

1           **SECTION 76.** 15.07 (5) (m) of the statutes is created to read:

2           15.07 (5) (m) Members of the government accountability board, a per diem  
3 equal to the amount prescribed under s. 753.075 (3) (a) for reserve judges sitting in  
4 circuit court.

5           **SECTION 77.** 15.07 (5) (n) of the statutes is repealed.

6           **SECTION 78.** 15.60 of the statutes is created to read:

7           **15.60 Government accountability board; creation.** (1) There is created  
8 a government accountability board consisting of 6 persons. Members shall serve for  
9 6–year terms.

10          (2) All members of the board shall be appointed from nominations submitted  
11 to the governor by a nominating committee to be called the governmental  
12 accountability candidate committee, which shall consist of one court of appeals judge  
13 from each of the court of appeals districts. The members of the committee shall serve  
14 for 2–year terms expiring on March 1. The court of appeals judges shall be chosen  
15 as members by lot by the chief justice of the supreme court in the presence of the other  
16 justices of the supreme court. Service on the committee is mandatory except as  
17 provided in s. 758.19 (9).

18          (3) Each member of the board shall be an individual who formerly served as  
19 a judge of a court of record in this state and who was elected to the position in which  
20 he or she served.

21          (4) No member may hold another office or position that is a state public office  
22 or a local public office, as defined in s. 19.42, except the office of circuit judge or court  
23 of appeals judge under s. 753.075.

24          (5) No member, for one year immediately prior to the date of nomination may  
25 have been, or while serving on the board may become, a member of a political party,

1 an officer or member of a committee in any partisan political club or organization,  
2 or an officer or employee of a registrant under s. 11.05.

3 (6) No member, while serving on the board, may become a candidate, as defined  
4 in s. 11.01 (1), for state office or local office, as defined in s. 5.02.

5 (7) No member, while serving on the board, may make a contribution, as  
6 defined in s. 11.01 (6), to a candidate, as defined in s. 11.01 (1) for state office or local  
7 office, as defined in s. 5.02. No individual who serves as a member of the board, for  
8 12 months prior to beginning that service, may have made a contribution, as defined  
9 in s. 11.01 (6), to a candidate for a partisan state or local office, as defined in s. 5.02.

10 (8) No member may be a lobbyist, as defined in s. 13.62 (11), or an employee  
11 of a principal, as defined in s. 13.62 (12), except that a member may serve as a circuit  
12 judge or court of appeals judge under s. 753.075.

13 **SECTION 79.** 15.603 of the statutes is created to read:

14 **15.603 Same; specified divisions. (1) ETHICS AND ACCOUNTABILITY DIVISION.**

15 There is created in the government accountability board an ethics and accountability  
16 division. The ethics and accountability division shall be under the direction and  
17 supervision of an administrator, who shall be appointed by the board.

18 (2) ELECTIONS DIVISION. There is created in the government accountability  
19 board an elections division. The elections division shall be under the direction and  
20 supervision of an administrator, who shall be appointed by the board.

21 **SECTION 80.** 15.61 of the statutes is repealed.

22 **SECTION 81.** 15.617 of the statutes is renumbered 15.607, and 15.607 (1) of the  
23 statutes, as renumbered, is amended to read:

24 15.607 (1) ELECTION ADMINISTRATION COUNCIL. There is created in the elections  
25 government accountability board an election administration council consisting of

1 members appointed by the ~~executive director of the elections~~ administrator of the  
2 elections division of the government accountability board, including the clerk or  
3 executive director of the board of election commissioners of the 2 counties or  
4 municipalities in this state having the largest population, one or more election  
5 officials of other counties or municipalities, representatives of organizations that  
6 advocate for the interests of individuals with disabilities and organizations that  
7 advocate for the interests of the voting public, and other electors of this state.

8 **SECTION 82.** 15.62 of the statutes is repealed.

9 **SECTION 83.** 16.753 (2) of the statutes is amended to read:

10 16.753 (2) Except as otherwise expressly provided, each agency shall provide  
11 to the ~~ethics~~ government accountability board for posting on the Internet a list  
12 identifying each solicitation for bids or competitive sealed proposals and each  
13 proposed order or contract of the agency for which bids or competitive sealed  
14 proposals will not be solicited that involves a major expenditure, together with all  
15 information required under sub. (4).

16 **SECTION 84.** 16.79 (2) of the statutes is amended to read:

17 16.79 (2) The department shall distribute in pamphlet form copies of the  
18 constitution and such laws as may be required to meet the public demand, including  
19 the election laws. The department shall distribute election manuals, forms, and  
20 supplies specified by the ~~elections~~ government accountability board. The laws,  
21 manuals, forms, and supplies shall be sold by the department at cost, including  
22 distribution cost as determined under s. 35.80. The ~~elections~~ government  
23 accountability board shall inform the department in writing as to which election  
24 manuals, forms, and supplies shall be offered for distribution under this subsection.

25 **SECTION 85.** 16.96 (3) (b) of the statutes is amended to read:

1           16.96 (3) (b) Maintain and keep current throughout the decade the maps of  
2 congressional and legislative district boundaries received from the legislative  
3 reference bureau under s. 13.92 (1) (a) 6. and provide copies thereof to the elections  
4 government accountability board.

5           **SECTION 86.** 16.973 (6) of the statutes is amended to read:

6           16.973 (6) With the advice of the ethics government accountability board, adopt  
7 and enforce standards of ethical conduct applicable to its paid consultants which are  
8 similar to the standards prescribed in subch. III of ch. 19, except that the department  
9 shall not require its paid consultants to file statements of economic interests.

10          **SECTION 87.** 17.17 (1) of the statutes is amended to read:

11          17.17 (1) SENATORS AND MEMBERS OF CONGRESS. In the office of United States  
12 senator or member of congress from this state, by the county clerk of the county  
13 wherein such officer resided at the time of election, to the elections government  
14 accountability board.

15          **SECTION 88.** 17.17 (4) of the statutes is amended to read:

16          17.17 (4) JUSTICES AND JUDGES. In the office of justice of the supreme court, court  
17 of appeals judge, or judge of a circuit court, by the director of state courts to the  
18 governor and the elections government accountability board.

19          **SECTION 89.** 19.42 (3) of the statutes is amended to read:

20          19.42 (3) "Board" means the ethics government accountability board.

21          **SECTION 90.** 19.42 (10) (a) of the statutes is repealed.

22          **SECTION 91.** 19.43 (4) of the statutes is amended to read:

23          19.43 (4) A candidate for state public office shall file with the board a statement  
24 of economic interests meeting each of the requirements of s. 19.44 (1) no later than  
25 4:30 p.m. on the 3rd day following the last day for filing nomination papers for the

1 office which the candidate seeks, or no later than 4:30 p.m. on the next business day  
2 after the last day whenever that candidate is granted an extension of time for filing  
3 nomination papers or a declaration of candidacy under s. 8.05 (1) (j), 8.10 (2) (a), 8.15  
4 (1), or 8.20 (8) (a), no later than 4:30 p.m. on the 5th day after notification of  
5 nomination is mailed or personally delivered to the candidate by the municipal clerk  
6 in the case of a candidate who is nominated at a caucus, or no later than 4:30 p.m.  
7 on the 3rd day after notification of nomination is mailed or personally delivered to  
8 the candidate by the appropriate official or agency in the case of a write-in candidate  
9 or candidate who is appointed to fill a vacancy in nomination under s. 8.35 (2) (a).  
10 The information contained on the statement shall be current as of December 31 of  
11 the year preceding the filing deadline. Before certifying the name of any candidate  
12 for state public office under s. 7.08 (2) (a), the elections government accountability  
13 board, municipal clerk, or board of election commissioners shall ascertain whether  
14 that candidate has complied with this subsection. If not, the elections government  
15 accountability board, municipal clerk, or board of election commissioners may not  
16 certify the candidate's name for ballot placement.

17 **SECTION 92.** 19.43 (5) of the statutes is amended to read:

18 19.43 (5) Each member of the investment board and each employee of the  
19 investment board who is a state public official shall complete and file with the ethics  
20 government accountability board a quarterly report of economic transactions no  
21 later than the last day of the month following the end of each calendar quarter during  
22 any portion of which he or she was a member or employee of the investment board.  
23 Such reports of economic transactions shall be in the form prescribed by the ethics  
24 government accountability board and shall identify the date and nature of any  
25 purchase, sale, put, call, option, lease, or creation, dissolution, or modification of any

1 economic interest made during the quarter for which the report is filed and  
2 disclosure of which would be required by s. 19.44 if a statement of economic interests  
3 were being filed.

4 **SECTION 93.** 19.45 (6) of the statutes is amended to read:

5 19.45 (6) No state public official, member of a state public official's immediate  
6 family, nor any organization with which the state public official or a member of the  
7 official's immediate family owns or controls at least 10% of the outstanding equity,  
8 voting rights, or outstanding indebtedness may enter into any contract or lease  
9 involving a payment or payments of more than \$3,000 within a 12-month period, in  
10 whole or in part derived from state funds, unless the state public official has first  
11 made written disclosure of the nature and extent of such relationship or interest to  
12 the board and to the department acting for the state in regard to such contract or  
13 lease. Any contract or lease entered into in violation of this subsection may be voided  
14 by the state in an action commenced within 3 years of the date on which the ethics  
15 board, or the department or officer acting for the state in regard to the allocation of  
16 state funds from which such payment is derived, knew or should have known that  
17 a violation of this subsection had occurred. This subsection does not affect the  
18 application of s. 946.13.

