

1977 Senate Bill 286

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CHAPTER 278, Laws of 1977

AN ACT to repeal 13.62 (4) (b) and (7), 13.66 (3) and 13.73; to renumber and amend 13.60, 13.62 (1), (2) and (5) and 13.67 (2); to consolidate, renumber and amend 13.62 (4) (intro.) and (a); to amend 13.63 (1) and (3), 13.64, 13.65 (1) and (2), 13.66 (1), 13.67 (title), 13.69 (title) and (1) to (3), 893.205 (3) and 946.18; to repeal and recreate 13.61, 13.62 (3) and (6), 13.63 (2), 13.67 (1), 13.68 and 13.70; and to create 13.62 (1), (2), (5), (5g), (5r), (8), (9), (11m) and (13), 13.625, 13.685 (title) and (1) to (7), 13.69 (4) to (8), 13.695 and 13.74 of the statutes, relating to regulation of lobbying and providing penalties.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 13.60 of the statutes is renumbered 946.17 and amended to read:

946.17 Corrupt means to influence legislation; disclosure of interest. Any person who gives or agrees or offers to give any thing of value to any person, for the service of such person or of any other person in procuring the passage or defeat of any measure before the legislature or before either house or any committee thereof, upon the contingency or condition of the passage or defeat of ~~such the~~ measure, or who receives, or agrees to receive any thing of value for such service, upon any such contingency or condition, or who, having a pecuniary or other interest, or acting as the agent or attorney of any person in procuring or attempting to procure the passage or defeat of any measure before the legislature or before either house or any committee thereof, attempts in any manner to influence any member of ~~such the~~ legislature for or against ~~such the~~ measure, without first making known to ~~such the~~ member the real and true interest he or she has in ~~such the~~ measure, either personally or as such agent or attorney, ~~may be fined not more than \$200 or imprisoned in the county jail not more than one year~~ is guilty of a class A misdemeanor.

SECTION 2. 13.61 of the statutes is repealed and recreated to read:

13.61 Lobbying regulated; legislative purpose. The legislature declares that the operation of an open and responsible government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to any officials of the executive or legislative branch their opinions on legislation, on pending administrative rules and other policy decisions by administrative agencies, and on current issues. Essential to the continued functioning of an open government is the preservation of the integrity of the governmental decision-making process. In order to preserve and maintain the integrity of the process, the legislature

determines that it is necessary to regulate and publicly disclose the identity, expenditures and activities of persons who are hired to engage in efforts to influence actions of the legislative and executive branches.

SECTION 3. 13.62 (1) of the statutes is renumbered 13.62 (10) and amended to read:

13.62 (10) “Lobbying” means the practice of ~~promoting or opposing the introduction or enactment of legislation before the legislature or the legislative committees or the members thereof attempting to influence legislative or administrative action by direct oral or written communication with any elective state official, agency official or legislative official.~~

SECTION 4. 13.62 (1) of the statutes is created to read:

13.62 (1) “Administrative action” means the proposal, drafting, development, consideration, promulgation, amendment, repeal or rejection by any agency of any rule promulgated under ch. 227.

SECTION 5. 13.62 (2) of the statutes is renumbered 13.62 (11) and amended to read:

13.62 (11) “Lobbyist” means any person ~~who engages in the practice of lobbying for hire except in the manner authorized by s. 13.70. Lobbying for hire includes activities of any officers, agents, attorneys or employes of any principal who are~~ is paid a regular salary, fee or retainer by such a principal and whose regular duties include lobbying on behalf of such principal.

SECTION 6. 13.62 (2) of the statutes is created to read:

13.62 (2) “Agency” means any board, commission, committee, department or officer in the state government.

SECTION 7. 13.62 (3) of the statutes is repealed and recreated to read:

13.62 (3) “Agency official” means a member, officer, employe or consultant of any agency who as part of such person’s official responsibilities participates in any administrative action in other than a solely clerical, secretarial or ministerial capacity.

SECTION 8. 13.62 (4) (intro.) and (a) of the statutes are consolidated, renumbered 13.62 (12) and amended to read:

13.62 (12) “Principal” means: ~~(a) Any any person who engages employs a lobbyist or other person in connection with any legislation, pending before the legislature or to be proposed, affecting the pecuniary interest of such person, corporation or association. If an association, corporation or partnership engages a lobbyist, an officer, employe, member, shareholder or partner of the association, corporation or partnership shall not be considered a principal.~~

SECTION 9. 13.62 (4) (b) of the statutes is repealed.

