# 1999 DRAFTING REQUEST

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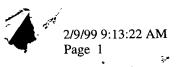
Received: 01/29/99					Received By: kuesejt  Identical to LRB:  By/Representing: Bill Graf			
Wanted: As time permits  For: David Travis (608) 266-5340								
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May Con	tact:				Alt. Drafters:			
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Per 1997	AB-347.							
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### Bill

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Wanted: As time permits				Identical to LRB:				
For: <b>David Travis</b> (608) 266-5340				By/Representing: Bill Graf				
This file	may be show	n to any legislat	or: <b>NO</b>		Drafter: kuesejt			
May Cor	ntact:				Alt. Drafters:			
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For: David Travis (608) 266-5340

By/Representing: Bill Graf

This file may be shown to any legislator: NO

Drafter: kuesejt

May Contact:

Alt. Drafters:

Subject:

**Counties** 

Extra Copies:

Munis - miscellaneous

State Government - miscellaneous

**Topic:** 

Public access to records of final candidates for certain local government positions

**Instructions:** 

Per 1997 AB-347.

**Drafting History:** 

Vers.

Drafted

Reviewed

**Typed** 

**Submitted** 

**Jacketed** 

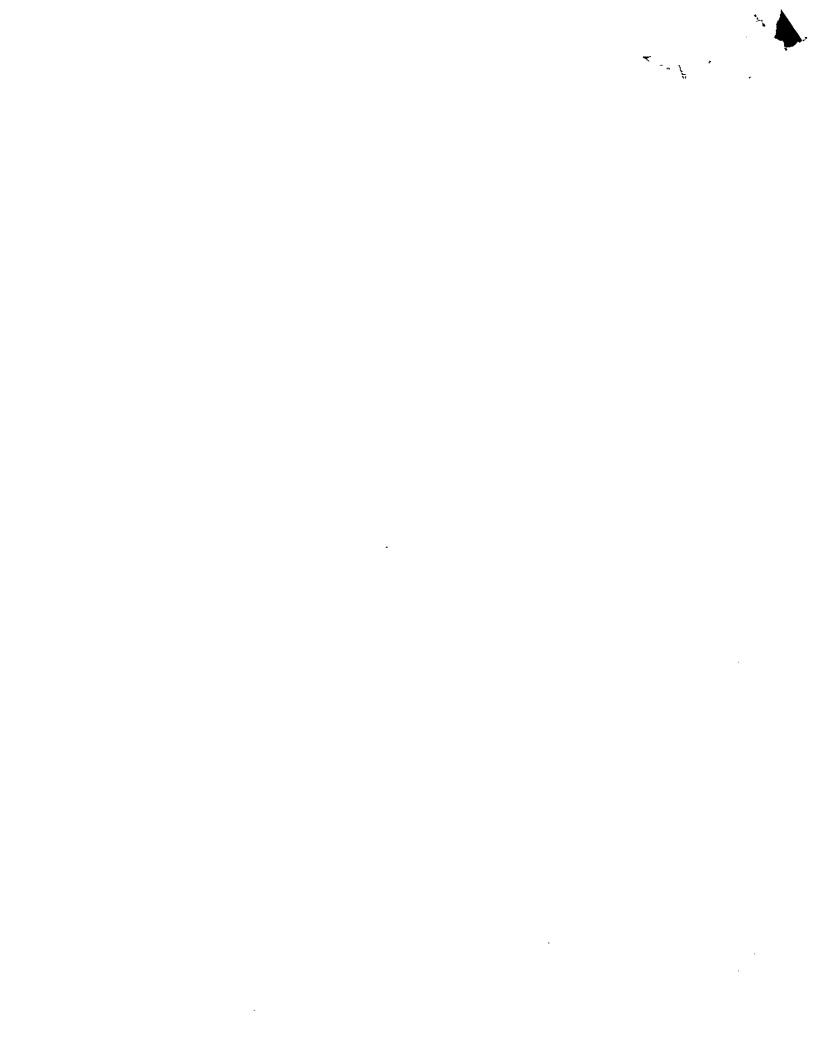
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# State of Misconsin 1997—1998 LEGISLATURE

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### 1997 ASSEMBLY BILL 347

May 6, 1997 – Introduced by Representatives Travis, Albers, Baldwin, Baumgart, Notestein, Powers and Ziegelbauer, cosponsored by Senators Adelman and Moen. Referred to Committee on Government Operations.

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AN ACT to amend 19.36 (7) (a) of the statutes; relating to: public access to

records of the identities of final candidates for certain local governmental

positions.

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#### Analysis by the Legislative Reference Bureau

Currently, under the public records law, local governments are prohibited from providing public access to any record that reveals the identity of an applicant for a position that is covered by the statutory code of ethics for local public officials if the applicant does not wish to be identified, unless the applicant is a final candidate. A final candidate generally includes at least the top (3) candidates for a position. Currently, the code applies to appointive positions that are filled for a specified term or positions that are filled by the executive or administrative head or the governing body of the local governmental unit and in which the incumbent serves at the pleasure of the appointing authority, except clerical positions, independent contractors and positions that are limited to the exercise of nondiscretionary functions.

This bill extends the law governing access to records of the identities of final candidates (but not the code of ethics) to apply to appointive offices or positions in which an individual serves as the head of a department, agency or division of a local governmental unit, subject to the current exceptions.

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

**ASSEMBLY BILL 347** 

LRB-2913/2 JTK:mfd:arm SECTION 1

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**SECTION 1.** 19.36 (7) (a) of the statutes is amended 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 for to any appointive office or position of a local governmental unit, as defined in s. 19.42 (7w), in which an individual serves as the head of a department, agency or division of the local governmental unit. "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.

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(END)

# SUBMITTAL FORM

## LEGISLATIVE REFERENCE BUREAU Legal Section Telephone: 266-3561 5th Floor, 100 N. Hamilton Street

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and sign on the appropriate line(s) below.

sign on the appropriate line(s) below	<i>N</i> .
<b>Date:</b> 2/11/99	To: Representative Travis
,	Relating to LRB drafting number: LRB-2089
Topic Public access to records of final car	adidates for certain local government positions
Subject(s) Counties, Munis - miscellaneous, S	tate Government - miscellaneous
1. <b>JACKET</b> the draft for introducti	on Law Iran
in the Senate or the Assem	bly (check only one). Only the requester under whose name the

2. **REDRAFT.** See the changes indicated or attached \_\_\_\_\_

drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain FISCAL ESTIMATE NOW, prior to introduction

allow one day for the preparation of the required copies.

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Jeffery T. Kuesel, Managing Attorney Telephone: (608) 266-6778

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