

**2003 DRAFTING REQUEST**

**Senate Amendment (SA-SSA(LRBs0060/2)-SB11)**

Received: **05/09/2003**

Received By: **jkuesel**

Wanted: **Today**

Identical to LRB:

For: **Michael Ellis (608) 266-0718**

By/Representing: **Don Millis**

This file may be shown to any legislator: **NO**

Drafter: **jkuesel**

May Contact:

Addl. Drafters:

Subject: **Elections - miscellaneous  
Ethics  
Lobbying**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Ellis@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

---

**Topic:**

SA to SSA (LRBs0060/2) to SB-11

---

**Instructions:**

Executive director to issue formal opinions. May consult with board but shall not reveal any information that would identify the requester of the opinion.

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**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>
/?	jkuesel 05/09/2003	wjackson 05/09/2003		_____			
/1			chaskett 05/09/2003	_____	amentkow 05/09/2003	amentkow 05/09/2003	

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/2	jkuesel 05/12/2003	wjackson 05/12/2003	rschluet 05/12/2003	_____	mbarman 05/12/2003	mbarman 05/12/2003	
/3	jkuesel 05/12/2003	wjackson 05/12/2003	rschluet 05/12/2003	_____	lemery 05/12/2003	lemery 05/12/2003	

FE Sent For:

<END>

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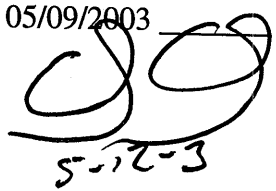
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/1			chaskett 05/09/2003	_____	amentkow 05/09/2003	amentkow 05/09/2003	

  
5-12-3

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

12	jkuesel	wjackson	rschluet	_____	mbarman	mbarman
	05/12/2003	05/12/2003	05/12/2003	_____	05/12/2003	05/12/2003

13 jkuesel  
FE Sent For: 5/12/13 WJ 5/12

<END>

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12/1	jkuesel 5/9	1 W L J 5/9	1 cph 5/9	K h / cph <del>5/9</del>			

FE Sent For:

<END>

2003

Date (time) needed

Fri: 5/9

LRBa 0519, 1

AMENDMENT

JFK: WLJ

See form AMENDMENTS — COMPONENTS & ITEMS.

S A AMENDMENT

TO S A AMENDMENT \_\_\_\_\_ (LRBa 1),

TO S A SUBSTITUTE AMENDMENT \_\_\_\_\_ (LRBs 0060 12),

TO 2003 SB SJR SR AB AJR AR 11 (LRB-~~~~~)

At the locations indicated, amend the substitute Amendment as follows:  
(fill ONLY if "engrossed ...." or "as shown by ....." )

#. Page 8, line 18: after that line insert ^



~~#. Page . . . . ., line . . . . .  
#. Page . . . . ., line . . . . .  
#. Page . . . . ., line . . . . .  
#. Page . . . . ., line . . . . .~~



CS+B → 9M

Section #. 5.05 (6) of the statutes is amended to read:

5.05 (6) FORMAL OPINIONS. Any interested person may make written request to the ~~board~~ <sup>executive director of the board</sup> to issue a formal opinion with respect to the person's authority or responsibilities under chs. 5 to 12. The ~~board~~ <sup>executive director</sup> shall within 15 days advise the person requesting an opinion whether or not a formal opinion will be issued. If a formal opinion will be issued, it shall be issued within 30 days of the request <sup>executive director</sup>. No person acting in good faith upon a formal opinion issued to the person by the ~~board~~ shall be subject to civil or criminal prosecution for so acting, if the material facts are as stated in the opinion request. Nothing in this subsection requires the issuance of an opinion by the ~~board~~ <sup>executive director</sup> nor precludes ~~it~~ <sup>the executive director</sup> from issuing an opinion or ruling in any other manner. ✓/0

History: 1973 c. 334; 1975 c. 85, 93, 199; 1977 c. 29; 1977 c. 196 s. 131; 1977 c. 418, 427, 447; 1979 c. 32 s. 92 (8); 1979 c. 89, 154, 328; 1983 a. 27, 484, 524, 538; 1985 a. 303; 1985 a. 304 ss. 3, 155; 1989 a. 31, 192; 1999 a. 182; 2001 a. 109.