SECTION 10. 13.62 (5) of the statutes is renumbered 13.62 (7) and amended to read:

13.62 (7) “File” means the file of licensed lobbyists and principals maintained by the secretary of state ~~pursuant to~~ under s. 13.65 (1).

SECTION 11. 13.62 (5), (5g) and (5r) of the statutes are created to read:

13.62 (5) “Business entity” means any organization or enterprise operated for profit, including but not limited to a proprietorship, partnership, firm, business trust, joint venture, syndicate, corporation or association.

(5g) “Candidate” has the meaning given under s. 11.01 (1).

(5r) “Communications media” has the meaning given under s. 11.01 (4).

SECTION 12. 13.62 (6) of the statutes is repealed and recreated to read:

13.62 (6) "Elective state official" means any person who holds an elective state office as defined in s. 11.01 (20) or has been elected to an elective state office but has not yet taken office. A person who is appointed to fill a vacant elective state office is an elected state official.

SECTION 14. 13.62 (7) of the statutes is repealed.

SECTION 15. 13.62 (8), (9), (11m) and (13) of the statutes are created to read:

13.62 (8) "Legislative action" means the drafting, introduction, consideration, modification, adoption, rejection, enactment or defeat of any bill, resolution, amendment, report, nomination or other matter by the legislature or by either house or any committee, subcommittee, joint or select committee thereof, or by a legislator or employe of the legislature acting in an official capacity. "Legislative action" also means the action of the governor in approving or vetoing any bill or portion thereof, and the action of the governor or any agency in the development of a proposal for introduction in the legislature.

(9) "Legislative official" means any employe or consultant of the legislature whose duties are not solely secretarial, protective, clerical or manual.

(11m) "Local official" means any person who holds a local office as defined in s. 11.01 (13) or has been elected to a local office but has not yet taken office, and every person who is employed by a county, city, town, village or school district who is not employed principally to influence legislative or administrative action. A person who is appointed to fill a vacant local office is a local official.

(13) "State office" has the meaning given under s. 11.01 (20).

SECTION 16. 13.625 of the statutes is created to read:

13.625 Prohibited practices. (1) No lobbyist may:

(a) Instigate legislative or administrative action for the purpose of obtaining employment in support or opposition thereto.

(b) Furnish to any officer or employe of the state or to any elective state official or candidate for an elective state office:

1. Lodging.
2. Transportation.
3. Food, meals, beverages, money or any other thing of pecuniary value.

(c) Except as provided in this paragraph, make a campaign contribution, as defined in s. 11.01 (5), to any candidate for an elective state office to be filled at the general election, or such candidate's personal campaign committee, as defined in s. 11.01 (15). Campaign contributions to such candidates or personal campaign committees may be made in the year of a candidate's election between June 1 and the day of the general election except that campaign contributions to candidates for legislative office may be made during such period only if the legislature is not in session or, if in session, has recessed. This paragraph does not apply to campaign contributions by a lobbyist to his or her campaign for elective state office, nor to any lobbyist who only attempts to influence administrative action.

(d) Contract to receive or receive compensation dependent in any manner upon the success or failure of any legislative or administrative action.

(2) No principal may engage in the practices prohibited under sub. (1) (b). This prohibition shall not be construed to apply to the furnishing of transportation, lodging, food, meals, beverages or any other thing of pecuniary value which is also made available to the general public.

(3) No candidate for an elective state office, elective state official or other officer or employe of the state may solicit or accept anything of pecuniary value from a lobbyist or principal, or officer or employe of an agency whose name is on file with the secretary of state pursuant to s. 13.695 except as permitted under subs. (1) (c) and (2) and ss. 13.695 (4) and 19.49.

(4) This section does not apply to food, meals, beverages or entertainment provided by a nonprofit organization or agency at a bona fide social function or meeting of such organization or agency.

(5) This section does not apply to food, meals, beverages or entertainment provided by the governor when acting in an official capacity.

(6) Subsections (1) (b) and (3) do not apply to the furnishing of anything of pecuniary value by a lobbyist or principal, or by an officer or employe of an agency whose name is on file with the secretary of state pursuant to s. 13.695, to the spouse of such lobbyist, principal, officer or employe of the receipt thereof by such spouse.

