment is to be made from a group of more than 5 candidates, “final candidate” also includes each candidate in the group.

SECTION 5. 230.13 (1) (intro.) of the statutes, as affected by 1991 Wisconsin Act 269, is amended to read:

230.13 (1) (intro.) Except as provided in ~~sub. (2)~~ and s. 103.13, the secretary and the administrator may keep records of the following personnel matters closed to the public:

SECTION 6. 230.13 (1) (b) of the statutes, as affected by 1991 Wisconsin Act 269, is repealed.