19 **SECTION 94.** 19.46 (1) (intro.) of the statutes is amended to read:

20 19.46 (1) (intro.) Except in accordance with the board's advice under ~~sub. (2)~~  
21 s. 5.05 (6a) and except as otherwise provided in sub. (3), no state public official may:

22 **SECTION 95.** 19.46 (2) of the statutes is renumbered 5.05 (6a) and amended to  
23 read:

24 5.05 (6a) ADVISORY OPINIONS. Any individual, either personally or on behalf of  
25 an organization or governmental body, may make a written or electronic request of

1 the board for an advisory opinion regarding the propriety under chs. 5 to 12, subch.  
2 III of ch. 13, or subch. III of ch. 19 of any matter to which the person is or may become  
3 a party; and any appointing officer, with the consent of a prospective appointee, may  
4 request of the board an advisory opinion regarding the propriety under chs. 5 to 12,  
5 subch. III of ch. 13, or subch. III of ch. 19 of any matter to which the prospective  
6 appointee is or may become a party. The board shall review a request for an advisory  
7 opinion and may advise issue a formal written or electronic advisory opinion to the  
8 person making the request. Advisory opinions and requests therefor shall be in  
9 writing. The Except as authorized or required for opinions specified in sub. (5s) (f)  
10 2., the board's deliberations and actions upon such requests shall be in meetings not  
11 open to the public. It is prima facie evidence of intent to comply with this subchapter  
12 or subch. III of ch. 13 when a person refers a matter to the board and abides by the  
13 board's advisory opinion No person acting in good faith upon an advisory opinion  
14 issued by the board is subject to criminal or civil prosecution for so acting, if the  
15 material facts are as stated in the opinion request. To have legal force and effect, each  
16 advisory opinion issued by the board must be supported by specific legal authority  
17 under a statute or other law, or by specific case or common law authority. Each  
18 advisory opinion shall include a citation to each statute or other law and each case  
19 or common law authority upon which the opinion is based, and shall specifically  
20 articulate or explain which parts of the cited authority are relevant to the board's  
21 conclusion and why they are relevant. The board may authorize the executive  
22 director its legal counsel to act in its stead in instances where delay is of substantial  
23 inconvenience or detriment to the requesting party. No issue an informal written  
24 advisory opinion or to transmit an informal advisory opinion electronically on behalf  
25 of the board, subject to such limitations as the board deems appropriate. Every

1 informal advisory opinion shall be consistent with applicable formal advisory  
2 opinions issued by the board. If the board disagrees with an informal advisory  
3 opinion that has been issued on behalf of the board, the board may withdraw the  
4 opinion or issue a revised advisory opinion and no person acting after the date of the  
5 withdrawal or issuance of the revised advisory opinion is exempted from prosecution  
6 under this subsection if the opinion upon which the person's action is based has been  
7 withdrawn or revised in relevant degree. Except as authorized or required under  
8 sub. (5s) (f) 2., no member or employee of the board may make public the identity of  
9 the individual requesting an a formal or informal advisory opinion or of individuals  
10 or organizations mentioned in the opinion. Any person receiving a formal or informal  
11 advisory opinion under this subsection who disagrees with the opinion may request  
12 a public or private hearing before the board to discuss the opinion. The board shall  
13 grant a request for a public or private hearing under this subsection. After hearing  
14 the matter, the board may reconsider its opinion and may issue a revised opinion to  
15 the person. Promptly upon issuance of each formal advisory opinion that is not open  
16 to public access, the board shall publish a summary of the opinion that is consistent  
17 with applicable requirements under sub. (5s) (f).

18 **SECTION 96.** 19.47 (title) of the statutes is repealed and recreated to read:

19 **19.47 (title) Statements of economic interests.**

20 **SECTION 97.** 19.47 (1) and (2) of the statutes are repealed.

21 **SECTION 98.** 19.47 (3) of the statutes is renumbered 19.47.

22 **SECTION 99.** 19.47 (4) of the statutes is repealed.

23 **SECTION 100.** 19.47 (5) of the statutes is renumbered 5.05 (5e) and amended

24 to read:



1           5.05 (5e) BIENNIAL REPORT. ~~No later than September 1 of each year, the board~~  
2 ~~shall submit a report concerning its actions in the preceding fiscal year to the~~  
3 ~~governor and the chief clerk of each house of the legislature, for distribution to the~~  
4 ~~legislature under s. 13.172 (2).~~ Such The board shall include in its biennial report  
5 shall contain under s. 15.04 (1) (d) the names and duties of all individuals employed  
6 by the board and a summary of its determinations and advisory opinions. ~~The issued~~  
7 under sub. (6a). Except as authorized or required under sub. (5s) (f) 2., the board  
8 shall make sufficient alterations in the summaries to prevent disclosing the  
9 identities of individuals or organizations involved in the decisions or opinions. The  
10 board may also include in its biennial report any information compiled under s. 11.21  
11 (7). The board shall make such further reports on the matters within its jurisdiction  
12 and such recommendations for further legislation as it deems desirable.

13           **SECTION 101.** 19.47 (6) of the statutes is renumbered 5.05 (5f).

14           **SECTION 102.** 19.471 of the statutes is created to read:

15           **19.471 Reconstitution of the ethics board. (1)** In this section, “secretary”  
16 means the secretary of administration.

17           **(2)** If a court invalidates any part of 2007 Wisconsin Act .... (this act), and the  
18 statutes in effect on the date of publication of that act are revived as provided in 2007  
19 Wisconsin Act .... (this act), section 210 (8), the ethics board, as it was constituted on  
20 the date of publication of 2007 Wisconsin Act .... (this act), is reconstituted, but the  
21 members who were in office on that date do not reassume office. The governor shall  
22 immediately appoint replacement members. Notwithstanding s. 15.62, 2005 stats.,  
23 in making the appointment of replacement members, the governor shall designate  
24 one member who shall serve for an initial term expiring on May 1 of each of the 6  
25 years following the day after publication of 2007 Wisconsin Act .... (this act).

1           **(3)** If there is an incumbent administrator of the ethics and accountability  
2 division of the government accountability board at the time of the reconstitution  
3 under sub. (2), the incumbent shall become the interim executive director of the  
4 ethics board and shall serve until the ethics board appoints a successor. The  
5 executive director is vested with full authority to act on behalf of the ethics board  
6 until the reconstituted board meets and exercises its authority under the law.

7           **(4)** If any statute in ch. 11, subd. III of ch. 13, or subch. IV of ch. 19 has been  
8 created or treated during the period beginning on the day after publication of 2007  
9 Wisconsin Act .... (this act), and ending on the date of the court decision under sub.  
10 (2) in a manner inconsistent with the reconstitution under sub. (2), the interim  
11 executive director of the ethics board shall within 21 days of assuming office under  
12 this section submit to the appropriate standing committees of the legislature under  
13 s. 13.172 (3) a proposal to change that statute to conform to the reconstituted  
14 statutes. The proposal shall not include substantive changes to the text of any  
15 statute at the time of the court decision other than changes required to effect the  
16 reconstitution under sub. (2).

17           **(5)** On the effective date of the reconstitution under sub. (2), all assets and  
18 liabilities of the government accountability board relating to the administration of  
19 campaign finance, ethics, and lobbying regulation laws, as determined by the  
20 secretary, shall become assets and liabilities of the ethics board. As a part of any  
21 asset allocation determination under this subsection, the secretary may transfer the  
22 amounts required for the ethics board to resume operation for a period of not more  
23 than 30 days from the unencumbered balance in any sum certain appropriation of  
24 the government accountability board to a corresponding appropriation of the ethics  
25 board. Prior to implementing a determination under this subsection for the period

1 beginning 31 days after the effective date of the reconstitution, the secretary shall  
2 submit a specific description of his or her proposed determination to the  
3 cochairpersons of the joint committee on finance. If the cochairpersons notify the  
4 secretary that the committee will not meet to review the proposed determination, or  
5 if the cochairpersons do not notify the committee that the committee will meet to  
6 review the determination within 14 days of the secretary's submittal, the proposed  
7 determination takes effect. If within 14 days of the secretary's submittal the  
8 cochairpersons notify the secretary that the committee will meet to review the  
9 proposed determination, the determination, together with any modifications  
10 approved by the committee, takes effect upon approval by the committee.

11 (6) On the effective date of the reconstitution under sub. (2), all full-time  
12 equivalent positions in the government accountability board having duties primarily  
13 related to the administration of campaign finance, ethics, and lobbying regulation  
14 laws, as determined by the secretary, and the incumbent employees holding those  
15 positions, are transferred to the ethics board. Employees transferred under this  
16 subsection have all the rights and the same status under subch. V of ch. 111 and ch.  
17 230 in the ethics board that they enjoyed in the government accountability board  
18 immediately before the transfer. Notwithstanding ch. 230, any employee so  
19 transferred who has attained permanent status in class is not required to serve a  
20 probationary period.

21 (7) On the effective date of the reconstitution under sub. (2), all tangible  
22 personal property, including records, of the government accountability board that  
23 are primarily related to administration of campaign finance, ethics, and lobbying  
24 regulation laws, as determined by the secretary, are transferred to the ethics board.

1           **(8)** All contracts entered into by the government accountability board in effect  
2 on the effective date of the reconstitution under sub. (2) that are primarily related  
3 to administration of campaign finance, ethics, and lobbying regulation laws, as  
4 determined by the secretary, are transferred to the ethics board. The ethics board  
5 shall carry out the obligations under any such contracts until modified or rescinded  
6 by the ethics board to the extent allowed under the contracts.

7           **(9)** All rules promulgated by the government accountability board that are in  
8 effect on the effective date of the reconstitution under sub. (2) and that are primarily  
9 related to administration of campaign finance, ethics, and lobbying regulation laws,  
10 as determined by the secretary, remain in effect until their specified expiration dates  
11 or until amended or repealed by the ethics board. All orders issued by the  
12 government accountability board that are in effect on the effective date of the  
13 reconstitution under sub. (2) and that are primarily related to administration of  
14 campaign finance, ethics, and lobbying regulation laws, as determined by the  
15 secretary, remain in effect until their specified expiration dates or until modified or  
16 rescinded by the ethics board.

17           **(10)** Any matter pending with the government accountability board on the  
18 effective date of the reconstitution under sub. (2) that is primarily related to  
19 administration of campaign finance, ethics, and lobbying regulation laws, as  
20 determined by the secretary, is transferred to the ethics board, and all materials  
21 submitted or actions taken by the government accountability board with respect to  
22 the pending matter are considered as having been submitted to or taken by the ethics  
23 board.

24           **SECTION 103.** 19.49 (title) of the statutes is repealed.

25           **SECTION 104.** 19.49 (1) of the statutes is repealed.

1           **SECTION 105.** 19.49 (1m) of the statutes is renumbered 5.05 (2m) (c) 2. b.

2           **SECTION 106.** 19.49 (2) of the statutes is renumbered 5.05 (2m) (c) 3. and  
3 amended to read:

4           5.05 **(2m)** (c) 3. Any person to whom ~~this subchapter or subch. III of ch. 13 or~~  
5 subch. III of ch. 19 may have application may request the board to make an  
6 investigation of his or her own conduct or of allegations made by other persons as to  
7 his or her conduct. Such a request shall be made in writing and shall set forth in  
8 detail the reasons therefor.

9           **SECTION 107.** 19.49 (3) of the statutes is repealed.

10          **SECTION 108.** 19.49 (4) of the statutes is repealed.