SECTION 17. 13.63 (1) of the statutes, as affected by chapter 29, laws of 1977, is amended to read:

~~13.63 (1) LICENSES; FEES; ELIGIBILITY. Any adult of good moral character who is a U. S. citizen and otherwise qualified under ss. 13.61 to 13.71 shall be licensed as a lobbyist as provided in this section. The secretary of state shall provide for the form of application for license. Such~~ An application for a license to act as a lobbyist may be obtained in the office of the secretary of state from and filed in with the office secretary of state. Upon approval of ~~such~~ the application and payment of the license fee of \$15 to the secretary of state, a license shall be issued which entitles the licensee to practice lobbying on behalf of one principal. A lobbyist shall pay an additional \$15 fee for each additional principal which the lobbyist represents. ~~Each~~ The license shall expire on December 31 of each even-numbered year. No application may be disapproved by the secretary of state without affording the applicant a hearing which shall be held and decision entered within 10 days of the date of filing of the application except an application for a license by a person who is ineligible for licensure under s. 13.69 (4) or lobbyist whose license has been revoked under s. 13.69 (7) and only for the period of such ineligibility or revocation. Denial of a license may be reviewed under ch. 227.

SECTION 18. 13.63 (2) of the statutes is repealed and recreated to read:

13.63 (2) SUSPENSION OF LICENSE FOR FAILURE TO TIMELY FILE A COMPLETE EXPENSE STATEMENT. If a principal fails to timely file a complete expense statement required under s. 13.68, the secretary of state may suspend the privilege of any lobbyist to lobby on behalf of the principal. Upon failure of a principal to file the required expense statement, the secretary of state shall mail written notices to the principal and to any lobbyist who has filed pursuant to s. 13.65 a written authorization to act as a lobbyist for the principal informing them that unless the principal files the delinquent statement within 10 days after the date of mailing of the notices, no lobbyist is permitted to lobby on behalf of the principal. The privilege of any lobbyist to lobby on behalf of the principal shall be restored immediately upon filing the delinquent statement. The notices shall be sent by certified mail to the last-known addresses of the principal and lobbyist. Any principal or lobbyist who may be aggrieved by a suspension of lobbying privileges under this subsection may request a hearing under s. 227.075 regarding such suspension.

SECTION 19. 13.63 (3) of the statutes is amended to read:

13.63 (3) (title) REVOCAION OF LOBBYING PRIVILEGES. No lobbyist whose license has been ~~suspended or revoked and no person who has been convicted of a violation of ss. 13.61 to 13.71 shall~~ under s. 13.69 (7) may engage in any activity permitted by s. 13.70 until he lobbying as a lobbyist for any principal until such person has been reinstated to the practice of lobbying and duly licensed.

SECTION 20. 13.64 of the statutes is amended to read:

13.64 Lobbying registry. ~~Except as provided in s. 13.70 (2) every~~ Every principal who employs any a lobbyist shall within one week after such employment cause its name and the name of said its lobbyist to be filed with the secretary of state. ~~The lobbyist shall also file his name with the~~ secretary of state, unless the lobbyist is exempt from registration under s. 13.70. Upon the termination of such employment the principal shall notify the secretary of state and such fact may shall be entered opposite the name of the principal and lobbyist by the lobbyist or the principal. If such termination of employment constitutes the cessation of all lobbying activities by or on behalf of the principal which are not exempt under s. 13.70, the secretary of state shall cause the name of the principal and any lobbyist for the principal to be stricken from the file as of the day after the principal files a statement under s. 13.68 for the period covering the date of termination.

SECTION 21. 13.65 (1) and (2) of the statutes are amended to read:

13.65 (1) The secretary of state shall prepare and keep a file in which shall be entered the name and business address of each principal and lobbyist, ~~the name and business address of his principal required to be registered under s. 13.64 and the subject of legislation~~ general areas of legislative and administrative action to which the employment relates lobbying activities of the principal and lobbyist relate. Principals filing a verified statement under s. 13.70 (5) shall not be entered in the file.

