



State of Wisconsin
2017 - 2018 LEGISLATURE

LRB-4561/1
CMH:amn&kjf

2017 SENATE BILL 832

February 21, 2018 - Introduced by Senators CRAIG, KAPENGA, NASS and STROEBEL, cosponsored by Representatives SANFELIPPO, BRANDTJEN, DUCHOW, OTT, QUINN, THIESFELDT, TUSLER, WEATHERSTON and WICHGERS. Referred to Committee on Senate Organization.

1 **AN ACT** *to amend* 13.36; and *to create* 13.59 and 165.25 (4) (av) of the statutes;
2 **relating to:** creating a legislative committee on the oversight of agency
3 enforcement.

Analysis by the Legislative Reference Bureau

This bill creates a legislative committee on the oversight of agency enforcement to study issues related to the former Government Accountability Board and to report its findings and recommendations to the legislature. This bill provides the committee with subpoena power as necessary or convenient to carry out the duties and powers of the committee. This bill also provides that, at the end of two calendar years after the first committee meeting, the committee must disband and the Department of Justice will become the custodian of all of the committee's records.

For further information see the ***state*** fiscal estimate, which will be printed as an appendix to this bill.

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

4 **SECTION 1.** 13.36 of the statutes is amended to read:
5 **13.36 Witness fees.** The compensation of all witnesses who are subpoenaed
6 and appear pursuant to s. 13.31 or 13.59 (3) shall be \$2 for each day's attendance and

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1 10 cents per mile, one way, for travel to attend as such witness. The department of
2 administration shall audit the accounts of such witnesses upon the certificate of the
3 chairperson of the committee before which any such witness has attended, stating
4 the number of days' attendance and the distance the witness has traveled, and the
5 accounts so audited shall be paid out of the state treasury and charged to the
6 appropriation for the legislature.

7 **SECTION 2.** 13.59 of the statutes is created to read:

8 **13.59 Committee on the oversight of agency enforcement. (1) CREATION.**

9 (a) There is created a joint standing committee on the oversight of agency
10 enforcement that shall comprise the following:

- 11 1. Two legislators, appointed by the speaker of the assembly.
- 12 2. One legislator, appointed by the assembly minority leader.
- 13 3. Two legislators, appointed by the senate majority leader.
- 14 4. One legislator, appointed by the senate minority leader.

15 (b) The committee shall select from among its members a chairperson, a vice
16 chairperson, and a secretary.

17 (c) The committee shall submit the name of each committee member and staff
18 member to the department of justice for a background check to determine if the
19 member is qualified to so serve.

20 **(2) POWERS AND DUTIES.** (a) The committee shall do all of the following:

- 21 1. Study issues related to the former government accountability board.
- 22 2. Report, from time to time, its findings and its legislative and other
23 recommendations to the legislature.
- 24 3. Report, at the conclusion of an investigation conducted in accordance with
25 subd. 1., its activities and findings to the legislature.

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1 (b) The committee may develop specific recommendations and legislative
2 proposals relating to the issues studied under par. (a) 1.

3 (c) The committee shall have access to investigatory records under ss. 19.36 (2)
4 and 968.26 to the extent that such records are necessary or convenient to carry out
5 the committee's powers and duties.

6 (d) The committee may request legal, investigational, or reporting assistance
7 from the department of justice to carry out its duties under par. (a).

8 **(3) SUBPOENA POWER.** (a) The committee, by subpoena signed by the
9 chairperson, may summon and compel, as necessary or convenient for the committee
10 in carrying out its functions under this section, any of the following:

11 1. The attendance and testimony as a witness of a public official, government
12 employee, or private person who worked for or with the former government
13 accountability board on an investigation.

14 2. The production of evidence or material, regardless of physical form or
15 characteristics, on which is written, drawn, printed, spoken, visual, or
16 electromagnetic information or on which are recorded or preserved electronically
17 generated or stored data, including the records, files, or electronic communications
18 of the former government accountability board, that is being kept by a court, an
19 authority, as defined in s. 19.32 (1), a public official, a government employee, or a
20 private person who worked for or with the former government accountability board
21 on an investigation.

22 (b) 1. A subpoena issued under this subsection that compels the attendance and
23 testimony of a witness shall state when, where, and before whom the witness is
24 required to appear.

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1 2. A subpoena issued under this subsection that compels the production of
2 evidence or material shall provide that the evidence or material shall be first
3 provided to the department of justice to redact the personal identifying information
4 of any person who has not worked for or with the former government accountability
5 board on an investigation. The department shall use its best efforts to redact the
6 evidence or material to prevent the identification of any person who was targeted by,
7 a witness to, or the subject of any investigation of the former government
8 accountability board. The department shall transmit the redacted evidence or
9 material to the committee.

10 (c) A subpoena issued under this subsection does not require the signature of
11 the presiding officer or a chief clerk. A subpoena issued under this subsection may
12 be served by any person and shall be returned to the committee chairperson.
13 Subpoenas shall be served and returned as subpoenas from the circuit court are
14 served and returned.

15 (d) 1. Summary process to compel the attendance of a person shall be issued
16 upon the return of a subpoena issued under this subsection if the committee
17 chairperson certifies that any person named in the subpoena failed or neglected to
18 appear before the committee as provided in the subpoena.

19 2. The committee chairperson shall sign the summary process under subd. 1.
20 and shall direct the process to the capitol police and command the capitol police “in
21 the name of the state of Wisconsin” to arrest and bring the person before the
22 committee. When the arrested person is brought before the committee, the person
23 shall testify.

24 3. When the person arrested under subd. 2. is not testifying before the
25 committee, the person shall remain in the custody of the capitol police until the

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1 committee chairperson certifies that the committee does not wish to examine the
2 person further.

3 4. The committee chairperson, when ordering any summary process, may also
4 direct the capitol police to depute a competent person to execute actions under this
5 subsection as provided in s. 13.33.

6 5. The committee chairperson shall certify every refusal to comply with a
7 subpoena issued under this subsection and transmit the certification to his or her
8 house. The capitol police shall take the person before the house to be dealt with
9 according to law.

10 (e) A subpoena issued under this subsection may not summon or compel
11 production or disclosure of personal identifying information of uncharged persons or
12 organizations or of trade secrets.

13 (f) If any person fails to comply with a requirement under this subsection, the
14 committee shall report the failure to the attorney general and the department of
15 justice shall institute contempt proceedings against the person.

16 (4) MEETINGS. The committee may hold meetings at the discretion of the
17 committee chairperson.

18 (5) SUNSET. At the end of the 2nd calendar year beginning after the first
19 committee meeting, the committee shall disband and the department of justice shall
20 be the custodian of all of the committee records.

21 **SECTION 3.** 165.25 (4) (av) of the statutes is created to read:

22 165.25 (4) (av) The department of justice shall furnish all legal services
23 required by the committee on the oversight of agency enforcement, together with any

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SECTION 3

1 other services, including reporting, stenographic, and investigational, as are
2 necessarily connected with the legal work.

3 (END)