11          **SECTION 109.** 19.49 (5) of the statutes is renumbered 5.05 (2m) (g) and amended  
12 to read:

13          5.05 **(2m)** (g) 1. Except as provided in ~~par. (b) subd. 2.~~, no action may be taken  
14 on any complaint that is filed later than 3 years after a violation of ~~this subchapter~~  
15 ~~or subch. III of ch. 13 or subch. III of ch. 19~~ is alleged to have occurred.

16          2. The period of limitation under ~~par. (a) subd. 1.~~ is tolled for a complaint  
17 alleging a violation of s. 19.45 (13) or 19.59 (1) (br) for the period during which such  
18 a complaint may not be filed under ~~s. 19.49 (1m) par. (c) 2. b.~~ or s. 19.59 (8) (cm).

19          **SECTION 110.** 19.50 (title) of the statutes is repealed.

20          **SECTION 111.** 19.50 (intro.) and (1) of the statutes are renumbered 5.05 (2m)  
21 (f) (intro.) and 1. and amended to read:

22          5.05 **(2m)** (f) (intro.) Pursuant to any investigation authorized under ~~s. 19.49~~  
23 ~~(3) or any hearing conducted under this subchapter or subch. III of ch. 13 par. (c),~~ the  
24 board has the power:

1           1. To require any person to submit in writing such reports and answers to  
2 questions relevant to the proceedings ~~conducted under this subchapter or subch. III~~  
3 ~~of ch. 13~~ as the board may prescribe, such submission to be made within such period  
4 and under oath or otherwise as the board may determine.

5           **SECTION 112.** 19.50 (2) of the statutes is repealed.

6           **SECTION 113.** 19.50 (3) of the statutes is renumbered 5.05 (2m) (f) 2. and  
7 amended to read:

8           5.05 **(2m)** (f) 2. To order testimony to be taken by deposition before any  
9 individual who is designated by the board and has the power to administer oaths,  
10 and, in such instances, to compel testimony and the production of evidence in the  
11 same manner as authorized by sub. ~~(2)~~ (1) (b).

12           **SECTION 114.** 19.50 (4) and (5) of the statutes are renumbered 5.05 (2m) (f) 4.  
13 and 5.

14           **SECTION 115.** 19.51 (title) of the statutes is repealed.

15           **SECTION 116.** 19.51 (1) (intro.) of the statutes is renumbered 5.05 (2m) (c) 9. and  
16 amended to read:

17           5.05 **(2m)** (c) 9. At the conclusion of its investigation, the board shall, in  
18 preliminary written findings of fact and conclusions based thereon, make a  
19 determination of whether or not probable cause exists to believe that a violation of  
20 ~~this subchapter or subch. III of ch. 13~~ under subd. 2. has occurred or is occurring.  
21 If the board determines that no probable cause exists, it shall dismiss the complaint.  
22 Whenever the board dismisses a complaint or a complaint is deemed to be dismissed  
23 under subd. 5., the board shall immediately send written notice of such  
24 determination the dismissal to the accused and to the party who made the complaint.  
25 ~~If the board determines that there is probable cause for believing that a violation of~~

1 ~~this subchapter or subch. III of ch. 13 has been committed, its preliminary findings~~  
2 ~~of fact and conclusions may contain:~~

3 **SECTION 117.** 19.51 (1) (a) and (b) of the statutes are repealed.

4 **SECTION 118.** 19.51 (2) of the statutes is renumbered 5.05 (2m) (c) 10.

5 **SECTION 119.** 19.51 (3) of the statutes is repealed.

6 **SECTION 120.** 19.52 of the statutes is repealed.

7 **SECTION 121.** 19.53 (intro.) of the statutes is repealed.

8 **SECTION 122.** 19.53 (1) to (5) of the statutes are repealed.

9 **SECTION 123.** 19.53 (6) of the statutes is renumbered 19.579 (1) and amended  
10 to read:

11 19.579 (1) ~~An order requiring the accused~~ Except as provided in sub. (2), any  
12 person who violates this subchapter may be required to forfeit not more than \$500  
13 for each violation of s. 19.43, 19.44, or 19.56 (2) or not more than \$5,000 for each  
14 violation of any other provision of this subchapter, ~~or not more than the applicable~~  
15 ~~amount specified in s. 13.69 for each violation of subch. III of ch. 13.~~ If the ~~board~~ court  
16 determines that the accused has realized economic gain as a result of the violation,  
17 the ~~board~~ court may, in addition, order the accused to forfeit the amount gained as  
18 a result of the violation. In addition, if the ~~board~~ court determines that a state public  
19 official has violated s. 19.45 (13), the ~~board~~ court may order the official to forfeit an  
20 amount equal to the amount or value of any political contribution, service, or other  
21 thing of value that was wrongfully obtained. If the ~~board~~ court determines that a  
22 state public official has violated s. 19.45 (13) and no political contribution, service or  
23 other thing of value was obtained, the ~~board~~ court may order the official to forfeit an  
24 amount equal to the maximum contribution authorized under s. 11.26 (1) for the  
25 office held or sought by the official, whichever amount is greater. The attorney

1 general, when so requested by the board, shall institute proceedings to recover any  
2 forfeiture incurred under this section ~~or s. 19.545~~ which is not paid by the person  
3 against whom it is assessed.

4 **SECTION 124.** 19.53 (7) and (8) of the statutes are repealed.

5 **SECTION 125.** 19.535 of the statutes is repealed.

6 **SECTION 126.** 19.54 of the statutes is repealed.

7 **SECTION 127.** 19.545 of the statutes is repealed.

8 **SECTION 128.** 19.55 (1) of the statutes is amended to read:

9 19.55 (1) Except as provided in sub. (2) and s. 5.05 (5s), all records under this  
10 subchapter or subch. III of ch. 13 in the possession of the board are open to public  
11 inspection at all reasonable times. The board shall require an individual wishing to  
12 examine a statement of economic interests or the list of persons who inspect any  
13 statements which are in the board's possession to provide his or her full name and  
14 address, and if the individual is representing another person, the full name and  
15 address of the person which he or she represents. Such identification may be  
16 provided in writing or in person. The board shall record and retain for at least 3 years  
17 information obtained by it pursuant to this subsection. No individual may use a  
18 fictitious name or address or fail to identify a principal in making any request for  
19 inspection.

20 **SECTION 129.** 19.55 (2) (a) of the statutes is renumbered 5.05 (5s) (f) 1. and  
21 amended to read:

22 5.05 (5s) (f) 1. ~~Records~~ Except as authorized or required under subd. 2., records  
23 obtained in connection with a request for an advisory opinion issued under s. 5.05  
24 (6a), other than summaries of advisory opinions that do not disclose the identity of  
25 individuals requesting such opinions or organizations on whose behalf they are



1 requested, are not subject to the right of inspection and copying under s. 19.35 (1).  
2 Except as authorized or required under subd. 2., the board shall make sufficient  
3 alterations in the summaries to prevent disclosing the identities of individuals or  
4 organizations involved in the opinions.

5 2. a. The board may, ~~however,~~ make such records under subd. 1. public with the  
6 consent of the individual requesting the advisory opinion or the organization or  
7 governmental body on whose behalf it is requested.

8 b. A person who makes or purports to make public the substance of or any  
9 portion of an advisory opinion requested by or on behalf of the person is deemed to  
10 have waived the confidentiality of the request for an advisory opinion and of any  
11 records obtained or prepared by the board in connection with the request for an  
12 advisory opinion.

13 **SECTION 130.** 19.55 (2) (b) of the statutes is renumbered 5.05 (5s) (intro.) and  
14 amended to read:

15 **5.05 (5s)** (intro.) Records obtained or prepared by the board in connection with  
16 an investigation, including the full text of any complaint received by the board, are  
17 not subject to the right of inspection and copying under s. 19.35 (1), except as  
18 provided in pars. (d) and (e) and except that the:

19 (a) The board shall permit inspection of records that are ~~made public~~  
20 distributed or discussed in the course of a meeting or hearing by the board to  
21 ~~determine if a violation of this subchapter or subch. III of ch. 13 has occurred.~~  
22 ~~Whenever the board refers such investigation and hearing records to a district~~  
23 ~~attorney or to the attorney general, they~~ in open session.

1           **(b) Investigatory records of the board** may be made public in the course of a  
2 prosecution initiated under ~~this subchapter~~ **chs. 5 to 12, subch. III of ch. 13, or subch.**  
3 **III of ch. 19.**

4           **(c)** The board shall also provide information from investigation and hearing  
5 records that pertains to the location of individuals and assets of individuals as  
6 requested under s. 49.22 (2m) by the department of workforce development or by a  
7 county child support agency under s. 59.53 (5).

8           **SECTION 131.** 19.55 (2) (c) of the statutes is amended to read:

9           19.55 **(2)** (c) Statements of economic interests and reports of economic  
10 transactions which are filed with the **ethics government accountability** board by  
11 members or employees of the investment board, except that the **ethics government**  
12 **accountability** board shall refer statements and reports filed by such individuals to  
13 the legislative audit bureau for its review, and except that a statement of economic  
14 interests filed by a member or employee of the investment board who is also an  
15 official required to file shall be open to public inspection.

16           **SECTION 132.** 19.579 (title) of the statutes is amended to read:

17           **19.579** (title) **Civil penalty penalties.**

18           **SECTION 133.** 19.579 of the statutes is renumbered 19.579 (2).

19           **SECTION 134.** 19.59 (1) (g) 8. of the statutes is amended to read:

20           19.59 **(1)** (g) 8. No district board member, member of a district board member's  
21 immediate family, nor any organization with which the district board member or a  
22 member of the district board member's immediate family owns or controls at least  
23 10% of the outstanding equity, voting rights, or outstanding indebtedness may enter  
24 into any contract or lease involving a payment or payments of more than \$3,000  
25 within a 12-month period, in whole or in part derived from district funds unless the

1 district board member has first made written disclosure of the nature and extent of  
2 such relationship or interest to the ethics government accountability board and to  
3 the district. Any contract or lease entered into in violation of this subdivision may  
4 be voided by the district in an action commenced within 3 years of the date on which  
5 the ethics government accountability board, or the district, knew or should have  
6 known that a violation of this subdivision had occurred. This subdivision does not  
7 affect the application of s. 946.13.

8 **SECTION 135.** 19.85 (1) (h) of the statutes is amended to read:

9 19.85 (1) (h) Consideration of requests for confidential written advice from the  
10 ethics government accountability board under s. ~~19.46 (2)~~ 5.05 (6a), or from any  
11 county or municipal ethics board under s. 19.59 (5).