(2) ~~Any~~ Each principal ~~employing any lobbyist whose name is entered in the file shall, when further subjects of legislation are introduced or general areas of legislative and administrative action arise which such the principal or a lobbyist for the principal is to promote or oppose attempt to influence, make or cause to be made additional entries in the file stating such employment so that the file will show at all times all subjects of legislation areas of legislative and administrative action which the principal is attempting to influence and in relation to which the a lobbyist is employed. The file may also show the number or designation of bills, resolutions or other measures in relation to which the lobbyist is employed are the subject of lobbying activities.~~

SECTION 22. 13.66 (1) of the statutes is amended to read:

13.66 (1) ~~No~~ Unless exempted from coverage by this subchapter pursuant to s. 13.70, ~~no person shall practice may engage in lobbying as a lobbyist unless he the person has been duly licensed under s. 13.63 and unless his that person's name appears in the file as employed in respect to such matters as he that person is promoting or opposing attempting to influence. No principal shall may authorize or permit any its lobbyist employed by him to practice lobbying in respect to any legislation affecting the pecuniary interest of such principal legislative or administrative action until the lobbyist is duly licensed and the name of such the lobbyist is duly entered in the file. No person shall be employed as a lobbyist for a compensation dependent in any manner upon the passage or defeat of any proposed or pending legislation or upon any other contingency connected with the action of the legislature or of either branch thereof or of any committee thereof.~~

SECTION 23. 13.66 (3) of the statutes is repealed.

SECTION 24. 13.67 (title) of the statutes is amended to read:

13.67 (title) Reports by lobbyist.

SECTION 25. 13.67 (1) of the statutes is repealed and recreated to read:

13.67 (1) A lobbyist whose activities and expenditures must be reported by a principal pursuant to s. 13.68 shall provide to the principal at least 20 days before the deadline for filing the statement information which the principal determines is needed to prepare an expense statement. The information shall be in writing, signed by the lobbyist and a copy shall be filed by the principal with the secretary of state at the time of filing the statement under s. 13.68.

SECTION 26. 13.67 (2) of the statutes, as affected by chapter 29, laws of 1977, is renumbered 13.685 (7) and amended to read:

13.685 (7) Beginning with the 3rd Tuesday following the beginning of any regular or special session of the legislature and on every Tuesday thereafter for the duration of such session, the secretary of state shall from his or her records report to each house of the legislature the names of lobbyists registered under s. 13.64 and the names of officers and employes of agencies filed under s. 13.695 who were not previously reported, the names of ~~the persons principals or agencies~~ whom they represent ~~as such lobbyist~~ and the ~~subjects of legislation in which they are interested~~ general areas of legislative and administrative action which are the object of their lobbying activity. Such reports shall be incorporated into the journal of the senate and a copy filed in the office of the chief clerk of the assembly. ~~Any expenditures made or obligations incurred by any lobbyist in behalf of or for the entertainment of any state official or employe concerning pending or proposed legislative matters shall be reported according to this section.~~ The secretary of state shall also notify each house that a copy of each statement which is required to be filed under ss. 13.68 and 13.695 is available upon request. Such copy shall be open to public inspection but shall not be incorporated in the journal unless the house so orders. The secretary of state shall include in his or her biennial report under s. 15.04 (4), a summary of the statements he or she has received under ss. 13.68 and 13.695.

SECTION 27. 13.68 of the statutes is repealed and recreated to read:

13.68 Statement of expense by principal. Every principal whose name appears in the file shall, on or before July 30 and January 30, file with the secretary of state a complete expense statement verified under oath by the person making the statement, or in the case of a corporation or association, by an officer, or in the case of a partnership, by a partner. All accounts, bills, receipts, books, papers and other documents necessary to substantiate an expense statement shall be obtained, organized and preserved by the principal and any lobbyist engaged by such principal for not less than 3 years after the date of filing the statement. Each expense statement shall contain the following information, which shall be current to within 30 days of the filing deadline, and cover the period since the last date covered in the previous statement:

(1) The name, business address and telephone number of the principal.

(2) Information sufficient to identify the nature and interests of the principal. The information need be stated only in the first report filed during a calendar year, except to reflect changes in the information previously reported, and shall include:

(a) If the principal is an individual, the name and address of the person's employer, if any, or the person's principal place of business if self-employed, and a description of the business activity in which the person or the person's employer is engaged;

(b) If the principal is a business entity, a description of the business activity in which it is engaged and the name of its chief executive officer, or in the case of a partnership, the names of the partners;

(c) If the principal is an industry, trade or professional association, a description of the industry, trade or profession which it represents including a specific description of any segment or portion of the industry, trade or profession which the association exclusively or primarily represents and the name of the chief executive officer and the approximate number of its members; and

(d) If the principal is not an individual, business entity or industry, trade or professional association, a statement of the principal's nature and purposes, including a description of any industry, trade, profession or other group with a common interest which the principal primarily represents or from which its membership or financial support is primarily derived and the approximate number of its members.

