

1999 ASSEMBLY BILL 676

January 25, 2000 – Introduced by Representatives SERATTI, ALBERS, SYKORA, KEDZIE, DUFF and KELSO, cosponsored by Senator ROBSON. Referred to Committee on Urban and Local Affairs.

- 1 **AN ACT to create** 66.15 of the statutes; **relating to:** creating a code of ethics for
2 the governing bodies of local governmental units.

Analysis by the Legislative Reference Bureau

Under current law, a local public official is prohibited from using his or her public position or office to obtain financial gain or anything of substantial value for his or her private benefit or for the benefit of his or her immediate family, or for an organization with which he or she is associated. Also under current law, no person may offer or give to a local public official, and no such official may solicit or accept from any person, anything of value if it could reasonably be expected to influence the local public official's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction on the part of the local public official.

Under this bill, if the governing body of a local governmental unit, which is defined to include a city, village, town, county, special purpose district or instrumentality or subunit of any of these units of government, is offered anything of value from any person, which could reasonably be expected to influence a local public official or any action taken, or not taken, by the governing body of a local governmental unit, or which could reasonably be considered as a reward for any official action or inaction by a local public official or by the governing body of a local governmental unit, the local governmental unit must hold a public hearing before the thing of value is accepted. The public hearing requirement applies if the thing of value is conditioned on an action being taken, or not being taken by the governing body of the local governmental unit or if the person offering the thing of value is likely

ASSEMBLY BILL 676

to directly benefit from an action being taken, or not being taken by the governing body. The public hearing may not take place before public notice of the hearing is published. The notice must provide information on the value of the thing of value and any conditions which may be attached to acceptance of the thing of value.

For further information see the *state and local* 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:

1 **SECTION 1.** 66.15 of the statutes is created to read:

2 **66.15 Code of ethics for local governmental units. (1) DEFINITIONS.** In
3 this section:

4 (a) “Anything of value” means any money or property, favor, service, payment,
5 advance, forbearance or loan.

6 (b) “Local governmental unit” means a political subdivision, a special purpose
7 district, an instrumentality or corporation of such a political subdivision or special
8 purpose district, a combination or subunit of any of the foregoing or an
9 instrumentality of the state and any of the foregoing.

10 (c) “Local public office” means any of the following offices:

11 1. An elective office of a local governmental unit.

12 2. A county administrator or administrative coordinator or a city or village
13 manager.

14 3. An appointive office or position of a local governmental unit in which an
15 individual serves for a specified term, except a position limited to the exercise of
16 ministerial action or a position filled by an independent contractor.

17 4. The position of member of the board of directors of a local exposition district
18 under subch. II of ch. 229 not serving for a specified term.

ASSEMBLY BILL 676

1 5. An appointive office or position of a local governmental unit which is filled
2 by the governing body of the local governmental unit or the executive or
3 administrative head of the local governmental unit and in which the incumbent
4 serves at the pleasure of the appointing authority, except a clerical position, a
5 position limited to the exercise of ministerial action or a position filled by an
6 independent contractor.

7 6. An appointive office or position of a local governmental unit in which an
8 individual serves as the head of a department, agency or division of the local
9 governmental unit.

10 (d) “Local public official” means an individual holding a local public office.

11 (e) “Political subdivision” means a city, village, town or county.

12 **(2)** NOTICE REQUIRED. If the governing body of a local governmental unit is
13 offered anything of value from any person, which could reasonably be expected to
14 influence the vote or judgment of a local public official or any action taken or decision
15 made by the governing body of a local governmental unit, or which could reasonably
16 be considered as a reward for any official action or inaction on the part of the local
17 public official or the governing body of the local governmental unit, the local
18 governmental unit shall do one of following before accepting the thing of value:

19 (a) If the thing of value is conditioned on an action being taken, or on an action
20 not being taken, by the governing body of a local governmental unit, hold a public
21 hearing for which a class 1 notice under ch. 985 is published at least five business
22 days before the hearing. The notice shall provide information on the value of the
23 thing of value and any conditions which may be attached to acceptance of the thing
24 of value.