12 **SECTION 136.** 19.851 of the statutes is created to read:

13 **19.851 Closed sessions by government accountability board.** The  
14 government accountability board shall hold each meeting of the board for the  
15 purpose of deliberating concerning an investigation of any violation of the law under  
16 the jurisdiction of the ethics and accountability division of the board in closed session  
17 under this section. Prior to convening under this section, the government  
18 accountability board shall vote to convene in closed session in the manner provided  
19 in s. 19.85 (1). No business may be conducted by the government accountability  
20 board at any closed session under this section except that which relates to the  
21 purposes of the session as authorized in this section or as authorized in s. 19.85 (1).

22 **SECTION 137.** 20.005 (3) (schedule) of the statutes: at the appropriate place,  
23 insert the following amounts for the purposes indicated:

1 2007–08 2008–09

2 **20.511 Government accountability board**

3 (1) ADMINISTRATION OF ELECTIONS, ETHICS, AND  
4 LOBBYING LAWS

5 (h) Materials and services PR A 35,200 35,200

6 (i) General program operations;  
7 program revenue PR A 448,700 448,700

8 **SECTION 138.** 20.005 (3) (schedule) 20.511 of the statutes is repealed and  
9 recreated to read:

10 2007–08 2008–09

11 **20.511 Government accountability board**

12 (1) ADMINISTRATION OF ELECTIONS, ETHICS, AND  
13 LOBBYING LAWS

14 (a) General program operations;  
15 general purpose revenue GPR B 1,338,200 1,340,300

16 **SECTION 139.** 20.455 (1) (b) of the statutes is amended to read:

17 20.455 (1) (b) *Special counsel.* A sum sufficient, subject to the procedure  
18 procedures established in s. ss. 5.05 (2m) (c) and 14.11 (2) (c), for the compensation  
19 of special counsel appointed as provided in ss. 5.05 (2m) (c) and 14.11 (2) and 21.13.

20 **SECTION 140.** 20.510 (intro.) of the statutes is repealed.

21 **SECTION 141.** 20.510 (1) (title) of the statutes is repealed.

22 **SECTION 142.** 20.510 (1) (a) of the statutes is repealed.

23 **SECTION 143.** 20.510 (1) (b) of the statutes is renumbered 20.511 (1) (b).

1           **SECTION 144.** 20.510 (1) (bm) of the statutes is renumbered 20.511 (1) (bm).

2           **SECTION 145.** 20.510 (1) (c) of the statutes is renumbered 20.511 (1) (c).

3           **SECTION 146.** 20.510 (1) (d) of the statutes is renumbered 20.511 (1) (d).

4           **SECTION 147.** 20.510 (1) (g) of the statutes is renumbered 20.511 (1) (g).

5           **SECTION 148.** 20.510 (1) (gm) of the statutes is repealed.

6           **SECTION 149.** 20.510 (1) (h) of the statutes is repealed.

7           **SECTION 150.** 20.510 (1) (i) of the statutes is repealed.

8           **SECTION 151.** 20.510 (1) (j) of the statutes is renumbered 20.511 (1) (j).

9           **SECTION 152.** 20.510 (1) (q) of the statutes is renumbered 20.511 (1) (q).

10          **SECTION 153.** 20.510 (1) (t) of the statutes is renumbered 20.511 (1) (t).

11          **SECTION 154.** 20.510 (1) (x) of the statutes is renumbered 20.511 (1) (x).

12          **SECTION 155.** 20.511 (intro.) and (1) (title) and (a) of the statutes are created  
13 to read.

14          **20.511 Government accountability board.** (intro.) There is appropriated  
15 from the general fund, except where otherwise indicated, to the government  
16 accountability board for the following programs:

17           **(1)** (title) ADMINISTRATION OF ELECTION, ETHICS, AND LOBBYING LAWS.

18           (a) *General program operations; general purpose revenue.* Biennially, the  
19 amounts in the schedule for general program operations of the board, including the  
20 printing of forms, materials, manuals, and election laws under ss. 7.08 (1) (b), (3), and  
21 (4) and 11.21 (3) and (14), and the training of election officials under s. 5.05 (7).

22          **SECTION 156.** 20.511 (1) (c) of the statutes, as affected by 2007 Wisconsin Act  
23 .... (this act), is repealed.

24          **SECTION 157.** 20.511 (1) (h) and (i) of the statutes are created to read:

1           20.511 (1) (h) *Materials and services*. The amounts in the schedule for the costs  
2 of publishing documents, locating and copying records, and conducting programs  
3 under s. 19.48 (9) and administrative meetings and conferences, for compiling,  
4 disseminating, and making available information prepared by and filed with the  
5 board under s. 19.48 (10), and for supplies, postage, and shipping. All moneys  
6 received by the board from collections for sales of publications, copies of records, and  
7 supplies, for postage, for shipping and records location fees, from fees assessed under  
8 s. 19.48 (9) and (10), and for charges assessed to participants in administrative  
9 meetings and conferences shall be credited to this appropriation account.

10           (i) *General program operations; program revenue*. The amounts in the schedule  
11 for general program operations of the board. All moneys received from fees imposed  
12 under ss. 11.055 (1) and 13.75 shall be credited to this appropriation account.

13           **SECTION 158.** 20.521 (intro.) of the statutes is repealed.

14           **SECTION 159.** 20.521 (1) (title) of the statutes is repealed.

15           **SECTION 160.** 20.521 (1) (a) of the statutes is repealed.

16           **SECTION 161.** 20.521 (1) (b) of the statutes is renumbered 20.511 (1) (be) and  
17 amended to read:

18           20.511 (1) (be) ~~*Code of ethics investigations*~~ *Investigations*. Biennially, the  
19 amounts in the schedule A sum sufficient for the purpose of financing the costs of  
20 investigations authorized by the board of potential violations of the code of ethics for  
21 state public officials and employees under chs. 5 to 12, subch. III of ch. 13, and subch.  
22 III of ch. 19.

23           **SECTION 162.** 20.521 (1) (g) of the statutes is repealed.

24           **SECTION 163.** 20.521 (1) (h) of the statutes is renumbered 20.511 (1) (jm) and  
25 amended to read:

1           20.511 (1) (jm) *Gifts and grants*. All moneys received by the board from gifts,  
2 grants, and bequests ~~and devises~~ to carry out the purposes, not inconsistent with  
3 subch. III of ch. 13 or subch. III of ch. 19 the law, for which made or received.

4           **SECTION 164.** 20.521 (1) (i) of the statutes is repealed.

5           **SECTION 165.** 20.923 (4) (d) 3. of the statutes is repealed.

6           **SECTION 166.** 20.923 (4) (d) 4. of the statutes is repealed.

7           **SECTION 167.** 20.923 (4) (f) 3j. of the statutes is created to read:

8           20.923 (4) (f) 3j. Government accountability board: legal counsel.

9           **SECTION 168.** 20.930 of the statutes is amended to read:

10           **20.930 Attorney fees.** Except as provided in ss. 5.05 (2m) (c) 7., 46.27 (7g) (h),  
11 49.496 (3) (f) and 49.682 (6), no state agency in the executive branch may employ any  
12 attorney until such employment has been approved by the governor.

13           **SECTION 169.** 46.95 (4) of the statutes is amended to read:

14           46.95 (4) LIST OF ELIGIBLE ORGANIZATIONS. The department shall certify to the  
15 elections government accountability board, on a continuous basis, a list containing  
16 the name and address of each organization that is eligible to receive grants under  
17 sub. (2).

18           **SECTION 170.** 59.605 (3) (a) 3. of the statutes is amended to read:

19           59.605 (3) (a) 3. The referendum shall be held in accordance with chs. 5 to 12.  
20 The governing body shall provide the election officials with all necessary election  
21 supplies. The form of the ballot shall correspond substantially with the standard  
22 form for referendum ballots prescribed by the elections government accountability  
23 board under ss. 5.64 (2) and 7.08 (1) (a). If the resolution under subd. 1. specifies the  
24 operating levy rate, the question shall be submitted as follows: "Under state law, the  
25 operating levy rate for the .... (name of county), for the tax to be imposed for the year

1 .... (year), is limited to \$.... per \$1,000 of equalized value. Shall the .... (name of  
2 county) be allowed to exceed this rate limit for .... (a specified number of years) (an  
3 indefinite period) by \$.... per \$1,000 of equalized value that results in an operating  
4 levy rate of \$.... per \$1,000 of equalized value?” If the resolution under subd. 1.  
5 specifies the operating levy, the question shall be submitted as follows: “Under state  
6 law, the operating levy rate for the .... (name of county), for the tax to be imposed for  
7 the year .... (year), is limited to \$.... per \$1,000 of equalized value. Notwithstanding  
8 the operating levy rate limit, shall the .... (name of county) be allowed to levy an  
9 amount not to exceed \$.... (operating levy) for operating purposes for the year ....  
10 (year), which may increase the operating levy rate for .... (a specified number of  
11 years) (an indefinite period)? This would allow a ....% increase above the levy of \$....  
12 (preceding year operating levy) for the year .... (preceding year).”

13 **SECTION 171.** 67.05 (3) (b) of the statutes is amended to read:

14 67.05 (3) (b) The clerk of the jurisdiction in which the referendum is held shall  
15 prepare or arrange for the preparation of the ballots. If the jurisdiction in which the  
16 referendum is held is not a city, village, or town, and the clerk of the jurisdiction in  
17 which the referendum is held prepares the ballots, the clerk shall deliver the ballots  
18 to the municipal clerk of each city, village, or town which is wholly or partly contained  
19 within the jurisdiction in which the referendum is held. The form of the ballot shall  
20 correspond with the form prescribed by the ~~elections~~ government accountability  
21 board under ss. 5.64 (2) and 7.08 (1) (a).

22 **SECTION 172.** 67.05 (6) of the statutes is amended to read:

23 67.05 (6) REFERENDUM IN OTHER CASES. Whenever an initial resolution has been  
24 adopted by the governing body of any municipality other than a county, a town, a city,  
25 a village, a technical college district, a metropolitan sewerage district created under



1 ss. 200.01 to 200.15 or 200.21 to 200.65, a town sanitary district, a public inland lake  
2 protection and rehabilitation district, or a board of park commissioners, the clerk of  
3 such municipality shall immediately record the resolution and call a special meeting  
4 for the purpose of submitting it to the electors of the municipality for ratification or  
5 rejection. The calling and conduct of the meeting shall be governed by those statutes,  
6 so far as applicable, which govern the calling and conduct of special meetings in  
7 general. The notice of the meeting, which shall be publicly read before the balloting  
8 shall commence, and the ballot used, shall embody a copy of the resolution; the form  
9 of the ballot shall correspond with the form prescribed by the elections government  
10 accountability board under ss. 5.64 (2) and 7.08 (1) (a); and the question submitted  
11 shall be whether the resolution shall be approved.