(3) The total amount of expenditures made and obligations incurred for lobbying by a principal and by a lobbyist for such principal during the period shall be reported for each category under pars. (a) to (e). If any single expenditure made or obligation incurred within categories under pars. (a) and (e) exceeds \$100 in any reporting period, the expenditure or obligation shall be itemized by the name and address of the recipient and the date and amount of the expenditure made or obligation incurred.

(a) Salaries, fees and retainers, to the extent not expended or incurred within the categories under pars. (d) and (e).

(d) Those portions of office rent, office utilities, office stationery and compensation of office employes which are incurred by the lobbyist and attributable to lobbying activities.

(e) All other expenditures made and obligations incurred for lobbying, except personal travel and living expenses.

(4) The general area of legislative or administrative action which the principal has attempted to influence.

(5) In the case of a nonprofit organization, the date and amount expended at a regular meeting or bona fide social function for food, meals, beverages and entertainment of any officer or employe of the state or any elective state official or candidate for an elective state office who was invited to attend the meeting or function.

SECTION 28. 13.685 (title) and (1) to (7) of the statutes are created to read:

13.685 (title) Duties of the secretary of state. (1) The secretary of state shall prescribe forms and instructions for preparing and filing license applications under s. 13.63 (1), lobbyist registration and authorization statements under ss. 13.64 and 13.65 and the statements required under ss. 13.68 and 13.695.

(2) The secretary of state shall prepare and publish a manual setting forth recommended uniform methods of accounting and reporting for use by persons who are required to provide information under s. 13.67 or to file statements under s. 13.68 or 13.695.

(3) The secretary of state shall examine each statement filed under s. 13.68.

(4) The secretary of state shall upon complaint by any person or on his or her own motion investigate violations of this subchapter and shall notify the attorney general of facts within his or her knowledge or evidence in his or her possession which may be grounds for civil action or criminal prosecution. No investigation is required of any petition or complaint which is not verified. The secretary of state may summarily dismiss any complaint which he or she finds to be without merit.

(5) The secretary of state may bring civil actions to require forfeitures and license revocations for violations of this subchapter. Pursuant to such authority, the secretary of state is authorized to compromise and settle any civil action brought by him or her under this subchapter which, in the opinion of the secretary of state, constitutes a minor violation caused by excusable neglect, or which for other good cause shown, should not in the public interest be prosecuted under this subchapter. Notwithstanding s. 288.06, an action may be settled for such sum as may be agreed upon between the parties. Actions by the secretary of state shall be brought in the circuit court for the county wherein the violation is alleged to occur. The secretary of state shall file a report of all civil actions brought by him or her under this subsection and the disposition of those actions to the appropriate standing committees of each house of the legislature, as determined by the presiding officer, on March 1 and September 1 of each year.

(6) Any interested person may make written request to the secretary of state to issue a formal opinion with respect to his or her authority or responsibilities under this subchapter. The secretary of state shall within 15 days advise the person requesting an opinion whether or not a formal opinion will be issued. If a formal opinion will be issued,

it shall be issued within 30 days of the request. No person acting in good faith upon a formal opinion issued to that person by the secretary of state shall be subject to civil or criminal prosecution for so acting, if the material facts are as stated in the opinion request. Nothing in this subsection requires the issuance of an opinion by the secretary of state, nor precludes him or her from issuing an opinion or ruling in any other manner.

(7) This subsection does not apply to emergency rules adopted under s. 227.027.

(a) *Role of legislative council.* Prior to any public hearing on a proposed rule under this section, or if no public hearing is required, prior to notification of the standing committees, the secretary of state shall submit the proposed rule to the legislative council for review. The legislative council shall act as a clearing house for rule drafting and cooperate with the secretary of state and the revisor to:

1. Review the statutory authority under which the secretary of state intends to adopt the rule. The legislative council shall notify the secretary of state, the joint committee for the review of administrative rules and the appropriate standing committee when the statutory authority is eliminated or significantly changed by repeal, amendment, court decision or for any other reason.

