

**SENATE AMENDMENT 1,
TO SENATE SUBSTITUTE AMENDMENT 1,
TO 2003 SENATE BILL 11**

May 20, 2003 – Offered by COMMITTEE ON EDUCATION, ETHICS AND ELECTIONS.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 8, line 18: after that line insert:

3 “**SECTION 9m.** 5.05 (6) of the statutes is amended to read:

4 5.05 **(6)** FORMAL OPINIONS. Any interested person may make written request to
5 the ~~board~~ executive director of the board to issue a formal opinion with respect to the
6 person’s authority or responsibilities under chs. 5 to 12. The ~~board~~ executive director
7 shall within 15 days advise the person requesting an opinion whether or not a formal
8 opinion will be issued. If a formal opinion will be issued, it shall be issued within 30
9 days of the request. The executive director may consult with the board before issuing
10 a formal opinion. No person acting in good faith upon a formal opinion issued to the
11 person by the ~~board~~ executive director shall be subject to civil or criminal prosecution
12 for so acting, if the material facts are as stated in the opinion request. Nothing in

1 this subsection requires the issuance of an opinion by the ~~board~~ executive director,
2 nor precludes it the executive director from issuing an opinion or ruling in any other
3 manner.”.

4 **2.** Page 31, line 4: after that line insert:

5 “**SECTION 63m.** 19.46 (1) (intro.) of the statutes is amended to read:

6 19.46 **(1)** (intro.) Except in accordance with the ~~board's~~ advice of the executive
7 director of the board under sub. (2) and except as otherwise provided in sub. (3), no
8 state public official may:”.

9 **3.** Page 31, line 6: delete lines 6 to 22 and substitute:

10 “19.46 **(2)** Any individual, either personally or on behalf of an organization or
11 governmental body, may request of the ~~board~~ executive director of the board an
12 advisory opinion regarding the propriety under this subchapter or subch. III of ch.
13 13 of any matter to which the person is or may become a party; and any appointing
14 officer, with the consent of a prospective appointee, may request of the ~~board~~
15 executive director an advisory opinion regarding the propriety under this subchapter
16 or subch. III of ch. 13 of any matter to which the prospective appointee is or may
17 become a party. The ~~board~~ executive director shall review a request for an advisory
18 opinion and may advise the person making the request. Advisory opinions and
19 requests therefor shall be in writing. ~~The board's deliberations and actions upon~~ The
20 executive director may consult with the board before issuing a formal opinion but
21 shall not reveal any information to the board that would identify the requester of the
22 opinion. All consultations with the board concerning such requests shall be in
23 meetings not open to the public. It is prima facie evidence of intent to comply with
24 this subchapter or subch. III of ch. 13 when a person refers a matter to the ~~board~~

1 executive director and abides by the board's executive director's advisory opinion, if
2 the material facts are as stated in the opinion request. ~~The board may authorize the~~
3 ~~executive director to act in its stead in instances where delay is of substantial~~
4 ~~inconvenience or detriment to the requesting party.~~ No member or employee of the
5 board may make public the identity of the individual requesting an advisory opinion
6 or of individuals or organizations mentioned in the opinion.”.

7 **4.** Page 32, line 6: after “issued” insert “by the executive director”.

8 **5.** Page 33, line 16: after “The” insert “executive director of the”.

9 **6.** Page 35, line 11: after “ethics” insert “executive director of the”.

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(END)