12 **SECTION 173.** 71.10 (3) (b) of the statutes is amended to read:

13 71.10 (3) (b) The secretary of revenue shall provide a place for those  
14 designations on the face of the individual income tax return and shall provide next  
15 to that place a statement that a designation will not increase tax liability. Annually  
16 on August 15, the secretary of revenue shall certify to the elections government  
17 accountability board, the department of administration and the state treasurer  
18 under s. 11.50 the total amount of designations made during the preceding fiscal  
19 year. If any individual attempts to place any condition or restriction upon a  
20 designation, that individual is deemed not to have made a designation on his or her  
21 tax return.

22 **SECTION 174.** 73.0301 (1) (d) 13. of the statutes is amended to read:

23 73.0301 (1) (d) 13. A license issued by the ethics government accountability  
24 board under s. 13.63 (1).

25 **SECTION 175.** 73.0301 (1) (e) of the statutes is amended to read:

1           73.0301 (1) (e) “Licensing department” means the department of  
2 administration; the board of commissioners of public lands; the department of  
3 commerce; the ~~ethics~~ government accountability board; the department of financial  
4 institutions; the department of health and family services; the department of natural  
5 resources; the department of public instruction; the department of regulation and  
6 licensing; the department of workforce development; the office of the commissioner  
7 of insurance; or the department of transportation.

8           **SECTION 176.** 85.61 (1) of the statutes is amended to read:

9           85.61 (1) The secretary of transportation and the ~~executive director~~  
10 administrator of the elections division of the ~~elections~~ government accountability  
11 board shall enter into an agreement to match personally identifiable information on  
12 the official registration list maintained by the ~~elections~~ government accountability  
13 board under s. 6.36 (1) with personally identifiable information in the operating  
14 record file database under ch. 343 and vehicle registration records under ch. 341 to  
15 the extent required to enable the secretary of transportation and the ~~executive~~  
16 ~~director~~ administrator of the elections division of the ~~elections~~ government  
17 accountability board to verify the accuracy of the information provided for the  
18 purpose of voter registration.

19           **SECTION 177.** 117.20 (2) of the statutes is amended to read:

20           117.20 (2) The clerk of each affected school district shall publish notice, as  
21 required under s. 8.55, in the territory of that school district. The procedures for  
22 school board elections under s. 120.06 (9), (11), (13), and (14) apply to a referendum  
23 held under this section. The school board and school district clerk of each affected  
24 school district shall each perform, for that school district, the functions assigned to  
25 the school board and the school district clerk, respectively, under those subsections.

1 The form of the ballot shall correspond to the form prescribed by the elections  
2 government accountability board under ss. 5.64 (2) and 7.08 (1) (a). The clerk of each  
3 affected school district shall file with the secretary of the board a certified statement  
4 prepared by the school district board of canvassers of the results of the referendum  
5 in that school district.

6 **SECTION 178.** 117.27 (2) (b) (intro.) of the statutes is amended to read:

7 117.27 (2) (b) (intro.) The school district clerk shall include in the notice of the  
8 spring election a statement that the election ballot will include a question on the  
9 change requested by the petition. The form of the ballot shall correspond to the form  
10 prescribed by the elections government accountability board under ss. 5.64 (2) and  
11 7.08 (1) (a) and the question on the ballot shall be:

12 **SECTION 179.** 121.91 (3) (c) of the statutes is amended to read:

13 121.91 (3) (c) The referendum shall be held in accordance with chs. 5 to 12. The  
14 school district clerk shall provide the election officials with all necessary election  
15 supplies. The form of the ballot shall correspond substantially with the standard  
16 form for referendum ballots prescribed by the elections government accountability  
17 board under ss. 5.64 (2) and 7.08 (1) (a). The question submitted shall be whether  
18 the limit under sub. (2m) may be exceeded by a specified amount. If the resolution  
19 provides that any of the excess revenue will be used for a nonrecurring purpose, the  
20 ballot in the election shall so state and shall specify the amount that will be used for  
21 a nonrecurring purpose. The limit otherwise applicable to the school district under  
22 sub. (2m) is increased by the amount approved by a majority of those voting on the  
23 question.

24 **SECTION 180.** 125.05 (1) (b) 10. of the statutes is amended to read:

1           125.05 **(1)** (b) 10. Each question submitted to the electors shall conform to the  
2 form prescribed by the ~~elections~~ government accountability board under ss. 5.64 (2)  
3 and 7.08 (1) (a).

4           **SECTION 181.** 165.25 (1) of the statutes is amended to read:

5           165.25 **(1)** REPRESENT STATE IN APPEALS AND ON REMAND. Except as provided in  
6 s. ss. 5.05 (2m) (a) and 978.05 (5), appear for the state and prosecute or defend all  
7 actions and proceedings, civil or criminal, in the court of appeals and the supreme  
8 court, in which the state is interested or a party, and attend to and prosecute or  
9 defend all civil cases sent or remanded to any circuit court in which the state is a  
10 party; ~~and, if.~~ Nothing in this subsection deprives or relieves the attorney general  
11 or the department of justice of any authority or duty under this chapter.

12           **(1m)** REPRESENT STATE IN OTHER MATTERS. If requested by the governor or either  
13 house of the legislature, appear for and represent the state, any state department,  
14 agency, official, employee or agent, whether required to appear as a party or witness  
15 in any civil or criminal matter, and prosecute or defend in any court or before any  
16 officer, any cause or matter, civil or criminal, in which the state or the people of this  
17 state may be interested. The public service commission may request under s.  
18 196.497 (7) that the attorney general intervene in federal proceedings. All expenses  
19 of the proceedings shall be paid from the appropriation under s. 20.455 (1) (d).

20           **SECTION 182.** 165.25 (3r) of the statutes is amended to read:

21           165.25 **(3r)** AVOID CONFLICT OF INTEREST. Require that attorneys in different  
22 organizational subunits in the department prosecute violations of chs. 562 to 569 or  
23 Indian gaming compacts entered into under s. 14.035 and defend any department,  
24 agency, official, employee or agent under subs. (1), (1m), (4) (a) and (6).

25           **SECTION 183.** 165.25 (8) of the statutes is amended to read:

1           165.25 **(8)** HISTORICAL SOCIETY CONTRACTS. In subs. (1), ~~(1m)~~, (6) and (6m), treat  
2 any nonprofit corporation operating a museum under a lease agreement with the  
3 state historical society as a department of state government and any official,  
4 employee or agent of such a corporation as a state official, employee or agent.

5           **SECTION 184.** 165.25 (8m) of the statutes is amended to read:

6           165.25 **(8m)** LOCAL EMERGENCY PLANNING COMMITTEES. In subs. (1), ~~(1m)~~, (6) and  
7 (6m), treat any local emergency planning committee appointed by a county board  
8 under s. 59.54 (8) (a) as a department of state government and any member of such  
9 a committee as a state official, employee or agent.

10          **SECTION 185.** 165.93 (4) of the statutes is amended to read:

11          165.93 **(4)** LIST OF ELIGIBLE ORGANIZATIONS. The department shall certify to the  
12 elections government accountability board, on a continuous basis, a list containing  
13 the name and address of each organization that is eligible to receive grants under  
14 sub. (2).

15          **SECTION 186.** 198.08 (10) of the statutes is amended to read:

16          198.08 **(10)** ELECTION STATISTICS. The clerk of the district shall seasonably  
17 obtain, compile, and file in his or her office, for the information of the public, a  
18 statement showing the total number of votes cast for the office of governor in the last  
19 preceding general election in each subdistrict of the district. The clerk of every  
20 municipality and the elections government accountability board shall furnish such  
21 information so far as obtainable from their records, duly certified, to the clerk of the  
22 district upon request therefor by the clerk of the district. If the total number of votes  
23 cast in any subdistrict for the office of governor in the last preceding election cannot,  
24 because of an intervening change of boundaries of election wards or for any reason,

1 be ascertained from any official record the clerk of the district shall fairly estimate  
2 such number for the purposes of such statement to be filed in his or her office.

3 **SECTION 187.** 200.09 (11) (am) 2. and 3. of the statutes are amended to read:

4 200.09 **(11)** (am) 2. No resolution passed under subd. 1. may authorize election  
5 of commissioners sooner than 6 months after the date of passage. The commission  
6 shall immediately notify the ~~elections~~ government accountability board under s. 5.05  
7 upon passage of a resolution under subd. 1.

8 3. If the governing bodies of each city, town, and village comprising the district  
9 pass a resolution to discontinue election of commissioners, each commissioner may  
10 hold office until a successor is appointed and qualified. The commission shall  
11 immediately notify the ~~elections~~ government accountability board under s. 5.05 upon  
12 passage of a resolution under this subdivision.

13 **SECTION 188.** 227.03 (6) of the statutes is amended to read:

14 227.03 **(6)** Orders of the ~~elections~~ government accountability board under s.  
15 5.06 (6) are not subject to this chapter.

16 **SECTION 189.** 227.45 (1) of the statutes is amended to read:

17 227.45 **(1)** Except as provided in ~~ss. 19.52–(3) and s.~~ 901.05, an agency or  
18 hearing examiner shall not be bound by common law or statutory rules of evidence.  
19 The agency or hearing examiner shall admit all testimony having reasonable  
20 probative value, but shall exclude immaterial, irrelevant or unduly repetitious  
21 testimony or evidence that is inadmissible under s. 901.05. The agency or hearing  
22 examiner shall give effect to the rules of privilege recognized by law. Basic principles  
23 of relevancy, materiality and probative force shall govern the proof of all questions  
24 of fact. Objections to evidentiary offers and offers of proof of evidence not admitted  
25 may be made and shall be noted in the record.

1           **SECTION 190.** 227.46 (1) (intro.) of the statutes is amended to read:

2           227.46 (1) (intro.) Except as provided under s. 227.43 (1), an agency may  
3 designate an official of the agency or an employee on its staff or borrowed from  
4 another agency under s. 20.901 or 230.047 as a hearing examiner to preside over any  
5 contested case. ~~In hearings under s. 19.52, a reserve judge shall be appointed.~~

6 Subject to rules of the agency, examiners presiding at hearings may:

7           **SECTION 191.** 227.52 (6) of the statutes is amended to read:

8           227.52 (6) Decisions of the chairperson of the elections government  
9 accountability board or the chairperson's designee.

10          **SECTION 192.** 230.08 (2) (e) 4h. of the statutes is created to read:

11          230.08 (2) (e) 4h. Government accountability board — 2.

12          **SECTION 193.** 230.08 (2) (om) of the statutes is repealed.