2. Ensure that the procedures for the promulgation of a rule required by this chapter are followed.

3. Review proposed rules for form, style and placement in the administrative code.

4. Review proposed rules to avoid conflict with or duplication of existing rules.

5. Review proposed rules to provide adequate references to relevant statutes, related rules and forms.

6. Streamline and simplify the rule-making process.

7. Review proposed rules for clarity, grammar and punctuation and to ensure plain language.

8. Review proposed rules to determine potential conflicts and to make comparisons with federal regulations.

(b) *Legislative council to assist standing committees.* The legislative council shall work with and assist the appropriate standing committees throughout the rule-making process. The legislative council may issue recommendations concerning any proposed rule which the secretary of state submits under this section.

(c) *Notification of standing committees.* The secretary of state shall notify appropriate standing committees when proposed rules under this section are in final draft form by submitting a notice to the presiding officer in each house. Each presiding officer shall refer the notice to one standing committee. The secretary of state may withdraw a proposed rule by notifying the presiding officer in each house of the legislature of its intention not to promulgate the rule.

(d) *Form of notice.* The notice shall include the proposed rule in a form complying with s. 227.024 (1).

(e) *Standing committee review.* 1. A committee may be convened upon the call of its chairperson or a majority of its members to review a proposed rule. A committee may meet separately or jointly with the other committee to which the notice is referred, direct the secretary of state to attend the meeting and hold public hearings to review the proposed rule.

2. The standing committee review period lasts for 30 days after the notice is submitted and if within the 30-day period a standing committee directs the secretary of state to meet with it to review the proposed rule, the standing committee review period is extended for 30 days from the date of that request.

3. The secretary of state may not promulgate a proposed rule during the standing committee review period unless both committees approve the rule prior to the expiration of that period.

4. Either standing committee may disapprove the proposed rule or part of a proposed rule by taking action in executive session to disapprove the rule within the standing committee review period. If both committees fail to take this action, the proposed rule is not disapproved and the secretary of state may promulgate the rule.

(f) *Joint committee for the review of administrative rules.* 1. If either standing committee disapproves a proposed rule or part of a proposed rule, the proposed rule or its part shall be referred to the joint committee for the review of administrative rules.

2. The joint committee review period lasts for 30 days after the proposed rule is referred and the joint committee shall meet and take action in executive session during that period.

3. The secretary of state may not promulgate a proposed rule or its part which is disapproved by a standing committee unless the proposed rule is approved by the joint committee for the review of administrative rules or unless a law is properly enacted under subd. 5. The secretary of state may promulgate portions of the rule which were not suspended, if the committee disapproved only parts of the rules.

4. The joint committee for the review of administrative rules may reverse the standing committee disapproval by taking action to approve the rule within the joint committee review period. The joint committee may uphold the standing committee disapproval by taking action to disapprove the rule within the joint committee review period. The joint committee may remand the proposed rule to the secretary of state for further consideration or public hearings or both.

5. If the joint committee for the review of administrative rules disapproves a proposed rule or portion of the proposed rule, the proposed rule or portion of the proposed rule, may not be promulgated unless a properly enacted law specifically authorizes the adoption of that rule.

SECTION 29. 13.69 (title) and (1) to (3) of the statutes are amended to read:

13.69 (title) Enforcement and penalties. (1) Any principal violating ss. 13.61 to 13.68 or 13.70 (4) or (5) or a rule of the secretary of state adopted under such sections may be fin~~ed not less than \$200 nor~~ required to forfeit not more than \$5,000. In the case of a partnership, each of the partners is jointly and severally liable for any forfeiture imposed under this subsection.

(2) Any lobbyist ~~who fails to comply with violating~~ ss. 13.61 to 13.68 ~~or any person who acts as a lobbyist without being duly licensed~~ or a rule of the secretary of state adopted under such sections may be fin~~ed not less than \$100 nor~~ required to forfeit not more than \$1,000 ~~and shall be disbarred from acting as a lobbyist for the period of 3 years from the date of such conviction.~~

(3) Any lobbyist ~~who fails to make and file the statement required by s. 13.67 may be~~ fin~~ed not to exceed \$500 or imprisoned not to exceed 6 months or both.~~ Any lobbyist who falsifies information provided under s. 13.67 or any principal who files or any person who files or causes to be filed on behalf of any principal a false falsified statement under s. 13.68 may be fined not less than \$500 nor more than \$1,000 or imprisoned in the county jail for not less than 30 days nor more than one year. ~~The attorney general shall upon information bring prosecutions for the violation of ss. 13.61 to 13.70.~~

SECTION 30. 13.69 (4) to (8) of the statutes are created to read:

13.69 (4) Any lobbyist who procures his or her license by fraud or perjury or any person who acts as a lobbyist without being licensed may be required to forfeit not more

than \$1,000 and shall not be eligible to be licensed as a lobbyist for the period of 3 years from the date of such conviction.