Not  
 The Board shall withhold records relating to requests for formal opinions from public inspection under S. 1903.5 (1) (c)  
 The executive director may consult with the Board before issuing a formal opinion but shall not reveal any information to the Board that would identify the requester of the opinion (c)

scored

# Page 31 ↑ line 4 ↓ after that line insert ↓

✓ CSRB 63M ✓

Section # 19.46 (1) (intro.) of the statutes is amended to read:

19.46 (1) (intro.) Except in accordance with the <sup>strike</sup>board's advice under sub. (2) and except as otherwise provided in sub. (3), no state public official may: ✓<sub>0</sub>

of the executive director of the board

History: 1973 c. 90; Stats. 1973 s. 11.06; 1973 c. 334 ss. 33, 57, 58; Stats. 1973 s. 19.46; 1975 c. 422; 1977 c. 223,

277, 449; 1983 a. 166; 1985 a. 29; 1989 a. 338.

✓ # Page 31 ↑ line 6 ✓ delete lines 6 to 22 and substitute ✓

Section # 19.46 (2) of the statutes is amended to read:

under this subchapter or subch III of ch 13

19.46 (2) Any individual, either personally or on behalf of an organization or governmental body, may request of the ~~board~~ executive director of the board an advisory opinion regarding the propriety of any matter to which the person is or may become a party; and any appointing officer, with the consent of a prospective appointee, may request of the ~~board~~ executive director an advisory opinion regarding the propriety of any matter to which the prospective appointee is or may become a party. The ~~board~~ executive director shall review a request for an advisory

under this subchapter or subch III of ch 13

opinion and may advise the person making the request. Advisory opinions and requests therefor shall be in writing. ~~The board's deliberations and actions upon~~ such requests shall be in meetings not open to the public. It is prima facie evidence of intent to comply with this subchapter or subch. III of ch. 13 when a person refers a matter to the ~~board~~ executive director and abides by the ~~board's~~ advisory opinion, if the material facts are as stated in the opinion request. ~~The board may authorize the executive director to act in its stead in instances where delay is of substantial inconvenience or detriment to the requesting party.~~ No member or employee of the board may make public the identity of the individual requesting an advisory opinion or of individuals or organizations mentioned in the opinion.

NoH →

History: 1973 c. 90; Stats: 1973 s. 11.06; 1973 c. 334 ss. 33, 57, 58; Stats. 1973 s. 19.46; 1975 c. 422; 1977 c. 223, 277, 449; 1983 a. 166; 1985 a. 29; 1989 a. 338.

opinion but shall not reveal any information to the board that would identify the requester of the opinion

executive directors

All consultations with the board concerning

- # Page 32, line 6 → after issued insert by the executive director
- # Page 33, line 16 → after The insert executive director of the
- # Page 35, line 11 → after effices insert executive director of the

(End)



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBa0519/K 2  
JTK:wlj:cph

WANTED MON 5/12 - WOOD

SENATE AMENDMENT,  
TO SENATE SUBSTITUTE AMENDMENT (LRBs0060/2),  
TO 2003 SENATE BILL 11

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 board shall withhold records relating to requests for formal~~  
10 ~~opinions from public inspection under s. 19.35(10).~~ The executive director may  
11 ~~consult with the board before issuing a formal opinion but shall not reveal any~~  
12 ~~information to the board that would identify the requester of the opinion.~~ No person

1 acting in good faith upon a formal opinion issued to the person by the ~~board~~ executive  
2 director shall be subject to civil or criminal prosecution for so acting, if the material  
3 facts are as stated in the opinion request. Nothing in this subsection requires the  
4 issuance of an opinion by the ~~board~~ executive director, nor precludes ~~it~~ the executive  
5 director from issuing an opinion or ruling in any other manner.”.

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

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

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

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

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

1 meetings not open to the public. It is prima facie evidence of intent to comply with  
2 this subchapter or subch. III of ch. 13 when a person refers a matter to the board  
3 executive director and abides by the board's executive director's advisory opinion, if  
4 the material facts are as stated in the opinion request. ~~The board may authorize the~~  
5 ~~executive director to act in its stead in instances where delay is of substantial~~  
6 ~~inconvenience or detriment to the requesting party.~~ No member or employee of the  
7 board may make public the identity of the individual requesting an advisory opinion  
8 or of individuals or organizations mentioned in the opinion.”.

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

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

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

12 (END)



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRBa0519/2 3  
JTK:wlj:rs

Wanted Mon 5/12 - 1 PM

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TO SENATE SUBSTITUTE AMENDMENT (LRBs0060/2),  
TO 2003 SENATE BILL 11**

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:

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5 the board executive director of the board to issue a formal opinion with respect to the  
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7 shall within 15 days advise the person requesting an opinion whether or not a formal  
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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 of <sup>or</sup> 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  
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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”.

10 (END)