13          **SECTION 194.** 230.08 (2) (on) of the statutes is created to read:

14          230.08 (2) (on) The legal counsel to the government accountability board.

15          **SECTION 195.** 230.08 (2) (wm) of the statutes is repealed.

16          **SECTION 196.** 230.08 (4) (a) of the statutes is amended to read:

17          230.08 (4) (a) The number of administrator positions specified in sub. (2) (e)  
18 includes all administrator positions specifically authorized by law to be employed  
19 outside the classified service in each department, board or commission and the  
20 historical society. In this paragraph, "department" has the meaning given under s.  
21 15.01 (5), "board" means the educational communications board, government  
22 accountability board, investment board, public defender board and technical college  
23 system board and "commission" means the public service commission.  
24 Notwithstanding sub. (2) (z), no division administrator position exceeding the  
25 number authorized in sub. (2) (e) may be created in the unclassified service.

1           **SECTION 197.** 234.02 (3m) (c) of the statutes is amended to read:

2           234.02 **(3m)** (c) The authority shall, with the advice of the ethics government  
3 accountability board, adopt and enforce ethics guidelines applicable to its paid  
4 consultants which are similar to subch. III of ch. 19, except that the authority may  
5 not require its paid consultants to file financial disclosure statements.

6           **SECTION 198.** 301.03 (20m) of the statutes is amended to read:

7           301.03 **(20m)** Transmit to the elections government accountability board, on  
8 a continuous basis, a list containing the name of each living person who has been  
9 convicted of a felony under the laws of this state and whose civil rights have not been  
10 restored, together with his or her residential address and the date on which the  
11 department expects his or her civil rights to be restored.

12           **SECTION 199.** 343.11 (2m) of the statutes is amended to read:

13           343.11 **(2m)** Within 30 days following surrender of a license under sub. (1), the  
14 department shall provide notice to the elections government accountability board of  
15 the person's name and address, the name of the jurisdiction issuing the surrendered  
16 license, and the date on which the license was surrendered.

17           **SECTION 200.** 560.04 (2m) of the statutes is amended to read:

18           560.04 **(2m)** **DUTIES.** The department may assign one or more full-time  
19 equivalent positions to the functions of coordinating the development and scheduling  
20 of training programs for local government officials by the University of  
21 Wisconsin–Extension, technical college system, department of revenue, elections  
22 government accountability board, and other state agencies in order to assure the  
23 effective delivery of training programs and to prevent duplication of effort and of  
24 coordinating requests for management or personnel consultative services from



1 government units other than the state and directing those requests to the  
2 appropriate division of the department of administration.

3 **SECTION 201.** 758.19 (9) of the statutes is created to read:

4 758.19 (9) If a court of appeals judge is appointed to serve as a member of the  
5 governmental accountability candidate committee and the judge has good cause for  
6 declining to serve, the director of state courts shall accept from the judge a written  
7 communication setting forth the reasons why the judge cannot or should not serve  
8 and the judge shall then be excused from service. Upon receipt of the communication,  
9 the director shall notify the chief justice and the vacancy shall then be filled as  
10 provided in ss. 15.60 (2) and 17.20 (1).

11 **SECTION 202.** 778.135 of the statutes is amended to read:

12 **778.135 Campaign finance, lobbying, and ethics forfeitures; how**  
13 **recovered.** Notwithstanding s. 778.13, whenever any action or proposed action by  
14 the elections government accountability board under s. 5.05 (1) (c) is settled as a  
15 result of agreement between the parties without approval of the court, the moneys  
16 accruing to the state on account of such settlement shall be paid to the board and  
17 deposited with the secretary of administration. ~~Whenever any proposed action by~~  
18 ~~a county board of election commissioners under s. 7.21 (2m) (a) is settled as a result~~  
19 ~~of agreement between the parties, the moneys accruing to the county on account of~~  
20 ~~such settlement shall be paid to the board of election commissioners and deposited~~  
21 ~~with the county treasurer in the same manner as provided for forfeitures under s.~~  
22 ~~778.13.~~

23 **SECTION 203.** 778.136 of the statutes is repealed.

24 **SECTION 204.** 801.50 (5t) of the statutes is created to read:

1           801.50 (5t) Except as otherwise provided in ss. 801.52 and 971.223 (1) and (2),  
2           venue in a civil action to impose a forfeiture upon a resident of this state for a  
3           violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, or for a violation  
4           of any other law arising from or in relation to the official functions of the subject of  
5           the investigation or any matter that involves elections, ethics, or lobbying regulation  
6           under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, shall be in circuit court  
7           for the county where the defendant resides. For purposes of this subsection, a person  
8           other than a natural person resides within a county if the person's principal place of  
9           operation is located within that county. This subsection does not affect which  
10          prosecutor has responsibility under s. 978.05 (2) to prosecute civil actions arising  
11          from violations under s. 971.223 (1).

12           **SECTION 205.** 801.52 of the statutes is amended to read:

13           **801.52 Discretionary change of venue.** The court may at any time, upon  
14          its own motion, the motion of a party or the stipulation of the parties, change the  
15          venue to any county in the interest of justice or for the convenience of the parties or  
16          witnesses, except that venue in a civil action to impose forfeiture for a violation of chs.  
17          5 to 12, subch. III of ch. 13, or subch. III of ch. 19 or for a violation of any other law  
18          arising from or in relation to the official functions of the subject of the investigation  
19          or any matter that involves elections, ethics, or lobbying regulation under chs. 5 to  
20          12, subch. III of ch. 13, or subch. III of ch. 19, may be changed only as provided in s.  
21          971.223 (1) and (2) or in the same manner that is authorized for a change in the venue  
22          of a criminal trial under s. 971.22. This section does not apply to proceedings under  
23          ch. 980.

24           **SECTION 206.** 971.19 (12) of the statutes is created to read:

1           971.19 (12) Except as provided in s. 971.223, in an action for a violation of chs.  
2           5 to 12, subch. III of ch. 13, or subch. III of ch. 19, or for a violation of any other law  
3           arising from or in relation to the official functions of the subject of the investigation  
4           or any matter that involves elections, ethics, or lobbying regulation under subch. 5  
5           to 12, subch. III of ch. 13, or subch. III of ch. 19 a defendant who is a resident of this  
6           state shall be tried in circuit court for the county where the defendant resides. For  
7           purposes of this subsection, a person other than a natural person resides within a  
8           county if the person's principal place of operation is located within that county.

9           **SECTION 207.** 971.223 of the statutes is created to read:

10           **971.223 Change of Place of Trial for Certain Violations. (1)** In an action  
11           for a violation of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, or for a  
12           violation of any other law arising from or in relation to the official functions of the  
13           subject of the investigation or any matter that involves elections, ethics, or lobbying  
14           regulation under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, a defendant  
15           who is a resident of this state may move to change the place of trial to the county  
16           where the offense was committed. The motion shall be in writing.

17           **(2)** The court shall grant a motion under this section if the court determines  
18           that the county where the offense was committed is different than the county where  
19           the defendant resides. If there is more than one county where the offense was  
20           committed, the court shall determine which of the counties where the offense was  
21           committed will be the place of trial. The judge who orders the change in the place  
22           of trial shall preside at the trial and the jury shall be chosen from the county where  
23           the trial will be held. Preliminary matters prior to trial may be conducted in either  
24           county at the discretion of the court. The judge shall determine where the record  
25           shall be kept and, if the defendant is in custody, where the defendant shall be held.

1           **(3)** This section does not affect which prosecutor has responsibility under s.  
2 978.05 (1) to prosecute criminal actions arising from violations under sub. (1).

3           **(4)** This section does not affect the application of s. 971.22. In actions under  
4 sub. (1), the court may enter an order under s. 971.225 only if the order is agreed to  
5 by the defendant.

6           **SECTION 208.** 971.225 (1) (intro.) of the statutes is amended to read:

7           971.225 **(1)** (intro.) In lieu of changing the place of trial under s. 971.22 (3) or  
8 971.223, the court may require the selection of a jury under sub. (2) if:

9           **SECTION 209.** 978.05 (1) and (2) of the statutes are amended to read:

10           978.05 **(1)** CRIMINAL ACTIONS. Except as otherwise provided by law, prosecute  
11 all criminal actions before any court within his or her prosecutorial unit and have  
12 sole responsibility for prosecution of all criminal actions arising from violations of  
13 chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 and from violations of other  
14 laws arising from or in relation to the official functions of the subject of the  
15 investigation or any matter that involves elections, ethics, or lobbying regulation  
16 under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19, that are alleged to be  
17 committed by a resident of his or her prosecutorial unit, or if alleged to be committed  
18 by a nonresident of this state, that are alleged to occur in his or her prosecutorial unit  
19 unless another prosecutor is substituted under s. 5.05 (2m) (i) or this chapter or by  
20 referral of the government accountability board under s. 5.05 (2m) (c) 15. or 16. For  
21 purposes of this subsection, a person other than a natural person is a resident of a  
22 prosecutorial unit if the person's principal place of operation is located in that  
23 prosecutorial unit.

24           **(2)** FORFEITURES. Except as otherwise provided by law, prosecute all state  
25 forfeiture actions, county traffic actions and actions concerning violations of county

1 ordinances which are in conformity with state criminal laws in the courts within his  
2 or her prosecutorial unit and have joint responsibility, together with the government  
3 accountability board, for prosecution of all forfeiture actions arising from violations  
4 of chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 and from violations of other  
5 laws arising from or in relation to the official functions of the subject of the  
6 investigation or any matter that involves elections, ethics, or lobbying regulation  
7 under chs. 5 to 12, subch. III of ch. 13, or subch. III of ch. 19 that are alleged to be  
8 committed by a resident of his or her prosecutorial unit, or if alleged to be committed  
9 by a nonresident of this state, that are alleged to occur within his or her prosecutorial  
10 unit unless another prosecutor is substituted under s. 5.05 (2m) (h) or this chapter  
11 or by referral of the government accountability board under s. 5.05 (2m) (c) 15. or 16.  
12 For purposes of this subsection, a person other than a natural person is a resident  
13 of a prosecutorial unit if the person's principal place of operation is located in that  
14 prosecutorial unit.

15 **SECTION 210. Nonstatutory provisions.**

16 (1) INITIATION DATE. In this section, "initiation date" means the first day of the  
17 7th month beginning after publication of this act, or the 31st day beginning after the  
18 date on which the government accountability board has given final approval to the  
19 hiring of individuals to initially fill the positions of legal counsel to the board,  
20 administrator of the ethics and integrity division of the board, and administrator of  
21 the elections division of the board, whichever is later.