(5) Any officer or employe of an agency identified in a statement filed under s. 13.695 who violates s. 13.625 (1) may be required to forfeit not more than \$1,000.

(6) Any candidate for an elective state office, elective state official, or other officer or employe of the state who violates s. 13.625 (3) may be required to forfeit not more than \$1,000.

(7) In addition to the penalties imposed for violation of ss. 13.61 to 13.68, the license of any lobbyist who is convicted of a violation may be revoked for a period not to exceed 3 years.

(8) The attorney general, or the secretary of state after informing the attorney general, may commence a civil action to require forfeitures and license revocations for any violation of this subchapter for which a civil penalty is applicable. The attorney general may, upon information, commence a criminal action for any violation of this subchapter for which a criminal penalty is applicable.

SECTION 31. 13.695 of the statutes is created to read:

13.695 Legislative activities of state agencies. (1) Each agency shall file with the secretary of state on or before April 15, July 15, October 15 and January 15 a statement which identifies the officers and employes of the agency who are paid a salary and whose regular duties include attempting to influence legislative action. The statement shall be attested by the agency head or such person's designee. Each statement shall contain the following information, which shall be current to within 15 days of the filing deadline, and cover the period since the last date covered in the previous statement:

(a) The name of the agency filing the statement;

(b) The name, title and salary, which is paid by the state, of each officer or employe engaged in such legislative activity, the proportionate amount of time spent on legislative activity and the general area of legislative action which the officer or employe has attempted to influence.

(c) The total amount of expenditures made and obligations incurred for lobbying by the agency and by each officer or employe thereof during the reporting period, for each category under subds. 1 to 5. If any single expenditure made or obligation incurred within categories under subds. 1, 2 and 5 exceeds \$100 in any reporting period, the expenditure or obligation shall be itemized by the name and address of the recipient and the date and amount of the expenditure made or obligation incurred.

1. Salaries, fees and retainers, to the extent not expended or incurred within the categories under subds. 2 to 5.

2. Advertising and public information.

4. Those portions of office rent, office utilities, office stationery and compensation of office employes that are incurred by each officer and employe who is attempting to influence legislative action which are attributable to lobbying activities.

5. All other expenditures made and obligations incurred for lobbying, except personal travel and living expenses.

(2) Any change in the name of an officer or employe or a general area of legislative action which is disclosed in a statement required under sub. (1) shall be reported in writing to the secretary of state within 10 days of the change.

(3) Any officer or employe of an agency who attempts to influence legislative action which affects the financial interests of such employe, other than a regular or periodic adjustment in salary, wages or other benefits paid by the state, shall disclose the nature of

such interest to any member or employe of the legislature with whom such person has a direct communication concerning such legislation.

(4) No officer or employe of an agency who is identified in a statement filed pursuant to this section may engage in the prohibited practices set forth in s. 13.625 (1) (a) or (d), or use state funds to engage in the practices set forth in s. 13.625 (1) (b) or (c).

SECTION 32. 13.70 of the statutes is repealed and recreated to read:

13.70 Exemptions. (1) This subchapter does not apply to the following persons and activities:

(a) A lobbyist or an officer or employe of an agency, except as provided under s. 13.695 (3), whose lobbying activities are limited solely to appearances at public hearings conducted by committees of the legislature or by agencies, to communications media, to public addresses to audiences made up principally of persons other than legislators or agency officials or to written or printed statements, arguments or briefs delivered to each member of the legislature and deposited with the secretary of state within 5 days after delivery.

(b) News, feature reporting, paid advertising activities or editorial comment by working members of the press, and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station or television station.

(c) Requests by a member or employe of the legislature or by a legislative committee for information from an agency or its employes and the furnishing of the requested information.

(d) Lobbying of an agency by an officer or employe of a different agency.

