

1999 DRAFTING REQUEST

Bill

Received: **01/29/99**

Received By: **kuesejt**

Wanted: **As time permits**

Identical to LRB:

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**
Munis - miscellaneous
State Government - miscellaneous

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

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

Instructions:

Per 1997 AB-347.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kuesejt 02/9/99	chanaman 02/10/99		_____			
/1			jfrantze 02/11/99	_____	lrb_docadmin 02/11/99	lrb_docadmin 02/22/99	

FE Sent For:

<END>

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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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1 AN ACT to amend 19.36 (7) (a) of the statutes; relating to: public access to
2 records of the identities of final candidates for certain local governmental
3 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 5 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

1 SECTION 1. 19.36 (7) (a) of the statutes is amended to read:

2 19.36 (7) (a) In this section, "final candidate" means each applicant for a
 3 position who is seriously considered for appointment or whose name is certified for
 4 appointment and whose name is submitted for final consideration to an authority for
 5 appointment to any state position, except a position in the classified service, or to any
 6 local public office, as defined in s. 19.42 (7w), or to any appointive office or position
 7 of a local governmental unit, as defined in s. 19.42 (7u), in which an individual serves
 8 as the head of a department, agency or division of the local governmental unit. "Final
 9 candidate" includes, whenever there are at least 5 candidates for an office or position,
 10 each of the 5 candidates who are considered most qualified for the office or position
 11 by an authority, and whenever there are less than 5 candidates for an office or
 12 position, each such candidate. Whenever an appointment is to be made from a group
 13 of more than 5 candidates, "final candidate" also includes each candidate in the
 14 group.

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**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.

Date: 2/11/99

To: Representative Travis

Relating to LRB drafting number: LRB-2089

Topic

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

Subject(s)

Counties, Munis - miscellaneous, State Government - miscellaneous

1. **JACKET** the draft for introduction

Rep Travis

in the **Senate** ____ or the **Assembly** ____ (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____.

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

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____.

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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