22 (2) TRANSFER OF ELECTIONS BOARD.

23 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
24 liabilities of the elections board shall become the assets and liabilities of the  
25 government accountability board.

1           (b) *Positions and employees.*

2           1. On the effective date of this subdivision, all full-time equivalent positions  
3 in the elections board are transferred to the government accountability board.

4           2. All incumbent employees holding positions in the elections board on the  
5 effective date of this subdivision, except the incumbent employee holding the  
6 position of executive director, are transferred on the effective date of this subdivision  
7 to the government accountability board.

8           3. Employees transferred under subdivision 2. have all the rights and the same  
9 status under subchapter V of chapter 111 and chapter 230 of the statutes in the  
10 government accountability board that they enjoyed in the elections board  
11 immediately before the transfer. Notwithstanding section 230.28 (4) of the statutes,  
12 no employee so transferred who has attained permanent status in class is required  
13 to serve a probationary period.

14           (c) *Tangible personal property.* On the effective date of this paragraph, all  
15 tangible personal property, including records, of the elections board is transferred to  
16 the government accountability board.

17           (d) *Contracts.* All contracts entered into by the elections board in effect on the  
18 effective date of this paragraph remain in effect and are transferred to the  
19 government accountability board. The government accountability board shall carry  
20 out any contractual obligations under such a contract until the contract is modified  
21 or rescinded by the government accountability board to the extent allowed under the  
22 contract.

23           (e) *Rules and orders.* Within one year after the initiation date, the board shall  
24 hold one or more public hearings on the question of reaffirmation of each rule that  
25 has been promulgated and each order that has been issued by the elections board and

1 that is in effect on that date. Except as authorized in this paragraph, every rule  
2 promulgated by the elections board that is in effect on the effective date of this  
3 paragraph remains in effect until its specified expiration date or until the end of the  
4 365–day period beginning on the initiation date, whichever is earlier, unless that  
5 board repeals or amends the rule, effective on an earlier date, or unless that board  
6 specifically votes to reaffirm the rule. Except as authorized in this paragraph, every  
7 order issued by the elections board that is in effect on the effective date of this  
8 paragraph remains in effect until its specified expiration date or until the end of the  
9 365–day period beginning on the initiation date, whichever is earlier, unless that  
10 board modifies or rescinds the order, effective on an earlier date, or unless that board  
11 specifically votes to reaffirm the order. Any action by the board to amend or repeal  
12 a rule shall be in accordance with subchapter II of chapter 227 of the statutes. The  
13 board may extend the expiration date of any rule or order under this paragraph for  
14 not more than 3 months in order to afford time for additional review, but no such  
15 extension or renewal of an extension may extend the expiration date of any rule or  
16 order by more than 6 months in all.

17 (f) *Formal opinions.* Within one year after the initiation date, the board shall  
18 hold one or more public hearings on the question of reaffirmation of each formal  
19 opinion that has been issued by the elections board and that has not been withdrawn  
20 or modified. Except as authorized in this paragraph, every formal opinion issued by  
21 the elections board that has not been withdrawn or modified on the initiation date  
22 remains in effect until the end of the 365–day period beginning on the initiation date  
23 unless that board withdraws or modifies the opinion on an earlier date, or unless that  
24 board specifically votes to reaffirm the opinion on an earlier date. The board may  
25 extend the period of effectiveness of any formal opinion under this paragraph for not

1 more than 3 months in order to afford time for additional review, but no such  
2 extension or renewal of an extension may extend the period of effectiveness of any  
3 opinion by more than 6 months in all.

4 (g) *Review of internal operating procedures.* During the 365-day period  
5 beginning on the initiation date, the board shall review all internal operating  
6 procedures of the elections board in effect on the initiation date that affect the  
7 manner in which the board interrelates with persons who are not employees of the  
8 board. The review shall specifically address the degree to which employees are  
9 authorized to perform their functions without direct supervision of or approval of the  
10 board. During the pendency of the review, no employee of the government  
11 accountability board may make any change in an internal operating procedure  
12 described in this paragraph unless that board first holds a public hearing concerning  
13 the proposed change and that board specifically approves the change.

14 (h) *Pending matters.* Any matter pending with the elections board on the  
15 effective date of this paragraph is transferred to the government accountability  
16 board, and all materials submitted to or actions taken by the elections board with  
17 respect to the pending matter are considered as having been submitted to or taken  
18 by the government accountability board.

19 (3) TRANSFER OF ETHICS BOARD.

20 (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
21 liabilities of the ethics board shall become the assets and liabilities of the government  
22 accountability board.

23 (b) *Positions and employees.*

24 1. On the effective date of this subdivision, all full-time equivalent positions  
25 in the ethics board are transferred to the government accountability board.



1           2. All incumbent employees holding positions in the ethics board on the  
2 effective date of this subdivision, except the incumbent employee holding the  
3 position of executive director, are transferred on the effective date of this subdivision  
4 to the government accountability board.

5           3. Employees transferred under subdivision 2. have all the rights and the same  
6 status under subchapter V of chapter 111 and chapter 230 of the statutes in the  
7 government accountability board that they enjoyed in the ethics board immediately  
8 before the transfer. Notwithstanding section 230.28 (4) of the statutes, no employee  
9 so transferred who has attained permanent status in class is required to serve a  
10 probationary period.

11           (c) *Tangible personal property.* On the effective date of this paragraph, all  
12 tangible personal property, including records, of the ethics board is transferred to the  
13 government accountability board.

14           (d) *Contracts.* All contracts entered into by the ethics board remain in effect  
15 and are transferred to the government accountability board. The government  
16 accountability board shall carry out any contractual obligations under such a  
17 contract until the contract is modified or rescinded by the government accountability  
18 board to the extent allowed under the contract.

19           (e) *Rules and orders.* Within one year after the initiation date, the board shall  
20 hold one or more public hearings on the question of reaffirmation of each rule that  
21 has been promulgated and each order that has been issued by the ethics board and  
22 that is in effect on that date. Except as authorized in this paragraph, every rule  
23 promulgated by the ethics board that is in effect on the effective date of this  
24 paragraph remains in effect until its specified expiration date or until the end of the  
25 365-day period beginning on the initiation date, whichever is earlier, unless that

1 board amends or repeals the rule, effective on an earlier date, or unless that board  
2 specifically votes to reaffirm the rule. Except as authorized in this paragraph, every  
3 order issued by the ethics board that is in effect on the effective date of this paragraph  
4 remains in effect until its specified expiration date or until the end of the 365–day  
5 period beginning on the initiation date, whichever is earlier, unless that board  
6 modifies or rescinds the order, effective on an earlier date, or unless that board  
7 specifically votes to reaffirm the order. Any action by the board to amend or repeal  
8 a rule shall be in accordance with subchapter II of chapter 227 of the statutes. The  
9 board may extend the expiration date of any rule or order under this paragraph for  
10 not more than 3 months in order to afford time for additional review, but no such  
11 extension or renewal of an extension may extend the expiration date of any rule or  
12 order by more than 6 months in all.

13 (f) *Formal opinions.* Within one year after the initiation date, the board shall  
14 hold one or more public hearings on the question of reaffirmation of each formal  
15 opinion that has been issued by the ethics board and that has not been withdrawn  
16 or modified. If the formal opinion is confidential, the board shall hold the hearing  
17 on the question of reaffirmation of the summary of the opinion that has been  
18 published. Except as authorized in this paragraph, every formal opinion issued by  
19 the ethics board or by the executive director of the ethics board acting in its stead that  
20 has not been withdrawn or modified on the initiation date remains in effect until the  
21 end of the 365–day period beginning on the initiation date unless that board  
22 withdraws or modifies the opinion on an earlier date, or unless that board specifically  
23 votes to reaffirm the opinion on an earlier date. The board may extend the period  
24 of effectiveness of any formal opinion under this paragraph for not more than 3  
25 months in order to afford time for additional review, but no such extension or renewal

1 of an extension may extend the period of effectiveness of an opinion by more than 6  
2 months in all.

3 (g) *Review of guidelines.* Within one year after the initiation date, the board  
4 shall hold one or more public hearings for the purpose of reviewing the question of  
5 reaffirmation of each current guideline that has been issued by the ethics board. The  
6 review shall address the extent to which the guidelines are consistent with relevant  
7 law. Except as authorized in this paragraph, the government accountability board  
8 shall withdraw each guideline identified in this paragraph at the end of the 365-day  
9 period beginning on the initiation date, unless the board chooses to withdraw or  
10 revise the guideline at an earlier date or unless the board specifically votes to  
11 reaffirm the current text of the guideline as issued prior to the end of that period.  
12 The board may extend the circulation period of any guideline identified in this  
13 paragraph for not more than 3 months in order to afford time for additional review,  
14 but no such extension or renewal of an extension may extend the circulation period  
15 of a guideline by more than 6 months in all.

16 (h) *Review of internal operating procedures.* During the 365-day period  
17 beginning on the initiation date, the board shall review all internal operating  
18 procedures of the ethics board in effect on the initiation date that affect the manner  
19 in which the board interrelates with persons who are not employees of the board. The  
20 review shall specifically address the degree to which employees are authorized to  
21 perform their functions without direct supervision of or approval of the board.  
22 During the pendency of the review, no employee of the government accountability  
23 board may make any change in an internal operating procedure described in this  
24 paragraph unless that board first holds a public hearing concerning the proposed  
25 change and that board specifically approves the change.

1           (i) *Pending matters.* Any matter pending with the ethics board on the effective  
2 date of this paragraph is transferred to the government accountability board, and all  
3 materials submitted to or actions taken by the ethics board with respect to the  
4 pending matter are considered as having been submitted to or taken by the  
5 government accountability board.

6           (4) CONFIRMATION OF PERSONS NOMINATED TO INITIALLY FILL POSITIONS ON THE  
7 BOARD. Notwithstanding section 15.07 (1) (a) 2. of the statutes, as affected by this act,  
8 the governor shall submit the names of the nominees to initially fill 3 of the positions  
9 as members of the government accountability board to the assembly and shall  
10 submit the names of the nominees to initially fill 3 of the positions as members of the  
11 government accountability board to the senate, and the nominees to initially fill  
12 those positions are subject to confirmation solely by a majority of the members  
13 present and voting on a nomination in the house to which their names are submitted.  
14 Notwithstanding section 5.052 (4) of the statutes, as created by this act, if a nominee  
15 of the governor to initially fill a position as a member of the government  
16 accountability board dies or withdraws, or if such a nomination is withdrawn by the  
17 governor or rejected by the house to which submitted under this subsection, the  
18 government accountability candidate committee shall submit an additional nominee  
19 to the governor for appointment to the board, subject to confirmation by the same  
20 house in accordance with this subsection.