(e) Participation as a member in the deliberations of a committee under s. 227.018 (1) or any committee of the legislature.

(f) Requests by an agency official for information from any person and the furnishing of the information by that person, or requests by any person for information from any agency official and the furnishing of the information by that official.

(2) An agency which files a statement under s. 13.695 and an employe of such agency who is named in a statement are not subject to licensing or license suspension or revocation under s. 13.63, registration under s. 13.64 or the reporting requirements of ss. 13.67 and 13.68.

(3) An elective state official, local official or employe of the legislature is not subject to licensing under s. 13.63, registration under s. 13.64 or the reporting requirements of s. 13.67, 13.68 or 13.695 when acting in an official capacity.

(4) Any principal who or which does not make expenditures or incur obligations in an aggregate amount in excess of \$250 in any calendar year for the purpose of engaging in lobbying activities which are not exempt under this section is not subject to registration under s. 13.64 or the reporting requirements under s. 13.68. Any lobbyist acting on behalf of the principal is not subject to licensing under s. 13.63, registration under s. 13.64 or the reporting requirements under s. 13.67. A principal shall register or file a verified statement under sub. (5) within 10 days after the principal's aggregate expenditures and incurred obligations for the purpose of engaging in such lobbying activities exceed \$250.

(5) Any principal who or which anticipates making expenditures or incurring obligations in an aggregate amount of more than \$250 but not in excess of \$500 in a calendar year for the purpose of engaging in lobbying activities which are not exempt under this section may so indicate on a verified statement filed with the secretary of state. The statement shall also disclose the name and business address of any lobbyist who is employed by such principal to engage in lobbying activities which are not exempt under

this section. Any principal and any lobbyist acting on behalf of a principal making such a statement is not subject to licensing under s. 13.63, registration under s. 13.64, or the reporting requirements under s. 13.67 or 13.68, if the statement is true. The statement may be revoked at any time by the principal and the principal and any lobbyist employed by the principal are then subject to such requirements as of the date of revocation. The statement shall be revoked no later than 10 days after the date the aggregate expenditures or obligations in the calendar year for the purpose of engaging in such lobbying activities exceed \$500.

(6) Nothing in ss. 13.61 to 13.70 may be applied to or interfere with the right of any person to engage in lobbying:

(a) Solely on his or her own behalf; or

(b) By communicating solely with a legislator who represents the senate or assembly district in which the person resides, whether or not such communication is made on behalf of the person or on behalf of another person.

SECTION 33. 13.73 of the statutes is repealed.

SECTION 34. 13.74 of the statutes is created to read:

13.74 Auditing. (1) The secretary of state shall cause to have made an examination of all statements which are required to be filed with him or her under this subchapter and may examine any of the documents used to develop such statements. The secretary of state shall make official note in the file of a principal of any error or other discrepancy which the secretary of state discovers. The secretary of state shall inform the person submitting the report of the error.

(2) In the discharge of his or her duties under this subchapter and upon notice to the party or parties being investigated, the secretary of state may subpoena and bring before him or her any person in the state and require the production of any papers, books or other records relevant to an investigation. A circuit court may by order permit the inspection and copying of the accounts and the depositor's and loan records at any financial institution as defined in s. 705.01 (3) doing business in the state to obtain evidence of any violation of this subchapter upon showing of probable cause to believe there is a violation and that such accounts and records may have a substantial relation to such violation. In the discharge of his or her duties, the secretary of state may cause the deposition of witnesses to be taken in the manner prescribed for taking depositions in civil actions in circuit court.

SECTION 35. 893.205 (3) of the statutes is amended to read:

893.205 (3) Any civil action arising under ch. 11 or subch. III of ch. 13.

SECTION 36. 946.18 of the statutes is amended to read:

946.18 Misconduct sections apply to de facto officers. Sections 946.10 to ~~946.16~~ 946.17 apply to de facto as well as de jure public officers.

SECTION 37. **Report by the secretary of state.** Within 30 days after the convening of the 1981 legislative session, the secretary of state shall provide to each house of the legislature a written summary of his or her activities with respect to administration and enforcement of subchapter III of chapter 13 of the statutes and any recommendations he or she may have regarding statutory changes needed to improve the administration and enforcement of subchapter III of chapter 13 of the statutes.

SECTION 38. **Effective date.** This act shall take effect on January 1, 1979.