21           (5) BOARD TRANSITIONS; INITIAL TERMS.

22           (a) Notwithstanding section 15.61, 2005 stats., section 15.62, 2005 stats., and  
23 section 15.07 (1) (c) of the statutes, the terms of office of all members of the elections  
24 board and all members of the ethics board holding office shall expire on the initiation  
25 date.

1 (b) Each member of the government accountability board who is appointed as  
2 provided in paragraph (c) and qualified to take office shall take office on the effective  
3 date of this paragraph, or upon qualification to take office, whichever is later.  
4 Notwithstanding section 15.07 (4) of the statutes, as affected by this act, the board  
5 does not have a quorum for transaction of business at its initial meeting until 6  
6 members have initially been appointed and qualify to serve.

7 (c) The government accountability candidate committee shall submit to the  
8 governor the names of at least 8 qualified individuals to fill the initial positions as  
9 members of the government accountability board. In making nominations to  
10 initially fill positions as members of the government accountability board, the  
11 government accountability candidate committee shall draw lots at a meeting of the  
12 committee to assign a numerical sequence to each nomination, beginning with the  
13 number one. Notwithstanding section 15.60 (1) of the statutes, as created by this act,  
14 from the nominations submitted, the governor shall nominate the nominee who is  
15 assigned the lowest number to serve for a term expiring on May 1, 2013; the nominee  
16 having the next highest number to serve for a term expiring on May 1, 2012; the  
17 nominee having the next highest number to serve for a term expiring on May 1, 2011;  
18 the nominee having the next highest number to serve for a term expiring on May 1,  
19 2010; the nominee having the next highest number to serve for a term expiring on  
20 May 1, 2009; and the nominee having the next highest number to serve for a term  
21 expiring on May 1, 2008.

22 (d) Notwithstanding section 15.60 (2) of the statutes, as created by this act, the  
23 initial members of the governmental accountability candidate committee shall serve  
24 for terms expiring on March 1, 2009.

25 (6) IMPLEMENTATION.

1           (a) Notwithstanding section 5.05 (1m) and (2m) of the statutes, as created by  
2 this act, and section 20.922 (1) of the statutes, the director of the legislative council  
3 staff shall provide such administrative support to the government accountability  
4 board as the board may require, without additional compensation for such service,  
5 until such time as the board initially appoints a legal counsel to the board and the  
6 appointee takes office. The director of the legislative council staff is vested with full  
7 authority and responsibility to carry out all administrative functions of the legal  
8 counsel to the government accountability board, the divisions in the government  
9 accountability board, and the administrators of the divisions prior to appointment  
10 and qualification of the initial legal counsel, including the retention and termination  
11 of all staff not transferred to the board that the board is authorized to employ under  
12 this act.

13           (b) Notwithstanding section 15.07 (2) (b) of the statutes, as created by this act,  
14 the member of the government accountability board who is first nominated shall  
15 choose the initial chairperson of the board at the first meeting of the board in  
16 accordance with section 15.07 (2) (b) of the statutes, as created by this act.

17           (c) Prior to the initiation date, the government accountability board may  
18 expend moneys from the appropriation under section 20.511 (1) (a) of the statutes,  
19 as created by this act, for the purpose of meeting, employing staff, and preparing to  
20 assume its full authority and responsibilities on that date.

21           (7) JOINT COMMITTEE ON FINANCE. Of the moneys appropriated to the joint  
22 committee on finance under section 20.865 (4) (a) of the statutes for the 2005–07  
23 fiscal biennium, \$155,400 is reserved to supplement the appropriation of the  
24 government accountability board under section 20.511 (1) (a) of the statutes, as

1 created by this act, in fiscal year 2006–07 for the purposes described in SECTION 211  
2 (5) of this act.

3 (8) NONSEVERABILITY. Notwithstanding section 990.01 (11) of the statutes, if a  
4 court finds that any portion of this act is unconstitutional, then this entire act is void  
5 except for the treatment of sections 5.051 and 19.471 of the statutes. In such case,  
6 all sections of the statutes in effect on the date of publication of this act that are  
7 repealed or otherwise treated by this act are revived as the text of those statutes read  
8 on the date of publication of this act.

9 **SECTION 211. Fiscal changes.**

10 (1) The unencumbered balance in the appropriation account under section  
11 20.510 (1) (h) of the statutes is transferred to the appropriation account under section  
12 20.511 (1) (h) of the statutes, as created by this act.

13 (2) The unencumbered balance in the appropriation account under section  
14 20.510 (1) (i) of the statutes is transferred to the appropriation account under section  
15 20.511 (1) (i) of the statutes, as created by this act.

16 (3) The unencumbered balance in the appropriation account under section  
17 20.521 (1) (g) of the statutes is transferred to the appropriation account under section  
18 20.511 (1) (i) of the statutes, as created by this act.

19 (4) The unencumbered balance in the appropriation account under section  
20 20.521 (1) (i) of the statutes is transferred to the appropriation account under section  
21 20.511 (1) (h) of the statutes, as created by this act.

22 (5) In the schedule under section 20.005 (3) of the statutes for the appropriation  
23 to the joint committee on finance under section 20.865 (4) (a) of the statutes, as  
24 affected by the acts of 2005 and 2007, the dollar amount is increased by \$155,400 for  
25 fiscal year 2006–07 to provide funding for the government accountability board to

1 hold meetings, employ staff, and prepare to assume its full authority and  
2 responsibilities under this act.

3 **SECTION 212. Effective dates.** This act takes effect on the initiation date  
4 specified in section 210 (1), except as follows:

5 (1) The treatment of sections 5.051, 5.052, 5.054, 15.07 (1) (a) 2., (2) (b), and (5)  
6 (m), 15.60, 15.603, 19.471, 20.511 (intro.) and (1) (title) and (a), 20.923 (4) (f) 3j., and  
7 230.08 (2) (e) 4h. and (on) and (4) (a) of the statutes, SECTIONS 210 (5) to (8) and 211  
8 (5) of this act take effect on the day after publication.

9 (2) The repeal and recreation of section 20.005 (3) (schedule) 20.511 of the  
10 statutes takes effect on July 1, 2007.

11 (3) The repeal of section 20.511 (1) (c) of the statutes takes effect on July 1, 2007.

12 (END)



DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-1451/1dn  
JTK:cs/42/jjf

S6005/1  
js

January 10, 2007

Risser:  
SENATOR Risser:  
Representative Huebsch:

1. This draft does not specify whether the enforcement division of the Government Accountability and Integrity Board must bring an enforcement action upon direction of the board if the division does not want to bring that action. You may wish to clarify that point.

2. Proposed SECTION 200 (5) (a), which places the responsibility in the director of the Legislative Council Staff to serve as interim executive director of the Government Accountability Board and to exercise certain authority in that capacity, may raise an issue under the separation-of-powers provisions of the Wisconsin Constitution [art. VI and art. VII, sec. 2] because the draft places administrative and enforcement functions within the legislative branch. While a provision of this type would not be permitted under the constitutions of some states, the Wisconsin Supreme Court has indicated that in this state the separation-of-powers principle will not be applied inflexibly. The test is whether there is an actual and substantial encroachment, rather than a theoretical bridging of the division of power. *J.F. Ahern v. Bldg. Comm.*, 114 Wis.2d 69, 104 (Ct. App., 1983), as quoted in *Martinez v. DILHR*, 165 Wis.2d. 687, 697 (1992). Additionally, in this case, the proposed Government Accountability and Integrity Board will exercise some authority over all three branches of government. Under the separation of powers doctrine, a statute may not materially impair or practically defeat the proper function of a particular branch of government and the exercise of powers delegated it. *In Matter of E.B.*, 111 Wis. 2d 175, 184 (1983). With respect to a power that is shared between branches, a statute may not unduly burden or substantially interfere with another branch's essential role and powers. *State v. Unnamed Defendant*, 150 Wis. 2d 352, 360 (1989). Whether proposed SECTION 192 (4) will be viewed as a substantial encroachment by one branch of government upon the proper function of another branch cannot be determined with certainty.

3. Proposed s. 15.60 (6) provides that no member of the board may, while serving on the board, or for 12 months thereafter, become a candidate for state or local elective office. While the legislature has full latitude to prescribe the qualifications and disqualifications for statutory offices, the courts have held that the legislature may lack that power when it comes to constitutional offices: "It is a well established principle of constitutional law that where qualifications are prescribed in the constitution and the methods of removal are provided in the constitution, the

constitution in those respects is exclusive and it is beyond the power of the legislature to prescribe additional qualifications or to provide for removal in other than the constitutional method." *State ex rel. La Follette v. Kohler*, 220 Wis. 518, 553 (1930). Therefore, it may be difficult to enforce proposed s. 15.60 (6) as it respects some constitutional offices.

4. This draft creates a budget for the Government Accountability Board for the 2007-09 fiscal biennium. <sup>mit. cap.</sup> ~~As we discussed,~~ because the 2007-09 biennial budget bill has not yet been enacted as of this date, if that bill is enacted after this one, that bill will repeal and recreate the appropriation schedule into which the budget created by this draft is placed. To ensure continuance of any policy decisions embedded in the budget contained in this draft, it will be necessary to incorporate those decisions into the biennial budget bill. As of this early date, the factual information necessary to accurately compile state agency budgets for 2007-09 is not complete. In addition, there will be policy decisions affecting all state agency budgets for 2007-09 that have not yet been made. Lastly, the upcoming budget for the Elections Board requires a major review at this point because that board currently has several federally funded positions performing ongoing work that is required by federal law and federal funding for these positions is being discontinued.

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Managing Attorney  
Phone: (608) 266-6778

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBs0005/1dn  
JTK:cjs:jf

January 22, 2007

Senator Risser:

This draft creates a budget for the Government Accountability Board for the 2007-09 fiscal biennium. Because the 2007-09 biennial budget bill has not yet been enacted as of this date, if that bill is enacted after this one, that bill will repeal and recreate the appropriation schedule into which the budget created by this draft is placed. To ensure continuance of any policy decisions embedded in the budget contained in this draft, it will be necessary to incorporate those decisions into the biennial budget bill. As of this early date, the factual information necessary to accurately compile state agency budgets for 2007-09 is not complete. In addition, there will be policy decisions affecting all state agency budgets for 2007-09 that have not yet been made. Lastly, the upcoming budget for the Elections Board requires a major review at this point because that board currently has several federally funded positions performing ongoing work that is required by federal law and federal funding for these positions is being discontinued.

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